

UNITED STATES STATUTES AT LARGE

CONTAINING THE

LAWS AND CONCURRENT RESOLUTIONS
ENACTED DURING THE FIRST SESSION OF THE
ONE HUNDRED SEVENTEENTH CONGRESS
OF THE UNITED STATES OF AMERICA

2021

AND

PROCLAMATIONS

VOLUME 135

PUBLIC LAWS 117-1 THROUGH 117-81



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CONTENTS

PART 1

	Page
LIST OF BILLS ENACTED INTO PUBLIC LAW	v
LIST OF PUBLIC LAWS	vii
LIST OF CONCURRENT RESOLUTIONS	xi
LIST OF PROCLAMATIONS	xiii
PUBLIC LAWS 117–1 THROUGH 117–65	3
POPULAR NAME INDEX	A1
SUBJECT INDEX	B1

PART 2

LIST OF BILLS ENACTED INTO PUBLIC LAW	v
LIST OF PUBLIC LAWS	vii
LIST OF CONCURRENT RESOLUTIONS	xi
LIST OF PROCLAMATIONS	xiii
PUBLIC LAWS 117–66 THROUGH 117–81	1489
CONCURRENT RESOLUTIONS	2453
PROCLAMATIONS	2531
POPULAR NAME INDEX	A1
SUBJECT INDEX	B1

LIST OF BILLS ENACTED INTO PUBLIC LAW

THE ONE HUNDRED SEVENTEENTH CONGRESS OF THE UNITED STATES
FIRST SESSION, 2021

<i>BILL</i>	<i>PUBLIC LAW</i>	<i>BILL</i>	<i>PUBLIC LAW</i>	<i>BILL</i>	<i>PUBLIC LAW</i>
H.R. 26	117-28	H.R. 3475	117-56	S. 578	117-11
H.R. 49	117-20	H.R. 3537	117-79	S. 579	117-3
H.R. 208	117-33	H.R. 3642	117-38	S. 610	117-71
H.R. 264	117-34	H.R. 3684	117-58	S. 796	117-69
H.R. 335	117-1	H.R. 3919	117-55	S. 848	117-49
H.R. 390	117-74	H.R. 4172	117-57	S. 894	117-67
H.R. 711	117-18	H.R. 4660	117-75	S. 921	117-59
H.R. 772	117-35	H.R. 4981	117-51	S. 937	117-13
H.R. 941	117-15	H.R. 5085	117-39	S. 957	117-29
H.R. 1002	117-36	H.R. 5142	117-72	S. 1031	117-66
H.R. 1276	117-4	H.R. 5293	117-42	S. 1064	117-54
H.R. 1318	117-14	H.R. 5305	117-43	S. 1095	117-68
H.R. 1319	117-2	H.R. 5434	117-44	S. 1301	117-50
H.R. 1448	117-37	H.R. 5545	117-76	S. 1340	117-26
H.R. 1510	117-64	H.R. 5763	117-52	S. 1502	117-60
H.R. 1651	117-5	H.R. 6119	117-70	S. 1511	117-61
H.R. 1652	117-27	H.R. 6256	117-78	S. 1605	117-81
H.R. 1664	117-80			S. 1828	117-46
H.R. 1799	117-6	H.J. Res. 27	117-19	S. 1910	117-30
H.R. 1868	117-7			S. 1917	117-47
H.R. 1899	117-53	S. 108	117-65	S. 3377	117-77
H.R. 2093	117-62	S. 164	117-8		
H.R. 2278	117-48	S. 189	117-45	S.J. Res. 13	117-22
H.R. 2441	117-21	S. 272	117-40	S.J. Res. 14	117-23
H.R. 2523	117-16	S. 325	117-41	S.J. Res. 15	117-24
H.R. 2630	117-12	S. 409	117-25	S.J. Res. 33	117-73
H.R. 2911	117-63	S. 415	117-9		
H.R. 3237	117-31	S. 422	117-10		
H.R. 3325	117-32	S. 475	117-17		

LIST OF PUBLIC LAWS

CONTAINED IN THIS VOLUME

<i>PUBLIC LAW</i>		<i>DATE</i>	<i>PAGE</i>
117-1	To provide for an exception to a limitation against appointment of persons as Secretary of Defense within seven years of relief from active duty as a regular commissioned officer of the Armed Forces.	Jan. 22, 2021	3
117-2	American Rescue Plan Act of 2021	Mar. 11, 2021	4
117-3	To make a technical correction to the ALS Disability Insurance Access Act of 2019.	Mar. 23, 2021	246
117-4	Strengthening and Amplifying Vaccination Efforts to Locally Immunize All Veterans and Every Spouse Act.	Mar. 24, 2021	247
117-5	COVID-19 Bankruptcy Relief Extension Act of 2021	Mar. 27, 2021	249
117-6	PPP Extension Act of 2021	Mar. 30, 2021	250
117-7	To prevent across-the-board direct spending cuts, and for other purposes.	Apr. 14, 2021	251
117-8	Advancing Education on Biosimilars Act of 2021	Apr. 23, 2021	254
117-9	To amend the Federal Food, Drug, and Cosmetic Act with respect to the scope of new chemical exclusivity.	Apr. 23, 2021	256
117-10	Senate Shared Employee Act	Apr. 23, 2021	259
117-11	Food Allergy Safety, Treatment, Education, and Research Act of 2021.	Apr. 23, 2021	262
117-12	Extending Temporary Emergency Scheduling of Fentanyl Analogues Act.	May 4, 2021	264
117-13	COVID-19 Hate Crimes Act	May 20, 2021	265
117-14	Alaska Tourism Restoration Act	May 24, 2021	273
117-15	Timely ReAuthorization of Necessary Stem-cell Programs Lends Access to Needed Therapies Act of 2021.	May 26, 2021	277
117-16	Training in High-demand Roles to Improve Veteran Employment Act.	June 8, 2021	280
117-17	Juneteenth National Independence Day Act	June 17, 2021	287
117-18	West Los Angeles VA Campus Improvement Act of 2021	June 23, 2021	288
117-19	Providing for the appointment of Barbara Barrett as a citizen regent of the Board of Regents of the Smithsonian Institution.	June 23, 2021	290
117-20	To designate the National Pulse Memorial located at 1912 South Orange Avenue, Orlando, Florida, 32806, and for other purposes.	June 25, 2021	291
117-21	Sgt. Ketchum Rural Veterans Mental Health Act of 2021	June 30, 2021	292
117-22	Providing for congressional disapproval under chapter 8 of title 5, United States Code, of the rule submitted by the Equal Employment Opportunity Commission relating to "Update of Commission's Conciliation Procedures".	June 30, 2021	294
117-23	Providing for congressional disapproval under chapter 8 of title 5, United States Code, of the rule submitted by the Environmental Protection Agency relating to "Oil and Natural Gas Sector: Emission Standards for New, Reconstructed, and Modified Sources Review".	June 30, 2021	295

<i>PUBLIC LAW</i>		<i>DATE</i>	<i>PAGE</i>
117-24	Providing for congressional disapproval under chapter 8 of title 5, United States Code, of the rule submitted by the Office of the Comptroller of Currency relating to “National Banks and Federal Savings Associations as Lenders”.	June 30, 2021	296
117-25	To provide for the availability of amounts for customer education initiatives and non-awards expenses of the Commodity Futures Trading Commission Whistleblower Program, and for other purposes.	July 6, 2021	297
117-26	To amend title 28, United States Code, to redefine the eastern and middle judicial districts of North Carolina.	July 6, 2021	299
117-27	VOCA Fix to Sustain the Crime Victims Fund Act of 2021	July 22, 2021	301
117-28	Construction Consensus Procurement Improvement Act of 2021.	July 26, 2021	304
117-29	To direct the Secretary of Veterans Affairs to ensure that certain medical facilities of the Department of Veterans Affairs have physical locations for the disposal of controlled substances medications.	July 29, 2021	306
117-30	Major Medical Facility Authorization Act of 2021	July 29, 2021	307
117-31	Emergency Security Supplemental Appropriations Act, 2021.	July 30, 2021	309
117-32	To award four congressional gold medals to the United States Capitol Police and those who protected the U.S. Capitol on January 6, 2021.	Aug. 5, 2021	322
117-33	To designate the facility of the United States Postal Service located at 500 West Main Street, Suite 102 in Tupelo, Mississippi, as the “Colonel Carlyle ‘Smitty’ Harris Post Office”.	Aug. 6, 2021	325
117-34	To designate the facility of the United States Postal Service located at 1101 Charlotte Street in Georgetown, South Carolina, as the “Joseph Hayne Rainey Memorial Post Office Building”.	Aug. 6, 2021	326
117-35	To designate the facility of the United States Postal Service located at 229 Minnetonka Avenue South in Wayzata, Minnesota, as the “Jim Ramstad Post Office”.	Aug. 6, 2021	327
117-36	Debarment Enforcement of Bad Actor Registrants Act of 2021.	Aug. 6, 2021	328
117-37	Puppies Assisting Wounded Servicemembers for Veterans Therapy Act.	Aug. 25, 2021	329
117-38	Harlem Hellfighters Congressional Gold Medal Act	Aug. 25, 2021	333
117-39	Emergency Repatriation Assistance for Returning Americans Act.	Aug. 31, 2021	336
117-40	Congressional Budget Justification Transparency Act of 2021.	Sept. 24, 2021	337
117-41	To amend the Alyce Spotted Bear and Walter Soboleff Commission on Native Children Act to extend the deadline for a report by the Alyce Spotted Bear and Walter Soboleff Commission on Native Children, and for other purposes.	Sept. 24, 2021	341
117-42	Department of Veterans Affairs Expiring Authorities Act of 2021.	Sept. 30, 2021	342
117-43	Extending Government Funding and Delivering Emergency Assistance Act.	Sept. 30, 2021	344
117-44	Surface Transportation Extension Act of 2021	Oct. 2, 2021	382
117-45	Veterans’ Compensation Cost-of-Living Adjustment Act of 2021.	Oct. 8, 2021	389
117-46	Helping American Victims Afflicted by Neurological Attacks Act of 2021.	Oct. 8, 2021	391
117-47	K-12 Cybersecurity Act of 2021	Oct. 8, 2021	397
117-48	To designate the September 11th National Memorial Trail Route, and for other purpose.	Oct. 13, 2021	400

LIST OF PUBLIC LAWS

ix

<i>PUBLIC LAW</i>		<i>DATE</i>	<i>PAGE</i>
117-49	Consider Teachers Act of 2021	Oct. 13, 2021	402
117-50	To provide for the publication by the Secretary of Health and Human Services of physical activity recommendations for Americans.	Oct. 14, 2021	407
117-51	To amend the Fentanyl Sanctions Act, to modify certain deadlines relating to the Commission on Combating Synthetic Opioid Trafficking.	Oct. 19, 2021	408
117-52	Further Surface Transportation Extension Act of 2021	Oct. 31, 2021	409
117-53	Ensuring Compliance Against Drug Diversion Act of 2021	Nov. 10, 2021	411
117-54	Reinforcing Nicaragua's Adherence to Conditions for Electoral Reform Act of 2021.	Nov. 10, 2021	413
117-55	Secure Equipment Act of 2021	Nov. 11, 2021	423
117-56	To name the Department of Veterans Affairs community-based outpatient clinic in Columbus, Georgia, as the "Robert S. Poydasheff VA Clinic".	Nov. 12, 2021	425
117-57	To name the Department of Veterans Affairs community-based outpatient clinic in Aurora, Colorado, as the "Lieutenant Colonel John W. Mosley VA Clinic".	Nov. 12, 2021	427
117-58	Infrastructure Investment and Jobs Act	Nov. 15, 2021	429
117-59	Jaime Zapata and Victor Avila Federal Officers and Employees Protection Act.	Nov. 18, 2021	1468
117-60	Confidentiality Opportunities for Peer Support Counseling Act.	Nov. 18, 2021	1470
117-61	Protecting America's First Responders Act of 2021	Nov. 18, 2021	1474
117-62	Veterans and Family Information Act	Nov. 22, 2021	1482
117-63	VA Transparency & Trust Act of 2021	Nov. 22, 2021	1484
117-64	To direct the Secretary of Veterans Affairs to submit to Congress a report on the use of cameras in medical facilities of the Department of Veterans Affairs.	Nov. 23, 2021	1486
117-65	To authorize the Seminole Tribe of Florida to lease or transfer certain land, and for other purposes.	Nov. 23, 2021	1488
117-66	To require the Comptroller General of the United States to conduct a study on disparities associated with race and ethnicity with respect to certain benefits administered by the Secretary of Veterans Affairs, and for other purposes.	Nov. 30, 2021	1489
117-67	Hire Veteran Health Heroes Act of 2021	Nov. 30, 2021	1491
117-68	Colonel John M. McHugh Tuition Fairness for Survivors Act of 2021.	Nov. 30, 2021	1493
117-69	Protecting Moms Who Served Act of 2021	Nov. 30, 2021	1495
117-70	Further Extending Government Funding Act	Dec. 3, 2021	1499
117-71	Protecting Medicare and American Farmers from Sequester Cuts Act.	Dec. 10, 2021	1506
117-72	To award posthumously a Congressional Gold Medal, in commemoration to the servicemembers who perished in Afghanistan on August 26, 2021, during the evacuation of citizens of the United States and Afghan allies at Hamid Karzai International Airport, and for other purposes.	Dec. 16, 2021	1511
117-73	Joint resolution relating to increasing the debt limit	Dec. 16, 2021	1514
117-74	To redesignate the Federal building located at 167 North Main Street in Memphis, Tennessee as the "Odell Horton Federal Building".	Dec. 21, 2021	1515
117-75	To designate the Federal Building and United States Courthouse located at 1125 Chapline Street in Wheeling, West Virginia, as the "Frederick P. Stamp, Jr. Federal Building and United States Courthouse".	Dec. 21, 2021	1516
117-76	Responsible Education Mitigating Options and Technical Extensions Act.	Dec. 21, 2021	1517
117-77	Capitol Police Emergency Assistance Act of 2021	Dec. 22, 2021	1522

LIST OF PUBLIC LAWS

<i>PUBLIC LAW</i>		<i>DATE</i>	<i>PAGE</i>
117-78	To ensure that goods made with forced labor in the Xinjiang Uyghur Autonomous Region of the People's Republic of China do not enter the United States market, and for other purposes.	Dec. 23, 2021	1525
117-79	Accelerating Access to Critical Therapies for ALS Act	Dec. 23, 2021	1533
117-80	To authorize the National Medal of Honor Museum Foundation to establish a commemorative work in the District of Columbia and its environs, and for other purposes.	Dec. 27, 2021	1539
117-81	National Defense Authorization Act for Fiscal Year 2022	Dec. 27, 2021	1541

LIST OF CONCURRENT RESOLUTIONS

CONTAINED IN THIS VOLUME

<i>CONCURRENT RESOLUTION</i>		<i>DATE</i>	<i>PAGE</i>
S. Con. Res. 1	Joint session—Electoral vote count	Jan. 3, 2021	2453
S. Con. Res. 2	Joint Congressional Committee on Inaugural Ceremonies—Reauthorization and Capitol authorizations.	Jan. 3, 2021	2453
H. Con. Res. 10	Brian D. Sicknick—Lying in honor—Capitol rotunda authorization.	Feb. 1, 2021	2454
S. Con. Res. 5	Federal budget—Fiscal year 2021	Feb. 5, 2021	2454
H. Con. Res. 27	William F. Evans—Lying in honor—Capitol rotunda authorization.	Apr. 12, 2021	2481
H. Con. Res. 28	William F. Evans—Memorial service—Catafalque authorization.	Apr. 12, 2021	2482
H. Con. Res. 30	Joint session	Apr. 21, 2021	2482
S. Con. Res. 14	Federal budget—Fiscal year 2022	Aug. 24, 2021	2482
H. Con. Res. 41	National Peace Officers Memorial Service and National Honor Guard and Pipe Band Exhibition—Capitol grounds authorization.	Sept. 23, 2021 ...	2525
S. Con. Res. 22	Robert Joseph Dole—Memorial service—Catafalque authorization.	Dec. 8, 2021	2526
S. Con. Res. 23	Robert Joseph Dole—Lying in state—Capitol rotunda authorization.	Dec. 8, 2021	2527
H. Con. Res. 64	Enrollment correction—S. 1605	Dec. 15, 2021	2527
S. Con. Res. 24	Enrollment corrections—S. 1605	Dec. 20, 2021	2527

LIST OF PROCLAMATIONS

CONTAINED IN THIS VOLUME

<i>PROCLAMATION</i>	<i>DATE</i>	<i>PAGE</i>
10132 Honoring United States Capitol Police Officers	Jan. 10, 2021	2531
10133 To Continue Facilitating Positive Adjustment to Competition From Imports of Large Residential Washers.	Jan. 14, 2021	2531
10134 Religious Freedom Day, 2021	Jan. 15, 2021	2536
10135 Martin Luther King, Jr., Federal Holiday, 2021	Jan. 15 2021	2538
10136 National Sanctity of Human Life Day, 2021	Jan. 17, 2021	2539
10137 National School Choice Week, 2021	Jan. 17, 2021	2541
10138 Terminating Suspensions of Entry Into the United States of Aliens Who Have Been Physically Present in the Schengen Area, the United Kingdom, the Republic of Ireland, and the Federative Republic of Brazil.	Jan. 18, 2021	2542
10139 Adjusting Imports of Aluminum Into the United States	Jan. 19, 2021	2544
10140 A National Day of Unity	Jan. 20, 2021	2551
10141 Ending Discriminatory Bans on Entry to the United States.	Jan. 20, 2021	2553
10142 Termination of Emergency With Respect to the Southern Border of the United States and Redirection of Funds Diverted to Border Wall Construction.	Jan. 20, 2021	2555
10143 Suspension of Entry as Immigrants and Non-immigrants of Certain Additional Persons Who Pose a Risk of Transmitting Coronavirus Disease 2019.	Jan. 25, 2021	2557
10144 Adjusting Imports of Aluminum Into the United States	Feb. 1, 2021	2561
10145 American Heart Month, 2021	Feb. 3, 2021	2563
10146 National Black History Month, 2021	Feb. 3, 2021	2564
10147 National Teen Dating Violence Awareness and Prevention Month, 2021.	Feb. 3, 2021	2566
10148 Remembering the 500,000 Americans Lost to COVID-19.	Feb. 22, 2021	2567
10149 Revoking Proclamation 10014	Feb. 24, 2021	2567
10150 American Red Cross Month, 2021	Mar. 1, 2021	2569
10151 Irish-American Heritage Month, 2021	Mar. 1, 2021	2570
10152 National Colorectal Cancer Awareness Month, 2021	Mar. 1, 2021	2571
10153 Women's History Month, 2021	Mar. 1, 2021	2573
10154 National Consumer Protection Week, 2021	Mar. 1, 2021	2575
10155 Read Across America Day, 2021	Mar. 1, 2021	2576
10156 Honoring the Victims of the Tragedy in the Atlanta Metropolitan Area.	Mar. 18, 2021	2578
10157 National Poison Prevention Week, 2021	Mar. 19, 2021	2578
10158 National Agriculture Day, 2021	Mar. 22, 2021	2580
10159 Education and Sharing Day, U.S.A., 2021	Mar. 23, 2021	2581
10160 Honoring the Victims of the Tragedy in Boulder, Colorado.	Mar. 23, 2021	2582
10161 Greek Independence Day: A National Day of Celebration of Greek and American Democracy, 2021.	Mar. 24, 2021	2583
10162 National Equal Pay Day, 2021	Mar. 24, 2021	2584

LIST OF PROCLAMATIONS

<i>PROCLAMATION</i>	<i>DATE</i>	<i>PAGE</i>
10163 César Chávez Day, 2021	Mar. 31, 2021	2586
10164 Transgender Day of Visibility, 2021	Mar. 31, 2021	2587
10165 Month of the Military Child, 2021	Mar. 31, 2021	2588
10166 National Cancer Control Month, 2021	Mar. 31, 2021	2589
10167 National Child Abuse Prevention Month, 2021	Mar. 31, 2021	2591
10168 National Donate Life Month, 2021	Mar. 31, 2021	2592
10169 National Financial Capability Month, 2021	Mar. 31, 2021	2594
10170 National Sexual Assault Awareness and Prevention Month, 2021.	Mar. 31, 2021	2595
10171 Second Chance Month, 2021	Mar. 31, 2021	2597
10172 World Autism Awareness Day, 2021	Apr. 1, 2021	2598
10173 Days of Remembrance of Victims of the Holocaust, 2021	Apr. 2, 2021	2599
10174 Honoring United States Capitol Police Officers	Apr. 2, 2021	2601
10175 National Public Health Week, 2021	Apr. 5, 2021	2601
10176 National Former Prisoner of War Recognition Day, 2021.	Apr. 9, 2021	2603
10177 National Fair Housing Month, 2021	Apr. 11, 2021	2604
10178 Black Maternal Health Week, 2021	Apr. 13, 2021	2606
10179 Pan American Day and Pan American Week, 2021	Apr. 13, 2021	2607
10180 160th Anniversary of the Unification of Italy and the Establishment of United States-Italy Diplomatic Re- lations.	Apr. 13, 2021	2609
10181 Honoring the Victims of the Tragedy in Indianapolis, Indiana.	Apr. 16, 2021	2609
10182 National Crime Victims' Rights Week, 2021	Apr. 16, 2021	2610
10183 National Volunteer Week, 2021	Apr. 16, 2021	2611
10184 National Park Week, 2021	Apr. 17, 2021	2613
10185 Death of Walter Mondale	Apr. 20, 2021	2614
10186 Earth Day, 2021	Apr. 22, 2021	2615
10187 World Intellectual Property Day, 2021	Apr. 23, 2021	2617
10188 Workers Memorial Day, 2021	Apr. 27, 2021	2618
10189 Asian American and Native Hawaiian/Pacific Islander Heritage Month, 2021.	Apr. 30, 2021	2620
10190 Jewish American Heritage Month, 2021	Apr. 30, 2021	2622
10191 National Building Safety Month, 2021	Apr. 30, 2021	2623
10192 National Foster Care Month, 2021	Apr. 30, 2021	2625
10193 National Mental Health Awareness Month, 2021	Apr. 30, 2021	2626
10194 National Physical Fitness and Sports Month, 2021	Apr. 30, 2021	2628
10195 National Teacher Appreciation Day and National Teacher Appreciation Week, 2021.	Apr. 30, 2021	2630
10196 Public Service Recognition Week, 2021	Apr. 30, 2021	2632
10197 Law Day, U.S.A., 2021	Apr. 30, 2021	2633
10198 Loyalty Day, 2021	Apr. 30, 2021	2635
10199 Suspension of Entry as Nonimmigrants of Certain Ad- ditional Persons Who Pose a Risk of Transmitting Coronavirus Disease 2019.	Apr. 30, 2021	2636
10200 Older Americans Month, 2021	May 3, 2021	2639
10201 60th Anniversary of the Freedom Rides, 2021	May 4, 2021	2641
10202 Missing and Murdered Indigenous Persons Awareness Day, 2021.	May 4, 2021	2642
10203 National Day of Prayer, 2021	May 5, 2021	2645
10204 Military Spouse Appreciation Day, 2021	May 6, 2021	2646
10205 National Hurricane Preparedness Week, 2021	May 7, 2021	2647
10206 National Women's Health Week, 2021	May 7, 2021	2649
10207 Mother's Day, 2021	May 7, 2021	2650
10208 Peace Officers Memorial Day and Police Week, 2021	May 7, 2021	2652

LIST OF PROCLAMATIONS

xv

<i>PROCLAMATION</i>	<i>DATE</i>	<i>PAGE</i>
10209 Revoking Proclamation 9945	May 14, 2021	2653
10210 Armed Forces Day, 2021	May 14, 2021	2655
10211 Emergency Medical Services Week, 2021	May 14, 2021	2656
10212 National Defense Transportation Day and National Transportation Week, 2021.	May 14, 2021	2658
10213 World Trade Week, 2021	May 14, 2021	2659
10214 National Hepatitis Testing Day, 2021	May 18, 2021	2661
10215 National Safe Boating Week, 2021	May 21, 2021	2662
10216 National Maritime Day, 2021	May 21, 2021	2664
10217 Honoring the Victims of the Tragedy in San Jose, Cali- fornia.	May 26, 2021	2665
10218 Prayer for Peace, Memorial Day, 2021	May 28, 2021	2666
10219 Day of Remembrance: 100 Years After the 1921 Tulsa Race Massacre.	May 31, 2021	2667
10220 Black Music Appreciation Month, 2021	June 1, 2021	2669
10221 Great Outdoors Month, 2021	June 1, 2021	2670
10222 Lesbian, Gay, Bisexual, Transgender, and Queer Pride Month, 2021.	June 1, 2021	2672
10223 National Caribbean-American Heritage Month, 2021	June 1, 2021	2673
10224 National Homeownership Month, 2021	June 1, 2021	2675
10225 National Immigrant Heritage Month, 2021	June 1, 2021	2676
10226 National Ocean Month, 2021	June 1, 2021	2678
10227 Flag Day and National Flag Week, 2021	June 11, 2021	2679
10228 World Elder Abuse Awareness Day, 2021	June 14, 2021	2680
10229 Juneteenth Day of Observance, 2021	June 18, 2021	2682
10230 Father's Day, 2021	June 18, 2021	2683
10231 50th Anniversary of the 26th Amendment	June 30, 2021	2685
10232 National Atomic Veterans Day, 2021	July 15, 2021	2686
10233 Captive Nations Week, 2021	July 16, 2021	2687
10234 Made in America Week, 2021	July 26, 2021	2689
10235 National Korean War Veterans Armistice Day, 2021	July 26, 2021	2690
10236 Anniversary of the Americans With Disabilities Act, 2021.	July 26, 2021	2692
10237 National Health Center Week, 2021	Aug. 6, 2021	2693
10238 National Employer Support of the Guard and Reserve Week, 2021.	Aug. 13, 2021	2695
10239 Women's Equality Day, 2021	Aug. 26, 2021	2696
10240 Honoring the Victims of the Attack in Kabul, Afghani- stan.	Aug. 26, 2021	2698
10241 Overdose Awareness Week, 2021	Aug. 27, 2021	2699
10242 National Childhood Cancer Awareness Month, 2021	Aug. 31, 2021	2701
10243 National Ovarian Cancer Awareness Month, 2021	Aug. 31, 2021	2703
10244 National Preparedness Month, 2021	Aug. 31, 2021	2704
10245 National Prostate Cancer Awareness Month, 2021	Aug. 31, 2021	2706
10246 National Recovery Month, 2021	Aug. 31, 2021	2708
10247 National Sickle Cell Awareness Month, 2021	Aug. 31, 2021	2709
10248 National Wilderness Month, 2021	Aug. 31, 2021	2710
10249 National Historically Black Colleges and Universities Week, 2021.	Sept. 3, 2021	2712
10250 Labor Day, 2021	Sept. 3, 2021	2714
10251 National Days of Prayer and Remembrance, 2021	Sept. 9, 2021	2716
10252 World Suicide Prevention Day, 2021	Sept. 9, 2021	2717
10253 National Small Business Week, 2021	Sept. 10, 2021	2719
10254 Patriot Day and National Day of Service and Remem- brance, 2021.	Sept. 10, 2021	2721
10255 National Grandparents Day, 2021	Sept. 10, 2021	2722

LIST OF PROCLAMATIONS

<i>PROCLAMATION</i>	<i>DATE</i>	<i>PAGE</i>
10256 National Hispanic-Serving Institutions Week, 2021	Sept. 13, 2021	2724
10257 National Hispanic Heritage Month, 2021	Sept. 14, 2021	2725
10258 Constitution Day and Citizenship Day, and Constitu- tion Week, 2021.	Sept. 16, 2021	2727
10259 National POW/MIA Recognition Day, 2021	Sept. 16, 2021	2728
10260 Minority Enterprise Development Week, 2021	Sept. 17, 2021	2729
10261 National Farm Safety and Health Week, 2021	Sept. 17, 2021	2731
10262 National Hunting and Fishing Day, 2021	Sept. 24, 2021	2732
10263 National Public Lands Day, 2021	Sept. 24, 2021	2733
10264 Gold Star Mother's and Family's Day, 2021	Sept. 24, 2021	2734
10265 National Voter Registration Day, 2021	Sept. 27, 2021	2736
10266 Cybersecurity Awareness Month, 2021	Sept. 30, 2021	2737
10267 National Arts and Humanities Month, 2021	Sept. 30, 2021	2739
10268 National Breast Cancer Awareness Month, 2021	Sept. 30, 2021	2740
10269 National Clean Energy Action Month, 2021	Sept. 30, 2021	2742
10270 National Disability Employment Awareness Month, 2021.	Sept. 30, 2021	2743
10271 National Domestic Violence Awareness and Prevention Month, 2021.	Sept. 30, 2021	2745
10272 National Youth Justice Action Month, 2021	Sept. 30, 2021	2747
10273 National Youth Substance Use Prevention Month, 2021	Sept. 30, 2021	2748
10274 National Manufacturing Day, 2021	Sept. 30, 2021	2750
10275 Fire Prevention Week, 2021	Oct. 1, 2021	2751
10276 National Community Policing Week, 2021	Oct. 1, 2021	2753
10277 Child Health Day, 2021	Oct. 1, 2021	2755
10278 German-American Day, 2021	Oct. 5, 2021	2757
10279 National School Lunch Week, 2021	Oct. 8, 2021	2758
10280 Leif Erikson Day, 2021	Oct. 8, 2021	2759
10281 Columbus Day, 2021	Oct. 8, 2021	2760
10282 General Pulaski Memorial Day, 2021	Oct. 8, 2021	2761
10283 Indigenous Peoples' Day, 2021	Oct. 8, 2021	2762
10284 International Day of the Girl, 2021	Oct. 8, 2021	2764
10285 Bears Ears National Monument	Oct. 8, 2021	2766
10286 Grand Staircase-Escalante National Monument	Oct. 8, 2021	2781
10287 Northeast Canyons and Seamounts Marine National Monument.	Oct. 8, 2021	2796
10288 Blind Americans Equality Day, 2021	Oct. 14, 2021	2801
10289 National Peace Officers' Memorial Service	Oct. 15, 2021	2803
10290 National Character Counts Week, 2021	Oct. 15, 2021	2803
10291 National Forest Products Week, 2021	Oct. 15, 2021	2804
10292 Death of General Colin Powell	Oct. 18, 2021	2806
10293 United Nations Day, 2021	Oct. 22, 2021	2807
10294 Advancing the Safe Resumption of Global Travel Dur- ing the COVID-19 Pandemic.	Oct. 25, 2021	2808
10295 Critical Infrastructure Security and Resilience Month, 2021.	Oct. 29, 2021	2814
10296 National Adoption Month, 2021	Oct. 29, 2021	2816
10297 National Alzheimer's Disease Awareness Month, 2021 ..	Oct. 29, 2021	2817
10298 National College Application Month, 2021	Oct. 29, 2021	2819
10299 National Diabetes Month, 2021	Oct. 29, 2021	2820
10300 National Entrepreneurship Month, 2021	Oct. 29, 2021	2822
10301 National Family Caregivers Month, 2021	Oct. 29, 2021	2824
10302 National Native American Heritage Month, 2021	Oct. 29, 2021	2825
10303 National Veterans and Military Families Month, 2021	Oct. 29, 2021	2827
10304 World Freedom Day, 2021	Nov. 8, 2021	2828

LIST OF PROCLAMATIONS

xvii

<i>PROCLAMATION</i>	<i>DATE</i>	<i>PAGE</i>
10305 Veterans Day, 2021	Nov. 9, 2021	2830
10306 American Education Week, 2021	Nov. 12, 2021	2832
10307 National Apprenticeship Week, 2021	Nov. 12, 2021	2833
10308 America Recycles Day, 2021	Nov. 12, 2021	2835
10309 Suspension of Entry as Immigrants and Non-immigrants of Persons Responsible for Policies or Actions That Threaten Democracy in Nicaragua.	Nov. 16, 2021	2836
10310 Antibiotic Awareness Week, 2021	Nov. 17, 2021	2840
10311 National Rural Health Day, 2021	Nov. 17, 2021	2841
10312 National Child's Day, 2021	Nov. 19, 2021	2842
10313 National Family Week, 2021	Nov. 19, 2021	2844
10314 Thanksgiving Day, 2021	Nov. 24, 2021	2845
10315 Suspension of Entry as Immigrants and Non-immigrants of Certain Additional Persons Who Pose a Risk of Transmitting Coronavirus Disease 2019.	Nov. 26, 2021	2846
10316 National Impaired Driving Prevention Month, 2021	Nov. 30, 2021	2850
10317 World AIDS Day, 2021	Nov. 30, 2021	2851
10318 International Day of Persons With Disabilities, 2021	Dec. 2, 2021	2853
10319 National Pearl Harbor Remembrance Day, 2021	Dec. 3, 2021	2854
10320 Death of Robert Joseph Dole	Dec. 5, 2021	2855
10321 Human Rights Day and Human Rights Week, 2021	Dec. 9, 2021	2855
10322 Amending Proclamation 10320, Death of Robert J. Dole	Dec. 9, 2021	2857
10323 Bill of Rights Day, 2021	Dec. 14, 2021	2857
10324 Wright Brothers Day, 2021	Dec. 16, 2021	2859
10325 50th Anniversary of the National Cancer Act of 1971	Dec. 22, 2021	2860
10326 To Modify the Harmonized Tariff Schedule of the United States and for Other Purposes.	Dec. 23, 2021	2861
10327 Adjusting Imports of Aluminum Into the United States	Dec. 27, 2021	2868
10328 Adjusting Imports of Steel Into the United States	Dec. 27, 2021	2876
10329 Revoking Proclamation 10315	Dec. 28, 2021	2892
10330 Death of Harry Reid	Dec. 29, 2021	2894
10331 National Human Trafficking Prevention Month, 2022 ...	Dec. 30, 2021	2895
10332 National Mentoring Month, 2022	Dec. 30, 2021	2896
10333 National Stalking Awareness Month, 2022	Dec. 30, 2021	2897

PUBLIC LAWS

ENACTED DURING

FIRST SESSION OF THE ONE HUNDRED SEVENTEENTH CONGRESS

OF THE

UNITED STATES OF AMERICA

Begun and held at the City of Washington on Sunday, January 3, 2021, adjourned sine die on Monday, January 3, 2022. Until noon Wednesday, January 20, 2021, DONALD J. TRUMP, President; MICHAEL R. PENCE, Vice President; NANCY PELOSI, Speaker of the House of Representatives; from Wednesday, January 20, 2021, JOSEPH R. BIDEN, JR., President; KAMALA D. HARRIS, Vice President; NANCY PELOSI, Speaker of the House of Representatives.

Public Law 117–1
117th Congress

An Act

To provide for an exception to a limitation against appointment of persons as Secretary of Defense within seven years of relief from active duty as a regular commissioned officer of the Armed Forces.

Jan. 22, 2021
[H.R. 335]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. EXCEPTION TO LIMITATION AGAINST APPOINTMENT OF PERSONS AS SECRETARY OF DEFENSE WITHIN SEVEN YEARS OF RELIEF FROM ACTIVE DUTY AS REGULAR COMMISSIONED OFFICERS OF THE ARMED FORCES.

10 USC 113 note.

(a) IN GENERAL.—Notwithstanding the second sentence of section 113(a) of title 10, United States Code, the first person appointed, by and with the advice and consent of the Senate, as Secretary of Defense in an appointment made on or after January 20, 2021, may be a person who is, on the date of appointment, within seven years after relief, but not within four years after relief, from active duty as a commissioned officer of a regular component of the Armed Forces.

(b) LIMITED EXCEPTION.—This section applies only to the first person nominated after 12 p.m. (Eastern Standard Time) on January 20, 2021, and appointed as Secretary of Defense as described in subsection (a), and to no other person.

Applicability.

Approved January 22, 2021.

LEGISLATIVE HISTORY—H.R. 335 (S. 12):

CONGRESSIONAL RECORD, Vol. 167 (2021):

Jan. 21, considered and passed House and Senate.

Public Law 117–2
117th Congress

An Act

Mar. 11, 2021
[H.R. 1319]

American Rescue
Plan Act of 2021.
15 USC 9001
note.
Appropriation
authorizations.

To provide for reconciliation pursuant to title II of S. Con. Res. 5.

*Be it enacted by the Senate and House of Representatives of
the United States of America in Congress assembled,*

SECTION 1. SHORT TITLE.

This Act may be cited as the “American Rescue Plan Act
of 2021”.

SEC. 2. TABLE OF CONTENTS.

The table of contents for this Act is as follows:

Sec. 1. Short title.

Sec. 2. Table of contents.

TITLE I—COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Subtitle A—Agriculture

Sec. 1001. Food supply chain and agriculture pandemic response.

Sec. 1002. Emergency rural development grants for rural health care.

Sec. 1003. Pandemic program administration funds.

Sec. 1004. Funding for the USDA Office of Inspector General for oversight of
COVID–19-related programs.

Sec. 1005. Farm loan assistance for socially disadvantaged farmers and ranchers.

Sec. 1006. USDA assistance and support for socially disadvantaged farmers, ranch-
ers, forest land owners and operators, and groups.

Sec. 1007. Use of the Commodity Credit Corporation for commodities and associ-
ated expenses.

Subtitle B—Nutrition

Sec. 1101. Supplemental nutrition assistance program.

Sec. 1102. Additional assistance for SNAP online purchasing and technology im-
provements.

Sec. 1103. Additional funding for nutrition assistance programs.

Sec. 1104. Commodity supplemental food program.

Sec. 1105. Improvements to WIC benefits.

Sec. 1106. WIC program modernization.

Sec. 1107. Meals and supplements reimbursements for individuals who have not at-
tained the age of 25.

Sec. 1108. Pandemic EBT program.

TITLE II—COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Subtitle A—Education Matters

PART 1—DEPARTMENT OF EDUCATION

Sec. 2001. Elementary and Secondary School Emergency Relief Fund.

Sec. 2002. Emergency assistance to non-public schools.

Sec. 2003. Higher Education Emergency Relief Fund.

Sec. 2004. Maintenance of effort and maintenance of equity.

Sec. 2005. Outlying areas.

Sec. 2006. Gallaudet University.

Sec. 2007. Student aid administration.

Sec. 2008. Howard University.

- Sec. 2009. National Technical Institute for the Deaf.
- Sec. 2010. Institute of Education Sciences.
- Sec. 2011. Program administration.
- Sec. 2012. Office of Inspector General.
- Sec. 2013. Modification of revenue requirements for proprietary institutions of higher education.
- Sec. 2014. Funding for the Individuals with Disabilities Education Act.

PART 2—MISCELLANEOUS

- Sec. 2021. National Endowment for the Arts.
- Sec. 2022. National Endowment for the Humanities.
- Sec. 2023. Institute of Museum and Library Services.

Subtitle B—Labor Matters

- Sec. 2101. Funding for Department of Labor worker protection activities.

Subtitle C—Human Services and Community Supports

- Sec. 2201. Child Care and Development Block Grant Program.
- Sec. 2202. Child Care Stabilization.
- Sec. 2203. Head Start.
- Sec. 2204. Programs for survivors.
- Sec. 2205. Child abuse prevention and treatment.
- Sec. 2206. Corporation for National and Community Service and the National Service Trust.

Subtitle D—Public Health

- Sec. 2301. Funding for COVID-19 vaccine activities at the Centers for Disease Control and Prevention.
- Sec. 2302. Funding for vaccine confidence activities.
- Sec. 2303. Funding for supply chain for COVID-19 vaccines, therapeutics, and medical supplies.
- Sec. 2304. Funding for COVID-19 vaccine, therapeutic, and device activities at the Food and Drug Administration.
- Sec. 2305. Reduced cost-sharing.

Subtitle E—Testing

- Sec. 2401. Funding for COVID-19 testing, contact tracing, and mitigation activities.
- Sec. 2402. Funding for SARS-CoV-2 genomic sequencing and surveillance.
- Sec. 2403. Funding for global health.
- Sec. 2404. Funding for data modernization and forecasting center.

Subtitle F—Public Health Workforce

- Sec. 2501. Funding for public health workforce.
- Sec. 2502. Funding for Medical Reserve Corps.

Subtitle G—Public Health Investments

- Sec. 2601. Funding for community health centers and community care.
- Sec. 2602. Funding for National Health Service Corps.
- Sec. 2603. Funding for Nurse Corps.
- Sec. 2604. Funding for teaching health centers that operate graduate medical education.
- Sec. 2605. Funding for family planning.

Subtitle H—Mental Health and Substance Use Disorder

- Sec. 2701. Funding for block grants for community mental health services.
- Sec. 2702. Funding for block grants for prevention and treatment of substance abuse.
- Sec. 2703. Funding for mental health and substance use disorder training for health care professionals, paraprofessionals, and public safety officers.
- Sec. 2704. Funding for education and awareness campaign encouraging healthy work conditions and use of mental health and substance use disorder services by health care professionals.
- Sec. 2705. Funding for grants for health care providers to promote mental health among their health professional workforce.
- Sec. 2706. Funding for community-based funding for local substance use disorder services.
- Sec. 2707. Funding for community-based funding for local behavioral health needs.
- Sec. 2708. Funding for the National Child Traumatic Stress Network.
- Sec. 2709. Funding for Project AWARE.

- Sec. 2710. Funding for youth suicide prevention.
- Sec. 2711. Funding for behavioral health workforce education and training.
- Sec. 2712. Funding for pediatric mental health care access.
- Sec. 2713. Funding for expansion grants for certified community behavioral health clinics.

Subtitle I—Exchange Grant Program

- Sec. 2801. Establishing a grant program for Exchange modernization.

Subtitle J—Continued Assistance to Rail Workers

- Sec. 2901. Additional enhanced benefits under the Railroad Unemployment Insurance Act.
- Sec. 2902. Extended unemployment benefits under the Railroad Unemployment Insurance Act.
- Sec. 2903. Extension of waiver of the 7-day waiting period for benefits under the Railroad Unemployment Insurance Act.
- Sec. 2904. Railroad Retirement Board and Office of the Inspector General funding.

Subtitle K—Ratepayer Protection

- Sec. 2911. Funding for LIHEAP.
- Sec. 2912. Funding for water assistance program.

Subtitle L—Assistance for Older Americans, Grandfamilies, and Kinship Families

- Sec. 2921. Supporting older americans and their families.
- Sec. 2922. National Technical Assistance Center on Grandfamilies and Kinship Families.

TITLE III—COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Subtitle A—Defense Production Act of 1950

- Sec. 3101. COVID-19 emergency medical supplies enhancement.

Subtitle B—Housing Provisions

- Sec. 3201. Emergency rental assistance.
- Sec. 3202. Emergency housing vouchers.
- Sec. 3203. Emergency assistance for rural housing.
- Sec. 3204. Housing counseling.
- Sec. 3205. Homelessness assistance and supportive services program.
- Sec. 3206. Homeowner Assistance Fund.
- Sec. 3207. Relief measures for section 502 and 504 direct loan borrowers.
- Sec. 3208. Fair housing activities.

Subtitle C—Small Business (SSBCI)

- Sec. 3301. State Small Business Credit Initiative.

Subtitle D—Public Transportation

- Sec. 3401. Federal Transit Administration grants.

TITLE IV—COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

- Sec. 4001. Emergency Federal Employee Leave Fund.
- Sec. 4002. Funding for the Government Accountability Office.
- Sec. 4003. Pandemic Response Accountability Committee funding availability.
- Sec. 4004. Funding for the White House.
- Sec. 4005. Federal Emergency Management Agency appropriation.
- Sec. 4006. Funeral assistance.
- Sec. 4007. Emergency food and shelter program funding.
- Sec. 4008. Humanitarian relief.
- Sec. 4009. Cybersecurity and Infrastructure Security Agency.
- Sec. 4010. Appropriation for the United States Digital Service.
- Sec. 4011. Appropriation for the Technology Modernization Fund.
- Sec. 4012. Appropriation for the Federal Citizen Services Fund.
- Sec. 4013. AFG and SAFER program funding.
- Sec. 4014. Emergency management performance grant funding.
- Sec. 4015. Extension of reimbursement authority for Federal contractors.
- Sec. 4016. Eligibility for workers' compensation benefits for Federal employees diagnosed with COVID-19.

TITLE V—COMMITTEE ON SMALL BUSINESS AND ENTREPRENEURSHIP

- Sec. 5001. Modifications to paycheck protection program.

- Sec. 5002. Targeted EIDL advance.
- Sec. 5003. Support for restaurants.
- Sec. 5004. Community navigator pilot program.
- Sec. 5005. Shuttered venue operators.
- Sec. 5006. Direct appropriations.

TITLE VI—COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

- Sec. 6001. Economic adjustment assistance.
- Sec. 6002. Funding for pollution and disparate impacts of the COVID-19 pandemic.
- Sec. 6003. United States Fish and Wildlife Service.

TITLE VII—COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Subtitle A—Transportation and Infrastructure

- Sec. 7101. Grants to the National Railroad Passenger Corporation.
- Sec. 7102. Relief for airports.
- Sec. 7103. Emergency FAA Employee Leave Fund.
- Sec. 7104. Emergency TSA Employee Leave Fund.

Subtitle B—Aviation Manufacturing Jobs Protection

- Sec. 7201. Definitions.
- Sec. 7202. Payroll support program.

Subtitle C—Airlines

- Sec. 7301. Air Transportation Payroll Support Program Extension.

Subtitle D—Consumer Protection and Commerce Oversight

- Sec. 7401. Funding for consumer product safety fund to protect consumers from potentially dangerous products related to COVID-19.
- Sec. 7402. Funding for E-Rate support for emergency educational connections and devices.
- Sec. 7403. Funding for Department of Commerce Inspector General.
- Sec. 7404. Federal Trade Commission funding for COVID-19 related work.

Subtitle E—Science and Technology

- Sec. 7501. National Institute of Standards and Technology.
- Sec. 7502. National Science Foundation.

Subtitle F—Corporation for Public Broadcasting

- Sec. 7601. Support for the Corporation for Public Broadcasting.

TITLE VIII—COMMITTEE ON VETERANS' AFFAIRS

- Sec. 8001. Funding for claims and appeals processing.
- Sec. 8002. Funding availability for medical care and health needs.
- Sec. 8003. Funding for supply chain modernization.
- Sec. 8004. Funding for State homes.
- Sec. 8005. Funding for the Department of Veterans Affairs Office of Inspector General.
- Sec. 8006. Covid-19 veteran rapid retraining assistance program.
- Sec. 8007. Prohibition on copayments and cost sharing for veterans during emergency relating to COVID-19.
- Sec. 8008. Emergency Department of Veterans Affairs Employee Leave Fund.

TITLE IX—COMMITTEE ON FINANCE

Subtitle A—Crisis Support for Unemployed Workers

PART 1—EXTENSION OF CARES ACT UNEMPLOYMENT PROVISIONS

- Sec. 9011. Extension of Pandemic Unemployment Assistance.
- Sec. 9012. Extension of emergency unemployment relief for governmental entities and nonprofit organizations.
- Sec. 9013. Extension of Federal Pandemic Unemployment Compensation.
- Sec. 9014. Extension of full Federal funding of the first week of compensable regular unemployment for States with no waiting week.
- Sec. 9015. Extension of emergency State staffing flexibility.
- Sec. 9016. Extension of pandemic emergency unemployment compensation.
- Sec. 9017. Extension of temporary financing of short-time compensation payments in States with programs in law.
- Sec. 9018. Extension of temporary financing of short-time compensation agreements for States without programs in law.

PART 2—EXTENSION OF FFCRA UNEMPLOYMENT PROVISIONS

- Sec. 9021. Extension of temporary assistance for States with advances.
- Sec. 9022. Extension of full Federal funding of extended unemployment compensation.

PART 3—DEPARTMENT OF LABOR FUNDING FOR TIMELY, ACCURATE, AND EQUITABLE PAYMENT

- Sec. 9031. Funding for administration.
- Sec. 9032. Funding for fraud prevention, equitable access, and timely payment to eligible workers.

PART 4—OTHER PROVISIONS

- Sec. 9041. Extension of limitation on excess business losses of noncorporate taxpayers.
- Sec. 9042. Suspension of tax on portion of unemployment compensation.

Subtitle B—Emergency Assistance to Families Through Home Visiting Programs

- Sec. 9101. Emergency assistance to families through home visiting programs.

Subtitle C—Emergency Assistance to Children and Families

- Sec. 9201. Pandemic Emergency Assistance.

Subtitle D—Elder Justice and Support Guarantee

- Sec. 9301. Additional funding for aging and disability services programs.

Subtitle E—Support to Skilled Nursing Facilities in Response to COVID-19

- Sec. 9401. Providing for infection control support to skilled nursing facilities through contracts with quality improvement organizations.
- Sec. 9402. Funding for strike teams for resident and employee safety in skilled nursing facilities.

Subtitle F—Preserving Health Benefits for Workers

- Sec. 9501. Preserving health benefits for workers.

Subtitle G—Promoting Economic Security

PART 1—2021 RECOVERY REBATES TO INDIVIDUALS

- Sec. 9601. 2021 recovery rebates to individuals.

PART 2—CHILD TAX CREDIT

- Sec. 9611. Child tax credit improvements for 2021.
- Sec. 9612. Application of child tax credit in possessions.

PART 3—EARNED INCOME TAX CREDIT

- Sec. 9621. Strengthening the earned income tax credit for individuals with no qualifying children.
- Sec. 9622. Taxpayer eligible for childless earned income credit in case of qualifying children who fail to meet certain identification requirements.
- Sec. 9623. Credit allowed in case of certain separated spouses.
- Sec. 9624. Modification of disqualified investment income test.
- Sec. 9625. Application of earned income tax credit in possessions of the United States.
- Sec. 9626. Temporary special rule for determining earned income for purposes of earned income tax credit.

PART 4—DEPENDENT CARE ASSISTANCE

- Sec. 9631. Refundability and enhancement of child and dependent care tax credit.
- Sec. 9632. Increase in exclusion for employer-provided dependent care assistance.

PART 5—CREDITS FOR PAID SICK AND FAMILY LEAVE

- Sec. 9641. Payroll credits.
- Sec. 9642. Credit for sick leave for certain self-employed individuals.
- Sec. 9643. Credit for family leave for certain self-employed individuals.

PART 6—EMPLOYEE RETENTION CREDIT

- Sec. 9651. Extension of employee retention credit.

PART 7—PREMIUM TAX CREDIT

- Sec. 9661. Improving affordability by expanding premium assistance for consumers.

- Sec. 9662. Temporary modification of limitations on reconciliation of tax credits for coverage under a qualified health plan with advance payments of such credit.
- Sec. 9663. Application of premium tax credit in case of individuals receiving unemployment compensation during 2021.

PART 8—MISCELLANEOUS PROVISIONS

- Sec. 9671. Repeal of election to allocate interest, etc. on worldwide basis.
- Sec. 9672. Tax treatment of targeted EIDL advances.
- Sec. 9673. Tax treatment of restaurant revitalization grants.
- Sec. 9674. Modification of exceptions for reporting of third party network transactions.
- Sec. 9675. Modification of treatment of student loan forgiveness.

Subtitle H—Pensions

- Sec. 9701. Temporary delay of designation of multiemployer plans as in endangered, critical, or critical and declining status.
- Sec. 9702. Temporary extension of the funding improvement and rehabilitation periods for multiemployer pension plans in critical and endangered status for 2020 or 2021.
- Sec. 9703. Adjustments to funding standard account rules.
- Sec. 9704. Special financial assistance program for financially troubled multiemployer plans.
- Sec. 9705. Extended amortization for single employer plans.
- Sec. 9706. Extension of pension funding stabilization percentages for single employer plans.
- Sec. 9707. Modification of special rules for minimum funding standards for community newspaper plans.
- Sec. 9708. Expansion of limitation on excessive employee remuneration.

Subtitle I—Child Care for Workers

- Sec. 9801. Child care assistance.

Subtitle J—Medicaid

- Sec. 9811. Mandatory coverage of COVID-19 vaccines and administration and treatment under Medicaid.
- Sec. 9812. Modifications to certain coverage under Medicaid for pregnant and postpartum women.
- Sec. 9813. State option to provide qualifying community-based mobile crisis intervention services.
- Sec. 9814. Temporary increase in FMAP for medical assistance under State Medicaid plans which begin to expend amounts for certain mandatory individuals.
- Sec. 9815. Extension of 100 percent Federal medical assistance percentage to Urban Indian Health Organizations and Native Hawaiian Health Care Systems.
- Sec. 9816. Sunset of limit on maximum rebate amount for single source drugs and innovator multiple source drugs.
- Sec. 9817. Additional support for Medicaid home and community-based services during the COVID-19 emergency.
- Sec. 9818. Funding for State strike teams for resident and employee safety in nursing facilities.
- Sec. 9819. Special rule for the period of a declared public health emergency related to coronavirus.

Subtitle K—Children's Health Insurance Program

- Sec. 9821. Mandatory coverage of COVID-19 vaccines and administration and treatment under CHIP.
- Sec. 9822. Modifications to certain coverage under CHIP for pregnant and postpartum women.

Subtitle L—Medicare

- Sec. 9831. Floor on the Medicare area wage index for hospitals in all-urban States.
- Sec. 9832. Secretarial authority to temporarily waive or modify application of certain Medicare requirements with respect to ambulance services furnished during certain emergency periods.
- Sec. 9833. Funding for Office of Inspector General.

Subtitle M—Coronavirus State and Local Fiscal Recovery Funds

- Sec. 9901. Coronavirus State and Local Fiscal Recovery Funds.

Subtitle N—Other Provisions

- Sec. 9911. Funding for providers relating to COVID–19.
 Sec. 9912. Extension of customs user fees.

TITLE X—COMMITTEE ON FOREIGN RELATIONS

- Sec. 10001. Department of State operations.
 Sec. 10002. United States Agency for International Development operations.
 Sec. 10003. Global response.
 Sec. 10004. Humanitarian response.
 Sec. 10005. Multilateral assistance.

TITLE XI—COMMITTEE ON INDIAN AFFAIRS

- Sec. 11001. Indian Health Service.
 Sec. 11002. Bureau of Indian Affairs.
 Sec. 11003. Housing assistance and supportive services programs for Native Americans.
 Sec. 11004. COVID–19 response resources for the preservation and maintenance of Native American languages.
 Sec. 11005. Bureau of Indian Education.
 Sec. 11006. American Indian, Native Hawaiian, and Alaska Native education.

TITLE I—COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Subtitle A—Agriculture

7 USC 7501 note. **SEC. 1001. FOOD SUPPLY CHAIN AND AGRICULTURE PANDEMIC RESPONSE.**

(a) APPROPRIATION.—In addition to amounts otherwise available, there is appropriated to the Secretary of Agriculture for fiscal year 2021, out of any money in the Treasury not otherwise appropriated, \$4,000,000,000, to remain available until expended, to carry out this section.

Grants.
Loans.

(b) USE OF FUNDS.—The Secretary of Agriculture shall use the amounts made available pursuant to subsection (a)—

- (1) to purchase food and agricultural commodities;
 (2) to purchase and distribute agricultural commodities (including fresh produce, dairy, seafood, eggs, and meat) to individuals in need, including through delivery to nonprofit organizations and through restaurants and other food related entities, as determined by the Secretary, that may receive, store, process, and distribute food items;
 (3) to make grants and loans for small or mid-sized food processors or distributors, seafood processing facilities and processing vessels, farmers markets, producers, or other organizations to respond to COVID–19, including for measures to protect workers against COVID–19; and
 (4) to make loans and grants and provide other assistance to maintain and improve food and agricultural supply chain resiliency.

Determination.

(c) ANIMAL HEALTH.—

(1) COVID–19 ANIMAL SURVEILLANCE.—The Secretary of Agriculture shall conduct monitoring and surveillance of susceptible animals for incidence of SARS–CoV–2.

(2) FUNDING.—Out of the amounts made available under subsection (a), the Secretary shall use \$300,000,000 to carry out this subsection.

(d) OVERTIME FEES.—

(1) SMALL ESTABLISHMENT; VERY SMALL ESTABLISHMENT DEFINITIONS.—The terms “small establishment” and “very small establishment” have the meaning given those terms in the final rule entitled “Pathogen Reduction; Hazard Analysis and Critical Control Point (HACCP) Systems” published in the Federal Register on July 25, 1996 (61 Fed. Reg. 38806).

Definition.

(2) OVERTIME INSPECTION COST REDUCTION.—Notwithstanding section 10703 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 2219a), the Act of June 5, 1948 (21 U.S.C. 695), section 25 of the Poultry Products Inspection Act (21 U.S.C. 468), and section 24 of the Egg Products Inspection Act (21 U.S.C. 1053), and any regulations promulgated by the Department of Agriculture implementing such provisions of law and subject to the availability of funds under paragraph (3), the Secretary of Agriculture shall reduce the amount of overtime inspection costs borne by federally-inspected small establishments and very small establishments engaged in meat, poultry, or egg products processing and subject to the requirements of the Federal Meat Inspection Act (21 U.S.C. 601 et seq.), the Poultry Products Inspection Act (21 U.S.C. 451 et seq.), or the Egg Products Inspection Act (21 U.S.C. 1031 et seq.), for inspection activities carried out during the period of fiscal years 2021 through 2030.

Time period.

(3) FUNDING.—Out of the amounts made available under subsection (a), the Secretary shall use \$100,000,000 to carry out this subsection.

SEC. 1002. EMERGENCY RURAL DEVELOPMENT GRANTS FOR RURAL HEALTH CARE.

7 USC 2204b-2 note.

(a) GRANTS.—The Secretary of Agriculture (in this section referred to as the “Secretary”) shall use the funds made available by this section to establish an emergency pilot program for rural development not later than 150 days after the date of enactment of this Act to provide grants to eligible applicants (as defined in section 3570.61(a) of title 7, Code of Federal Regulations) to be awarded by the Secretary based on rural development needs related to the COVID-19 pandemic.

Deadline.

(b) USES.—An eligible applicant to whom a grant is awarded under this section may use the grant funds for costs, including those incurred prior to the issuance of the grant, as determined by the Secretary, of facilities which primarily serve rural areas (as defined in section 343(a)(13)(C) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1991(a)(13)(C)), which are located in a rural area, the median household income of the population to be served by which is less than the greater of the poverty line or the applicable percentage (determined under section 3570.63(b) of title 7, Code of Federal Regulations) of the State nonmetropolitan median household income, and for which the performance of any construction work completed with grant funds shall meet the condition set forth in section 9003(f) of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 8103(f)), to—

- (1) increase capacity for vaccine distribution;
- (2) provide medical supplies to increase medical surge capacity;

Reimbursement.

(3) reimburse for revenue lost during the COVID-19 pandemic, including revenue losses incurred prior to the awarding of the grant;

(4) increase telehealth capabilities, including underlying health care information systems;

(5) construct temporary or permanent structures to provide health care services, including vaccine administration or testing;

(6) support staffing needs for vaccine administration or testing; and

(7) engage in any other efforts to support rural development determined to be critical to address the COVID-19 pandemic, including nutritional assistance to vulnerable individuals, as approved by the Secretary.

(c) FUNDING.—In addition to amounts otherwise available, there is appropriated to the Secretary for fiscal year 2021, out of any money in the Treasury not otherwise appropriated, \$500,000,000, to remain available until September 30, 2023, to carry out this section, of which not more than 3 percent may be used by the Secretary for administrative purposes and not more than 2 percent may be used by the Secretary for technical assistance as defined in section 306(a)(26) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1926(a)(26)).

SEC. 1003. PANDEMIC PROGRAM ADMINISTRATION FUNDS.

In addition to amounts otherwise available, there are appropriated for fiscal year 2021, out of any money in the Treasury not otherwise appropriated, \$47,500,000, to remain available until expended, for necessary administrative expenses associated with carrying out this subtitle.

SEC. 1004. FUNDING FOR THE USDA OFFICE OF INSPECTOR GENERAL FOR OVERSIGHT OF COVID-19-RELATED PROGRAMS.

In addition to amounts otherwise made available, there is appropriated to the Office of the Inspector General of the Department of Agriculture for fiscal year 2021, out of any money in the Treasury not otherwise appropriated, \$2,500,000, to remain available until September 30, 2022, for audits, investigations, and other oversight activities of projects and activities carried out with funds made available to the Department of Agriculture related to the COVID-19 pandemic.

7 USC 1921 note.

SEC. 1005. FARM LOAN ASSISTANCE FOR SOCIALLY DISADVANTAGED FARMERS AND RANCHERS.

(a) PAYMENTS.—

(1) APPROPRIATION.—In addition to amounts otherwise available, there is appropriated to the Secretary for fiscal year 2021, out of amounts in the Treasury not otherwise appropriated, such sums as may be necessary, to remain available until expended, for the cost of loan modifications and payments under this section.

Effective date.

(2) PAYMENTS.—The Secretary shall provide a payment in an amount up to 120 percent of the outstanding indebtedness of each socially disadvantaged farmer or rancher as of January 1, 2021, to pay off the loan directly or to the socially disadvantaged farmer or rancher (or a combination of both), on each—

(A) direct farm loan made by the Secretary to the socially disadvantaged farmer or rancher; and

(B) farm loan guaranteed by the Secretary the borrower of which is the socially disadvantaged farmer or rancher.

(b) DEFINITIONS.—In this section:

(1) FARM LOAN.—The term “farm loan” means—

(A) a loan administered by the Farm Service Agency under subtitle A, B, or C of the Consolidated Farm and Rural Development Act (7 U.S.C. 1922 et seq.); and

(B) a Commodity Credit Corporation Farm Storage Facility Loan.

(2) SECRETARY.—The term “Secretary” means the Secretary of Agriculture.

(3) SOCIALLY DISADVANTAGED FARMER OR RANCHER.—The term “socially disadvantaged farmer or rancher” has the meaning given the term in section 2501(a) of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 2279(a)).

SEC. 1006. USDA ASSISTANCE AND SUPPORT FOR SOCIALLY DISADVANTAGED FARMERS, RANCHERS, FOREST LAND OWNERS AND OPERATORS, AND GROUPS.

7 USC 2279 note.

(a) APPROPRIATION.—In addition to amounts otherwise available, there is appropriated to the Secretary of Agriculture for fiscal year 2021, out of any money in the Treasury not otherwise appropriated, \$1,010,000,000, to remain available until expended, to carry out this section.

(b) ASSISTANCE.—The Secretary of Agriculture shall use the amounts made available pursuant to subsection (a) for purposes described in this subsection by—

(1) using not less than 5 percent of the total amount of funding provided under subsection (a) to provide outreach, mediation, financial training, capacity building training, cooperative development training and support, and other technical assistance on issues concerning food, agriculture, agricultural credit, agricultural extension, rural development, or nutrition to socially disadvantaged farmers, ranchers, or forest landowners, or other members of socially disadvantaged groups;

(2) using not less than 5 percent of the total amount of funding provided under subsection (a) to provide grants and loans to improve land access for socially disadvantaged farmers, ranchers, or forest landowners, including issues related to heirs' property in a manner as determined by the Secretary;

(3) using not less than 0.5 percent of the total amount of funding provided under subsection (a) to fund the activities of one or more equity commissions that will address racial equity issues within the Department of Agriculture and its programs;

(4) using not less than 5 percent of the total amount of funding provided under subsection (a) to support and supplement agricultural research, education, and extension, as well as scholarships and programs that provide internships and pathways to Federal employment, by—

(A) using not less than 1 percent of the total amount of funding provided under subsection (a) at colleges or universities eligible to receive funds under the Act of August 30, 1890 (commonly known as the “Second Morrill Act”) (7 U.S.C. 321 et seq.), including Tuskegee University;

(B) using not less than 1 percent of the total amount of funding provided under subsection (a) at 1994 Institutions (as defined in section 532 of the Equity in Educational Land-Grant Status Act of 1994 (7 U.S.C. 301 note; Public Law 103-382));

(C) using not less than 1 percent of the total amount of funding provided under subsection (a) at Alaska Native serving institutions and Native Hawaiian serving institutions eligible to receive grants under subsections (a) and (b), respectively, of section 1419B of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3156);

(D) using not less than 1 percent of the total amount of funding provided under subsection (a) at Hispanic-serving institutions eligible to receive grants under section 1455 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3241); and

(E) using not less than 1 percent of the total amount of funding provided under subsection (a) at the insular area institutions of higher education located in the territories of the United States, as referred to in section 1489 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3361); and

(5) using not less than 5 percent of the total amount of funding provided under subsection (a) to provide financial assistance to socially disadvantaged farmers, ranchers, or forest landowners that are former farm loan borrowers that suffered related adverse actions or past discrimination or bias in Department of Agriculture programs, as determined by the Secretary.

(c) DEFINITIONS.—In this section:

(1) NONINDUSTRIAL PRIVATE FOREST LAND.—The term “non-industrial private forest land” has the meaning given the term in section 1201(a)(18) of the Food Security Act of 1985 (16 U.S.C. 3801(a)(18)).

(2) SOCIALLY DISADVANTAGED FARMER, RANCHER, OR FOREST LANDOWNER.—The term “socially disadvantaged farmer, rancher, or forest landowner” means a farmer, rancher, or owner or operator of nonindustrial private forest land who is a member of a socially disadvantaged group.

(3) SOCIALLY DISADVANTAGED GROUP.—The term “socially disadvantaged group” has the meaning given the term in section 2501(a) of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 2279(a)).

SEC. 1007. USE OF THE COMMODITY CREDIT CORPORATION FOR COMMODITIES AND ASSOCIATED EXPENSES.

In addition to amounts otherwise made available, there are appropriated for fiscal year 2021, out of any money in the Treasury not otherwise appropriated, \$800,000,000, to remain available until September 30, 2022, to use the Commodity Credit Corporation to acquire and make available commodities under section 406(b) of the Food for Peace Act (7 U.S.C. 1736(b)) and for expenses under such section.

Subtitle B—Nutrition

SEC. 1101. SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM.

(a) **VALUE OF BENEFITS.**—Section 702(a) of division N of the Consolidated Appropriations Act, 2021 (Public Law 116-260) is amended by striking “June 30, 2021” and inserting “September 30, 2021”. 7 USC 2011 note.

(b) **SNAP ADMINISTRATIVE EXPENSES.**—In addition to amounts otherwise available, there is hereby appropriated for fiscal year 2021, out of any amounts in the Treasury not otherwise appropriated, \$1,150,000,000, to remain available until September 30, 2023, with amounts to be obligated for each of fiscal years 2021, 2022, and 2023, for the costs of State administrative expenses associated with carrying out this section and administering the supplemental nutrition assistance program established under the Food and Nutrition Act of 2008 (7 U.S.C. 2011 et seq.), of which—

(1) \$15,000,000 shall be for necessary expenses of the Secretary of Agriculture (in this section referred to as the “Secretary”) for management and oversight of the program; and

(2) \$1,135,000,000 shall be for the Secretary to make grants to each State agency for each of fiscal years 2021 through 2023 as follows:

(A) 75 percent of the amounts available shall be allocated to States based on the share of each State of households that participate in the supplemental nutrition assistance program as reported to the Department of Agriculture for the most recent 12-month period for which data are available, adjusted by the Secretary (as of the date of the enactment of this Act) for participation in disaster programs under section 5(h) of the Food and Nutrition Act of 2008 (7 U.S.C. 2014(h)); and Time period.

(B) 25 percent of the amounts available shall be allocated to States based on the increase in the number of households that participate in the supplemental nutrition assistance program as reported to the Department of Agriculture over the most recent 12-month period for which data are available, adjusted by the Secretary (as of the date of the enactment of this Act) for participation in disaster programs under section 5(h) of the Food and Nutrition Act of 2008 (7 U.S.C. 2014(h)).

SEC. 1102. ADDITIONAL ASSISTANCE FOR SNAP ONLINE PURCHASING AND TECHNOLOGY IMPROVEMENTS. 7 USC 2016 note.

(a) **FUNDING.**—In addition to amounts otherwise made available, there is appropriated for fiscal year 2021, out of any amounts in the Treasury not otherwise appropriated, \$25,000,000 to remain available through September 30, 2026, to carry out this section.

(b) **USE OF FUNDS.**—The Secretary of Agriculture may use the amounts made available pursuant to subsection (a)—

(1) to make technological improvements to improve online purchasing in the supplemental nutrition assistance program established under the Food and Nutrition Act of 2008 (7 U.S.C. 2011 et seq.);

(2) to modernize electronic benefit transfer technology;

(3) to support the mobile technologies demonstration projects and the use of mobile technologies authorized under

section 7(h)(14) of the Food and Nutrition Act of 2008 (7 U.S.C. 2016(h)(14)); and

(4) to provide technical assistance to educate retailers on the process and technical requirements for the online acceptance of the supplemental nutrition assistance program benefits, for mobile payments, and for electronic benefit transfer modernization initiatives.

SEC. 1103. ADDITIONAL FUNDING FOR NUTRITION ASSISTANCE PROGRAMS.

134 Stat. 2095. Section 704 of division N of the Consolidated Appropriations Act, 2021 (Public Law 116-260) is amended—

(1) by striking “In addition” and inserting the following: “(a) COVID-19 RESPONSE FUNDING.—In addition”; and

(2) by adding at the end the following—

“(b) ADDITIONAL FUNDING.—In addition to any other funds made available, there is appropriated for fiscal year 2021, out of any money in the Treasury not otherwise appropriated, \$1,000,000,000 to remain available until September 30, 2027, for the Secretary of Agriculture to provide grants to the Commonwealth of Northern Mariana Islands, Puerto Rico, and American Samoa for nutrition assistance, of which \$30,000,000 shall be available to provide grants to the Commonwealth of Northern Mariana Islands for such assistance.”.

SEC. 1104. COMMODITY SUPPLEMENTAL FOOD PROGRAM.

In addition to amounts otherwise made available, there is appropriated for fiscal year 2021, out of any money in the Treasury not otherwise appropriated, \$37,000,000, to remain available until September 30, 2022, for activities authorized by section 4(a) of the Agriculture and Consumer Protection Act of 1973 (7 U.S.C. 612c note).

42 USC 1786
note.

SEC. 1105. IMPROVEMENTS TO WIC BENEFITS.

(a) DEFINITIONS.—In this section:

(1) APPLICABLE PERIOD.—The term “applicable period” means a period—

(A) beginning after the date of enactment of this Act, as selected by a State agency; and

(B) ending not later than the earlier of—

(i) 4 months after the date described in subparagraph (A); or

(ii) September 30, 2021.

(2) CASH-VALUE VOUCHER.—The term “cash-value voucher” has the meaning given the term in section 246.2 of title 7, Code of Federal Regulations (as in effect on the date of the enactment of this Act).

(3) PROGRAM.—The term “program” means the special supplemental nutrition program for women, infants, and children established by section 17 of the Child Nutrition Act of 1966 (42 U.S.C. 1786).

(4) QUALIFIED FOOD PACKAGE.—The term “qualified food package” means each of the following food packages (as defined in section 246.10(e) of title 7, Code of Federal Regulations (as in effect on the date of the enactment of this Act)):

(A) Food package III—Participants with qualifying conditions.

(B) Food Package IV—Children 1 through 4 years.

(C) Food Package V—Pregnant and partially (mostly) breastfeeding women.

(D) Food Package VI—Postpartum women.

(E) Food Package VII—Fully breastfeeding.

(5) SECRETARY.—The term “Secretary” means the Secretary of Agriculture.

(6) STATE AGENCY.—The term “State agency” has the meaning given the term in section 17(b) of the Child Nutrition Act of 1966 (42 U.S.C. 1786(b)).

(b) AUTHORITY TO INCREASE AMOUNT OF CASH-VALUE VOUCHER.—During the public health emergency declared by the Secretary of Health and Human Services under section 319 of the Public Health Service Act (42 U.S.C. 247d) on January 31, 2020, with respect to the Coronavirus Disease 2019 (COVID-19), and in response to challenges relating to that public health emergency, the Secretary may, in carrying out the program, increase the amount of a cash-value voucher under a qualified food package to an amount that is less than or equal to \$35.

(c) APPLICATION OF INCREASED AMOUNT OF CASH-VALUE VOUCHER TO STATE AGENCIES.—

(1) NOTIFICATION.—An increase to the amount of a cash-value voucher under subsection (b) shall apply to any State agency that notifies the Secretary of—

(A) the intent to use that increased amount, without further application; and

(B) the applicable period selected by the State agency during which that increased amount shall apply.

(2) USE OF INCREASED AMOUNT.—A State agency that makes a notification to the Secretary under paragraph (1) shall use the increased amount described in that paragraph—

(A) during the applicable period described in that notification; and

(B) only during a single applicable period.

(d) SUNSET.—The authority of the Secretary under subsection (b), and the authority of a State agency to increase the amount of a cash-value voucher under subsection (c), shall terminate on September 30, 2021.

(e) FUNDING.—In addition to amounts otherwise made available, there is appropriated to the Secretary, out of funds in the Treasury not otherwise appropriated, \$490,000,000 to carry out this section, to remain available until September 30, 2022.

SEC. 1106. WIC PROGRAM MODERNIZATION.

In addition to amounts otherwise available, there are appropriated to the Secretary of Agriculture, out of amounts in the Treasury not otherwise appropriated, \$390,000,000 for fiscal year 2021, to remain available until September 30, 2024, to carry out outreach, innovation, and program modernization efforts, including appropriate waivers and flexibility, to increase participation in and redemption of benefits under programs established under section 17 of the Child Nutrition Act of 1966 (7 U.S.C. 1431), except that such waivers may not relate to the content of the WIC Food Packages (as defined in section 246.10(e) of title 7, Code of Federal Regulations (as in effect on the date of enactment of this Act)), or the nondiscrimination requirements under section 246.8 of title 7, Code of Federal Regulations (as in effect on the date of enactment of this Act).

42 USC 1766
note.

SEC. 1107. MEALS AND SUPPLEMENTS REIMBURSEMENTS FOR INDIVIDUALS WHO HAVE NOT ATTAINED THE AGE OF 25.

(a) **PROGRAM FOR AT-RISK SCHOOL CHILDREN.**—Beginning on the date of enactment of this section, notwithstanding paragraph (1)(A) of section 17(r) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1766(r)), during the COVID-19 public health emergency declared under section 319 of the Public Health Service Act (42 U.S.C. 247d), the Secretary shall reimburse institutions that are emergency shelters under such section 17(r) (42 U.S.C. 1766(r)) for meals and supplements served to individuals who, at the time of such service—

(1) have not attained the age of 25; and

(2) are receiving assistance, including non-residential assistance, from such emergency shelter.

(b) **PARTICIPATION BY EMERGENCY SHELTERS.**—Beginning on the date of enactment of this section, notwithstanding paragraph (5)(A) of section 17(t) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1766(t)), during the COVID-19 public health emergency declared under section 319 of the Public Health Service Act (42 U.S.C. 247d), the Secretary shall reimburse emergency shelters under such section 17(t) (42 U.S.C. 1766(t)) for meals and supplements served to individuals who, at the time of such service have not attained the age of 25.

(c) **DEFINITIONS.**—In this section:

(1) **EMERGENCY SHELTER.**—The term “emergency shelter” has the meaning given the term under section 17(t)(1) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1766(t)(1)).

(2) **SECRETARY.**—The term “Secretary” means the Secretary of Agriculture.

SEC. 1108. PANDEMIC EBT PROGRAM.

Section 1101 of the Families First Coronavirus Response Act (7 U.S.C. 2011 note; Public Law 116-127) is amended—

(1) in subsection (a)—

(A) by striking “During fiscal years 2020 and 2021” and inserting “In any school year in which there is a public health emergency designation”; and

(B) by inserting “or in a covered summer period following a school session” after “in session”;

(2) in subsection (g), by striking “During fiscal year 2020, the” and inserting “The”;

(3) in subsection (h)(1)—

(A) by inserting “either” after “at least 1 child enrolled in such a covered child care facility and”; and

(B) by inserting “or a Department of Agriculture grant-funded nutrition assistance program in the Commonwealth of the Northern Mariana Islands, Puerto Rico, or American Samoa” before “shall be eligible to receive assistance”;

(4) by redesignating subsections (i) and (j) as subsections (j) and (k), respectively;

(5) by inserting after subsection (h) the following:

“(i) **EMERGENCIES DURING SUMMER.**—The Secretary of Agriculture may permit a State agency to extend a State agency plan approved under subsection (b) for not more than 90 days for the purpose of operating the plan during a covered summer period, during which time schools participating in the school lunch program

Plan.
Time period.

under the Richard B. Russell National School Lunch Act or the school breakfast program under section 4 of the Child Nutrition Act of 1966 (42 U.S.C. 1773) and covered child care facilities shall be deemed closed for purposes of this section.”;

(6) in subsection (j) (as so redesignated)—

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

(B) by inserting after paragraph (1) the following:

“(2) COVERED SUMMER PERIOD.—The term ‘covered summer period’ means a summer period that follows a school year during which there was a public health emergency designation.”; and

Definition.

(C) in paragraph (5) (as so redesignated), by striking “or another coronavirus with pandemic potential”; and

(7) in subsection (k) (as so redesignated), by inserting “Federal agencies,” before “State agencies”.

TITLE II—COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Subtitle A—Education Matters

PART 1—DEPARTMENT OF EDUCATION

SEC. 2001. ELEMENTARY AND SECONDARY SCHOOL EMERGENCY RELIEF FUND.

20 USC 3401
note.

(a) IN GENERAL.—In addition to amounts otherwise available through the Education Stabilization Fund, there is appropriated to the Department of Education for fiscal year 2021, out of any money in the Treasury not otherwise appropriated, \$122,774,800,000, to remain available through September 30, 2023, to carry out this section.

(b) GRANTS.—From funds provided under subsection (a), the Secretary shall—

(1) use \$800,000,000 for the purposes of identifying homeless children and youth and providing homeless children and youth with—

(A) wrap-around services in light of the challenges of COVID–19; and

(B) assistance needed to enable homeless children and youth to attend school and participate fully in school activities; and

(2) from the remaining amounts, make grants to each State educational agency in accordance with this section.

(c) ALLOCATIONS TO STATES.—The amount of each grant under subsection (b) shall be allocated by the Secretary to each State in the same proportion as each State received under part A of title I of the Elementary and Secondary Education Act of 1965 in the most recent fiscal year.

(d) SUBGRANTS TO LOCAL EDUCATIONAL AGENCIES.—

(1) IN GENERAL.—Each State shall allocate not less than 90 percent of the grant funds awarded to the State under this section as subgrants to local educational agencies (including charter schools that are local educational agencies) in the State in proportion to the amount of funds such local

educational agencies and charter schools that are local educational agencies received under part A of title I of the Elementary and Secondary Education Act of 1965 in the most recent fiscal year.

Deadline.

(2) AVAILABILITY OF FUNDS.—Each State shall make allocations under paragraph (1) to local educational agencies in an expedited and timely manner and, to the extent practicable, not later than 60 days after the receipt of such funds.

(e) USES OF FUNDS.—A local educational agency that receives funds under this section—

(1) shall reserve not less than 20 percent of such funds to address learning loss through the implementation of evidence-based interventions, such as summer learning or summer enrichment, extended day, comprehensive afterschool programs, or extended school year programs, and ensure that such interventions respond to students' academic, social, and emotional needs and address the disproportionate impact of the coronavirus on the student subgroups described in section 1111(b)(2)(B)(xi) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311(b)(2)(B)(xi)), students experiencing homelessness, and children and youth in foster care; and

(2) shall use the remaining funds for any of the following:

(A) Any activity authorized by the Elementary and Secondary Education Act of 1965.

(B) Any activity authorized by the Individuals with Disabilities Education Act.

(C) Any activity authorized by the Adult Education and Family Literacy Act.

(D) Any activity authorized by the Carl D. Perkins Career and Technical Education Act of 2006.

Coordination.

(E) Coordination of preparedness and response efforts of local educational agencies with State, local, Tribal, and territorial public health departments, and other relevant agencies, to improve coordinated responses among such entities to prevent, prepare for, and respond to coronavirus.

(F) Activities to address the unique needs of low-income children or students, children with disabilities, English learners, racial and ethnic minorities, students experiencing homelessness, and foster care youth, including how outreach and service delivery will meet the needs of each population.

Procedures.

(G) Developing and implementing procedures and systems to improve the preparedness and response efforts of local educational agencies.

(H) Training and professional development for staff of the local educational agency on sanitation and minimizing the spread of infectious diseases.

(I) Purchasing supplies to sanitize and clean the facilities of a local educational agency, including buildings operated by such agency.

(J) Planning for, coordinating, and implementing activities during long-term closures, including providing meals to eligible students, providing technology for online learning to all students, providing guidance for carrying out requirements under the Individuals with Disabilities Education Act and ensuring other educational services can

continue to be provided consistent with all Federal, State, and local requirements.

(K) Purchasing educational technology (including hardware, software, and connectivity) for students who are served by the local educational agency that aids in regular and substantive educational interaction between students and their classroom instructors, including low-income students and children with disabilities, which may include assistive technology or adaptive equipment.

(L) Providing mental health services and supports, including through the implementation of evidence-based full-service community schools.

(M) Planning and implementing activities related to summer learning and supplemental afterschool programs, including providing classroom instruction or online learning during the summer months and addressing the needs of low-income students, children with disabilities, English learners, migrant students, students experiencing homelessness, and children in foster care.

(N) Addressing learning loss among students, including low-income students, children with disabilities, English learners, racial and ethnic minorities, students experiencing homelessness, and children and youth in foster care, of the local educational agency, including by—

(i) administering and using high-quality assessments that are valid and reliable, to accurately assess students' academic progress and assist educators in meeting students' academic needs, including through differentiating instruction;

(ii) implementing evidence-based activities to meet the comprehensive needs of students;

(iii) providing information and assistance to parents and families on how they can effectively support students, including in a distance learning environment; and

(iv) tracking student attendance and improving student engagement in distance education.

(O) School facility repairs and improvements to enable operation of schools to reduce risk of virus transmission and exposure to environmental health hazards, and to support student health needs.

(P) Inspection, testing, maintenance, repair, replacement, and upgrade projects to improve the indoor air quality in school facilities, including mechanical and non-mechanical heating, ventilation, and air conditioning systems, filtering, purification and other air cleaning, fans, control systems, and window and door repair and replacement.

(Q) Developing strategies and implementing public health protocols including, to the greatest extent practicable, policies in line with guidance from the Centers for Disease Control and Prevention for the reopening and operation of school facilities to effectively maintain the health and safety of students, educators, and other staff.

Strategies.

(R) Other activities that are necessary to maintain the operation of and continuity of services in local educational agencies and continuing to employ existing staff of the local educational agency.

(f) STATE FUNDING.—With funds not otherwise allocated under subsection (d), a State—

(1) shall reserve not less than 5 percent of the total amount of grant funds awarded to the State under this section to carry out, directly or through grants or contracts, activities to address learning loss by supporting the implementation of evidence-based interventions, such as summer learning or summer enrichment, extended day, comprehensive afterschool programs, or extended school year programs, and ensure that such interventions respond to students' academic, social, and emotional needs and address the disproportionate impact of the coronavirus on the student subgroups described in section 1111(b)(2)(B)(xi) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311(b)(2)(B)(xi)), students experiencing homelessness, and children and youth in foster care, including by providing additional support to local educational agencies to fully address such impacts;

(2) shall reserve not less than 1 percent of the total amount of grant funds awarded to the State under this section to carry out, directly or through grants or contracts, the implementation of evidence-based summer enrichment programs, and ensure such programs respond to students' academic, social, and emotional needs and address the disproportionate impact of the coronavirus on the student populations described in section 1111(b)(2)(B)(xi) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311(b)(2)(B)(xi)), students experiencing homelessness, and children and youth in foster care;

(3) shall reserve not less than 1 percent of the total amount of grant funds awarded to the State under this section to carry out, directly or through grants or contracts, the implementation of evidence-based comprehensive afterschool programs, and ensure such programs respond to students' academic, social, and emotional needs and address the disproportionate impact of the coronavirus on the student populations described in section 1111(b)(2)(B)(xi) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311(b)(2)(B)(xi)), students experiencing homelessness, and children and youth in foster care; and

(4) may reserve not more than one-half of 1 percent of the total amount of grant funds awarded to the State under this section for administrative costs and the remainder for emergency needs as determined by the State educational agency to address issues responding to coronavirus, which may be addressed through the use of grants or contracts.

Deadline.

(g) REALLOCATION.—A State shall return to the Secretary any funds received under this section that the State does not award within 1 year of receiving such funds and the Secretary shall reallocate such funds to the remaining States in accordance with subsection (c).

(h) DEFINITIONS.—In this section—

(1) the terms “child”, “children with disabilities”, “distance education”, “elementary school”, “English learner”, “evidence-

based”, “secondary school”, “local educational agency”, “parent”, “Secretary”, “State educational agency”, and “technology” have the meanings given those terms in section 8101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801);

(2) the term “full-service community school” has the meaning given that term in section 4622(2) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7272(2)); and

(3) the term “State” means each of the 50 States, the District of Columbia, and the Commonwealth of Puerto Rico.

(i) SAFE RETURN TO IN-PERSON INSTRUCTION.—

(1) IN GENERAL.—A local educational agency receiving funds under this section shall develop and make publicly available on the local educational agency’s website, not later than 30 days after receiving the allocation of funds described in paragraph (d)(1), a plan for the safe return to in-person instruction and continuity of services.

Plan.
Public
information.
Web posting.
Deadline.

(2) COMMENT PERIOD.—Before making the plan described in paragraph (1) publicly available, the local educational agency shall seek public comment on the plan and take such comments into account in the development of the plan.

(3) PREVIOUS PLANS.—If a local educational agency has developed a plan for the safe return to in-person instruction before the date of enactment of this Act that meets the requirements described in paragraphs (1) and (2), such plan shall be deemed to satisfy the requirements under this subsection.

SEC. 2002. EMERGENCY ASSISTANCE TO NON-PUBLIC SCHOOLS.

(a) IN GENERAL.—In addition to amounts otherwise available through the Emergency Assistance to Non-Public Schools Program, there is appropriated to the Department of Education for fiscal year 2021, out of any money in the Treasury not otherwise appropriated, \$2,750,000,000, to remain available through September 30, 2023, for making allocations to Governors under the Emergency Assistance to Non-Public Schools Program to provide services or assistance to non-public schools that enroll a significant percentage of low-income students and are most impacted by the qualifying emergency.

(b) LIMITATIONS.—Funds provided under subsection (a) shall not be used to provide reimbursements to any non-public school.

SEC. 2003. HIGHER EDUCATION EMERGENCY RELIEF FUND.

In addition to amounts otherwise available, there is appropriated to the Department of Education for fiscal year 2021, out of any money in the Treasury not otherwise appropriated, \$39,584,570,000, to remain available through September 30, 2023, for making allocations to institutions of higher education in accordance with the same terms and conditions of section 314 of the Coronavirus Response and Relief Supplemental Appropriations Act, 2021 (division M of Public Law 116-260), except that—

(1) subsection (a)(1) of such section 314 shall be applied by substituting “91 percent” for “89 percent”;

Applicability.

(2) subsection (a)(2) of such section 314 shall be applied—

Applicability.

(A) in the matter preceding subparagraph (A), by substituting “under the heading ‘Higher Education’ in the Department of Education Appropriations Act, 2020” for “in the Further Consolidated Appropriations Act, 2020 (Public Law 116-94)”; and

(B) in subparagraph (B), by substituting “under the heading ‘Higher Education’ in the Department of Education Appropriations Act, 2020” for “in the Further Consolidated Appropriations Act, 2020 (Public Law 116-94)”;

(3) an institution that receives an allocation apportioned in accordance with clause (iii) of subsection (a)(2)(A) of such section 314 that has a total endowment size of less than \$1,000,000 (including an institution that does not have an endowment) shall be treated by the Secretary as having a total endowment size of \$1,000,000 for the purposes of such clause (iii);

Applicability.

(4) subsection (a)(4) of such section 314 shall be applied by substituting “1 percent” for “3 percent”;

(5) except as provided in paragraphs (7) and (9) of subsection (d) of such section 314, an institution shall use a portion of funds received under this section to—

(A) implement evidence-based practices to monitor and suppress coronavirus in accordance with public health guidelines; and

(B) conduct direct outreach to financial aid applicants about the opportunity to receive a financial aid adjustment due to the recent unemployment of a family member or independent student, or other circumstances, described in section 479A of the Higher Education Act of 1965 (20 U.S.C. 1087tt);

(6) the following shall not apply to funds provided or received in accordance with this section—

(A) subsection (b) of such section 314;

(B) paragraph (2) of subsection (c) of such section 314;

(C) paragraphs (1), (2), (4), (5), (6), and (8) of subsection (d) of such section 314;

(D) subsections (e) and (f) of such section 314; and

(E) section 316 of the Coronavirus Response and Relief Supplemental Appropriations Act, 2021 (division M of Public Law 116-260); and

(7) an institution that receives an allocation under this section apportioned in accordance with subparagraphs (A) through (D) of subsection (a)(1) of such section 314 shall use not less than 50 percent of such allocation to provide emergency financial aid grants to students in accordance with subsection (c)(3) of such section 314.

SEC. 2004. MAINTENANCE OF EFFORT AND MAINTENANCE OF EQUITY.

(a) STATE MAINTENANCE OF EFFORT.—

(1) IN GENERAL.—As a condition of receiving funds under section 2001, a State shall maintain support for elementary and secondary education, and for higher education (which shall include State funding to institutions of higher education and State need-based financial aid, and shall not include support for capital projects or for research and development or tuition and fees paid by students), in each of fiscal years 2022 and 2023 at least at the proportional levels of such State’s support for elementary and secondary education and for higher education relative to such State’s overall spending, averaged over fiscal years 2017, 2018, and 2019.

(2) WAIVER.—For the purpose of relieving fiscal burdens incurred by States in preventing, preparing for, and responding

to the coronavirus, the Secretary of Education may waive any maintenance of effort requirements associated with the Education Stabilization Fund.

(b) STATE MAINTENANCE OF EQUITY.—

(1) HIGH-NEED LOCAL EDUCATIONAL AGENCIES.—As a condition of receiving funds under section 2001, a State educational agency shall not, in fiscal year 2022 or 2023, reduce State funding (as calculated on a per-pupil basis) for any high-need local educational agency in the State by an amount that exceeds the overall per-pupil reduction in State funds, if any, across all local educational agencies in such State in such fiscal year.

(2) HIGHEST POVERTY LOCAL EDUCATIONAL AGENCIES.—Notwithstanding paragraph (1), as a condition of receiving funds under section 2001, a State educational agency shall not, in fiscal year 2022 or 2023, reduce State funding (as calculated on a per-pupil basis) for any highest poverty local educational agency below the level of funding (as calculated on a per-pupil basis) provided to each such local educational agency in fiscal year 2019.

(c) LOCAL EDUCATIONAL AGENCY MAINTENANCE OF EQUITY FOR HIGH-POVERTY SCHOOLS.—

(1) IN GENERAL.—As a condition of receiving funds under section 2001, a local educational agency shall not, in fiscal year 2022 or 2023—

(A) reduce per-pupil funding (from combined State and local funding) for any high-poverty school served by such local educational agency by an amount that exceeds—

(i) the total reduction in local educational agency funding (from combined State and local funding) for all schools served by the local educational agency in such fiscal year (if any); divided by

(ii) the number of children enrolled in all schools served by the local educational agency in such fiscal year; or

(B) reduce per-pupil, full-time equivalent staff in any high-poverty school by an amount that exceeds—

(i) the total reduction in full-time equivalent staff in all schools served by such local educational agency in such fiscal year (if any); divided by

(ii) the number of children enrolled in all schools served by the local educational agency in such fiscal year.

(2) EXCEPTION.—Paragraph (1) shall not apply to a local educational agency in fiscal year 2022 or 2023 that meets at least 1 of the following criteria in such fiscal year:

(A) Such local educational agency has a total enrollment of less than 1,000 students.

(B) Such local educational agency operates a single school.

(C) Such local educational agency serves all students within each grade span with a single school.

(D) Such local educational agency demonstrates an exceptional or uncontrollable circumstance, such as unpredictable changes in student enrollment or a precipitous decline in the financial resources of such agency, as determined by the Secretary of Education.

Determination.

(d) DEFINITIONS.—In this section:

(1) **ELEMENTARY EDUCATION; SECONDARY EDUCATION.**—The terms “elementary education” and “secondary education” have the meaning given such terms under State law.

(2) **HIGHEST POVERTY LOCAL EDUCATIONAL AGENCY.**—The term “highest poverty local educational agency” means a local educational agency that is among the group of local educational agencies in the State that—

(A) in rank order, have the highest percentages of economically disadvantaged students in the State, on the basis of the most recent satisfactory data available from the Department of Commerce (or, for local educational agencies for which no such data are available, such other data as the Secretary of Education determines are satisfactory); and

(B) collectively serve not less than 20 percent of the State’s total enrollment of students served by all local educational agencies in the State.

(3) **HIGH-NEED LOCAL EDUCATIONAL AGENCY.**—The term “high-need local educational agency” means a local educational agency that is among the group of local educational agencies in the State that—

(A) in rank order, have the highest percentages of economically disadvantaged students in the State, on the basis of the most recent satisfactory data available from the Department of Commerce (or, for local educational agencies for which no such data are available, such other data as the Secretary of Education determines are satisfactory); and

(B) collectively serve not less than 50 percent of the State’s total enrollment of students served by all local educational agencies in the State.

(4) **HIGH-POVERTY SCHOOL.**—

(A) **IN GENERAL.**—The term “high-poverty school” means, with respect to a school served by a local educational agency, a school that is in the highest quartile of schools served by such local educational agency based on the percentage of economically disadvantaged students served, as determined by the State in accordance with subparagraph (B).

(B) **DETERMINATION.**—In making the determination under subparagraph (A), a State shall select a measure of poverty established for the purposes of this paragraph by the Secretary of Education and apply such measure consistently to all schools in the State.

(5) **OVERALL PER-PUPIL REDUCTION IN STATE FUNDS.**—The term “overall per-pupil reduction in State funds” means, with respect to a fiscal year—

(A) the amount of any reduction in the total amount of State funds provided to all local educational agencies in the State in such fiscal year compared to the total amount of such funds provided to all local educational agencies in the State in the previous fiscal year; divided by

(B) the aggregate number of children enrolled in all schools served by all local educational agencies in the State in the fiscal year for which the determination is being made.

(6) STATE.—The term “State” means each of the 50 States, the District of Columbia, and the Commonwealth of Puerto Rico.

SEC. 2005. OUTLYING AREAS.

Time period.

In addition to amounts otherwise available, there is appropriated to the Department of Education for fiscal year 2021, out of any money in the Treasury not otherwise appropriated, \$850,000,000, to remain available through September 30, 2023, for the Secretary of Education to allocate awards to the outlying areas on the basis of their respective needs, as determined by the Secretary, to be allocated not more than 30 calendar days after the date of enactment of this Act.

SEC. 2006. GALLAUDET UNIVERSITY.

In addition to amounts otherwise available, there is appropriated to the Department of Education for fiscal year 2021, out of any money in the Treasury not otherwise appropriated, \$19,250,000, to remain available through September 30, 2023, for the Kendall Demonstration Elementary School, the Model Secondary School for the Deaf, and Gallaudet University to prevent, prepare for, and respond to coronavirus, including to defray expenses associated with coronavirus (including lost revenue, reimbursement for expenses already incurred, technology costs associated with a transition to distance education, faculty and staff trainings, and payroll) and to provide financial aid grants to students, which may be used for any component of the student’s cost of attendance.

SEC. 2007. STUDENT AID ADMINISTRATION.

In addition to amounts otherwise available, there is appropriated to the Department of Education for fiscal year 2021, out of any money in the Treasury not otherwise appropriated, \$91,130,000, to remain available through September 30, 2023, for Student Aid Administration within the Department of Education to prevent, prepare for, and respond to coronavirus including direct outreach to students and borrowers about financial aid, economic impact payments, means-tested benefits, unemployment assistance, and tax benefits, for which the students and borrowers may be eligible.

SEC. 2008. HOWARD UNIVERSITY.

In addition to amounts otherwise available, there is appropriated to the Department of Education for fiscal year 2021, out of any money in the Treasury not otherwise appropriated, \$35,000,000, to remain available through September 30, 2023, for Howard University to prevent, prepare for, and respond to coronavirus, including to defray expenses associated with coronavirus (including lost revenue, reimbursement for expenses already incurred, technology costs associated with a transition to distance education, faculty and staff trainings, and payroll) and to provide financial aid grants to students, which may be used for any component of the student’s cost of attendance.

SEC. 2009. NATIONAL TECHNICAL INSTITUTE FOR THE DEAF.

In addition to amounts otherwise available, there is appropriated to the Department of Education for fiscal year 2021, out of any money in the Treasury not otherwise appropriated,

\$19,250,000, to remain available through September 30, 2023, for the National Technical Institute for the Deaf to prevent, prepare for, and respond to coronavirus, including to defray expenses associated with coronavirus (including lost revenue, reimbursement for expenses already incurred, technology costs associated with a transition to distance education, faculty and staff training, and payroll) and to provide financial aid grants to students, which may be used for any component of the student's cost of attendance.

SEC. 2010. INSTITUTE OF EDUCATION SCIENCES.

In addition to amounts otherwise available, there is appropriated to the Department of Education for fiscal year 2021, out of any money in the Treasury not otherwise appropriated, \$100,000,000, to remain available through September 30, 2023, for the Institute of Education Sciences to carry out research related to addressing learning loss caused by the coronavirus among the student subgroups described in section 1111(b)(2)(B)(xi) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311(b)(2)(B)(xi)) and students experiencing homelessness and children and youth in foster care, and to disseminate such findings to State educational agencies and local educational agencies and other appropriate entities.

SEC. 2011. PROGRAM ADMINISTRATION.

In addition to amounts otherwise available, there is appropriated to the Department of Education for fiscal year 2021, out of any money in the Treasury not otherwise appropriated, \$15,000,000, to remain available through September 30, 2024, for Program Administration within the Department of Education to prevent, prepare for, and respond to coronavirus, and for salaries and expenses necessary to implement this part.

SEC. 2012. OFFICE OF INSPECTOR GENERAL.

In addition to amounts otherwise available, there is appropriated to the Department of Education for fiscal year 2021, out of any money in the Treasury not otherwise appropriated, \$5,000,000, to remain available until expended, for the Office of Inspector General of the Department of Education, for salaries and expenses necessary for oversight, investigations, and audits of programs, grants, and projects funded under this part carried out by the Office of Inspector General.

SEC. 2013. MODIFICATION OF REVENUE REQUIREMENTS FOR PROPRIETARY INSTITUTIONS OF HIGHER EDUCATION.

(a) IN GENERAL.—Section 487(a)(24) of the Higher Education Act of 1965 (20 U.S.C. 1094(a)(24)) is amended by striking “funds provided under this title” and inserting “Federal funds that are disbursed or delivered to or on behalf of a student to be used to attend such institution (referred to in this paragraph and subsection (d) as ‘Federal education assistance funds’)”.

(b) IMPLEMENTATION OF NON-FEDERAL REVENUE REQUIREMENT.—Section 487(d) of the Higher Education Act of 1965 (20 U.S.C. 1094(d)) is amended—

(1) in the subsection heading, by striking “Non-title IV” and inserting “Non-Federal”; and

(2) in paragraph (1)(C), by striking “funds for a program under this title” and inserting “Federal education assistance funds”.

(c) **EFFECTIVE DATE.**—The amendments made under this section shall— 20 USC 1094 note.

(1) be subject to the master calendar requirements under section 482 of the Higher Education Act of 1965 (20 U.S.C. 1089) and the public involvement and negotiated rulemaking requirements under section 492 of the Higher Education Act of 1965 (20 U.S.C. 1098a), except that such negotiated rulemaking shall commence not earlier than October 1, 2021; and

(2) apply to institutional fiscal years beginning on or after January 1, 2023. Applicability.

SEC. 2014. FUNDING FOR THE INDIVIDUALS WITH DISABILITIES EDUCATION ACT.

(a) **AMOUNTS FOR IDEA.**—There is appropriated to the Secretary of Education for fiscal year 2021, out of any money in the Treasury not otherwise appropriated—

(1) \$2,580,000,000 for grants to States under part B of the Individuals with Disabilities Education Act;

(2) \$200,000,000 for preschool grants under section 619 of the Individuals with Disabilities Education Act; and

(3) \$250,000,000 for programs for infants and toddlers with disabilities under part C of the Individuals with Disabilities Education Act.

(b) **GENERAL PROVISIONS.**—Any amount appropriated under subsection (a) is in addition to other amounts appropriated or made available for the applicable purpose.

PART 2—MISCELLANEOUS

SEC. 2021. NATIONAL ENDOWMENT FOR THE ARTS.

In addition to amounts otherwise available, there is appropriated for fiscal year 2021, out of any money in the Treasury not otherwise appropriated, \$135,000,000, to remain available until expended, under the National Foundation on the Arts and the Humanities Act of 1965, as follows:

(1) Forty percent shall be for grants, and relevant administrative expenses, to State arts agencies and regional arts organizations that support organizations' programming and general operating expenses to cover up to 100 percent of the costs of the programs which the grants support, to prevent, prepare for, respond to, and recover from the coronavirus.

(2) Sixty percent shall be for direct grants, and relevant administrative expenses, that support organizations' programming and general operating expenses to cover up to 100 percent of the costs of the programs which the grants support, to prevent, prepare for, respond to, and recover from the coronavirus.

SEC. 2022. NATIONAL ENDOWMENT FOR THE HUMANITIES.

In addition to amounts otherwise available, there is appropriated for fiscal year 2021, out of any money in the Treasury not otherwise appropriated, \$135,000,000, to remain available until expended, under the National Foundation on the Arts and the Humanities Act of 1965, as follows:

(1) Forty percent shall be for grants, and relevant administrative expenses, to State humanities councils that support humanities organizations' programming and general operating expenses to cover up to 100 percent of the costs of the programs

which the grants support, to prevent, prepare for, respond to, and recover from the coronavirus.

(2) Sixty percent shall be for direct grants, and relevant administrative expenses, that support humanities organizations' programming and general operating expenses to cover up to 100 percent of the costs of the programs which the grants support, to prevent, prepare for, respond to, and recover from the coronavirus.

SEC. 2023. INSTITUTE OF MUSEUM AND LIBRARY SERVICES.

In addition to amounts otherwise available, there is appropriated to the Institute of Museum and Library Services for fiscal year 2021, out of any money in the Treasury not otherwise appropriated, \$200,000,000, to remain available until expended, for necessary expenses to carry out museum and library services. The Director of the Institute of Museum and Library Services shall award not less than 89 percent of such funds to State library administrative agencies by applying the formula in section 221(b) of the Museum and Library Services Act, except that—

Applicability.

(1) section 221(b)(3)(A) of such Act shall be applied by substituting “\$2,000,000” for “\$680,000” and by substituting “\$200,000” for “\$60,000”; and

(2) section 221(b)(3)(C) and subsections (b) and (c) of section 223 of such Act shall not apply to funds provided under this section.

Subtitle B—Labor Matters

SEC. 2101. FUNDING FOR DEPARTMENT OF LABOR WORKER PROTECTION ACTIVITIES.

(a) **APPROPRIATION.**—In addition to amounts otherwise made available, out of any funds in the Treasury not otherwise appropriated, there are appropriated to the Secretary of Labor for fiscal year 2021, \$200,000,000, to remain available until September 30, 2023, for the Wage and Hour Division, the Office of Workers' Compensation Programs, the Office of the Solicitor, the Mine Safety and Health Administration, and the Occupational Safety and Health Administration to carry out COVID-19 related worker protection activities, and for the Office of Inspector General for oversight of the Secretary's activities to prevent, prepare for, and respond to COVID-19.

(b) **ALLOCATION OF AMOUNTS.**—Amounts appropriated under subsection (a) shall be allocated as follows:

(1) Not less than \$100,000,000 shall be for the Occupational Safety and Health Administration, of which \$10,000,000 shall be for Susan Harwood training grants and not less than \$5,000,000 shall be for enforcement activities related to COVID-19 at high risk workplaces including health care, meat and poultry processing facilities, agricultural workplaces and correctional facilities.

(2) \$12,500,000 shall be for the Office of Inspector General.

Subtitle C—Human Services and Community Supports

SEC. 2201. CHILD CARE AND DEVELOPMENT BLOCK GRANT PROGRAM.

(a) CHILD CARE AND DEVELOPMENT BLOCK GRANT FUNDING.—In addition to amounts otherwise available, there is appropriated for fiscal year 2021, out of any amounts in the Treasury not otherwise appropriated, \$14,990,000,000, to remain available through September 30, 2021, to carry out the program authorized under section 658C of the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858a) without regard to requirements in sections 658E(c)(3)(E) or 658G of such Act (42 U.S.C. 9858c(c)(3)(E), 9858e). Payments made to States, territories, Indian Tribes, and Tribal organizations from funds made available under this subsection shall be obligated in fiscal year 2021 or the succeeding 2 fiscal years. States, territories, Indian Tribes, and Tribal organizations are authorized to use such funds to provide child care assistance to health care sector employees, emergency responders, sanitation workers, and other workers deemed essential during the response to coronavirus by public officials, without regard to the income eligibility requirements of section 658P(4) of the Child Care and Development Block Grant Act (42 U.S.C. 9858n(4)).

Time period.

(b) ADMINISTRATIVE COSTS.—In addition to amounts otherwise available, there is appropriated for fiscal year 2021, out of any amounts in the Treasury not otherwise appropriated, \$35,000,000, to remain available through September 30, 2025, for the costs of providing technical assistance and conducting research and for the administrative costs to carry out this section and section 2202 of this subtitle.

(c) SUPPLEMENT NOT SUPPLANT.—Amounts made available to carry out this section shall be used to supplement and not supplant other Federal, State, and local public funds expended to provide child care services for eligible individuals.

SEC. 2202. CHILD CARE STABILIZATION.

42 USC 9858
note.

(a) DEFINITIONS.—In this section:

(1) COVID–19 PUBLIC HEALTH EMERGENCY.—The term “COVID–19 public health emergency” means the public health emergency declared by the Secretary of Health and Human Services under section 319 of the Public Health Service Act (42 U.S.C. 247d) on January 31, 2020, with respect to COVID–19, including any renewal of the declaration.

(2) ELIGIBLE CHILD CARE PROVIDER.—The term “eligible child care provider” means—

(A) an eligible child care provider as defined in section 658P of the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858n); or

(B) a child care provider that is licensed, regulated, or registered in the State, territory, or Indian Tribe on the date of enactment of this Act and meets applicable State and local health and safety requirements.

(b) CHILD CARE STABILIZATION FUNDING.—In addition to amounts otherwise available, there is appropriated for fiscal year 2021, out of any amounts in the Treasury not otherwise appropriated, \$23,975,000,000, to remain available through September

30, 2021, for grants under this section in accordance with the Child Care and Development Block Grant Act of 1990.

(c) GRANTS.—From the amounts appropriated to carry out this section and under the authority of section 658O of the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858m) and this section, the Secretary shall award to each lead agency a child care stabilization grant, without regard to the requirements in subparagraphs (C) and (E) of section 658E(c)(3), and in section 658G, of the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858c(c)(3), 9858e). Such grant shall be allotted in accordance with section 658O of the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858m).

(d) STATE RESERVATIONS AND SUBGRANTS.—

(1) RESERVATION.—A lead agency for a State that receives a child care stabilization grant pursuant to subsection (c) shall reserve not more than 10 percent of such grant funds to administer subgrants, provide technical assistance and support for applying for and accessing the subgrant opportunity, publicize the availability of the subgrants, carry out activities to increase the supply of child care, and provide technical assistance to help child care providers implement policies as described in paragraph (2)(D)(i).

(2) SUBGRANTS TO QUALIFIED CHILD CARE PROVIDERS.—

(A) IN GENERAL.—The lead agency shall use the remainder of the grant funds awarded pursuant to subsection (c) to make subgrants to qualified child care providers described in subparagraph (B), regardless of such a provider's previous receipt of other Federal assistance, to support the stability of the child care sector during and after the COVID-19 public health emergency.

(B) QUALIFIED CHILD CARE PROVIDER.—To be qualified to receive a subgrant under this paragraph, a provider shall be an eligible child care provider that on the date of submission of an application for the subgrant, was either—

(i) open and available to provide child care services;

or

(ii) closed due to public health, financial hardship, or other reasons relating to the COVID-19 public health emergency.

(C) SUBGRANT AMOUNT.—The amount of such a subgrant to a qualified child care provider shall be based on the provider's stated current operating expenses, including costs associated with providing or preparing to provide child care services during the COVID-19 public health emergency, and to the extent practicable, cover sufficient operating expenses to ensure continuous operations for the intended period of the subgrant.

(D) APPLICATION.—The lead agency shall—

(i) make available on the lead agency's website an application for qualified child care providers that includes certifications that, for the duration of the subgrant—

(I) the provider applying will, when open and available to provide child care services, implement policies in line with guidance from the corresponding State, Tribal, and local authorities, and

in accordance with State, Tribal, and local orders, and, to the greatest extent possible, implement policies in line with guidance from the Centers for Disease Control and Prevention;

(II) for each employee, the provider will pay not less than the full compensation, including any benefits, that was provided to the employee as of the date of submission of the application for the subgrant (referred to in this subclause as “full compensation”), and will not take any action that reduces the weekly amount of the employee’s compensation below the weekly amount of full compensation, or that reduces the employee’s rate of compensation below the rate of full compensation, including the involuntary furloughing of any employee employed on the date of submission of the application for the subgrant; and

(III) the provider will provide relief from co-payments and tuition payments for the families enrolled in the provider’s program, to the extent possible, and prioritize such relief for families struggling to make either type of payment; and

(ii) accept and process applications submitted under this subparagraph on a rolling basis, and provide subgrant funds in advance of provider expenditures, except as provided in subsection (e)(2).

(E) OBLIGATION.—The lead agency shall notify the Secretary if it is unable to obligate at least 50 percent of the funds received pursuant to subsection (c) that are available for subgrants described in this paragraph within 9 months of the date of enactment of this Act.

Notification.
Deadline.

(e) USES OF FUNDS.—

(1) IN GENERAL.—A qualified child care provider that receives funds through such a subgrant shall use the funds for at least one of the following:

(A) Personnel costs, including payroll and salaries or similar compensation for an employee (including any sole proprietor or independent contractor), employee benefits, premium pay, or costs for employee recruitment and retention.

(B) Rent (including rent under a lease agreement) or payment on any mortgage obligation, utilities, facility maintenance or improvements, or insurance.

(C) Personal protective equipment, cleaning and sanitization supplies and services, or training and professional development related to health and safety practices.

(D) Purchases of or updates to equipment and supplies to respond to the COVID-19 public health emergency.

(E) Goods and services necessary to maintain or resume child care services.

(F) Mental health supports for children and employees.

(2) REIMBURSEMENT.—The qualified child care provider may use the subgrant funds to reimburse the provider for sums obligated or expended before the date of enactment of this Act for the cost of a good or service described in paragraph (1) to respond to the COVID-19 public health emergency.

(f) **SUPPLEMENT NOT SUPPLANT.**—Amounts made available to carry out this section shall be used to supplement and not supplant other Federal, State, and local public funds expended to provide child care services for eligible individuals.

SEC. 2203. HEAD START.

In addition to amounts otherwise available, there is appropriated for fiscal year 2021, out of any amounts in the Treasury not otherwise appropriated, \$1,000,000,000, to remain available through September 30, 2022, to carry out the Head Start Act, including for Federal administrative expenses. After reserving funds for Federal administrative expenses, the Secretary shall allocate all remaining amounts to Head Start agencies for one-time grants, and shall allocate to each Head Start agency an amount that bears the same ratio to the portion available for allocations as the number of enrolled children served by the Head Start agency bears to the number of enrolled children served by all Head Start agencies.

SEC. 2204. PROGRAMS FOR SURVIVORS.

(a) **IN GENERAL.**—Section 303 of the Family Violence Prevention and Services Act (42 U.S.C. 10403) is amended by adding at the end the following:

“(d) **ADDITIONAL FUNDING.**—For the purposes of carrying out this title, in addition to amounts otherwise made available for such purposes, there are appropriated, out of any amounts in the Treasury not otherwise appropriated, for fiscal year 2021, to remain available until expended except as otherwise provided in this subsection, each of the following:

“(1) \$180,000,000 to carry out sections 301 through 312, to be allocated in the manner described in subsection (a)(2), except that—

“(A) a reference in subsection (a)(2) to an amount appropriated under subsection (a)(1) shall be considered to be a reference to an amount appropriated under this paragraph;

“(B) the matching requirement in section 306(c)(4) and condition in section 308(d)(3) shall not apply; and

“(C) each reference in section 305(e) to ‘the end of the following fiscal year’ shall be considered to be a reference to ‘the end of fiscal year 2025’; and

“(D) funds made available to a State in a grant under section 306(a) and obligated in a timely manner shall be available for expenditure, by the State or a recipient of funds from the grant, through the end of fiscal year 2025;

“(2) \$18,000,000 to carry out section 309.

“(3) \$2,000,000 to carry out section 313, of which \$1,000,000 shall be allocated to support Indian communities.”.

(b) **COVID-19 PUBLIC HEALTH EMERGENCY DEFINED.**—In this section, the term “COVID-19 public health emergency” means the public health emergency declared by the Secretary of Health and Human Services under section 319 of the Public Health Service Act (42 U.S.C. 247d) on January 31, 2020, with respect to COVID-19, including any renewal of the declaration.

(c) **GRANTS TO SUPPORT CULTURALLY SPECIFIC POPULATIONS.**—

(1) **IN GENERAL.**—In addition to amounts otherwise made available, there is appropriated, out of any amounts in the Treasury not otherwise appropriated, to the Secretary of Health

and Human Services (in this section referred to as the “Secretary”), \$49,500,000 for fiscal year 2021, to be available until expended, to carry out this subsection (excluding Federal administrative costs, for which funds are appropriated under subsection (e)).

(2) USE OF FUNDS.—From amounts appropriated under paragraph (1), the Secretary acting through the Director of the Family Violence Prevention and Services Program, shall—

(A) support culturally specific community-based organizations to provide culturally specific activities for survivors of sexual assault and domestic violence, to address emergent needs resulting from the COVID-19 public health emergency and other public health concerns; and

(B) support culturally specific community-based organizations that provide culturally specific activities to promote strategic partnership development and collaboration in responding to the impact of COVID-19 and other public health concerns on survivors of sexual assault and domestic violence.

(d) GRANTS TO SUPPORT SURVIVORS OF SEXUAL ASSAULT.—

(1) IN GENERAL.—In addition to amounts otherwise made available, there is appropriated, out of any amounts in the Treasury not otherwise appropriated, to the Secretary, \$198,000,000 for fiscal year 2021, to be available until expended, to carry out this subsection (excluding Federal administrative costs, for which funds are appropriated under subsection (e)).

(2) USE OF FUNDS.—From amounts appropriated under paragraph (1), the Secretary acting through the Director of the Family Violence Prevention and Services Program, shall assist rape crisis centers in transitioning to virtual services and meeting the emergency needs of survivors.

(e) ADMINISTRATIVE COSTS.—In addition to amounts otherwise made available, there is appropriated to the Secretary, out of any amounts in the Treasury not otherwise appropriated, \$2,500,000 for fiscal year 2021, to remain available until expended, for the Federal administrative costs of carrying out subsections (c) and (d).

SEC. 2205. CHILD ABUSE PREVENTION AND TREATMENT.

In addition to amounts otherwise available, there is appropriated to the Secretary of Health and Human Services for fiscal year 2021, out of any money in the Treasury not otherwise appropriated, the following amounts, to remain available through September 30, 2023:

(1) \$250,000,000 for carrying out the program authorized under section 201 of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5116), which shall be allocated without regard to section 204(4) of such Act (42 U.S.C. 5116d(4)) and shall be allotted to States in accordance with section 203 of such Act (42 U.S.C. 5116b), except that—

(A) in subsection (b)(1)(A) of such section 203, “70 percent” shall be deemed to be “100 percent”; and

(B) subsections (b)(1)(B) and (c) of such section 203 shall not apply; and

(2) \$100,000,000 for carrying out the State grant program authorized under section 106 of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5106a), which shall be allocated without regard to section 112(a)(2) of such Act (42 U.S.C. 5106h(a)(2)).

SEC. 2206. CORPORATION FOR NATIONAL AND COMMUNITY SERVICE AND THE NATIONAL SERVICE TRUST.

(a) CORPORATION FOR NATIONAL AND COMMUNITY SERVICE.—In addition to amounts otherwise made available, there is appropriated for fiscal year 2021, out of any money in the Treasury not otherwise appropriated, to the Corporation for National and Community Service, \$852,000,000, to remain available through September 30, 2024, to carry out subsection (b), except that amounts to carry out subsection (b)(7) shall remain available until September 30, 2026.

(b) ALLOCATION OF AMOUNTS.—Amounts provided by subsection (a) shall be allocated as follows:

(1) AMERICORPS STATE AND NATIONAL.—\$620,000,000 shall be used—

(A) to increase the living allowances of participants in national service programs; and

(B) to make funding adjustments to existing (as of the date of enactment of this Act) awards and award new and additional awards to entities to support programs described in paragraphs (1)(B), (2)(B), (3)(B), (4)(B), and (5)(B) of subsection (a), and subsection (b)(2), of section 122 of the National and Community Service Act of 1990 (42 U.S.C. 12572), whether or not the entities are already grant recipients under such provisions on the date of enactment of this Act, and notwithstanding section 122(a)(1)(B)(vi) of the National and Community Service Act of 1990 (42 U.S.C. 12572(a)(1)(B)(vi)), by—

(i) prioritizing entities serving communities disproportionately impacted by COVID–19 and utilizing culturally competent and multilingual strategies in the provision of services; and

(ii) taking into account the diversity of communities and participants served by such entities, including racial, ethnic, socioeconomic, linguistic, or geographic diversity.

(2) STATE COMMISSIONS.—\$20,000,000 shall be used to make adjustments to existing (as of the date of enactment of this Act) awards and new and additional awards, including awards to State Commissions on National and Community Service, under section 126(a) of the National and Community Service Act of 1990 (42 U.S.C. 12576(a)).

(3) VOLUNTEER GENERATION FUND.—\$20,000,000 shall be used for expenses authorized under section 501(a)(4)(F) of the National and Community Service Act of 1990 (42 U.S.C. 12681(a)(4)(F)), which, notwithstanding section 198P(d)(1)(B) of that Act (42 U.S.C. 12653p(d)(1)(B)), shall be for grants awarded by the Corporation for National and Community Service on a competitive basis.

(4) AMERICORPS VISTA.—\$80,000,000 shall be used for the purposes described in section 101 of the Domestic Volunteer Service Act of 1973 (42 U.S.C. 4951), including to increase

the living allowances of volunteers, described in section 105(b) of the Domestic Volunteer Service Act of 1973 (42 U.S.C. 4955(b)).

(5) NATIONAL SENIOR SERVICE CORPS.—\$30,000,000 shall be used for the purposes described in section 200 of the Domestic Volunteer Service Act of 1973 (42 U.S.C. 5000).

(6) ADMINISTRATIVE COSTS.—\$73,000,000 shall be used for the Corporation for National and Community Service for administrative expenses to carry out programs and activities funded by subsection (a).

(7) OFFICE OF INSPECTOR GENERAL.—\$9,000,000 shall be used for the Office of Inspector General of the Corporation for National and Community Service for salaries and expenses necessary for oversight and audit of programs and activities funded by subsection (a).

(c) NATIONAL SERVICE TRUST.—In addition to amounts otherwise made available, there is appropriated for fiscal year 2021, out of any money in the Treasury not otherwise appropriated, \$148,000,000, to remain available until expended, for administration of the National Service Trust, and for payment to the Trust for the provision of educational awards pursuant to section 145(a)(1)(A) of the National and Community Service Act of 1990 (42 U.S.C. 12601(a)(1)(A)).

Subtitle D—Public Health

SEC. 2301. FUNDING FOR COVID–19 VACCINE ACTIVITIES AT THE CENTERS FOR DISEASE CONTROL AND PREVENTION.

42 USC 247d
note.

(a) IN GENERAL.—In addition to amounts otherwise available, there is appropriated to the Secretary of Health and Human Services (in this subtitle referred to as the “Secretary”) for fiscal year 2021, out of any money in the Treasury not otherwise appropriated, \$7,500,000,000, to remain available until expended, to carry out activities to plan, prepare for, promote, distribute, administer, monitor, and track COVID–19 vaccines.

(b) USE OF FUNDS.—The Secretary, acting through the Director of the Centers for Disease Control and Prevention, and in consultation with other agencies, as applicable, shall, in conducting activities referred to in subsection (a)—

Consultation.

(1) conduct activities to enhance, expand, and improve nationwide COVID–19 vaccine distribution and administration, including activities related to distribution of ancillary medical products and supplies related to vaccines; and

(2) provide technical assistance, guidance, and support to, and award grants or cooperative agreements to, State, local, Tribal, and territorial public health departments for enhancement of COVID–19 vaccine distribution and administration capabilities, including—

(A) the distribution and administration of vaccines licensed under section 351 of the Public Health Service Act (42 U.S.C. 262) or authorized under section 564 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360bbb–3) and ancillary medical products and supplies related to vaccines;

(B) the establishment and expansion, including staffing support, of community vaccination centers, particularly in underserved areas;

(C) the deployment of mobile vaccination units, particularly in underserved areas;

(D) information technology, standards-based data, and reporting enhancements, including improvements necessary to support standards-based sharing of data related to vaccine distribution and vaccinations and systems that enhance vaccine safety, effectiveness, and uptake, particularly among underserved populations;

(E) facilities enhancements;

(F) communication with the public regarding when, where, and how to receive COVID-19 vaccines; and

(G) transportation of individuals to facilitate vaccinations, including at community vaccination centers and mobile vaccination units, particularly for underserved populations.

(c) SUPPLEMENTAL FUNDING FOR STATE VACCINATION GRANTS.—

(1) DEFINITIONS.—In this subsection:

(A) BASE FORMULA.—The term “base formula” means the allocation formula that applied to the Public Health Emergency Preparedness cooperative agreement in fiscal year 2020.

(B) ALTERNATIVE ALLOCATION.—The term “alternative allocation” means an allocation to each State, territory, or locality calculated using the percentage derived from the allocation received by such State, territory, or locality of the aggregate amount of fiscal year 2020 Public Health Emergency Preparedness cooperative agreement awards under section 319C-1 of the Public Health Service Act (42 U.S.C. 247d-3a).

(2) SUPPLEMENTAL FUNDING.—

(A) IN GENERAL.—Not later than 21 days after the date of enactment of this Act, the Secretary shall, out of amounts described in subsection (a), provide supplemental funding to any State, locality, or territory that received less of the amounts that were appropriated under title III of division M of Public Law 116-260 for vaccination grants to be issued by the Centers for Disease Control and Prevention than such State, locality, or territory would have received had such amounts been allocated using the alternative allocation.

(B) AMOUNT.—The amount of supplemental funding provided under this subsection shall be equal to the difference between—

(i) the amount the State, locality, or territory received, or would receive, under the base formula; and

(ii) the amount the State, locality, or territory would receive under the alternative allocation.

SEC. 2302. FUNDING FOR VACCINE CONFIDENCE ACTIVITIES.

In addition to amounts otherwise available, there is appropriated to the Secretary for fiscal year 2021, out of any money in the Treasury not otherwise appropriated, \$1,000,000,000, to remain available until expended, to carry out activities, acting

Deadline.

through the Director of the Centers for Disease Control and Prevention—

(1) to strengthen vaccine confidence in the United States, including its territories and possessions;

(2) to provide further information and education with respect to vaccines licensed under section 351 of the Public Health Service Act (42 U.S.C. 262) or authorized under section 564 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360bbb-3); and

(3) to improve rates of vaccination throughout the United States, including its territories and possessions, including through activities described in section 313 of the Public Health Service Act, as amended by section 311 of division BB of the Consolidated Appropriations Act, 2021 (Public Law 116-260).

SEC. 2303. FUNDING FOR SUPPLY CHAIN FOR COVID-19 VACCINES, THERAPEUTICS, AND MEDICAL SUPPLIES.

In addition to amounts otherwise available, there is appropriated to the Secretary for fiscal year 2021, out of any money in the Treasury not otherwise appropriated, \$6,050,000,000, to remain available until expended, for necessary expenses with respect to research, development, manufacturing, production, and the purchase of vaccines, therapeutics, and ancillary medical products and supplies to prevent, prepare, or respond to—

(1) SARS-CoV-2 or any viral variant mutating therefrom with pandemic potential; and

(2) COVID-19 or any disease with potential for creating a pandemic.

SEC. 2304. FUNDING FOR COVID-19 VACCINE, THERAPEUTIC, AND DEVICE ACTIVITIES AT THE FOOD AND DRUG ADMINISTRATION.

In addition to amounts otherwise available, there is appropriated to the Secretary for fiscal year 2021, out of any money in the Treasury not otherwise appropriated, \$500,000,000, to remain available until expended, to be used for the evaluation of the continued performance, safety, and effectiveness, including with respect to emerging COVID-19 variants, of vaccines, therapeutics, and diagnostics approved, cleared, licensed, or authorized for use for the treatment, prevention, or diagnosis of COVID-19; facilitation of advanced continuous manufacturing activities related to production of vaccines and related materials; facilitation and conduct of inspections related to the manufacturing of vaccines, therapeutics, and devices delayed or cancelled for reasons related to COVID-19; review of devices authorized for use for the treatment, prevention, or diagnosis of COVID-19; and oversight of the supply chain and mitigation of shortages of vaccines, therapeutics, and devices approved, cleared, licensed, or authorized for use for the treatment, prevention, or diagnosis of COVID-19 by the Food and Drug Administration.

SEC. 2305. REDUCED COST-SHARING.

(a) IN GENERAL.—Section 1402 of the Patient Protection and Affordable Care Act is amended by redesignating subsection (f) as subsection (g) and by inserting after subsection (e) the following new subsection:

“(f) SPECIAL RULE FOR INDIVIDUALS WHO RECEIVE UNEMPLOYMENT COMPENSATION DURING 2021.—For purposes of this section,

in the case of an individual who has received, or has been approved to receive, unemployment compensation for any week beginning during 2021, for the plan year in which such week begins—

“(1) such individual shall be treated as meeting the requirements of subsection (b)(2), and

“(2) for purposes of subsections (c) and (d), there shall not be taken into account any household income of the individual in excess of 133 percent of the poverty line for a family of the size involved.”

42 USC 18071
note.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to plan years beginning after December 31, 2020.

Subtitle E—Testing

42 USC 247d
note.

SEC. 2401. FUNDING FOR COVID-19 TESTING, CONTACT TRACING, AND MITIGATION ACTIVITIES.

(a) IN GENERAL.—In addition to amounts otherwise available, there is appropriated to the Secretary of Health and Human Services (in this subtitle referred to as the “Secretary”) for fiscal year 2021, out of any money in the Treasury not otherwise appropriated, \$47,800,000,000, to remain available until expended, to carry out activities to detect, diagnose, trace, and monitor SARS-CoV-2 and COVID-19 infections and related strategies to mitigate the spread of COVID-19.

(b) USE OF FUNDS.—From amounts appropriated by subsection (a), the Secretary shall—

(1) implement a national, evidence-based strategy for testing, contact tracing, surveillance, and mitigation with respect to SARS-CoV-2 and COVID-19, including through activities authorized under section 319(a) of the Public Health Service Act;

(2) provide technical assistance, guidance, and support, and award grants or cooperative agreements to State, local, and territorial public health departments for activities to detect, diagnose, trace, and monitor SARS-CoV-2 and COVID-19 infections and related strategies and activities to mitigate the spread of COVID-19;

(3) support the development, manufacturing, procurement, distribution, and administration of tests to detect or diagnose SARS-CoV-2 and COVID-19, including through—

(A) support for the development, manufacture, procurement, and distribution of supplies necessary for administering tests, such as personal protective equipment; and

(B) support for the acquisition, construction, alteration, or renovation of non-federally owned facilities for the production of diagnostics and ancillary medical products and supplies where the Secretary determines that such an investment is necessary to ensure the production of sufficient amounts of such supplies;

(4) establish and expand Federal, State, local, and territorial testing and contact tracing capabilities, including—

(A) through investments in laboratory capacity, such as—

(i) academic and research laboratories, or other laboratories that could be used for processing of COVID-19 testing;

- (ii) community-based testing sites and community-based organizations; or
- (iii) mobile health units, particularly in medically underserved areas; and
- (B) with respect to quarantine and isolation of contacts;
- (5) enhance information technology, data modernization, and reporting, including improvements necessary to support sharing of data related to public health capabilities;
- (6) award grants to, or enter into cooperative agreements or contracts with, State, local, and territorial public health departments to establish, expand, and sustain a public health workforce; and
- (7) to cover administrative and program support costs necessary to conduct activities related to subparagraph (a).

SEC. 2402. FUNDING FOR SARS-COV-2 GENOMIC SEQUENCING AND SURVEILLANCE.

42 USC 289g-5
note.

(a) IN GENERAL.—In addition to amounts otherwise available, there is appropriated to the Secretary for fiscal year 2021 out of any money in the Treasury not otherwise appropriated, \$1,750,000,000, to remain available until expended, to strengthen and expand activities and workforce related to genomic sequencing, analytics, and disease surveillance.

(b) USE OF FUNDS.—From amounts appropriated by subsection (a), the Secretary, acting through the Director of the Centers for Disease Control and Prevention, shall—

(1) conduct, expand, and improve activities to sequence genomes, identify mutations, and survey the circulation and transmission of viruses and other organisms, including strains of SARS-CoV-2;

(2) award grants or cooperative agreements to State, local, Tribal, or territorial public health departments or public health laboratories—

(A) to increase their capacity to sequence genomes of circulating strains of viruses and other organisms, including SARS-CoV-2;

(B) to identify mutations in viruses and other organisms, including SARS-CoV-2;

(C) to use genomic sequencing to identify outbreaks and clusters of diseases or infections, including COVID-19; and

(D) to develop effective disease response strategies based on genomic sequencing and surveillance data;

(3) enhance and expand the informatics capabilities of the public health workforce; and

(4) award grants for the construction, alteration, or renovation of facilities to improve genomic sequencing and surveillance capabilities at the State and local level.

Grants.

SEC. 2403. FUNDING FOR GLOBAL HEALTH.

In addition to amounts otherwise available, there is appropriated to the Secretary for fiscal year 2021, out of any amounts in the Treasury not otherwise appropriated, \$750,000,000, to remain available until expended, for activities to be conducted acting through the Director of the Centers for Disease Control and Prevention to combat SARS-CoV-2, COVID-19, and other emerging infectious disease threats globally, including efforts related to global health security, global disease detection and response, global health

protection, global immunization, and global coordination on public health.

SEC. 2404. FUNDING FOR DATA MODERNIZATION AND FORECASTING CENTER.

In addition to amounts otherwise available, there is appropriated to the Secretary for fiscal year 2021, out of any money in the Treasury not otherwise appropriated, \$500,000,000, to remain available until expended, for activities to be conducted acting through the Director of the Centers for Disease Control and Prevention to support public health data surveillance and analytics infrastructure modernization initiatives at the Centers for Disease Control and Prevention, and establish, expand, and maintain efforts to modernize the United States disease warning system to forecast and track hotspots for COVID-19, its variants, and emerging biological threats, including academic and workforce support for analytics and informatics infrastructure and data collection systems.

Subtitle F—Public Health Workforce

42 USC 295 note.

SEC. 2501. FUNDING FOR PUBLIC HEALTH WORKFORCE.

(a) **IN GENERAL.**—In addition to amounts otherwise available, there is appropriated to the Secretary of Health and Human Services (in this subtitle referred to as the “Secretary”) for fiscal year 2021, out of any money in the Treasury not otherwise appropriated, \$7,660,000,000, to remain available until expended, to carry out activities related to establishing, expanding, and sustaining a public health workforce, including by making awards to State, local, and territorial public health departments.

(b) **USE OF FUNDS FOR PUBLIC HEALTH DEPARTMENTS.**—Amounts made available to an awardee pursuant to subsection (a) shall be used for the following:

(1) Costs, including wages and benefits, related to the recruiting, hiring, and training of individuals—

(A) to serve as case investigators, contact tracers, social support specialists, community health workers, public health nurses, disease intervention specialists, epidemiologists, program managers, laboratory personnel, informaticians, communication and policy experts, and any other positions as may be required to prevent, prepare for, and respond to COVID-19; and

(B) who are employed by—

(i) the State, territorial, or local public health department involved; or

(ii) a nonprofit private or public organization with demonstrated expertise in implementing public health programs and established relationships with such State, territorial, or local public health departments, particularly in medically underserved areas.

(2) Personal protective equipment, data management and other technology, or other necessary supplies.

(3) Administrative costs and activities necessary for awardees to implement activities funded under this section.

(4) Subawards from recipients of awards under subsection (a) to local health departments for the purposes of the activities funded under this section.

SEC. 2502. FUNDING FOR MEDICAL RESERVE CORPS.

In addition to amounts otherwise available, there is appropriated to the Secretary for fiscal year 2021, out of any money in the Treasury not otherwise appropriated, \$100,000,000, to remain available until expended, for carrying out section 2813 of the Public Health Service Act (42 U.S.C. 300hh–15).

Subtitle G—Public Health Investments**SEC. 2601. FUNDING FOR COMMUNITY HEALTH CENTERS AND COMMUNITY CARE.**

42 USC 254b
note.

(a) **IN GENERAL.**—In addition to amounts otherwise available, there is appropriated to the Secretary of Health and Human Services (in this subtitle referred to as the “Secretary”) for fiscal year 2021, out of any money in the Treasury not otherwise appropriated, \$7,600,000,000, to remain available until expended, for necessary expenses for awarding grants and cooperative agreements under section 330 of the Public Health Service Act (42 U.S.C. 254b) to be awarded without regard to the time limitation in subsection (e)(3) and subsections (e)(6)(A)(iii), (e)(6)(B)(iii), and (r)(2)(B) of such section 330, and for necessary expenses for awarding grants to Federally qualified health centers, as described in section 1861(aa)(4)(B) of the Social Security Act (42 U.S.C. 1395x(aa)(4)(B)), and for awarding grants or contracts to Papa Ola Lokahi and to qualified entities under sections 4 and 6 of the Native Hawaiian Health Care Improvement Act (42 U.S.C. 11703, 11705). Of the total amount appropriated by the preceding sentence, not less than \$20,000,000 shall be for grants or contracts to Papa Ola Lokahi and to qualified entities under sections 4 and 6 of the Native Hawaiian Health Care Improvement Act (42 U.S.C. 11703, 11705).

(b) **USE OF FUNDS.**—Amounts made available to an awardee pursuant to subsection (a) shall be used—

(1) to plan, prepare for, promote, distribute, administer, and track COVID–19 vaccines, and to carry out other vaccine-related activities;

(2) to detect, diagnose, trace, and monitor COVID–19 infections and related activities necessary to mitigate the spread of COVID–19, including activities related to, and equipment or supplies purchased for, testing, contact tracing, surveillance, mitigation, and treatment of COVID–19;

(3) to purchase equipment and supplies to conduct mobile testing or vaccinations for COVID–19, to purchase and maintain mobile vehicles and equipment to conduct such testing or vaccinations, and to hire and train laboratory personnel and other staff to conduct such mobile testing or vaccinations, particularly in medically underserved areas;

(4) to establish, expand, and sustain the health care workforce to prevent, prepare for, and respond to COVID–19, and to carry out other health workforce-related activities;

(5) to modify, enhance, and expand health care services and infrastructure; and

(6) to conduct community outreach and education activities related to COVID–19.

(c) **PAST EXPENDITURES.**—An awardee may use amounts awarded pursuant to subsection (a) to cover the costs of the awardee carrying out any of the activities described in subsection (b) during

Time period.

the period beginning on the date of the declaration of a public health emergency by the Secretary under section 319 of the Public Health Service Act (42 U.S.C. 247d) on January 31, 2020, with respect to COVID-19 and ending on the date of such award.

SEC. 2602. FUNDING FOR NATIONAL HEALTH SERVICE CORPS.

(a) **IN GENERAL.**—In addition to amounts otherwise available, there is appropriated to the Secretary for fiscal year 2021, out of any money in the Treasury not otherwise appropriated, \$800,000,000, to remain available until expended, for carrying out sections 338A, 338B, and 338I of the Public Health Service Act (42 U.S.C. 254l, 254l-1, 254q-1) with respect to the health workforce.

(b) **STATE LOAN REPAYMENT PROGRAMS.**—

(1) **IN GENERAL.**—Of the amount made available pursuant to subsection (a), \$100,000,000 shall be made available for providing primary health services through grants to States under section 338I(a) of the Public Health Service Act (42 U.S.C. 254q-1(a)).

(2) **CONDITIONS.**—With respect to grants described in paragraph (1) using funds made available under such paragraph:

(A) Section 338I(b) of the Public Health Service Act (42 U.S.C. 254q-1(b)) shall not apply.

(B) Notwithstanding section 338I(d)(2) of the Public Health Service Act (42 U.S.C. 254q-1(d)(2)), not more than 10 percent of an award to a State from such amounts, may be used by the State for costs of administering the State loan repayment program.

SEC. 2603. FUNDING FOR NURSE CORPS.

In addition to amounts otherwise available, there is appropriated to the Secretary for fiscal year 2021, out of any money in the Treasury not otherwise appropriated, \$200,000,000, to remain available until expended, for carrying out section 846 of the Public Health Service Act (42 U.S.C. 297n).

SEC. 2604. FUNDING FOR TEACHING HEALTH CENTERS THAT OPERATE GRADUATE MEDICAL EDUCATION.

(a) **IN GENERAL.**—In addition to amounts otherwise available, and notwithstanding the capped amount referenced in sections 340H(b)(2) and 340H(d)(2) of the Public Health Service Act (42 U.S.C. 256h(b)(2) and (d)(2)), there is appropriated to the Secretary for fiscal year 2021, out of any money in the Treasury not otherwise appropriated, \$330,000,000, to remain available until September 30, 2023, for the program of payments to teaching health centers that operate graduate medical education under section 340H of the Public Health Service Act (42 U.S.C. 256h) and for teaching health center development grants authorized under section 749A of the Public Health Service Act (42 U.S.C. 293l-1).

(b) **USE OF FUNDS.**—Amounts made available pursuant to subsection (a) shall be used for the following activities:

(1) For making payments to establish new approved graduate medical residency training programs pursuant to section 340H(a)(1)(C) of the Public Health Service Act (42 U.S.C. 256h(a)(1)(C)).

(2) To provide an increase to the per resident amount described in section 340H(a)(2) of the Public Health Service Act (42 U.S.C. 256h(a)(2)) of \$10,000.

(3) For making payments under section 340H(a)(1)(A) of the Public Health Service Act (42 U.S.C. 256h(a)(1)(A))) to qualified teaching health centers for maintenance of filled positions at existing approved graduate medical residency training programs.

(4) For making payments under section 340H(a)(1)(B) of the Public Health Service Act (42 U.S.C. 256h(a)(1)(B)) for the expansion of existing approved graduate medical residency training programs.

(5) For making awards under section 749A of the Public Health Service Act (42 U.S.C. 293l–1) to teaching health centers for the purpose of establishing new accredited or expanded primary care residency programs.

(6) To cover administrative costs and activities necessary for qualified teaching health centers receiving payments under section 340H of the Public Health Service Act (42 U.S.C. 256h) to carry out activities under such section.

SEC. 2605. FUNDING FOR FAMILY PLANNING.

In addition to amounts otherwise available, there is appropriated to the Secretary for fiscal year 2021, out of any money in the Treasury not otherwise appropriated, \$50,000,000, to remain available until expended, for necessary expenses for making grants and contracts under section 1001 of the Public Health Service Act (42 U.S.C. 300).

Subtitle H—Mental Health and Substance Use Disorder

SEC. 2701. FUNDING FOR BLOCK GRANTS FOR COMMUNITY MENTAL HEALTH SERVICES.

In addition to amounts otherwise available, there is appropriated to the Secretary of Health and Human Services (in this subtitle referred to as the “Secretary”) for fiscal year 2021, out of any money in the Treasury not otherwise appropriated, \$1,500,000,000, to remain available until expended, for carrying out subpart I of part B of title XIX of the Public Health Service Act (42 U.S.C. 300x et seq.), subpart III of part B of title XIX of such Act (42 U.S.C. 300x–51 et seq.), and section 505(c) of such Act (42 U.S.C. 290aa–4(c)) with respect to mental health. Notwithstanding section 1952 of the Public Health Service Act (42 U.S.C. 300x–62), any amount awarded to a State out of amounts appropriated by this section shall be expended by the State by September 30, 2025.

SEC. 2702. FUNDING FOR BLOCK GRANTS FOR PREVENTION AND TREATMENT OF SUBSTANCE ABUSE.

In addition to amounts otherwise available, there is appropriated to the Secretary for fiscal year 2021, out of any money in the Treasury not otherwise appropriated, \$1,500,000,000, to remain available until expended, for carrying out subpart II of part B of title XIX of the Public Health Service Act (42 U.S.C. 300x–21 et seq.), subpart III of part B of title XIX of such Act (42 U.S.C. 300x–51 et seq.), section 505(d) of such Act (42 U.S.C. 290aa–4(d)) with respect to substance abuse, and section 515(d) of such Act (42 U.S.C. 290bb–21(d)). Notwithstanding section 1952

Deadline.

of the Public Health Service Act (42 U.S.C. 300x-62), any amount awarded to a State out of amounts appropriated by this section shall be expended by the State by September 30, 2025.

42 USC note
prec. 294n.

SEC. 2703. FUNDING FOR MENTAL HEALTH AND SUBSTANCE USE DISORDER TRAINING FOR HEALTH CARE PROFESSIONALS, PARAPROFESSIONALS, AND PUBLIC SAFETY OFFICERS.

(a) IN GENERAL.—In addition to amounts otherwise available, there is appropriated to the Secretary for fiscal year 2021, out of any money in the Treasury not otherwise appropriated, \$80,000,000, to remain available until expended, for the purpose described in subsection (b).

Grants.
Contracts.

(b) USE OF FUNDING.—The Secretary, acting through the Administrator of the Health Resources and Services Administration, shall, taking into consideration the needs of rural and medically underserved communities, use amounts appropriated by subsection (a) to award grants or contracts to health professions schools, academic health centers, State or local governments, Indian Tribes and Tribal organizations, or other appropriate public or private nonprofit entities (or consortia of entities, including entities promoting multidisciplinary approaches), to plan, develop, operate, or participate in health professions and nursing training activities for health care students, residents, professionals, paraprofessionals, trainees, and public safety officers, and employers of such individuals, in evidence-informed strategies for reducing and addressing suicide, burnout, mental health conditions, and substance use disorders among health care professionals.

42 USC note
prec. 294n.

SEC. 2704. FUNDING FOR EDUCATION AND AWARENESS CAMPAIGN ENCOURAGING HEALTHY WORK CONDITIONS AND USE OF MENTAL HEALTH AND SUBSTANCE USE DISORDER SERVICES BY HEALTH CARE PROFESSIONALS.

(a) IN GENERAL.—In addition to amounts otherwise available, there is appropriated to the Secretary for fiscal year 2021, out of any money in the Treasury not otherwise appropriated, \$20,000,000, to remain available until expended, for the purpose described in subsection (b).

Consultation.

(b) USE OF FUNDS.—The Secretary, acting through the Director of the Centers for Disease Control and Prevention and in consultation with the medical professional community, shall use amounts appropriated by subsection (a) to carry out a national evidence-based education and awareness campaign directed at health care professionals and first responders (such as emergency medical service providers), and employers of such professionals and first responders. Such awareness campaign shall—

(1) encourage primary prevention of mental health conditions and substance use disorders and secondary and tertiary prevention by encouraging health care professionals to seek support and treatment for their own mental health and substance use concerns; and

(2) help such professionals to identify risk factors in themselves and others and respond to such risks.

42 USC note
prec. 294n.

SEC. 2705. FUNDING FOR GRANTS FOR HEALTH CARE PROVIDERS TO PROMOTE MENTAL HEALTH AMONG THEIR HEALTH PROFESSIONAL WORKFORCE.

(a) IN GENERAL.—In addition to amounts otherwise available, there is appropriated to the Secretary for fiscal year 2021, out

of any money in the Treasury not otherwise appropriated, \$40,000,000, to remain available until expended, for the purpose described in subsection (b).

(b) **USE OF FUNDS.**—The Secretary, acting through the Administrator of the Health Resources and Services Administration, shall, taking into consideration the needs of rural and medically underserved communities, use amounts appropriated by subsection (a) to award grants or contracts to entities providing health care, including health care providers associations and Federally qualified health centers, to establish, enhance, or expand evidence-informed programs or protocols to promote mental health among their providers, other personnel, and members.

Contracts.

SEC. 2706. FUNDING FOR COMMUNITY-BASED FUNDING FOR LOCAL SUBSTANCE USE DISORDER SERVICES.

42 USC 290dd-3 note.

(a) **IN GENERAL.**—In addition to amounts otherwise available, there is appropriated to the Secretary for fiscal year 2021, out of any money in the Treasury not otherwise appropriated, \$30,000,000, to remain available until expended, to carry out the purpose described in subsection (b).

(b) **USE OF FUNDS.**—

(1) **IN GENERAL.**—The Secretary, acting through the Assistant Secretary for Mental Health and Substance Use and in consultation with the Director of the Centers for Disease Control and Prevention, shall award grants to support States; local, Tribal, and territorial governments; Tribal organizations; nonprofit community-based organizations; and primary and behavioral health organizations to support community-based overdose prevention programs, syringe services programs, and other harm reduction services.

Grants.

(2) **USE OF GRANT FUNDS.**—Grant funds awarded under this section to eligible entities shall be used for preventing and controlling the spread of infectious diseases and the consequences of such diseases for individuals with substance use disorder, distributing opioid overdose reversal medication to individuals at risk of overdose, connecting individuals at risk for, or with, a substance use disorder to overdose education, counseling, and health education, and encouraging such individuals to take steps to reduce the negative personal and public health impacts of substance use or misuse.

SEC. 2707. FUNDING FOR COMMUNITY-BASED FUNDING FOR LOCAL BEHAVIORAL HEALTH NEEDS.

42 USC 290aa note.

(a) **IN GENERAL.**—In addition to amounts otherwise available, there is appropriated to the Secretary for fiscal year 2021, out of any money in the Treasury not otherwise appropriated, \$50,000,000, to remain available until expended, to carry out the purpose described in subsection (b).

(b) **USE OF FUNDS.**—

(1) **IN GENERAL.**—The Secretary, acting through the Assistant Secretary for Mental Health and Substance Use, shall award grants to State, local, Tribal, and territorial governments, Tribal organizations, nonprofit community-based entities, and primary care and behavioral health organizations to address increased community behavioral health needs worsened by the COVID-19 public health emergency.

Grants.

(2) **USE OF GRANT FUNDS.**—Grant funds awarded under this section to eligible entities shall be used for promoting

care coordination among local entities; training the mental and behavioral health workforce, relevant stakeholders, and community members; expanding evidence-based integrated models of care; addressing surge capacity for mental and behavioral health needs; providing mental and behavioral health services to individuals with mental health needs (including co-occurring substance use disorders) as delivered by behavioral and mental health professionals utilizing telehealth services; and supporting, enhancing, or expanding mental and behavioral health preventive and crisis intervention services.

SEC. 2708. FUNDING FOR THE NATIONAL CHILD TRAUMATIC STRESS NETWORK.

In addition to amounts otherwise available, there is appropriated to the Secretary for fiscal year 2021, out of any money in the Treasury not otherwise appropriated, \$10,000,000, to remain available until expended, for carrying out section 582 of the Public Health Service Act (42 U.S.C. 290hh-1) with respect to addressing the problem of high-risk or medically underserved persons who experience violence-related stress.

SEC. 2709. FUNDING FOR PROJECT AWARE.

In addition to amounts otherwise available, there is appropriated to the Secretary for fiscal year 2021, out of any money in the Treasury not otherwise appropriated, \$30,000,000, to remain available until expended, for carrying out section 520A of the Public Health Service Act (42 U.S.C. 290bb-32) with respect to advancing wellness and resiliency in education.

SEC. 2710. FUNDING FOR YOUTH SUICIDE PREVENTION.

In addition to amounts otherwise available, there is appropriated to the Secretary for fiscal year 2021, out of any money in the Treasury not otherwise appropriated, \$20,000,000, to remain available until expended, for carrying out sections 520E and 520E-2 of the Public Health Service Act (42 U.S.C. 290bb-36, 290bb-36b).

SEC. 2711. FUNDING FOR BEHAVIORAL HEALTH WORKFORCE EDUCATION AND TRAINING.

In addition to amounts otherwise available, there is appropriated to the Secretary for fiscal year 2021, out of any money in the Treasury not otherwise appropriated, \$100,000,000, to remain available until expended, for carrying out section 756 of the Public Health Service Act (42 U.S.C. 294e-1).

SEC. 2712. FUNDING FOR PEDIATRIC MENTAL HEALTH CARE ACCESS.

In addition to amounts otherwise available, there is appropriated to the Secretary for fiscal year 2021, out of any money in the Treasury not otherwise appropriated, \$80,000,000, to remain available until expended, for carrying out section 330M of the Public Health Service Act (42 U.S.C. 254c-19).

SEC. 2713. FUNDING FOR EXPANSION GRANTS FOR CERTIFIED COMMUNITY BEHAVIORAL HEALTH CLINICS.

In addition to amounts otherwise available, there is appropriated to the Secretary, acting through the Assistant Secretary for Mental Health and Substance Use, for fiscal year 2021, out of any money in the Treasury not otherwise appropriated, \$420,000,000, to remain available until expended, for grants to

communities and community organizations that meet the criteria for Certified Community Behavioral Health Clinics pursuant to section 223(a) of the Protecting Access to Medicare Act of 2014 (42 U.S.C. 1396a note).

Subtitle I—Exchange Grant Program

SEC. 2801. ESTABLISHING A GRANT PROGRAM FOR EXCHANGE MODERNIZATION.

42 USC 18031
note.

(a) IN GENERAL.—Out of funds appropriated under subsection (b), the Secretary of Health and Human Services (in this subtitle referred to as the “Secretary”) shall award grants to each American Health Benefits Exchange established under section 1311(b) of the Patient Protection and Affordable Care Act (42 U.S.C. 18031(b)) (other than an Exchange established by the Secretary under section 1321(c) of such Act (42 U.S.C. 18041(c))) that submits to the Secretary an application at such time and in such manner, and containing such information, as specified by the Secretary, for purposes of enabling such Exchange to modernize or update any system, program, or technology utilized by such Exchange to ensure such Exchange is compliant with all applicable requirements.

(b) FUNDING.—In addition to amounts otherwise available, there is appropriated, for fiscal year 2021, out of any money in the Treasury not otherwise appropriated, \$20,000,000, to remain available until September 30, 2022, for carrying out this section.

Subtitle J—Continued Assistance to Rail Workers

SEC. 2901. ADDITIONAL ENHANCED BENEFITS UNDER THE RAILROAD UNEMPLOYMENT INSURANCE ACT.

(a) IN GENERAL.—Section 2(a)(5)(A) of the Railroad Unemployment Insurance Act (45 U.S.C. 352(a)(5)(A)) is amended—

(1) in the first sentence—

(A) by striking “March 14, 2021” and inserting “September 6, 2021”;

(B) by striking “or July 1, 2020” and inserting “July 1, 2020, or July 1, 2021”; and

(2) in the fourth sentence, by striking “March 14, 2021” and inserting “September 6, 2021”.

(b) CLARIFICATION ON AUTHORITY TO USE FUNDS.—Funds appropriated under subparagraph (B) of section 2(a)(5) of the Railroad Unemployment Insurance Act (45 U.S.C. 352(a)(5)) shall be available to cover the cost of recovery benefits provided under such section 2(a)(5) by reason of the amendments made by subsection (a) as well as to cover the cost of such benefits provided under such section 2(a)(5) as in effect on the day before the date of enactment of this Act.

45 USC 352 note.

SEC. 2902. EXTENDED UNEMPLOYMENT BENEFITS UNDER THE RAILROAD UNEMPLOYMENT INSURANCE ACT.

(a) IN GENERAL.—Section 2(c)(2)(D) of the Railroad Unemployment Insurance Act (45 U.S.C. 352(c)(2)(D)) is amended—

(1) in clause (i)—

(A) in subclause (I), by striking “185 days” and inserting “330 days”;

(B) in subclause (II),

(i) by striking “19 consecutive 14-day periods” and inserting “33 consecutive 14-day periods”; and

(ii) by striking “6 consecutive 14-day periods” and inserting “20 consecutive 14-day periods”;

(2) in clause (ii)—

(A) by striking “120 days of unemployment” and inserting “265 days of unemployment”;

(B) by striking “12 consecutive 14-day periods” and inserting “27 consecutive 14-day periods”; and

(C) by striking “6 consecutive 14-day periods” and inserting “20 consecutive 14-day periods”;

(3) in clause (iii)—

(A) by striking “June 30, 2021” and inserting “June 30, 2022”; and

(B) by striking “the provisions of clauses (i) and (ii) shall not apply to any employee whose extended benefit period under subparagraph (B) begins after March 14, 2021, and shall not apply to any employee with respect to any registration period beginning after April 5, 2021.” and inserting “the provisions of clauses (i) and (ii) shall not apply to any employee with respect to any registration period beginning after September 6, 2021.”; and

(4) in clause (v), by adding at the end the following: “In addition to the amount appropriated by the preceding two sentences, out of any funds in the Treasury not otherwise appropriated, there are appropriated \$2,000,000 to cover the cost of additional extended unemployment benefits provided under this subparagraph, to remain available until expended.”.

45 USC 352 note.

(b) **CLARIFICATION ON AUTHORITY TO USE FUNDS.**—Funds appropriated under the first, second, or third sentence of clause (v) of section 2(c)(2)(D) of the Railroad Unemployment Insurance Act shall be available to cover the cost of additional extended unemployment benefits provided under such section 2(c)(2)(D) by reason of the amendments made by subsection (a) as well as to cover the cost of such benefits provided under such section 2(c)(2)(D) as in effect on the day before the date of enactment of this Act.

SEC. 2903. EXTENSION OF WAIVER OF THE 7-DAY WAITING PERIOD FOR BENEFITS UNDER THE RAILROAD UNEMPLOYMENT INSURANCE ACT.

(a) **IN GENERAL.**—Section 2112(a) of the CARES Act (15 U.S.C. 9030(a)) is amended by striking “March 14, 2021” and inserting “September 6, 2021”.

15 USC 9030
note.

(b) **CLARIFICATION ON AUTHORITY TO USE FUNDS.**—Funds appropriated under section 2112(c) of the CARES Act (15 U.S.C. 9030(c)) shall be available to cover the cost of additional benefits payable due to section 2112(a) of such Act by reason of the amendments made by subsection (a) as well as to cover the cost of such benefits payable due to such section 2112(a) as in effect on the day before the date of enactment of this Act.

SEC. 2904. RAILROAD RETIREMENT BOARD AND OFFICE OF THE INSPECTOR GENERAL FUNDING.

In addition to amounts otherwise made available, there are appropriated for fiscal year 2021, out of any money in the Treasury not otherwise appropriated—

(1) \$27,975,000, to remain available until expended, for the Railroad Retirement Board, to prevent, prepare for, and respond to coronavirus, of which—

(A) \$6,800,000 shall be for additional hiring and overtime bonuses as needed to administer the Railroad Unemployment Insurance Act; and

(B) \$21,175,000 shall be to supplement, not supplant, existing resources devoted to operations and improvements for the Information Technology Investment Initiatives of the Railroad Retirement Board; and

(2) \$500,000, to remain available until expended, for the Railroad Retirement Board Office of Inspector General for audit, investigatory and review activities.

Subtitle K—Ratepayer Protection

SEC. 2911. FUNDING FOR LIHEAP.

In addition to amounts otherwise available, there is appropriated for fiscal year 2021, out of any amounts in the Treasury not otherwise appropriated, \$4,500,000,000, to remain available through September 30, 2022, for additional funding to provide payments under section 2602(b) of the Low-Income Home Energy Assistance Act of 1981 (42 U.S.C. 8621(b)), except that—

(1) \$2,250,000,000 of such amounts shall be allocated as though the total appropriation for such payments for fiscal year 2021 was less than \$1,975,000,000; and

(2) section 2607(b)(2)(B) of such Act (42 U.S.C. 8626(b)(2)(B)) shall not apply to funds appropriated under this section for fiscal year 2021.

SEC. 2912. FUNDING FOR WATER ASSISTANCE PROGRAM.

15 USC 9058b.

(a) IN GENERAL.—In addition to amounts otherwise available, there is appropriated to the Secretary of Health and Human Services (in this section referred to as the “Secretary”) for fiscal year 2021, out of any amounts in the Treasury not otherwise appropriated, \$500,000,000, to remain available until expended, for grants to States and Indian Tribes to assist low-income households, particularly those with the lowest incomes, that pay a high proportion of household income for drinking water and wastewater services, by providing funds to owners or operators of public water systems or treatment works to reduce arrearages of and rates charged to such households for such services.

(b) ALLOTMENT.—The Secretary shall—

(1) allot amounts appropriated in this section to a State or Indian Tribe based on—

(A) the percentage of households in the State, or under the jurisdiction of the Indian Tribe, with income equal or less than 150 percent of the Federal poverty line; and

(B) the percentage of households in the State, or under the jurisdiction of the Indian Tribe, that spend more than 30 percent of monthly income on housing; and

(2) reserve up to 3 percent of the amount appropriated in this section for Indian Tribes and tribal organizations.

(c) DEFINITION.—In this section, the term “State” means each of the 50 States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, American Samoa, Guam, the United States Virgin Islands, and the Commonwealth of the Northern Mariana Islands.

Subtitle L—Assistance for Older Americans, Grandfamilies, and Kinship Families

SEC. 2921. SUPPORTING OLDER AMERICANS AND THEIR FAMILIES.

(a) APPROPRIATION.—In addition to amounts otherwise available, there is appropriated for fiscal year 2021, out of any money in the Treasury not otherwise appropriated, \$1,434,000,000, to remain available until expended, to carry out the Older Americans Act of 1965.

(b) ALLOCATION OF AMOUNTS.—Amounts made available by subsection (a) shall be available as follows:

(1) \$750,000,000 shall be available to carry out part C of title III of such Act.

(2) \$25,000,000 shall be available to carry out title VI of such Act, including part C of such title.

(3) \$460,000,000 shall be available to carry out part B of title III of such Act, including for—

(A) supportive services of the types made available for fiscal year 2020;

(B) efforts related to COVID-19 vaccination outreach, including education, communication, transportation, and other activities to facilitate vaccination of older individuals; and

(C) prevention and mitigation activities related to COVID-19 focused on addressing extended social isolation among older individuals, including activities for investments in technological equipment and solutions or other strategies aimed at alleviating negative health effects of social isolation due to long-term stay-at-home recommendations for older individuals for the duration of the COVID-19 public health emergency.

(4) \$44,000,000 shall be available to carry out part D of title III of such Act.

(5) \$145,000,000 shall be available to carry out part E of title III of such Act.

(6) \$10,000,000 shall be available to carry out the long-term care ombudsman program under title VII of such Act.

42 USC 3020g.

SEC. 2922. NATIONAL TECHNICAL ASSISTANCE CENTER ON GRANDFAMILIES AND KINSHIP FAMILIES.

(a) IN GENERAL.—In addition to amounts otherwise available, there is appropriated to the Secretary of Health and Human Services for fiscal year 2021, out of any money in the Treasury not otherwise appropriated, \$10,000,000, to remain available through September 30, 2025, for the Secretary, acting through the Administrator of the Administration for Community Living, to establish,

directly or through grants or contracts, a National Technical Assistance Center on Grandfamilies and Kinship Families (in this section referred to as the “Center”) to provide training, technical assistance, and resources for government programs, nonprofit and other community-based organizations, and Indian Tribes, Tribal organizations, and urban Indian organizations, that serve grandfamilies and kinship families to support the health and well-being of members of grandfamilies and kinship families, including caregivers, children, and their parents. The Center shall focus primarily on serving grandfamilies and kinship families in which the primary caregiver is an adult age 55 or older, or the child has one or more disabilities.

(b) ACTIVITIES OF THE CENTER.—The Center shall—

(1) engage experts to stimulate the development of new and identify existing evidence-based, evidence-informed, and exemplary practices or programs related to health promotion (including mental health and substance use disorder treatment), education, nutrition, housing, financial needs, legal issues, disability self-determination, caregiver support, and other issues to help serve caregivers, children, and their parents in grandfamilies and kinship families;

(2) encourage and support the implementation of the evidence-based, evidence-informed, and exemplary practices or programs identified under paragraph (1) to support grandfamilies and kinship families and to promote coordination of services for grandfamilies and kinship families across systems that support them;

(3) facilitate learning across States, territories, Indian Tribes, Tribal organizations, and urban Indian organizations for providing technical assistance, resources, and training related to issues described in paragraph (1) to individuals and entities across systems that directly work with grandfamilies and kinship families;

(4) help government programs, nonprofit and other community-based organizations, and Indian Tribes, Tribal organizations, and urban Indian organizations, serving grandfamilies and kinship families, to plan and coordinate responses to assist grandfamilies and kinship families during national, State, Tribal, territorial, and local emergencies and disasters; and

(5) assist government programs, and nonprofit and other community-based organizations, in promoting equity and implementing culturally and linguistically appropriate approaches as the programs and organizations serve grandfamilies and kinship families.

TITLE III—COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Subtitle A—Defense Production Act of 1950

SEC. 3101. COVID-19 EMERGENCY MEDICAL SUPPLIES ENHANCEMENT.

50 USC 4511
note.

(a) SUPPORTING ENHANCED USE OF THE DEFENSE PRODUCTION ACT OF 1950.—In addition to funds otherwise available, there is appropriated, for fiscal year 2021, out of any money in the Treasury not otherwise appropriated, \$10,000,000,000, to remain available

until September 30, 2025, to carry out titles I, III, and VII of such Act in accordance with subsection (b).

(b) MEDICAL SUPPLIES AND EQUIPMENT.—

(1) TESTING, PPE, VACCINES, AND OTHER MATERIALS.—Except as provided in paragraph (2), amounts appropriated in subsection (a) shall be used for the purchase, production (including the construction, repair, and retrofitting of government-owned or private facilities as necessary), or distribution of medical supplies and equipment (including durable medical equipment) related to combating the COVID-19 pandemic, including—

(A) in vitro diagnostic products for the detection of SARS-CoV-2 or the diagnosis of the virus that causes COVID-19, and the reagents and other materials necessary for producing, conducting, or administering such products, and the machinery, equipment, laboratory capacity, or other technology necessary to produce such products;

(B) face masks and personal protective equipment, including face shields, nitrile gloves, N-95 filtering face-piece respirators, and any other masks or equipment (including durable medical equipment) needed to respond to the COVID-19 pandemic, and the materials, machinery, additional manufacturing lines or facilities, or other technology necessary to produce such equipment; and

(C) drugs, devices, and biological products that are approved, cleared, licensed, or authorized for use in treating or preventing COVID-19 and symptoms related to COVID-19, and any materials, manufacturing machinery, additional manufacturing or fill-finish lines or facilities, technology, or equipment (including durable medical equipment) necessary to produce or use such drugs, biological products, or devices (including syringes, vials, or other supplies or equipment related to delivery, distribution, or administration).

Effective date.
President.

(2) RESPONDING TO PUBLIC HEALTH EMERGENCIES.—After September 30, 2022, amounts appropriated in subsection (a) may be used for any activity authorized by paragraph (1), or any other activity necessary to meet critical public health needs of the United States, with respect to any pathogen that the President has determined has the potential for creating a public health emergency.

Subtitle B—Housing Provisions

15 USC 9058c.

SEC. 3201. EMERGENCY RENTAL ASSISTANCE.

(a) FUNDING.—

(1) APPROPRIATION.—In addition to amounts otherwise available, there is appropriated to the Secretary of the Treasury for fiscal year 2021, out of any money in the Treasury not otherwise appropriated, \$21,550,000,000, to remain available until September 30, 2027, for making payments to eligible grantees under this section—

(2) RESERVATION OF FUNDS.—Of the amount appropriated under paragraph (1), the Secretary shall reserve—

(A) \$305,000,000 for making payments under this section to the Commonwealth of Puerto Rico, the United States

Virgin Islands, Guam, the Commonwealth of the Northern Mariana Islands, and American Samoa;

(B) \$30,000,000 for costs of the Secretary for the administration of emergency rental assistance programs and technical assistance to recipients of any grants made by the Secretary to provide financial and other assistance to renters;

(C) \$3,000,000 for administrative expenses of the Inspector General relating to oversight of funds provided in this section; and

(D) \$2,500,000,000 for payments to high-need grantees as provided in this section.

(b) ALLOCATION OF FUNDS TO ELIGIBLE GRANTEEES.—

(1) ALLOCATION FOR STATES AND UNITS OF LOCAL GOVERNMENT.—

(A) IN GENERAL.—The amount appropriated under paragraph (1) of subsection (a) that remains after the application of paragraph (2) of such subsection shall be allocated to eligible grantees described in subparagraphs (A) and (B) of subsection (f)(1) in the same manner as the amount appropriated under section 501 of subtitle A of title V of division N of the Consolidated Appropriations Act, 2021 (Public Law 116-260) is allocated to States and units of local government under subsection (b)(1) of such section, except that section 501(b) of such subtitle A shall be applied—

Applicability.

(i) without regard to clause (i) of paragraph (1)(A);

(ii) by deeming the amount appropriated under paragraph (1) of subsection (a) of this Act that remains after the application of paragraph (2) of such subsection to be the amount deemed to apply for purposes of applying clause (ii) of section 501(b)(1)(A) of such subtitle A;

(iii) by substituting “\$152,000,000” for “\$200,000,000” each place such term appears;

(iv) in subclause (I) of such section 501(b)(1)(A)(v), by substituting “under section 3201 of the American Rescue Plan Act of 2021” for “under section 501 of subtitle A of title V of division N of the Consolidated Appropriations Act, 2021”; and

(v) in subclause (II) of such section 501(b)(1)(A)(v), by substituting “local government elects to receive funds from the Secretary under section 3201 of the American Rescue Plan Act of 2021 and will use the funds in a manner consistent with such section” for “local government elects to receive funds from the Secretary under section 501 of subtitle A of title V of division N of the Consolidated Appropriations Act, 2021 and will use the funds in a manner consistent with such section”.

(B) PRO RATA ADJUSTMENT.—The Secretary shall make pro rata adjustments in the amounts of the allocations determined under subparagraph (A) of this paragraph for entities described in such subparagraph as necessary to ensure that the total amount of allocations made pursuant to such subparagraph does not exceed the remainder appropriated amount described in such subparagraph.

Applicability.

(2) ALLOCATIONS FOR TERRITORIES.—The amount reserved under subsection (a)(2)(A) shall be allocated to eligible grantees described in subsection (f)(1)(C) in the same manner as the amount appropriated under section 501(a)(2)(A) of subtitle A of title V of division N of the Consolidated Appropriations Act, 2021 (Public Law 116-260) is allocated under section 501(b)(3) of such subtitle A to eligible grantees described under subparagraph (C) of such section 501(b)(3), except that section 501(b)(3) of such subtitle A shall be applied—

(A) in subparagraph (A), by inserting “of section 3201 of the American Rescue Plan Act of 2021” after “the amount reserved under subsection (a)(2)(A)”; and

(B) in clause (i) of subparagraph (B), by substituting “the amount equal to 0.3 percent of the amount appropriated under subsection (a)(1)” with “the amount equal to 0.3 percent of the amount appropriated under subsection (a)(1) of section 3201 of the American Rescue Plan Act of 2021”.

(3) HIGH-NEED GRANTEEES.—The Secretary shall allocate funds reserved under subsection (a)(2)(D) to eligible grantees with a high need for assistance under this section, with the number of very low-income renter households paying more than 50 percent of income on rent or living in substandard or overcrowded conditions, rental market costs, and change in employment since February 2020 used as the factors for allocating funds.

(c) PAYMENT SCHEDULE.—

Deadline.

(1) IN GENERAL.—The Secretary shall pay all eligible grantees not less than 40 percent of each such eligible grantee’s total allocation provided under subsection (b) within 60 days of enactment of this Act.

Procedure.
Requirement.

(2) SUBSEQUENT PAYMENTS.—The Secretary shall pay to eligible grantees additional amounts in tranches up to the full amount of each such eligible grantee’s total allocation in accordance with a procedure established by the Secretary, provided that any such procedure established by the Secretary shall require that an eligible grantee must have obligated not less than 75 percent of the funds already disbursed by the Secretary pursuant to this section prior to disbursement of additional amounts.

(d) USE OF FUNDS.—

(1) IN GENERAL.—An eligible grantee shall only use the funds provided from payments made under this section as follows:

Time period.

(A) FINANCIAL ASSISTANCE.—

(i) IN GENERAL.—Subject to clause (ii) of this subparagraph, funds received by an eligible grantee from payments made under this section shall be used to provide financial assistance to eligible households, not to exceed 18 months, including the payment of—

(I) rent;

(II) rental arrears;

(III) utilities and home energy costs;

(IV) utilities and home energy costs arrears;

and

(V) other expenses related to housing, as defined by the Secretary.

(ii) **LIMITATION.**—The aggregate amount of financial assistance an eligible household may receive under this section, when combined with financial assistance provided under section 501 of subtitle A of title V of division N of the Consolidated Appropriations Act, 2021 (Public Law 116-260), shall not exceed 18 months.

(B) **HOUSING STABILITY SERVICES.**—Not more than 10 percent of funds received by an eligible grantee from payments made under this section may be used to provide case management and other services intended to help keep households stably housed.

(C) **ADMINISTRATIVE COSTS.**—Not more than 15 percent of the total amount paid to an eligible grantee under this section may be used for administrative costs attributable to providing financial assistance, housing stability services, and other affordable rental housing and eviction prevention activities, including for data collection and reporting requirements related to such funds.

(D) **OTHER AFFORDABLE RENTAL HOUSING AND EVICTION PREVENTION ACTIVITIES.**—An eligible grantee may use any funds from payments made under this section that are unobligated on October 1, 2022, for purposes in addition to those specified in this paragraph, provided that—

(i) such other purposes are affordable rental housing and eviction prevention purposes, as defined by the Secretary, serving very low-income families (as such term is defined in section 3(b) of the United States Housing Act of 1937 (42 U.S.C. 1437a(b))); and

(ii) prior to obligating any funds for such purposes, the eligible grantee has obligated not less than 75 percent of the total funds allocated to such eligible grantee in accordance with this section.

(2) **DISTRIBUTION OF ASSISTANCE.**—Amounts appropriated under subsection (a)(1) of this section shall be subject to the same terms and conditions that apply under paragraph (4) of section 501(c) of subtitle A of title V of division N of the Consolidated Appropriations Act, 2021 (Public Law 116-260) to amounts appropriated under subsection (a)(1) of such section 501.

(e) **REALLOCATION OF FUNDS.**—

(1) **IN GENERAL.**—Beginning March 31, 2022, the Secretary shall reallocate funds allocated to eligible grantees in accordance with subsection (b) but not yet paid in accordance with subsection (c)(2) according to a procedure established by the Secretary.

Effective date.
Procedure.

(2) **ELIGIBILITY FOR REALLOCATED FUNDS.**—The Secretary shall require an eligible grantee to have obligated 50 percent of the total amount of funds allocated to such eligible grantee under subsection (b) to be eligible to receive funds reallocated under paragraph (1) of this subsection.

Requirement.

(3) **PAYMENT OF REALLOCATED FUNDS BY THE SECRETARY.**—The Secretary shall pay to each eligible grantee eligible for a payment of reallocated funds described in paragraph (2) of this subsection the amount allocated to such eligible grantee in accordance with the procedure established by the Secretary in accordance with paragraph (1) of this subsection.

(4) **USE OF REALLOCATED FUNDS.**—Eligible grantees may use any funds received in accordance with this subsection only for purposes specified in paragraph (1) of subsection (d).

(f) **DEFINITIONS.**—In this section:

(1) **ELIGIBLE GRANTEE.**—The term “eligible grantee” means any of the following:

(A) The 50 States of the United States and the District of Columbia.

(B) A unit of local government (as defined in paragraph (5)).

(C) The Commonwealth of Puerto Rico, the United States Virgin Islands, Guam, the Commonwealth of the Northern Mariana Islands, and American Samoa.

(2) **ELIGIBLE HOUSEHOLD.**—The term “eligible household” means a household of 1 or more individuals who are obligated to pay rent on a residential dwelling and with respect to which the eligible grantee involved determines that—

(A) 1 or more individuals within the household has—
(i) qualified for unemployment benefits; or

(ii) experienced a reduction in household income, incurred significant costs, or experienced other financial hardship during or due, directly or indirectly, to the coronavirus pandemic;

(B) 1 or more individuals within the household can demonstrate a risk of experiencing homelessness or housing instability; and

(C) the household is a low-income family (as such term is defined in section 3(b) of the United States Housing Act of 1937 (42 U.S.C. 1437a(b)).

(3) **INSPECTOR GENERAL.**—The term “Inspector General” means the Inspector General of the Department of the Treasury.

(4) **SECRETARY.**—The term “Secretary” means the Secretary of the Treasury.

(5) **UNIT OF LOCAL GOVERNMENT.**—The term “unit of local government” has the meaning given such term in section 501 of subtitle A of title V of division N of the Consolidated Appropriations Act, 2021 (Public Law 116-260).

(g) **AVAILABILITY.**—Funds provided to an eligible grantee under a payment made under this section shall remain available through September 30, 2025.

(h) **EXTENSION OF AVAILABILITY UNDER PROGRAM FOR EXISTING FUNDING.**—Paragraph (1) of section 501(e) of subtitle A of title V of division N of the Consolidated Appropriations Act, 2021 (Public Law 116-260) is amended by striking “December 31, 2021” and inserting “September 30, 2022”.

134 Stat. 2074.

42 USC 1437f
note.

SEC. 3202. EMERGENCY HOUSING VOUCHERS.

(a) **APPROPRIATION.**—In addition to amounts otherwise available, there is appropriated to the Secretary of Housing and Urban Development (in this section referred to as the “Secretary”) for fiscal year 2021, out of any money in the Treasury not otherwise appropriated, \$5,000,000,000, to remain available until September 30, 2030, for—

(1) incremental emergency vouchers under subsection (b);

(2) renewals of the vouchers under subsection (b);

(3) fees for the costs of administering vouchers under subsection (b) and other eligible expenses defined by notice to prevent, prepare, and respond to coronavirus to facilitate the leasing of the emergency vouchers, such as security deposit assistance and other costs related to retention and support of participating owners; and

(4) adjustments in the calendar year 2021 section 8 renewal funding allocation, including mainstream vouchers, for public housing agencies that experience a significant increase in voucher per-unit costs due to extraordinary circumstances or that, despite taking reasonable cost savings measures, would otherwise be required to terminate rental assistance for families as a result of insufficient funding.

(b) EMERGENCY VOUCHERS.—

(1) IN GENERAL.—The Secretary shall provide emergency rental assistance vouchers under subsection (a), which shall be tenant-based rental assistance under section 8(o) of the United States Housing Act of 1937 (42 U.S.C. 1437f(o)).

(2) QUALIFYING INDIVIDUALS OR FAMILIES DEFINED.—For the purposes of this section, qualifying individuals or families are those who are—

(A) homeless (as such term is defined in section 103(a) of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11302(a));

(B) at risk of homelessness (as such term is defined in section 401(1) of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11360(1)));

(C) fleeing, or attempting to flee, domestic violence, dating violence, sexual assault, stalking, or human trafficking, as defined by the Secretary; or

(D) recently homeless, as determined by the Secretary, and for whom providing rental assistance will prevent the family's homelessness or having high risk of housing instability.

(3) ALLOCATION.—The Secretary shall notify public housing agencies of the number of emergency vouchers provided under this section to be allocated to the agency not later than 60 days after the date of the enactment of this Act, in accordance with a formula that includes public housing agency capacity and ensures geographic diversity, including with respect to rural areas, among public housing agencies administering the Housing Choice Voucher program.

Notification.
Deadline.

(4) TERMS AND CONDITIONS.—

(A) ELECTION TO ADMINISTER.—The Secretary shall establish a procedure for public housing agencies to accept or decline the emergency vouchers allocated to the agency in accordance with the formula under subparagraph (3).

Procedure.

(B) FAILURE TO USE VOUCHERS PROMPTLY.—If a public housing agency fails to lease its authorized vouchers under subsection (b) on behalf of eligible families within a reasonable period of time, the Secretary may revoke and redistribute any unleased vouchers and associated funds, including administrative fees and costs referred to in subsection (a)(3), to other public housing agencies according to the formula under paragraph (3).

(5) WAIVERS AND ALTERNATIVE REQUIREMENTS.—The Secretary may waive or specify alternative requirements for any

provision of the United States Housing Act of 1937 (42 U.S.C. 1437 et seq.) or regulation applicable to such statute other than requirements related to fair housing, nondiscrimination, labor standards, and the environment, upon a finding that the waiver or alternative requirement is necessary to expedite or facilitate the use of amounts made available in this section.

(6) **TERMINATION OF VOUCHERS UPON TURNOVER.**—After September 30, 2023, a public housing agency may not reissue any vouchers made available under this section when assistance for the family assisted ends.

(c) **TECHNICAL ASSISTANCE AND OTHER COSTS.**—The Secretary may use not more \$20,000,000 of the amounts made available under this section for the costs to the Secretary of administering and overseeing the implementation of this section and the Housing Choice Voucher program generally, including information technology, financial reporting, and other costs. Of the amounts set aside under this subsection, the Secretary may use not more than \$10,000,000, without competition, to make new awards or increase prior awards to existing technical assistance providers to provide an immediate increase in capacity building and technical assistance to public housing agencies.

Notice.

(d) **IMPLEMENTATION.**—The Secretary may implement the provisions of this section by notice.

SEC. 3203. EMERGENCY ASSISTANCE FOR RURAL HOUSING.

In addition to amounts otherwise available, there is appropriated to the Secretary of Agriculture for fiscal year 2021, out of any money in the Treasury not otherwise appropriated, \$100,000,000, to remain available until September 30, 2022, to provide grants under section 521(a)(2) of the Housing Act of 1949 or agreements entered into in lieu of debt forgiveness or payments for eligible households as authorized by section 502(c)(5)(D) of the Housing Act of 1949, for temporary adjustment of income losses for residents of housing financed or assisted under section 514, 515, or 516 of the Housing Act of 1949 who have experienced income loss but are not currently receiving Federal rental assistance.

42 USC 8101
note.

SEC. 3204. HOUSING COUNSELING.

(a) **APPROPRIATION.**—In addition to amounts otherwise available, there is appropriated to the Neighborhood Reinvestment Corporation (in this section referred to as the “Corporation”) for fiscal year 2021, out of any money in the Treasury not otherwise appropriated, \$100,000,000, to remain available until September 30, 2025, for grants to housing counseling intermediaries approved by the Department of Housing and Urban Development, State housing finance agencies, and NeighborWorks organizations for providing housing counseling services, as authorized under the Neighborhood Reinvestment Corporation Act (42 U.S.C. 8101–8107) and consistent with the discretion set forth in section 606(a)(5) of such Act (42 U.S.C. 8105(a)(5)) to design and administer grant programs. Of the grant funds made available under this subsection, not less than 40 percent shall be provided to counseling organizations that—

(1) target housing counseling services to minority and low-income populations facing housing instability; or

(2) provide housing counseling services in neighborhoods having high concentrations of minority and low-income populations.

(b) **LIMITATION.**—The aggregate amount provided to NeighborWorks organizations under this section shall not exceed 15 percent of the total of grant funds made available by subsection (a).

(c) **ADMINISTRATION AND OVERSIGHT.**—The Corporation may retain a portion of the amounts provided under this section, in a proportion consistent with its standard rate for program administration in order to cover its expenses related to program administration and oversight.

(d) **HOUSING COUNSELING SERVICES DEFINED.**—For the purposes of this section, the term “housing counseling services” means—

(1) housing counseling provided directly to households facing housing instability, such as eviction, default, foreclosure, loss of income, or homelessness;

(2) education, outreach, training, technology upgrades, and other program related support; and

(3) operational oversight funding for grantees and subgrantees that receive funds under this section.

SEC. 3205. HOMELESSNESS ASSISTANCE AND SUPPORTIVE SERVICES PROGRAM.

42 USC 12721
note.

(a) **APPROPRIATION.**—In addition to amounts otherwise available, there is appropriated to the Secretary of Housing and Urban Development (in this section referred to as the “Secretary”) for fiscal year 2021, out of any money in the Treasury not otherwise appropriated, \$5,000,000,000, to remain available until September 30, 2025, except that amounts authorized under subsection (d)(3) shall remain available until September 30, 2029, for assistance under title II of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12721 et seq.) for the following activities to primarily benefit qualifying individuals or families:

(1) Tenant-based rental assistance.

(2) The development and support of affordable housing pursuant to section 212(a) of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12742(a)) (“the Act” herein).

(3) Supportive services to qualifying individuals or families not already receiving such supportive services, including—

(A) activities listed in section 401(29) of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11360(29));

(B) housing counseling; and

(C) homeless prevention services.

(4) The acquisition and development of non-congregate shelter units, all or a portion of which may—

(A) be converted to permanent affordable housing;

(B) be used as emergency shelter under subtitle B of title IV of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11371–11378);

(C) be converted to permanent housing under subtitle C of title IV of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11381–11389); or

(D) remain as non-congregate shelter units.

(b) **QUALIFYING INDIVIDUALS OR FAMILIES DEFINED.**—For the purposes of this section, qualifying individuals or families are those who are—

(1) homeless, as defined in section 103(a) of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11302(a));

(2) at-risk of homelessness, as defined in section 401(1) of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11360(1));

(3) fleeing, or attempting to flee, domestic violence, dating violence, sexual assault, stalking, or human trafficking, as defined by the Secretary;

(4) in other populations where providing supportive services or assistance under section 212(a) of the Act (42 U.S.C. 12742(a)) would prevent the family's homelessness or would serve those with the greatest risk of housing instability; or

(5) veterans and families that include a veteran family member that meet one of the preceding criteria.

(c) TERMS AND CONDITIONS.—

(1) FUNDING RESTRICTIONS.—The cost limits in section 212(e) (42 U.S.C. 12742(e)), the commitment requirements in section 218(g) (42 U.S.C. 12748(g)), the matching requirements in section 220 (42 U.S.C. 12750), and the set-aside for housing developed, sponsored, or owned by community housing development organizations required in section 231 of the Act (42 U.S.C. 12771) shall not apply for amounts made available in this section.

(2) ADMINISTRATIVE COSTS.—Notwithstanding sections 212(c) and (d)(1) of the Act (42 U.S.C. 12742(c) and (d)(1)), of the funds made available in this section for carrying out activities authorized in this section, a grantee may use up to fifteen percent of its allocation for administrative and planning costs.

(3) OPERATING EXPENSES.—Notwithstanding sections 212(a) and (g) of the Act (42 U.S.C. 12742(a) and (g)), a grantee may use up to an additional five percent of its allocation for the payment of operating expenses of community housing development organizations and nonprofit organizations carrying out activities authorized under this section, but only if—

(A) such funds are used to develop the capacity of the community housing development organization or nonprofit organization in the jurisdiction or insular area to carry out activities authorized under this section; and

(B) the community housing development organization or nonprofit organization complies with the limitation on assistance in section 234(b) of the Act (42 U.S.C. 12774(b)).

(4) CONTRACTING.—A grantee, when contracting with service providers engaged directly in the provision of services under paragraph (a)(3), shall, to the extent practicable, enter into contracts in amounts that cover the actual total program costs and administrative overhead to provide the services contracted.

(d) ALLOCATION.—

(1) FORMULA ASSISTANCE.—Except as provided in paragraphs (2) and (3), the Secretary shall allocate amounts made available under this section pursuant to section 217 of the Act (42 U.S.C. 12747) to grantees that received allocations pursuant to that same formula in fiscal year 2021, and shall make such allocations within 30 days of enactment of this Act.

(2) TECHNICAL ASSISTANCE.—Up to \$25,000,000 of the amounts made available under this section shall be used, without competition, to make new awards or increase prior awards

Deadline.

to existing technical assistance providers to provide an immediate increase in capacity building and technical assistance available to any grantees implementing activities or projects consistent with this section.

(3) **OTHER COSTS.**—Up to \$50,000,000 of the amounts made available under this section shall be used for the administrative costs to oversee and administer implementation of this section and the HOME program generally, including information technology, financial reporting, and other costs.

(4) **WAIVERS OR ALTERNATIVE REQUIREMENTS.**—The Secretary may waive or specify alternative requirements for any provision of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12701 et seq.) and titles I and IV of the McKinney-Vento Homelessness Act (42 U.S.C. 11301 et seq., 11360 et seq.) or regulation for the administration of the amounts made available under this section other than requirements related to fair housing, nondiscrimination, labor standards, and the environment, upon a finding that the waiver or alternative requirement is necessary to expedite or facilitate the use of amounts made available under this section.

SEC. 3206. HOMEOWNER ASSISTANCE FUND.

15 USC 9058d.

(a) **APPROPRIATION.**—In addition to amounts otherwise available, there is appropriated to the Secretary of the Treasury for the Homeowner Assistance Fund established under subsection (c) for fiscal year 2021, out of any money in the Treasury not otherwise appropriated, \$9,961,000,000, to remain available until September 30, 2025, for qualified expenses that meet the purposes specified under subsection (c) and expenses described in subsection (d)(1).

(b) **DEFINITIONS.**—In this section:

(1) **CONFORMING LOAN LIMIT.**—The term “conforming loan limit” means the applicable limitation governing the maximum original principal obligation of a mortgage secured by a single-family residence, a mortgage secured by a 2-family residence, a mortgage secured by a 3-family residence, or a mortgage secured by a 4-family residence, as determined and adjusted annually under section 302(b)(2) of the Federal National Mortgage Association Charter Act (12 U.S.C. 1717(b)(2)) and section 305(a)(2) of the Federal Home Loan Mortgage Corporation Act (12 U.S.C. 1454(a)(2)).

(2) **DWELLING.**—The term “dwelling” means any building, structure, or portion thereof which is occupied as, or designed or intended for occupancy as, a residence by one or more individuals.

(3) **ELIGIBLE ENTITY.**—The term “eligible entity” means—

(A) a State; or

(B) any entity eligible for payment under subsection

(f).

(4) **MORTGAGE.**—The term “mortgage” means any credit transaction—

(A) that is secured by a mortgage, deed of trust, or other consensual security interest on a principal residence of a borrower that is (i) a 1- to 4-unit dwelling, or (ii) residential real property that includes a 1- to 4-unit dwelling; and

(B) the unpaid principal balance of which was, at the time of origination, not more than the conforming loan limit.

(5) FUND.—The term “Fund” means the Homeowner Assistance Fund established under subsection (c).

(6) SECRETARY.—The term “Secretary” means the Secretary of the Treasury.

(7) STATE.—The term “State” means any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the United States Virgin Islands, and the Commonwealth of the Northern Mariana Islands.

(c) ESTABLISHMENT OF FUND.—

(1) ESTABLISHMENT; QUALIFIED EXPENSES.—There is established in the Department of the Treasury a Homeowner Assistance Fund to mitigate financial hardships associated with the coronavirus pandemic by providing such funds as are appropriated by subsection (a) to eligible entities for the purpose of preventing homeowner mortgage delinquencies, defaults, foreclosures, loss of utilities or home energy services, and displacements of homeowners experiencing financial hardship after January 21, 2020, through qualified expenses related to mortgages and housing, which include—

(A) mortgage payment assistance;

(B) financial assistance to allow a homeowner to reinstate a mortgage or to pay other housing related costs related to a period of forbearance, delinquency, or default;

(C) principal reduction;

(D) facilitating interest rate reductions;

(E) payment assistance for—

(i) utilities, including electric, gas, home energy, and water;

(ii) internet service, including broadband internet access service, as defined in section 8.1(b) of title 47, Code of Federal Regulations (or any successor regulation);

(iii) homeowner’s insurance, flood insurance, and mortgage insurance; and

(iv) homeowner’s association, condominium association fees, or common charges;

(F) reimbursement of funds expended by a State, local government, or designated entity under subsection (f) during the period beginning on January 21, 2020, and ending on the date that the first funds are disbursed by the eligible entity under the Homeowner Assistance Fund, for the purpose of providing housing or utility payment assistance to homeowners or otherwise providing funds to prevent foreclosure or post-foreclosure eviction of a homeowner or prevent mortgage delinquency or loss of housing or utilities as a response to the coronavirus disease (COVID) pandemic; and

(G) any other assistance to promote housing stability for homeowners, including preventing mortgage delinquency, default, foreclosure, post-foreclosure eviction of a homeowner, or the loss of utility or home energy services, as determined by the Secretary.

Effective date.

Time period.

Determination.

(2) TARGETING.—Not less than 60 percent of amounts made to each eligible entity allocated amounts under subsection (d) or (f) shall be used for qualified expenses that assist homeowners having incomes equal to or less than 100 percent of the area median income for their household size or equal to or less than 100 percent of the median income for the United States, as determined by the Secretary of Housing and Urban Development, whichever is greater. The eligible entity shall prioritize remaining funds to socially disadvantaged individuals.

Determination.

(d) ALLOCATION OF FUNDS.—

(1) ADMINISTRATION.—Of any amounts made available under this section, the Secretary shall reserve—

(A) to the Department of the Treasury, an amount not to exceed \$40,000,000 to administer and oversee the Fund, and to provide technical assistance to eligible entities for the creation and implementation of State and tribal programs to administer assistance from the Fund; and

(B) to the Inspector General of the Department of the Treasury, an amount to not exceed \$2,600,000 for oversight of the program under this section.

(2) FOR STATES.—After the application of paragraphs (1), (4), and (5) of this subsection and subject to paragraph (3) of this subsection, the Secretary shall allocate the remaining funds available within the Homeowner Assistance Fund to each State of the United States, the District of Columbia, and the Commonwealth of Puerto Rico based on homeowner need, for such State relative to all States of the United States, the District of Columbia, and the Commonwealth of Puerto Rico, as of the date of the enactment of this Act, which is determined by reference to—

Determination.
Time period.

(A) the average number of unemployed individuals measured over a period of time not fewer than 3 months and not more than 12 months; and

(B) the total number of mortgagors with—

(i) mortgage payments that are more than 30 days past due; or

(ii) mortgages in foreclosure.

(3) SMALL STATE MINIMUM.—

(A) IN GENERAL.—Each State of the United States, the District of Columbia, and the Commonwealth of Puerto Rico shall receive no less than \$50,000,000 for the purposes established in (c).

(B) PRO RATA ADJUSTMENTS.—The Secretary shall adjust on a pro rata basis the amount of the payments for each State of the United States, the District of Columbia, and the Commonwealth of Puerto Rico determined under this subsection without regard to this subparagraph to the extent necessary to comply with the requirements of subparagraph (A).

(4) TERRITORY SET-ASIDE.—Notwithstanding any other provision of this section, of the amounts appropriated under subsection (a), the Secretary shall reserve \$30,000,000 to be disbursed to Guam, American Samoa, the United States Virgin Islands, and the Commonwealth of the Northern Mariana Islands based on each such territory's share of the combined total population of all such territories, as determined by the

Determinations.

Secretary. For the purposes of this paragraph, population shall be determined based on the most recent year for which data are available from the United States Census Bureau.

(5) TRIBAL SET-ASIDE.—The Secretary shall allocate funds to any eligible entity designated under subsection (f) pursuant to the requirements of that subsection.

(e) DISTRIBUTION OF FUNDS TO STATES.—

Deadlines.

(1) IN GENERAL.—The Secretary shall make payments, beginning not later than 45 days after enactment of this Act, from amounts allocated under subsection (d) to eligible entities that have notified the Secretary that they request to receive payment from the Fund and that the eligible entity will use such payments in compliance with this section.

(2) REALLOCATION.—If a State does not request allocated funds by the 45th day after the date of enactment of this Act, such State shall not be eligible for a payment from the Secretary pursuant to this section, and the Secretary shall, by the 180th day after the date of enactment of this Act, reallocate any funds that were not requested by such State among the States that have requested funds by the 45th day after the date of enactment of this Act. For any such reallocation of funds, the Secretary shall adhere to the requirements of subsection (d), except for paragraph (1), to the greatest extent possible, provided that the Secretary shall also take into consideration in determining such reallocation a State's remaining need and a State's record of using payments from the Fund to serve homeowners at disproportionate risk of mortgage default, foreclosure, or displacement, including homeowners having incomes equal to or less than 100 percent of the area median income for their household size or 100 percent of the median income for the United States, as determined by the Secretary of Housing and Urban Development, whichever is greater, and minority homeowners.

(f) TRIBAL SET-ASIDE.—

(1) SET-ASIDE.—Notwithstanding any other provision of this section, of the amounts appropriated under subsection (a), the Secretary shall use 5 percent to make payments to entities that are eligible for payments under clauses (i) and (ii) of section 501(b)(2)(A) of subtitle A of title V of division N of the Consolidated Appropriations Act, 2021 (Public Law 116-260) for the purposes described in subsection (c).

Deadline.
Notification.

(2) ALLOCATION AND PAYMENT.—The Secretary shall allocate the funds set aside under paragraph (1) using the allocation formulas described in clauses (i) and (ii) of section 501(b)(2)(A) of subtitle A of title V of division N of the Consolidated Appropriations Act, 2021 (Public Law 116-260), and shall make payments of such amounts beginning no later than 45 days after enactment of this Act to entities eligible for payment under clauses (i) and (ii) of section 501(b)(2)(A) of subtitle A of title V of division N of the Consolidated Appropriations Act, 2021 (Public Law 116-260) that notify the Secretary that they request to receive payments allocated from the Fund by the Secretary for purposes described under subsection (c) and will use such payments in compliance with this section.

(3) ADJUSTMENT.—Allocations provided under this subsection may be further adjusted as provided by section

501(b)(2)(B) of subtitle A of title V of division N of the Consolidated Appropriations Act, 2021 (Public Law 116–260).

SEC. 3207. RELIEF MEASURES FOR SECTION 502 AND 504 DIRECT LOAN BORROWERS.

(a) APPROPRIATION.—In addition to amounts otherwise available, there is appropriated to the Secretary of Agriculture (in this section referred to as the “Secretary”) for fiscal year 2021, out of any money in the Treasury not otherwise appropriated, \$39,000,000, to remain available until September 30, 2023, for direct loans made under sections 502 and 504 of the Housing Act of 1949 (42 U.S.C. 1472, 1474).

(b) ADMINISTRATIVE EXPENSES.—The Secretary may use not more than 3 percent of the amounts appropriated under this section for administrative purposes.

SEC. 3208. FAIR HOUSING ACTIVITIES.

(a) APPROPRIATION.—In addition to amounts otherwise available, there is appropriated to the Secretary of Housing and Urban Development (in this section referred to as the “Secretary”) for fiscal year 2021, out of any money in the Treasury not otherwise appropriated, \$20,000,000, to remain available until September 30, 2023, for the Fair Housing Initiatives Program under section 561 of the Housing and Community Development Act of 1987 (42 U.S.C. 3616a) to ensure fair housing organizations have additional resources to address fair housing inquiries, complaints, investigations, education and outreach activities, and costs of delivering or adapting services, during or relating to the coronavirus pandemic.

(b) ADMINISTRATIVE EXPENSES.—The Secretary may use not more than 3 percent of the amounts appropriated under this section for administrative purposes.

Subtitle C—Small Business (SSBCI)

SEC. 3301. STATE SMALL BUSINESS CREDIT INITIATIVE.

(a) STATE SMALL BUSINESS CREDIT INITIATIVE.—

(1) IN GENERAL.—The State Small Business Credit Initiative Act of 2010 (12 U.S.C. 5701 et seq.) is amended—

(A) in section 3003—

12 USC 5702.

(i) in subsection (b)—

(I) by amending paragraph (1) to read as follows:

“(1) IN GENERAL.—Not later than 30 days after the date of enactment of subsection (d), the Secretary shall allocate Federal funds to participating States so that each State is eligible to receive an amount equal to what the State would receive under the 2021 allocation, as determined under paragraph (2).”;

Deadline.
Allocation.

(II) in paragraph (2)—

(aa) by striking “2009” each place such term appears and inserting “2021”;

(bb) by striking “2008” each place such term appears and inserting “2020”;

(cc) in subparagraph (A), by striking “The Secretary” and inserting “With respect to States other than Tribal governments, the Secretary”;

	(dd) in subparagraph (C)(i), by striking “2007” and inserting “2019”; and (ee) by adding at the end the following: “(C) SEPARATE ALLOCATION FOR TRIBAL GOVERNMENTS.—
Determination.	“(i) IN GENERAL.—With respect to States that are Tribal governments, the Secretary shall determine the 2021 allocation by allocating \$500,000,000 among the Tribal governments in the proportion the Secretary determines appropriate, including with consideration to available employment and economic data regarding each such Tribal government.
Deadlines.	“(ii) NOTICE OF INTENT; TIMING OF ALLOCATION.—With respect to allocations to States that are Tribal governments, the Secretary may— “(I) require Tribal governments that individually or jointly wish to participate in the Program to file a notice of intent with the Secretary not later than 30 days after the date of enactment of subsection (d); and “(II) notwithstanding paragraph (1), allocate Federal funds to participating Tribal governments not later than 60 days after the date of enactment of subsection (d).
Determination.	“(D) EMPLOYMENT DATA.—If the Secretary determines that employment data with respect to a State is unavailable from the Bureau of Labor Statistics of the Department of Labor, the Secretary shall consider such other economic and employment data that is otherwise available for purposes of determining the employment data of such State.”; and (III) by striking paragraph (3); and (ii) in subsection (c)— (I) in paragraph (1)(A)(iii), by inserting before the period the following: “that have delivered loans or investments to eligible businesses”; and (II) by amending paragraph (4) to read as follows: “(4) TERMINATION OF AVAILABILITY OF AMOUNTS NOT TRANSFERRED.—
Time periods.	“(A) IN GENERAL.—Any portion of a participating State’s allocated amount that has not been transferred to the State under this section may be deemed by the Secretary to be no longer allocated to the State and no longer available to the State and shall be returned to the general fund of the Treasury or reallocated as described under subparagraph (B), if— “(i) the second $\frac{1}{3}$ of a State’s allocated amount has not been transferred to the State before the end of the end of the 3-year period beginning on the date that the Secretary approves the State for participation; or “(ii) the last $\frac{1}{3}$ of a State’s allocated amount has not been transferred to the State before the end of the end of the 6-year period beginning on the date that the Secretary approves the State for participation.

“(B) REALLOCATION.—Any amount deemed by the Secretary to be no longer allocated to a State and no longer available to such State under subparagraph (A) may be reallocated by the Secretary to other participating States. In making such a reallocation, the Secretary shall not take into account the minimum allocation requirements under subsection (b)(2)(B) or the specific allocation for Tribal governments described under subsection (b)(2)(C).”;

(B) in section 3004(d), by striking “date of enactment of this Act” each place it appears and inserting “date of the enactment of section 3003(d)”;

12 USC 5703.

(C) in section 3005(b), by striking “date of enactment of this Act” each place it appears and inserting “date of the enactment of section 3003(d)”;

12 USC 5704.

(D) in section 3006(b)(4), by striking “date of enactment of this Act” and inserting “date of the enactment of section 3003(d)”;

12 USC 5705.

(E) in section 3007(b), by striking “March 31, 2011” and inserting “March 31, 2022”;

12 USC 5706.

(F) in section 3009, by striking “date of enactment of this Act” each place it appears and inserting “date of the enactment of section 3003(d)”;

12 USC 5708.

(G) in section 3011(b), by striking “date of the enactment of this Act” each place it appears and inserting “date of the enactment of section 3003(d)”.

12 USC 5710.

(2) APPROPRIATION.—

12 USC 5701
note.

(A) IN GENERAL.—In addition to amounts otherwise available, there is hereby appropriated to the Secretary of the Treasury for fiscal year 2021, out of any money in the Treasury not otherwise appropriated, \$10,000,000,000, to remain available until expended, to provide support to small businesses responding to and recovering from the economic effects of the COVID–19 pandemic, ensure business enterprises owned and controlled by socially and economically disadvantaged individuals have access to credit and investments, provide technical assistance to help small businesses applying for various support programs, and to pay reasonable costs of administering such Initiative.

(B) RESCISSION.—With respect to amounts appropriated under subparagraph (A)—

(i) the Secretary of the Treasury shall complete all disbursements and remaining obligations before September 30, 2030; and

Deadline.

(ii) any amounts that remain unexpended (whether obligated or unobligated) on September 30, 2030, shall be rescinded and deposited into the general fund of the Treasury.

(b) ADDITIONAL ALLOCATIONS TO SUPPORT BUSINESS ENTERPRISES OWNED AND CONTROLLED BY SOCIALLY AND ECONOMICALLY DISADVANTAGED INDIVIDUALS.—Section 3003 of the State Small Business Credit Initiative Act of 2010 (12 U.S.C. 5702) is amended by adding at the end the following:

“(d) ADDITIONAL ALLOCATIONS TO SUPPORT BUSINESS ENTERPRISES OWNED AND CONTROLLED BY SOCIALLY AND ECONOMICALLY DISADVANTAGED INDIVIDUALS.—Of the amounts appropriated for fiscal year 2021 to carry out the Program, the Secretary shall—

Regulations.
Requirements.

“(1) allocate \$1,500,000,000 to States from funds allocated under this section and, by regulation or other guidance, prescribe Program requirements that the funds be expended for business enterprises owned and controlled by socially and economically disadvantaged individuals; and

Determination.

“(2) allocate such amounts to States based on the needs of business enterprises owned and controlled by socially and economically disadvantaged individuals, as determined by the Secretary, in each State, and not subject to the allocation formula described under subsection (b).

Determination.

“(e) INCENTIVE ALLOCATIONS TO SUPPORT BUSINESS ENTERPRISES OWNED AND CONTROLLED BY SOCIALLY AND ECONOMICALLY DISADVANTAGED INDIVIDUALS.—Of the amounts appropriated for fiscal year 2021 to carry out the Program, the Secretary shall set aside \$1,000,000,000 for an incentive program under which the Secretary shall increase the second $\frac{1}{3}$ and last $\frac{1}{3}$ allocations for States that demonstrate robust support, as determined by the Secretary, for business concerns owned and controlled by socially and economically disadvantaged individuals in the deployment of prior allocation amounts.”.

(c) ADDITIONAL ALLOCATIONS TO SUPPORT VERY SMALL BUSINESSES.—Section 3003 of the State Small Business Credit Initiative Act of 2010 (12 U.S.C. 5702), as amended by subsection (b), is further amended by adding at the end the following:

“(f) ADDITIONAL ALLOCATIONS TO SUPPORT VERY SMALL BUSINESSES.—

“(1) IN GENERAL.—Of the amounts appropriated to carry out the Program, the Secretary shall allocate not less than \$500,000,000 to States from funds allocated under this section to be expended for very small businesses.

“(2) VERY SMALL BUSINESS DEFINED.—In this subsection, the term ‘very small business’—

“(A) means a business with fewer than 10 employees; and

“(B) may include independent contractors and sole proprietors.”.

(d) TECHNICAL ASSISTANCE.—Section 3009 of the State Small Business Credit Initiative Act of 2010 (12 U.S.C. 5708) is amended by adding at the end the following:

“(e) TECHNICAL ASSISTANCE.—Of the amounts appropriated for fiscal year 2021 to carry out the Program, \$500,000,000 may be used by the Secretary to—

“(1) provide funds to States to carry out a technical assistance plan under which a State will provide legal, accounting, and financial advisory services, either directly or contracted with legal, accounting, and financial advisory firms, with priority given to business enterprises owned and controlled by socially and economically disadvantaged individuals, to very small businesses and business enterprises owned and controlled by socially and economically disadvantaged individuals applying for—

“(A) State programs under the Program; and

“(B) other State or Federal programs that support small businesses;

“(2) transfer amounts to the Minority Business Development Agency, so that the Agency may use such amounts in a manner the Agency determines appropriate, including

through contracting with third parties, to provide technical assistance to business enterprises owned and controlled by socially and economically disadvantaged individuals applying to—

“(A) State programs under the Program; and

“(B) other State or Federal programs that support small businesses; and

“(3) contract with legal, accounting, and financial advisory firms (with priority given to business enterprises owned and controlled by socially and economically disadvantaged individuals), to provide technical assistance to business enterprises owned and controlled by socially and economically disadvantaged individuals applying to—

“(A) State programs under the Program; and

“(B) other State or Federal programs that support small businesses.”.

(e) INCLUSION OF TRIBAL GOVERNMENTS.—Section 3002(10) of the State Small Business Credit Initiative Act of 2010 (12 U.S.C. 5701(10)) is amended—

(1) in subparagraph (C), by striking “and” at the end;

(2) in subparagraph (D), by striking the period at the end and inserting “; and”; and

(3) by adding at the end the following:

“(E) a Tribal government, or a group of Tribal governments that jointly apply for an allocation.”.

(f) DEFINITIONS.—Section 3002 of the State Small Business Credit Initiative Act of 2010 (12 U.S.C. 5701) is amended by adding at the end the following:

“(15) BUSINESS ENTERPRISE OWNED AND CONTROLLED BY SOCIALLY AND ECONOMICALLY DISADVANTAGED INDIVIDUALS.—The term ‘business enterprise owned and controlled by socially and economically disadvantaged individuals’ means a business that—

“(A) if privately owned, 51 percent is owned by one or more socially and economically disadvantaged individuals;

“(B) if publicly owned, 51 percent of the stock is owned by one or more socially and economically disadvantaged individuals; and

“(C) in the case of a mutual institution, a majority of the Board of Directors, account holders, and the community which the institution services is predominantly comprised of socially and economically disadvantaged individuals.

“(16) COMMUNITY DEVELOPMENT FINANCIAL INSTITUTION.—The term ‘community development financial institution’ has the meaning given that term under section 103 of the Riegle Community Development and Regulatory Improvement Act of 1994.

“(17) MINORITY DEPOSITORY INSTITUTION.—The term ‘minority depository institution’ has the meaning given that term under section 308(b) of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989.

“(18) SOCIALLY AND ECONOMICALLY DISADVANTAGED INDIVIDUAL.—The term ‘socially and economically disadvantaged individual’ means an individual who is a socially disadvantaged individual or an economically disadvantaged individual, as such

terms are defined, respectively, under section 8 of the Small Business Act (15 U.S.C. 637) and the regulations thereunder.

“(19) TRIBAL GOVERNMENT.—The term ‘Tribal government’ means the recognized governing body of any Indian or Alaska Native tribe, band, nation, pueblo, village, community, component band, or component reservation, individually identified (including parenthetically) in the list published most recently as of the date of enactment of this paragraph pursuant to section 104 of the Federally Recognized Indian Tribe List Act of 1994 (25 U.S.C. 5131).”.

12 USC 5701
note.

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

Subtitle D—Public Transportation

49 USC 5301
note.

SEC. 3401. FEDERAL TRANSIT ADMINISTRATION GRANTS.

(a) FEDERAL TRANSIT ADMINISTRATION APPROPRIATION.—

(1) IN GENERAL.—In addition to amounts otherwise made available, there are appropriated for fiscal year 2021, out of any funds in the Treasury not otherwise appropriated, \$30,461,355,534, to remain available until September 30, 2024, that shall—

(A) be for grants to eligible recipients under sections 5307, 5309, 5310, and 5311 of title 49, United States Code, to prevent, prepare for, and respond to coronavirus; and

(B) not be subject to any prior restriction on the total amount of funds available for implementation or execution of programs authorized under sections 5307, 5310, or 5311 of such title.

(2) AVAILABILITY OF FUNDS FOR OPERATING EXPENSES.—

Effective date.

(A) IN GENERAL.—Notwithstanding subsection (a)(1) or (b) of section 5307 and section 5310(b)(2)(A) of title 49, United States Code, funds provided under this section, other than subsection (b)(4), shall be available for the operating expenses of transit agencies to prevent, prepare for, and respond to the coronavirus public health emergency, including, beginning on January 20, 2020—

Reimbursement.

(i) reimbursement for payroll of public transportation (including payroll and expenses of private providers of public transportation);

(ii) operating costs to maintain service due to lost revenue due as a result of the coronavirus public health emergency, including the purchase of personal protective equipment; and

Payments.

(iii) paying the administrative leave of operations or contractor personnel due to reductions in service.

(B) USE OF FUNDS.—Funds described in subparagraph (A) shall be—

(i) available for immediate obligation, notwithstanding the requirement for such expenses to be included in a transportation improvement program, long-range transportation plan, statewide transportation plan, or statewide transportation improvement

program under sections 5303 and 5304 of title 49, United States Code;

(ii) directed to payroll and operations of public transportation (including payroll and expenses of private providers of public transportation), unless the recipient certifies to the Administrator of the Federal Transit Administration that the recipient has not furloughed any employees;

(iii) used to provide a Federal share of the costs for any grant made under this section of 100 percent.

(b) ALLOCATION OF FUNDS.—

(1) URBANIZED AREA FORMULA GRANTS.—

(A) IN GENERAL.—Of the amounts made available under subsection (a), \$26,086,580,227 shall be for grants to recipients and subrecipients under section 5307 of title 49, United States Code, and shall be administered as if such funds were provided under section 5307 of such title.

(B) ALLOCATION.—Amounts made available under subparagraph (A) shall be apportioned to urbanized areas based on data contained in the National Transit Database such that—

Apportionment.

(i) each urbanized area shall receive an apportionment of an amount that, when combined with amounts that were otherwise made available to such urbanized area for similar activities to prevent, prepare for, and respond to coronavirus, is equal to 132 percent of the urbanized area's 2018 operating costs; and

(ii) for funds remaining after the apportionment described in clause (i), such funds shall be apportioned such that each urbanized area that did not receive an apportionment under clause (i) shall receive an apportionment equal to 25 percent of the urbanized area's 2018 operating costs.

(2) FORMULA GRANTS FOR THE ENHANCED MOBILITY OF SENIORS AND INDIVIDUALS WITH DISABILITIES.—

(A) IN GENERAL.—Of the amounts made available under subsection (a), \$50,000,000 shall be for grants to recipients or subrecipients eligible under section 5310 of title 49, United States Code, and shall be apportioned in accordance with such section.

Apportionment.

(B) ALLOCATION RATIO.—Amounts made available under subparagraph (A) shall be allocated in the same ratio as funds were provided under section 5310 of title 49, United States Code, for fiscal year 2020.

(3) FORMULA GRANTS FOR RURAL AREAS.—

(A) IN GENERAL.—Of the amounts made available under subsection (a), \$317,214,013 shall be for grants to recipients or subrecipients eligible under section 5311 of title 49, United States Code, and shall be administered as if the funds were provided under section 5311 of such title, and shall be apportioned in accordance with such section, except as described in paragraph (B).

Apportionment.

(B) ALLOCATION RATIO.—Amounts made available under subparagraph (A) to States, as defined in section 5302 of title 49, United States Code, shall be allocated to such States based on data contained in the National Transit Database, such that—

(i) any State that received an amount for similar activities to prevent, prepare for, and respond to coronavirus that is equal to or greater than 150 percent of the combined 2018 rural operating costs of the recipients and subrecipients in such State shall receive an amount equal to 5 percent of such State's 2018 rural operating costs;

(ii) any State that does not receive an allocation under clause (i) that received an amount for similar activities to prevent, prepare for, and respond to coronavirus that is equal to or greater than 140 percent of the combined 2018 rural operating costs of the recipients and subrecipients in that State shall receive an amount equal to 10 percent of such State's 2018 rural operating costs; and

(iii) any State that does not receive an allocation under clauses (i) or (ii) shall receive an amount equal to 20 percent of such State's 2018 rural operating costs.

(4) CAPITAL INVESTMENTS.—

(A) IN GENERAL.—Of the amounts made available under subsection (a)—

(i) \$1,425,000,000 shall be for grants administered under subsections (d) and (e) of section 5309 of title 49, United States Code; and

(ii) \$250,000,000 shall be for grants administered under subsection (h) of section 5309 of title 49, United States Code.

(B) FUNDING DISTRIBUTION.—

(i) IN GENERAL.—Of the amounts made available in subparagraph (A)(i), \$1,250,000,000 shall be provided to each recipient for all projects with existing full funding grant agreements that received allocations for fiscal year 2019 or 2020, except that recipients with projects open for revenue service are not eligible to receive a grant under this subparagraph. Funds shall be provided proportionally based on the non-capital investment grant share of the amount allocated.

(ii) ALLOCATION.—Of the amounts made available in subparagraph (A)(i), \$175,000,000 shall be provided to each recipient for all projects with existing full funding grant agreements that received an allocation only prior to fiscal year 2019, except that projects open for revenue service are not eligible to receive a grant under this subparagraph and no project may receive more than 40 percent of the amounts provided under this clause. The Administrator of the Federal Transit Administration shall proportionally distribute funds in excess of such percent to recipients for which the percent of funds does not exceed 40 percent. Funds shall be provided proportionally based on the non-capital investment grant share of the amount allocated.

(iii) ELIGIBLE RECIPIENTS.—For amounts made available in subparagraph (A)(ii), eligible recipients shall be any recipient of an allocation under subsection (h) of section 5309 of title 49, United States Code,

or an applicant in the project development phase described in paragraph (2) of such subsection.

(iv) AMOUNT.—Amounts distributed under clauses (i), (ii), and (iii) of subparagraph (A) shall be provided notwithstanding the limitation of any calculation of the maximum amount of Federal financial assistance for the project under subsection (k)(2)(C)(ii) or (h)(7) of section 5309 of title 49, United States Code.

(5) SECTION 5311(F) SERVICES.—

(A) IN GENERAL.—Of the amounts made available under subsection (a) and in addition to the amounts made available under paragraph (3), \$100,000,000 shall be available for grants to recipients for bus operators that partner with recipients or subrecipients of funds under section 5311(f) of title 49, United States Code.

(B) ALLOCATION RATIO.—Notwithstanding paragraph (3), the Administrator of the Federal Transit Administration shall allocate amounts under subparagraph (A) in the same ratio as funds were provided under section 5311 of title 49, United States Code, for fiscal year 2020.

(C) EXCEPTION.—If a State or territory does not have bus providers eligible under section 5311(f) of title 49, United States Code, funds under this paragraph may be used by such State or territory for any expense eligible under section 5311 of title 49, United States Code.

(6) PLANNING.—

(A) IN GENERAL.—Of the amounts made available under subsection (a), \$25,000,000 shall be for grants to recipients eligible under section 5307 of title 49, United States Code, for the planning of public transportation associated with the restoration of services as the coronavirus public health emergency concludes and shall be available in accordance with such section.

(B) AVAILABILITY OF FUNDS FOR ROUTE PLANNING.—Amounts made available under subparagraph (A) shall be available for route planning designed to—

(i) increase ridership and reduce travel times, while maintaining or expanding the total level of vehicle revenue miles of service provided in the planning period; or

(ii) make service adjustments to increase the quality or frequency of service provided to low-income riders and disadvantaged neighborhoods or communities.

(C) LIMITATION.—Amounts made available under subparagraph (A) shall not be used for route planning related to transitioning public transportation service provided as of the date of receipt of funds to a transportation network company or other third-party contract provider, unless the existing provider of public transportation service is a third-party contract provider.

(7) RECIPIENTS AND SUBRECIPIENTS REQUIRING ADDITIONAL ASSISTANCE.—

(A) IN GENERAL.—Of the amounts made available under subsection (a), \$2,207,561,294 shall be for grants to eligible recipients or subrecipients of funds under sections 5307 or 5311 of title 49, United States Code, that,

as a result of COVID-19, require additional assistance for costs related to operations, personnel, cleaning, and sanitization combating the spread of pathogens on transit systems, and debt service payments incurred to maintain operations and avoid layoffs and furloughs.

(B) ADMINISTRATION.—Funds made available under subparagraph (A) shall, after allocation, be administered as if provided under paragraph (1) or (3), as applicable.

(C) APPLICATION REQUIREMENTS.—

(i) IN GENERAL.—The Administrator of the Federal Transit Administration may not allocate funds to an eligible recipient or subrecipient of funds under chapter 53 of title 49, United States Code, unless the recipient provides to the Administrator—

(I) estimates of financial need;

(II) data on reductions in farebox or other sources of local revenue for sustained operations;

(III) a spending plan for such funds; and

(IV) demonstration of expenditure of greater than 90 percent of funds available to the applicant from funds made available for similar activities in fiscal year 2020.

(ii) DEADLINES.—The Administrator of the Federal Transit Administration shall—

(I) not later than 180 days after the date of enactment of this Act, issue a Notice of Funding Opportunity for assistance under this paragraph; and

(II) not later than 120 days after the application deadline established in the Notice of Funding Opportunity under subclause (I), make awards under this paragraph to selected applicants.

(iii) EVALUATION.—

(I) IN GENERAL.—Applications for assistance under this paragraph shall be evaluated by the Administrator of the Federal Transit Administration based on the level of financial need demonstrated by an eligible recipient or subrecipient, including projections of future financial need to maintain service as a percentage of the 2018 operating costs that has not been replaced by the funds made available to the eligible recipient or subrecipient under paragraphs (1) through (5) of this subsection when combined with the amounts allocated to such eligible recipient or subrecipient from funds previously made available for the operating expenses of transit agencies related to the response to the COVID-19 public health emergency.

(II) RESTRICTION.—Amounts made available under this paragraph shall only be available for operating expenses.

(iv) STATE APPLICANTS.—A State may apply for assistance under this paragraph on behalf of an eligible recipient or subrecipient or a group of eligible recipients or subrecipients.

(D) UNOBLIGATED FUNDS.—If amounts made available under this paragraph remain unobligated on September

Estimates.

Data.

Spending plan.

Notice.

30, 2023, such amounts shall be available for any purpose eligible under sections 5307 or 5311 of title 49, United States Code.

TITLE IV—COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

SEC. 4001. EMERGENCY FEDERAL EMPLOYEE LEAVE FUND.

5 USC 6301 note.

(a) **ESTABLISHMENT; APPROPRIATION.**—There is established in the Treasury the Emergency Federal Employee Leave Fund (in this section referred to as the “Fund”), to be administered by the Director of the Office of Personnel Management, for the purposes set forth in subsection (b). In addition to amounts otherwise available, there is appropriated for fiscal year 2021, out of any money in the Treasury not otherwise appropriated, \$570,000,000, which shall be deposited into the Fund and remain available through September 30, 2022. The Fund is available for reasonable expenses incurred by the Office of Personnel Management in administering this section.

(b) **PURPOSE.**—Amounts in the Fund shall be available for reimbursement to an agency for the use of paid leave under this section by any employee of the agency who is unable to work because the employee—

Reimbursement.

(1) is subject to a Federal, State, or local quarantine or isolation order related to COVID–19;

(2) has been advised by a health care provider to self-quarantine due to concerns related to COVID–19;

(3) is caring for an individual who is subject to such an order or has been so advised;

(4) is experiencing symptoms of COVID–19 and seeking a medical diagnosis;

(5) is caring for a son or daughter of such employee if the school or place of care of the son or daughter has been closed, if the school of such son or daughter requires or makes optional a virtual learning instruction model or requires or makes optional a hybrid of in-person and virtual learning instruction models, or the child care provider of such son or daughter is unavailable, due to COVID–19 precautions;

(6) is experiencing any other substantially similar condition;

(7) is caring for a family member with a mental or physical disability or who is 55 years of age or older and incapable of self-care, without regard to whether another individual other than the employee is available to care for such family member, if the place of care for such family member is closed or the direct care provider is unavailable due to COVID–19; or

(8) is obtaining immunization related to COVID–19 or is recovering from any injury, disability, illness, or condition related to such immunization.

(c) **LIMITATIONS.**—

(1) **PERIOD OF AVAILABILITY.**—Paid leave under this section may only be provided to and used by an employee during the period beginning on the date of enactment of this Act and ending on September 30, 2021.

(2) TOTAL HOURS; AMOUNT.—Paid leave under this section—

(A) shall be provided to an employee in an amount not to exceed 600 hours of paid leave for each full-time employee, and in the case of a part-time employee, employee on an uncommon tour of duty, or employee with a seasonal work schedule, in an amount not to exceed the proportional equivalent of 600 hours to the extent amounts in the Fund remain available for reimbursement;

(B) shall be paid at the same hourly rate as other leave payments; and

(C) may not be provided to an employee if the leave would result in payments greater than \$2,800 in aggregate for any biweekly pay period for a full-time employee, or a proportionally equivalent biweekly limit for a part-time employee.

(3) RELATIONSHIP TO OTHER LEAVE.—Paid leave under this section—

(A) is in addition to any other leave provided to an employee; and

(B) may not be used by an employee concurrently with any other paid leave.

(4) CALCULATION OF RETIREMENT BENEFIT.—Any paid leave provided to an employee under this section shall reduce the total service used to calculate any Federal civilian retirement benefit.

(d) EMPLOYEE DEFINED.—In this section, the term “employee” means—

(1) an individual in the executive branch for whom annual and sick leave is provided under subchapter I of chapter 63 of title 5, United States Code;

(2) an individual employed by the United States Postal Service;

(3) an individual employed by the Postal Regulatory Commission; and

(4) an employee of the Public Defender Service for the District of Columbia and the District of Columbia Courts.

SEC. 4002. FUNDING FOR THE GOVERNMENT ACCOUNTABILITY OFFICE.

In addition to amounts otherwise available, there is appropriated for fiscal year 2021, out of any money in the Treasury not otherwise appropriated, \$77,000,000, to remain available until September 30, 2025, for necessary expenses of the Government Accountability Office to prevent, prepare for, and respond to Coronavirus and to support oversight of the Coronavirus response and of funds provided in this Act or any other Act pertaining to the Coronavirus pandemic.

SEC. 4003. PANDEMIC RESPONSE ACCOUNTABILITY COMMITTEE FUNDING AVAILABILITY.

In addition to amounts otherwise available, there is appropriated for fiscal year 2021, out of any money in the Treasury not otherwise appropriated, \$40,000,000, to remain available until September 30, 2025, for the Pandemic Response Accountability Committee to support oversight of the Coronavirus response and of funds provided in this Act or any other Act pertaining to the Coronavirus pandemic.

SEC. 4004. FUNDING FOR THE WHITE HOUSE.

In addition to amounts otherwise available, there is appropriated for fiscal year 2021, out of any money in the Treasury not otherwise appropriated, \$12,800,000, to remain available until September 30, 2021, for necessary expenses for the White House, to prevent, prepare for, and respond to coronavirus.

SEC. 4005. FEDERAL EMERGENCY MANAGEMENT AGENCY APPROPRIATION.

In addition to amounts otherwise available, there is appropriated to the Federal Emergency Management Agency for fiscal year 2021, out of any money in the Treasury not otherwise appropriated, \$50,000,000,000, to remain available until September 30, 2025, to carry out the purposes of the Disaster Relief Fund for costs associated with major disaster declarations.

SEC. 4006. FUNERAL ASSISTANCE.

(a) **IN GENERAL.**—For the emergency declaration issued by the President on March 13, 2020, pursuant to section 501(b) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5191(b)), and for any subsequent major disaster declaration that supersedes such emergency declaration, the President shall provide financial assistance to an individual or household to meet disaster-related funeral expenses under section 408(e)(1) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5174(e)(1)), for which the Federal cost share shall be 100 percent.

42 USC 5174
note.
President.

(b) **USE OF FUNDS.**—Funds appropriated under section 4005 may be used to carry out subsection (a) of this section.

SEC. 4007. EMERGENCY FOOD AND SHELTER PROGRAM FUNDING.

In addition to amounts otherwise made available, there is appropriated to the Federal Emergency Management Agency for fiscal year 2021, out of any money in the Treasury not otherwise appropriated, \$400,000,000, to remain available until September 30, 2025, for the emergency food and shelter program.

SEC. 4008. HUMANITARIAN RELIEF.

In addition to amounts otherwise made available, there is appropriated to the Federal Emergency Management Agency for fiscal year 2021, out of any money in the Treasury not otherwise appropriated, \$110,000,000, to remain available until September 30, 2025, for the emergency food and shelter program for the purposes of providing humanitarian relief to families and individuals encountered by the Department of Homeland Security.

SEC. 4009. CYBERSECURITY AND INFRASTRUCTURE SECURITY AGENCY.

In addition to amounts otherwise made available, there is appropriated for fiscal year 2021, out of any money in the Treasury not otherwise appropriated, \$650,000,000, to remain available until September 30, 2023, for the Cybersecurity and Infrastructure Security Agency for cybersecurity risk mitigation.

SEC. 4010. APPROPRIATION FOR THE UNITED STATES DIGITAL SERVICE.

In addition to amounts otherwise available, there is appropriated for fiscal year 2021, out of any money in the Treasury

not otherwise appropriated, \$200,000,000, to remain available until September 30, 2024, for the United States Digital Service.

SEC. 4011. APPROPRIATION FOR THE TECHNOLOGY MODERNIZATION FUND.

In addition to amounts otherwise appropriated, there is appropriated to the General Services Administration for fiscal year 2021, out of any money in the Treasury not otherwise appropriated, \$1,000,000,000, to remain available until September 30, 2025, to carry out the purposes of the Technology Modernization Fund.

SEC. 4012. APPROPRIATION FOR THE FEDERAL CITIZEN SERVICES FUND.

In addition to amounts otherwise available, there is appropriated to the General Services Administration for fiscal year 2021, out of any money in the Treasury not otherwise appropriated, \$150,000,000, to remain available until September 30, 2024, to carry out the purposes of the Federal Citizen Services Fund.

SEC. 4013. AFG AND SAFER PROGRAM FUNDING.

In addition to amounts otherwise made available, there is appropriated to the Federal Emergency Management Agency for fiscal year 2021, out of any money in the Treasury not otherwise appropriated, \$300,000,000, to remain available until September 30, 2025, of which \$100,000,000 shall be for assistance to firefighter grants and \$200,000,000 shall be for staffing for adequate fire and emergency response grants.

SEC. 4014. EMERGENCY MANAGEMENT PERFORMANCE GRANT FUNDING.

In addition to amounts otherwise made available, there is appropriated to the Federal Emergency Management Agency for fiscal year 2021, out of any money in the Treasury not otherwise appropriated, \$100,000,000, to remain available until September 30, 2025, for emergency management performance grants.

SEC. 4015. EXTENSION OF REIMBURSEMENT AUTHORITY FOR FEDERAL CONTRACTORS.

Section 3610 of the CARES Act (Public Law 116–136; 134 Stat. 414) is amended by striking “September 30, 2020” and inserting “September 30, 2021”.

41 USC note
prec. 6301.

5 USC 8101 note.

SEC. 4016. ELIGIBILITY FOR WORKERS’ COMPENSATION BENEFITS FOR FEDERAL EMPLOYEES DIAGNOSED WITH COVID–19.

(a) **IN GENERAL.**—Subject to subsection (c), a covered employee shall, with respect to any claim made by or on behalf of the covered employee for benefits under subchapter I of chapter 81 of title 5, United States Code, be deemed to have an injury proximately caused by exposure to the novel coronavirus arising out of the nature of the covered employee’s employment. Such covered employee, or a beneficiary of such an employee, shall be entitled to such benefits for such claim, including disability compensation, medical services, and survivor benefits.

(b) **DEFINITIONS.**—In this section:

(1) **COVERED EMPLOYEE.**—

(A) **IN GENERAL.**—The term “covered employee” means an individual—

(i) who is an employee under section 8101(1) of title 5, United States Code, employed in the Federal

Time period.

service at anytime during the period beginning on January 27, 2020, and ending on January 27, 2023;

(ii) who is diagnosed with COVID-19 during such period; and

(iii) who, during a covered exposure period prior to such diagnosis, carries out duties that—

(I) require contact with patients, members of the public, or co-workers; or

(II) include a risk of exposure to the novel coronavirus.

(B) TELEWORKING EXCEPTION.—The term “covered employee” does not include any employee otherwise covered by subparagraph (A) who is exclusively teleworking during a covered exposure period, regardless of whether such employment is full time or part time.

(2) COVERED EXPOSURE PERIOD.—The term “covered exposure period” means, with respect to a diagnosis of COVID-19, the period beginning on a date to be determined by the Secretary of Labor.

Determination.

(3) NOVEL CORONAVIRUS.—The term “novel coronavirus” means SARS-CoV-2 or another coronavirus declared to be a pandemic by public health authorities.

(c) LIMITATION.—

(1) DETERMINATIONS MADE ON OR BEFORE THE DATE OF ENACTMENT.—This section shall not apply with respect to a covered employee who is determined to be entitled to benefits under subchapter I of chapter 81 of title 5, United States Code, for a claim described in subsection (a) if such determination is made on or before the date of enactment of this Act.

(2) LIMITATION ON DURATION OF BENEFITS.—No funds are authorized to be appropriated to pay, and no benefits may be paid for, claims approved on the basis of subsection (a) after September 30, 2030. No administrative costs related to any such claim may be paid after such date.

Termination date.

(d) EMPLOYEES’ COMPENSATION FUND.—

(1) IN GENERAL.—The costs of benefits for claims approved on the basis of subsection (a) shall not be included in the annual statement of the cost of benefits and other payments of an agency or instrumentality under section 8147(b) of title 5, United States Code.

(2) FAIR SHARE PROVISION.—Costs of administration for claims described in paragraph (1)—

(A) may be paid from the Employees’ Compensation Fund; and

(B) shall not be subject to the fair share provision in section 8147(c) of title 5, United States Code.

TITLE V—COMMITTEE ON SMALL BUSINESS AND ENTREPRENEURSHIP

SEC. 5001. MODIFICATIONS TO PAYCHECK PROTECTION PROGRAM.

(a) ELIGIBILITY OF CERTAIN NONPROFIT ENTITIES FOR COVERED LOANS UNDER THE PAYCHECK PROTECTION PROGRAM.—

(1) IN GENERAL.—Section 7(a)(36) of the Small Business Act (15 U.S.C. 636(a)(36)), as amended by the Economic Aid

- to Hard-Hit Small Businesses, Nonprofits, and Venues Act (title III of division N of Public Law 116-260), is amended—
- 134 Stat. 1993. (A) in subparagraph (A)—
- (i) in clause (xv), by striking “and” at the end;
 - (ii) in clause (xvi), by striking the period at the end and inserting “; and”; and
 - (iii) by adding at the end the following:

“(xvii) the term ‘additional covered nonprofit entity’—

 - “(I) means an organization described in any paragraph of section 501(c) of the Internal Revenue Code of 1986, other than paragraph (3), (4), (6), or (19), and exempt from tax under section 501(a) of such Code; and
 - “(II) does not include any entity that, if the entity were a business concern, would be described in section 120.110 of title 13, Code of Federal Regulations (or in any successor regulation or other related guidance or rule that may be issued by the Administrator) other than a business concern described in paragraph (a) or (k) of such section.”; and
- (B) in subparagraph (D)—
- (i) in clause (iii), by adding at the end the following:

“(III) ELIGIBILITY OF CERTAIN ORGANIZATIONS.—Subject to the provisions in this subparagraph, during the covered period—

 - “(aa) a nonprofit organization shall be eligible to receive a covered loan if the nonprofit organization employs not more than 500 employees per physical location of the organization; and
 - “(bb) an additional covered nonprofit entity and an organization that, but for subclauses (I)(dd) and (II)(dd) of clause (vii), would be eligible for a covered loan under clause (vii) shall be eligible to receive a covered loan if the entity or organization employs not more than 300 employees per physical location of the entity or organization.”; and
 - (ii) by adding at the end the following:

“(ix) ELIGIBILITY OF ADDITIONAL COVERED NONPROFIT ENTITIES.—An additional covered nonprofit entity shall be eligible to receive a covered loan if—

 - “(I) the additional covered nonprofit entity does not receive more than 15 percent of its receipts from lobbying activities;
 - “(II) the lobbying activities of the additional covered nonprofit entity do not comprise more than 15 percent of the total activities of the organization;
 - “(III) the cost of the lobbying activities of the additional covered nonprofit entity did not exceed \$1,000,000 during the most recent tax year of the additional covered nonprofit entity that ended prior to February 15, 2020; and
- Definition.

“(IV) the additional covered nonprofit entity employs not more than 300 employees.”.

(2) ELIGIBILITY FOR SECOND DRAW LOANS.—Paragraph (37)(A)(i) of section 7(a) of the Small Business Act (15 U.S.C. 636(a)), as added by the Economic Aid to Hard-Hit Small Businesses, Nonprofits, and Venues Act (title III of division N of Public Law 116-260), is amended by inserting “‘additional covered nonprofit entity’,” after “the terms”.

134 Stat. 2001.

(b) ELIGIBILITY OF INTERNET PUBLISHING ORGANIZATIONS FOR COVERED LOANS UNDER THE PAYCHECK PROTECTION PROGRAM.—

(1) IN GENERAL.—Section 7(a)(36)(D) of the Small Business Act (15 U.S.C. 636(a)(36)(D)), as amended by subsection (a), is further amended—

(A) in clause (iii), by adding at the end the following:

“(IV) ELIGIBILITY OF INTERNET PUBLISHING ORGANIZATIONS.—A business concern or other organization that was not eligible to receive a covered loan the day before the date of enactment of this subclause, is assigned a North American Industry Classification System code of 519130, certifies in good faith as an Internet-only news publisher or Internet-only periodical publisher, and is engaged in the collection and distribution of local or regional and national news and information shall be eligible to receive a covered loan for the continued provision of news, information, content, or emergency information if—

“(aa) the business concern or organization employs not more than 500 employees, or the size standard established by the Administrator for that North American Industry Classification code, per physical location of the business concern or organization; and

“(bb) the business concern or organization makes a good faith certification that proceeds of the loan will be used to support expenses at the component of the business concern or organization that supports local or regional news.”;

Certification.

(B) in clause (iv)—

(i) in subclause (III), by striking “and” at the end;

(ii) in subclause (IV)(bb), by striking the period at the end and inserting “; and”; and

(iii) by adding at the end the following:

“(V) any business concern or other organization that was not eligible to receive a covered loan the day before the date of enactment of this subclause, is assigned a North American Industry Classification System code of 519130, certifies in good faith as an Internet-only news publisher or Internet-only periodical publisher, and is engaged in the collection and distribution of local or regional and national news and information, if the business concern or organization—

Certification.

“(aa) employs not more than 500 employees, or the size standard established by the Administrator for that North American

Industry Classification code, per physical location of the business concern or organization; and

“(bb) is majority owned or controlled by a business concern or organization that is assigned a North American Industry Classification System code of 519130.”;

(C) in clause (v), by striking “clause (iii)(II), (iv)(IV), or (vii)” and inserting “subclause (II), (III), or (IV) of clause (iii), subclause (IV) or (V) of clause (iv), clause (vii), or clause (ix)”;

(D) in clause (viii)(II)—

(i) by striking “business concern made eligible by clause (iii)(II) or clause (iv)(IV) of this subparagraph” and inserting “business concern made eligible by subclause (II) or (IV) of clause (iii) or subclause (IV) or (V) of clause (iv) of this subparagraph”; and

(ii) by inserting “or organization” after “business concern” each place it appears.

(2) ELIGIBILITY FOR SECOND DRAW LOANS.—Section 7(a)(37)(A)(iv)(II) of the Small Business Act, as amended by the Economic Aid to Hard-Hit Small Businesses, Nonprofits, and Venues Act (title III of division N of Public Law 116–260), is amended by striking “clause (iii)(II), (iv)(IV), or (vii)” and inserting “subclause (II), (III), or (IV) of clause (iii), subclause (IV) or (V) of clause (iv), clause (vii), or clause (ix)”.

134 Stat. 2002.

(c) COORDINATION WITH CONTINUATION COVERAGE PREMIUM ASSISTANCE.—

(1) PAYCHECK PROTECTION PROGRAM.—Section 7A(a)(12) of the Small Business Act (as redesignated, transferred, and amended by section 304(b) of the Economic Aid to Hard-Hit Small Businesses, Nonprofits, and Venues Act (Public Law 116–260)) is amended—

134 Stat. 1993.

(A) by striking “CARES Act or” and inserting “CARES Act,”; and

(B) by inserting before the period at the end the following: “, or premiums taken into account in determining the credit allowed under section 6432 of the Internal Revenue Code of 1986”.

(2) PAYCHECK PROTECTION PROGRAM SECOND DRAW.—Section 7(a)(37)(J)(iii)(I) of the Small Business Act, as amended by the Economic Aid to Hard-Hit Small Businesses, Nonprofits, and Venues Act (title III of division N of Public Law 116–260), is amended—

134 Stat. 2005.

(A) by striking “or” at the end of item (aa);

(B) by striking the period at the end of item (bb) and inserting “; or”; and

(C) by adding at the end the following new item:

“(cc) premiums taken into account in determining the credit allowed under section 6432 of the Internal Revenue Code of 1986.”.

15 USC 636 note.

(3) APPLICABILITY.—The amendments made by this subsection shall apply only with respect to applications for forgiveness of covered loans made under paragraphs (36) or (37) of section 7(a) of the Small Business Act, as amended by the Economic Aid to Hard-Hit Small Businesses, Nonprofits, and Venues Act (title III of division N of Public Law 116–260),

that are received on or after the date of the enactment of this Act.

(d) COMMITMENT AUTHORITY AND APPROPRIATIONS.—

(1) COMMITMENT AUTHORITY.—Section 1102(b)(1) of the CARES Act (Public Law 116-136) is amended by striking “\$806,450,000,000” and inserting “\$813,700,000,000”.

134 Stat. 293,
660, 2019.

(2) DIRECT APPROPRIATIONS.—In addition to amounts otherwise available, there is appropriated to the Administrator of the Small Business Administration for fiscal year 2021, out of any money in the Treasury not otherwise appropriated, \$7,250,000,000, to remain available until expended, for carrying out this section.

SEC. 5002. TARGETED EIDL ADVANCE.

15 USC 9009
note.

(a) DEFINITIONS.—In this section—

(1) the term “Administrator” means the Administrator of the Small Business Administration; and

(2) the terms “covered entity” and “economic loss” have the meanings given the terms in section 331(a) of the Economic Aid to Hard-Hit Small Businesses, Nonprofits, and Venues Act (title III of division N of Public Law 116-260).

(b) APPROPRIATIONS.—In addition to amounts otherwise available, there is appropriated to the Administrator for fiscal year 2021, out of any money in the Treasury not otherwise appropriated, \$15,000,000,000—

(1) to remain available until expended; and

(2) of which, the Administrator shall use—

(A) \$10,000,000,000 to make payments to covered entities that have not received the full amounts to which the covered entities are entitled under section 331 of the Economic Aid to Hard-Hit Small Businesses, Nonprofits, and Venues Act (title III of division N of Public Law 116-260); and

(B) \$5,000,000,000 to make payments under section 1110(e) of the CARES Act (15 U.S.C. 9009(e)), each of which shall be—

(i) made to a covered entity that—

(I) has suffered an economic loss of greater than 50 percent; and

(II) employs not more than 10 employees;

(ii) in an amount that is \$5,000; and

(iii) with respect to the covered entity to which the payment is made, in addition to any payment made to the covered entity under section 1110(e) of the CARES Act (15 U.S.C. 9009(e)) or section 331 of the Economic Aid to Hard-Hit Small Businesses, Nonprofits, and Venues Act (title III of division N of Public Law 116-260).

SEC. 5003. SUPPORT FOR RESTAURANTS.

15 USC 9009c.

(a) DEFINITIONS.—In this section:

(1) ADMINISTRATOR.—The term “Administrator” means the Administrator of the Small Business Administration.

(2) AFFILIATED BUSINESS.—The term “affiliated business” means a business in which an eligible entity has an equity or right to profit distributions of not less than 50 percent, or in which an eligible entity has the contractual authority to control the direction of the business, provided that such

Determination.
Agreement date.

affiliation shall be determined as of any arrangements or agreements in existence as of March 13, 2020.

(3) COVERED PERIOD.—The term “covered period” means the period—

(A) beginning on February 15, 2020; and

Determination.
Deadline.

(B) ending on December 31, 2021, or a date to be determined by the Administrator that is not later than 2 years after the date of enactment of this section.

(4) ELIGIBLE ENTITY.—The term “eligible entity”—

(A) means a restaurant, food stand, food truck, food cart, caterer, saloon, inn, tavern, bar, lounge, brewpub, tasting room, taproom, licensed facility or premise of a beverage alcohol producer where the public may taste, sample, or purchase products, or other similar place of business in which the public or patrons assemble for the primary purpose of being served food or drink;

(B) includes an entity described in subparagraph (A) that is located in an airport terminal or that is a Tribally-owned concern; and

(C) does not include—

(i) an entity described in subparagraph (A) that—
(I) is a State or local government-operated business;

Agreement date.

(II) as of March 13, 2020, owns or operates (together with any affiliated business) more than 20 locations, regardless of whether those locations do business under the same or multiple names; or

(III) has a pending application for or has received a grant under section 324 of the Economic Aid to Hard-Hit Small Businesses, Nonprofits, and Venues Act (title III of division N of Public Law 116-260); or

(ii) a publicly-traded company.

(5) EXCHANGE; ISSUER; SECURITY.—The terms “exchange”, “issuer”, and “security” have the meanings given those terms in section 3(a) of the Securities Exchange Act of 1934 (15 U.S.C. 78c(a)).

(6) FUND.—The term “Fund” means the Restaurant Revitalization Fund established under subsection (b).

(7) PANDEMIC-RELATED REVENUE LOSS.—The term “pandemic-related revenue loss” means, with respect to an eligible entity—

(A) except as provided in subparagraphs (B), (C), and (D), the gross receipts, as established using such verification documentation as the Administrator may require, of the eligible entity during 2020 subtracted from the gross receipts of the eligible entity in 2019, if such sum is greater than zero;

(B) if the eligible entity was not in operation for the entirety of 2019—

(i) the difference between—

(I) the product obtained by multiplying the average monthly gross receipts of the eligible entity in 2019 by 12; and

- (II) the product obtained by multiplying the average monthly gross receipts of the eligible entity in 2020 by 12; or
- (ii) an amount based on a formula determined by the Administrator; Determination.
- (C) if the eligible entity opened during the period beginning on January 1, 2020, and ending on the day before the date of enactment of this section— Time period.
 - (i) the expenses described in subsection (c)(5)(A) that were incurred by the eligible entity minus any gross receipts received; or
 - (ii) an amount based on a formula determined by the Administrator; Determination.
- (D) if the eligible entity has not yet opened as of the date of application for a grant under subsection (c), but has incurred expenses described in subsection (c)(5)(A) as of the date of enactment of this section—
 - (i) the amount of those expenses; or
 - (ii) an amount based on a formula determined by the Administrator. Determination.

For purposes of this paragraph, the pandemic-related revenue losses for an eligible entity shall be reduced by any amounts received from a covered loan made under paragraph (36) or (37) of section 7(a) of the Small Business Act (15 U.S.C. 636(a)) in 2020 or 2021.

(8) PAYROLL COSTS.—The term “payroll costs” has the meaning given the term in section 7(a)(36)(A) of the Small Business Act (15 U.S.C. 636(a)(36)(A)), except that such term shall not include—

(A) qualified wages (as defined in subsection (c)(3) of section 2301 of the CARES Act) taken into account in determining the credit allowed under such section 2301; or

(B) premiums taken into account in determining the credit allowed under section 6432 of the Internal Revenue Code of 1986.

(9) PUBLICLY-TRADED COMPANY.—The term “publicly-traded company” means an entity that is majority owned or controlled by an entity that is an issuer, the securities of which are listed on a national securities exchange under section 6 of the Securities Exchange Act of 1934 (15 U.S.C. 78f).

(10) TRIBALLY-OWNED CONCERN.—The term “Tribally-owned concern” has the meaning given the term in section 124.3 of title 13, Code of Federal Regulations, or any successor regulation.

(b) RESTAURANT REVITALIZATION FUND.—

(1) IN GENERAL.—There is established in the Treasury of the United States a fund to be known as the Restaurant Revitalization Fund.

(2) APPROPRIATIONS.—

(A) IN GENERAL.—In addition to amounts otherwise available, there is appropriated to the Restaurant Revitalization Fund for fiscal year 2021, out of any money in the Treasury not otherwise appropriated, \$28,600,000,000, to remain available until expended.

(B) DISTRIBUTION.—

(i) IN GENERAL.—Of the amounts made available under subparagraph (A)—

(I) \$5,000,000,000 shall be available to eligible entities with gross receipts during 2019 of not more than \$500,000; and

(II) \$23,600,000,000 shall be available to the Administrator to award grants under subsection (c) in an equitable manner to eligible entities of different sizes based on annual gross receipts.

(ii) ADJUSTMENTS.—The Administrator may make adjustments as necessary to the distribution of funds under clause (i)(II) based on demand and the relative local costs in the markets in which eligible entities operate.

Effective date.
Determination.

(C) GRANTS AFTER INITIAL PERIOD.—Notwithstanding subparagraph (B), on and after the date that is 60 days after the date of enactment of this section, or another period of time determined by the Administrator, the Administrator may make grants using amounts appropriated under subparagraph (A) to any eligible entity regardless of the annual gross receipts of the eligible entity.

(3) USE OF FUNDS.—The Administrator shall use amounts in the Fund to make grants described in subsection (c).

(c) RESTAURANT REVITALIZATION GRANTS.—

(1) IN GENERAL.—Except as provided in subsection (b) and paragraph (3), the Administrator shall award grants to eligible entities in the order in which applications are received by the Administrator.

(2) APPLICATION.—

(A) CERTIFICATION.—An eligible entity applying for a grant under this subsection shall make a good faith certification that—

(i) the uncertainty of current economic conditions makes necessary the grant request to support the ongoing operations of the eligible entity; and

(ii) the eligible entity has not applied for or received a grant under section 324 of the Economic Aid to Hard-Hit Small Businesses, Nonprofits, and Venues Act (title III of division N of Public Law 116-260).

(B) BUSINESS IDENTIFIERS.—In accepting applications for grants under this subsection, the Administrator shall prioritize the ability of each applicant to use their existing business identifiers over requiring other forms of registration or identification that may not be common to their industry and imposing additional burdens on applicants.

(3) PRIORITY IN AWARDING GRANTS.—

Time period.

(A) IN GENERAL.—During the initial 21-day period in which the Administrator awards grants under this subsection, the Administrator shall prioritize awarding grants to eligible entities that are small business concerns owned and controlled by women (as defined in section 3(n) of the Small Business Act (15 U.S.C. 632(n))), small business concerns owned and controlled by veterans (as defined in section 3(q) of such Act (15 U.S.C. 632(q))), or socially and economically disadvantaged small business concerns (as defined in section 8(a)(4)(A) of the Small Business Act

(15 U.S.C. 637(a)(4)(A))). The Administrator may take such steps as necessary to ensure that eligible entities described in this subparagraph have access to grant funding under this section after the end of such 21-day period.

(B) CERTIFICATION.—For purposes of establishing priority under subparagraph (A), an applicant shall submit a self-certification of eligibility for priority with the grant application.

(4) GRANT AMOUNT.—

(A) AGGREGATE MAXIMUM AMOUNT.—The aggregate amount of grants made to an eligible entity and any affiliated businesses of the eligible entity under this subsection—

(i) shall not exceed \$10,000,000; and

(ii) shall be limited to \$5,000,000 per physical location of the eligible entity.

(B) DETERMINATION OF GRANT AMOUNT.—

(i) IN GENERAL.—Except as provided in this paragraph, the amount of a grant made to an eligible entity under this subsection shall be equal to the pandemic-related revenue loss of the eligible entity.

(ii) RETURN TO TREASURY.—Any amount of a grant made under this subsection to an eligible entity based on estimated receipts that is greater than the actual gross receipts of the eligible entity in 2020 shall be returned to the Treasury.

(5) USE OF FUNDS.—During the covered period, an eligible entity that receives a grant under this subsection may use the grant funds for the following expenses incurred as a direct result of, or during, the COVID-19 pandemic:

(A) Payroll costs.

(B) Payments of principal or interest on any mortgage obligation (which shall not include any prepayment of principal on a mortgage obligation).

(C) Rent payments, including rent under a lease agreement (which shall not include any prepayment of rent).

(D) Utilities.

(E) Maintenance expenses, including—

(i) construction to accommodate outdoor seating; and

(ii) walls, floors, deck surfaces, furniture, fixtures, and equipment.

(F) Supplies, including protective equipment and cleaning materials.

(G) Food and beverage expenses that are within the scope of the normal business practice of the eligible entity before the covered period.

(H) Covered supplier costs, as defined in section 7A(a) of the Small Business Act (as redesignated, transferred, and amended by section 304(b) of the Economic Aid to Hard-Hit Small Businesses, Nonprofits, and Venues Act (Public Law 116-260)).

(I) Operational expenses.

(J) Paid sick leave.

(K) Any other expenses that the Administrator determines to be essential to maintaining the eligible entity.

(6) RETURNING FUNDS.—If an eligible entity that receives a grant under this subsection fails to use all grant funds or permanently ceases operations on or before the last day of the covered period, the eligible entity shall return to the Treasury any funds that the eligible entity did not use for the allowable expenses under paragraph (5).

15 USC 9013.

SEC. 5004. COMMUNITY NAVIGATOR PILOT PROGRAM.

(a) DEFINITIONS.—In this section:

(1) ADMINISTRATION.—The term “Administration” means the Small Business Administration.

(2) ADMINISTRATOR.—The term “Administrator” means the Administrator of the Small Business Administration.

(3) COMMUNITY NAVIGATOR SERVICES.—The term “community navigator services” means the outreach, education, and technical assistance provided by community navigators that target eligible businesses to increase awareness of, and participation in, programs of the Small Business Administration.

(4) COMMUNITY NAVIGATOR.—The term “community navigator” means a community organization, community financial institution as defined in section 7(a)(36)(A) of the Small Business Act (15 U.S.C. 636(a)(36)(A)), or other private nonprofit organization engaged in the delivery of community navigator services.

(5) ELIGIBLE BUSINESS.—The term “eligible business” means any small business concern, with priority for small business concerns owned and controlled by women (as defined in section 3(n) of the Small Business Act (15 U.S.C. 632(n))), small business concerns owned and controlled by veterans (as defined in section 3(q) of such Act (15 U.S.C. 632(q))), and socially and economically disadvantaged small business concerns (as defined in section 8(a)(4)(A) of the Small Business Act (15 U.S.C. 637(a)(4)(A))).

(6) PRIVATE NONPROFIT ORGANIZATION.—The term “private nonprofit organization” means an entity that is described in section 501(c) of the Internal Revenue Code of 1986 and exempt from tax under section 501(a) of such Code.

(7) RESOURCE PARTNER.—The term “resource partner” means—

(A) a small business development center (as defined in section 3 of the Small Business Act (15 U.S.C. 632));

(B) a women’s business center (as described in section 29 of the Small Business Act (15 U.S.C. 656)); and

(C) a chapter of the Service Corps of Retired Executives (as defined in section 8(b)(1)(B) of the Act (15 U.S.C. 637(b)(1)(B))).

(8) SMALL BUSINESS CONCERN.—The term “small business concern” has the meaning given under section 3 of the Small Business Act (15 U.S.C. 632).

(9) STATE.—The term “State” means a State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, American Samoa, the Commonwealth of the Northern Mariana Islands, and Guam, or an agency, instrumentality, or fiscal agent thereof.

(10) UNIT OF GENERAL LOCAL GOVERNMENT.—The term “unit of general local government” means a county, city, town, village, or other general purpose political subdivision of a State.

(b) COMMUNITY NAVIGATOR PILOT PROGRAM.—

(1) IN GENERAL.—The Administrator of the Small Business Administration shall establish a Community Navigator pilot program to make grants to, or enter into contracts or cooperative agreements with, private nonprofit organizations, resource partners, States, Tribes, and units of local government to ensure the delivery of free community navigator services to current or prospective owners of eligible businesses in order to improve access to assistance programs and resources made available because of the COVID–19 pandemic by Federal, State, Tribal, and local entities.

Grants.
Contracts.

(2) APPROPRIATIONS.—In addition to amounts otherwise available, there is appropriated to the Administrator for fiscal year 2021, out of any money in the Treasury not otherwise appropriated, \$100,000,000, to remain available until September 30, 2022, for carrying out this subsection.

(c) OUTREACH AND EDUCATION.—

(1) PROMOTION.—The Administrator shall develop and implement a program to promote community navigator services to current or prospective owners of eligible businesses.

(2) CALL CENTER.—The Administrator shall establish a telephone hotline to offer information about Federal programs to assist eligible businesses and offer referral services to resource partners, community navigators, potential lenders, and other persons that the Administrator determines appropriate for current or prospective owners of eligible businesses.

Determination.

(3) OUTREACH.—The Administrator shall—

(A) conduct outreach and education, in the 10 most commonly spoken languages in the United States, to current or prospective owners of eligible businesses on community navigator services and other Federal programs to assist eligible businesses;

(B) improve the website of the Administration to describe such community navigator services and other Federal programs; and

(C) implement an education campaign by advertising in media targeted to current or prospective owners of eligible businesses.

(4) APPROPRIATIONS.—In addition to amounts otherwise available, there is appropriated to the Administrator for fiscal year 2021, out of any money in the Treasury not otherwise appropriated, \$75,000,000, to remain available until September 30, 2022, for carrying out this subsection.

(d) SUNSET.—The authority of the Administrator to make grants under this section shall terminate on December 31, 2025.

SEC. 5005. SHUTTERED VENUE OPERATORS.

(a) IN GENERAL.—In addition to amounts otherwise available, there is appropriated for fiscal year 2021, out of any money in the Treasury not otherwise appropriated, \$1,250,000,000, to remain available until expended, to carry out section 324 of the Economic Aid to Hard-Hit Small Businesses, Nonprofits, and Venues Act (title III of division N of Public Law 116–260), of which \$500,000 shall be used to provide technical assistance to help applicants access the System for Award Management (or any successor thereto) or to assist applicants with an alternative grant application system.

(b) REDUCTION OF SHUTTERED VENUES ASSISTANCE FOR NEW PPP RECIPIENTS.—Section 324 of the Economic Aid to Hard-Hit Small Businesses, Nonprofits, and Venues Act (title III of division N of Public Law 116-260), is amended—

134 Stat. 2024.

(1) in subsection (a)(1)(A)(vi)—

(A) by striking subclause (III);

(B) by redesignating subclause (IV) as subclause (III);

and

(C) in subclause (III), as so redesignated, by striking “subclauses (I), (II), and (III)” and inserting “subclauses (I) and (II)”; and

134 Stat. 2029.

(2) in subsection (c)(1)—

(A) in subparagraph (A), in the matter preceding clause (i), by striking “A grant” and inserting “Subject to subparagraphs (B) and (C), a grant”; and

(B) by adding at the end the following:

“(C) REDUCTION FOR RECIPIENTS OF NEW PPP LOANS.—

Effective date.

“(i) IN GENERAL.—The otherwise applicable amount of a grant under subsection (b)(2) to an eligible person or entity shall be reduced by the total amount of loans guaranteed under paragraph (36) or (37) of section 7(a) of the Small Business Act (15 U.S.C. 636(a)) that are received on or after December 27, 2020 by the eligible person or entity.

“(ii) APPLICATION TO GOVERNMENTAL ENTITIES.—For purposes of applying clause (i) to an eligible person or entity owned by a State or a political subdivision of a State, the relevant entity—

“(I) shall be the eligible person or entity; and

“(II) shall not include entities of the State or political subdivision other than the eligible person or entity.”.

SEC. 5006. DIRECT APPROPRIATIONS.

(a) IN GENERAL.—In addition to amounts otherwise available, there is appropriated to the Administrator for fiscal year 2021, out of any money in the Treasury not otherwise appropriated, to remain available until expended—

(1) \$840,000,000 for administrative expenses, including to prevent, prepare for, and respond to the COVID-19 pandemic, domestically or internationally, including administrative expenses related to paragraphs (36) and (37) of section 7(a) of the Small Business Act, section 324 of the Economic Aid to Hard-Hit Small Businesses, Nonprofits, and Venues Act (title III of division N of Public Law 116-260), section 5002 of this title, and section 5003 of this title; and

(2) \$460,000,000 to carry out the disaster loan program authorized by section 7(b) of the Small Business Act (15 U.S.C. 636(b)), of which \$70,000,000 shall be for the cost of direct loans authorized by such section and \$390,000,000 shall be for administrative expenses to carry out such program.

(b) INSPECTOR GENERAL.—In addition to amounts otherwise available, there is appropriated to the Inspector General of the Small Business Administration for fiscal year 2021, out of any money in the Treasury not otherwise appropriated, \$25,000,000, to remain available until expended, for necessary expenses of the Office of Inspector General.

TITLE VI—COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

SEC. 6001. ECONOMIC ADJUSTMENT ASSISTANCE.

(a) **ECONOMIC DEVELOPMENT ADMINISTRATION APPROPRIATION.**—In addition to amounts otherwise available, there is appropriated for fiscal year 2021, out of any money in the Treasury not otherwise appropriated, \$3,000,000,000, to remain available until September 30, 2022, to the Department of Commerce for economic adjustment assistance as authorized by sections 209 and 703 of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3149 and 3233) to prevent, prepare for, and respond to coronavirus and for necessary expenses for responding to economic injury as a result of coronavirus.

(b) Of the funds provided by this section, up to 2 percent shall be used for Federal costs to administer such assistance utilizing temporary Federal personnel as may be necessary consistent with the requirements applicable to such administrative funding in fiscal year 2020 to prevent, prepare for, and respond to coronavirus and which shall remain available until September 30, 2027.

(c) Of the funds provided by this section, 25 percent shall be for assistance to States and communities that have suffered economic injury as a result of job and gross domestic product losses in the travel, tourism, or outdoor recreation sectors.

SEC. 6002. FUNDING FOR POLLUTION AND DISPARATE IMPACTS OF THE COVID-19 PANDEMIC.

(a) **IN GENERAL.**—In addition to amounts otherwise available, there is appropriated to the Environmental Protection Agency for fiscal year 2021, out of any money in the Treasury not otherwise appropriated, \$100,000,000, to remain available until expended, to address health outcome disparities from pollution and the COVID-19 pandemic, of which—

(1) \$50,000,000, shall be for grants, contracts, and other agency activities that identify and address disproportionate environmental or public health harms and risks in minority populations or low-income populations under—

(A) section 103(b) of the Clean Air Act (42 U.S.C. 7403(b));

(B) section 1442 of the Safe Drinking Water Act (42 U.S.C. 300j-1);

(C) section 104(k)(7)(A) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9604(k)(7)(A)); and

(D) sections 791 through 797 of the Energy Policy Act of 2005 (42 U.S.C. 16131 through 16137); and

(2) \$50,000,000 shall be for grants and activities authorized under subsections (a) through (c) of section 103 of the Clean Air Act (42 U.S.C. 7403) and grants and activities authorized under section 105 of such Act (42 U.S.C. 7405).

(b) **ADMINISTRATION OF FUNDS.**—

(1) Of the funds made available pursuant to subsection (a)(1), the Administrator shall reserve 2 percent for administrative costs necessary to carry out activities funded pursuant to such subsection.

(2) Of the funds made available pursuant to subsection (a)(2), the Administrator shall reserve 5 percent for activities funded pursuant to such subsection other than grants.

SEC. 6003. UNITED STATES FISH AND WILDLIFE SERVICE.

(a) INSPECTION, INTERDICTION, AND RESEARCH RELATED TO CERTAIN SPECIES AND COVID-19.—In addition to amounts otherwise made available, there is appropriated for fiscal year 2021, out of any money in the Treasury not otherwise appropriated, \$95,000,000 to remain available until expended, to carry out the provisions of the Fish and Wildlife Act of 1956 (16 U.S.C. 742a et seq.) and the Fish and Wildlife Coordination Act (16 U.S.C. 661 et seq.) through direct expenditure, contracts, and grants, of which—

(1) \$20,000,000 shall be for wildlife inspections, interdictions, investigations, and related activities, and for efforts to address wildlife trafficking;

(2) \$30,000,000 shall be for the care of captive species listed under the Endangered Species Act of 1973, for the care of rescued and confiscated wildlife, and for the care of Federal trust species in facilities experiencing lost revenues due to COVID-19; and

(3) \$45,000,000 shall be for research and extension activities to strengthen early detection, rapid response, and science-based management to address wildlife disease outbreaks before they become pandemics and strengthen capacity for wildlife health monitoring to enhance early detection of diseases that have capacity to jump the species barrier and pose a risk in the United States, including the development of a national wildlife disease database.

(b) LACEY ACT PROVISIONS.—In addition to amounts otherwise made available, there is appropriated for fiscal year 2021, out of any money in the Treasury not otherwise appropriated, \$10,000,000, to remain available until expended, to carry out the provisions of section 42(a) of title 18, United States Code, and the Lacey Act Amendments of 1981 (16 U.S.C. 3371–3378).

**TITLE VII—COMMITTEE ON COMMERCE,
SCIENCE, AND TRANSPORTATION**

**Subtitle A—Transportation and
Infrastructure**

SEC. 7101. GRANTS TO THE NATIONAL RAILROAD PASSENGER CORPORATION.

(a) NORTHEAST CORRIDOR APPROPRIATION.—In addition to amounts otherwise available, there is appropriated for fiscal year 2021, out of any money in the Treasury not otherwise appropriated, \$970,388,160, to remain available until September 30, 2024, for grants as authorized under section 11101(a) of the FAST Act (Public Law 114–94) to prevent, prepare for, and respond to coronavirus.

(b) NATIONAL NETWORK APPROPRIATION.—In addition to amounts otherwise available, there is appropriated for fiscal year 2021, out of any money in the Treasury not otherwise appropriated, \$729,611,840, to remain available until September 30, 2024, for

grants as authorized under section 11101(b) of the FAST Act (Public Law 114-94) to prevent, prepare for, and respond to coronavirus.

(c) LONG-DISTANCE SERVICE RESTORATION AND EMPLOYEE RECALLS.—Not less than \$165,926,000 of the aggregate amounts made available under subsections (a) and (b) shall be for use by the National Railroad Passenger Corporation to—

Effective dates.

(1) restore, not later than 90 days after the date of enactment of this Act, the frequency of rail service on long-distance routes (as defined in section 24102 of title 49, United States Code) that the National Railroad Passenger Corporation reduced the frequency of on or after July 1, 2020, and continue to operate such service at such frequency; and

Deadline.

(2) recall and manage employees furloughed on or after October 1, 2020, as a result of efforts to prevent, prepare for, and respond to coronavirus.

Furloughs.

(d) USE OF FUNDS IN LIEU OF CAPITAL PAYMENTS.—Not less than \$109,805,000 of the aggregate amounts made available under subsections (a) and (b)—

(1) shall be for use by the National Railroad Passenger Corporation in lieu of capital payments from States and commuter rail passenger transportation providers that are subject to the cost allocation policy under section 24905(c) of title 49, United States Code; and

(2) notwithstanding sections 24319(g) and 24905(c)(1)(A)(i) of title 49, United States Code, such amounts do not constitute cross-subsidization of commuter rail passenger transportation.

(e) USE OF FUNDS FOR STATE PAYMENTS FOR STATE-SUPPORTED ROUTES.—

(1) IN GENERAL.—Of the amounts made available under subsection (b), \$174,850,000 shall be for use by the National Railroad Passenger Corporation to offset amounts required to be paid by States for covered State-supported routes.

(2) FUNDING SHARE.—The share of funding provided under paragraph (1) with respect to a covered State-supported route shall be distributed as follows:

(A) Each covered State-supported route shall receive 7 percent of the costs allocated to the route in fiscal year 2019 under the cost allocation methodology adopted pursuant to section 209 of the Passenger Rail Investment and Improvement Act of 2008 (Public Law 110-432).

(B) Any remaining amounts after the distribution described in subparagraph (A) shall be apportioned to each covered State-supported route in proportion to the passenger revenue of such route and other revenue allocated to such route in fiscal year 2019 divided by the total passenger revenue and other revenue allocated to all covered State-supported routes in fiscal year 2019.

Apportionment.

(3) COVERED STATE-SUPPORTED ROUTE DEFINED.—In this subsection, the term “covered State-supported route” means a State-supported route, as such term is defined in section 24102 of title 49, United States Code, but does not include a State-supported route for which service was terminated on or before February 1, 2020.

Termination date.

(f) USE OF FUNDS FOR DEBT REPAYMENT OR PREPAYMENT.—Not more than \$100,885,000 of the aggregate amounts made available under subsections (a) and (b) shall be—

(1) for the repayment or prepayment of debt incurred by the National Railroad Passenger Corporation under financing arrangements entered into prior to the date of enactment of this Act; and

(2) to pay required reserves, costs, and fees related to such debt, including for loans from the Department of Transportation and loans that would otherwise have been paid from National Railroad Passenger Corporation revenues.

(g) PROJECT MANAGEMENT OVERSIGHT.—Not more than \$2,000,000 of the aggregate amounts made available under subsections (a) and (b) shall be for activities authorized under section 11101(c) of the FAST Act (Public Law 114-94).

15 USC 9121.

SEC. 7102. RELIEF FOR AIRPORTS.

(a) IN GENERAL.—

(1) IN GENERAL.—In addition to amounts otherwise available, there is appropriated for fiscal year 2021, out of any funds in the Treasury not otherwise appropriated, \$8,000,000,000, to remain available until September 30, 2024, for assistance to sponsors of airports, as such terms are defined in section 47102 of title 49, United States Code, to be made available to prevent, prepare for, and respond to coronavirus.

(2) REQUIREMENTS AND LIMITATIONS.—Amounts made available under this section—

(A) may not be used for any purpose not directly related to the airport; and

(B) may not be provided to any airport that was allocated in excess of 4 years of operating funds to prevent, prepare for, and respond to coronavirus in fiscal year 2020.

Applicability.

(b) ALLOCATIONS.—The following terms shall apply to the amounts made available under this section:

(1) OPERATING EXPENSES AND DEBT SERVICE PAYMENTS.—

(A) IN GENERAL.—Not more than \$6,492,000,000 shall be made available for primary airports, as such term is defined in section 47102 of title 49, United States Code, and certain cargo airports, for costs related to operations, personnel, cleaning, sanitization, janitorial services, combating the spread of pathogens at the airport, and debt service payments.

(B) DISTRIBUTION.— Amounts made available under this paragraph—

(i) shall not be subject to the reduced apportionments under section 47114(f) of title 49, United States Code;

(ii) shall first be apportioned as set forth in sections 47114(c)(1)(A), 47114(c)(1)(C)(i), 47114(c)(1)(C)(ii), 47114(c)(2)(A), 47114(c)(2)(B), and 47114(c)(2)(E) of title 49, United States Code; and

(iii) shall not be subject to a maximum apportionment limit set forth in section 47114(c)(1)(B) of title 49, United States Code.

(C) REMAINING AMOUNTS.—Any amount remaining after distribution under subparagraph (B) shall be distributed to the sponsor of each primary airport (as such term is defined in section 47102 of title 49, United States Code) based on each such primary airport's passenger enplanements compared to the total passenger

enplanements of all such primary airports in calendar year 2019.

(2) FEDERAL SHARE FOR DEVELOPMENT PROJECTS.—

(A) IN GENERAL.—Not more than \$608,000,000 allocated under subsection (a)(1) shall be available to pay a Federal share of 100 percent of the costs for any grant awarded in fiscal year 2021, or in fiscal year 2020 with less than a 100-percent Federal share, for an airport development project (as such term is defined in section 47102 of title 49).

(B) REMAINING AMOUNTS.—Any amount remaining under this paragraph shall be distributed as described in paragraph (1)(C).

(3) NONPRIMARY AIRPORTS.—

(A) IN GENERAL.—Not more than \$100,000,000 shall be made available for general aviation and commercial service airports that are not primary airports (as such terms are defined in section 47102 of title 49, United States Code) for costs related to operations, personnel, cleaning, sanitization, janitorial services, combating the spread of pathogens at the airport, and debt service payments.

(B) DISTRIBUTION.—Amounts made available under this paragraph shall be apportioned to each non-primary airport based on the categories published in the most current National Plan of Integrated Airport Systems, reflecting the percentage of the aggregate published eligible development costs for each such category, and then dividing the allocated funds evenly among the eligible airports in each category, rounding up to the nearest thousand dollars.

(C) REMAINING AMOUNTS.—Any amount remaining under this paragraph shall be distributed as described in paragraph (1)(C).

(4) AIRPORT CONCESSIONS.—

(A) IN GENERAL.—Not more than \$800,000,000 shall be made available for sponsors of primary airports to provide relief from rent and minimum annual guarantees to airport concessions, of which at least \$640,000,000 shall be available to provide relief to eligible small airport concessions and of which at least \$160,000,000 shall be available to provide relief to eligible large airport concessions located at primary airports.

(B) DISTRIBUTION.—The amounts made available for each set-aside in this paragraph shall be distributed to the sponsor of each primary airport (as such term is defined in section 47102 of title 49, United States Code) based on each such primary airport's passenger enplanements compared to the total passenger enplanements of all such primary airports in calendar year 2019.

(C) CONDITIONS.—As a condition of approving a grant under this paragraph—

(i) the sponsor shall provide such relief from the date of enactment of this Act until the sponsor has provided relief equaling the total grant amount, to the extent practicable and to the extent permissible under State laws, local laws, and applicable trust indentures; and

(ii) for each set-aside, the sponsor shall provide relief from rent and minimum annual guarantee obligations to each eligible airport concession in an amount that reflects each eligible airport concession's proportional share of the total amount of the rent and minimum annual guarantees of those eligible airport concessions at such airport.

(c) ADMINISTRATION.—

(1) ADMINISTRATIVE EXPENSES.—The Administrator of the Federal Aviation Administration may retain up to 0.1 percent of the funds provided under this section to fund the award of, and oversight by the Administrator of, grants made under this section.

(2) WORKFORCE RETENTION REQUIREMENTS.—

Extension.
Retention date.

(A) REQUIRED RETENTION.—As a condition for receiving funds provided under this section, an airport shall continue to employ, through September 30, 2021, at least 90 percent of the number of individuals employed (after making adjustments for retirements or voluntary employee separations) by the airport as of March 27, 2020.

Determination.

(B) WAIVER OF RETENTION REQUIREMENT.—The Secretary shall waive the workforce retention requirement if the Secretary determines that—

(i) the airport is experiencing economic hardship as a direct result of the requirement; or

(ii) the requirement reduces aviation safety or security.

(C) EXCEPTION.—The workforce retention requirement shall not apply to nonhub airports or nonprimary airports receiving funds under this section.

(D) NONCOMPLIANCE.—Any financial assistance provided under this section to an airport that fails to comply with the workforce retention requirement described in subparagraph (A), and does not otherwise qualify for a waiver or exception under this paragraph, shall be subject to clawback by the Secretary.

(d) DEFINITIONS.—In this section:

(1) ELIGIBLE LARGE AIRPORT CONCESSION.—The term “eligible large airport concession” means a concession (as defined in section 23.3 of title 49, Code of Federal Regulations), that is in-terminal and has maximum gross receipts, averaged over the previous three fiscal years, of more than \$56,420,000.

(2) ELIGIBLE SMALL AIRPORT CONCESSION.—The term “eligible small airport concession” means a concession (as defined in section 23.3 of title 49, Code of Federal Regulations), that is in-terminal and—

Time period.

(A) a small business with maximum gross receipts, averaged over the previous 3 fiscal years, of less than \$56,420,000; or

(B) is a joint venture (as defined in section 23.3 of title 49, Code of Federal Regulations).

49 USC 106 note.

SEC. 7103. EMERGENCY FAA EMPLOYEE LEAVE FUND.

(a) ESTABLISHMENT; APPROPRIATION.—There is established in the Federal Aviation Administration the Emergency FAA Employee Leave Fund (in this section referred to as the “Fund”), to be

administered by the Administrator of the Federal Aviation Administration, for the purposes set forth in subsection (b). In addition to amounts otherwise available, there is appropriated for fiscal year 2021, out of any money in the Treasury not otherwise appropriated, \$9,000,000, which shall be deposited into the Fund and remain available through September 30, 2022.

(b) PURPOSE.—Amounts in the Fund shall be available to the Administrator for the use of paid leave under this section by any employee of the Administration who is unable to work because the employee—

(1) is subject to a Federal, State, or local quarantine or isolation order related to COVID-19;

(2) has been advised by a health care provider to self-quarantine due to concerns related to COVID-19;

(3) is caring for an individual who is subject to such an order or has been so advised;

(4) is experiencing symptoms of COVID-19 and seeking a medical diagnosis;

(5) is caring for a son or daughter of such employee if the school or place of care of the son or daughter has been closed, if the school of such son or daughter requires or makes optional a virtual learning instruction model or requires or makes optional a hybrid of in-person and virtual learning instruction models, or the child care provider of such son or daughter is unavailable, due to COVID-19 precautions;

(6) is experiencing any other substantially similar condition;

(7) is caring for a family member with a mental or physical disability or who is 55 years of age or older and incapable of self-care, without regard to whether another individual other than the employee is available to care for such family member, if the place of care for such family member is closed or the direct care provider is unavailable due to COVID-19; or

(8) is obtaining immunization related to COVID-19 or is recovering from any injury, disability, illness, or condition related to such immunization.

(c) LIMITATIONS.—

(1) PERIOD OF AVAILABILITY.—Paid leave under this section may only be provided to and used by an employee of the Administration during the period beginning on the date of enactment of this section and ending on September 30, 2021.

(2) TOTAL HOURS; AMOUNT.—Paid leave under this section—

(A) shall be provided to an employee of the Administration in an amount not to exceed 600 hours of paid leave for each full-time employee, and in the case of a part-time employee, employee on an uncommon tour of duty, or employee with a seasonal work schedule, in an amount not to exceed the proportional equivalent of 600 hours to the extent amounts in the Fund remain available for reimbursement;

(B) shall be paid at the same hourly rate as other leave payments; and

(C) may not be provided to an employee if the leave would result in payments greater than \$2,800 in aggregate for any biweekly pay period for a full-time employee, or a proportionally equivalent biweekly limit for a part-time employee.

(3) RELATIONSHIP TO OTHER LEAVE.—Paid leave under this section—

(A) is in addition to any other leave provided to an employee of the Administration; and

(B) may not be used by an employee of the Administration concurrently with any other paid leave.

(4) CALCULATION OF RETIREMENT BENEFIT.—Any paid leave provided to an employee of the Administration under this section shall reduce the total service used to calculate any Federal civilian retirement benefit.

49 USC 114 note. **SEC. 7104. EMERGENCY TSA EMPLOYEE LEAVE FUND.**

(a) ESTABLISHMENT; APPROPRIATION.—There is established in the Transportation Security Administration (in this section referred to as the “Administration”) the Emergency TSA Employee Leave Fund (in this section referred to as the “Fund”), to be administered by the Administrator of the Administration, for the purposes set forth in subsection (b). In addition to amounts otherwise available, there is appropriated for fiscal year 2021, out of any money in the Treasury not otherwise appropriated, \$13,000,000, which shall be deposited into the Fund and remain available through September 30, 2022.

(b) PURPOSE.—Amounts in the Fund shall be available to the Administration for the use of paid leave under this section by any employee of the Administration who is unable to work because the employee—

(1) is subject to a Federal, State, or local quarantine or isolation order related to COVID-19;

(2) has been advised by a health care provider to self-quarantine due to concerns related to COVID-19;

(3) is caring for an individual who is subject to such an order or has been so advised;

(4) is experiencing symptoms of COVID-19 and seeking a medical diagnosis;

(5) is caring for a son or daughter of such employee if the school or place of care of the son or daughter has been closed, if the school of such son or daughter requires or makes optional a virtual learning instruction model or requires or makes optional a hybrid of in-person and virtual learning instruction models, or the child care provider of such son or daughter is unavailable, due to COVID-19 precautions;

(6) is experiencing any other substantially similar condition;

(7) is caring for a family member with a mental or physical disability or who is 55 years of age or older and incapable of self-care, without regard to whether another individual other than the employee is available to care for such family member, if the place of care for such family member is closed or the direct care provider is unavailable due to COVID-19; or

(8) is obtaining immunization related to COVID-19 or is recovering from any injury, disability, illness, or condition related to such immunization.

(c) LIMITATIONS.—

(1) PERIOD OF AVAILABILITY.—Paid leave under this section may only be provided to and used by an employee of the Administration during the period beginning on the date of enactment of this section and ending on September 30, 2021.

(2) TOTAL HOURS; AMOUNT.—Paid leave under this section—

(A) shall be provided to an employee of the Administration in an amount not to exceed 600 hours of paid leave for each full-time employee, and in the case of a part-time employee, employee on an uncommon tour of duty, or employee with a seasonal work schedule, in an amount not to exceed the proportional equivalent of 600 hours to the extent amounts in the Fund remain available for reimbursement;

(B) shall be paid at the same hourly rate as other leave payments; and

(C) may not be provided to an employee if the leave would result in payments greater than \$2,800 in aggregate for any biweekly pay period for a full-time employee, or a proportionally equivalent biweekly limit for a part-time employee.

(3) RELATIONSHIP TO OTHER LEAVE.—Paid leave under this section—

(A) is in addition to any other leave provided to an employee of the Administration; and

(B) may not be used by an employee of the Administration concurrently with any other paid leave.

(4) CALCULATION OF RETIREMENT BENEFIT.—Any paid leave provided to an employee of the Administration under this section shall reduce the total service used to calculate any Federal civilian retirement benefit.

Subtitle B—Aviation Manufacturing Jobs Protection

SEC. 7201. DEFINITIONS.

15 USC 9131.

In this subtitle:

(1) ELIGIBLE EMPLOYEE GROUP.—The term “eligible employee group” means the portion of an employer’s United States workforce that—

(A) does not exceed 25 percent of the employer’s total United States workforce as of April 1, 2020; and

(B) contains only employees with a total compensation level of \$200,000 or less per year; and

(C) is engaged in aviation manufacturing activities and services, or maintenance, repair, and overhaul activities and services.

(2) AVIATION MANUFACTURING COMPANY.—The term “aviation manufacturing company” means a corporation, firm, or other business entity—

(A) that—

(i) actively manufactures an aircraft, aircraft engine, propeller, or a component, part, or systems of an aircraft or aircraft engine under a Federal Aviation Administration production approval;

(ii) holds a certificate issued under part 145 of title 14, Code of Federal Regulations, for maintenance, repair, and overhaul of aircraft, aircraft engines, components, or propellers; or

(iii) operates a process certified to SAE AS9100 related to the design, development, or provision of an

aviation product or service, including a part, component, or assembly;

(B) which—

(i) is established, created, or organized in the United States or under the laws of the United States; and

(ii) has significant operations in, and a majority of its employees engaged in aviation manufacturing activities and services, or maintenance, repair, and overhaul activities and services based in the United States;

(C) which has involuntarily furloughed or laid off at least 10 percent of its workforce in 2020 as compared to 2019 or has experienced at least a 15 percent decline in 2020 revenues as compared to 2019;

(D) that, as supported by sworn financial statements or other appropriate data, has identified the eligible employee group and the amount of total compensation level for the eligible employee group;

(E) that agrees to provide private contributions and maintain the total compensation level for the eligible employee group for the duration of an agreement under this subtitle;

(F) that agrees to provide immediate notice and justification to the Secretary of involuntary furloughs or layoffs exceeding 10 percent of the workforce that is not included in an eligible employee group for the duration of an agreement and receipt of public contributions under this subtitle;

(G) that has not conducted involuntary furloughs or reduced pay rates or benefits for the eligible employee group, subject to the employer's right to discipline or terminate an employee in accordance with employer policy, between the date of application and the date on which such a corporation, firm, or other business entity enters into an agreement with the Secretary under this subtitle; and

(H) that—

(i) in the case of a corporation, firm, or other business entity including any parent company or subsidiary of such a corporation, firm, or other business entity, that holds any type or production certificate or similar authorization issued under section 44704 of title 49, United States Code, with respect to a transport-category airplane covered under part 25 of title 14, Code of Federal Regulations, certificated with a passenger seating capacity of 50 or more, agrees to refrain from conducting involuntary layoffs or furloughs, or reducing pay rates and benefits, for the eligible employee group, subject to the employer's right to discipline or terminate an employee in accordance with employer policy from the date of agreement until September 30, 2021, or the duration of the agreement and receipt of public contributions under this subtitle, whichever period ends later; or

(ii) in the case of corporation, firm, or other business entity not specified under subparagraph (i), agrees

Time period.

to refrain from conducting involuntary layoffs or furloughs, or reducing pay rates and benefits, for the eligible employee group, subject to the employer's right to discipline or terminate an employee in accordance with employer policy for the duration of the agreement and receipt of public contributions under this subtitle.

(3) **EMPLOYEE.**—The term “employee” has the meaning given that term in section 3 of the Fair Labor Standards Act of 1938 (29 U.S.C. 203).

(4) **EMPLOYER.**—The term “employer” means an aviation manufacturing company that is an employer (as defined in section 3 of the Fair Labor Standards Act of 1938 (29 U.S.C. 203)).

(5) **PRIVATE CONTRIBUTION.**—The term “private contribution” means the contribution funded by the employer under this subtitle to maintain 50 percent of the eligible employee group's total compensation level, and combined with the public contribution, is sufficient to maintain the total compensation level for the eligible employee group as of April 1, 2020.

(6) **PUBLIC CONTRIBUTION.**—The term “public contribution” means the contribution funded by the Federal Government under this subtitle to provide 50 percent of the eligible employees group's total compensation level, and combined with the private contribution, is sufficient to maintain the total compensation level for those in the eligible employee group as of April 1, 2020.

Effective date.

(7) **SECRETARY.**—The term “Secretary” means the Secretary of Transportation.

(8) **TOTAL COMPENSATION LEVEL.**—The term “total compensation level” means the level of total base compensation and benefits being provided to an eligible employee group employee, excluding overtime and premium pay, and excluding any Federal, State, or local payroll taxes paid, as of April 1, 2020.

Effective date.

SEC. 7202. PAYROLL SUPPORT PROGRAM.

Contracts.
15 USC 9132.

(a) **IN GENERAL.**—The Secretary shall establish a payroll support program and enter into agreements with employers who meet the eligibility criteria specified in subsection (b) and are not ineligible under subsection (c), to provide public contributions to supplement compensation of an eligible employee group. There is appropriated for fiscal year 2021, out of amounts in the Treasury not otherwise appropriated, \$3,000,000,000, to remain available until September 30, 2023, for the Secretary to carry out the payroll support program authorized under the preceding sentence for which 1 percent of the funds may be used for implementation costs and administrative expenses.

(b) **ELIGIBILITY.**—The Secretary shall enter into an agreement and provide public contributions, for a term no longer than 6 months, solely with an employer that agrees to use the funds received under an agreement exclusively for the continuation of employee wages, salaries, and benefits, to maintain the total compensation level for the eligible employee group as of April 1, 2020 for the duration of the agreement, and to facilitate the retention, rehire, or recall of employees of the employer, except that such funds may not be used for back pay of returning rehired or recalled employees.

Time period.
Effective date.

(c) **INELIGIBILITY.**—The Secretary may not enter into any agreement under this section with an employer who was allowed a credit under section 2301 of the CARES Act (26 U.S.C. 3111 note) for the immediately preceding calendar quarter ending before such agreement is entered into, who received financial assistance under section 4113 of the CARES Act (15 U.S.C. 9073), or who is currently expending financial assistance under the paycheck protection program established under section 7(a)(36) of the Small Business Act (15 U.S.C. 636(a)(36)), as of the date the employer submits an application under the payroll support program established under subsection (a).

(d) **REDUCTIONS.**—To address any shortfall in assistance that would otherwise be provided under this subtitle, the Secretary shall reduce, on a pro rata basis, the financial assistance provided under this subtitle.

(e) **AGREEMENT DEADLINE.**—No agreement may be entered into by the Secretary under the payroll support program established under subsection (a) after the last day of the 6 month period that begins on the effective date of the first agreement entered into under such program.

Subtitle C—Airlines

15 USC 9141.

SEC. 7301. AIR TRANSPORTATION PAYROLL SUPPORT PROGRAM EXTENSION.

Applicability.

(a) **DEFINITIONS.**—The definitions in section 40102(a) of title 49, United States Code, shall apply with respect to terms used in this section, except that—

(1) the term “catering functions” means preparation, assembly, or both, of food, beverages, provisions and related supplies for delivery, and the delivery of such items, directly to aircraft or to a location on or near airport property for subsequent delivery to aircraft;

(2) the term “contractor” means—

(A) a person that performs, under contract with a passenger air carrier conducting operations under part 121 of title 14, Code of Federal Regulations—

(i) catering functions; or

(ii) functions on the property of an airport that are directly related to the air transportation of persons, property, or mail, including the loading and unloading of property on aircraft, assistance to passengers under part 382 of title 14, Code of Federal Regulations, security, airport ticketing and check-in functions, ground-handling of aircraft, or aircraft cleaning and sanitization functions and waste removal; or

(B) a subcontractor that performs such functions;

(3) the term “employee” means an individual, other than a corporate officer, who is employed by an air carrier or a contractor;

(4) the term “eligible air carrier” means an air carrier that—

(A) received financial assistance pursuant section 402(a)(1) of division N of the Consolidated Appropriations Act, 2021 (Public Law 116–260);

(B) provides air transportation as of March 31, 2021;

Effective date.

- (C) has not conducted involuntary furloughs or reduced pay rates or benefits between March 31, 2021, and the date on which the air carrier makes a certification to the Secretary pursuant to subparagraph (D); and
- (D) certifies to the Secretary that such air carrier will—
- (i) refrain from conducting involuntary furloughs or reducing pay rates or benefits until September 30, 2021, or the date on which assistance provided under this section is exhausted, whichever is later;
 - (ii) refrain from purchasing an equity security of the air carrier or the parent company of the air carrier that is listed on a national securities exchange through September 30, 2022;
 - (iii) refrain from paying dividends, or making other capital distributions, with respect to common stock (or equivalent interest) of such air carrier through September 30, 2022;
 - (iv) during the 2-year period beginning April 1, 2021, and ending April 1, 2023, refrain from paying—
- (I) any officer or employee of the air carrier whose total compensation exceeded \$425,000 in calendar year 2019 (other than an employee whose compensation is determined through an existing collective bargaining agreement entered into prior to the date of enactment of this Act)—
- (aa) total compensation that exceeds, during any 12 consecutive months of such 2-year period, the total compensation received by the officer or employee from the air carrier in calendar year 2019; or
 - (bb) severance pay or other benefits upon termination of employment with the air carrier which exceeds twice the maximum total compensation received by the officer or employee from the air carrier in calendar year 2019; and
- (II) any officer or employee of the air carrier whose total compensation exceeded \$3,000,000 in calendar year 2019 during any 12 consecutive months of such period total compensation in excess of the sum of—
- (aa) \$3,000,000; and
 - (bb) 50 percent of the excess over \$3,000,000 of the total compensation received by the officer or employee from the air carrier in calendar year 2019.
- (5) the term “eligible contractor” means a contractor that—
- (A) received financial assistance pursuant to section 402(a)(2) of division N of the Consolidated Appropriations Act, 2021 (Public Law 116-260);
 - (B) performs one or more of the functions described under paragraph (2) as of March 31, 2021;
 - (C) has not conducted involuntary furloughs or reduced pay rates or benefits between March 31, 2021, and the date on which the contractor makes a certification to the Secretary pursuant to subparagraph (D); and
 - (D) certifies to the Secretary that such contractor will—

Time period.

Certification.
Extensions.

Time periods.

Effective date.

Time period.

Certification.
Extensions.

(i) refrain from conducting involuntary furloughs or reducing pay rates or benefits until September 30, 2021, or the date on which assistance provided under this section is exhausted, whichever is later;

(ii) refrain from purchasing an equity security of the contractor or the parent company of the contractor that is listed on a national securities exchange through September 30, 2022;

(iii) refrain from paying dividends, or making other capital distributions, with respect to common stock (or equivalent interest) of the contractor through September 30, 2022;

(iv) during the 2-year period beginning April 1, 2021, and ending April 1, 2023, refrain from paying—

(I) any officer or employee of the contractor whose total compensation exceeded \$425,000 in calendar year 2019 (other than an employee whose compensation is determined through an existing collective bargaining agreement entered into prior to the date of enactment of this Act)—

(aa) total compensation that exceeds, during any 12 consecutive months of such 2-year period, the total compensation received by the officer or employee from the contractor in calendar year 2019; or

(bb) severance pay or other benefits upon termination of employment with the contractor which exceeds twice the maximum total compensation received by the officer or employee from the contractor in calendar year 2019; and

(II) any officer or employee of the contractor whose total compensation exceeded \$3,000,000 in calendar year 2019 during any 12 consecutive months of such period total compensation in excess of the sum of—

(aa) \$3,000,000; and

(bb) 50 percent of the excess over \$3,000,000 of the total compensation received by the officer or employee from the contractor in calendar year 2019.

(6) the term “Secretary” means the Secretary of the Treasury.

(b) PAYROLL SUPPORT GRANTS.—

(1) IN GENERAL.—The Secretary shall make available to eligible air carriers and eligible contractors, financial assistance exclusively for the continuation of payment of employee wages, salaries, and benefits to—

(A) eligible air carriers, in an aggregate amount of \$14,000,000,000; and

(B) eligible contractors, in an aggregate amount of \$1,000,000,000.

(2) APPORTIONMENTS.—

(A) IN GENERAL.—The Secretary shall apportion funds to eligible air carriers and eligible contractors in accordance with the requirements of this section not later than April 15, 2021.

Time periods.

Deadline.

(B) ELIGIBLE AIR CARRIERS.—The Secretary shall apportion funds made available under paragraph (1)(A) to each eligible air carrier in the ratio that—

(i) the amount received by the air carrier pursuant to section 403(a) of division N of the Consolidated Appropriations Act, 2021 (Public Law 116-260) bears to

(ii) \$15,000,000,000.

(C) ELIGIBLE CONTRACTORS.—The Secretary shall apportion, to each eligible contractor, an amount equal to the total amount such contractor received pursuant to section 403(a) of division N of the Consolidated Appropriations Act, 2021 (Public Law 116-260).

(3) IN GENERAL.—

(A) FORMS; TERMS AND CONDITIONS.—The Secretary shall provide financial assistance to an eligible air carrier or eligible contractor under this section in the same form and on the same terms and conditions as determined by pursuant to section 403(b)(1)(A) of subtitle A of title IV of division N of the Consolidated Appropriations Act, 2021 (Pub. L. No. 116-260).

(B) PROCEDURES.—The Secretary shall publish streamlined and expedited procedures not later than 5 days after the date of enactment of this section for eligible air carriers and eligible contractors to submit requests for financial assistance under this section.

Publication.
Deadline.

(C) DEADLINE FOR IMMEDIATE PAYROLL ASSISTANCE.—Not later than 10 days after the date of enactment of this section, the Secretary shall make initial payments to air carriers and contractors that submit requests for financial assistance approved by the Secretary.

Payments.

(4) TAXPAYER PROTECTION.—The Secretary shall receive financial instruments issued by recipients of financial assistance under this section in the same form and amount, and under the same terms and conditions, as determined by the Secretary under section 408 of subtitle A of title IV of division N of the Consolidated Appropriations Act, 2021 (Pub. L. No. 116-260).

Determination.

(5) ADMINISTRATIVE EXPENSES.—Of the amounts made available under paragraph (1)(A), \$10,000,000 shall be made available to the Secretary for costs and administrative expenses associated with providing financial assistance under this section.

(c) FUNDING.—In addition to amounts otherwise available, there is appropriated for fiscal year 2021, out of any money in the Treasury not otherwise appropriated, \$15,000,000,000, to remain available until expended, to carry out this section.

Subtitle D—Consumer Protection and Commerce Oversight

15 USC 2066
note.

SEC. 7401. FUNDING FOR CONSUMER PRODUCT SAFETY FUND TO PROTECT CONSUMERS FROM POTENTIALLY DANGEROUS PRODUCTS RELATED TO COVID-19.

(a) APPROPRIATION.—In addition to amounts otherwise available, there is appropriated to the Consumer Product Safety Commission for fiscal year 2021, out of any money in the Treasury not otherwise appropriated, \$50,000,000, to remain available until September 30, 2026, for the purposes described in subsection (b).

(b) PURPOSES.—The funds made available in subsection (a) shall only be used for purposes of the Consumer Product Safety Commission to—

(1) carry out the requirements in title XX of division FF of the Consolidated Appropriations Act, 2021 (Public Law 116-260);

(2) enhance targeting, surveillance, and screening of consumer products, particularly COVID-19 products, entering the United States at ports of entry, including ports of entry for de minimis shipments;

Coordination.

(3) enhance monitoring of internet websites for the offering for sale of new and used violative consumer products, particularly COVID-19 products, and coordination with retail and resale websites to improve identification and elimination of listings of such products;

(4) increase awareness and communication particularly of COVID-19 product related risks and other consumer product safety information; and

Data.

(5) improve the Commission's data collection and analysis system especially with a focus on consumer product safety risks resulting from the COVID-19 pandemic to socially disadvantaged individuals and other vulnerable populations.

(c) DEFINITIONS.—In this section—

(1) the term “Commission” means the Consumer Product Safety Commission;

(2) the term “violative consumer products” means consumer products in violation of an applicable consumer product safety standard under the Consumer Product Safety Act (15 U.S.C. 2051 et seq.) or any similar rule, regulation, standard, or ban under any other Act enforced by the Commission;

(3) the term “COVID-19 emergency period” means the period during which a public health emergency declared pursuant to section 319 of the Public Health Service Act (42 U.S.C. 247d) with respect to the 2019 novel coronavirus (COVID-19), including under any renewal of such declaration, is in effect; and

(4) the term “COVID-19 products” means consumer products, as defined by section 3(a)(5) of the Consumer Product Safety Act (15 U.S.C. 2052(a)(5)), whose risks have been significantly affected by COVID-19 or whose sales have materially increased during the COVID-19 emergency period as a result of the COVID-19 pandemic.

SEC. 7402. FUNDING FOR E-RATE SUPPORT FOR EMERGENCY EDUCATIONAL CONNECTIONS AND DEVICES. 47 USC 254 note.

(a) **REGULATIONS REQUIRED.**—Not later than 60 days after the date of the enactment of this Act, the Commission shall promulgate regulations providing for the provision, from amounts made available from the Emergency Connectivity Fund, of support under paragraphs (1)(B) and (2) of section 254(h) of the Communications Act of 1934 (47 U.S.C. 254(h)) to an eligible school or library, for the purchase during a COVID-19 emergency period of eligible equipment or advanced telecommunications and information services (or both), for use by—

Deadline.

(1) in the case of a school, students and staff of the school at locations that include locations other than the school; and

(2) in the case of a library, patrons of the library at locations that include locations other than the library.

(b) **SUPPORT AMOUNT.**—In providing support under the covered regulations, the Commission shall reimburse 100 percent of the costs associated with the eligible equipment, advanced telecommunications and information services, or eligible equipment and advanced telecommunications and information services, except that any reimbursement of a school or library for the costs associated with any eligible equipment may not exceed an amount that the Commission determines, with respect to the request by the school or library for the reimbursement, is reasonable.

Reimbursement.
Determination.

(c) **EMERGENCY CONNECTIVITY FUND.**—

(1) **ESTABLISHMENT.**—There is established in the Treasury of the United States a fund to be known as the “Emergency Connectivity Fund”.

(2) **APPROPRIATION.**—In addition to amounts otherwise available, there is appropriated to the Emergency Connectivity Fund for fiscal year 2021, out of any money in the Treasury not otherwise appropriated—

(A) \$7,171,000,000, to remain available until September 30, 2030, for—

(i) the provision of support under the covered regulations; and

(ii) the Commission to adopt, and the Commission and the Universal Service Administrative Company to administer, the covered regulations; and

(B) \$1,000,000, to remain available until September 30, 2030, for the Inspector General of the Commission to conduct oversight of support provided under the covered regulations.

(3) **LIMITATION.**—Not more than 2 percent of the amount made available under paragraph (2)(A) may be used for the purposes described in clause (ii) of such paragraph.

(4) **RELATIONSHIP TO UNIVERSAL SERVICE CONTRIBUTIONS.**—Support provided under the covered regulations shall be provided from amounts made available from the Emergency Connectivity Fund and not from contributions under section 254(d) of the Communications Act of 1934 (47 U.S.C. 254(d)).

(d) **DEFINITIONS.**—In this section:

(1) **ADVANCED TELECOMMUNICATIONS AND INFORMATION SERVICES.**—The term “advanced telecommunications and information services” means advanced telecommunications and information services, as such term is used in section 254(h) of the Communications Act of 1934 (47 U.S.C. 254(h)).

(2) COMMISSION.—The term “Commission” means the Federal Communications Commission.

(3) CONNECTED DEVICE.—The term “connected device” means a laptop computer, tablet computer, or similar end-user device that is capable of connecting to advanced telecommunications and information services.

(4) COVERED REGULATIONS.—The term “covered regulations” means the regulations promulgated under subsection (a).

(5) COVID-19 EMERGENCY PERIOD.—The term “COVID-19 emergency period” means a period that—

(A) begins on the date of a determination by the Secretary of Health and Human Services pursuant to section 319 of the Public Health Service Act (42 U.S.C. 247d) that a public health emergency exists as a result of COVID-19; and

(B) ends on the June 30 that first occurs after the date that is 1 year after the date on which such determination (including any renewal thereof) terminates.

(6) ELIGIBLE EQUIPMENT.—The term “eligible equipment” means the following:

(A) Wi-Fi hotspots.

(B) Modems.

(C) Routers.

(D) Devices that combine a modem and router.

(E) Connected devices.

(7) ELIGIBLE SCHOOL OR LIBRARY.—The term “eligible school or library” means an elementary school, secondary school, or library (including a Tribal elementary school, Tribal secondary school, or Tribal library) eligible for support under paragraphs (1)(B) and (2) of section 254(h) of the Communications Act of 1934 (47 U.S.C. 254(h)).

(8) EMERGENCY CONNECTIVITY FUND.—The term “Emergency Connectivity Fund” means the fund established under subsection (c)(1).

(9) LIBRARY.—The term “library” includes a library consortium.

(10) WI-FI.—The term “Wi-Fi” means a wireless networking protocol based on Institute of Electrical and Electronics Engineers standard 802.11 (or any successor standard).

(11) WI-FI HOTSPOT.—The term “Wi-Fi hotspot” means a device that is capable of—

(A) receiving advanced telecommunications and information services; and

(B) sharing such services with a connected device through the use of Wi-Fi.

SEC. 7403. FUNDING FOR DEPARTMENT OF COMMERCE INSPECTOR GENERAL.

In addition to amounts otherwise available, there is appropriated to the Office of the Inspector General of the Department of Commerce for fiscal year 2021, out of any money in the Treasury not otherwise appropriated, \$3,000,000, to remain available until September 30, 2022, for oversight of activities supported with funds appropriated to the Department of Commerce to prevent, prepare for, and respond to COVID-19.

SEC. 7404. FEDERAL TRADE COMMISSION FUNDING FOR COVID-19 RELATED WORK.

(a) APPROPRIATION.—In addition to amounts otherwise available, there is appropriated to the Federal Trade Commission for fiscal year 2021, \$30,400,000, to remain available until September 30, 2026, for the purposes described in subsection (b).

(b) PURPOSES.—From the amount appropriated under subsection (a), the Federal Trade Commission shall use—

(1) \$4,400,000 to process and monitor consumer complaints received into the Consumer Sentinel Network, including increased complaints received regarding unfair or deceptive acts or practices related to COVID-19;

(2) \$2,000,000 for consumer-related education, including in connection with unfair or deceptive acts or practices related to COVID-19; and

(3) \$24,000,000 to fund full-time employees of the Federal Trade Commission to address unfair or deceptive acts or practices, including those related to COVID-19.

Subtitle E—Science and Technology

SEC. 7501. NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY.

In addition to amounts otherwise made available, there are appropriated to the National Institute of Standards and Technology for fiscal year 2021, out of any money in the Treasury not otherwise appropriated, \$150,000,000, to remain available until September 30, 2022, to fund awards for research, development, and testbeds to prevent, prepare for, and respond to coronavirus. None of the funds provided by this section shall be subject to cost share requirements.

SEC. 7502. NATIONAL SCIENCE FOUNDATION.

In addition to amounts otherwise made available, there are appropriated to the National Science Foundation for fiscal year 2021, out of any money in the Treasury not otherwise appropriated, \$600,000,000, to remain available until September 30, 2022, to fund or extend new and existing research grants, cooperative agreements, scholarships, fellowships, and apprenticeships, and related administrative expenses to prevent, prepare for, and respond to coronavirus.

Subtitle F—Corporation for Public Broadcasting

SEC. 7601. SUPPORT FOR THE CORPORATION FOR PUBLIC BROADCASTING.

In addition to amounts otherwise made available, there is appropriated to the Corporation for Public Broadcasting for fiscal year 2021, out of any money in the Treasury not otherwise appropriated, \$175,000,000, to remain available until expended, to prevent, prepare for, and respond to coronavirus, including for fiscal stabilization grants to public telecommunications entities, as defined in section 397 of the Communications Act of 1934 (47 U.S.C. 397), with no deduction for administrative or other costs of the Corporation, to maintain programming and services and

preserve small and rural stations threatened by declines in non-Federal revenues.

TITLE VIII—COMMITTEE ON VETERANS’ AFFAIRS

SEC. 8001. FUNDING FOR CLAIMS AND APPEALS PROCESSING.

In addition to amounts otherwise made available, there is appropriated for fiscal year 2021, out of any money in the Treasury not otherwise appropriated, \$272,000,000, to remain available until September 30, 2023, pursuant to sections 308, 310, 7101 through 7113, 7701, and 7703 of title 38, United States Code.

SEC. 8002. FUNDING AVAILABILITY FOR MEDICAL CARE AND HEALTH NEEDS.

In addition to amounts otherwise made available, there is appropriated for fiscal year 2021, out of any money in the Treasury not otherwise appropriated, \$14,482,000,000, to remain available until September 30, 2023, for allocation under chapters 17, 20, 73, and 81 of title 38, United States Code, of which not more than \$4,000,000,000 shall be available pursuant to section 1703 of title 38, United States Code for health care furnished through the Veterans Community Care program in sections 1703(c)(1) and 1703(c)(5) of such title.

SEC. 8003. FUNDING FOR SUPPLY CHAIN MODERNIZATION.

In addition to amounts otherwise made available, there is appropriated for fiscal year 2021, out of any money in the Treasury not otherwise appropriated, \$100,000,000, to remain available until September 30, 2022, for the supply chain modernization initiative under sections 308, 310, and 7301(b) of title 38, United States Code.

SEC. 8004. FUNDING FOR STATE HOMES.

In addition to amounts otherwise made available, there are appropriated for fiscal year 2021, out of any money in the Treasury not otherwise appropriated—

(1) \$500,000,000, to remain available until expended, for allocation under sections 8131 through 8137 of title 38, United States Code: and

(2) \$250,000,000, to remain available until September 30, 2022, for a one-time only obligation and expenditure to existing State extended care facilities for veterans in proportion to each State’s share of the total resident capacity in such facilities as of the date of enactment of this Act where such capacity includes only veterans on whose behalf the Department pays a per diem payment pursuant to section 1741 or 1745 of title 38, United States Code.

SEC. 8005. FUNDING FOR THE DEPARTMENT OF VETERANS AFFAIRS OFFICE OF INSPECTOR GENERAL.

In addition to amounts otherwise made available, there is appropriated to the Office of Inspector General of the Department of Veterans Affairs for fiscal year 2021, out of any money in the Treasury not otherwise appropriated, \$10,000,000, to remain available until expended, for audits, investigations, and other oversight

of projects and activities carried out with funds made available to the Department of Veterans Affairs.

SEC. 8006. COVID-19 VETERAN RAPID RETRAINING ASSISTANCE PROGRAM.

36 USC note
prec. 3001.

(a) **IN GENERAL.**—The Secretary of Veterans Affairs shall carry out a program under which the Secretary shall provide up to 12 months of retraining assistance to an eligible veteran for the pursuit of a covered program of education. Such retraining assistance shall be in addition to any other entitlement to educational assistance or benefits for which a veteran is, or has been, eligible.

(b) **ELIGIBLE VETERANS.**—

(1) **IN GENERAL.**—In this section, the term “eligible veteran” means a veteran who—

(A) as of the date of the receipt by the Department of Veterans Affairs of an application for assistance under this section, is at least 22 years of age but not more than 66 years of age;

(B) as of such date, is unemployed by reason of the covered public health emergency, as certified by the veteran;

(C) as of such date, is not eligible to receive educational assistance under chapter 30, 31, 32, 33, or 35 of title 38, United States Code, or chapter 1606 of title 10, United States Code;

(D) is not enrolled in any Federal or State jobs program;

(E) is not in receipt of compensation for a service-connected disability rated totally disabling by reason of unemployability; and

(F) will not be in receipt of unemployment compensation (as defined in section 85(b) of the Internal Revenue Code of 1986), including any cash benefit received pursuant to subtitle A of title II of division A of the CARES Act (Public Law 116-136), as of the first day on which the veteran would receive a housing stipend payment under this section.

(2) **TREATMENT OF VETERANS WHO TRANSFER ENTITLEMENT.**—For purposes of paragraph (1)(C), a veteran who has transferred all of the veteran’s entitlement to educational assistance under section 3319 of title 38, United States Code, shall be considered to be a veteran who is not eligible to receive educational assistance under chapter 33 of such title.

(3) **FAILURE TO COMPLETE.**—A veteran who receives retraining assistance under this section to pursue a program of education and who fails to complete the program of education shall not be eligible to receive additional assistance under this section.

(c) **COVERED PROGRAMS OF EDUCATION.**—

(1) **IN GENERAL.**—For purposes of this section, a covered program of education is a program of education (as such term is defined in section 3452(b) of title 38, United States Code) for training, pursued on a full-time or part-time basis—

(A) that—

(i) is approved under chapter 36 of such title;

(ii) does not lead to a bachelors or graduate degree;

and

(iii) is designed to provide training for a high-demand occupation, as determined under paragraph (3); or

(B) that is a high technology program of education offered by a qualified provider, under the meaning given such terms in section 116 of the Harry W. Colmery Veterans Educational Assistance Act of 2017 (Public Law 115-48; 38 U.S.C. 3001 note).

(2) ACCREDITED PROGRAMS.—In the case of an accredited program of education, the program of education shall not be considered a covered program of education under this section if the program has received a show cause order from the accreditor of the program during the five-year period preceding the date of the enactment of this Act.

List.

(3) DETERMINATION OF HIGH-DEMAND OCCUPATIONS.—In carrying out this section, the Secretary shall use the list of high-demand occupations compiled by the Commissioner of Labor Statistics.

(4) FULL-TIME DEFINED.—For purposes of this subsection, the term “full-time” has the meaning given such term under section 3688 of title 38, United States Code.

(d) AMOUNT OF ASSISTANCE.—

(1) RETRAINING ASSISTANCE.—The Secretary of Veterans Affairs shall provide to an eligible veteran pursuing a covered program of education under the retraining assistance program under this section an amount equal to the amount of educational assistance payable under section 3313(c)(1)(A) of title 38, United States Code, for each month the veteran pursues the covered program of education. Such amount shall be payable directly to the educational institution offering the covered program of education pursued by the veteran as follows:

(A) 50 percent of the total amount payable shall be paid when the eligible veteran begins the program of education.

(B) 25 percent of the total amount payable shall be paid when the eligible veteran completes the program of education.

(C) 25 percent of the total amount payable shall be paid when the eligible veteran finds employment in a field related to the program of education.

(2) FAILURE TO COMPLETE.—

(A) PRO-RATED PAYMENTS.—In the case of a veteran who pursues a covered program of education under the retraining assistance program under this section, but who does not complete the program of education, the Secretary shall pay to the educational institution offering such program of education a pro-rated amount based on the number of months the veteran pursued the program of education in accordance with this paragraph.

Notice.

(B) PAYMENT OTHERWISE DUE UPON COMPLETION OF PROGRAM.—The Secretary shall pay to the educational institution a pro-rated amount under paragraph (1)(B) when the veteran provides notice to the educational institution that the veteran no longer intends to pursue the program of education.

(C) NONRECOVERY FROM VETERAN.—In the case of a veteran referred to in subparagraph (A), the educational

institution may not seek payment from the veteran for any amount that would have been payable under paragraph (1)(B) had the veteran completed the program of education.

(D) PAYMENT DUE UPON EMPLOYMENT.—

Time period.

(i) VETERANS WHO FIND EMPLOYMENT.—In the case of a veteran referred to in subparagraph (A) who finds employment in a field related to the program of education during the 180-day period beginning on the date on which the veteran withdraws from the program of education, the Secretary shall pay to the educational institution a pro-rated amount under paragraph (1)(C) when the veteran finds such employment.

(ii) VETERANS WHO DO NOT FIND EMPLOYMENT.—In the case of a veteran referred to in subparagraph (A) who does not find employment in a field related to the program of education during the 180-day period beginning on the date on which the veteran withdraws from the program of education—

(I) the Secretary shall not make a payment to the educational institution under paragraph (1)(C); and

(II) the educational institution may not seek payment from the veteran for any amount that would have been payable under paragraph (1)(C) had the veteran found employment during such 180-day period.

(3) HOUSING STIPEND.—For each month that an eligible veteran pursues a covered program of education under the retraining assistance program under this section, the Secretary shall pay to the veteran a monthly housing stipend in an amount equal to—

(A) in the case of a covered program of education leading to a degree, or a covered program of education not leading to a degree, at an institution of higher learning (as that term is defined in section 3452(f) of title 38, United States Code) pursued on more than a half-time basis, the amount specified under subsection (c)(1)(B) of section 3313 of title 38, United States Code;

(B) in the case of a covered program of education other than a program of education leading to a degree at an institution other than an institution of higher learning pursued on more than a half-time basis, the amount specified under subsection (g)(3)(A)(ii) of such section; or

(C) in the case of a covered program of education pursued on less than a half-time basis, or a covered program of education pursued solely through distance learning on more than a half-time basis, the amount specified under subsection (c)(1)(B)(iii) of such section.

(4) FAILURE TO FIND EMPLOYMENT.—The Secretary shall not make a payment under paragraph (1)(C) with respect to an eligible veteran who completes or fails to complete a program of education under the retraining assistance program under this section if the veteran fails to find employment in a field related to the program of education within the 180-period beginning on the date on which the veteran withdraws from or completes the program.

Time period.

(e) NO TRANSFERABILITY.—Retraining assistance provided under this section may not be transferred to another individual.

(f) LIMITATION.—Not more than 17,250 eligible veterans may receive retraining assistance under this section.

(g) TERMINATION.—No retraining assistance may be paid under this section after the date that is 21 months after the date of the enactment of this Act.

(h) FUNDING.—In addition to amounts otherwise available there is appropriated to the Department of Veterans Affairs for fiscal year 2021, out of any money in the Treasury not otherwise appropriated, \$386,000,000, to remain available until expended, to carry out this section.

38 USC 1701
note.

SEC. 8007. PROHIBITION ON COPAYMENTS AND COST SHARING FOR VETERANS DURING EMERGENCY RELATING TO COVID-19.

(a) IN GENERAL.—The Secretary of Veterans Affairs—

(1) shall provide for any copayment or other cost sharing with respect to health care under the laws administered by the Secretary received by a veteran during the period specified in subsection (b); and

Reimbursement.

(2) shall reimburse any veteran who paid a copayment or other cost sharing for health care under the laws administered by the Secretary received by a veteran during such period the amount paid by the veteran.

(b) PERIOD SPECIFIED.—The period specified in this subsection is the period beginning on April 6, 2020, and ending on September 30, 2021.

(c) FUNDING.—In addition to amounts otherwise available, there is appropriated to the Secretary of Veterans Affairs for fiscal year 2021, out of any money in the Treasury not otherwise appropriated, \$1,000,000,000, to remain available until expended, to carry out this section, except for health care furnished pursuant to section 1703(c)(2)–(c)(4) of title 38, United States Code.

38 USC 7401
note.

SEC. 8008. EMERGENCY DEPARTMENT OF VETERANS AFFAIRS EMPLOYEE LEAVE FUND.

(a) ESTABLISHMENT; APPROPRIATION.—There is established in the Treasury the Emergency Department of Veterans Affairs Employee Leave Fund (in this section referred to as the “Fund”), to be administered by the Secretary of Veterans Affairs, for the purposes set forth in subsection (b). In addition to amounts otherwise available, there is appropriated for fiscal year 2021, out of any money in the Treasury not otherwise appropriated, \$80,000,000, which shall be deposited into the Fund and remain available through September 20, 2022.

(b) PURPOSE.—Amounts in the Fund shall be available for payment to the Department of Veterans Affairs for the use of paid leave by any covered employee who is unable to work because the employee—

(1) is subject to a Federal, State, or local quarantine or isolation order related to COVID-19;

(2) has been advised by a health care provider to self-quarantine due to concerns related to COVID-19;

(3) is caring for an individual who is subject to such an order or has been so advised;

(4) is experiencing symptoms of COVID-19 and seeking a medical diagnosis;

(5) is caring for a son or daughter of such employee if the school or place of care of the son or daughter has been closed, if the school of such son or daughter requires or makes optional a virtual learning instruction model or requires or makes optional a hybrid of in-person and virtual learning instruction models, or the child care provider of such son or daughter is unavailable, due to COVID-19 precautions;

(6) is experiencing any other substantially similar condition;

(7) is caring for a family member with a mental or physical disability or who is 55 years of age or older and incapable of self-care, without regard to whether another individual other than the employee is available to care for such family member, if the place of care for such family member is closed or the direct care provider is unavailable due to COVID-19; or

(8) is obtaining immunization related to COVID-19 or to recover from any injury, disability, illness, or condition related to such immunization.

(c) LIMITATIONS.—

(1) PERIOD OF AVAILABILITY.—Paid leave under this section may only be provided to and used by a covered employee during the period beginning on the date of enactment of this Act and ending on September 30, 2021.

(2) TOTAL HOURS; AMOUNT.—Paid leave under this section—

(A) shall be provided to a covered employee in an amount not to exceed 600 hours of paid leave for each full-time employee, and in the case of a part-time employee, employee on an uncommon tour of duty, or employee with a seasonal work schedule, in an amount not to exceed the proportional equivalent of 600 hours to the extent amounts in the Fund remain available for reimbursement;

(B) shall be paid at the same hourly rate as other leave payments; and

(C) may not be provided to a covered employee if the leave would result in payments greater than \$2,800 in aggregate for any biweekly pay period for a full-time employee, or a proportionally equivalent biweekly limit for a part-time employee.

(3) RELATIONSHIP TO OTHER LEAVE.—Paid leave under this section—

(A) is in addition to any other leave provided to a covered employee; and

(B) may not be used by a covered employee concurrently with any other paid leave.

(4) CALCULATION OF RETIREMENT BENEFIT.—Any paid leave provided to a covered employee under this section shall reduce the total service used to calculate any Federal civilian retirement benefit.

(d) COVERED EMPLOYEE DEFINED.—In this section, the term “covered employee” means an employee of the Department of Veterans Affairs appointed under chapter 74 of title 38, United States Code.

TITLE IX—COMMITTEE ON FINANCE**Subtitle A—Crisis Support for Unemployed Workers****PART 1—EXTENSION OF CARES ACT
UNEMPLOYMENT PROVISIONS****SEC. 9011. EXTENSION OF PANDEMIC UNEMPLOYMENT ASSISTANCE.**

(a) **IN GENERAL.**—Section 2102(c) of the CARES Act (15 U.S.C. 9021(c)) is amended—

(1) in paragraph (1)—

(A) by striking “paragraphs (2) and (3)” and inserting “paragraph (2)”; and

(B) in subparagraph (A)(ii), by striking “March 14, 2021” and inserting “September 6, 2021”; and

(2) by striking paragraph (3) and redesignating paragraph (4) as paragraph (3).

(b) **INCREASE IN NUMBER OF WEEKS.**—Section 2102(c)(2) of such Act (15 U.S.C. 9021(c)(2)) is amended—

(1) by striking “50 weeks” and inserting “79 weeks”; and

(2) by striking “50-week period” and inserting “79-week period”.

15 USC 9021
note.

(c) **HOLD HARMLESS FOR PROPER ADMINISTRATION.**—In the case of an individual who is eligible to receive pandemic unemployment assistance under section 2102 of the CARES Act (15 U.S.C. 9021) as of the day before the date of enactment of this Act and on the date of enactment of this Act becomes eligible for pandemic emergency unemployment compensation under section 2107 of the CARES Act (15 U.S.C. 9025) by reason of the amendments made by section 9016(b) of this title, any payment of pandemic unemployment assistance under such section 2102 made after the date of enactment of this Act to such individual during an appropriate period of time, as determined by the Secretary of Labor, that should have been made under such section 2107 shall not be considered to be an overpayment of assistance under such section 2102, except that an individual may not receive payment for assistance under section 2102 and a payment for assistance under section 2107 for the same week of unemployment.

15 USC 9021
note.

(d) **EFFECTIVE DATE.**—The amendments made by subsections (a) and (b) shall apply as if included in the enactment of the CARES Act (Public Law 116–136), except that no amount shall be payable by virtue of such amendments with respect to any week of unemployment ending on or before March 14, 2021.

**SEC. 9012. EXTENSION OF EMERGENCY UNEMPLOYMENT RELIEF FOR
GOVERNMENTAL ENTITIES AND NONPROFIT ORGANIZATIONS.**

(a) **IN GENERAL.**—Section 903(i)(1)(D) of the Social Security Act (42 U.S.C. 1103(i)(1)(D)) is amended by striking “March 14, 2021” and inserting “September 6, 2021”.

(b) **INCREASE IN REIMBURSEMENT RATE.**—Section 903(i)(1)(B) of such Act (42 U.S.C. 1103(i)(1)(B)) is amended—

(1) in the first sentence, by inserting “and except as otherwise provided in this subparagraph” after “as determined by the Secretary of Labor”; and

(2) by inserting after the first sentence the following: “With respect to the amounts of such compensation paid for weeks of unemployment beginning after March 31, 2021, and ending on or before September 6, 2021, the preceding sentence shall be applied by substituting ‘75 percent’ for ‘one-half.’”.

Time period.
Applicability.

SEC. 9013. EXTENSION OF FEDERAL PANDEMIC UNEMPLOYMENT COMPENSATION.

(a) **IN GENERAL.**—Section 2104(e)(2) of the CARES Act (15 U.S.C. 9023(e)(2)) is amended by striking “March 14, 2021” and inserting “September 6, 2021”.

(b) **AMOUNT.**—Section 2104(b)(3)(A)(ii) of such Act (15 U.S.C. 9023(b)(3)(A)(ii)) is amended by striking “March 14, 2021” and inserting “September 6, 2021”.

SEC. 9014. EXTENSION OF FULL FEDERAL FUNDING OF THE FIRST WEEK OF COMPENSABLE REGULAR UNEMPLOYMENT FOR STATES WITH NO WAITING WEEK.

(a) **IN GENERAL.**—Section 2105(e)(2) of the CARES Act (15 U.S.C. 9024(e)(2)) is amended by striking “March 14, 2021” and inserting “September 6, 2021”.

(b) **FULL REIMBURSEMENT.**—Paragraph (3) of section 2105(c) of such Act (15 U.S.C. 9024(c)) is repealed and such section shall be applied to weeks of unemployment to which an agreement under section 2105 of such Act applies as if such paragraph had not been enacted. In implementing the preceding sentence, a State may, if necessary, reenter the agreement with the Secretary under section 2105 of such Act, and retroactively pay for the first week of regular compensation without a waiting week consistent with State law (including a waiver of State law) and receive full reimbursement for weeks of unemployment that ended after December 31, 2020.

Repeal.
Applicability.
15 USC 9024
note.

SEC. 9015. EXTENSION OF EMERGENCY STATE STAFFING FLEXIBILITY.

If a State modifies its unemployment compensation law and policies, subject to the succeeding sentence, with respect to personnel standards on a merit basis on an emergency temporary basis as needed to respond to the spread of COVID-19, such modifications shall be disregarded for the purposes of applying section 303 of the Social Security Act and section 3304 of the Internal Revenue Code of 1986 to such State law. Such modifications shall only apply through September 6, 2021, and shall be limited to engaging of temporary staff, rehiring of retirees or former employees on a non-competitive basis, and other temporary actions to quickly process applications and claims.

26 USC 3304
note.

Applicability.

SEC. 9016. EXTENSION OF PANDEMIC EMERGENCY UNEMPLOYMENT COMPENSATION.

(a) **IN GENERAL.**—Section 2107(g) of the CARES Act (15 U.S.C. 9025(g)) is amended to read as follows:

“(g) **APPLICABILITY.**—An agreement entered into under this section shall apply to weeks of unemployment—

“(1) beginning after the date on which such agreement is entered into; and

“(2) ending on or before September 6, 2021.”.

Time period.

(b) INCREASE IN NUMBER OF WEEKS.—Section 2107(b)(2) of such Act (15 U.S.C. 9025(b)(2)) is amended by striking “24” and inserting “53”.

(c) COORDINATION OF PANDEMIC EMERGENCY UNEMPLOYMENT COMPENSATION WITH EXTENDED COMPENSATION.—Section 2107(a)(5)(B) of such Act (15 U.S.C. 9025(a)(5)(B)) is amended by inserting “or for the week that includes the date of enactment of the American Rescue Plan Act of 2021 (without regard to the amendments made by subsections (a) and (b) of section 9016 of such Act)” after “2020”.

(d) SPECIAL RULE FOR EXTENDED COMPENSATION.—Section 2107(a)(8) of such Act (15 U.S.C. 9025(a)(8)) is amended by striking “April 12, 2021” and inserting “September 6, 2021”.

15 USC 9025
note.

(e) EFFECTIVE DATE.—The amendments made by this section shall apply as if included in the enactment of the CARES Act (Public Law 116–136), except that no amount shall be payable by virtue of such amendments with respect to any week of unemployment ending on or before March 14, 2021.

**SEC. 9017. EXTENSION OF TEMPORARY FINANCING OF SHORT-TIME
COMPENSATION PAYMENTS IN STATES WITH PROGRAMS
IN LAW.**

Section 2108(b)(2) of the CARES Act (15 U.S.C. 9026(b)(2)) is amended by striking “March 14, 2021” and inserting “September 6, 2021”.

**SEC. 9018. EXTENSION OF TEMPORARY FINANCING OF SHORT-TIME
COMPENSATION AGREEMENTS FOR STATES WITHOUT
PROGRAMS IN LAW.**

Section 2109(d)(2) of the CARES Act (15 U.S.C. 9027(d)(2)) is amended by striking “March 14, 2021” and inserting “September 6, 2021”.

**PART 2—EXTENSION OF FFCRA
UNEMPLOYMENT PROVISIONS**

**SEC. 9021. EXTENSION OF TEMPORARY ASSISTANCE FOR STATES WITH
ADVANCES.**

Section 1202(b)(10)(A) of the Social Security Act (42 U.S.C. 1322(b)(10)(A)) is amended by striking “March 14, 2021” and inserting “September 6, 2021”.

**SEC. 9022. EXTENSION OF FULL FEDERAL FUNDING OF EXTENDED
UNEMPLOYMENT COMPENSATION.**

(a) IN GENERAL.—Section 4105 of the Families First Coronavirus Response Act (26 U.S.C. 3304 note) is amended by striking “March 14, 2021” each place it appears and inserting “September 6, 2021”.

26 USC 3304
note.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply as if included in the enactment of the Families First Coronavirus Response Act (Public Law 116–127).

**PART 3—DEPARTMENT OF LABOR FUNDING
FOR TIMELY, ACCURATE, AND EQUITABLE
PAYMENT**

SEC. 9031. FUNDING FOR ADMINISTRATION.

In addition to amounts otherwise available, there is appropriated to the Employment and Training Administration of the Department of Labor for fiscal year 2021, out of any money in the Treasury not otherwise appropriated, \$8,000,000, to remain available until expended, for necessary expenses to carry out Federal activities relating to the administration of unemployment compensation programs.

**SEC. 9032. FUNDING FOR FRAUD PREVENTION, EQUITABLE ACCESS,
AND TIMELY PAYMENT TO ELIGIBLE WORKERS.**

Subtitle A of title II of division A of the CARES Act (Public Law 116-136) is amended by adding at the end the following:

**“SEC. 2118. FUNDING FOR FRAUD PREVENTION, EQUITABLE ACCESS,
AND TIMELY PAYMENT TO ELIGIBLE WORKERS. 15 USC 9034.**

“(a) IN GENERAL.—In addition to amounts otherwise available, there is appropriated to the Secretary of Labor for fiscal year 2021, out of any money in the Treasury not otherwise appropriated, \$2,000,000,000, to remain available until expended, to detect and prevent fraud, promote equitable access, and ensure the timely payment of benefits with respect to unemployment compensation programs, including programs extended under subtitle A of title IX of the American Rescue Plan Act of 2021.

“(b) USE OF FUNDS.—Amounts made available under subsection (a) may be used—

“(1) for Federal administrative costs related to the purposes described in subsection (a);

“(2) for systemwide infrastructure investment and development related to such purposes; and

“(3) to make grants to States or territories administering unemployment compensation programs described in subsection (a) (including territories administering the Pandemic Unemployment Assistance program under section 2102) for such purposes, including the establishment of procedures or the building of infrastructure to verify or validate identity, implement Federal guidance regarding fraud detection and prevention, and accelerate claims processing or process claims backlogs due to the pandemic.

“(c) RESTRICTIONS ON GRANTS TO STATES AND TERRITORIES.—As a condition of receiving a grant under subsection (b)(3), the Secretary may require that a State or territory receiving such a grant shall—

“(1) use such program integrity tools as the Secretary may specify; and

“(2) as directed by the Secretary, conduct user accessibility testing on any new system developed by the Secretary pursuant to subsection (b)(2).”.

PART 4—OTHER PROVISIONS**SEC. 9041. EXTENSION OF LIMITATION ON EXCESS BUSINESS LOSSES OF NONCORPORATE TAXPAYERS.**

26 USC 461 note. (a) **IN GENERAL.**—Section 461(l)(1) of the Internal Revenue Code of 1986 is amended by striking “January 1, 2026” each place it appears and inserting “January 1, 2027”.

26 USC 461 note. (b) **EFFECTIVE DATE.**—The amendments made by this section shall apply to taxable years beginning after December 31, 2025.

SEC. 9042. SUSPENSION OF TAX ON PORTION OF UNEMPLOYMENT COMPENSATION.

26 USC 85. (a) **IN GENERAL.**—Section 85 of the Internal Revenue Code of 1986 is amended by adding at the end the following new subsection:

“(c) **SPECIAL RULE FOR 2020.**—

“(1) **IN GENERAL.**—In the case of any taxable year beginning in 2020, if the adjusted gross income of the taxpayer for such taxable year is less than \$150,000, the gross income of such taxpayer shall not include so much of the unemployment compensation received by such taxpayer (or, in the case of a joint return, received by each spouse) as does not exceed \$10,200.

“(2) **APPLICATION.**—For purposes of paragraph (1), the adjusted gross income of the taxpayer shall be determined—

“(A) after application of sections 86, 135, 137, 219, 221, 222, and 469, and

“(B) without regard to this section.”.

(b) **CONFORMING AMENDMENTS.**—

(1) Section 74(d)(2)(B) of the Internal Revenue Code of 1986 is amended by inserting “85(c),” before “86”.

(2) Section 86(b)(2)(A) of such Code is amended by inserting “85(c),” before “135”.

(3) Section 135(c)(4)(A) of such Code is amended by inserting “85(c),” before “137”.

(4) Section 137(b)(3)(A) of such Code is amended by inserting “85(c)” before “221”.

(5) Section 219(g)(3)(A)(ii) of such Code is amended by inserting “85(c),” before “135”.

(6) Section 221(b)(2)(C)(i) of such Code is amended by inserting “85(c)” before “911”.

(7) Section 222(b)(2)(C)(i) of such Code, as in effect before date of enactment of the Taxpayer Certainty and Disaster Tax Relief Act of 2020, is amended by inserting “85(c)” before “911”.

(8) Section 469(i)(3)(E)(ii) of such Code is amended by striking “135 and 137” and inserting “85(c), 135, and 137”.

26 USC 74 note. (c) **EFFECTIVE DATE.**—The amendments made by this section shall apply to taxable years beginning after December 31, 2019.

Subtitle B—Emergency Assistance to Families Through Home Visiting Programs

SEC. 9101. EMERGENCY ASSISTANCE TO FAMILIES THROUGH HOME VISITING PROGRAMS.

Effective 1 day after the date of enactment of this Act, title V of the Social Security Act (42 U.S.C. 701–713) is amended by inserting after section 511 the following:

Effective date.
42 USC 711a
note.

“SEC. 511A. EMERGENCY ASSISTANCE TO FAMILIES THROUGH HOME VISITING PROGRAMS.

42 USC 711a.

“(a) SUPPLEMENTAL APPROPRIATION.—In addition to amounts otherwise appropriated, out of any money in the Treasury of the United States not otherwise appropriated, there are appropriated to the Secretary \$150,000,000, to remain available through September 30, 2022, to enable eligible entities to conduct programs in accordance with section 511 and subsection (c) of this section.

“(b) ELIGIBILITY FOR FUNDS.—To be eligible to receive funds made available by subsection (a) of this section, an entity shall—

“(1) as of the date of the enactment of this section, be conducting a program under section 511;

“(2) ensure the modification of grants, contracts, and other agreements, as applicable, executed under section 511 under which the program is conducted as are necessary to provide that, during the period that begins with the date of the enactment of this section and ends with the end of the 2nd succeeding fiscal year after the funds are awarded, the entity shall—

Time period.

“(A) not reduce funding for, or staffing levels of, the program on account of reduced enrollment in the program; and

“(B) when using funds to provide emergency supplies to eligible families receiving grant services under section 511, ensure coordination with local diaper banks to the extent practicable; and

“(3) reaffirm that, in conducting the program, the entity will focus on priority populations (as defined in section 511(d)(4)).

“(c) USES OF FUNDS.—An entity to which funds are provided under this section shall use the funds—

“(1) to serve families with home visits or with virtual visits, that may be conducted by the use of electronic information and telecommunications technologies, in a service delivery model described in section 511(d)(3)(A);

“(2) to pay hazard pay or other additional staff costs associated with providing home visits or administration for programs funded under section 511;

Payment.

“(3) to train home visitors employed by the entity in conducting a virtual home visit and in emergency preparedness and response planning for families served, and may include training on how to safely conduct intimate partner violence screenings, and training on safety and planning for families served to support the family outcome improvements listed in section 511(d)(2)(B);

“(4) for the acquisition by families served by programs under section 511 of such technological means as are needed to conduct and support a virtual home visit;

Coordination.

“(5) to provide emergency supplies (such as diapers and diapering supplies including diaper wipes and diaper cream, necessary to ensure that a child using a diaper is properly cleaned and protected from diaper rash, formula, food, water, hand soap and hand sanitizer) to an eligible family (as defined in section 511(k)(2));

“(6) to coordinate with and provide reimbursement for supplies to diaper banks when using such entities to provide emergency supplies specified in paragraph (5); or

“(7) to provide prepaid grocery cards to an eligible family (as defined in section 511(k)(2)) participating in the maternal, infant, and early childhood home visiting program under section 511 for the purpose of enabling the family to meet the emergency needs of the family.”.

Subtitle C—Emergency Assistance to Children and Families

SEC. 9201. PANDEMIC EMERGENCY ASSISTANCE.

Section 403 of the Social Security Act (42 U.S.C. 603) is amended by adding at the end the following:

“(c) PANDEMIC EMERGENCY ASSISTANCE.—

“(1) APPROPRIATION.—In addition to amounts otherwise available, there is appropriated for fiscal year 2021, out of any money in the Treasury of the United States not otherwise appropriated, \$1,000,000,000, to remain available until expended, to carry out this subsection.

“(2) RESERVATION OF FUNDS FOR TECHNICAL ASSISTANCE.—Of the amount specified in paragraph (1), the Secretary shall reserve \$2,000,000 for administrative expenses and the provision of technical assistance to States and Indian tribes with respect to the use of funds provided under this subsection.

“(3) ALLOTMENTS.—

“(A) 50 STATES AND THE DISTRICT OF COLUMBIA.—

“(i) TOTAL AMOUNT TO BE ALLOTTED.—The Secretary shall allot a total of 92.5 percent of the amount specified in paragraph (1) that is not reserved under paragraph (2) among the States that are not a territory and that are operating a program funded under this part, in accordance with clause (ii) of this subparagraph.

“(ii) ALLOTMENT FORMULA.—The Secretary shall allot to each such State the sum of the following percentages of the total amount described in clause (i):

Determination.

“(I) 50 percent, multiplied by—

“(aa) the population of children in the State, determined on the basis of the most recent population estimates as determined by the Bureau of the Census; divided by

“(bb) the total population of children in the States that are not territories, as so determined; plus

Reports.

“(II) 50 percent, multiplied by—

“(aa) the total amount expended by the State for basic assistance, non-recurrent short

term benefits, and emergency assistance in fiscal year 2019, as reported by the State under section 411; divided by

“(bb) the total amount expended by the States that are not territories for basic assistance, non-recurrent short term benefits, and emergency assistance in fiscal year 2019, as so reported by the States.

“(B) TERRITORIES AND INDIAN TRIBES.—The Secretary shall allot among the territories and Indian tribes otherwise eligible for a grant under this part such portions of 7.5 percent of the amount specified in paragraph (1) that are not reserved under paragraph (2) as the Secretary deems appropriate based on the needs of the territory or Indian tribe involved.

“(C) EXPENDITURE COMMITMENT REQUIREMENT.—To receive the full amount of funding payable under this subsection, a State or Indian tribe shall inform the Secretary as to whether it intends to use all of its allotment under this paragraph and provide that information—

Notification.
Deadlines.

“(i) in the case of a State that is not a territory, within 45 days after the date of the enactment of this subsection; or

“(ii) in the case of a territory or an Indian tribe, within 90 days after such date of enactment.

“(4) GRANTS.—

“(A) IN GENERAL.—The Secretary shall provide funds to each State and Indian tribe to which an amount is allotted under paragraph (3), from the amount so allotted.

“(B) TREATMENT OF UNUSED FUNDS.—

“(i) REALLOTMENT.—The Secretary shall reallocate in accordance with paragraph (3) all funds provided to any State or Indian tribe under this subsection that are unused, among the other States and Indian tribes eligible for funds under this subsection. For purposes of paragraph (3), the Secretary shall treat the funds as if included in the amount specified in paragraph (1).

“(ii) PROVISION.—The Secretary shall provide funds to each such other State or Indian tribe in an amount equal to the amount so reallocated.

“(5) RECIPIENT OF FUNDS PROVIDED FOR TERRITORIES.—In the case of a territory not operating a program funded under this part, the Secretary shall provide the funds required to be provided to the territory under this subsection, to the agency that administers the bulk of local human services programs in the territory.

“(6) USE OF FUNDS.—

“(A) IN GENERAL.—A State or Indian tribe to which funds are provided under this subsection may use the funds only for non-recurrent short term benefits, whether in the form of cash or in other forms.

“(B) LIMITATION ON USE FOR ADMINISTRATIVE EXPENSES.—A State to which funds are provided under this subsection shall not expend more than 15 percent of the funds for administrative purposes.

“(C) NONSUPPLANTATION.—Funds provided under this subsection shall be used to supplement and not supplant other Federal, State, or tribal funds for services and activities that promote the purposes of this part.

“(D) EXPENDITURE DEADLINE.—

“(i) IN GENERAL.—Except as provided in clause (ii), a State or Indian tribe to which funds are provided under this subsection shall expend the funds not later than the end of fiscal year 2022.

“(ii) EXCEPTION FOR REALLOTTED FUNDS.—A State or Indian tribe to which funds are provided under paragraph (4)(B) shall expend the funds within 12 months after receipt.

“(7) SUSPENSION OF TERRITORY SPENDING CAP.—Section 1108 shall not apply with respect to any funds provided under this subsection.

“(8) DEFINITIONS.—In this subsection:

“(A) APPLICABLE PERIOD.—The term ‘applicable period’ means the period that begins with April 1, 2021, and ends with September 30, 2022.

“(B) NON-RECURRENT SHORT TERM BENEFITS.—The term ‘non-recurrent short term benefits’ has the meaning given the term in OMB approved Form ACF-196R, published on July 31, 2014.

“(C) STATE.—The term ‘State’ means the 50 States of the United States, the District of Columbia, and the territories.

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

Subtitle D—Elder Justice and Support Guarantee

SEC. 9301. ADDITIONAL FUNDING FOR AGING AND DISABILITY SERVICES PROGRAMS.

Subtitle A of title XX of the Social Security Act (42 U.S.C. 1397–1397h) is amended by adding at the end the following:

42 USC 1397i.

“SEC. 2010. ADDITIONAL FUNDING FOR AGING AND DISABILITY SERVICES PROGRAMS.

“(a) APPROPRIATION.—In addition to amounts otherwise available, there is appropriated for fiscal year 2021, out of any money in the Treasury not otherwise appropriated, \$276,000,000, to remain available until expended, to carry out the programs described in subtitle B.

“(b) USE OF FUNDS.—Of the amounts made available by subsection (a)—

“(1) \$88,000,000 shall be made available to carry out the programs described in subtitle B in fiscal year 2021, of which not less than an amount equal to \$100,000,000 minus the amount previously provided in fiscal year 2021 to carry out section 2042(b) shall be made available to carry out such section; and

“(2) \$188,000,000 shall be made available to carry out the programs described in subtitle B in fiscal year 2022, of which not less than \$100,000,000 shall be for activities described in section 2042(b).”.

Subtitle E—Support to Skilled Nursing Facilities in Response to COVID–19

SEC. 9401. PROVIDING FOR INFECTION CONTROL SUPPORT TO SKILLED NURSING FACILITIES THROUGH CONTRACTS WITH QUALITY IMPROVEMENT ORGANIZATIONS.

Section 1862(g) of the Social Security Act (42 U.S.C. 1395y(g)) is amended—

(1) by striking “The Secretary” and inserting “(1) The Secretary”; and

(2) by adding at the end the following new paragraph:

“(2) In addition to any funds otherwise available, there are appropriated to the Secretary, out of any monies in the Treasury not otherwise obligated, \$200,000,000, to remain available until expended, for purposes of requiring multiple organizations described in paragraph (1) to provide to skilled nursing facilities (as defined in section 1819(a)), infection control and vaccination uptake support relating to the prevention or mitigation of COVID–19, as determined appropriate by the Secretary.”.

Determination.

SEC. 9402. FUNDING FOR STRIKE TEAMS FOR RESIDENT AND EMPLOYEE SAFETY IN SKILLED NURSING FACILITIES.

Section 1819 of the Social Security Act (42 U.S.C. 1395i–3) is amended by adding at the end the following new subsection:

“(k) FUNDING FOR STRIKE TEAMS.—In addition to amounts otherwise available, there is appropriated to the Secretary, out of any monies in the Treasury not otherwise appropriated, \$250,000,000, to remain available until expended, for purposes of allocating such amount among the States (including the District of Columbia and each territory of the United States) for such a State to establish and implement a strike team that will be deployed to a skilled nursing facility in the State with diagnosed or suspected cases of COVID–19 among residents or staff for the purposes of assisting with clinical care, infection control, or staffing during the emergency period described in section 1135(g)(1)(B) and the 1-year period immediately following the end of such emergency period.”.

Time period.

Subtitle F—Preserving Health Benefits for Workers

SEC. 9501. PRESERVING HEALTH BENEFITS FOR WORKERS.

(a) PREMIUM ASSISTANCE FOR COBRA CONTINUATION COVERAGE FOR INDIVIDUALS AND THEIR FAMILIES.—

26 USC 4980B note.

(1) PROVISION OF PREMIUM ASSISTANCE.—

(A) REDUCTION OF PREMIUMS PAYABLE.—In the case of any premium for a period of coverage during the period beginning on the first day of the first month beginning after the date of the enactment of this Act, and ending

Time period.

on September 30, 2021, for COBRA continuation coverage with respect to any assistance eligible individual described in paragraph (3), such individual shall be treated for purposes of any COBRA continuation provision as having paid in full the amount of such premium.

(B) PLAN ENROLLMENT OPTION.—

Applicability.
Deadline.

(i) IN GENERAL.—Solely for purposes of this subsection, the COBRA continuation provisions shall be applied such that any assistance eligible individual who is enrolled in a group health plan offered by a plan sponsor may, not later than 90 days after the date of notice of the plan enrollment option described in this subparagraph, elect to enroll in coverage under a plan offered by such plan sponsor that is different than coverage under the plan in which such individual was enrolled at the time, in the case of any assistance eligible individual described in paragraph (3), the qualifying event specified in section 603(2) of the Employee Retirement Income Security Act of 1974, section 4980B(f)(3)(B) of the Internal Revenue Code of 1986, or section 2203(2) of the Public Health Service Act, except for the voluntary termination of such individual's employment by such individual, occurred, and such coverage shall be treated as COBRA continuation coverage for purposes of the applicable COBRA continuation coverage provision.

(ii) REQUIREMENTS.—Any assistance eligible individual may elect to enroll in different coverage as described in clause (i) only if—

Determination.

(I) the employer involved has made a determination that such employer will permit such assistance eligible individual to enroll in different coverage as provided under this subparagraph;

(II) the premium for such different coverage does not exceed the premium for coverage in which such individual was enrolled at the time such qualifying event occurred;

(III) the different coverage in which the individual elects to enroll is coverage that is also offered to similarly situated active employees of the employer at the time at which such election is made; and

(IV) the different coverage in which the individual elects to enroll is not—

(aa) coverage that provides only excepted benefits as defined in section 9832(c) of the Internal Revenue Code of 1986, section 733(c) of the Employee Retirement Income Security Act of 1974, and section 2791(c) of the Public Health Service Act;

(bb) a qualified small employer health reimbursement arrangement (as defined in section 9831(d)(2) of the Internal Revenue Code of 1986); or

(cc) a flexible spending arrangement (as defined in section 106(c)(2) of the Internal Revenue Code of 1986).

(2) LIMITATION OF PERIOD OF PREMIUM ASSISTANCE.—

(A) ELIGIBILITY FOR ADDITIONAL COVERAGE.—Paragraph (1)(A) shall not apply with respect to any assistance eligible individual described in paragraph (3) for months of coverage beginning on or after the earlier of—

(i) the first date that such individual is eligible for coverage under any other group health plan (other than coverage consisting of only excepted benefits (as defined in section 9832(c) of the Internal Revenue Code of 1986, section 733(c) of the Employee Retirement Income Security Act of 1974, and section 2791(c) of the Public Health Service Act), coverage under a flexible spending arrangement (as defined in section 106(c)(2) of the Internal Revenue Code of 1986), coverage under a qualified small employer health reimbursement arrangement (as defined in section 9831(d)(2) of the Internal Revenue Code of 1986)), or eligible for benefits under the Medicare program under title XVIII of the Social Security Act; or

(ii) the earlier of—

(I) the date following the expiration of the maximum period of continuation coverage required under the applicable COBRA continuation coverage provision; or

(II) the date following the expiration of the period of continuation coverage allowed under paragraph (4)(B)(ii).

(B) NOTIFICATION REQUIREMENT.—Any assistance eligible individual shall notify the group health plan with respect to which paragraph (1)(A) applies if such paragraph ceases to apply by reason of clause (i) of subparagraph (A) (as applicable). Such notice shall be provided to the group health plan in such time and manner as may be specified by the Secretary of Labor.

(3) ASSISTANCE ELIGIBLE INDIVIDUAL.—For purposes of this section, the term “assistance eligible individual” means, with respect to a period of coverage during the period beginning on the first day of the first month beginning after the date of the enactment of this Act, and ending on September 30, 2021, any individual that is a qualified beneficiary who—

Definition.
Time period.

(A) is eligible for COBRA continuation coverage by reason of a qualifying event specified in section 603(2) of the Employee Retirement Income Security Act of 1974, section 4980B(f)(3)(B) of the Internal Revenue Code of 1986, or section 2203(2) of the Public Health Service Act, except for the voluntary termination of such individual’s employment by such individual; and

(B) elects such coverage.

(4) EXTENSION OF ELECTION PERIOD AND EFFECT ON COVERAGE.—

(A) IN GENERAL.—For purposes of applying section 605(a) of the Employee Retirement Income Security Act of 1974, section 4980B(f)(5)(A) of the Internal Revenue Code of 1986, and section 2205(a) of the Public Health Service Act, in the case of—

(i) an individual who does not have an election of COBRA continuation coverage in effect on the first

day of the first month beginning after the date of the enactment of this Act but who would be an assistance eligible individual described in paragraph (3) if such election were so in effect; or

(ii) an individual who elected COBRA continuation coverage and discontinued from such coverage before the first day of the first month beginning after the date of the enactment of this Act,

such individual may elect the COBRA continuation coverage under the COBRA continuation coverage provisions containing such provisions during the period beginning on the first day of the first month beginning after the date of the enactment of this Act and ending 60 days after the date on which the notification required under paragraph (5)(C) is provided to such individual.

(B) COMMENCEMENT OF COBRA CONTINUATION COVERAGE.—Any COBRA continuation coverage elected by a qualified beneficiary during an extended election period under subparagraph (A)—

(i) shall commence (including for purposes of applying the treatment of premium payments under paragraph (1)(A) and any cost-sharing requirements for items and services under a group health plan) with the first period of coverage beginning on or after the first day of the first month beginning after the date of the enactment of this Act, and

(ii) shall not extend beyond the period of COBRA continuation coverage that would have been required under the applicable COBRA continuation coverage provision if the coverage had been elected as required under such provision or had not been discontinued.

(5) NOTICES TO INDIVIDUALS.—

(A) GENERAL NOTICE.—

(i) IN GENERAL.—In the case of notices provided under section 606(a)(4) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1166(4)), section 4980B(f)(6)(D) of the Internal Revenue Code of 1986, or section 2206(4) of the Public Health Service Act (42 U.S.C. 300bb-6(4)), with respect to individuals who, during the period described in paragraph (3), become entitled to elect COBRA continuation coverage, the requirements of such provisions shall not be treated as met unless such notices include an additional written notification to the recipient in clear and understandable language of—

(I) the availability of premium assistance with respect to such coverage under this subsection; and

(II) the option to enroll in different coverage if the employer permits assistance eligible individuals described in paragraph (3) to elect enrollment in different coverage (as described in paragraph (1)(B)).

(ii) ALTERNATIVE NOTICE.—In the case of COBRA continuation coverage to which the notice provision under such sections does not apply, the Secretary of Labor, in consultation with the Secretary of the

Treasury and the Secretary of Health and Human Services, shall, in consultation with administrators of the group health plans (or other entities) that provide or administer the COBRA continuation coverage involved, provide rules requiring the provision of such notice.

(iii) FORM.—The requirement of the additional notification under this subparagraph may be met by amendment of existing notice forms or by inclusion of a separate document with the notice otherwise required.

(B) SPECIFIC REQUIREMENTS.—Each additional notification under subparagraph (A) shall include—

(i) the forms necessary for establishing eligibility for premium assistance under this subsection;

(ii) the name, address, and telephone number necessary to contact the plan administrator and any other person maintaining relevant information in connection with such premium assistance;

(iii) a description of the extended election period provided for in paragraph (4)(A);

(iv) a description of the obligation of the qualified beneficiary under paragraph (2)(B) and the penalty provided under section 6720C of the Internal Revenue Code of 1986 for failure to carry out the obligation;

(v) a description, displayed in a prominent manner, of the qualified beneficiary's right to a subsidized premium and any conditions on entitlement to the subsidized premium; and

(vi) a description of the option of the qualified beneficiary to enroll in different coverage if the employer permits such beneficiary to elect to enroll in such different coverage under paragraph (1)(B).

(C) NOTICE IN CONNECTION WITH EXTENDED ELECTION PERIODS.—In the case of any assistance eligible individual described in paragraph (3) (or any individual described in paragraph (4)(A)) who became entitled to elect COBRA continuation coverage before the first day of the first month beginning after the date of the enactment of this Act, the administrator of the applicable group health plan (or other entity) shall provide (within 60 days after such first day of such first month) for the additional notification required to be provided under subparagraph (A) and failure to provide such notice shall be treated as a failure to meet the notice requirements under the applicable COBRA continuation provision.

Deadline.

(D) MODEL NOTICES.—Not later than 30 days after the date of enactment of this Act, with respect to any assistance eligible individual described in paragraph (3), the Secretary of Labor, in consultation with the Secretary of the Treasury and the Secretary of Health and Human Services, shall prescribe models for the additional notification required under this paragraph.

Deadline.
Consultation.

(6) NOTICE OF EXPIRATION OF PERIOD OF PREMIUM ASSISTANCE.—

(A) IN GENERAL.—With respect to any assistance eligible individual, subject to subparagraph (B), the requirements of section 606(a)(4) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1166(4)), section 4980B(f)(6)(D) of the Internal Revenue Code of 1986, or section 2206(4) of the Public Health Service Act (42 U.S.C. 300bb-6(4)), shall not be treated as met unless the plan administrator of the individual, during the period specified under subparagraph (C), provides to such individual a written notice in clear and understandable language—

(i) that the premium assistance for such individual will expire soon and the prominent identification of the date of such expiration; and

(ii) that such individual may be eligible for coverage without any premium assistance through—

(I) COBRA continuation coverage; or

(II) coverage under a group health plan.

Waiver.

(B) EXCEPTION.—The requirement for the group health plan administrator to provide the written notice under subparagraph (A) shall be waived if the premium assistance for such individual expires pursuant to clause (i) of paragraph (2)(A).

(C) PERIOD SPECIFIED.—For purposes of subparagraph (A), the period specified in this subparagraph is, with respect to the date of expiration of premium assistance for any assistance eligible individual pursuant to a limitation requiring a notice under this paragraph, the period beginning on the day that is 45 days before the date of such expiration and ending on the day that is 15 days before the date of such expiration.

Deadline.
Consultation.

(D) MODEL NOTICES.—Not later than 45 days after the date of enactment of this Act, with respect to any assistance eligible individual, the Secretary of Labor, in consultation with the Secretary of the Treasury and the Secretary of Health and Human Services, shall prescribe models for the notification required under this paragraph.

(7) REGULATIONS.—The Secretary of the Treasury and the Secretary of Labor may jointly prescribe such regulations or other guidance as may be necessary or appropriate to carry out the provisions of this subsection, including the prevention of fraud and abuse under this subsection, except that the Secretary of Labor and the Secretary of Health and Human Services may prescribe such regulations (including interim final regulations) or other guidance as may be necessary or appropriate to carry out the provisions of paragraphs (5), (6), and (8).

(8) OUTREACH.—

Consultation.

(A) IN GENERAL.—The Secretary of Labor, in consultation with the Secretary of the Treasury and the Secretary of Health and Human Services, shall provide outreach consisting of public education and enrollment assistance relating to premium assistance provided under this subsection. Such outreach shall target employers, group health plan administrators, public assistance programs, States, insurers, and other entities as determined appropriate by such Secretaries. Such outreach shall include an initial focus on those individuals electing continuation coverage

who are referred to in paragraph (5)(C). Information on such premium assistance, including enrollment, shall also be made available on websites of the Departments of Labor, Treasury, and Health and Human Services. Web postings.

(B) ENROLLMENT UNDER MEDICARE.—The Secretary of Health and Human Services shall provide outreach consisting of public education. Such outreach shall target individuals who lose health insurance coverage. Such outreach shall include information regarding enrollment for Medicare benefits for purposes of preventing mistaken delays of such enrollment by such individuals, including lifetime penalties for failure of timely enrollment.

(9) DEFINITIONS.—For purposes of this section:

(A) ADMINISTRATOR.—The term “administrator” has the meaning given such term in section 3(16)(A) of the Employee Retirement Income Security Act of 1974, and includes a COBRA administrator.

(B) COBRA CONTINUATION COVERAGE.—The term “COBRA continuation coverage” means continuation coverage provided pursuant to part 6 of subtitle B of title I of the Employee Retirement Income Security Act of 1974 (other than under section 609), title XXII of the Public Health Service Act, or section 4980B of the Internal Revenue Code of 1986 (other than subsection (f)(1) of such section insofar as it relates to pediatric vaccines), or under a State program that provides comparable continuation coverage. Such term does not include coverage under a health flexible spending arrangement under a cafeteria plan within the meaning of section 125 of the Internal Revenue Code of 1986.

(C) COBRA CONTINUATION PROVISION.—The term “COBRA continuation provision” means the provisions of law described in subparagraph (B).

(D) COVERED EMPLOYEE.—The term “covered employee” has the meaning given such term in section 607(2) of the Employee Retirement Income Security Act of 1974.

(E) QUALIFIED BENEFICIARY.—The term “qualified beneficiary” has the meaning given such term in section 607(3) of the Employee Retirement Income Security Act of 1974.

(F) GROUP HEALTH PLAN.—The term “group health plan” has the meaning given such term in section 607(1) of the Employee Retirement Income Security Act of 1974.

(G) STATE.—The term “State” includes the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands.

(H) PERIOD OF COVERAGE.—Any reference in this subsection to a period of coverage shall be treated as a reference to a monthly or shorter period of coverage with respect to which premiums are charged with respect to such coverage.

(I) PLAN SPONSOR.—The term “plan sponsor” has the meaning given such term in section 3(16)(B) of the Employee Retirement Income Security Act of 1974.

(J) PREMIUM.—The term “premium” includes, with respect to COBRA continuation coverage, any administrative fee.

(10) IMPLEMENTATION FUNDING.—In addition to amounts otherwise made available, out of any funds in the Treasury not otherwise appropriated, there are appropriated to the Secretary of Labor for fiscal year 2021, \$10,000,000, to remain available until expended, for the Employee Benefits Security Administration to carry out the provisions of this subtitle.

(b) COBRA PREMIUM ASSISTANCE.—

(1) ALLOWANCE OF CREDIT.—

(A) IN GENERAL.—Subchapter B of chapter 65 of the Internal Revenue Code of 1986 is amended by adding at the end the following new section:

26 USC 6432.

“SEC. 6432. CONTINUATION COVERAGE PREMIUM ASSISTANCE.

“(a) IN GENERAL.—The person to whom premiums are payable for continuation coverage under section 9501(a)(1) of the American Rescue Plan Act of 2021 shall be allowed as a credit against the tax imposed by section 3111(b), or so much of the taxes imposed under section 3221(a) as are attributable to the rate in effect under section 3111(b), for each calendar quarter an amount equal to the premiums not paid by assistance eligible individuals for such coverage by reason of such section 9501(a)(1) with respect to such calendar quarter.

“(b) PERSON TO WHOM PREMIUMS ARE PAYABLE.—For purposes of subsection (a), except as otherwise provided by the Secretary, the person to whom premiums are payable under such continuation coverage shall be treated as being—

“(1) in the case of any group health plan which is a multi-employer plan (as defined in section 3(37) of the Employee Retirement Income Security Act of 1974), the plan,

“(2) in the case of any group health plan not described in paragraph (1)—

“(A) which is subject to the COBRA continuation provisions contained in—

“(i) the Internal Revenue Code of 1986,

“(ii) the Employee Retirement Income Security Act of 1974, or

“(iii) the Public Health Service Act, or

“(B) under which some or all of the coverage is not provided by insurance, the employer maintaining the plan, and

“(3) in the case of any group health plan not described in paragraph (1) or (2), the insurer providing the coverage under the group health plan.

“(c) LIMITATIONS AND REFUNDABILITY.—

“(1) CREDIT LIMITED TO CERTAIN EMPLOYMENT TAXES.—The credit allowed by subsection (a) with respect to any calendar quarter shall not exceed the tax imposed by section 3111(b), or so much of the taxes imposed under section 3221(a) as are attributable to the rate in effect under section 3111(b), for such calendar quarter (reduced by any credits allowed against such taxes under sections 3131, 3132, and 3134) on the wages paid with respect to the employment of all employees of the employer.

“(2) REFUNDABILITY OF EXCESS CREDIT.—

“(A) CREDIT IS REFUNDABLE.—If the amount of the credit under subsection (a) exceeds the limitation of paragraph (1) for any calendar quarter, such excess shall be treated as an overpayment that shall be refunded under sections 6402(a) and 6413(b).

“(B) CREDIT MAY BE ADVANCED.—In anticipation of the credit, including the refundable portion under subparagraph (A), the credit may be advanced, according to forms and instructions provided by the Secretary, up to an amount calculated under subsection (a) through the end of the most recent payroll period in the quarter.

“(C) TREATMENT OF DEPOSITS.—The Secretary shall waive any penalty under section 6656 for any failure to make a deposit of the tax imposed by section 3111(b), or so much of the taxes imposed under section 3221(a) as are attributable to the rate in effect under section 3111(b), if the Secretary determines that such failure was due to the anticipation of the credit allowed under this section.

Waivers.
Determinations.

“(D) TREATMENT OF PAYMENTS.—For purposes of section 1324 of title 31, United States Code, any amounts due to an employer under this paragraph shall be treated in the same manner as a refund due from a credit provision referred to in subsection (b)(2) of such section.

“(3) OVERSTATEMENTS.—Any overstatement of the credit to which a person is entitled under this section (and any amount paid by the Secretary as a result of such overstatement) shall be treated as an underpayment by such person of the taxes described in paragraph (1) and may be assessed and collected by the Secretary in the same manner as such taxes.

“(d) GOVERNMENTAL ENTITIES.—For purposes of this section, the term ‘person’ includes the government of any State or political subdivision thereof, any Indian tribal government (as defined in section 139E(c)(1)), any agency or instrumentality of any of the foregoing, and any agency or instrumentality of the Government of the United States that is described in section 501(c)(1) and exempt from taxation under section 501(a).

Definition.

“(e) DENIAL OF DOUBLE BENEFIT.—For purposes of chapter 1, the gross income of any person allowed a credit under this section shall be increased for the taxable year which includes the last day of any calendar quarter with respect to which such credit is allowed by the amount of such credit. No credit shall be allowed under this section with respect to any amount which is taken into account as qualified wages under section 2301 of the CARES Act or section 3134 of this title or as qualified health plan expenses under section 7001(d) or 7003(d) of the Families First Coronavirus Response Act or section 3131 or 3132 of this title.

“(f) EXTENSION OF LIMITATION ON ASSESSMENT.—Notwithstanding section 6501, the limitation on the time period for the assessment of any amount attributable to a credit claimed under this section shall not expire before the date that is 5 years after the later of—

“(1) the date on which the original return which includes the calendar quarter with respect to which such credit is determined is filed, or

“(2) the date on which such return is treated as filed under section 6501(b)(2).

“(g) REGULATIONS.—The Secretary shall issue such regulations, or other guidance, forms, instructions, and publications, as may be necessary or appropriate to carry out this section, including—

“(1) the requirement to report information or the establishment of other methods for verifying the correct amounts of reimbursements under this section,

“(2) the application of this section to group health plans that are multiemployer plans (as defined in section 3(37) of the Employee Retirement Income Security Act of 1974),

“(3) to allow the advance payment of the credit determined under subsection (a), subject to the limitations provided in this section, based on such information as the Secretary shall require,

“(4) to provide for the reconciliation of such advance payment with the amount of the credit at the time of filing the return of tax for the applicable quarter or taxable year, and

“(5) allowing the credit to third party payors (including professional employer organizations, certified professional employer organizations, or agents under section 3504).”

(B) CLERICAL AMENDMENT.—The table of sections for subchapter B of chapter 65 of the Internal Revenue Code of 1986 is amended by adding at the end the following new item:

“Sec. 6432. Continuation coverage premium assistance.”.

(C) EFFECTIVE DATE.—The amendments made by this paragraph shall apply to premiums to which subsection (a)(1)(A) applies and wages paid on or after April 1, 2021.

(D) SPECIAL RULE IN CASE OF EMPLOYEE PAYMENT THAT IS NOT REQUIRED UNDER THIS SECTION.—

(i) IN GENERAL.—In the case of an assistance eligible individual who pays, with respect any period of coverage to which subsection (a)(1)(A) applies, any amount of the premium for such coverage that the individual would have (but for this Act) been required to pay, the person to whom such payment is payable shall reimburse such individual for the amount of such premium paid.

(ii) CREDIT OF REIMBURSEMENT.—A person to which clause (i) applies shall be allowed a credit in the manner provided under section 6432 of the Internal Revenue Code of 1986 for any payment made to the employee under such clause.

(iii) PAYMENT OF CREDITS.—Any person to which clause (i) applies shall make the payment required under such clause to the individual not later than 60 days after the date on which such individual made the premium payment.

(2) PENALTY FOR FAILURE TO NOTIFY HEALTH PLAN OF CESSATION OF ELIGIBILITY FOR PREMIUM ASSISTANCE.—

(A) IN GENERAL.—Part I of subchapter B of chapter 68 of the Internal Revenue Code of 1986 is amended by adding at the end the following new section:

26 USC
prec. 6411.

Applicability.
26 USC 6432
note.

26 USC 4980B
note.

Reimbursement.

Deadline.

“SEC. 6720C. PENALTY FOR FAILURE TO NOTIFY HEALTH PLAN OF CESSATION OF ELIGIBILITY FOR CONTINUATION COVERAGE PREMIUM ASSISTANCE. 26 USC 6720C.

“(a) IN GENERAL.—Except in the case of a failure described in subsection (b) or (c), any person required to notify a group health plan under section 9501(a)(2)(B) of the American Rescue Plan Act of 2021 who fails to make such a notification at such time and in such manner as the Secretary of Labor may require shall pay a penalty of \$250 for each such failure.

“(b) INTENTIONAL FAILURE.—In the case of any such failure that is fraudulent, such person shall pay a penalty equal to the greater of—

“(1) \$250, or

“(2) 110 percent of the premium assistance provided under section 9501(a)(1)(A) of the American Rescue Plan Act of 2021 after termination of eligibility under such section.

“(c) REASONABLE CAUSE EXCEPTION.—No penalty shall be imposed under this section with respect to any failure if it is shown that such failure is due to reasonable cause and not to willful neglect.”.

(B) CLERICAL AMENDMENT.—The table of sections of part I of subchapter B of chapter 68 of such Code is amended by adding at the end the following new item:

26 USC
prec. 6671.

“Sec. 6720C. Penalty for failure to notify health plan of cessation of eligibility for continuation coverage premium assistance.”.

(3) COORDINATION WITH HCTC.—

(A) IN GENERAL.—Section 35(g)(9) of the Internal Revenue Code of 1986 is amended to read as follows:

26 USC 35.

“(9) CONTINUATION COVERAGE PREMIUM ASSISTANCE.—In the case of an assistance eligible individual who receives premium assistance for continuation coverage under section 9501(a)(1) of the American Rescue Plan Act of 2021 for any month during the taxable year, such individual shall not be treated as an eligible individual, a certified individual, or a qualifying family member for purposes of this section or section 7527 with respect to such month.”.

(B) EFFECTIVE DATE.—The amendment made by subparagraph (A) shall apply to taxable years ending after the date of the enactment of this Act.

26 USC 35 note.

(4) EXCLUSION OF CONTINUATION COVERAGE PREMIUM ASSISTANCE FROM GROSS INCOME.—

(A) IN GENERAL.—Part III of subchapter B of chapter 1 of the Internal Revenue Code of 1986 is amended by inserting after section 139H the following new section:

“SEC. 139I. CONTINUATION COVERAGE PREMIUM ASSISTANCE.

26 USC 139I.

“In the case of an assistance eligible individual (as defined in subsection (a)(3) of section 9501 of the American Rescue Plan Act of 2021), gross income does not include any premium assistance provided under subsection (a)(1) of such section.”.

(B) CLERICAL AMENDMENT.—The table of sections for part III of subchapter B of chapter 1 of such Code is amended by inserting after the item relating to section 139H the following new item:

26 USC
prec. 101.

“Sec. 139I. Continuation coverage premium assistance.”.

26 USC 139I
note.

(C) EFFECTIVE DATE.—The amendments made by this paragraph shall apply to taxable years ending after the date of the enactment of this Act.

Subtitle G—Promoting Economic Security

PART 1—2021 RECOVERY REBATES TO INDIVIDUALS

SEC. 9601. 2021 RECOVERY REBATES TO INDIVIDUALS.

(a) IN GENERAL.—Subchapter B of chapter 65 of the Internal Revenue Code of 1986 is amended by inserting after section 6428A the following new section:

26 USC 6428B.
Effective date.

“SEC. 6428B. 2021 RECOVERY REBATES TO INDIVIDUALS.

“(a) IN GENERAL.—In the case of an eligible individual, there shall be allowed as a credit against the tax imposed by subtitle A for the first taxable year beginning in 2021 an amount equal to the 2021 rebate amount determined for such taxable year.

“(b) 2021 REBATE AMOUNT.—For purposes of this section, the term ‘2021 rebate amount’ means, with respect to any taxpayer for any taxable year, the sum of—

“(1) \$1,400 (\$2,800 in the case of a joint return), plus

“(2) \$1,400 multiplied by the number of dependents of the taxpayer for such taxable year.

Definition.

“(c) ELIGIBLE INDIVIDUAL.—For purposes of this section, the term ‘eligible individual’ means any individual other than—

“(1) any nonresident alien individual,

“(2) any individual who is a dependent of another taxpayer for a taxable year beginning in the calendar year in which the individual’s taxable year begins, and

“(3) an estate or trust.

“(d) LIMITATION BASED ON ADJUSTED GROSS INCOME.—

“(1) IN GENERAL.—The amount of the credit allowed by subsection (a) (determined without regard to this subsection and subsection (f)) shall be reduced (but not below zero) by the amount which bears the same ratio to such credit (as so determined) as—

“(A) the excess of—

“(i) the taxpayer’s adjusted gross income for such taxable year, over

“(ii) \$75,000, bears to

“(B) \$5,000.

Applicability.

“(2) SPECIAL RULES.—

“(A) JOINT RETURN OR SURVIVING SPOUSE.—In the case of a joint return or a surviving spouse (as defined in section 2(a)), paragraph (1) shall be applied by substituting ‘\$150,000’ for ‘\$75,000’ and ‘\$10,000’ for ‘\$5,000’.

“(B) HEAD OF HOUSEHOLD.—In the case of a head of household (as defined in section 2(b)), paragraph (1) shall be applied by substituting ‘\$112,500’ for ‘\$75,000’ and ‘\$7,500’ for ‘\$5,000’.

“(e) DEFINITIONS AND SPECIAL RULES.—

“(1) DEPENDENT DEFINED.—For purposes of this section, the term ‘dependent’ has the meaning given such term by section 152.

“(2) IDENTIFICATION NUMBER REQUIREMENT.—

“(A) IN GENERAL.—In the case of a return other than a joint return, the \$1,400 amount in subsection (b)(1) shall be treated as being zero unless the taxpayer includes the valid identification number of the taxpayer on the return of tax for the taxable year.

“(B) JOINT RETURNS.—In the case of a joint return, the \$2,800 amount in subsection (b)(1) shall be treated as being—

“(i) \$1,400 if the valid identification number of only 1 spouse is included on the return of tax for the taxable year, and

“(ii) zero if the valid identification number of neither spouse is so included.

“(C) DEPENDENTS.—A dependent shall not be taken into account under subsection (b)(2) unless the valid identification number of such dependent is included on the return of tax for the taxable year.

“(D) VALID IDENTIFICATION NUMBER.—

“(i) IN GENERAL.—For purposes of this paragraph, the term ‘valid identification number’ means a social security number issued to an individual by the Social Security Administration on or before the due date for filing the return for the taxable year.

“(ii) ADOPTION TAXPAYER IDENTIFICATION NUMBER.—For purposes of subparagraph (C), in the case of a dependent who is adopted or placed for adoption, the term ‘valid identification number’ shall include the adoption taxpayer identification number of such dependent.

“(E) SPECIAL RULE FOR MEMBERS OF THE ARMED FORCES.—Subparagraph (B) shall not apply in the case where at least 1 spouse was a member of the Armed Forces of the United States at any time during the taxable year and the valid identification number of at least 1 spouse is included on the return of tax for the taxable year.

“(F) COORDINATION WITH CERTAIN ADVANCE PAYMENTS.—In the case of any payment determined pursuant to subsection (g)(6), a valid identification number shall be treated for purposes of this paragraph as included on the taxpayer’s return of tax if such valid identification number is available to the Secretary as described in such subsection.

“(G) MATHEMATICAL OR CLERICAL ERROR AUTHORITY.—Any omission of a correct valid identification number required under this paragraph shall be treated as a mathematical or clerical error for purposes of applying section 6213(g)(2) to such omission.

“(3) CREDIT TREATED AS REFUNDABLE.—The credit allowed by subsection (a) shall be treated as allowed by subpart C of part IV of subchapter A of chapter 1.

“(f) COORDINATION WITH ADVANCE REFUNDS OF CREDIT.—

“(1) REDUCTION OF REFUNDABLE CREDIT.—The amount of the credit which would (but for this paragraph) be allowable under subsection (a) shall be reduced (but not below zero) by the aggregate refunds and credits made or allowed to the

taxpayer (or, except as otherwise provided by the Secretary, any dependent of the taxpayer) under subsection (g). Any failure to so reduce the credit shall be treated as arising out of a mathematical or clerical error and assessed according to section 6213(b)(1).

“(2) JOINT RETURNS.—Except as otherwise provided by the Secretary, in the case of a refund or credit made or allowed under subsection (g) with respect to a joint return, half of such refund or credit shall be treated as having been made or allowed to each individual filing such return.

“(g) ADVANCE REFUNDS AND CREDITS.—

“(1) IN GENERAL.—Subject to paragraphs (5) and (6), each individual who was an eligible individual for such individual’s first taxable year beginning in 2019 shall be treated as having made a payment against the tax imposed by chapter 1 for such taxable year in an amount equal to the advance refund amount for such taxable year.

“(2) ADVANCE REFUND AMOUNT.—

“(A) IN GENERAL.—For purposes of paragraph (1), the advance refund amount is the amount that would have been allowed as a credit under this section for such taxable year if this section (other than subsection (f) and this subsection) had applied to such taxable year.

“(B) TREATMENT OF DECEASED INDIVIDUALS.—For purposes of determining the advance refund amount with respect to such taxable year—

“(i) any individual who was deceased before January 1, 2021, shall be treated for purposes of applying subsection (e)(2) in the same manner as if the valid identification number of such person was not included on the return of tax for such taxable year (except that subparagraph (E) thereof shall not apply).

“(ii) notwithstanding clause (i), in the case of a joint return with respect to which only 1 spouse is deceased before January 1, 2021, such deceased spouse was a member of the Armed Forces of the United States at any time during the taxable year, and the valid identification number of such deceased spouse is included on the return of tax for the taxable year, the valid identification number of 1 (and only 1) spouse shall be treated as included on the return of tax for the taxable year for purposes of applying subsection (e)(2)(B) with respect to such joint return, and

“(iii) no amount shall be determined under subsection (e)(2) with respect to any dependent of the taxpayer if the taxpayer (both spouses in the case of a joint return) was deceased before January 1, 2021.

“(3) TIMING AND MANNER OF PAYMENTS.—The Secretary shall, subject to the provisions of this title and consistent with rules similar to the rules of subparagraphs (B) and (C) of section 6428A(f)(3), refund or credit any overpayment attributable to this subsection as rapidly as possible, consistent with a rapid effort to make payments attributable to such overpayments electronically if appropriate. No refund or credit shall be made or allowed under this subsection after December 31, 2021.

Determination.
Termination
date.

Effective date.

“(4) NO INTEREST.—No interest shall be allowed on any overpayment attributable to this subsection.

“(5) APPLICATION TO INDIVIDUALS WHO HAVE FILED A RETURN OF TAX FOR 2020.—

“(A) APPLICATION TO 2020 RETURNS FILED AT TIME OF INITIAL DETERMINATION.—If, at the time of any determination made pursuant to paragraph (3), the individual referred to in paragraph (1) has filed a return of tax for the individual’s first taxable year beginning in 2020, paragraph (1) shall be applied with respect to such individual by substituting ‘2020’ for ‘2019’.

“(B) ADDITIONAL PAYMENT.—

Definitions.

“(i) IN GENERAL.—In the case of any individual who files, before the additional payment determination date, a return of tax for such individual’s first taxable year beginning in 2020, the Secretary shall make a payment (in addition to any payment made under paragraph (1)) to such individual equal to the excess (if any) of—

“(I) the amount which would be determined under paragraph (1) (after the application of subparagraph (A)) by applying paragraph (1) as of the additional payment determination date, over

“(II) the amount of any payment made with respect to such individual under paragraph (1).

“(ii) ADDITIONAL PAYMENT DETERMINATION DATE.—The term ‘additional payment determination date’ means the earlier of—

“(I) the date which is 90 days after the 2020 calendar year filing deadline, or

“(II) September 1, 2021.

“(iii) 2020 CALENDAR YEAR FILING DEADLINE.—The term ‘2020 calendar year filing deadline’ means the date specified in section 6072(a) with respect to returns for calendar year 2020. Such date shall be determined after taking into account any period disregarded under section 7508A if such disregard applies to substantially all returns for calendar year 2020 to which section 6072(a) applies.

Determination.

“(6) APPLICATION TO CERTAIN INDIVIDUALS WHO HAVE NOT FILED A RETURN OF TAX FOR 2019 OR 2020 AT TIME OF DETERMINATION.—In the case of any individual who, at the time of any determination made pursuant to paragraph (3), has filed a tax return for neither the year described in paragraph (1) nor for the year described in paragraph (5)(A), the Secretary shall, consistent with rules similar to the rules of section 6428A(f)(5)(H)(i), apply paragraph (1) on the basis of information available to the Secretary and shall, on the basis of such information, determine the advance refund amount with respect to such individual without regard to subsection (d) unless the Secretary has reason to know that such amount would otherwise be reduced by reason of such subsection.

“(7) SPECIAL RULE RELATED TO TIME OF FILING RETURN.—Solely for purposes of this subsection, a return of tax shall not be treated as filed until such return has been processed by the Internal Revenue Service.

“(8) RESTRICTION ON USE OF CERTAIN PREVIOUSLY ISSUED PREPAID DEBIT CARDS.—Payments made by the Secretary to individuals under this section shall not be in the form of an increase in the balance of any previously issued prepaid debit card if, as of the time of the issuance of such card, such card was issued solely for purposes of making payments under section 6428 or 6428A.

“(h) REGULATIONS.—The Secretary shall prescribe such regulations or other guidance as may be necessary or appropriate to carry out the purposes of this section, including—

Determination.

“(1) regulations or other guidance providing taxpayers the opportunity to provide the Secretary information sufficient to allow the Secretary to make payments to such taxpayers under subsection (g) (including the determination of the amount of such payment) if such information is not otherwise available to the Secretary, and

“(2) regulations or other guidance to ensure to the maximum extent administratively practicable that, in determining the amount of any credit under subsection (a) and any credit or refund under subsection (g), an individual is not taken into account more than once, including by different taxpayers and including by reason of a change in joint return status or dependent status between the taxable year for which an advance refund amount is determined and the taxable year for which a credit under subsection (a) is determined.

“(i) OUTREACH.—The Secretary shall carry out a robust and comprehensive outreach program to ensure that all taxpayers described in subsection (h)(1) learn of their eligibility for the advance refunds and credits under subsection (g); are advised of the opportunity to receive such advance refunds and credits as provided under subsection (h)(1); and are provided assistance in applying for such advance refunds and credits.”.

26 USC 6428B
note.

(b) TREATMENT OF CERTAIN POSSESSIONS.—

Determination.

(1) PAYMENTS TO POSSESSIONS WITH MIRROR CODE TAX SYSTEMS.—The Secretary of the Treasury shall pay to each possession of the United States which has a mirror code tax system amounts equal to the loss (if any) to that possession by reason of the amendments made by this section. Such amounts shall be determined by the Secretary of the Treasury based on information provided by the government of the respective possession.

Estimates.

(2) PAYMENTS TO OTHER POSSESSIONS.—The Secretary of the Treasury shall pay to each possession of the United States which does not have a mirror code tax system amounts estimated by the Secretary of the Treasury as being equal to the aggregate benefits (if any) that would have been provided to residents of such possession by reason of the amendments made by this section if a mirror code tax system had been in effect in such possession. The preceding sentence shall not apply unless the respective possession has a plan, which has been approved by the Secretary of the Treasury, under which such possession will promptly distribute such payments to its residents.

Plan.

(3) INCLUSION OF ADMINISTRATIVE EXPENSES.—The Secretary of the Treasury shall pay to each possession of the United States to which the Secretary makes a payment under paragraph (1) or (2) an amount equal to the lesser of—

(A) the increase (if any) of the administrative expenses of such possession—

(i) in the case of a possession described in paragraph (1), by reason of the amendments made by this section, and

(ii) in the case of a possession described in paragraph (2), by reason of carrying out the plan described in such paragraph, or

(B) \$500,000 (\$10,000,000 in the case of Puerto Rico).

Puerto Rico.
Determination.

The amount described in subparagraph (A) shall be determined by the Secretary of the Treasury based on information provided by the government of the respective possession.

(4) COORDINATION WITH CREDIT ALLOWED AGAINST UNITED STATES INCOME TAXES.—No credit shall be allowed against United States income taxes under section 6428B of the Internal Revenue Code of 1986 (as added by this section), nor shall any credit or refund be made or allowed under subsection (g) of such section, to any person—

(A) to whom a credit is allowed against taxes imposed by the possession by reason of the amendments made by this section, or

(B) who is eligible for a payment under a plan described in paragraph (2).

(5) MIRROR CODE TAX SYSTEM.—For purposes of this subsection, the term “mirror code tax system” means, with respect to any possession of the United States, the income tax system of such possession if the income tax liability of the residents of such possession under such system is determined by reference to the income tax laws of the United States as if such possession were the United States.

Definition.
Determination.

(6) TREATMENT OF PAYMENTS.—For purposes of section 1324 of title 31, United States Code, the payments under this subsection shall be treated in the same manner as a refund due from a credit provision referred to in subsection (b)(2) of such section.

(c) ADMINISTRATIVE PROVISIONS.—

(1) DEFINITION OF DEFICIENCY.—Section 6211(b)(4)(A) of the Internal Revenue Code of 1986 is amended by striking “6428, and 6428A” and inserting “6428, 6428A, and 6428B”.

26 USC 6211.

(2) EXCEPTION FROM REDUCTION OR OFFSET.—Any refund payable by reason of section 6428B(g) of the Internal Revenue Code of 1986 (as added by this section), or any such refund payable by reason of subsection (b) of this section, shall not be—

26 USC 6428B
note.

(A) subject to reduction or offset pursuant to subsection (c), (d), (e), or (f) of section 6402 of the Internal Revenue Code of 1986 or any similar authority permitting offset, or

(B) reduced or offset by other assessed Federal taxes that would otherwise be subject to levy or collection.

(3) CONFORMING AMENDMENTS.—

(A) Paragraph (2) of section 1324(b) of title 31, United States Code, is amended by inserting “6428B,” after “6428A,”.

(B) The table of sections for subchapter B of chapter 65 of the Internal Revenue Code of 1986 is amended by

26 USC
prec. 6411.

inserting after the item relating to section 6428A the following new item:

“Sec. 6428B. 2021 recovery rebates to individuals.”.

(d) APPROPRIATIONS.—Immediately upon the enactment of this Act, in addition to amounts otherwise available, there are appropriated for fiscal year 2021, out of any money in the Treasury not otherwise appropriated:

(1) \$1,464,500,000 to remain available until September 30, 2023 for necessary expenses for the Internal Revenue Service for the administration of the advance payments, the provision of taxpayer assistance, and the furtherance of integrated, modernized, and secure Internal Revenue Service systems, of which up to \$20,000,000 is available for premium pay for services related to the development of information technology as determined by the Commissioner of the Internal Revenue occurring between January 1, 2020 and December 31, 2022, and all of which shall supplement and not supplant any other appropriations that may be available for this purpose.

(2) \$7,000,000 to remain available until September 30, 2022, for necessary expenses for the Bureau of the Fiscal Service to carry out this section (and the amendments made by this section), which shall supplement and not supplant any other appropriations that may be available for this purpose, and

(3) \$8,000,000 to remain available until September 30, 2023, for the Treasury Inspector General for Tax Administration for the purposes of overseeing activities related to the administration of this section (and the amendments made by this section), which shall supplement and not supplant any other appropriations that may be available for this purpose.

PART 2—CHILD TAX CREDIT

SEC. 9611. CHILD TAX CREDIT IMPROVEMENTS FOR 2021.

(a) IN GENERAL.—Section 24 of the Internal Revenue Code of 1986 is amended by adding at the end the following new subsection:

“(i) SPECIAL RULES FOR 2021.—In the case of any taxable year beginning after December 31, 2020, and before January 1, 2022—

“(1) REFUNDABLE CREDIT.—If the taxpayer (in the case of a joint return, either spouse) has a principal place of abode in the United States (determined as provided in section 32) for more than one-half of the taxable year or is a bona fide resident of Puerto Rico (within the meaning of section 937(a)) for such taxable year—

“(A) subsection (d) shall not apply, and

“(B) so much of the credit determined under subsection (a) (after application of subparagraph (A)) as does not exceed the amount of such credit which would be so determined without regard to subsection (h)(4) shall be allowed under subpart C (and not allowed under this subpart).

“(2) 17-YEAR-OLDS ELIGIBLE FOR TREATMENT AS QUALIFYING CHILDREN.—This section shall be applied—

“(A) by substituting ‘age 18’ for ‘age 17’ in subsection (c)(1), and

“(B) by substituting ‘described in subsection (c) (determined after the application of subsection (i)(2)(A))’ for ‘described in subsection (c)’ in subsection (h)(4)(A).

“(3) CREDIT AMOUNT.—Subsection (h)(2) shall not apply and subsection (a) shall be applied by substituting ‘\$3,000 (\$3,600 in the case of a qualifying child who has not attained age 6 as of the close of the calendar year in which the taxable year of the taxpayer begins)’ for ‘\$1,000’.

“(4) REDUCTION OF INCREASED CREDIT AMOUNT BASED ON MODIFIED ADJUSTED GROSS INCOME.—

“(A) IN GENERAL.—The amount of the credit allowable under subsection (a) (determined without regard to subsection (b)) shall be reduced by \$50 for each \$1,000 (or fraction thereof) by which the taxpayer’s modified adjusted gross income (as defined in subsection (b)) exceeds the applicable threshold amount.

“(B) APPLICABLE THRESHOLD AMOUNT.—For purposes of this paragraph, the term ‘applicable threshold amount’ means—

Definition.

“(i) \$150,000, in the case of a joint return or surviving spouse (as defined in section 2(a)) ,

“(ii) \$112,500, in the case of a head of household (as defined in section 2(b)), and

“(iii) \$75,000, in any other case.

“(C) LIMITATION ON REDUCTION.—

Definitions.

“(i) IN GENERAL.—The amount of the reduction under subparagraph (A) shall not exceed the lesser of—

Determinations.

“(I) the applicable credit increase amount, or

“(II) 5 percent of the applicable phaseout threshold range.

“(ii) APPLICABLE CREDIT INCREASE AMOUNT.—For purposes of this subparagraph, the term ‘applicable credit increase amount’ means the excess (if any) of—

“(I) the amount of the credit allowable under this section for the taxable year determined without regard to this paragraph and subsection (b), over

“(II) the amount of such credit as so determined and without regard to paragraph (3).

“(iii) APPLICABLE PHASEOUT THRESHOLD RANGE.—For purposes of this subparagraph, the term ‘applicable phaseout threshold range’ means the excess of—

“(I) the threshold amount applicable to the taxpayer under subsection (b) (determined after the application of subsection (h)(3)), over

“(II) the applicable threshold amount applicable to the taxpayer under this paragraph.

“(D) COORDINATION WITH LIMITATION ON OVERALL CREDIT.—Subsection (b) shall be applied by substituting ‘the credit allowable under subsection (a) (determined after the application of subsection (i)(4)(A))’ for ‘the credit allowable under subsection (a)’.”.

Applicability.
Determination.

(b) ADVANCE PAYMENT OF CREDIT.—

(1) IN GENERAL.—Chapter 77 of such Code is amended by inserting after section 7527 the following new section:

26 USC 7527A.

“SEC. 7527A. ADVANCE PAYMENT OF CHILD TAX CREDIT.

Determination.

“(a) IN GENERAL.—The Secretary shall establish a program for making periodic payments to taxpayers which, in the aggregate during any calendar year, equal the annual advance amount determined with respect to such taxpayer for such calendar year. Except as provided in subsection (b)(3)(B), the periodic payments made to any taxpayer for any calendar year shall be in equal amounts.

Definition.

Estimate.

Determinations.

“(b) ANNUAL ADVANCE AMOUNT.—For purposes of this section—

“(1) IN GENERAL.—Except as otherwise provided in this subsection, the term ‘annual advance amount’ means, with respect to any taxpayer for any calendar year, the amount (if any) which is estimated by the Secretary as being equal to 50 percent of the amount which would be treated as allowed under subpart C of part IV of subchapter A of chapter 1 by reason of section 24(i)(1) for the taxpayer’s taxable year beginning in such calendar year if—

“(A) the status of the taxpayer as a taxpayer described in section 24(i)(1) is determined with respect to the reference taxable year,

“(B) the taxpayer’s modified adjusted gross income for such taxable year is equal to the taxpayer’s modified adjusted gross income for the reference taxable year,

“(C) the only children of such taxpayer for such taxable year are qualifying children properly claimed on the taxpayer’s return of tax for the reference taxable year, and

“(D) the ages of such children (and the status of such children as qualifying children) are determined for such taxable year by taking into account the passage of time since the reference taxable year.

Definition.

“(2) REFERENCE TAXABLE YEAR.—Except as provided in paragraph (3)(A), the term ‘reference taxable year’ means, with respect to any taxpayer for any calendar year, the taxpayer’s taxable year beginning in the preceding calendar year or, in the case of taxpayer who did not file a return of tax for such taxable year, the taxpayer’s taxable year beginning in the second preceding calendar year.

“(3) MODIFICATIONS DURING CALENDAR YEAR.—

“(A) IN GENERAL.—The Secretary may modify, during any calendar year, the annual advance amount with respect to any taxpayer for such calendar year to take into account—

“(i) a return of tax filed by such taxpayer during such calendar year (and the taxable year to which such return relates may be taken into account as the reference taxable year), and

“(ii) any other information provided by the taxpayer to the Secretary which allows the Secretary to determine payments under subsection (a) which, in the aggregate during any taxable year of the taxpayer, more closely total the Secretary’s estimate of the amount treated as allowed under subpart C of part IV of subchapter A of chapter 1 by reason of section 24(i)(1) for such taxable year of such taxpayer.

“(B) ADJUSTMENT TO REFLECT EXCESS OR DEFICIT IN PRIOR PAYMENTS.—In the case of any modification of the annual advance amount under subparagraph (A), the Secretary may adjust the amount of any periodic payment

made after the date of such modification to properly take into account the amount by which any periodic payment made before such date was greater than or less than the amount that such payment would have been on the basis of the annual advance amount as so modified.

“(4) DETERMINATION OF STATUS.—If information contained in the taxpayer’s return of tax for the reference taxable year does not establish the status of the taxpayer as being described in section 24(i)(1), the Secretary shall, for purposes of paragraph (1)(A), determine such status based on information known to the Secretary.

“(5) TREATMENT OF CERTAIN DEATHS.—A child shall not be taken into account in determining the annual advance amount under paragraph (1) if the death of such child is known to the Secretary as of the beginning of the calendar year for which the estimate under such paragraph is made.

Determination.

“(c) ON-LINE INFORMATION PORTAL.—The Secretary shall establish an on-line portal which allows taxpayers to—

“(1) elect not to receive payments under this section, and

“(2) provide information to the Secretary which would be relevant to a modification under subsection (b)(3)(B) of the annual advance amount, including information regarding—

“(A) a change in the number of the taxpayer’s qualifying children, including by reason of the birth of a child,

“(B) a change in the taxpayer’s marital status,

“(C) a significant change in the taxpayer’s income,

and

“(D) any other factor which the Secretary may provide.

“(d) NOTICE OF PAYMENTS.—Not later than January 31 of the calendar year following any calendar year during which the Secretary makes one or more payments to any taxpayer under this section, the Secretary shall provide such taxpayer with a written notice which includes the taxpayer’s taxpayer identity (as defined in section 6103(b)(6)), the aggregate amount of such payments made to such taxpayer during such calendar year, and such other information as the Secretary determines appropriate.

Deadlines.

“(e) ADMINISTRATIVE PROVISIONS.—

“(1) APPLICATION OF ELECTRONIC FUNDS PAYMENT REQUIREMENT.—The payments made by the Secretary under subsection (a) shall be made by electronic funds transfer to the same extent and in the same manner as if such payments were Federal payments not made under this title.

“(2) APPLICATION OF CERTAIN RULES.—Rules similar to the rules of subparagraphs (B) and (C) of section 6428A(f)(3) shall apply for purposes of this section.

“(3) EXCEPTION FROM REDUCTION OR OFFSET.—Any payment made to any individual under this section shall not be—

“(A) subject to reduction or offset pursuant to subsection (c), (d), (e), or (f) of section 6402 or any similar authority permitting offset, or

“(B) reduced or offset by other assessed Federal taxes that would otherwise be subject to levy or collection.

“(4) APPLICATION OF ADVANCE PAYMENTS IN THE POSSESSIONS OF THE UNITED STATES.—

“(A) IN GENERAL.—The advance payment amount determined under this section shall be determined—

Determination.

Puerto Rico.

“(i) by applying section 24(i)(1) without regard to the phrase ‘or is a bona fide resident of Puerto Rico (within the meaning of section 937(a))’, and

“(ii) without regard to section 24(k)(3)(C)(ii)(I).

“(B) MIRROR CODE POSSESSIONS.—In the case of any possession of the United States with a mirror code tax system (as defined in section 24(k)), this section shall not be treated as part of the income tax laws of the United States for purposes of determining the income tax law of such possession unless such possession elects to have this section be so treated.

“(C) ADMINISTRATIVE EXPENSES OF ADVANCE PAYMENTS.—

Plan.

“(i) MIRROR CODE POSSESSIONS.—In the case of any possession described in subparagraph (B) which makes the election described in such subparagraph, the amount otherwise paid by the Secretary to such possession under section 24(k)(1)(A) with respect to taxable years beginning in 2021 shall be increased by \$300,000 if such possession has a plan, which has been approved by the Secretary, for making advance payments consistent with such election.

“(ii) AMERICAN SAMOA.—The amount otherwise paid by the Secretary to American Samoa under subparagraph (A) of section 24(k)(3) with respect to taxable years beginning in 2021 shall be increased by \$300,000 if the plan described in subparagraph (B) of such section includes a program, which has been approved by the Secretary, for making advance payments under rules similar to the rules of this section.

“(iii) TIMING OF PAYMENT.—The Secretary may pay, upon the request of the possession of the United States to which the payment is to be made, the amount of the increase determined under clause (i) or (ii) immediately upon approval of the plan referred to in such clause, respectively.

Time periods.

“(f) APPLICATION.—No payments shall be made under the program established under subsection (a) with respect to—

“(1) any period before July 1, 2021, or

“(2) any period after December 31, 2021.

Determination.

“(g) REGULATIONS.—The Secretary shall issue such regulations or other guidance as the Secretary determines necessary or appropriate to carry out the purposes of this section and subsections (i)(1) and (j) of section 24, including regulations or other guidance which provides for the application of such provisions where the filing status of the taxpayer for a taxable year is different from the status used for determining the annual advance amount.”.

26 USC 24.

(2) RECONCILIATION OF CREDIT AND ADVANCE CREDIT.—Section 24 of such Code, as amended by the preceding provision of this Act, is amended by adding at the end the following new subsection:

“(j) RECONCILIATION OF CREDIT AND ADVANCE CREDIT.—

“(1) IN GENERAL.—The amount of the credit allowed under this section to any taxpayer for any taxable year shall be reduced (but not below zero) by the aggregate amount of payments made under section 7527A to such taxpayer during such

taxable year. Any failure to so reduce the credit shall be treated as arising out of a mathematical or clerical error and assessed according to section 6213(b)(1).

“(2) EXCESS ADVANCE PAYMENTS.—

“(A) IN GENERAL.—If the aggregate amount of payments under section 7527A to the taxpayer during the taxable year exceeds the amount of the credit allowed under this section to such taxpayer for such taxable year (determined without regard to paragraph (1)), the tax imposed by this chapter for such taxable year shall be increased by the amount of such excess. Any failure to so increase the tax shall be treated as arising out of a mathematical or clerical error and assessed according to section 6213(b)(1).

“(B) SAFE HARBOR BASED ON MODIFIED ADJUSTED GROSS INCOME.—

Definitions.

“(i) IN GENERAL.—In the case of a taxpayer whose modified adjusted gross income (as defined in subsection (b)) for the taxable year does not exceed 200 percent of the applicable income threshold, the amount of the increase determined under subparagraph (A) with respect to such taxpayer for such taxable year shall be reduced (but not below zero) by the safe harbor amount.

“(ii) PHASE OUT OF SAFE HARBOR AMOUNT.—In the case of a taxpayer whose modified adjusted gross income (as defined in subsection (b)) for the taxable year exceeds the applicable income threshold, the safe harbor amount otherwise in effect under clause (i) shall be reduced by the amount which bears the same ratio to such amount as such excess bears to the applicable income threshold.

“(iii) APPLICABLE INCOME THRESHOLD.—For purposes of this subparagraph, the term ‘applicable income threshold’ means—

“(I) \$60,000 in the case of a joint return or surviving spouse (as defined in section 2(a)),

“(II) \$50,000 in the case of a head of household, and

“(III) \$40,000 in any other case.

“(iv) SAFE HARBOR AMOUNT.—For purposes of this subparagraph, the term ‘safe harbor amount’ means, with respect to any taxable year, the product of—

“(I) \$2,000, multiplied by

“(II) the excess (if any) of the number of qualified children taken into account in determining the annual advance amount with respect to the taxpayer under section 7527A with respect to months beginning in such taxable year, over the number of qualified children taken into account in determining the credit allowed under this section for such taxable year.”.

Determinations.

(3) COORDINATION WITH WAGE WITHHOLDING.—Section 3402(f)(1)(C) of such Code is amended by striking “section 24(a)” and inserting “section 24 (determined after application of subsection (j) thereof)”.

26 USC 3402.

(4) CONFORMING AMENDMENTS.—

26 USC 26.

(A) Section 26(b)(2) of such Code is amended by striking “and” at the end of subparagraph (X), by striking the period at the end of subparagraph (Y) and inserting “, and”, and by adding at the end the following new subparagraph:

“(Z) section 24(j)(2) (relating to excess advance payments).”.

(B) Section 6211(b)(4)(A) of such Code, as amended by the preceding provisions of this subtitle, is amended—

(i) by striking “24(d)” and inserting “24 by reason of subsections (d) and (i)(1) thereof”, and

(ii) by striking “and 6428B” and inserting “6428B, and 7527A”.

(C) Paragraph (2) of section 1324(b) of title 31, United States Code, is amended—

(i) by inserting “24,” before “25A”, and

(ii) by striking “ or 6431” and inserting “6431, or 7527A”.

26 USC
prec. 7501.

(D) The table of sections for chapter 77 of the Internal Revenue Code of 1986 is amended by inserting after the item relating to section 7527 the following new item:

“Sec. 7527A. Advance payment of child tax credit.”.

(5) APPROPRIATIONS TO CARRY OUT ADVANCE PAYMENTS.—Immediately upon the enactment of this Act, in addition to amounts otherwise available, there are appropriated for fiscal year 2021, out of any money in the Treasury not otherwise appropriated:

(A) \$397,200,000 to remain available until September 30, 2022, for necessary expenses for the Internal Revenue Service to carry out this section (and the amendments made by this section), which shall supplement and not supplant any other appropriations that may be available for this purpose, and

(B) \$16,200,000 to remain available until September 30, 2022, for necessary expenses for the Bureau of the Fiscal Service to carry out this section (and the amendments made by this section), which shall supplement and not supplant any other appropriations that may be available for this purpose.

(c) EFFECTIVE DATE.—

26 USC 24 note.

(1) IN GENERAL.—The amendments made by this section shall apply to taxable years beginning after December 31, 2020.

26 USC 7527A
note.

(2) ESTABLISHMENT OF ADVANCE PAYMENT PROGRAM.—The Secretary of the Treasury (or the Secretary’s designee) shall establish the program described in section 7527A of the Internal Revenue Code of 1986 as soon as practicable after the date of the enactment of this Act, except that the Secretary shall ensure that the timing of the establishment of such program does not interfere with carrying out section 6428B(g) as rapidly as possible.

SEC. 9612. APPLICATION OF CHILD TAX CREDIT IN POSSESSIONS.

26 USC 24.

(a) IN GENERAL.—Section 24 of the Internal Revenue Code of 1986, as amended by the preceding provisions of this Act, is amended by adding at the end the following new subsection:

“(k) APPLICATION OF CREDIT IN POSSESSIONS.—

“(1) MIRROR CODE POSSESSIONS.—

“(A) IN GENERAL.—The Secretary shall pay to each possession of the United States with a mirror code tax system amounts equal to the loss (if any) to that possession by reason of the application of this section (determined without regard to this subsection) with respect to taxable years beginning after 2020. Such amounts shall be determined by the Secretary based on information provided by the government of the respective possession.

“(B) COORDINATION WITH CREDIT ALLOWED AGAINST UNITED STATES INCOME TAXES.—No credit shall be allowed under this section for any taxable year to any individual to whom a credit is allowable against taxes imposed by a possession of the United States with a mirror code tax system by reason of the application of this section in such possession for such taxable year.

“(C) MIRROR CODE TAX SYSTEM.—For purposes of this paragraph, the term ‘mirror code tax system’ means, with respect to any possession of the United States, the income tax system of such possession if the income tax liability of the residents of such possession under such system is determined by reference to the income tax laws of the United States as if such possession were the United States.

Definition.

“(2) PUERTO RICO.—

“(A) APPLICATION TO TAXABLE YEARS IN 2021.—

“(i) For application of refundable credit to residents of Puerto Rico, see subsection (i)(1).

“(ii) For nonapplication of advance payment to residents of Puerto Rico, see section 7527A(e)(4)(A).

“(B) APPLICATION TO TAXABLE YEARS AFTER 2021.—In the case of any bona fide resident of Puerto Rico (within the meaning of section 937(a)) for any taxable year beginning after December 31, 2021—

“(i) the credit determined under this section shall be allowable to such resident, and

“(ii) subsection (d)(1)(B)(ii) shall be applied without regard to the phrase ‘in the case of a taxpayer with 3 or more qualifying children’.

“(3) AMERICAN SAMOA.—

“(A) IN GENERAL.—The Secretary shall pay to American Samoa amounts estimated by the Secretary as being equal to the aggregate benefits that would have been provided to residents of American Samoa by reason of the application of this section for taxable years beginning after 2020 if the provisions of this section had been in effect in American Samoa (applied as if American Samoa were the United States and without regard to the application of this section to bona fide residents of Puerto Rico under subsection (i)(1)).

Estimates.

“(B) DISTRIBUTION REQUIREMENT.—Subparagraph (A) shall not apply unless American Samoa has a plan, which has been approved by the Secretary, under which American Samoa will promptly distribute such payments to its residents.

Plan.

“(C) COORDINATION WITH CREDIT ALLOWED AGAINST UNITED STATES INCOME TAXES.—

“(i) IN GENERAL.—In the case of a taxable year with respect to which a plan is approved under subparagraph (B), this section (other than this subsection) shall not apply to any individual eligible for a distribution under such plan.

Effective dates.

“(ii) APPLICATION OF SECTION IN EVENT OF ABSENCE OF APPROVED PLAN.—In the case of a taxable year with respect to which a plan is not approved under subparagraph (B)—

“(I) if such taxable year begins in 2021, subsection (i)(1) shall be applied by substituting ‘bona fide resident of Puerto Rico or American Samoa’ for ‘bona fide resident of Puerto Rico’, and

“(II) if such taxable year begins after December 31, 2021, rules similar to the rules of paragraph (2)(B) shall apply with respect to bona fide residents of American Samoa (within the meaning of section 937(a)).

“(4) TREATMENT OF PAYMENTS.—For purposes of section 1324 of title 31, United States Code, the payments under this subsection shall be treated in the same manner as a refund due from a credit provision referred to in subsection (b)(2) of such section.”.

26 USC 24 note.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2020.

PART 3—EARNED INCOME TAX CREDIT

SEC. 9621. STRENGTHENING THE EARNED INCOME TAX CREDIT FOR INDIVIDUALS WITH NO QUALIFYING CHILDREN.

26 USC 32.

(a) SPECIAL RULES FOR 2021.—Section 32 of the Internal Revenue Code of 1986 is amended by adding at the end the following new subsection:

“(n) SPECIAL RULES FOR INDIVIDUALS WITHOUT QUALIFYING CHILDREN.—In the case of any taxable year beginning after December 31, 2020, and before January 1, 2022—

Definitions.

“(1) DECREASE IN MINIMUM AGE FOR CREDIT.—

Applicability.

“(A) IN GENERAL.—Subsection (c)(1)(A)(ii)(II) shall be applied by substituting ‘the applicable minimum age’ for ‘age 25’.

“(B) APPLICABLE MINIMUM AGE.—For purposes of this paragraph, the term ‘applicable minimum age’ means—

“(i) except as otherwise provided in this subparagraph, age 19,

“(ii) in the case of a specified student (other than a qualified former foster youth or a qualified homeless youth), age 24, and

“(iii) in the case of a qualified former foster youth or a qualified homeless youth, age 18.

“(C) SPECIFIED STUDENT.—For purposes of this paragraph, the term ‘specified student’ means, with respect to any taxable year, an individual who is an eligible student (as defined in section 25A(b)(3)) during at least 5 calendar months during the taxable year.

“(D) QUALIFIED FORMER FOSTER YOUTH.—For purposes of this paragraph, the term ‘qualified former foster youth’ means an individual who—

“(i) on or after the date that such individual attained age 14, was in foster care provided under the supervision or administration of an entity administering (or eligible to administer) a plan under part B or part E of title IV of the Social Security Act (without regard to whether Federal assistance was provided with respect to such child under such part E), and

Effective date.

“(ii) provides (in such manner as the Secretary may provide) consent for entities which administer a plan under part B or part E of title IV of the Social Security Act to disclose to the Secretary information related to the status of such individual as a qualified former foster youth.

“(E) QUALIFIED HOMELESS YOUTH.—For purposes of this paragraph, the term ‘qualified homeless youth’ means, with respect to any taxable year, an individual who certifies, in a manner as provided by the Secretary, that such individual is either an unaccompanied youth who is a homeless child or youth, or is unaccompanied, at risk of homelessness, and self-supporting.

Certification.

“(2) ELIMINATION OF MAXIMUM AGE FOR CREDIT.—Subsection (c)(1)(A)(ii)(II) shall be applied without regard to the phrase ‘but not attained age 65’.

“(3) INCREASE IN CREDIT AND PHASEOUT PERCENTAGES.—The table contained in subsection (b)(1) shall be applied by substituting ‘15.3’ for ‘7.65’ each place it appears therein.

“(4) INCREASE IN EARNED INCOME AND PHASEOUT AMOUNTS.—

“(A) IN GENERAL.—The table contained in subsection (b)(2)(A) shall be applied—

“(i) by substituting ‘\$9,820’ for ‘\$4,220’, and

“(ii) by substituting ‘\$11,610’ for ‘\$5,280’.

“(B) COORDINATION WITH INFLATION ADJUSTMENT.—Subsection (j) shall not apply to any dollar amount specified in this paragraph.”.

(b) INFORMATION RETURN MATCHING.—As soon as practicable, the Secretary of the Treasury (or the Secretary’s delegate) shall develop and implement procedures to use information returns under section 6050S (relating to returns relating to higher education tuition and related expenses) to check the status of individuals as specified students for purposes of section 32(n)(1)(B)(ii) of the Internal Revenue Code of 1986 (as added by this section).

Procedures.
26 USC 32 note.

(c) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2020.

26 USC 32 note.

SEC. 9622. TAXPAYER ELIGIBLE FOR CHILDLESS EARNED INCOME CREDIT IN CASE OF QUALIFYING CHILDREN WHO FAIL TO MEET CERTAIN IDENTIFICATION REQUIREMENTS.

(a) IN GENERAL.—Section 32(c)(1) of the Internal Revenue Code of 1986 is amended by striking subparagraph (F).

26 USC 32.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2020.

26 USC 32 note.

SEC. 9623. CREDIT ALLOWED IN CASE OF CERTAIN SEPARATED SPOUSES.

(a) IN GENERAL.—Section 32(d) of the Internal Revenue Code of 1986 is amended—

26 USC 32.

(1) by striking “MARRIED INDIVIDUALS.—In the case of” and inserting the following: “MARRIED INDIVIDUALS.—

“(1) IN GENERAL.—In the case of”, and

(2) by adding at the end the following new paragraph:

“(2) DETERMINATION OF MARITAL STATUS.—For purposes of this section—

“(A) IN GENERAL.—Except as provided in subparagraph (B), marital status shall be determined under section 7703(a).

Time periods.

“(B) SPECIAL RULE FOR SEPARATED SPOUSE.—An individual shall not be treated as married if such individual—

“(i) is married (as determined under section 7703(a)) and does not file a joint return for the taxable year,

“(ii) resides with a qualifying child of the individual for more than one-half of such taxable year, and

“(iii)(I) during the last 6 months of such taxable year, does not have the same principal place of abode as the individual’s spouse, or

“(II) has a decree, instrument, or agreement (other than a decree of divorce) described in section 121(d)(3)(C) with respect to the individual’s spouse and is not a member of the same household with the individual’s spouse by the end of the taxable year.”.

(b) CONFORMING AMENDMENTS.—

26 USC 32.

(1) Section 32(c)(1)(A) of such Code is amended by striking the last sentence.

(2) Section 32(c)(1)(E)(ii) of such Code is amended by striking “(within the meaning of section 7703)”.

(3) Section 32(d)(1) of such Code, as amended by subsection (a), is amended by striking “(within the meaning of section 7703)”.

26 USC 32 note.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2020.

SEC. 9624. MODIFICATION OF DISQUALIFIED INVESTMENT INCOME TEST.

26 USC 32.

(a) IN GENERAL.—Section 32(i) of the Internal Revenue Code of 1986 is amended by striking “\$2,200” and inserting “\$10,000”.

(b) INFLATION ADJUSTMENT.—Section 32(j)(1) of such Code is amended—

(1) in the matter preceding subparagraph (A), by inserting “(2021 in the case of the dollar amount in subsection (i)(1))” after “2015”,

(2) in subparagraph (B)(i)—

(A) by striking “subsections (b)(2)(A) and (i)(1)” and inserting “subsection (b)(2)(A)”, and

(B) by striking “and” at the end,

(3) by striking the period at the end of subparagraph (B)(ii) and inserting “, and”, and

(4) by inserting after subparagraph (B)(ii) the following new clause:

“(iii) in the case of the \$10,000 amount in subsection (i)(1), ‘calendar year 2020’ for ‘calendar year 2016’.”.

26 USC 32 note.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2020.

SEC. 9625. APPLICATION OF EARNED INCOME TAX CREDIT IN POSSESSIONS OF THE UNITED STATES.

(a) IN GENERAL.—Chapter 77 of the Internal Revenue Code of 1986 is amended by adding at the end the following new section:

“SEC. 7530. APPLICATION OF EARNED INCOME TAX CREDIT TO POSSESSIONS OF THE UNITED STATES. 26 USC 7530.

“(a) PUERTO RICO.—

“(1) IN GENERAL.—With respect to calendar year 2021 and each calendar year thereafter, the Secretary shall, except as otherwise provided in this subsection, make payments to Puerto Rico equal to—

“(A) the specified matching amount for such calendar year, plus

“(B) in the case of calendar years 2021 through 2025, the lesser of—

“(i) the expenditures made by Puerto Rico during such calendar year for education efforts with respect to individual taxpayers and tax return preparers relating to the earned income tax credit, or

“(ii) \$1,000,000.

“(2) REQUIREMENT TO REFORM EARNED INCOME TAX CREDIT.—The Secretary shall not make any payments under paragraph (1) with respect to any calendar year unless Puerto Rico has in effect an earned income tax credit for taxable years beginning in or with such calendar year which (relative to the earned income tax credit which was in effect for taxable years beginning in or with calendar year 2019) increases the percentage of earned income which is allowed as a credit for each group of individuals with respect to which such percentage is separately stated or determined in a manner designed to substantially increase workforce participation.

“(3) SPECIFIED MATCHING AMOUNT.—For purposes of this subsection— Definitions.

“(A) IN GENERAL.—The term ‘specified matching amount’ means, with respect to any calendar year, the lesser of—

“(i) the excess (if any) of—

“(I) the cost to Puerto Rico of the earned income tax credit for taxable years beginning in or with such calendar year, over

“(II) the base amount for such calendar year,

or

“(ii) the product of 3, multiplied by the base amount for such calendar year.

“(B) BASE AMOUNT.—

“(i) BASE AMOUNT FOR 2021.—In the case of calendar year 2021, the term ‘base amount’ means the greater of—

“(I) the cost to Puerto Rico of the earned income tax credit for taxable years beginning in or with calendar year 2019 (rounded to the nearest multiple of \$1,000,000), or

“(II) \$200,000,000.

“(ii) INFLATION ADJUSTMENT.—In the case of any calendar year after 2021, the term ‘base amount’ means Determination.

the dollar amount determined under clause (i) increased by an amount equal to—

“(I) such dollar amount, multiplied by—

“(II) the cost-of-living adjustment determined under section 1(f)(3) for such calendar year, determined by substituting ‘calendar year 2020’ for ‘calendar year 2016’ in subparagraph (A)(ii) thereof.

Any amount determined under this clause shall be rounded to the nearest multiple of \$1,000,000.

“(4) RULES RELATED TO PAYMENTS.—

“(A) TIMING OF PAYMENTS.—The Secretary shall make payments under paragraph (1) for any calendar year—

Determination.

“(i) after receipt of such information as the Secretary may require to determine such payments, and

“(ii) except as provided in clause (i), within a reasonable period of time before the due date for individual income tax returns (as determined under the laws of Puerto Rico) for taxable years which began on the first day of such calendar year.

Requirements.

“(B) INFORMATION.—The Secretary may require the reporting of such information as the Secretary may require to carry out this subsection.

“(C) DETERMINATION OF COST OF EARNED INCOME TAX CREDIT.—For purposes of this subsection, the cost to Puerto Rico of the earned income tax credit shall be determined by the Secretary on the basis of the laws of Puerto Rico and shall include reductions in revenues received by Puerto Rico by reason of such credit and refunds attributable to such credit, but shall not include any administrative costs with respect to such credit.

“(b) POSSESSIONS WITH MIRROR CODE TAX SYSTEMS.—

Time periods.
Territories.

“(1) IN GENERAL.—With respect to calendar year 2021 and each calendar year thereafter, the Secretary shall, except as otherwise provided in this subsection, make payments to the Virgin Islands, Guam, and the Commonwealth of the Northern Mariana Islands equal to—

“(A) the cost to such possession of the earned income tax credit for taxable years beginning in or with such calendar year, plus

“(B) in the case of calendar years 2021 through 2025, the lesser of—

“(i) the expenditures made by such possession during such calendar year for education efforts with respect to individual taxpayers and tax return preparers relating to such earned income tax credit, or

“(ii) \$50,000.

“(2) APPLICATION OF CERTAIN RULES.—Rules similar to the rules of subparagraphs (A), (B), and (C) of subsection (a)(4) shall apply for purposes of this subsection.

“(c) AMERICAN SAMOA.—

“(1) IN GENERAL.—With respect to calendar year 2021 and each calendar year thereafter, the Secretary shall, except as otherwise provided in this subsection, make payments to American Samoa equal to—

“(A) the lesser of—

“(i) the cost to American Samoa of the earned income tax credit for taxable years beginning in or with such calendar year, or

“(ii) \$16,000,000, plus

“(B) in the case of calendar years 2021 through 2025, the lesser of—

“(i) the expenditures made by American Samoa during such calendar year for education efforts with respect to individual taxpayers and tax return preparers relating to such earned income tax credit, or

“(ii) \$50,000.

“(2) REQUIREMENT TO ENACT AND MAINTAIN AN EARNED INCOME TAX CREDIT.—The Secretary shall not make any payments under paragraph (1) with respect to any calendar year unless American Samoa has in effect an earned income tax credit for taxable years beginning in or with such calendar year which allows a refundable tax credit to individuals on the basis of the taxpayer’s earned income which is designed to substantially increase workforce participation.

“(3) INFLATION ADJUSTMENT.—In the case of any calendar year after 2021, the \$16,000,000 amount in paragraph (1)(A)(ii) shall be increased by an amount equal to—

Determinations.

“(A) such dollar amount, multiplied by—

“(B) the cost-of-living adjustment determined under section 1(f)(3) for such calendar year, determined by substituting ‘calendar year 2020’ for ‘calendar year 2016’ in subparagraph (A)(ii) thereof.

Any increase determined under this clause shall be rounded to the nearest multiple of \$100,000.

“(4) APPLICATION OF CERTAIN RULES.—Rules similar to the rules of subparagraphs (A), (B), and (C) of subsection (a)(4) shall apply for purposes of this subsection.

“(d) TREATMENT OF PAYMENTS.—For purposes of section 1324 of title 31, United States Code, the payments under this section shall be treated in the same manner as a refund due from a credit provision referred to in subsection (b)(2) of such section.”.

(b) CLERICAL AMENDMENT.—The table of sections for chapter 77 of the Internal Revenue Code of 1986 is amended by adding at the end the following new item:

26 USC
prec. 7501.

“Sec. 7530. Application of earned income tax credit to possessions of the United States.”.

SEC. 9626. TEMPORARY SPECIAL RULE FOR DETERMINING EARNED INCOME FOR PURPOSES OF EARNED INCOME TAX CREDIT.

26 USC 32 note.

(a) IN GENERAL.—If the earned income of the taxpayer for the taxpayer’s first taxable year beginning in 2021 is less than the earned income of the taxpayer for the taxpayer’s first taxable year beginning in 2019, the credit allowed under section 32 of the Internal Revenue Code of 1986 may, at the election of the taxpayer, be determined by substituting—

Determination.

(1) such earned income for the taxpayer’s first taxable year beginning in 2019, for

(2) such earned income for the taxpayer’s first taxable year beginning in 2021.

(b) EARNED INCOME.—

Definition.

(1) IN GENERAL.—For purposes of this section, the term “earned income” has the meaning given such term under section 32(c) of the Internal Revenue Code of 1986.

(2) APPLICATION TO JOINT RETURNS.—For purposes of subsection (a), in the case of a joint return, the earned income of the taxpayer for the first taxable year beginning in 2019 shall be the sum of the earned income of each spouse for such taxable year.

(c) SPECIAL RULES.—

(1) ERRORS TREATED AS MATHEMATICAL ERRORS.—For purposes of section 6213 of the Internal Revenue Code of 1986, an incorrect use on a return of earned income pursuant to subsection (a) shall be treated as a mathematical or clerical error.

Applicability.

(2) NO EFFECT ON DETERMINATION OF GROSS INCOME, ETC.—Except as otherwise provided in this subsection, the Internal Revenue Code of 1986 shall be applied without regard to any substitution under subsection (a).

(d) TREATMENT OF CERTAIN POSSESSIONS.—

Determination.

(1) PAYMENTS TO POSSESSIONS WITH MIRROR CODE TAX SYSTEMS.—The Secretary of the Treasury shall pay to each possession of the United States which has a mirror code tax system amounts equal to the loss (if any) to that possession by reason of the application of the provisions of this section (other than this subsection) with respect to section 32 of the Internal Revenue Code of 1986. Such amounts shall be determined by the Secretary of the Treasury based on information provided by the government of the respective possession.

Estimates.

(2) PAYMENTS TO OTHER POSSESSIONS.—The Secretary of the Treasury shall pay to each possession of the United States which does not have a mirror code tax system amounts estimated by the Secretary of the Treasury as being equal to the aggregate benefits (if any) that would have been provided to residents of such possession by reason of the provisions of this section (other than this subsection) with respect to section 32 of the Internal Revenue Code of 1986 if a mirror code tax system had been in effect in such possession. The preceding sentence shall not apply unless the respective possession has a plan, which has been approved by the Secretary of the Treasury, under which such possession will promptly distribute such payments to its residents.

Plan.

Definition.

Determination.

(3) MIRROR CODE TAX SYSTEM.—For purposes of this section, the term “mirror code tax system” means, with respect to any possession of the United States, the income tax system of such possession if the income tax liability of the residents of such possession under such system is determined by reference to the income tax laws of the United States as if such possession were the United States.

(4) TREATMENT OF PAYMENTS.—For purposes of section 1324 of title 31, United States Code, the payments under this section shall be treated in the same manner as a refund due from a credit provision referred to in subsection (b)(2) of such section.

PART 4—DEPENDENT CARE ASSISTANCE**SEC. 9631. REFUNDABILITY AND ENHANCEMENT OF CHILD AND DEPENDENT CARE TAX CREDIT.**

(a) IN GENERAL.—Section 21 of the Internal Revenue Code of 1986 is amended by adding at the end the following new subsection: 26 USC 21.

“(g) SPECIAL RULES FOR 2021.—In the case of any taxable year beginning after December 31, 2020, and before January 1, 2022— Applicability.

“(1) CREDIT MADE REFUNDABLE.—If the taxpayer (in the case of a joint return, either spouse) has a principal place of abode in the United States (determined as provided in section 32) for more than one-half of the taxable year, the credit allowed under subsection (a) shall be treated as a credit allowed under subpart C (and not allowed under this subpart).

“(2) INCREASE IN DOLLAR LIMIT ON AMOUNT CREDITABLE.—Subsection (c) shall be applied—

“(A) by substituting ‘\$8,000’ for ‘\$3,000’ in paragraph (1) thereof, and

“(B) by substituting ‘\$16,000’ for ‘\$6,000’ in paragraph (2) thereof.

“(3) INCREASE IN APPLICABLE PERCENTAGE.—Subsection (a)(2) shall be applied—

“(A) by substituting ‘50 percent’ for ‘35 percent’, and

“(B) by substituting ‘\$125,000’ for ‘\$15,000’.

“(4) APPLICATION OF PHASEOUT TO HIGH INCOME INDIVIDUALS.—

“(A) IN GENERAL.—Subsection (a)(2) shall be applied by substituting ‘the phaseout percentage’ for ‘20 percent’.

“(B) PHASEOUT PERCENTAGE.—The term ‘phaseout percentage’ means 20 percent reduced (but not below zero) by 1 percentage point for each \$2,000 (or fraction thereof) by which the taxpayer’s adjusted gross income for the taxable year exceeds \$400,000.”. Definition.

(b) APPLICATION OF CREDIT IN POSSESSIONS.—Section 21 of such Code, as amended by subsection (a), is amended by adding at the end the following new subsection:

“(h) APPLICATION OF CREDIT IN POSSESSIONS.—

“(1) PAYMENT TO POSSESSIONS WITH MIRROR CODE TAX SYSTEMS.—The Secretary shall pay to each possession of the United States with a mirror code tax system amounts equal to the loss (if any) to that possession by reason of the application of this section (determined without regard to this subsection) with respect to taxable years beginning in or with 2021. Such amounts shall be determined by the Secretary based on information provided by the government of the respective possession.

“(2) PAYMENTS TO OTHER POSSESSIONS.—The Secretary shall pay to each possession of the United States which does not have a mirror code tax system amounts estimated by the Secretary as being equal to the aggregate benefits that would have been provided to residents of such possession by reason of this section with respect to taxable years beginning in or with 2021 if a mirror code tax system had been in effect in such possession. The preceding sentence shall not apply unless the respective possession has a plan, which has been Estimates.
Plan.

approved by the Secretary, under which such possession will promptly distribute such payments to its residents.

“(3) COORDINATION WITH CREDIT ALLOWED AGAINST UNITED STATES INCOME TAXES.—In the case of any taxable year beginning in or with 2021, no credit shall be allowed under this section to any individual—

“(A) to whom a credit is allowable against taxes imposed by a possession with a mirror code tax system by reason of this section, or

“(B) who is eligible for a payment under a plan described in paragraph (2).

Definition.

“(4) MIRROR CODE TAX SYSTEM.—For purposes of this subsection, the term ‘mirror code tax system’ means, with respect to any possession of the United States, the income tax system of such possession if the income tax liability of the residents of such possession under such system is determined by reference to the income tax laws of the United States as if such possession were the United States.

“(5) TREATMENT OF PAYMENTS.—For purposes of section 1324 of title 31, United States Code, the payments under this subsection shall be treated in the same manner as a refund due from a credit provision referred to in subsection (b)(2) of such section.”.

(c) CONFORMING AMENDMENTS.—

26 USC 6211.

(1) Section 6211(b)(4)(A) of such Code, as amended by the preceding provisions of this Act, is amended by inserting “21 by reason of subsection (g) thereof,” before “24”.

(2) Section 1324(b)(2) of title 31, United States Code (as amended by the preceding provisions of this title), is amended by inserting “21,” before “24”.

26 USC 21 note.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2020.

SEC. 9632. INCREASE IN EXCLUSION FOR EMPLOYER-PROVIDED DEPENDENT CARE ASSISTANCE.

26 USC 129.

(a) IN GENERAL.—Section 129(a)(2) of the Internal Revenue Code of 1986 is amended by adding at the end the following new subparagraph:

“(D) SPECIAL RULE FOR 2021.—In the case of any taxable year beginning after December 31, 2020, and before January 1, 2022, subparagraph (A) shall be applied by substituting ‘\$10,500 (half such dollar amount) for ‘\$5,000 (\$2,500’.”.

26 USC 129 note.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2020.

26 USC 129 note.

(c) RETROACTIVE PLAN AMENDMENTS.—A plan that otherwise satisfies all applicable requirements of sections 125 and 129 of the Internal Revenue Code of 1986 (including any rules or regulations thereunder) shall not fail to be treated as a cafeteria plan or dependent care assistance program merely because such plan is amended pursuant to a provision under this section and such amendment is retroactive, if—

Deadline.

(1) such amendment is adopted no later than the last day of the plan year in which the amendment is effective, and

Time period.

(2) the plan is operated consistent with the terms of such amendment during the period beginning on the effective date

of the amendment and ending on the date the amendment is adopted.

PART 5—CREDITS FOR PAID SICK AND FAMILY LEAVE

SEC. 9641. PAYROLL CREDITS.

(a) IN GENERAL.—Chapter 21 of the Internal Revenue Code of 1986 is amended by adding at the end the following new subchapter:

26 USC
prec. 3131.

“Subchapter D—Credits

“Sec. 3131. Credit for paid sick leave.

“Sec. 3132. Payroll credit for paid family leave.

“Sec. 3133. Special rule related to tax on employers.

“SEC. 3131. CREDIT FOR PAID SICK LEAVE.

26 USC 3131.

“(a) IN GENERAL.—In the case of an employer, there shall be allowed as a credit against applicable employment taxes for each calendar quarter an amount equal to 100 percent of the qualified sick leave wages paid by such employer with respect to such calendar quarter.

“(b) LIMITATIONS AND REFUNDABILITY.—

“(1) WAGES TAKEN INTO ACCOUNT.—The amount of qualified sick leave wages taken into account under subsection (a), plus any increases under subsection (e), with respect to any individual shall not exceed \$200 (\$511 in the case of any day any portion of which is paid sick time described in paragraph (1), (2), or (3) of section 5102(a) of the Emergency Paid Sick Leave Act, applied with the modification described in subsection (c)(2)(A)(i)) for any day (or portion thereof) for which the individual is paid qualified sick leave wages.

“(2) OVERALL LIMITATION ON NUMBER OF DAYS TAKEN INTO ACCOUNT.—The aggregate number of days taken into account under paragraph (1) for any calendar quarter shall not exceed the excess (if any) of—

“(A) 10, over

“(B) the aggregate number of days so taken into account during preceding calendar quarters in such calendar year (other than the first quarter of calendar year 2021).

“(3) CREDIT LIMITED TO CERTAIN EMPLOYMENT TAXES.—The credit allowed by subsection (a) with respect to any calendar quarter shall not exceed the applicable employment taxes for such calendar quarter on the wages paid with respect to the employment of all employees of the employer.

“(4) REFUNDABILITY OF EXCESS CREDIT.—

“(A) CREDIT IS REFUNDABLE.—If the amount of the credit under subsection (a) exceeds the limitation of paragraph (3) for any calendar quarter, such excess shall be treated as an overpayment that shall be refunded under sections 6402(a) and 6413(b).

“(B) ADVANCING CREDIT.—In anticipation of the credit, including the refundable portion under subparagraph (A), the credit shall be advanced, according to forms and instructions provided by the Secretary, up to an amount

calculated under subsection (a), subject to the limits under paragraph (1) and (2), all calculated through the end of the most recent payroll period in the quarter.

“(c) QUALIFIED SICK LEAVE WAGES.—For purposes of this section—

Definition.
Effective date.

“(1) IN GENERAL.—The term ‘qualified sick leave wages’ means wages paid by an employer which would be required to be paid by reason of the Emergency Paid Sick Leave Act as if such Act applied after March 31, 2021.

Determination.

“(2) RULES OF APPLICATION.—For purposes of determining whether wages are qualified sick leave wages under paragraph (1)—

“(A) IN GENERAL.—The Emergency Paid Sick Leave Act shall be applied—

“(i) by inserting ‘, the employee is seeking or awaiting the results of a diagnostic test for, or a medical diagnosis of, COVID-19 and such employee has been exposed to COVID-19 or the employee’s employer has requested such test or diagnosis, or the employee is obtaining immunization related to COVID-19 or recovering from any injury, disability, illness, or condition related to such immunization’ after ‘medical diagnosis’ in section 5102(a)(3) thereof, and

“(ii) by applying section 5102(b)(1) of such Act separately with respect to each calendar year after 2020 (and, in the case of calendar year 2021, without regard to the first quarter thereof).

“(B) LEAVE MUST MEET REQUIREMENTS.—If an employer fails to comply with any requirement of such Act (determined without regard to section 5109 thereof) with respect to paid sick time (as defined in section 5110 of such Act), amounts paid by such employer with respect to such paid sick time shall not be taken into account as qualified sick leave wages. For purposes of the preceding sentence, an employer which takes an action described in section 5104 of such Act shall be treated as failing to meet a requirement of such Act.

“(d) ALLOWANCE OF CREDIT FOR CERTAIN HEALTH PLAN EXPENSES.—

“(1) IN GENERAL.—The amount of the credit allowed under subsection (a) shall be increased by so much of the employer’s qualified health plan expenses as are properly allocable to the qualified sick leave wages for which such credit is so allowed.

Definition.

“(2) QUALIFIED HEALTH PLAN EXPENSES.—For purposes of this subsection, the term ‘qualified health plan expenses’ means amounts paid or incurred by the employer to provide and maintain a group health plan (as defined in section 5000(b)(1)), but only to the extent that such amounts are excluded from the gross income of employees by reason of section 106(a).

“(3) ALLOCATION RULES.—For purposes of this section, qualified health plan expenses shall be allocated to qualified sick leave wages in such manner as the Secretary may prescribe. Except as otherwise provided by the Secretary, such allocation shall be treated as properly made if made on the basis of being pro rata among covered employees and pro rata

on the basis of periods of coverage (relative to the time periods of leave to which such wages relate).

“(e) ALLOWANCE OF CREDIT FOR AMOUNTS PAID UNDER CERTAIN COLLECTIVELY BARGAINED AGREEMENTS.— Definitions.

“(1) IN GENERAL.—The amount of the credit allowed under subsection (a) shall be increased by the sum of—

“(A) so much of the employer’s collectively bargained defined benefit pension plan contributions as are properly allocable to the qualified sick leave wages for which such credit is so allowed, plus

“(B) so much of the employer’s collectively bargained apprenticeship program contributions as are properly allocable to the qualified sick leave wages for which such credit is so allowed.

“(2) COLLECTIVELY BARGAINED DEFINED BENEFIT PENSION PLAN CONTRIBUTIONS.—For purposes of this subsection—

“(A) IN GENERAL.—The term ‘collectively bargained defined benefit pension plan contributions’ means, with respect to any calendar quarter, contributions which—

“(i) are paid or incurred by an employer during the calendar quarter on behalf of its employees to a defined benefit plan (as defined in section 414(j)), which meets the requirements of section 401(a),

“(ii) are made based on a pension contribution rate, and

“(iii) are required to be made pursuant to the terms of a collective bargaining agreement in effect with respect to such calendar quarter.

“(B) PENSION CONTRIBUTION RATE.—The term ‘pension contribution rate’ means the contribution rate that the employer is obligated to pay on behalf of its employees under the terms of a collective bargaining agreement for benefits under a defined benefit plan under such agreement, as such rate is applied to contribution base units (as defined by section 4001(a)(11) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1301(a)(11)).

“(C) ALLOCATION RULES.—The amount of collectively bargained defined benefit pension plan contributions allocated to qualified sick leave wages for any calendar quarter shall be the product of—

“(i) the pension contribution rate (expressed as an hourly rate), and

“(ii) the number of hours for which qualified sick leave wages were provided to employees covered under the collective bargaining agreement described in subparagraph (A)(iii) during the calendar quarter.

“(3) COLLECTIVELY BARGAINED APPRENTICESHIP PROGRAM CONTRIBUTIONS.—For purposes of this section—

“(A) IN GENERAL.—The term ‘collectively bargained apprenticeship program contributions’ means, with respect to any calendar quarter, contributions which—

“(i) are paid or incurred by an employer on behalf of its employees with respect to the calendar quarter to a registered apprenticeship program,

“(ii) are made based on an apprenticeship program contribution rate, and

“(iii) are required to be made pursuant to the terms of a collective bargaining agreement that is in effect with respect to such calendar quarter.

“(B) REGISTERED APPRENTICESHIP PROGRAM.—The term ‘registered apprenticeship program’ means an apprenticeship registered under the Act of August 16, 1937 (commonly known as the ‘National Apprenticeship Act’; 50 Stat. 664, chapter 663; 29 U.S.C. 50 et seq.) that meets the standards of subpart A of part 29 and part 30 of title 29, Code of Federal Regulations.

“(C) APPRENTICESHIP PROGRAM CONTRIBUTION RATE.—The term ‘apprenticeship program contribution rate’ means the contribution rate that the employer is obligated to pay on behalf of its employees under the terms of a collective bargaining agreement for benefits under a registered apprenticeship program under such agreement, as such rate is applied to contribution base units (as defined by section 4001(a)(11) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1301(a)(11)).

“(D) ALLOCATION RULES.—The amount of collectively bargained apprenticeship program contributions allocated to qualified sick leave wages for any calendar quarter shall be the product of—

“(i) the apprenticeship program contribution rate (expressed as an hourly rate), and

“(ii) the number of hours for which qualified sick leave wages were provided to employees covered under the collective bargaining agreement described in subparagraph (A)(iii) during the calendar quarter.

“(f) DEFINITIONS AND SPECIAL RULES.—

“(1) APPLICABLE EMPLOYMENT TAXES.—For purposes of this section, the term ‘applicable employment taxes’ means the following:

“(A) The taxes imposed under section 3111(b).

“(B) So much of the taxes imposed under section 3221(a) as are attributable to the rate in effect under section 3111(b).

“(2) WAGES.—For purposes of this section, the term ‘wages’ means wages (as defined in section 3121(a), determined without regard to paragraphs (1) through (22) of section 3121(b)) and compensation (as defined in section 3231(e), determined without regard to the sentence in paragraph (1) thereof which begins ‘Such term does not include remuneration’).

“(3) DENIAL OF DOUBLE BENEFIT.—For purposes of chapter 1, the gross income of the employer, for the taxable year which includes the last day of any calendar quarter with respect to which a credit is allowed under this section, shall be increased by the amount of such credit. Any wages taken into account in determining the credit allowed under this section shall not be taken into account for purposes of determining the credit allowed under sections 45A, 45P, 45S, 51, 3132, and 3134. In the case of any credit allowed under section 2301 of the CARES Act or section 41 with respect to wages taken into account under this section, the credit allowed under this section shall be reduced by the portion of the credit allowed under such section 2301 or section 41 which is attributable to such wages.

“(4) ELECTION TO NOT TAKE CERTAIN WAGES INTO ACCOUNT.—This section shall not apply to so much of the qualified sick leave wages paid by an eligible employer as such employer elects (at such time and in such manner as the Secretary may prescribe) to not take into account for purposes of this section.

“(5) CERTAIN GOVERNMENTAL EMPLOYERS.—No credit shall be allowed under this section to the Government of the United States or to any agency or instrumentality thereof. The preceding sentence shall not apply to any organization described in section 501(c)(1) and exempt from tax under section 501(a).

“(6) EXTENSION OF LIMITATION ON ASSESSMENT.—Notwithstanding section 6501, the limitation on the time period for the assessment of any amount attributable to a credit claimed under this section shall not expire before the date that is 5 years after the later of—

“(A) the date on which the original return which includes the calendar quarter with respect to which such credit is determined is filed, or

“(B) the date on which such return is treated as filed under section 6501(b)(2).

“(7) COORDINATION WITH CERTAIN PROGRAMS.—

“(A) IN GENERAL.—This section shall not apply to so much of the qualified sick leave wages paid by an eligible employer as are taken into account as payroll costs in connection with—

“(i) a covered loan under section 7(a)(37) or 7A of the Small Business Act,

“(ii) a grant under section 324 of the Economic Aid to Hard-Hit Small Businesses, Non-Profits, and Venues Act, or

“(iii) a restaurant revitalization grant under section 5003 of the American Rescue Plan Act of 2021.

“(B) APPLICATION WHERE PPP LOANS NOT FORGIVEN.—The Secretary shall issue guidance providing that payroll costs paid during the covered period shall not fail to be treated as qualified sick leave wages under this section by reason of subparagraph (A)(i) to the extent that—

“(i) a covered loan of the taxpayer under section 7(a)(37) of the Small Business Act is not forgiven by reason of a decision under section 7(a)(37)(J) of such Act, or

“(ii) a covered loan of the taxpayer under section 7A of the Small Business Act is not forgiven by reason of a decision under section 7A(g) of such Act.

Terms used in the preceding sentence which are also used in section 7A(g) or 7(a)(37)(J) of the Small Business Act shall, when applied in connection with either such section, have the same meaning as when used in such section, respectively.

“(g) REGULATIONS.—The Secretary shall prescribe such regulations or other guidance as may be necessary to carry out the purposes of this section, including—

“(1) regulations or other guidance to prevent the avoidance of the purposes of the limitations under this section,

“(2) regulations or other guidance to minimize compliance and record-keeping burdens under this section,

“(3) regulations or other guidance providing for waiver of penalties for failure to deposit amounts in anticipation of the allowance of the credit allowed under this section,

“(4) regulations or other guidance for recapturing the benefit of credits determined under this section in cases where there is a subsequent adjustment to the credit determined under subsection (a),

“(5) regulations or other guidance to ensure that the wages taken into account under this section conform with the paid sick time required to be provided under the Emergency Paid Sick Leave Act,

“(6) regulations or other guidance to permit the advancement of the credit determined under subsection (a), and

“(7) regulations or other guidance with respect to the allocation, reporting, and substantiation of collectively bargained defined benefit pension plan contributions and collectively bargained apprenticeship program contributions.

Time period.

“(h) APPLICATION OF SECTION.—This section shall apply only to wages paid with respect to the period beginning on April 1, 2021, and ending on September 30, 2021.

Waiver.
Determination.

“(i) TREATMENT OF DEPOSITS.—The Secretary shall waive any penalty under section 6656 for any failure to make a deposit of applicable employment taxes if the Secretary determines that such failure was due to the anticipation of the credit allowed under this section.

“(j) NON-DISCRIMINATION REQUIREMENT.—No credit shall be allowed under this section to any employer for any calendar quarter if such employer, with respect to the availability of the provision of qualified sick leave wages to which this section otherwise applies for such calendar quarter, discriminates in favor of highly compensated employees (within the meaning of section 414(q)), full-time employees, or employees on the basis of employment tenure with such employer.

26 USC 3132.

“SEC. 3132. PAYROLL CREDIT FOR PAID FAMILY LEAVE.

“(a) IN GENERAL.—In the case of an employer, there shall be allowed as a credit against applicable employment taxes for each calendar quarter an amount equal to 100 percent of the qualified family leave wages paid by such employer with respect to such calendar quarter.

“(b) LIMITATIONS AND REFUNDABILITY.—

“(1) WAGES TAKEN INTO ACCOUNT.—The amount of qualified family leave wages taken into account under subsection (a), plus any increases under subsection (e), with respect to any individual shall not exceed—

“(A) for any day (or portion thereof) for which the individual is paid qualified family leave wages, \$200, and

“(B) in the aggregate with respect to all calendar quarters, \$12,000.

“(2) CREDIT LIMITED TO CERTAIN EMPLOYMENT TAXES.—The credit allowed by subsection (a) with respect to any calendar quarter shall not exceed the applicable employment taxes for such calendar quarter (reduced by any credits allowed under section 3131) on the wages paid with respect to the employment of all employees of the employer.

“(3) REFUNDABILITY OF EXCESS CREDIT.—

“(A) CREDIT IS REFUNDABLE.—If the amount of the credit under subsection (a) exceeds the limitation of paragraph (2) for any calendar quarter, such excess shall be treated as an overpayment that shall be refunded under sections 6402(a) and 6413(b).

“(B) ADVANCING CREDIT.—In anticipation of the credit, including the refundable portion under subparagraph (A), the credit shall be advanced, according to forms and instructions provided by the Secretary, up to an amount calculated under subsection (a), subject to the limits under paragraph (1) and (2), all calculated through the end of the most recent payroll period in the quarter.

“(c) QUALIFIED FAMILY LEAVE WAGES.—

“(1) IN GENERAL.—For purposes of this section, the term ‘qualified family leave wages’ means wages paid by an employer which would be required to be paid by reason of the Emergency Family and Medical Leave Expansion Act (including the amendments made by such Act) as if such Act (and amendments made by such Act) applied after March 31, 2021.

Definition.
Effective date.

“(2) RULES OF APPLICATION.—

“(A) IN GENERAL.—For purposes of determining whether wages are qualified family leave wages under paragraph (1)—

Determinations.

“(i) section 110(a)(2)(A) of the Family and Medical Leave Act of 1993 shall be applied by inserting ‘or any reason for leave described in section 5102(a) of the Families First Coronavirus Response Act, or the employee is seeking or awaiting the results of a diagnostic test for, or a medical diagnosis of, COVID-19 and such employee has been exposed to COVID-19 or the employee’s employer has requested such test or diagnosis, or the employee is obtaining immunization related to COVID-19 or recovering from any injury, disability, illness, or condition related to such immunization’ after ‘public health emergency’, and

“(ii) section 110(b) of such Act shall be applied—

“(I) without regard to paragraph (1) thereof,

“(II) by striking ‘after taking leave after such section for 10 days’ in paragraph (2)(A) thereof, and

“(III) by substituting ‘\$12,000’ for ‘\$10,000’ in paragraph (2)(B)(ii) thereof.

“(B) LEAVE MUST MEET REQUIREMENTS.—For purposes of determining whether wages would be required to be paid under paragraph (1), if an employer fails to comply with any requirement of the Family and Medical Leave Act of 1993 or the Emergency Family and Medical Leave Expansion Act (determined without regard to any time limitation under section 102(a)(1)(F) of the Family and Medical Leave Act of 1994) with respect to any leave provided for a qualifying need related to a public health emergency (as defined in section 110 of such Act, applied as described in subparagraph (A)(i)), amounts paid by such employer with respect to such leave shall not be taken into account as qualified family leave wages. For purposes of the preceding sentence, an employer which takes an action described in section 105 of the Family and Medical

Leave Act of 1993 shall be treated as failing to meet a requirement of such Act.

“(d) ALLOWANCE OF CREDIT FOR CERTAIN HEALTH PLAN EXPENSES.—

“(1) IN GENERAL.—The amount of the credit allowed under subsection (a) shall be increased by so much of the employer’s qualified health plan expenses as are properly allocable to the qualified family leave wages for which such credit is so allowed.

Definition.

“(2) QUALIFIED HEALTH PLAN EXPENSES.—For purposes of this subsection, the term ‘qualified health plan expenses’ means amounts paid or incurred by the employer to provide and maintain a group health plan (as defined in section 5000(b)(1)), but only to the extent that such amounts are excluded from the gross income of employees by reason of section 106(a).

“(3) ALLOCATION RULES.—For purposes of this section, qualified health plan expenses shall be allocated to qualified family leave wages in such manner as the Secretary may prescribe. Except as otherwise provided by the Secretary, such allocation shall be treated as properly made if made on the basis of being pro rata among covered employees and pro rata on the basis of periods of coverage (relative to the time periods of leave to which such wages relate).

“(e) ALLOWANCE OF CREDIT FOR AMOUNTS PAID UNDER CERTAIN COLLECTIVELY BARGAINED AGREEMENTS.—

“(1) IN GENERAL.—The amount of the credit allowed under subsection (a) shall be increased by so much of the sum of—

“(A) so much of the employer’s collectively bargained defined benefit pension plan contributions as are properly allocable to the qualified family leave wages for which such credit is so allowed, plus

“(B) so much of the employer’s collectively bargained apprenticeship program contributions as are properly allocable to the qualified family leave wages for which such credit is so allowed.

“(2) COLLECTIVELY BARGAINED DEFINED BENEFIT PENSION PLAN CONTRIBUTIONS.—For purposes of this subsection—

Definition.

“(A) IN GENERAL.—The term ‘collectively bargained defined benefit pension plan contributions’ has the meaning given such term under section 3131(e)(2).

“(B) ALLOCATION RULES.—The amount of collectively bargained defined benefit pension plan contributions allocated to qualified family leave wages for any calendar quarter shall be the product of—

“(i) the pension contribution rate (as defined in section 3131(e)(2)), expressed as an hourly rate, and

“(ii) the number of hours for which qualified family leave wages were provided to employees covered under the collective bargaining agreement described in section 3131(e)(2)(A)(iii) during the calendar quarter.

“(3) COLLECTIVELY BARGAINED APPRENTICESHIP PROGRAM CONTRIBUTIONS.—For purposes of this section—

Definition.

“(A) IN GENERAL.—The term ‘collectively bargained apprenticeship program contributions’ has the meaning given such term under section 3131(e)(3).

“(B) ALLOCATION RULES.—For purposes of this section, the amount of collectively bargained apprenticeship program contributions allocated to qualified family leave wages for any calendar quarter shall be the product of—

“(i) the apprenticeship contribution rate (as defined in section 3131(e)(3)), expressed as an hourly rate, and

“(ii) the number of hours for which qualified family leave wages were provided to employees covered under the collective bargaining agreement described in section 3131(e)(3)(A)(iii) during the calendar quarter.

“(f) DEFINITIONS AND SPECIAL RULES.—

“(1) APPLICABLE EMPLOYMENT TAXES.—For purposes of this section, the term ‘applicable employment taxes’ means the following:

“(A) The taxes imposed under section 3111(b).

“(B) So much of the taxes imposed under section 3221(a) as are attributable to the rate in effect under section 3111(b).

“(2) WAGES.—For purposes of this section, the term ‘wages’ means wages (as defined in section 3121(a), determined without regard to paragraphs (1) through (22) of section 3121(b)) and compensation (as defined in section 3231(e), determined without regard to the sentence in paragraph (1) thereof which begins ‘Such term does not include remuneration’).

“(3) DENIAL OF DOUBLE BENEFIT.—For purposes of chapter 1, the gross income of the employer, for the taxable year which includes the last day of any calendar quarter with respect to which a credit is allowed under this section, shall be increased by the amount of such credit. Any wages taken into account in determining the credit allowed under this section shall not be taken into account for purposes of determining the credit allowed under sections 45A, 45P, 45S, 51, 3131, and 3134. In the case of any credit allowed under section 2301 of the CARES Act or section 41 with respect to wages taken into account under this section, the credit allowed under this section shall be reduced by the portion of the credit allowed under such section 2301 or section 41 which is attributable to such wages.

Determination.

“(4) ELECTION TO NOT TAKE CERTAIN WAGES INTO ACCOUNT.—This section shall not apply to so much of the qualified family leave wages paid by an eligible employer as such employer elects (at such time and in such manner as the Secretary may prescribe) to not take into account for purposes of this section.

“(5) CERTAIN GOVERNMENTAL EMPLOYERS.—No credit shall be allowed under this section to the Government of the United States or to any agency or instrumentality thereof. The preceding sentence shall not apply to any organization described in section 501(c)(1) and exempt from tax under section 501(a).

“(6) EXTENSION OF LIMITATION ON ASSESSMENT.—Notwithstanding section 6501, the limitation on the time period for the assessment of any amount attributable to a credit claimed under this section shall not expire before the date that is 5 years after the later of—

Time period.

“(A) the date on which the original return which includes the calendar quarter with respect to which such credit is determined is filed, or

“(B) the date on which such return is treated as filed under section 6501(b)(2).

“(7) COORDINATION WITH CERTAIN PROGRAMS.—

“(A) IN GENERAL.—This section shall not apply to so much of the qualified family leave wages paid by an eligible employer as are taken into account as payroll costs in connection with—

“(i) a covered loan under section 7(a)(37) or 7A of the Small Business Act,

“(ii) a grant under section 324 of the Economic Aid to Hard-Hit Small Businesses, Non-Profits, and Venues Act, or

“(iii) a restaurant revitalization grant under section 5003 of the American Rescue Plan Act of 2021.

“(B) APPLICATION WHERE PPP LOANS NOT FORGIVEN.—The Secretary shall issue guidance providing that payroll costs paid during the covered period shall not fail to be treated as qualified family leave wages under this section by reason of subparagraph (A)(i) to the extent that—

“(i) a covered loan of the taxpayer under section 7(a)(37) of the Small Business Act is not forgiven by reason of a decision under section 7(a)(37)(J) of such Act, or

“(ii) a covered loan of the taxpayer under section 7A of the Small Business Act is not forgiven by reason of a decision under section 7A(g) of such Act.

Terms used in the preceding sentence which are also used in section 7A(g) or 7(a)(37)(J) of the Small Business Act shall, when applied in connection with either such section, have the same meaning as when used in such section, respectively.

“(g) REGULATIONS.—The Secretary shall prescribe such regulations or other guidance as may be necessary to carry out the purposes of this section, including—

“(1) regulations or other guidance to prevent the avoidance of the purposes of the limitations under this section,

“(2) regulations or other guidance to minimize compliance and record-keeping burdens under this section,

“(3) regulations or other guidance providing for waiver of penalties for failure to deposit amounts in anticipation of the allowance of the credit allowed under this section,

“(4) regulations or other guidance for recapturing the benefit of credits determined under this section in cases where there is a subsequent adjustment to the credit determined under subsection (a),

“(5) regulations or other guidance to ensure that the wages taken into account under this section conform with the paid leave required to be provided under the Emergency Family and Medical Leave Expansion Act (including the amendments made by such Act),

“(6) regulations or other guidance to permit the advancement of the credit determined under subsection (a), and

“(7) regulations or other guidance with respect to the allocation, reporting, and substantiation of collectively bargained

defined benefit pension plan contributions and collectively bargained apprenticeship program contributions.

“(h) APPLICATION OF SECTION.—This section shall apply only to wages paid with respect to the period beginning on April 1, 2021, and ending on September 30, 2021. Time period.

“(i) TREATMENT OF DEPOSITS.—The Secretary shall waive any penalty under section 6656 for any failure to make a deposit of applicable employment taxes if the Secretary determines that such failure was due to the anticipation of the credit allowed under this section. Waiver. Determination.

“(j) NON-DISCRIMINATION REQUIREMENT.—No credit shall be allowed under this section to any employer for any calendar quarter if such employer, with respect to the availability of the provision of qualified family leave wages to which this section otherwise applies for such calendar quarter, discriminates in favor of highly compensated employees (within the meaning of section 414(q)), full-time employees, or employees on the basis of employment tenure with such employer.

“SEC. 3133. SPECIAL RULE RELATED TO TAX ON EMPLOYERS.

26 USC 3133.

“(a) IN GENERAL.—The credit allowed by section 3131 and the credit allowed by section 3132 shall each be increased by the amount of the taxes imposed by subsections (a) and (b) of section 3111 and section 3221(a) on qualified sick leave wages, or qualified family leave wages, for which credit is allowed under such section 3131 or 3132 (respectively).

“(b) DENIAL OF DOUBLE BENEFIT.—For denial of double benefit with respect to the credit increase under subsection (a), see sections 3131(f)(3) and 3132(f)(3).”.

(b) REFUNDS.—Paragraph (2) of section 1324(b) of title 31, United States Code, is amended by inserting “3131, 3132,” before “6428”.

(c) CLERICAL AMENDMENT.—The table of subchapters for chapter 21 of the Internal Revenue Code of 1986 is amended by adding at the end the following new item:

26 USC
prec. 3101.

“SUBCHAPTER D—CREDITS”.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to amounts paid with respect to calendar quarters beginning after March 31, 2021.

26 USC 3131
note.

SEC. 9642. CREDIT FOR SICK LEAVE FOR CERTAIN SELF-EMPLOYED INDIVIDUALS.

26 USC 1401
note.

(a) IN GENERAL.—In the case of an eligible self-employed individual, there shall be allowed as a credit against the tax imposed by chapter 1 of the Internal Revenue Code of 1986 for any taxable year an amount equal to the qualified sick leave equivalent amount with respect to the individual.

(b) ELIGIBLE SELF-EMPLOYED INDIVIDUAL.—For purposes of this section—

(1) IN GENERAL.—The term “eligible self-employed individual” means an individual who—

Definition.

(A) regularly carries on any trade or business within the meaning of section 1402 of the Internal Revenue Code of 1986, and

(B) would be entitled to receive paid leave during the taxable year pursuant to the Emergency Paid Sick Leave Act if—

- Effective date.
Determination.
- (i) the individual were an employee of an employer (other than himself or herself), and
(ii) such Act applied after March 31, 2021.
- (2) RULES OF APPLICATION.—For purposes of paragraph (1)(B), in determining whether an individual would be entitled to receive paid leave under the Emergency Paid Sick Leave Act, such Act shall be applied—
- (A) by inserting “, the employee is seeking or awaiting the results of a diagnostic test for, or a medical diagnosis of, COVID-19 and such employee has been exposed to COVID-19 or is unable to work pending the results of such test or diagnosis, or the employee is obtaining immunization related to COVID-19 or recovering from any injury, disability, illness, or condition related to such immunization” after “medical diagnosis” in section 5102(a)(3) of such Act, and
- (B) by applying section 5102(b)(1) of such Act separately with respect to each taxable year.
- Definitions.
- (c) QUALIFIED SICK LEAVE EQUIVALENT AMOUNT.—For purposes of this section—
- (1) IN GENERAL.—The term “qualified sick leave equivalent amount” means, with respect to any eligible self-employed individual, an amount equal to—
- (A) the number of days during the taxable year (but not more than 10) that the individual is unable to perform services in any trade or business referred to in section 1402 of the Internal Revenue Code of 1986 for a reason with respect to which such individual would be entitled to receive sick leave as described in subsection (b), multiplied by
- (B) the lesser of—
- (i) \$200 (\$511 in the case of any day of paid sick time described in paragraph (1), (2), or (3) of section 5102(a) of the Emergency Paid Sick Leave Act, applied with the modification described in subsection (b)(2)(A)) of this section, or
- (ii) 67 percent (100 percent in the case of any day of paid sick time described in paragraph (1), (2), or (3) of section 5102(a) of the Emergency Paid Sick Leave Act) of the average daily self-employment income of the individual for the taxable year.
- (2) AVERAGE DAILY SELF-EMPLOYMENT INCOME.—For purposes of this subsection, the term “average daily self-employment income” means an amount equal to—
- (A) the net earnings from self-employment of the individual for the taxable year, divided by
- (B) 260.
- (3) ELECTION TO USE PRIOR YEAR NET EARNINGS FROM SELF-EMPLOYMENT INCOME.—In the case of an individual who elects (at such time and in such manner as the Secretary may provide) the application of this paragraph, paragraph (2)(A) shall be applied by substituting “the prior taxable year” for “the taxable year”.
- (4) ELECTION TO NOT TAKE DAYS INTO ACCOUNT.—Any day shall not be taken into account under paragraph (1)(A) if the eligible self-employed individual elects (at such time and in
- Applicability.

such manner as the Secretary may prescribe) to not take such day into account for purposes of such paragraph.

(d) CREDIT REFUNDABLE.—

(1) IN GENERAL.—The credit determined under this section shall be treated as a credit allowed to the taxpayer under subpart C of part IV of subchapter A of chapter 1 of such Code.

(2) TREATMENT OF PAYMENTS.—For purposes of section 1324 of title 31, United States Code, any refund due from the credit determined under this section shall be treated in the same manner as a refund due from a credit provision referred to in subsection (b)(2) of such section.

(e) SPECIAL RULES.—

(1) DOCUMENTATION.—No credit shall be allowed under this section unless the individual maintains such documentation as the Secretary may prescribe to establish such individual as an eligible self-employed individual.

(2) DENIAL OF DOUBLE BENEFIT.—In the case of an individual who receives wages (as defined in section 3121(a) of the Internal Revenue Code of 1986) or compensation (as defined in section 3231(e) of such Code) paid by an employer which are required to be paid by reason of the Emergency Paid Sick Leave Act, the qualified sick leave equivalent amount otherwise determined under subsection (c) of this section shall be reduced (but not below zero) to the extent that the sum of the amount described in such subsection and in section 3131(b)(1) of such Code exceeds \$2,000 (\$5,110 in the case of any day any portion of which is paid sick time described in paragraph (1), (2), or (3) of section 5102(a) of the Emergency Paid Sick Leave Act).

(f) APPLICATION OF SECTION.—Only days occurring during the period beginning on April 1, 2021, and ending on September 30, 2021, may be taken into account under subsection (c)(1)(A). Time period.

(g) APPLICATION OF CREDIT IN CERTAIN POSSESSIONS.—

(1) PAYMENTS TO POSSESSIONS WITH MIRROR CODE TAX SYSTEMS.—The Secretary shall pay to each possession of the United States which has a mirror code tax system amounts equal to the loss (if any) to that possession by reason of the application of the provisions of this section. Such amounts shall be determined by the Secretary based on information provided by the government of the respective possession. Determination.

(2) PAYMENTS TO OTHER POSSESSIONS.—The Secretary shall pay to each possession of the United States which does not have a mirror code tax system amounts estimated by the Secretary as being equal to the aggregate benefits (if any) that would have been provided to residents of such possession by reason of the provisions of this section if a mirror code tax system had been in effect in such possession. The preceding sentence shall not apply unless the respective possession has a plan, which has been approved by the Secretary, under which such possession will promptly distribute such payments to its residents. Estimates.
Plan.

(3) MIRROR CODE TAX SYSTEM.—For purposes of this section, the term “mirror code tax system” means, with respect to any possession of the United States, the income tax system of such possession if the income tax liability of the residents Definition.
Determination.

of such possession under such system is determined by reference to the income tax laws of the United States as if such possession were the United States.

(4) TREATMENT OF PAYMENTS.—For purposes of section 1324 of title 31, United States Code, the payments under this subsection shall be treated in the same manner as a refund due from a credit provision referred to in subsection (b)(2) of such section.

(h) REGULATIONS.—The Secretary shall prescribe such regulations or other guidance as may be necessary to carry out the purposes of this section, including—

(1) regulations or other guidance to effectuate the purposes of this section, and

(2) regulations or other guidance to minimize compliance and record-keeping burdens under this section.

26 USC 1401
note.

SEC. 9643. CREDIT FOR FAMILY LEAVE FOR CERTAIN SELF-EMPLOYED INDIVIDUALS.

(a) IN GENERAL.—In the case of an eligible self-employed individual, there shall be allowed as a credit against the tax imposed by chapter 1 of the Internal Revenue Code of 1986 for any taxable year an amount equal to 100 percent of the qualified family leave equivalent amount with respect to the individual.

(b) ELIGIBLE SELF-EMPLOYED INDIVIDUAL.—For purposes of this section—

Definitions.

(1) IN GENERAL.—The term “eligible self-employed individual” means an individual who—

(A) regularly carries on any trade or business within the meaning of section 1402 of the Internal Revenue Code of 1986, and

(B) would be entitled to receive paid leave during the taxable year pursuant to the Emergency Family and Medical Leave Expansion Act if—

(i) the individual were an employee of an employer (other than himself or herself),

Effective date.

(ii) section 102(a)(1)(F) of the Family and Medical Leave Act of 1993 applied after March 31, 2021.

(2) RULES OF APPLICATION.—For purposes of paragraph (1)(B), in determining whether an individual would be entitled to receive paid leave under the Emergency Family and Medical Leave Act—

(A) section 110(a)(2)(A) of the Family and Medical Leave Act of 1993 shall be applied by inserting “or any reason for leave described in section 5102(a) of the Families First Coronavirus Response Act, or the employee is seeking or awaiting the results of a diagnostic test for, or a medical diagnosis of, COVID-19 and such employee has been exposed to COVID-19 or is unable to work pending the results of such test or diagnosis, or the employee is obtaining immunization related to COVID-19 or recovering from any injury, disability, illness, or condition related to such immunization” after “public health emergency”, and

(B) section 110(b) of such Act shall be applied—

(i) without regard to paragraph (1) thereof, and

(ii) by striking “after taking leave after such section for 10 days” in paragraph (2)(A) thereof.

(c) **QUALIFIED FAMILY LEAVE EQUIVALENT AMOUNT.**—For purposes of this section— Definitions.

(1) **IN GENERAL.**—The term “qualified family leave equivalent amount” means, with respect to any eligible self-employed individual, an amount equal to the product of—

(A) the number of days (not to exceed 60) during the taxable year that the individual is unable to perform services in any trade or business referred to in section 1402 of the Internal Revenue Code of 1986 for a reason with respect to which such individual would be entitled to receive paid leave as described in subsection (b) of this section, multiplied by Time period.

(B) the lesser of—

(i) 67 percent of the average daily self-employment income of the individual for the taxable year, or

(ii) \$200.

(2) **AVERAGE DAILY SELF-EMPLOYMENT INCOME.**—For purposes of this subsection, the term “average daily self-employment income” means an amount equal to—

(A) the net earnings from self-employment income of the individual for the taxable year, divided by

(B) 260.

(3) **ELECTION TO USE PRIOR YEAR NET EARNINGS FROM SELF-EMPLOYMENT INCOME.**—In the case of an individual who elects (at such time and in such manner as the Secretary may provide) the application of this paragraph, paragraph (2)(A) shall be applied by substituting “the prior taxable year” for “the taxable year”. Applicability.

(4) **COORDINATION WITH CREDIT FOR SICK LEAVE.**—Any day taken into account in determining the qualified sick leave equivalent amount with respect to any eligible-self employed individual under section 9642 shall not be taken into account in determining the qualified family leave equivalent amount with respect to such individual under this section. Determination.

(d) **CREDIT REFUNDABLE.**—

(1) **IN GENERAL.**—The credit determined under this section shall be treated as a credit allowed to the taxpayer under subpart C of part IV of subchapter A of chapter 1 of such Code.

(2) **TREATMENT OF PAYMENTS.**—For purposes of section 1324 of title 31, United States Code, any refund due from the credit determined under this section shall be treated in the same manner as a refund due from a credit provision referred to in subsection (b)(2) of such section.

(e) **SPECIAL RULES.**—

(1) **DOCUMENTATION.**—No credit shall be allowed under this section unless the individual maintains such documentation as the Secretary may prescribe to establish such individual as an eligible self-employed individual.

(2) **DENIAL OF DOUBLE BENEFIT.**—In the case of an individual who receives wages (as defined in section 3121(a) of the Internal Revenue Code of 1986) or compensation (as defined in section 3231(e) of such Code) paid by an employer which are required to be paid by reason of the Emergency Family and Medical Leave Expansion Act, the qualified family leave equivalent amount otherwise described in subsection (c) of this section shall be reduced (but not below zero) to the extent

that the sum of the amount described in such subsection and in section 3132(b)(1) of such Code exceeds \$12,000.

(3) REFERENCES TO EMERGENCY FAMILY AND MEDICAL LEAVE EXPANSION ACT.—Any reference in this section to the Emergency Family and Medical Leave Expansion Act shall be treated as including a reference to the amendments made by such Act.

Time period.

(f) APPLICATION OF SECTION.—Only days occurring during the period beginning on April 1, 2021 and ending on September 30, 2021, may be taken into account under subsection (c)(1)(A).

(g) APPLICATION OF CREDIT IN CERTAIN POSSESSIONS.—

Determination.

(1) PAYMENTS TO POSSESSIONS WITH MIRROR CODE TAX SYSTEMS.—The Secretary shall pay to each possession of the United States which has a mirror code tax system amounts equal to the loss (if any) to that possession by reason of the application of the provisions of this section. Such amounts shall be determined by the Secretary based on information provided by the government of the respective possession.

Estimates.

(2) PAYMENTS TO OTHER POSSESSIONS.—The Secretary shall pay to each possession of the United States which does not have a mirror code tax system amounts estimated by the Secretary as being equal to the aggregate benefits (if any) that would have been provided to residents of such possession by reason of the provisions of this section if a mirror code tax system had been in effect in such possession. The preceding sentence shall not apply unless the respective possession has a plan, which has been approved by the Secretary, under which such possession will promptly distribute such payments to its residents.

Plan.

Definition.
Determination.

(3) MIRROR CODE TAX SYSTEM.—For purposes of this section, the term “mirror code tax system” means, with respect to any possession of the United States, the income tax system of such possession if the income tax liability of the residents of such possession under such system is determined by reference to the income tax laws of the United States as if such possession were the United States.

(4) TREATMENT OF PAYMENTS.—For purposes of section 1324 of title 31, United States Code, the payments under this subsection shall be treated in the same manner as a refund due from a credit provision referred to in subsection (b)(2) of such section.

(h) REGULATIONS.—The Secretary shall prescribe such regulations or other guidance as may be necessary to carry out the purposes of this section, including—

(1) regulations or other guidance to prevent the avoidance of the purposes of this section, and

(2) regulations or other guidance to minimize compliance and record-keeping burdens under this section.

PART 6—EMPLOYEE RETENTION CREDIT

SEC. 9651. EXTENSION OF EMPLOYEE RETENTION CREDIT.

(a) IN GENERAL.—Subchapter D of chapter 21 of subtitle C of the Internal Revenue Code of 1986, as added by section 9641, is amended by adding at the end the following:

“SEC. 3134. EMPLOYEE RETENTION CREDIT FOR EMPLOYERS SUBJECT TO CLOSURE DUE TO COVID-19.Time periods.
26 USC 3134.

“(a) IN GENERAL.—In the case of an eligible employer, there shall be allowed as a credit against applicable employment taxes for each calendar quarter an amount equal to 70 percent of the qualified wages with respect to each employee of such employer for such calendar quarter.

“(b) LIMITATIONS AND REFUNDABILITY.—

“(1) IN GENERAL.—

“(A) WAGES TAKEN INTO ACCOUNT.—The amount of qualified wages with respect to any employee which may be taken into account under subsection (a) by the eligible employer for any calendar quarter shall not exceed \$10,000.

“(B) RECOVERY STARTUP BUSINESSES.—In the case of an eligible employer which is a recovery startup business (as defined in subsection (c)(5)), the amount of the credit allowed under subsection (a) (after application of subparagraph (A)) for any calendar quarter shall not exceed \$50,000.

“(2) CREDIT LIMITED TO EMPLOYMENT TAXES.—The credit allowed by subsection (a) with respect to any calendar quarter shall not exceed the applicable employment taxes (reduced by any credits allowed under sections 3131 and 3132) on the wages paid with respect to the employment of all the employees of the eligible employer for such calendar quarter.

“(3) REFUNDABILITY OF EXCESS CREDIT.—If the amount of the credit under subsection (a) exceeds the limitation of paragraph (2) for any calendar quarter, such excess shall be treated as an overpayment that shall be refunded under sections 6402(a) and 6413(b).

“(c) DEFINITIONS.—For purposes of this section—

“(1) APPLICABLE EMPLOYMENT TAXES.—The term ‘applicable employment taxes’ means the following:

“(A) The taxes imposed under section 3111(b).

“(B) So much of the taxes imposed under section 3221(a) as are attributable to the rate in effect under section 3111(b).

“(2) ELIGIBLE EMPLOYER.—

“(A) IN GENERAL.—The term ‘eligible employer’ means any employer—

“(i) which was carrying on a trade or business during the calendar quarter for which the credit is determined under subsection (a), and

“(ii) with respect to any calendar quarter, for which—

“(I) the operation of the trade or business described in clause (i) is fully or partially suspended during the calendar quarter due to orders from an appropriate governmental authority limiting commerce, travel, or group meetings (for commercial, social, religious, or other purposes) due to the coronavirus disease 2019 (COVID-19),

“(II) the gross receipts (within the meaning of section 448(c)) of such employer for such calendar quarter are less than 80 percent of the gross receipts of such employer for the same calendar quarter in calendar year 2019, or

“(III) the employer is a recovery startup business (as defined in paragraph (5)).

With respect to any employer for any calendar quarter, if such employer was not in existence as of the beginning of the same calendar quarter in calendar year 2019, clause (ii)(II) shall be applied by substituting ‘2020’ for ‘2019’.

Applicability.

“(B) ELECTION TO USE ALTERNATIVE QUARTER.—At the election of the employer—

“(i) subparagraph (A)(ii)(II) shall be applied—

“(I) by substituting ‘for the immediately preceding calendar quarter’ for ‘for such calendar quarter’, and

“(II) by substituting ‘the corresponding calendar quarter in calendar year 2019’ for ‘the same calendar quarter in calendar year 2019’, and

“(ii) the last sentence of subparagraph (A) shall be applied by substituting ‘the corresponding calendar quarter in calendar year 2019’ for ‘the same calendar quarter in calendar year 2019’.

An election under this subparagraph shall be made at such time and in such manner as the Secretary shall prescribe.

“(C) TAX-EXEMPT ORGANIZATIONS.—In the case of an organization which is described in section 501(c) and exempt from tax under section 501(a)—

Applicability.

“(i) clauses (i) and (ii)(I) of subparagraph (A) shall apply to all operations of such organization, and

“(ii) any reference in this section to gross receipts shall be treated as a reference to gross receipts within the meaning of section 6033.

“(3) QUALIFIED WAGES.—

“(A) IN GENERAL.—The term ‘qualified wages’ means—

“(i) in the case of an eligible employer for which the average number of full-time employees (within the meaning of section 4980H) employed by such eligible employer during 2019 was greater than 500, wages paid by such eligible employer with respect to which an employee is not providing services due to circumstances described in subclause (I) or (II) of paragraph (2)(A)(ii), or

“(ii) in the case of an eligible employer for which the average number of full-time employees (within the meaning of section 4980H) employed by such eligible employer during 2019 was not greater than 500—

“(I) with respect to an eligible employer described in subclause (I) of paragraph (2)(A)(ii), wages paid by such eligible employer with respect to an employee during any period described in such clause, or

“(II) with respect to an eligible employer described in subclause (II) of such paragraph, wages paid by such eligible employer with respect to an employee during such quarter.

Applicability.

“(B) SPECIAL RULE FOR EMPLOYERS NOT IN EXISTENCE IN 2019.—In the case of any employer that was not in

existence in 2019, subparagraph (A) shall be applied by substituting ‘2020’ for ‘2019’ each place it appears.

“(C) SEVERELY FINANCIALLY DISTRESSED EMPLOYERS.—

“(i) IN GENERAL.—Notwithstanding subparagraph (A)(i), in the case of a severely financially distressed employer, the term ‘qualified wages’ means wages paid by such employer with respect to an employee during any calendar quarter.

“(ii) DEFINITION.—The term ‘severely financially distressed employer’ means an eligible employer as defined in paragraph (2), determined by substituting ‘less than 10 percent’ for ‘less than 80 percent’ in subparagraph (A)(ii)(II) thereof.

“(D) EXCEPTION.—The term ‘qualified wages’ shall not include any wages taken into account under sections 41, 45A, 45P, 45S, 51, 1396, 3131, and 3132.

“(4) WAGES.—

“(A) IN GENERAL.—The term ‘wages’ means wages (as defined in section 3121(a)) and compensation (as defined in section 3231(e)). For purposes of the preceding sentence, in the case of any organization or entity described in subsection (f)(2), wages as defined in section 3121(a) shall be determined without regard to paragraphs (5), (6), (7), (10), and (13) of section 3121(b) (except with respect to services performed in a penal institution by an inmate thereof).

Determination.

“(B) ALLOWANCE FOR CERTAIN HEALTH PLAN EXPENSES.—

“(i) IN GENERAL.—Such term shall include amounts paid by the eligible employer to provide and maintain a group health plan (as defined in section 5000(b)(1)), but only to the extent that such amounts are excluded from the gross income of employees by reason of section 106(a).

“(ii) ALLOCATION RULES.—For purposes of this section, amounts treated as wages under clause (i) shall be treated as paid with respect to any employee (and with respect to any period) to the extent that such amounts are properly allocable to such employee (and to such period) in such manner as the Secretary may prescribe. Except as otherwise provided by the Secretary, such allocation shall be treated as properly made if made on the basis of being pro rata among periods of coverage.

“(5) RECOVERY STARTUP BUSINESS.—The term ‘recovery startup business’ means any employer—

“(A) which began carrying on any trade or business after February 15, 2020,

Effective date.

“(B) for which the average annual gross receipts of such employer (as determined under rules similar to the rules under section 448(c)(3)) for the 3-taxable-year period ending with the taxable year which precedes the calendar quarter for which the credit is determined under subsection (a) does not exceed \$1,000,000, and

Determination.
Time period.

“(C) which, with respect to such calendar quarter, is not described in subclause (I) or (II) of paragraph (2)(A)(ii).

“(6) OTHER TERMS.—Any term used in this section which is also used in this chapter or chapter 22 shall have the same meaning as when used in such chapter.

“(d) AGGREGATION RULE.—All persons treated as a single employer under subsection (a) or (b) of section 52, or subsection (m) or (o) of section 414, shall be treated as one employer for purposes of this section.

“(e) CERTAIN RULES TO APPLY.—For purposes of this section, rules similar to the rules of sections 51(i)(1) and 280C(a) shall apply.

“(f) CERTAIN GOVERNMENTAL EMPLOYERS.—

“(1) IN GENERAL.—This credit shall not apply to the Government of the United States, the government of any State or political subdivision thereof, or any agency or instrumentality of any of the foregoing.

“(2) EXCEPTION.—Paragraph (1) shall not apply to—

“(A) any organization described in section 501(c)(1) and exempt from tax under section 501(a), or

“(B) any entity described in paragraph (1) if—

“(i) such entity is a college or university, or

“(ii) the principal purpose or function of such entity is providing medical or hospital care.

In the case of any entity described in subparagraph (B), such entity shall be treated as satisfying the requirements of subsection (c)(2)(A)(i).

“(g) ELECTION TO NOT TAKE CERTAIN WAGES INTO ACCOUNT.—This section shall not apply to so much of the qualified wages paid by an eligible employer as such employer elects (at such time and in such manner as the Secretary may prescribe) to not take into account for purposes of this section.

“(h) COORDINATION WITH CERTAIN PROGRAMS.—

“(1) IN GENERAL.—This section shall not apply to so much of the qualified wages paid by an eligible employer as are taken into account as payroll costs in connection with—

“(A) a covered loan under section 7(a)(37) or 7A of the Small Business Act,

“(B) a grant under section 324 of the Economic Aid to Hard-Hit Small Businesses, Non-Profits, and Venues Act, or

“(C) a restaurant revitalization grant under section 5003 of the American Rescue Plan Act of 2021.

“(2) APPLICATION WHERE PPP LOANS NOT FORGIVEN.—The Secretary shall issue guidance providing that payroll costs paid during the covered period shall not fail to be treated as qualified wages under this section by reason of paragraph (1) to the extent that—

“(A) a covered loan of the taxpayer under section 7(a)(37) of the Small Business Act is not forgiven by reason of a decision under section 7(a)(37)(J) of such Act, or

“(B) a covered loan of the taxpayer under section 7A of the Small Business Act is not forgiven by reason of a decision under section 7A(g) of such Act.

Terms used in the preceding sentence which are also used in section 7A(g) or 7(a)(37)(J) of the Small Business Act shall, when applied in connection with either such section, have the same meaning as when used in such section, respectively.

“(i) THIRD PARTY PAYORS.—Any credit allowed under this section shall be treated as a credit described in section 3511(d)(2).

“(j) ADVANCE PAYMENTS.—

“(1) IN GENERAL.—Except as provided in paragraph (2), no advance payment of the credit under subsection (a) shall be allowed.

“(2) ADVANCE PAYMENTS TO SMALL EMPLOYERS.—

“(A) IN GENERAL.—Under rules provided by the Secretary, an eligible employer for which the average number of full-time employees (within the meaning of section 4980H) employed by such eligible employer during 2019 was not greater than 500 may elect for any calendar quarter to receive an advance payment of the credit under subsection (a) for such quarter in an amount not to exceed 70 percent of the average quarterly wages paid by the employer in calendar year 2019.

“(B) SPECIAL RULE FOR SEASONAL EMPLOYERS.—In the case of any employer who employs seasonal workers (as defined in section 45R(d)(5)(B)), the employer may elect to apply subparagraph (A) by substituting ‘the wages for the calendar quarter in 2019 which corresponds to the calendar quarter to which the election relates’ for ‘the average quarterly wages paid by the employer in calendar year 2019’.

“(C) SPECIAL RULE FOR EMPLOYERS NOT IN EXISTENCE IN 2019.—In the case of any employer that was not in existence in 2019, subparagraphs (A) and (B) shall each be applied by substituting ‘2020’ for ‘2019’ each place it appears.

Applicability.

“(3) RECONCILIATION OF CREDIT WITH ADVANCE PAYMENTS.—

“(A) IN GENERAL.—The amount of credit which would (but for this subsection) be allowed under this section shall be reduced (but not below zero) by the aggregate payment allowed to the taxpayer under paragraph (2). Any failure to so reduce the credit shall be treated as arising out of a mathematical or clerical error and assessed according to section 6213(b)(1).

“(B) EXCESS ADVANCE PAYMENTS.—If the advance payments to a taxpayer under paragraph (2) for a calendar quarter exceed the credit allowed by this section (determined without regard to subparagraph (A)), the tax imposed under section 3111(b) or so much of the tax imposed under section 3221(a) as is attributable to the rate in effect under section 3111(b) (whichever is applicable) for the calendar quarter shall be increased by the amount of such excess.

“(k) TREATMENT OF DEPOSITS.—The Secretary shall waive any penalty under section 6656 for any failure to make a deposit of any applicable employment taxes if the Secretary determines that such failure was due to the reasonable anticipation of the credit allowed under this section.

Waiver.
Determination.

“(l) EXTENSION OF LIMITATION ON ASSESSMENT.—Notwithstanding section 6501, the limitation on the time period for the assessment of any amount attributable to a credit claimed under this section shall not expire before the date that is 5 years after the later of—

Time period.

“(1) the date on which the original return which includes the calendar quarter with respect to which such credit is determined is filed, or

“(2) the date on which such return is treated as filed under section 6501(b)(2).

“(m) REGULATIONS AND GUIDANCE.—The Secretary shall issue such forms, instructions, regulations, and other guidance as are necessary—

“(1) to allow the advance payment of the credit under subsection (a) as provided in subsection (j)(2), subject to the limitations provided in this section, based on such information as the Secretary shall require,

“(2) with respect to the application of the credit under subsection (a) to third party payors (including professional employer organizations, certified professional employer organizations, or agents under section 3504), including regulations or guidance allowing such payors to submit documentation necessary to substantiate the eligible employer status of employers that use such payors, and

“(3) to prevent the avoidance of the purposes of the limitations under this section, including through the leaseback of employees.

Any forms, instructions, regulations, or other guidance described in paragraph (2) shall require the customer to be responsible for the accounting of the credit and for any liability for improperly claimed credits and shall require the certified professional employer organization or other third party payor to accurately report such tax credits based on the information provided by the customer.

Time period.

“(n) APPLICATION.—This section shall only apply to wages paid after June 30, 2021, and before January 1, 2022.”.

(b) REFUNDS.—Paragraph (2) of section 1324(b) of title 31, United States Code, is amended by inserting “3134,” before “6428”.

26 USC
prec. 3131.

(c) CLERICAL AMENDMENT.—The table of sections for subchapter D of chapter 21 of subtitle C of the Internal Revenue Code of 1986 is amended by adding at the end the following:

“Sec. 3134. Employee retention credit for employers subject to closure due to COVID-19.”.

Applicability.
26 USC 3134
note.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to calendar quarters beginning after June 30, 2021.

PART 7—PREMIUM TAX CREDIT

SEC. 9661. IMPROVING AFFORDABILITY BY EXPANDING PREMIUM ASSISTANCE FOR CONSUMERS.

26 USC 36B.

(a) IN GENERAL.—Section 36B(b)(3)(A) of the Internal Revenue Code of 1986 is amended by adding at the end the following new clause:

“(iii) TEMPORARY PERCENTAGES FOR 2021 AND 2022.—In the case of a taxable year beginning in 2021 or 2022—

“(I) clause (ii) shall not apply for purposes of adjusting premium percentages under this subparagraph, and

Applicability.

“(II) the following table shall be applied in lieu of the table contained in clause (i):

“In the case of household income (expressed as a percent of poverty line) within the following income tier:	The initial premium percentage is—	The final premium percentage is—
Up to 150.0 percent	0.0	0.0
150.0 percent up to 200.0 percent	0.0	2.0
200.0 percent up to 250.0 percent	2.0	4.0
250.0 percent up to 300.0 percent	4.0	6.0
300.0 percent up to 400.0 percent	6.0	8.5
400.0 percent and higher	8.5	8.5”.

(b) CONFORMING AMENDMENT.—Section 36B(c)(1) of the Internal Revenue Code of 1986 is amended by adding at the end the following new subparagraph:

26 USC 36B.

“(E) TEMPORARY RULE FOR 2021 AND 2022.—In the case of a taxable year beginning in 2021 or 2022, subparagraph (A) shall be applied without regard to ‘but does not exceed 400 percent’.”

Applicability.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2020.

26 USC 36B note.

SEC. 9662. TEMPORARY MODIFICATION OF LIMITATIONS ON RECONCILIATION OF TAX CREDITS FOR COVERAGE UNDER A QUALIFIED HEALTH PLAN WITH ADVANCE PAYMENTS OF SUCH CREDIT.

(a) IN GENERAL.—Section 36B(f)(2)(B) of the Internal Revenue Code of 1986 is amended by adding at the end the following new clause:

“(iii) TEMPORARY MODIFICATION OF LIMITATION ON INCREASE.—In the case of any taxable year beginning in 2020, for any taxpayer who files for such taxable year an income tax return reconciling any advance payment of the credit under this section, the Secretary shall treat subparagraph (A) as not applying.”

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2019.

26 USC 36B note.

SEC. 9663. APPLICATION OF PREMIUM TAX CREDIT IN CASE OF INDIVIDUALS RECEIVING UNEMPLOYMENT COMPENSATION DURING 2021.

(a) IN GENERAL.—Section 36B of the Internal Revenue Code of 1986 is amended by redesignating subsection (g) as subsection (h) and by inserting after subsection (f) the following new subsection:

“(g) SPECIAL RULE FOR INDIVIDUALS WHO RECEIVE UNEMPLOYMENT COMPENSATION DURING 2021.—

“(1) IN GENERAL.—For purposes of this section, in the case of a taxpayer who has received, or has been approved to receive, unemployment compensation for any week beginning during 2021, for the taxable year in which such week begins—

“(A) such taxpayer shall be treated as an applicable taxpayer, and

- Definition. “(B) there shall not be taken into account any household income of the taxpayer in excess of 133 percent of the poverty line for a family of the size involved.
- “(2) UNEMPLOYMENT COMPENSATION.—For purposes of this subsection, the term ‘unemployment compensation’ has the meaning given such term in section 85(b).
- “(3) EVIDENCE OF UNEMPLOYMENT COMPENSATION.—For purposes of this subsection, a taxpayer shall not be treated as having received (or been approved to receive) unemployment compensation for any week unless such taxpayer provides self-attestation of, and such documentation as the Secretary shall prescribe which demonstrates, such receipt or approval.
- “(4) CLARIFICATION OF RULES REMAINING APPLICABLE.—
- “(A) JOINT RETURN REQUIREMENT.—Paragraph (1)(A) shall not affect the application of subsection (c)(1)(C).
- “(B) HOUSEHOLD INCOME AND AFFORDABILITY.—Paragraph (1)(B) shall not apply to any determination of household income for purposes of paragraph (2)(C)(i)(II) or (4)(C)(ii) of subsection (c)”.
- 26 USC 36B note. (b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2020.

PART 8—MISCELLANEOUS PROVISIONS

SEC. 9671. REPEAL OF ELECTION TO ALLOCATE INTEREST, ETC. ON WORLDWIDE BASIS.

- 26 USC 864. (a) IN GENERAL.—Section 864 of the Internal Revenue Code of 1986 is amended by striking subsection (f).
- (b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2020.

15 USC 9009b
note.

SEC. 9672. TAX TREATMENT OF TARGETED EIDL ADVANCES.

For purposes of the Internal Revenue Code of 1986—

(1) amounts received from the Administrator of the Small Business Administration in the form of a targeted EIDL advance under section 331 of the Economic Aid to Hard-Hit Small Businesses, Nonprofits, and Venues Act (title III of division N of Public Law 116-260) shall not be included in the gross income of the person that receives such amounts,

(2) no deduction shall be denied, no tax attribute shall be reduced, and no basis increase shall be denied, by reason of the exclusion from gross income provided by paragraph (1), and

(3) in the case of a partnership or S corporation that receives such amounts—

(A) any amount excluded from income by reason of paragraph (1) shall be treated as tax exempt income for purposes of sections 705 and 1366 of the Internal Revenue Code of 1986, and

Regulations.
Determinations.

(B) the Secretary of the Treasury (or the Secretary's delegate) shall prescribe rules for determining a partner's distributive share of any amount described in subparagraph (A) for purposes of section 705 of the Internal Revenue Code of 1986.

15 USC 9009c
note.

SEC. 9673. TAX TREATMENT OF RESTAURANT REVITALIZATION GRANTS.

For purposes of the Internal Revenue Code of 1986—

(1) amounts received from the Administrator of the Small Business Administration in the form of a restaurant revitalization grant under section 5003 shall not be included in the gross income of the person that receives such amounts,

(2) no deduction shall be denied, no tax attribute shall be reduced, and no basis increase shall be denied, by reason of the exclusion from gross income provided by paragraph (1), and

(3) in the case of a partnership or S corporation that receives such amounts—

(A) except as otherwise provided by the Secretary of the Treasury (or the Secretary's delegate), any amount excluded from income by reason of paragraph (1) shall be treated as tax exempt income for purposes of sections 705 and 1366 of the Internal Revenue Code of 1986, and

(B) the Secretary of the Treasury (or the Secretary's delegate) shall prescribe rules for determining a partner's distributive share of any amount described in subparagraph (A) for purposes of section 705 of the Internal Revenue Code of 1986.

Regulations.
Determinations.

SEC. 9674. MODIFICATION OF EXCEPTIONS FOR REPORTING OF THIRD PARTY NETWORK TRANSACTIONS.

(a) IN GENERAL.—Section 6050W(e) of the Internal Revenue Code of 1986 is amended to read as follows:

26 USC 6050W.

“(e) DE MINIMIS EXCEPTION FOR THIRD PARTY SETTLEMENT ORGANIZATIONS.—A third party settlement organization shall not be required to report any information under subsection (a) with respect to third party network transactions of any participating payee if the amount which would otherwise be reported under subsection (a)(2) with respect to such transactions does not exceed \$600.”.

(b) CLARIFICATION THAT REPORTING IS NOT REQUIRED ON TRANSACTIONS WHICH ARE NOT FOR GOODS OR SERVICES.—Section 6050W(c)(3) of such Code is amended by inserting “described in subsection (d)(3)(A)(iii)” after “any transaction”.

(c) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendment made by subsection (a) shall apply to returns for calendar years beginning after December 31, 2021.

(2) CLARIFICATION.—The amendment made by subsection (b) shall apply to transactions after the date of the enactment of this Act.

Applicability.
26 USC 6050W
note.

SEC. 9675. MODIFICATION OF TREATMENT OF STUDENT LOAN FORGIVENESS.

(a) IN GENERAL.—Section 108(f) of the Internal Revenue Code of 1986 is amended by striking paragraph (5) and inserting the following:

“(5) SPECIAL RULE FOR DISCHARGES IN 2021 THROUGH 2025.—Gross income does not include any amount which (but for this subsection) would be includible in gross income by reason of the discharge (in whole or in part) after December 31, 2020, and before January 1, 2026, of—

“(A) any loan provided expressly for postsecondary educational expenses, regardless of whether provided through the educational institution or directly to the borrower, if such loan was made, insured, or guaranteed by—

“(i) the United States, or an instrumentality or agency thereof,

“(ii) a State, territory, or possession of the United States, or the District of Columbia, or any political subdivision thereof, or

“(iii) an eligible educational institution (as defined in section 25A),

“(B) any private education loan (as defined in section 140(a)(7) of the Truth in Lending Act),

“(C) any loan made by any educational organization described in section 170(b)(1)(A)(ii) if such loan is made—

“(i) pursuant to an agreement with any entity described in subparagraph (A) or any private education lender (as defined in section 140(a) of the Truth in Lending Act) under which the funds from which the loan was made were provided to such educational organization, or

“(ii) pursuant to a program of such educational organization which is designed to encourage its students to serve in occupations with unmet needs or in areas with unmet needs and under which the services provided by the students (or former students) are for or under the direction of a governmental unit or an organization described in section 501(c)(3) and exempt from tax under section 501(a), or

“(D) any loan made by an educational organization described in section 170(b)(1)(A)(ii) or by an organization exempt from tax under section 501(a) to refinance a loan to an individual to assist the individual in attending any such educational organization but only if the refinancing loan is pursuant to a program of the refinancing organization which is designed as described in subparagraph (C)(ii).

The preceding sentence shall not apply to the discharge of a loan made by an organization described in subparagraph (C) or made by a private education lender (as defined in section 140(a)(7) of the Truth in Lending Act) if the discharge is on account of services performed for either such organization or for such private education lender.”

26 USC 108.

(b) **EFFECTIVE DATE.**—The amendment made by this section shall apply to discharges of loans after December 31, 2020.

Subtitle H—Pensions

26 USC 432 note. **SEC. 9701. TEMPORARY DELAY OF DESIGNATION OF MULTIEMPLOYER PLANS AS IN ENDANGERED, CRITICAL, OR CRITICAL AND DECLINING STATUS.**

(a) **IN GENERAL.**—Notwithstanding the actuarial certification under section 305(b)(3) of the Employee Retirement Income Security Act of 1974 and section 432(b)(3) of the Internal Revenue Code of 1986, if a plan sponsor of a multiemployer plan elects the application of this section, then, for purposes of section 305 of such Act and section 432 of such Code—

Time period.

(1) the status of the plan for its first plan year beginning during the period beginning on March 1, 2020, and ending on February 28, 2021, or the next succeeding plan year (as designated by the plan sponsor in such election), shall be the

same as the status of such plan under such sections for the plan year preceding such designated plan year, and

(2) in the case of a plan which was in endangered or critical status for the plan year preceding the designated plan year described in paragraph (1), the plan shall not be required to update its plan or schedules under section 305(c)(6) of such Act and section 432(c)(6) of such Code, or section 305(e)(3)(B) of such Act and section 432(e)(3)(B) of such Code, whichever is applicable, until the plan year following the designated plan year described in paragraph (1).

(b) EXCEPTION FOR PLANS BECOMING CRITICAL DURING ELECTION.—If—

(1) an election was made under subsection (a) with respect to a multiemployer plan, and

(2) such plan has, without regard to such election, been certified by the plan actuary under section 305(b)(3) of the Employee Retirement Income Security Act of 1974 and section 432(b)(3) of the Internal Revenue Code of 1986 to be in critical status for the designated plan year described in subsection (a)(1), then such plan shall be treated as a plan in critical status for such plan year for purposes of applying section 4971(g)(1)(A) of such Code, section 302(b)(3) of such Act (without regard to the second sentence thereof), and section 412(b)(3) of such Code (without regard to the second sentence thereof).

Certification.
Applicability.

(c) ELECTION AND NOTICE.—

(1) ELECTION.—An election under subsection (a)—

(A) shall be made at such time and in such manner as the Secretary of the Treasury or the Secretary's delegate may prescribe and, once made, may be revoked only with the consent of the Secretary, and

(B) if made—

(i) before the date the annual certification is submitted to the Secretary or the Secretary's delegate under section 305(b)(3) of such Act and section 432(b)(3) of such Code, shall be included with such annual certification, and

(ii) after such date, shall be submitted to the Secretary or the Secretary's delegate not later than 30 days after the date of the election.

Deadline.

(2) NOTICE TO PARTICIPANTS.—

(A) IN GENERAL.—Notwithstanding section 305(b)(3)(D) of the Employee Retirement Income Security Act of 1974 and section 432(b)(3)(D) of the Internal Revenue Code of 1986, if, by reason of an election made under subsection (a), the plan is in neither endangered nor critical status—

(i) the plan sponsor of a multiemployer plan shall not be required to provide notice under such sections, and

(ii) the plan sponsor shall provide to the participants and beneficiaries, the bargaining parties, the Pension Benefit Guaranty Corporation, and the Secretary of Labor a notice of the election under subsection (a) and such other information as the Secretary of the Treasury (in consultation with the Secretary of Labor) may require—

Consultation.
Deadlines.

(I) if the election is made before the date the annual certification is submitted to the Secretary

or the Secretary's delegate under section 305(b)(3) of such Act and section 432(b)(3) of such Code, not later than 30 days after the date of the certification, and

(II) if the election is made after such date, not later than 30 days after the date of the election.

Certification.

(B) NOTICE OF ENDANGERED STATUS.—Notwithstanding section 305(b)(3)(D) of such Act and section 432(b)(3)(D) of such Code, if the plan is certified to be in critical status for any plan year but is in endangered status by reason of an election made under subsection (a), the notice provided under such sections shall be the notice which would have been provided if the plan had been certified to be in endangered status.

26 USC 432 note.

SEC. 9702. TEMPORARY EXTENSION OF THE FUNDING IMPROVEMENT AND REHABILITATION PERIODS FOR MULTIEMPLOYER PENSION PLANS IN CRITICAL AND ENDANGERED STATUS FOR 2020 OR 2021.

(a) IN GENERAL.—If the plan sponsor of a multiemployer plan which is in endangered or critical status for a plan year beginning in 2020 or 2021 (determined after application of section 9701) elects the application of this section, then, for purposes of section 305 of the Employee Retirement Income Security Act of 1974 and section 432 of the Internal Revenue Code of 1986, the plan's funding improvement period or rehabilitation period, whichever is applicable, shall be extended by 5 years.

(b) DEFINITIONS AND SPECIAL RULES.—For purposes of this section—

Consultation.

(1) ELECTION.—An election under this section shall be made at such time, and in such manner and form, as (in consultation with the Secretary of Labor) the Secretary of the Treasury or the Secretary's delegate may prescribe.

(2) DEFINITIONS.—Any term which is used in this section which is also used in section 305 of the Employee Retirement Income Security Act of 1974 and section 432 of the Internal Revenue Code of 1986 shall have the same meaning as when used in such sections.

Applicability.

(c) EFFECTIVE DATE.—This section shall apply to plan years beginning after December 31, 2019.

SEC. 9703. ADJUSTMENTS TO FUNDING STANDARD ACCOUNT RULES.

(a) ADJUSTMENTS.—

(1) AMENDMENT TO EMPLOYEE RETIREMENT INCOME SECURITY ACT OF 1974.—Section 304(b)(8) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1084(b)) is amended by adding at the end the following new subparagraph:

Effective date.
Applicability.

“(F) RELIEF FOR 2020 AND 2021.—A multiemployer plan with respect to which the solvency test under subparagraph (C) is met as of February 29, 2020, may elect to apply this paragraph (without regard to whether such plan previously elected the application of this paragraph)—

“(i) by substituting ‘February 29, 2020’ for ‘August 31, 2008’ each place it appears in subparagraphs (A)(i), (B)(i)(I), and (B)(i)(II),

Determination.

“(ii) by inserting ‘and other losses related to the virus SARS-CoV-2 or coronavirus disease 2019 (COVID-19) (including experience losses related to

reductions in contributions, reductions in employment, and deviations from anticipated retirement rates, as determined by the plan sponsor’ after ‘net investment losses’ in subparagraph (A)(i), and

“(iii) by substituting ‘this subparagraph or subparagraph (A)’ for ‘this subparagraph and subparagraph (A) both’ in subparagraph (B)(iii).

The preceding sentence shall not apply to a plan to which special financial assistance is granted under section 4262. For purposes of the application of this subparagraph, the Secretary of the Treasury shall rely on the plan sponsor’s calculations of plan losses unless such calculations are clearly erroneous.”.

(2) AMENDMENT TO INTERNAL REVENUE CODE OF 1986.—Section 431(b)(8) of the Internal Revenue Code of 1986 is amended by adding at the end the following new subparagraph:

26 USC 431.

“(F) RELIEF FOR 2020 AND 2021.—A multiemployer plan with respect to which the solvency test under subparagraph (C) is met as of February 29, 2020, may elect to apply this paragraph (without regard to whether such plan previously elected the application of this paragraph)—

Effective date.
Applicability.

“(i) by substituting ‘February 29, 2020’ for ‘August 31, 2008’ each place it appears in subparagraphs (A)(i), (B)(i)(I), and (B)(i)(II),

“(ii) by inserting ‘and other losses related to the virus SARS-CoV-2 or coronavirus disease 2019 (COVID-19) (including experience losses related to reductions in contributions, reductions in employment, and deviations from anticipated retirement rates, as determined by the plan sponsor)’ after ‘net investment losses’ in subparagraph (A)(i), and

“(iii) by substituting ‘this subparagraph or subparagraph (A)’ for ‘this subparagraph and subparagraph (A) both’ in subparagraph (B)(iii).

The preceding sentence shall not apply to a plan to which special financial assistance is granted under section 4262 of the Employee Retirement Income Security Act of 1974. For purposes of the application of this subparagraph, the Secretary shall rely on the plan sponsor’s calculations of plan losses unless such calculations are clearly erroneous.”.

(b) EFFECTIVE DATES.—

Applicability.
26 USC 431 note.

(1) IN GENERAL.—The amendments made by this section shall take effect as of the first day of the first plan year ending on or after February 29, 2020, except that any election a plan makes pursuant to this section that affects the plan’s funding standard account for the first plan year beginning after February 29, 2020, shall be disregarded for purposes of applying the provisions of section 305 of the Employee Retirement Income Security Act of 1974 and section 432 of the Internal Revenue Code of 1986 to such plan year.

(2) RESTRICTIONS ON BENEFIT INCREASES.—Notwithstanding paragraph (1), the restrictions on plan amendments increasing benefits in sections 304(b)(8)(D) of such Act and 431(b)(8)(D) of such Code, as applied by the amendments made by this section, shall take effect on the date of enactment of this Act.

SEC. 9704. SPECIAL FINANCIAL ASSISTANCE PROGRAM FOR FINANCIALLY TROUBLED MULTIEMPLOYER PLANS.

(a) APPROPRIATION.—Section 4005 of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1305) is amended by adding at the end the following:

“(i)(1) An eighth fund shall be established for special financial assistance to multiemployer pension plans, as provided under section 4262, and to pay for necessary administrative and operating expenses of the corporation relating to such assistance.

“(2) There is appropriated from the general fund such amounts as are necessary for the costs of providing financial assistance under section 4262 and necessary administrative and operating expenses of the corporation. The eighth fund established under this subsection shall be credited with amounts from time to time as the Secretary of the Treasury, in conjunction with the Director of the Pension Benefit Guaranty Corporation, determines appropriate, from the general fund of the Treasury, but in no case shall such transfers occur after September 30, 2030.”.

(b) FINANCIAL ASSISTANCE AUTHORITY.—The Employee Retirement Income Security Act of 1974 is amended by inserting after section 4261 of such Act (29 U.S.C. 1431) the following:

“SEC. 4262. SPECIAL FINANCIAL ASSISTANCE BY THE CORPORATION.

“(a) SPECIAL FINANCIAL ASSISTANCE.—

“(1) IN GENERAL.—The corporation shall provide special financial assistance to an eligible multiemployer plan under this section, upon the application of a plan sponsor of such a plan for such assistance.

“(2) INAPPLICABILITY OF CERTAIN REPAYMENT OBLIGATION.—A plan receiving special financial assistance pursuant to this section shall not be subject to repayment obligations with respect to such special financial assistance.

“(b) ELIGIBLE MULTIEMPLOYER PLANS.—

“(1) IN GENERAL.—For purposes of this section, a multiemployer plan is an eligible multiemployer plan if—

“(A) the plan is in critical and declining status (within the meaning of section 305(b)(6)) in any plan year beginning in 2020 through 2022;

“(B) a suspension of benefits has been approved with respect to the plan under section 305(e)(9) as of the date of the enactment of this section;

“(C) in any plan year beginning in 2020 through 2022, the plan is certified by the plan actuary to be in critical status (within the meaning of section 305(b)(2)), has a modified funded percentage of less than 40 percent, and has a ratio of active to inactive participants which is less than 2 to 3; or

“(D) the plan became insolvent for purposes of section 418E of the Internal Revenue Code of 1986 after December 16, 2014, and has remained so insolvent and has not been terminated as of the date of enactment of this section.

“(2) MODIFIED FUNDED PERCENTAGE.—For purposes of paragraph (1)(C), the term ‘modified funded percentage’ means the percentage equal to a fraction the numerator of which is current value of plan assets (as defined in section 3(26) of such Act) and the denominator of which is current liabilities (as defined

Determination.
Termination
date.

29 USC 1432.

Time period.

Certification.

Definition.

in section 431(c)(6)(D) of such Code and section 304(c)(6)(D) of such Act).

“(c) APPLICATIONS FOR SPECIAL FINANCIAL ASSISTANCE.—Within 120 days of the date of enactment of this section, the corporation shall issue regulations or guidance setting forth requirements for special financial assistance applications under this section. In such regulations or guidance, the corporation shall—

Deadline.
Regulations.
Requirements.

“(1) limit the materials required for a special financial assistance application to the minimum necessary to make a determination on the application;

“(2) specify effective dates for transfers of special financial assistance following approval of an application, based on the effective date of the supporting actuarial analysis and the date on which the application is submitted; and

“(3) provide for an alternate application for special financial assistance under this section, which may be used by a plan that has been approved for a partition under section 4233 before the date of enactment of this section.

“(d) TEMPORARY PRIORITY CONSIDERATION OF APPLICATIONS.—

“(1) IN GENERAL.—The corporation may specify in regulations or guidance under subsection (c) that, during a period no longer than the first 2 years following the date of enactment of this section, applications may not be filed by an eligible multiemployer plan unless—

Regulations.
Time period.

“(A) the eligible multiemployer plan is insolvent or is likely to become insolvent within 5 years of the date of enactment of this section;

Time period.

“(B) the corporation projects the eligible multiemployer plan to have a present value of financial assistance payments under section 4261 that exceeds \$1,000,000,000 if the special financial assistance is not ordered;

“(C) the eligible multiemployer plan has implemented benefit suspensions under section 305(e)(9) as of the date of the enactment of this section; or

“(D) the corporation determines it appropriate based on other similar circumstances.

Determination.

“(e) ACTUARIAL ASSUMPTIONS.—

“(1) ELIGIBILITY.—For purposes of determining eligibility for special financial assistance, the corporation shall accept assumptions incorporated in a multiemployer plan’s determination that it is in critical status or critical and declining status (within the meaning of section 305(b)) for certifications of plan status completed before January 1, 2021, unless such assumptions are clearly erroneous. For certifications of plan status completed after December 31, 2020, a plan shall determine whether it is in critical or critical and declining status for purposes of eligibility for special financial assistance by using the assumptions that the plan used in its most recently completed certification of plan status before January 1, 2021, unless such assumptions (excluding the plan’s interest rate) are unreasonable.

Determinations.
Termination
date.

Certifications.
Effective date.

“(2) AMOUNT OF FINANCIAL ASSISTANCE.—In determining the amount of special financial assistance in its application, an eligible multiemployer plan shall—

Termination
date.

“(A) use the interest rate used by the plan in its most recently completed certification of plan status before

January 1, 2021, provided that such interest rate may not exceed the interest rate limit; and

“(B) for other assumptions, use the assumptions that the plan used in its most recently completed certification of plan status before January 1, 2021, unless such assumptions are unreasonable.

Time period.

“(3) INTEREST RATE LIMIT.—The interest rate limit for purposes of this subsection is the rate specified in section 303(h)(2)(C)(iii) (disregarding modifications made under clause (iv) of such section) for the month in which the application for special financial assistance is filed by the eligible multiemployer plan or the 3 preceding months, with such specified rate increased by 200 basis points.

Determinations.
Disclosure.

“(4) CHANGES IN ASSUMPTIONS.—If a plan determines that use of one or more prior assumptions is unreasonable, the plan may propose in its application to change such assumptions, provided that the plan discloses such changes in its application and describes why such assumptions are no longer reasonable. The corporation shall accept such changed assumptions unless it determines the changes are unreasonable, individually or in the aggregate. The plan may not propose a change to the interest rate otherwise required under this subsection for eligibility or financial assistance amount.

“(f) APPLICATION DEADLINE.—Any application by a plan for special financial assistance under this section shall be submitted to the corporation (and, in the case of a plan to which section 432(k)(1)(D) of the Internal Revenue Code of 1986 applies, to the Secretary of the Treasury) no later than December 31, 2025, and any revised application for special financial assistance shall be submitted no later than December 31, 2026.

Notifications.
Deadlines.

“(g) DETERMINATIONS ON APPLICATIONS.—A plan’s application for special financial assistance under this section that is timely filed in accordance with the regulations or guidance issued under subsection (c) shall be deemed approved unless the corporation notifies the plan within 120 days of the filing of the application that the application is incomplete, any proposed change or assumption is unreasonable, or the plan is not eligible under this section. Such notice shall specify the reasons the plan is ineligible for special financial assistance, any proposed change or assumption is unreasonable, or information is needed to complete the application. If a plan is denied assistance under this subsection, the plan may submit a revised application under this section. Any revised application for special financial assistance submitted by a plan shall be deemed approved unless the corporation notifies the plan within 120 days of the filing of the revised application that the application is incomplete, any proposed change or assumption is unreasonable, or the plan is not eligible under this section. Special financial assistance issued by the corporation shall be effective on a date determined by the corporation, but no later than 1 year after a plan’s special financial assistance application is approved by the corporation or deemed approved. The corporation shall not pay any special financial assistance after September 30, 2030.

Revisions.

Effective date.
Determination.
Deadline.

Termination
date.

“(h) MANNER OF PAYMENT.—The payment made by the corporation to an eligible multiemployer plan under this section shall be made as a single, lump sum payment.

“(i) AMOUNT AND MANNER OF SPECIAL FINANCIAL ASSISTANCE.—

“(1) IN GENERAL.—Special financial assistance under this section shall be a transfer of funds in the amount necessary as demonstrated by the plan sponsor on the application for such special financial assistance, in accordance with the requirements described in subsection (j). Special financial assistance shall be paid to such plan as soon as practicable upon approval of the application by the corporation.

“(2) NO CAP.—Special financial assistance granted by the corporation under this section shall not be capped by the guarantee under 4022A.

“(j) DETERMINATION OF AMOUNT OF SPECIAL FINANCIAL ASSISTANCE.—

“(1) IN GENERAL.—The amount of financial assistance provided to a multiemployer plan eligible for financial assistance under this section shall be such amount required for the plan to pay all benefits due during the period beginning on the date of payment of the special financial assistance payment under this section and ending on the last day of the plan year ending in 2051, with no reduction in a participant’s or beneficiary’s accrued benefit as of the date of enactment of this section, except to the extent of a reduction in accordance with section 305(e)(8) adopted prior to the plan’s application for special financial assistance under this section, and taking into account the reinstatement of benefits required under subsection (k).

Time period.

“(2) PROJECTIONS.—The funding projections for purposes of this section shall be performed on a deterministic basis.

“(k) REINSTATEMENT OF SUSPENDED BENEFITS.—The Secretary, in coordination with the Secretary of the Treasury, shall ensure that an eligible multiemployer plan that receives special financial assistance under this section—

Coordination.
Effective dates.

“(1) reinstates any benefits that were suspended under section 305(e)(9) or section 4245(a) in accordance with guidance issued by the Secretary of the Treasury pursuant to section 432(k)(1)(B) of the Internal Revenue Code of 1986, effective as of the first month in which the effective date for the special financial assistance occurs, for participants and beneficiaries as of such month; and

“(2) provides payments equal to the amount of benefits previously suspended under section 305(e)(9) or 4245(a) to any participants or beneficiaries in pay status as of the effective date of the special financial assistance, payable, as determined by the eligible multiemployer plan—

Determination.
Deadlines.

“(A) as a lump sum within 3 months of such effective date; or

“(B) in equal monthly installments over a period of 5 years, commencing within 3 months of such effective date, with no adjustment for interest.

Time period.

“(l) RESTRICTIONS ON THE USE OF SPECIAL FINANCIAL ASSISTANCE.—Special financial assistance received under this section and any earnings thereon may be used by an eligible multiemployer plan to make benefit payments and pay plan expenses. Special financial assistance and any earnings on such assistance shall be segregated from other plan assets. Special financial assistance shall be invested by plans in investment-grade bonds or other investments as permitted by the corporation.

“(m) CONDITIONS ON PLANS RECEIVING SPECIAL FINANCIAL ASSISTANCE.—

Consultation.
Regulations.

“(1) IN GENERAL.—The corporation, in consultation with the Secretary of the Treasury, may impose, by regulation or other guidance, reasonable conditions on an eligible multiemployer plan that receives special financial assistance relating to increases in future accrual rates and any retroactive benefit improvements, allocation of plan assets, reductions in employer contribution rates, diversion of contributions to, and allocation of expenses to, other benefit plans, and withdrawal liability.

“(2) LIMITATION.—The corporation shall not impose conditions on an eligible multiemployer plan as a condition of, or following receipt of, special financial assistance under this section relating to—

“(A) any prospective reduction in plan benefits (including benefits that may be adjusted pursuant to section 305(e)(8));

“(B) plan governance, including selection of, removal of, and terms of contracts with, trustees, actuaries, investment managers, and other service providers; or

“(C) any funding rules relating to the plan receiving special financial assistance under this section.

Continuance.

“(3) PAYMENT OF PREMIUMS.—An eligible multiemployer plan receiving special financial assistance under this section shall continue to pay all premiums due under section 4007 for participants and beneficiaries in the plan.

“(4) ASSISTANCE NOT CONSIDERED FOR CERTAIN PURPOSES.—An eligible multiemployer plan that receives special financial assistance shall be deemed to be in critical status within the meaning of section 305(b)(2) until the last plan year ending in 2051.

“(5) INSOLVENT PLANS.—An eligible multiemployer plan receiving special financial assistance under this section that subsequently becomes insolvent will be subject to the current rules and guarantee for insolvent plans.

“(6) INELIGIBILITY FOR OTHER ASSISTANCE.—An eligible multiemployer plan that receives special financial assistance under this section is not eligible to apply for a new suspension of benefits under section 305(e)(9)(G).

Consultations.

“(n) COORDINATION WITH SECRETARY OF THE TREASURY.—In prescribing the application process for eligible multiemployer plans to receive special financial assistance under this section and reviewing applications of such plans, the corporation shall coordinate with the Secretary of the Treasury in the following manner:

Determinations.

“(1) In the case of a plan which has suspended benefits under section 305(e)(9)—

“(A) in determining whether to approve the application, the corporation shall consult with the Secretary of the Treasury regarding the plan’s proposed method of reinstating benefits, as described in the plan’s application and in accordance with guidance issued by the Secretary of the Treasury, and

“(B) the corporation shall consult with the Secretary of the Treasury regarding the amount of special financial assistance needed based on the projected funded status of the plan as of the last day of the plan year ending in 2051, whether the plan proposes to repay benefits over

5 years or as a lump sum, as required by subsection (k)(2), and any other relevant factors, as determined by the corporation in consultation with the Secretary of the Treasury, to ensure the amount of assistance is sufficient to meet such requirement and is sufficient to pay benefits as required in subsection (j)(1).

“(2) In the case of any plan which proposes in its application to change the assumptions used, as provided in subsection (e)(4), the corporation shall consult with the Secretary of the Treasury regarding such proposed change in assumptions.

“(3) If the corporation specifies in regulations or guidance that temporary priority consideration is available for plans which are insolvent within the meaning of section 418E of the Internal Revenue Code of 1986 or likely to become so insolvent or for plans which have suspended benefits under section 305(e)(9), or that availability is otherwise based on the funded status of the plan under section 305, as permitted by subsection (d), the corporation shall consult with the Secretary of the Treasury regarding any granting of priority consideration to such plans.”.

Regulations.

(c) PREMIUM RATE INCREASE.—Section 4006(a)(3) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1306(a)(3)) is amended—

(1) in subparagraph (A)—

(A) in clause (vi)—

(i) by inserting “, and before January 1, 2031” after “December 31, 2014,”; and

(ii) by striking “or” at the end;

(B) in clause (vii)—

(i) by moving the margin 2 ems to the left; and

(ii) in subclause (II), by striking the period and inserting “, or”; and

(C) by adding at the end the following:

“(viii) in the case of a multiemployer plan, for plan years beginning after December 31, 2030, \$52 for each individual who is a participant in such plan during the applicable plan year.”; and

Effective date.

(2) by adding at the end the following:

“(N) For each plan year beginning in a calendar year after 2031, there shall be substituted for the dollar amount specified in clause (viii) of subparagraph (A) an amount equal to the greater of—

Effective date.

“(i) the product derived by multiplying such dollar amount by the ratio of—

“(I) the national average wage index (as defined in section 209(k)(1) of the Social Security Act) for the first of the 2 calendar years preceding the calendar year in which such plan year begins, to

“(II) the national average wage index (as so defined) for 2029; and

“(ii) such dollar amount for plan years beginning in the preceding calendar year.

If the amount determined under this subparagraph is not a multiple of \$1, such product shall be rounded to the nearest multiple of \$1.”.

(d) AMENDMENTS TO INTERNAL REVENUE CODE OF 1986.—

26 USC 432.	(1) IN GENERAL.—Section 432(a) of the Internal Revenue Code of 1986 is amended—
Requirements. Applicability.	(A) by striking “and” at the end of paragraph (2)(B), (B) by striking the period at the end of paragraph (3)(B) and inserting “, and”, and (C) by adding at the end the following new paragraph: “(4) if the plan is an eligible multiemployer plan which is applying for or receiving special financial assistance under section 4262 of the Employee Retirement Income Security Act of 1974, the requirements of subsection (k) shall apply to the plan.”.
Time period.	(2) PLANS RECEIVING SPECIAL FINANCIAL ASSISTANCE TO BE IN CRITICAL STATUS.—Section 432(b) of the Internal Revenue Code of 1986 is amended by adding at the end the following new paragraph: “(7) PLANS RECEIVING SPECIAL FINANCIAL ASSISTANCE.—If an eligible multiemployer plan receiving special financial assistance under section 4262 of the Employee Retirement Income Security Act of 1974 meets the requirements of subsection (k)(2), notwithstanding the preceding paragraphs of this subsection, the plan shall be deemed to be in critical status for plan years beginning with the plan year in which the effective date for such assistance occurs and ending with the last plan year ending in 2051.”.
Requirements.	(3) RULES RELATING TO ELIGIBLE MULTIEMPLOYER PLANS.—Section 432 of the Internal Revenue Code of 1986 is amended by adding at the end the following new subsection: “(k) RULES RELATING TO ELIGIBLE MULTIEMPLOYER PLANS.— “(1) PLANS APPLYING FOR SPECIAL FINANCIAL ASSISTANCE.—In the case of an eligible multiemployer plan which applies for special financial assistance under section 4262 of such Act— “(A) IN GENERAL.—Such application shall be submitted in accordance with the requirements of such section, including any guidance issued thereunder by the Pension Benefit Guaranty Corporation. “(B) REINSTATEMENT OF SUSPENDED BENEFITS.—In the case of a plan for which a suspension of benefits has been approved under subsection (e)(9), the application shall describe the manner in which suspended benefits will be reinstated in accordance with paragraph (2)(A) and guidance issued by the Secretary if the plan receives special financial assistance.
Determination. Termination date.	“(C) AMOUNT OF FINANCIAL ASSISTANCE.— “(i) IN GENERAL.—In determining the amount of special financial assistance to be specified in its application, an eligible multiemployer plan shall— “(I) use the interest rate used by the plan in its most recently completed certification of plan status before January 1, 2021, provided that such interest rate does not exceed the interest rate limit, and “(II) for other assumptions, use the assumptions that the plan used in its most recently completed certification of plan status before January 1, 2021, unless such assumptions are unreasonable.

“(ii) INTEREST RATE LIMIT.—For purposes of clause (i), the interest rate limit is the rate specified in section 430(h)(2)(C)(iii) (disregarding modifications made under clause (iv) of such section) for the month in which the application for special financial assistance is filed by the eligible multiemployer plan or the 3 preceding months, with such specified rate increased by 200 basis points.

Time period.

“(iii) CHANGES IN ASSUMPTIONS.—If a plan determines that use of one or more prior assumptions is unreasonable, the plan may propose in its application to change such assumptions, provided that the plan discloses such changes in its application and describes why such assumptions are no longer reasonable. The plan may not propose a change to the interest rate otherwise required under this subsection for eligibility or financial assistance amount.

Determination.
Disclosure.

“(D) PLANS APPLYING FOR PRIORITY CONSIDERATION.—

In the case of a plan applying for special financial assistance under rules providing for temporary priority consideration, as provided in paragraph (4)(C), such plan’s application shall be submitted to the Secretary in addition to the Pension Benefit Guaranty Corporation.

“(2) PLANS RECEIVING SPECIAL FINANCIAL ASSISTANCE.—In the case of an eligible multiemployer plan receiving special financial assistance under section 4262 of the Employee Retirement Income Security Act of 1974—

“(A) REINSTATEMENT OF SUSPENDED BENEFITS.—The plan shall—

Effective dates.

“(i) reinstate any benefits that were suspended under subsection (e)(9) or section 4245(a) of the Employee Retirement Income Security Act of 1974, effective as of the first month in which the effective date for the special financial assistance occurs, for participants and beneficiaries as of such month, and

“(ii) provide payments equal to the amount of benefits previously suspended to any participants or beneficiaries in pay status as of the effective date of the special financial assistance, payable, as determined by the plan—

Determination.
Deadlines.

“(I) as a lump sum within 3 months of such effective date; or

“(II) in equal monthly installments over a period of 5 years, commencing within 3 months of such effective date, with no adjustment for interest.

Time period.

“(B) RESTRICTIONS ON THE USE OF SPECIAL FINANCIAL ASSISTANCE.—Special financial assistance received by the plan may be used to make benefit payments and pay plan expenses. Such assistance shall be segregated from other plan assets, and shall be invested by the plan in investment-grade bonds or other investments as permitted by regulations or other guidance issued by the Pension Benefit Guaranty Corporation.

“(C) CONDITIONS ON PLANS RECEIVING SPECIAL FINANCIAL ASSISTANCE.—

Consultation.
Regulations.

“(i) IN GENERAL.—The Pension Benefit Guaranty Corporation, in consultation with the Secretary, may impose, by regulation or other guidance, reasonable conditions on an eligible multiemployer plan receiving special financial assistance relating to increases in future accrual rates and any retroactive benefit improvements, allocation of plan assets, reductions in employer contribution rates, diversion of contributions and allocation of expenses to other benefit plans, and withdrawal liability.

“(ii) LIMITATION.—The Pension Benefit Guaranty Corporation shall not impose conditions on an eligible multiemployer plan as a condition of, or following receipt of, special financial assistance relating to—

“(I) any prospective reduction in plan benefits (including benefits that may be adjusted pursuant to subsection (e)(8)),

“(II) plan governance, including selection of, removal of, and terms of contracts with, trustees, actuaries, investment managers, and other service providers, or

“(III) any funding rules relating to the plan.

“(D) ASSISTANCE DISREGARDED FOR CERTAIN PURPOSES.—

“(i) FUNDING STANDARDS.—Special financial assistance received by the plan shall not be taken into account for determining contributions required under section 431.

Applicability.

“(ii) INSOLVENT PLANS.—If the plan becomes insolvent within the meaning of section 418E after receiving special financial assistance, the plan shall be subject to all rules applicable to insolvent plans.

“(E) INELIGIBILITY FOR SUSPENSION OF BENEFITS.—The plan shall not be eligible to apply for a new suspension of benefits under subsection (e)(9)(G).

“(3) ELIGIBLE MULTIEMPLOYER PLAN.—

Time periods.

“(A) IN GENERAL.—For purposes of this section, a multiemployer plan is an eligible multiemployer plan if—

“(i) the plan is in critical and declining status in any plan year beginning in 2020 through 2022,

“(ii) a suspension of benefits has been approved with respect to the plan under subsection (e)(9) as of the date of the enactment of this subsection;

Certification.

“(iii) in any plan year beginning in 2020 through 2022, the plan is certified by the plan actuary to be in critical status, has a modified funded percentage of less than 40 percent, and has a ratio of active to inactive participants which is less than 2 to 3, or

Effective date.

“(iv) the plan became insolvent within the meaning of section 418E after December 16, 2014, and has remained so insolvent and has not been terminated as of the date of enactment of this subsection.

Definition.

“(B) MODIFIED FUNDED PERCENTAGE.—For purposes of subparagraph (A)(iii), the term ‘modified funded percentage’ means the percentage equal to a fraction the numerator of which is current value of plan assets (as defined in

section 3(26) of the Employee Retirement Income Security Act of 1974) and the denominator of which is current liabilities (as defined in section 431(c)(6)(D)).

“(4) COORDINATION WITH PENSION BENEFIT GUARANTY CORPORATION.—In prescribing the application process for eligible multiemployer plans to receive special financial assistance under section 4262 of the Employee Retirement Income Security Act of 1974 and reviewing applications of such plans, the Pension Benefit Guaranty Corporation shall coordinate with the Secretary in the following manner:

Consultations.

“(A) In the case of a plan which has suspended benefits under subsection (e)(9)—

Determinations.

“(i) in determining whether to approve the application, such corporation shall consult with the Secretary regarding the plan’s proposed method of reinstating benefits, as described in the plan’s application and in accordance with guidance issued by the Secretary, and

“(ii) such corporation shall consult with the Secretary regarding the amount of special financial assistance needed based on the projected funded status of the plan as of the last day of the plan year ending in 2051, whether the plan proposes to repay benefits over 5 years or as a lump sum, as required by paragraph (2)(A)(ii), and any other relevant factors, as determined by such corporation in consultation with the Secretary, to ensure the amount of assistance is sufficient to meet such requirement and is sufficient to pay benefits as required in section 4262(j)(1) of such Act.

Time period.

“(B) In the case of any plan which proposes in its application to change the assumptions used, as provided in paragraph (1)(C)(iii), such corporation shall consult with the Secretary regarding such proposed change in assumptions.

“(C) If such corporation specifies in regulations or guidance that temporary priority consideration is available for plans which are insolvent within the meaning of section 418E or likely to become so insolvent or for plans which have suspended benefits under subsection (e)(9), or that availability is otherwise based on the funded status of the plan under this section, as permitted by section 4262(d) of such Act, such corporation shall consult with the Secretary regarding any granting of priority consideration to such plans.”

Regulations.

SEC. 9705. EXTENDED AMORTIZATION FOR SINGLE EMPLOYER PLANS.

Effective dates.

(a) 15-YEAR AMORTIZATION UNDER THE INTERNAL REVENUE CODE OF 1986.—Section 430(c) of the Internal Revenue Code of 1986 is amended by adding at the end the following new paragraph:

26 USC 430.

“(8) 15-YEAR AMORTIZATION.—With respect to plan years beginning after December 31, 2021 (or, at the election of the plan sponsor, plan years beginning after December 31, 2018, December 31, 2019, or December 31, 2020)—

“(A) the shortfall amortization bases for all plan years preceding the first plan year beginning after December 31, 2021 (or after whichever earlier date is elected pursuant

to this paragraph), and all shortfall amortization installments determined with respect to such bases, shall be reduced to zero, and

“(B) subparagraphs (A) and (B) of paragraph (2) shall each be applied by substituting ‘15-plan-year period’ for ‘7-plan-year period’.”.

(b) 15-YEAR AMORTIZATION UNDER THE EMPLOYEE RETIREMENT INCOME SECURITY ACT OF 1974.—Section 303(c) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1083(c)) is amended by adding at the end the following new paragraph:

“(8) 15-YEAR AMORTIZATION.—With respect to plan years beginning after December 31, 2021 (or, at the election of the plan sponsor, plan years beginning after December 31, 2018, December 31, 2019, or December 31, 2020)—

“(A) the shortfall amortization bases for all plan years preceding the first plan year beginning after December 31, 2021 (or after whichever earlier date is elected pursuant to this paragraph), and all shortfall amortization installments determined with respect to such bases, shall be reduced to zero, and

“(B) subparagraphs (A) and (B) of paragraph (2) shall each be applied by substituting ‘15-plan-year period’ for ‘7-plan-year period’.”.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to plan years beginning after December 31, 2018.

SEC. 9706. EXTENSION OF PENSION FUNDING STABILIZATION PERCENTAGES FOR SINGLE EMPLOYER PLANS.

(a) AMENDMENT TO INTERNAL REVENUE CODE OF 1986.—

(1) IN GENERAL.—The table contained in subclause (II) of section 430(h)(2)(C)(iv) of the Internal Revenue Code of 1986 is amended to read as follows:

“If the calendar year is:	The applicable minimum percentage is:	The applicable maximum percentage is:
Any year in the period starting in 2012 and ending in 2019	90%	110%
Any year in the period starting in 2020 and ending in 2025	95%	105%
2026	90%	110%
2027	85%	115%
2028	80%	120%
2029	75%	125%
After 2029	70%	130%.”.

(2) FLOOR ON 25-YEAR AVERAGES.—Subclause (I) of section 430(h)(2)(C)(iv) of such Code is amended by adding at the end the following: “Notwithstanding anything in this subclause, if the average of the first, second, or third segment rate for any 25-year period is less than 5 percent, such average shall be deemed to be 5 percent.”.

(b) AMENDMENTS TO EMPLOYEE RETIREMENT INCOME SECURITY ACT OF 1974.—

(1) IN GENERAL.—The table contained in subclause (II) of section 303(h)(2)(C)(iv) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1083(h)(2)(C)(iv)(II)) is amended to read as follows:

“If the calendar year is:	The applicable minimum percentage is:	The applicable maximum percentage is:
Any year in the period starting in 2012 and ending in 2019	90%	110%
Any year in the period starting in 2020 and ending in 2025	95%	105%
2026	90%	110%
2027	85%	115%
2028	80%	120%
2029	75%	125%
After 2029	70%	130%.”.

(2) FLOOR ON 25-YEAR AVERAGES.—Subclause (I) of section 303(h)(2)(C)(iv) of such Act (29 U.S.C. 1083(h)(2)(C)(iv)(I)) is amended by adding at the end the following: “Notwithstanding anything in this subclause, if the average of the first, second, or third segment rate for any 25-year period is less than 5 percent, such average shall be deemed to be 5 percent.”.

(3) CONFORMING AMENDMENTS.—

(A) IN GENERAL.—Section 101(f)(2)(D) of such Act (29 U.S.C. 1021(f)(2)(D)) is amended—

(i) in clause (i) by striking “and the Bipartisan Budget Act of 2015” both places it appears and inserting “, the Bipartisan Budget Act of 2015, and the American Rescue Plan Act of 2021”, and

(ii) in clause (ii) by striking “2023” and inserting “2029”.

(B) STATEMENTS.—The Secretary of Labor shall modify the statements required under subclauses (I) and (II) of section 101(f)(2)(D)(i) of such Act to conform to the amendments made by this section.

29 USC 1021 note.

(c) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendments made by this section shall apply with respect to plan years beginning after December 31, 2019.

26 USC 430 note.

(2) ELECTION NOT TO APPLY.—A plan sponsor may elect not to have the amendments made by this section apply to any plan year beginning before January 1, 2022, either (as specified in the election)—

(A) for all purposes for which such amendments apply, or

(B) solely for purposes of determining the adjusted funding target attainment percentage under sections 436 of the Internal Revenue Code of 1986 and 206(g) of the

Determination.

Employee Retirement Income Security Act of 1974 for such plan year.

A plan shall not be treated as failing to meet the requirements of sections 204(g) of such Act and 411(d)(6) of such Code solely by reason of an election under this paragraph.

Definitions.	SEC. 9707. MODIFICATION OF SPECIAL RULES FOR MINIMUM FUNDING STANDARDS FOR COMMUNITY NEWSPAPER PLANS.
29 USC 430.	(a) AMENDMENT TO INTERNAL REVENUE CODE OF 1986.—Subsection (m) of section 430 of the Internal Revenue Code of 1986 is amended to read as follows:
Effective date.	“(m) SPECIAL RULES FOR COMMUNITY NEWSPAPER PLANS.— “(1) IN GENERAL.—An eligible newspaper plan sponsor of a plan under which no participant has had the participant’s accrued benefit increased (whether because of service or compensation) after April 2, 2019, may elect to have the alternative standards described in paragraph (4) apply to such plan. “(2) ELIGIBLE NEWSPAPER PLAN SPONSOR.—The term ‘eligible newspaper plan sponsor’ means the plan sponsor of— “(A) any community newspaper plan, or “(B) any other plan sponsored, as of April 2, 2019, by a member of the same controlled group of a plan sponsor of a community newspaper plan if such member is in the trade or business of publishing 1 or more newspapers. “(3) ELECTION.—An election under paragraph (1) shall be made at such time and in such manner as prescribed by the Secretary. Such election, once made with respect to a plan year, shall apply to all subsequent plan years unless revoked with the consent of the Secretary. “(4) ALTERNATIVE MINIMUM FUNDING STANDARDS.—The alternative standards described in this paragraph are the following: “(A) INTEREST RATES.— “(i) IN GENERAL.—Notwithstanding subsection (h)(2)(C) and except as provided in clause (ii), the first, second, and third segment rates in effect for any month for purposes of this section shall be 8 percent. “(ii) NEW BENEFIT ACCRUALS.—Notwithstanding subsection (h)(2), for purposes of determining the funding target and normal cost of a plan for any plan year, the present value of any benefits accrued or earned under the plan for a plan year with respect to which an election under paragraph (1) is in effect shall be determined on the basis of the United States Treasury obligation yield curve for the day that is the valuation date of such plan for such plan year. “(iii) UNITED STATES TREASURY OBLIGATION YIELD CURVE.—For purposes of this subsection, the term ‘United States Treasury obligation yield curve’ means, with respect to any day, a yield curve which shall be prescribed by the Secretary for such day on interest-bearing obligations of the United States. “(B) SHORTFALL AMORTIZATION BASE.— “(i) PREVIOUS SHORTFALL AMORTIZATION BASES.—The shortfall amortization bases determined under subsection (c)(3) for all plan years preceding the first plan year to which the election under paragraph (1)
Effective date.	
Applicability.	
Determination.	
Applicability.	

applies (and all shortfall amortization installments determined with respect to such bases) shall be reduced to zero under rules similar to the rules of subsection (c)(6).

“(ii) NEW SHORTFALL AMORTIZATION BASE.—Notwithstanding subsection (c)(3), the shortfall amortization base for the first plan year to which the election under paragraph (1) applies shall be the funding shortfall of such plan for such plan year (determined using the interest rates as modified under subparagraph (A)).

“(C) DETERMINATION OF SHORTFALL AMORTIZATION INSTALLMENTS.—

“(i) 30-YEAR PERIOD.—Subparagraphs (A) and (B) of subsection (c)(2) shall be applied by substituting ‘30-plan-year’ for ‘7-plan-year’ each place it appears.

“(ii) NO SPECIAL ELECTION.—The election under subparagraph (D) of subsection (c)(2) shall not apply to any plan year to which the election under paragraph (1) applies.

“(D) EXEMPTION FROM AT-RISK TREATMENT.—Subsection (i) shall not apply.

“(5) COMMUNITY NEWSPAPER PLAN.—For purposes of this subsection—

“(A) IN GENERAL.—The term ‘community newspaper plan’ means any plan to which this section applies maintained as of December 31, 2018, by an employer which—

Effective date.
Time periods.

“(i) maintains the plan on behalf of participants and beneficiaries with respect to employment in the trade or business of publishing 1 or more newspapers which were published by the employer at any time during the 11-year period ending on December 20, 2019,

“(ii)(I) is not a company the stock of which is publicly traded (on a stock exchange or in an over-the-counter market), and is not controlled, directly or indirectly, by such a company, or

“(II) is controlled, directly or indirectly, during the entire 30-year period ending on December 20, 2019, by individuals who are members of the same family, and does not publish or distribute a daily newspaper that is carrier-distributed in printed form in more than 5 States, and

“(iii) is controlled, directly or indirectly—

“(I) by 1 or more persons residing primarily in a State in which the community newspaper has been published on newsprint or carrier-distributed,

“(II) during the entire 30-year period ending on December 20, 2019, by individuals who are members of the same family,

“(III) by 1 or more trusts, the sole trustees of which are persons described in subclause (I) or (II), or

“(IV) by a combination of persons described in subclause (I), (II), or (III).

	“(B) NEWSPAPER.—The term ‘newspaper’ does not include any newspaper (determined without regard to this subparagraph) to which any of the following apply: “(i) Is not in general circulation. “(ii) Is published (on newsprint or electronically) less frequently than 3 times per week. “(iii) Has not ever been regularly published on newsprint. “(iv) Does not have a bona fide list of paid subscribers. “(C) CONTROL.—A person shall be treated as controlled by another person if such other person possesses, directly or indirectly, the power to direct or cause the direction and management of such person (including the power to elect a majority of the members of the board of directors of such person) through the ownership of voting securities.
Time period.	
Effective date.	“(6) CONTROLLED GROUP.—For purposes of this subsection, the term ‘controlled group’ means all persons treated as a single employer under subsection (b), (c), (m), or (o) of section 414 as of December 20, 2019.” (b) AMENDMENT TO EMPLOYEE RETIREMENT INCOME SECURITY ACT OF 1974.—Subsection (m) of section 303 of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1083(m)) is amended to read as follows: “(m) SPECIAL RULES FOR COMMUNITY NEWSPAPER PLANS.— “(1) IN GENERAL.—An eligible newspaper plan sponsor of a plan under which no participant has had the participant’s accrued benefit increased (whether because of service or compensation) after April 2, 2019, may elect to have the alternative standards described in paragraph (4) apply to such plan. “(2) ELIGIBLE NEWSPAPER PLAN SPONSOR.—The term ‘eligible newspaper plan sponsor’ means the plan sponsor of— “(A) any community newspaper plan, or “(B) any other plan sponsored, as of April 2, 2019, by a member of the same controlled group of a plan sponsor of a community newspaper plan if such member is in the trade or business of publishing 1 or more newspapers. “(3) ELECTION.—An election under paragraph (1) shall be made at such time and in such manner as prescribed by the Secretary of the Treasury. Such election, once made with respect to a plan year, shall apply to all subsequent plan years unless revoked with the consent of the Secretary of the Treasury. “(4) ALTERNATIVE MINIMUM FUNDING STANDARDS.—The alternative standards described in this paragraph are the following: “(A) INTEREST RATES.— “(i) IN GENERAL.—Notwithstanding subsection (h)(2)(C) and except as provided in clause (ii), the first, second, and third segment rates in effect for any month for purposes of this section shall be 8 percent. “(ii) NEW BENEFIT ACCRUALS.—Notwithstanding subsection (h)(2), for purposes of determining the funding target and normal cost of a plan for any plan year, the present value of any benefits accrued or earned under the plan for a plan year with respect to which an election under paragraph (1) is in effect
Effective date.	
Applicability.	
Effective date.	
Applicability.	
Determination.	

shall be determined on the basis of the United States Treasury obligation yield curve for the day that is the valuation date of such plan for such plan year.

“(iii) UNITED STATES TREASURY OBLIGATION YIELD CURVE.—For purposes of this subsection, the term ‘United States Treasury obligation yield curve’ means, with respect to any day, a yield curve which shall be prescribed by the Secretary of the Treasury for such day on interest-bearing obligations of the United States.

“(B) SHORTFALL AMORTIZATION BASE.—

Applicability.

“(i) PREVIOUS SHORTFALL AMORTIZATION BASES.—The shortfall amortization bases determined under subsection (c)(3) for all plan years preceding the first plan year to which the election under paragraph (1) applies (and all shortfall amortization installments determined with respect to such bases) shall be reduced to zero under rules similar to the rules of subsection (c)(6).

“(ii) NEW SHORTFALL AMORTIZATION BASE.—Notwithstanding subsection (c)(3), the shortfall amortization base for the first plan year to which the election under paragraph (1) applies shall be the funding shortfall of such plan for such plan year (determined using the interest rates as modified under subparagraph (A)).

“(C) DETERMINATION OF SHORTFALL AMORTIZATION INSTALLMENTS.—

“(i) 30-YEAR PERIOD.—Subparagraphs (A) and (B) of subsection (c)(2) shall be applied by substituting ‘30-plan-year’ for ‘7-plan-year’ each place it appears.

Applicability.

“(ii) NO SPECIAL ELECTION.—The election under subparagraph (D) of subsection (c)(2) shall not apply to any plan year to which the election under paragraph (1) applies.

“(D) EXEMPTION FROM AT-RISK TREATMENT.—Subsection (i) shall not apply.

“(5) COMMUNITY NEWSPAPER PLAN.—For purposes of this subsection—

“(A) IN GENERAL.—The term ‘community newspaper plan’ means a plan to which this section applies maintained as of December 31, 2018, by an employer which—

Effective date.
Time periods.

“(i) maintains the plan on behalf of participants and beneficiaries with respect to employment in the trade or business of publishing 1 or more newspapers which were published by the employer at any time during the 11-year period ending on December 20, 2019,

“(ii)(I) is not a company the stock of which is publicly traded (on a stock exchange or in an over-the-counter market), and is not controlled, directly or indirectly, by such a company, or

“(II) is controlled, directly, or indirectly, during the entire 30-year period ending on December 20, 2019, by individuals who are members of the same family, and does not publish or distribute a daily newspaper that is carrier-distributed in printed form in more than 5 States, and

“(iii) is controlled, directly, or indirectly—

“(I) by 1 or more persons residing primarily in a State in which the community newspaper has been published on newsprint or carrier-distributed,

“(II) during the entire 30-year period ending on December 20, 2019, by individuals who are members of the same family,

“(III) by 1 or more trusts, the sole trustees of which are persons described in subclause (I) or (II), or

“(IV) by a combination of persons described in subclause (I), (II), or (III).

“(B) NEWSPAPER.—The term ‘newspaper’ does not include any newspaper (determined without regard to this subparagraph) to which any of the following apply:

“(i) Is not in general circulation.

Time period.

“(ii) Is published (on newsprint or electronically) less frequently than 3 times per week.

“(iii) Has not ever been regularly published on newsprint.

“(iv) Does not have a bona fide list of paid subscribers.

“(C) CONTROL.—A person shall be treated as controlled by another person if such other person possesses, directly or indirectly, the power to direct or cause the direction and management of such person (including the power to elect a majority of the members of the board of directors of such person) through the ownership of voting securities.

Effective date.

“(6) CONTROLLED GROUP.—For purposes of this subsection, the term ‘controlled group’ means all persons treated as a single employer under subsection (b), (c), (m), or (o) of section 414 of the Internal Revenue Code of 1986 as of December 20, 2019.

“(7) EFFECT ON PREMIUM RATE CALCULATION.—In the case of a plan for which an election is made to apply the alternative standards described in paragraph (3), the additional premium under section 4006(a)(3)(E) shall be determined as if such election had not been made.”.

26 USC 430 note.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to plan years ending after December 31, 2017.

SEC. 9708. EXPANSION OF LIMITATION ON EXCESSIVE EMPLOYEE REMUNERATION.

Paragraph (3) of section 162(m) of the Internal Revenue Code of 1986 is amended—

26 USC 162.

(1) by redesignating subparagraph (C) as subparagraph (D),

(2) by striking “or” at the end of subparagraph (B),

(3) by inserting after subparagraph (B) the following new subparagraph:

“(C) in the case of taxable years beginning after December 31, 2026, such employee is among the 5 highest compensated employees for the taxable year other than any individual described in subparagraph (A) or (B), or”, and

(4) by striking “employee” in subparagraph (D), as so redesignated, and inserting “employee described in subparagraph (A) or (B)”.

Subtitle I—Child Care for Workers

SEC. 9801. CHILD CARE ASSISTANCE.

(a) APPROPRIATION.—

(1) IN GENERAL.—Section 418(a)(3) of the Social Security Act (42 U.S.C. 618(a)(3)) is amended to read as follows:

“(3) APPROPRIATION.—For grants under this section, there are appropriated \$3,550,000,000 for each fiscal year, of which—

“(A) \$3,375,000,000 shall be available for grants to States;

“(B) \$100,000,000 shall be available for grants to Indian tribes and tribal organizations; and

“(C) \$75,000,000 shall be available for grants to territories.”.

(2) CONFORMING AMENDMENT.—Section 418(a)(2)(A) of such Act (42 U.S.C. 618(a)(2)(A)) is amended by striking “paragraph (3), and remaining after the reservation described in paragraph (4) and” and inserting “paragraph (3)(A).”.

(b) MODIFICATION OF STATE MATCH REQUIREMENT FOR FUNDING INCREASES IN FISCAL YEARS 2021 AND 2022.—With respect to the amounts made available by section 418(a)(3) of the Social Security Act for each of fiscal years 2021 and 2022, section 418(a)(2)(C) of such Act shall be applied and administered with respect to any State that is entitled to receive the entire amount that would be allotted to the State under section 418(a)(2)(B) of such Act for the fiscal year in the manner authorized for fiscal year 2020, as if the Federal medical assistance percentage for the State for the fiscal year were 100 percent.

Applicability.
26 USC 618 note.

(c) FUNDING FOR THE TERRITORIES.—Section 418(a)(4) of such Act (42 U.S.C. 618(a)(4)) is amended to read as follows:

“(4) TERRITORIES.—

“(A) GRANTS.—The Secretary shall use the amounts made available by paragraph (3)(C) to make grants to the territories under this paragraph.

“(B) ALLOTMENTS.—The amount described in subparagraph (A) shall be allotted among the territories in proportion to their respective needs.

“(C) REDISTRIBUTION.—The 1st sentence of clause (i) and clause (ii) of paragraph (2)(D) shall apply with respect to the amounts allotted to the territories under this paragraph, except that the 2nd sentence of paragraph (2)(D) shall not apply and the amounts allotted to the territories that are available for redistribution for a fiscal year shall be redistributed to each territory that applies for the additional amounts, to the extent that the Secretary determines that the territory will be able to use the additional amounts to provide child care assistance, in an amount that bears the same ratio to the amount so available for redistribution as the amount allotted to the territory for the fiscal year bears to the total amount allotted to all the territories receiving redistributed funds under this paragraph for the fiscal year.

Applicability.
Determination.

Definition. “(D) INAPPLICABILITY OF PAYMENT LIMITATION.— Section 1108(a) shall not apply with respect to any amount paid under this paragraph.

“(E) TERRITORY.—In this paragraph, the term ‘territory’ means the Commonwealth of Puerto Rico, the United States Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands.”.

Subtitle J—Medicaid

SEC. 9811. MANDATORY COVERAGE OF COVID-19 VACCINES AND ADMINISTRATION AND TREATMENT UNDER MEDICAID.

Time periods.

(a) COVERAGE.—

(1) IN GENERAL.—Section 1905(a)(4) of the Social Security Act (42 U.S.C. 1396d(a)(4)) is amended by striking the semicolon at the end and inserting “; and (E) during the period beginning on the date of the enactment of the American Rescue Plan Act of 2021 and ending on the last day of the first calendar quarter that begins one year after the last day of the emergency period described in section 1135(g)(1)(B), a COVID-19 vaccine and administration of the vaccine; and (F) during the period beginning on the date of the enactment of the American Rescue Plan Act of 2021 and ending on the last day of the first calendar quarter that begins one year after the last day of the emergency period described in section 1135(g)(1)(B), testing and treatments for COVID-19, including specialized equipment and therapies (including preventive therapies), and, without regard to the requirements of section 1902(a)(10)(B) (relating to comparability), in the case of an individual who is diagnosed with or presumed to have COVID-19, during the period such individual has (or is presumed to have) COVID-19, the treatment of a condition that may seriously complicate the treatment of COVID-19, if otherwise covered under the State plan (or waiver of such plan);”.

(2) MAKING COVID-19 VACCINE AVAILABLE TO ADDITIONAL ELIGIBILITY GROUPS AND TREATMENT AVAILABLE TO CERTAIN UNINSURED.—Section 1902(a)(10) of such Act (42 U.S.C. 1396a(a)(10)) is amended in the matter following subparagraph (G)—

(A) by striking “and to other conditions which may complicate pregnancy, (VIII)” and inserting “; medical assistance for services related to other conditions which may complicate pregnancy, and medical assistance for vaccines described in section 1905(a)(4)(E) and the administration of such vaccines during the period described in such section, (VIII)”;

(B) by inserting “and medical assistance for vaccines described in section 1905(a)(4)(E) and the administration of such vaccines during the period described in such section” after “(described in subsection (z)(2))”;

(C) by inserting “and medical assistance for vaccines described in section 1905(a)(4)(E) and the administration of such vaccines during the period described in such section” after “described in subsection (k)(1)”;

(D) by inserting “and medical assistance for vaccines described in section 1905(a)(4)(E) and the administration

of such vaccines during the period described in such section” after “family planning setting”;

(E) by striking “and any visit described in section 1916(a)(2)(G) that is furnished during any such portion” and inserting “, any service described in section 1916(a)(2)(G) that is furnished during any such portion, any vaccine described in section 1905(a)(4)(E) (and the administration of such vaccine) that is furnished during any such portion, and testing and treatments for COVID-19, including specialized equipment and therapies (including preventive therapies), and, in the case of an individual who is diagnosed with or presumed to have COVID-19, during the period such individual has (or is presumed to have) COVID-19, the treatment of a condition that may seriously complicate the treatment of COVID-19, if otherwise covered under the State plan (or waiver of such plan)”;

(F) by striking the semicolon at the end and inserting “, and (XIX) medical assistance shall be made available during the period described in section 1905(a)(4)(E) for vaccines described in such section and the administration of such vaccines, for any individual who is eligible for and receiving medical assistance under the State plan or under a waiver of such plan (other than an individual who is eligible for medical assistance consisting only of payment of premiums pursuant to subparagraph (E) or (F) or section 1933), notwithstanding any provision of this title or waiver under section 1115 impacting such individual’s eligibility for medical assistance under such plan or waiver to coverage for a limited type of benefits and services that would not otherwise include coverage of a COVID-19 vaccine and its administration;”.

(3) PROHIBITION OF COST SHARING.—

(A) IN GENERAL.—Subsections (a)(2) and (b)(2) of section 1916 of the Social Security Act (42 U.S.C. 1396o) are each amended—

(i) in subparagraph (F), by striking “or” at the end;

(ii) in subparagraph (G), by striking “; and”; and

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

“(H) during the period beginning on the date of the enactment of this subparagraph and ending on the last day of the first calendar quarter that begins one year after the last day of the emergency period described in section 1135(g)(1)(B), a COVID-19 vaccine and the administration of such vaccine (for any individual eligible for medical assistance for such vaccine (and administration)); or

“(I) during the period beginning on the date of the enactment of this subparagraph and ending on the last day of the first calendar quarter that begins one year after the last day of the emergency period described in section 1135(g)(1)(B), testing and treatments for COVID-19, including specialized equipment and therapies (including preventive therapies), and, in the case of an individual who is diagnosed with or presumed to have COVID-19, during the period during which such individual

has (or is presumed to have) COVID-19, the treatment of a condition that may seriously complicate the treatment of COVID-19, if otherwise covered under the State plan (or waiver of such plan); and”.

(B) APPLICATION TO ALTERNATIVE COST SHARING.—Section 1916A(b)(3)(B) of the Social Security Act (42 U.S.C. 1396o-1(b)(3)(B)) is amended—

(i) in clause (xi), by striking “any visit” and inserting “any service”; and

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

“(xii) During the period beginning on the date of the enactment of this clause and ending on the last day of the first calendar quarter that begins one year after the last day of the emergency period described in section 1135(g)(1)(B), a COVID-19 vaccine and the administration of such vaccine (for any individual eligible for medical assistance for such vaccine (and administration)).

“(xiii) During the period beginning on the date of the enactment of this clause and ending on the last day of the first calendar quarter that begins one year after the last day of the emergency period described in section 1135(g)(1)(B), testing and treatments for COVID-19, including specialized equipment and therapies (including preventive therapies), and, in the case of an individual who is diagnosed with or presumed to have COVID-19, during the period during which such individual has (or is presumed to have) COVID-19, the treatment of a condition that may seriously complicate the treatment of COVID-19, if otherwise covered under the State plan (or waiver of such plan).”.

(4) INCLUSION IN THE MEDICAID DRUG REBATE PROGRAM OF COVERED OUTPATIENT DRUGS USED FOR COVID-19 TREATMENT.—

(A) IN GENERAL.—The requirements of section 1927 of the Social Security Act (42 U.S.C. 1396r-8) shall apply to any drug or biological product to which subparagraph (F) of section 1905(a)(4) of such Act, as added by paragraph (1), applies or to which the subclause (XVIII) in the matter following subparagraph (G) of section 1902(a)(10) of such Act, as added by paragraph (2), applies that is—

(i) furnished as medical assistance in accordance with section 1902(a)(10)(A) of such Act and such subparagraph (F) or subclause (XVIII) and section 1902(a)(10)(A) of such Act, as applicable, for the treatment, or prevention, of COVID-19, as described in such subparagraph or subclause, respectively; and

(ii) a covered outpatient drug (as defined in section 1927(k) of such Act, except that, in applying paragraph (2)(A) of such section to a drug to which such subparagraph (F) or such subclause (XVIII) applies, such drug shall be deemed a prescribed drug for purposes of section 1905(a)(12) of such Act).

(B) CONFORMING AMENDMENT.—Section 1927(d)(7) of the Social Security Act (42 U.S.C. 1396r-8(d)(7)) is

Applicability.
42 USC 1396r-8
note.

amended by adding at the end the following new subparagraph:

“(E) Drugs and biological products to which section 1905(a)(4)(F) and subclause (XVIII) in the matter following subparagraph (G) of section 1902(a)(10) apply that are furnished as medical assistance in accordance with such section or clause, respectively, for the treatment or prevention, of COVID-19, as described in such subparagraph or subclause, respectively, and section 1902(a)(10)(A).”.

(5) ALTERNATIVE BENEFIT PLANS.—Section 1937(b) of the Social Security Act (42 U.S.C. 1396u-7(b)) is amended by adding at the end the following new paragraph:

“(8) COVID-19 VACCINES, TESTING, AND TREATMENT.—Notwithstanding the previous provisions of this section, a State may not provide for medical assistance through enrollment of an individual with benchmark coverage or benchmark-equivalent coverage under this section unless, during the period beginning on the date of the enactment of the American Rescue Plan Act of 2021 and ending on the last day of the first calendar quarter that begins one year after the last day of the emergency period described in section 1135(g)(1)(B), such coverage includes (and does not impose any deduction, cost sharing, or similar charge for)—

“(A) COVID-19 vaccines and administration of the vaccines; and

“(B) testing and treatments for COVID-19, including specialized equipment and therapies (including preventive therapies), and, in the case of such an individual who is diagnosed with or presumed to have COVID-19, during the period such individual has (or is presumed to have) COVID-19, the treatment of a condition that may seriously complicate the treatment of COVID-19, if otherwise covered under the State plan (or waiver of such plan).”.

(b) TEMPORARY INCREASE IN FEDERAL PAYMENTS FOR COVERAGE AND ADMINISTRATION OF COVID-19 VACCINES.—Section 1905 of the Social Security Act (42 U.S.C. 1396d) is amended—

(1) in subsection (b), by striking “and (ff)” and inserting “(ff), and (hh)”;

(2) in subsection (ff), in the matter preceding paragraph (1), by inserting “, subject to subsection (hh)” after “or (z)(2)” and

(3) by adding at the end the following new subsection:

“(hh) TEMPORARY INCREASED FMAP FOR MEDICAL ASSISTANCE FOR COVERAGE AND ADMINISTRATION OF COVID-19 VACCINES.—

“(1) IN GENERAL.—Notwithstanding any other provision of this title, during the period described in paragraph (2), the Federal medical assistance percentage for a State, with respect to amounts expended by the State for medical assistance for a vaccine described in subsection (a)(4)(E) (and the administration of such a vaccine), shall be equal to 100 percent.

“(2) PERIOD DESCRIBED.—The period described in this paragraph is the period that—

“(A) begins on the first day of the first quarter beginning after the date of the enactment of this subsection; and

“(B) ends on the last day of the first quarter that begins one year after the last day of the emergency period described in section 1135(g)(1)(B).

“(3) EXCLUSION OF EXPENDITURES FROM TERRITORIAL CAPS.—Any payment made to a territory for expenditures for medical assistance under subsection (a)(4)(E) that are subject to the Federal medical assistance percentage specified under paragraph (1) shall not be taken into account for purposes of applying payment limits under subsections (f) and (g) of section 1108.”.

SEC. 9812. MODIFICATIONS TO CERTAIN COVERAGE UNDER MEDICAID FOR PREGNANT AND POSTPARTUM WOMEN.

(a) STATE OPTION.—Section 1902(e) of the Social Security Act (42 U.S.C. 1396a(e)) is amended by adding at the end the following new paragraph:

Time periods.

“(16) EXTENDING CERTAIN COVERAGE FOR PREGNANT AND POSTPARTUM WOMEN.—

“(A) IN GENERAL.—At the option of the State, the State plan (or waiver of such State plan) may provide, that an individual who, while pregnant, is eligible for and has received medical assistance under the State plan approved under this title (or a waiver of such plan) (including during a period of retroactive eligibility under subsection (a)(34)) shall, in addition to remaining eligible under paragraph (5) for all pregnancy-related and postpartum medical assistance available under the State plan (or waiver) through the last day of the month in which the 60-day period (beginning on the last day of her pregnancy) ends, remain eligible under the State plan (or waiver) for medical assistance for the period beginning on the first day occurring after the end of such 60-day period and ending on the last day of the month in which the 12-month period (beginning on the last day of her pregnancy) ends.

“(B) FULL BENEFITS DURING PREGNANCY AND THROUGHOUT THE 12-MONTH POSTPARTUM PERIOD.—The medical assistance provided for a pregnant or postpartum individual by a State making an election under this paragraph, without regard to the basis on which the individual is eligible for medical assistance under the State plan (or waiver), shall—

“(i) include all items and services covered under the State plan (or waiver) that are not less in amount, duration, or scope, or are determined by the Secretary to be substantially equivalent, to the medical assistance available for an individual described in subsection (a)(10)(A)(i); and

“(ii) be provided for the individual while pregnant and during the 12-month period that begins on the last day of the individual’s pregnancy and ends on the last day of the month in which such 12-month period ends.

“(C) COVERAGE UNDER CHIP.—A State making an election under this paragraph that covers under title XXI child health assistance for targeted low-income children who are pregnant or targeted low-income pregnant women, as

applicable, shall also make the election under section 2107(e)(1)(J) of such title.”.

(b) **EFFECTIVE DATE.**—The amendment made by subsection (a) shall apply with respect to State elections made under paragraph (16) of section 1902(e) of the Social Security Act (42 U.S.C. 1396a(e)), as added by subsection (a), during the 5-year period beginning on the 1st day of the 1st fiscal year quarter that begins one year after the date of the enactment of this Act.

Applicability.
Time period.
42 USC 1396a
note.

SEC. 9813. STATE OPTION TO PROVIDE QUALIFYING COMMUNITY-BASED MOBILE CRISIS INTERVENTION SERVICES.

Title XIX of the Social Security Act is amended by adding after section 1946 (42 U.S.C. 1396w-5) the following new section:

“SEC. 1947. STATE OPTION TO PROVIDE QUALIFYING COMMUNITY-BASED MOBILE CRISIS INTERVENTION SERVICES.

42 USC 1396w-6.

“(a) **IN GENERAL.**—Notwithstanding section 1902(a)(1) (relating to Statewide), section 1902(a)(10)(B) (relating to comparability), section 1902(a)(23)(A) (relating to freedom of choice of providers), or section 1902(a)(27) (relating to provider agreements), a State may, during the 5-year period beginning on the first day of the first fiscal year quarter that begins on or after the date that is 1 year after the date of the enactment of this section, provide medical assistance for qualifying community-based mobile crisis intervention services.

Time period.

“(b) **QUALIFYING COMMUNITY-BASED MOBILE CRISIS INTERVENTION SERVICES DEFINED.**—For purposes of this section, the term ‘qualifying community-based mobile crisis intervention services’ means, with respect to a State, items and services for which medical assistance is available under the State plan under this title or a waiver of such plan, that are—

“(1) furnished to an individual otherwise eligible for medical assistance under the State plan (or waiver of such plan) who is—

“(A) outside of a hospital or other facility setting; and

“(B) experiencing a mental health or substance use disorder crisis;

“(2) furnished by a multidisciplinary mobile crisis team—

“(A) that includes at least 1 behavioral health care professional who is capable of conducting an assessment of the individual, in accordance with the professional’s permitted scope of practice under State law, and other professionals or paraprofessionals with appropriate expertise in behavioral health or mental health crisis response, including nurses, social workers, peer support specialists, and others, as designated by the State through a State plan amendment (or waiver of such plan);

“(B) whose members are trained in trauma-informed care, de-escalation strategies, and harm reduction;

“(C) that is able to respond in a timely manner and, where appropriate, provide—

“(i) screening and assessment;

“(ii) stabilization and de-escalation; and

“(iii) coordination with, and referrals to, health, social, and other services and supports as needed, and health services as needed;

“(D) that maintains relationships with relevant community partners, including medical and behavioral

health providers, primary care providers, community health centers, crisis respite centers, and managed care organizations (if applicable); and

“(E) that maintains the privacy and confidentiality of patient information consistent with Federal and State requirements; and

“(3) available 24 hours per day, every day of the year.

“(c) PAYMENTS.—Notwithstanding section 1905(b) or 1905(ff) and subject to subsections (y) and (z) of section 1905, during each of the first 12 fiscal quarters occurring during the period described in subsection (a) that a State meets the requirements described in subsection (d), the Federal medical assistance percentage applicable to amounts expended by the State for medical assistance for qualifying community-based mobile crisis intervention services furnished during such quarter shall be equal to 85 percent. In no case shall the application of the previous sentence result in the Federal medical assistance percentage applicable to amounts expended by a State for medical assistance for such qualifying community-based mobile crisis intervention services furnished during a quarter being less than the Federal medical assistance percentage that would apply to such amounts expended by the State for such services furnished during such quarter without application of the previous sentence.

“(d) REQUIREMENTS.—The requirements described in this subsection are the following:

“(1) The State demonstrates, to the satisfaction of the Secretary that it will be able to support the provision of qualifying community-based mobile crisis intervention services that meet the conditions specified in subsection (b).

“(2) The State provides assurances satisfactory to the Secretary that—

“(A) any additional Federal funds received by the State for qualifying community-based mobile crisis intervention services provided under this section that are attributable to the increased Federal medical assistance percentage under subsection (c) will be used to supplement, and not supplant, the level of State funds expended for such services for the fiscal year preceding the first fiscal quarter occurring during the period described in subsection (a);

“(B) if the State made qualifying community-based mobile crisis intervention services available in a region of the State in such fiscal year, the State will continue to make such services available in such region under this section during each month occurring during the period described in subsection (a) for which the Federal medical assistance percentage under subsection (c) is applicable with respect to the State.

“(e) FUNDING FOR STATE PLANNING GRANTS.—There is appropriated, out of any funds in the Treasury not otherwise appropriated, \$15,000,000 to the Secretary for purposes of implementing, administering, and making planning grants to States as soon as practicable for purposes of developing a State plan amendment or section 1115, 1915(b), or 1915(c) waiver request (or an amendment to such a waiver) to provide qualifying community-based mobile crisis intervention services under this section, to remain available until expended.”.

SEC. 9814. TEMPORARY INCREASE IN FMAP FOR MEDICAL ASSISTANCE UNDER STATE MEDICAID PLANS WHICH BEGIN TO EXPEND AMOUNTS FOR CERTAIN MANDATORY INDIVIDUALS.

Section 1905 of the Social Security Act (42 U.S.C. 1396d), as amended by section 9811 of this subtitle, is further amended—

(1) in subsection (b), in the first sentence, by striking “and (hh)” and inserting “(hh), and (ii)”;

(2) in subsection (ff), by striking “subject to subsection (hh)” and inserting “subject to subsections (hh) and (ii)”;

(3) by adding at the end the following new subsection:

“(ii) TEMPORARY INCREASE IN FMAP FOR MEDICAL ASSISTANCE UNDER STATE MEDICAID PLANS WHICH BEGIN TO EXPEND AMOUNTS FOR CERTAIN MANDATORY INDIVIDUALS.—

“(1) IN GENERAL.—For each quarter occurring during the 8-quarter period beginning with the first calendar quarter during which a qualifying State (as defined in paragraph (3)) expends amounts for all individuals described in section 1902(a)(10)(A)(i)(VIII) under the State plan (or waiver of such plan), the Federal medical assistance percentage determined under subsection (b) for such State shall, after application of any increase, if applicable, under section 6008 of the Families First Coronavirus Response Act, be increased by 5 percentage points, except for any quarter (and each subsequent quarter) during such period during which the State ceases to provide medical assistance to any such individual under the State plan (or waiver of such plan).

Time periods.

“(2) SPECIAL APPLICATION RULES.—Any increase described in paragraph (1) (or payment made for expenditures on medical assistance that are subject to such increase)—

“(A) shall not apply with respect to disproportionate share hospital payments described in section 1923;

“(B) shall not be taken into account in calculating the enhanced FMAP of a State under section 2105;

“(C) shall not be taken into account for purposes of part A, D, or E of title IV; and

“(D) shall not be taken into account for purposes of applying payment limits under subsections (f) and (g) of section 1108.

“(3) DEFINITION.—For purposes of this subsection, the term ‘qualifying State’ means a State which has not expended amounts for all individuals described in section 1902(a)(10)(A)(i)(VIII) before the date of the enactment of this subsection.”.

SEC. 9815. EXTENSION OF 100 PERCENT FEDERAL MEDICAL ASSISTANCE PERCENTAGE TO URBAN INDIAN HEALTH ORGANIZATIONS AND NATIVE HAWAIIAN HEALTH CARE SYSTEMS.

Section 1905(b) of the Social Security Act (42 U.S.C. 1396d(b)) is amended by inserting after “(as defined in section 4 of the Indian Health Care Improvement Act)” the following: “; for the 8 fiscal year quarters beginning with the first fiscal year quarter beginning after the date of the enactment of the American Rescue Plan Act of 2021, the Federal medical assistance percentage shall also be 100 per centum with respect to amounts expended as medical assistance for services which are received through an Urban

Time periods.

Indian organization (as defined in paragraph (29) of section 4 of the Indian Health Care Improvement Act) that has a grant or contract with the Indian Health Service under title V of such Act; and, for such 8 fiscal year quarters, the Federal medical assistance percentage shall also be 100 per centum with respect to amounts expended as medical assistance for services which are received through a Native Hawaiian Health Center (as defined in section 12(4) of the Native Hawaiian Health Care Improvement Act) or a qualified entity (as defined in section 6(b) of such Act) that has a grant or contract with the Papa Ola Lokahi under section 8 of such Act”.

SEC. 9816. SUNSET OF LIMIT ON MAXIMUM REBATE AMOUNT FOR SINGLE SOURCE DRUGS AND INNOVATOR MULTIPLE SOURCE DRUGS.

Section 1927(c)(2)(D) of the Social Security Act (42 U.S.C. 1396r-8(c)(2)(D)) is amended by inserting after “December 31, 2009,” the following: “and before January 1, 2024.”.

42 USC 1396d
note.

SEC. 9817. ADDITIONAL SUPPORT FOR MEDICAID HOME AND COMMUNITY-BASED SERVICES DURING THE COVID-19 EMERGENCY.

(a) INCREASED FMAP.—

(1) IN GENERAL.—Notwithstanding section 1905(b) of the Social Security Act (42 U.S.C. 1396d(b)) or section 1905(ff), in the case of a State that meets the HCBS program requirements under subsection (b), the Federal medical assistance percentage determined for the State under section 1905(b) of such Act (or, if applicable, under section 1905(ff)) and, if applicable, increased under subsection (y), (z), (aa), or (ii) of section 1905 of such Act (42 U.S.C. 1396d), section 1915(k) of such Act (42 U.S.C. 1396n(k)), or section 6008(a) of the Families First Coronavirus Response Act (Public Law 116-127), shall be increased by 10 percentage points with respect to expenditures of the State under the State Medicaid program for home and community-based services (as defined in paragraph (2)(B)) that are provided during the HCBS program improvement period (as defined in paragraph (2)(A)). In no case may the application of the previous sentence result in the Federal medical assistance percentage determined for a State being more than 95 percent with respect to such expenditures. Any payment made to Puerto Rico, the Virgin Islands, Guam, the Northern Mariana Islands, or American Samoa for expenditures on medical assistance that are subject to the Federal medical assistance percentage increase specified under the first sentence of this paragraph shall not be taken into account for purposes of applying payment limits under subsections (f) and (g) of section 1108 of the Social Security Act (42 U.S.C. 1308).

Territories.

(2) DEFINITIONS.—In this section:

Time period.

(A) HCBS PROGRAM IMPROVEMENT PERIOD.—The term “HCBS program improvement period” means, with respect to a State, the period—

(i) beginning on April 1, 2021; and

(ii) ending on March 31, 2022.

(B) HOME AND COMMUNITY-BASED SERVICES.—The term “home and community-based services” means any of the following:

(i) Home health care services authorized under paragraph (7) of section 1905(a) of the Social Security Act (42 U.S.C. 1396d(a)).

(ii) Personal care services authorized under paragraph (24) of such section.

(iii) PACE services authorized under paragraph (26) of such section.

(iv) Home and community-based services authorized under subsections (b), (c), (i), (j), and (k) of section 1915 of such Act (42 U.S.C. 1396n), such services authorized under a waiver under section 1115 of such Act (42 U.S.C. 1315), and such services through coverage authorized under section 1937 of such Act (42 U.S.C. 1396u–7).

(v) Case management services authorized under section 1905(a)(19) of the Social Security Act (42 U.S.C. 1396d(a)(19)) and section 1915(g) of such Act (42 U.S.C. 1396n(g)).

(vi) Rehabilitative services, including those related to behavioral health, described in section 1905(a)(13) of such Act (42 U.S.C. 1396d(a)(13)).

(vii) Such other services specified by the Secretary of Health and Human Services.

(C) ELIGIBLE INDIVIDUAL.—The term “eligible individual” means an individual who is eligible for and enrolled for medical assistance under a State Medicaid program and includes an individual who becomes eligible for medical assistance under a State Medicaid program when removed from a waiting list.

(D) MEDICAID PROGRAM.—The term “Medicaid program” means, with respect to a State, the State program under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.) (including any waiver or demonstration under such title or under section 1115 of such Act (42 U.S.C. 1315) relating to such title).

(E) STATE.—The term “State” has the meaning given such term for purposes of title XIX of the Social Security Act (42 U.S.C. 1396 et seq.).

(b) STATE REQUIREMENTS FOR FMAP INCREASE.—As conditions for receipt of the increase under subsection (a) to the Federal medical assistance percentage determined for a State, the State shall meet each of the following requirements (referred to in subsection (a) as the HCBS program requirements):

(1) SUPPLEMENT, NOT SUPPLANT.—The State shall use the Federal funds attributable to the increase under subsection (a) to supplement, and not supplant, the level of State funds expended for home and community-based services for eligible individuals through programs in effect as of April 1, 2021.

Effective date.

(2) REQUIRED IMPLEMENTATION OF CERTAIN ACTIVITIES.—The State shall implement, or supplement the implementation of, one or more activities to enhance, expand, or strengthen home and community-based services under the State Medicaid program.

SEC. 9818. FUNDING FOR STATE STRIKE TEAMS FOR RESIDENT AND EMPLOYEE SAFETY IN NURSING FACILITIES.

Section 1919 of the Social Security Act (42 U.S.C. 1396r) is amended by adding at the end the following new subsection:

Time period.

“(k) **FUNDING FOR STATE STRIKE TEAMS.**—In addition to amounts otherwise available, there is appropriated to the Secretary, out of any monies in the Treasury not otherwise appropriated, \$250,000,000, to remain available until expended, for purposes of allocating such amount among the States (including the District of Columbia and each territory of the United States) for such a State to establish and implement a strike team that will be deployed to a nursing facility in the State with diagnosed or suspected cases of COVID-19 among residents or staff for the purposes of assisting with clinical care, infection control, or staffing during the emergency period described in section 1135(g)(1)(B) and the 1-year period immediately following the end of such emergency period.”.

SEC. 9819. SPECIAL RULE FOR THE PERIOD OF A DECLARED PUBLIC HEALTH EMERGENCY RELATED TO CORONAVIRUS.

(a) **IN GENERAL.**—Section 1923(f)(3) of the Social Security Act (42 U.S.C. 1396r-4(f)(3)) is amended—

(1) in subparagraph (A), by striking “subparagraph (E)” and inserting “subparagraphs (E) and (F)” ; and

(2) by adding at the end the following new subparagraph:

“(F) **ALLOTMENTS DURING THE CORONAVIRUS TEMPORARY MEDICAID FMAP INCREASE.**—

“(i) **IN GENERAL.**—Notwithstanding any other provision of this subsection, for any fiscal year for which the Federal medical assistance percentage applicable to expenditures under this section is increased pursuant to section 6008 of the Families First Coronavirus Response Act, the Secretary shall recalculate the annual DSH allotment, including the DSH allotment specified under paragraph (6)(A)(vi), to ensure that the total DSH payments (including both Federal and State shares) that a State may make related to a fiscal year is equal to the total DSH payments that the State could have made for such fiscal year without such increase to the Federal medical assistance percentage.

Determination.

“(ii) **NO APPLICATION TO ALLOTMENTS BEGINNING AFTER COVID-19 EMERGENCY PERIOD.**—The DSH allotment for any State for the first fiscal year beginning after the end of the emergency period described in section 1135(g)(1)(B) or any succeeding fiscal year shall be determined under this paragraph without regard to the DSH allotments determined under clause (i).”.

42 USC 1396r-4 note.

(b) **EFFECTIVE DATE.**—The amendment made by subsection (a) shall take effect and apply as if included in the enactment of the Families First Coronavirus Response Act (Public Law 116-127).

Subtitle K—Children’s Health Insurance Program

SEC. 9821. MANDATORY COVERAGE OF COVID-19 VACCINES AND ADMINISTRATION AND TREATMENT UNDER CHIP.

(a) COVERAGE.—

(1) IN GENERAL.—Section 2103(c) of the Social Security Act (42 U.S.C. 1397cc(c)) is amended by adding at the end the following paragraph:

“(11) REQUIRED COVERAGE OF COVID-19 VACCINES AND TREATMENT.—Regardless of the type of coverage elected by a State under subsection (a), the child health assistance provided for a targeted low-income child, and, in the case of a State that elects to provide pregnancy-related assistance pursuant to section 2112, the pregnancy-related assistance provided for a targeted low-income pregnant woman (as such terms are defined for purposes of such section), shall include coverage, during the period beginning on the date of the enactment of this paragraph and ending on the last day of the first calendar quarter that begins one year after the last day of the emergency period described in section 1135(g)(1)(B), of—

Time period.

“(A) a COVID-19 vaccine (and the administration of the vaccine); and

“(B) testing and treatments for COVID-19, including specialized equipment and therapies (including preventive therapies), and, in the case of an individual who is diagnosed with or presumed to have COVID-19, during the period during which such individual has (or is presumed to have) COVID-19, the treatment of a condition that may seriously complicate the treatment of COVID-19, if otherwise covered under the State child health plan (or waiver of such plan).”.

(2) PROHIBITION OF COST SHARING.—Section 2103(e)(2) of the Social Security Act (42 U.S.C. 1397cc(e)(2)), as amended by section 6004(b)(3) of the Families First Coronavirus Response Act, is amended—

(A) in the paragraph header, by inserting “A COVID-19 VACCINE, COVID-19 TREATMENT,” before “OR PREGNANCY-RELATED ASSISTANCE”; and

(B) by striking “visits described in section 1916(a)(2)(G), or” and inserting “services described in section 1916(a)(2)(G), vaccines described in section 1916(a)(2)(H) administered during the period described in such section (and the administration of such vaccines), testing or treatments described in section 1916(a)(2)(I) furnished during the period described in such section, or”.

(b) TEMPORARY INCREASE IN FEDERAL PAYMENTS FOR COVERAGE AND ADMINISTRATION OF COVID-19 VACCINES.—Section 2105(c) of the Social Security Act (42 U.S.C. 1397ee(c)) is amended by adding at the end the following new paragraph:

“(12) TEMPORARY ENHANCED PAYMENT FOR COVERAGE AND ADMINISTRATION OF COVID-19 VACCINES.—During the period described in section 1905(hh)(2), notwithstanding subsection (b), the enhanced FMAP for a State, with respect to payments under subsection (a) for expenditures under the State child health plan (or a waiver of such plan) for a vaccine described

in section 1905(a)(4)(E) (and the administration of such a vaccine), shall be equal to 100 percent.”

(c) ADJUSTMENT OF CHIP ALLOTMENTS.—Section 2104(m) of the Social Security Act (42 U.S.C. 1397dd(m)) is amended—

(1) in paragraph (2)(B), in the matter preceding clause (i), by striking “paragraphs (5) and (7)” and inserting “paragraphs (5), (7), and (12)”; and

(2) by adding at the end the following new paragraph:

“(12) ADJUSTING ALLOTMENTS TO ACCOUNT FOR INCREASED FEDERAL PAYMENTS FOR COVERAGE AND ADMINISTRATION OF COVID-19 VACCINES.—If a State, commonwealth, or territory receives payment for a fiscal year (beginning with fiscal year 2021) under subsection (a) of section 2105 for expenditures that are subject to the enhanced FMAP specified under subsection (c)(12) of such section, the amount of the allotment determined for the State, commonwealth, or territory under this subsection—

“(A) for such fiscal year shall be increased by the projected expenditures for such year by the State, commonwealth, or territory under the State child health plan (or a waiver of such plan) for vaccines described in section 1905(a)(4)(E) (and the administration of such vaccines); and

“(B) once actual expenditures are available in the subsequent fiscal year, the fiscal year allotment that was adjusted by the amount described in subparagraph (A) shall be adjusted on the basis of the difference between—

“(i) such projected amount of expenditures described in subparagraph (A) for such fiscal year described in such subparagraph by the State, commonwealth, or territory; and

“(ii) the actual amount of expenditures for such fiscal year described in subparagraph (A) by the State, commonwealth, or territory under the State child health plan (or waiver of such plan) for vaccines described in section 1905(a)(4)(E) (and the administration of such vaccines).”

SEC. 9822. MODIFICATIONS TO CERTAIN COVERAGE UNDER CHIP FOR PREGNANT AND POSTPARTUM WOMEN.

(a) MODIFICATIONS TO COVERAGE.—

(1) IN GENERAL.—Section 2107(e)(1) of the Social Security Act (42 U.S.C. 1397gg(e)(1)) is amended—

(A) by redesignating subparagraphs (J) through (S) as subparagraphs (K) through (T), respectively; and

(B) by inserting after subparagraph (I) the following new subparagraph:

“(J) Paragraphs (5) and (16) of section 1902(e) (relating to the State option to provide medical assistance consisting of full benefits during pregnancy and throughout the 12-month postpartum period under title XIX), if the State provides child health assistance for targeted low-income children who are pregnant or to targeted low-income pregnant women and the State has elected to apply such paragraph (16) with respect to pregnant women under title XIX, the provision of assistance under the State child health plan or waiver for targeted low-income children

Effective date.

Time period.
Requirement.

or targeted low-income pregnant women during pregnancy and the 12-month postpartum period shall be required and not at the option of the State and shall include coverage of all items or services provided to a targeted low-income child or targeted low-income pregnant woman (as applicable) under the State child health plan or waiver.”.

(2) OPTIONAL COVERAGE OF TARGETED LOW-INCOME PREGNANT WOMEN.—Section 2112(d)(2)(A) of the Social Security Act (42 U.S.C. 1397ll(d)(2)(A)) is amended by inserting after “60-day period” the following: “, or, in the case that subparagraph (A) of section 1902(e)(16) applies to the State child health plan (or waiver of such plan), pursuant to section 2107(e)(1), the 12-month period.”.

(b) EFFECTIVE DATE.—The amendments made by subsection (a), shall apply with respect to State elections made under paragraph (16) of section 1902(e) of the Social Security Act (42 U.S.C. 1396a(e)), as added by section 9812(a) of subtitle J of this title, during the 5-year period beginning on the 1st day of the 1st fiscal year quarter that begins one year after the date of the enactment of this Act.

Applicability.
Time period.
42 USC 1397gg
note.

Subtitle L—Medicare

SEC. 9831. FLOOR ON THE MEDICARE AREA WAGE INDEX FOR HOSPITALS IN ALL-URBAN STATES.

(a) IN GENERAL.—Section 1886(d)(3)(E) of the Social Security Act (42 U.S.C. 1395ww(d)(3)(E)) is amended—

(1) in clause (i), in the first sentence, by striking “or (iii)” and inserting “, (iii), or (iv)”;

(2) by adding at the end the following new clause:

“(iv) FLOOR ON AREA WAGE INDEX FOR HOSPITALS IN ALL-URBAN STATES.—

“(I) IN GENERAL.—For discharges occurring on or after October 1, 2021, the area wage index applicable under this subparagraph to any hospital in an all-urban State (as defined in subclause (IV)) may not be less than the minimum area wage index for the fiscal year for hospitals in that State, as established under subclause (II).

“(II) MINIMUM AREA WAGE INDEX.—For purposes of subclause (I), the Secretary shall establish a minimum area wage index for a fiscal year for hospitals in each all-urban State using the methodology described in section 412.64(h)(4)(vi) of title 42, Code of Federal Regulations, as in effect for fiscal year 2018.

“(III) WAIVING BUDGET NEUTRALITY.—Pursuant to the fifth sentence of clause (i), this clause shall not be applied in a budget neutral manner.

“(IV) ALL-URBAN STATE DEFINED.—In this clause, the term ‘all-urban State’ means a State in which there are no rural areas (as defined in paragraph (2)(D)) or a State in which there are no hospitals classified as rural under this section.”.

Effective date.

(b) **WAIVING BUDGET NEUTRALITY.**—Section 1886(d)(3)(E)(i) of the Social Security Act (42 U.S.C. 1395ww(d)(3)(E)(i)) is amended, in the fifth sentence—

(1) by striking “and the amendments” and inserting “, the amendments”; and

(2) by inserting “, and the amendments made by section 9831(a) of the American Rescue Plan Act of 2021” after “Care Act”.

SEC. 9832. SECRETARIAL AUTHORITY TO TEMPORARILY WAIVE OR MODIFY APPLICATION OF CERTAIN MEDICARE REQUIREMENTS WITH RESPECT TO AMBULANCE SERVICES FURNISHED DURING CERTAIN EMERGENCY PERIODS.

(a) **WAIVER AUTHORITY.**—Section 1135(b) of the Social Security Act (42 U.S.C. 1320b-5(b)) is amended—

(1) in the first sentence—

(A) in paragraph (7), by striking “and” at the end;

(B) in paragraph (8), by striking the period at the end and inserting “; and”; and

(C) by inserting after paragraph (8) the following new paragraph:

“(9) any requirement under section 1861(s)(7) or section 1834(l) that an ambulance service include the transport of an individual to the extent necessary to allow payment for ground ambulance services furnished in response to a 911 call (or the equivalent in areas without a 911 call system) in cases in which an individual would have been transported to a destination permitted under Medicare regulations (as described in section 410.40 to title 42, Code of Federal Regulations (or successor regulations)) but such transport did not occur as a result of community-wide emergency medical service (EMS) protocols due to the public health emergency described in subsection (g)(1)(B).”; and

(2) in the flush matter at the end, by adding at the end the following: “Ground ambulance services for which payment is made pursuant to paragraph (9) shall be paid at the base rate that would have been paid under the fee schedule established under 1834(l) (excluding any mileage payment) if the individual had been so transported and, with respect to ambulance services furnished by a critical access hospital or an entity described in paragraph (8) of such section, at the amount that otherwise would be paid under such paragraph.”.

(b) **EMERGENCY PERIOD EXCEPTION.**—Section 1135(g)(1)(B) of the Social Security Act (42 U.S.C. 1320b-5(g)(1)(B)) is amended, in the matter preceding clause (i), by striking “subsection (b)(8)” and inserting “paragraphs (8) and (9) of subsection (b)”.

SEC. 9833. FUNDING FOR OFFICE OF INSPECTOR GENERAL.

In addition to amounts otherwise available, there is appropriated to the inspector general of the Department of Health and Human Services for fiscal year 2021, out of any money in the Treasury not otherwise appropriated, \$5,000,000, to remain available until expended, for oversight of activities supported with funds appropriated to the Department of Health and Human Services to prevent, prepare for, and respond to coronavirus 2019 or COVID-19, domestically or internationally.

Subtitle M—Coronavirus State and Local Fiscal Recovery Funds

SEC. 9901. CORONAVIRUS STATE AND LOCAL FISCAL RECOVERY FUNDS.

(a) IN GENERAL.—Title VI of the Social Security Act (42 U.S.C. 801 et seq.) is amended by adding at the end the following:

“SEC. 602. CORONAVIRUS STATE FISCAL RECOVERY FUND.

42 USC 802.

“(a) APPROPRIATION.—In addition to amounts otherwise available, there is appropriated for fiscal year 2021, out of any money in the Treasury not otherwise appropriated—

“(1) \$219,800,000,000, to remain available through December 31, 2024, for making payments under this section to States, territories, and Tribal governments to mitigate the fiscal effects stemming from the public health emergency with respect to the Coronavirus Disease (COVID-19); and

“(2) \$50,000,000, to remain available until expended, for the costs of the Secretary for administration of the funds established under this title.

“(b) AUTHORITY TO MAKE PAYMENTS.—

“(1) PAYMENTS TO TERRITORIES.—

“(A) IN GENERAL.—The Secretary shall reserve \$4,500,000,000 of the amount appropriated under subsection (a)(1) to make payments to the territories.

“(B) ALLOCATION.—Of the amount reserved under subparagraph (A)—

“(i) 50 percent of such amount shall be allocated by the Secretary equally to each territory; and

“(ii) 50 percent of such amount shall be allocated by the Secretary as an additional amount to each territory in an amount which bears the same proportion to $\frac{1}{2}$ of the total amount reserved under subparagraph (A) as the population of the territory bears to the total population of all such territories.

“(C) PAYMENT.—The Secretary shall pay each territory the total of the amounts allocated for the territory under subparagraph (B) in accordance with paragraph (6).

“(2) PAYMENTS TO TRIBAL GOVERNMENTS.—

“(A) IN GENERAL.—The Secretary shall reserve \$20,000,000,000 of the amount appropriated under subsection (a)(1) to make payments to Tribal governments.

“(B) ALLOCATION.—Of the amount reserved under subparagraph (A)—

“(i) \$1,000,000,000 shall be allocated by the Secretary equally among each of the Tribal governments; and

“(ii) \$19,000,000,000 shall be allocated by the Secretary to the Tribal governments in a manner determined by the Secretary.

“(C) PAYMENT.—The Secretary shall pay each Tribal government the total of the amounts allocated for the Tribal government under subparagraph (B) in accordance with paragraph (6).

“(3) PAYMENTS TO EACH OF THE 50 STATES AND THE DISTRICT OF COLUMBIA.—

“(A) IN GENERAL.—The Secretary shall reserve \$195,300,000,000 of the amount appropriated under subsection (a)(1) to make payments to each of the 50 States and the District of Columbia.

“(B) ALLOCATIONS.—Of the amount reserved under subparagraph (A)—

“(i) \$25,500,000,000 of such amount shall be allocated by the Secretary equally among each of the 50 States and the District of Columbia;

“(ii) an amount equal to \$1,250,000,000 less the amount allocated for the District of Columbia pursuant to section 601(c)(6) shall be allocated by the Secretary as an additional amount to the District of Columbia; and

“(iii) an amount equal to the remainder of the amount reserved under subparagraph (A) after the application of clauses (i) and (ii) of this subparagraph shall be allocated by the Secretary as an additional amount to each of the 50 States and the District of Columbia in an amount which bears the same proportion to such remainder as the average estimated number of seasonally-adjusted unemployed individuals (as measured by the Bureau of Labor Statistics Local Area Unemployment Statistics program) in the State or District of Columbia over the 3-month period ending with December 2020 bears to the average estimated number of seasonally-adjusted unemployed individuals in all of the 50 States and the District of Columbia over the same period.

“(C) PAYMENT.—

“(i) IN GENERAL.—Subject to clause (ii), the Secretary shall pay each of the 50 States and the District of Columbia, from the amount reserved under subparagraph (A), the total of the amounts allocated for the State and District of Columbia under subparagraph (B) in accordance with paragraph (6).

“(ii) MINIMUM PAYMENT REQUIREMENT.—

“(I) IN GENERAL.—The sum of—

“(aa) the total amounts allocated for 1 of the 50 States or the District of Columbia under subparagraph (B) (as determined without regard to this clause); and

“(bb) the amounts allocated under section 603 to the State (for distribution by the State to nonentitlement units of local government in the State) and to metropolitan cities and counties in the State;

shall not be less than the amount allocated to the State or District of Columbia for fiscal year 2020 under section 601, including any amount paid directly to a unit of local government in the State under such section.

“(II) PRO RATA ADJUSTMENT.—The Secretary shall adjust on a pro rata basis the amount of the allocations for each of the 50 States and the District of Columbia determined under subparagraph (B)(iii) (without regard to this clause) to

Estimates.
Time period.

Determination.
Compliance.

the extent necessary to comply with the requirement of subclause (I).

“(4) PRO RATA ADJUSTMENT AUTHORITY.—The amounts otherwise determined for allocation and payment under paragraphs (1), (2), and (3) may be adjusted by the Secretary on a pro rata basis to the extent necessary to ensure that all available funds are allocated to States, territories, and Tribal governments in accordance with the requirements specified in each such paragraph (as applicable).

“(5) POPULATION DATA.—For purposes of determining allocations for a territory under this section, the population of the territory shall be determined based on the most recent data available from the Bureau of the Census. Determination.

“(6) TIMING.—

Deadlines.

“(A) STATES AND TERRITORIES.—

“(i) IN GENERAL.—To the extent practicable, subject to clause (ii), with respect to each State and territory allocated a payment under this subsection, the Secretary shall make the payment required for the State or territory not later than 60 days after the date on which the certification required under subsection (d)(1) is provided to the Secretary.

“(ii) AUTHORITY TO SPLIT PAYMENT.—

“(I) IN GENERAL.—The Secretary shall have the authority to withhold payment of up to 50 percent of the amount allocated to each State and territory (other than payment of the amount allocated under paragraph (3)(B)(ii) to the District of Columbia) for a period of up to 12 months from the date on which the State or territory provides the certification required under subsection (d)(1). The Secretary shall exercise such authority with respect to a State or territory based on the unemployment rate in the State or territory as of such date.

Time period.

“(II) PAYMENT OF WITHHELD AMOUNT.—Before paying to a State or territory the remainder of an amount allocated to the State or territory (subject to subclause (III)) that has been withheld by the Secretary under subclause (I), the Secretary shall require the State or territory to submit a second certification under subsection (d)(1), in addition to such other information as the Secretary may require.

Requirement.

“(III) RECOVERY OF AMOUNTS SUBJECT TO RECOUPMENT.—If a State or territory is required under subsection (e) to repay funds for failing to comply with subsection (c), the Secretary may reduce the amount otherwise payable to the State or territory under subclause (II) by the amount that the State or territory would otherwise be required to repay under such subsection (e).

“(B) TRIBAL GOVERNMENTS.—To the extent practicable, with respect to each Tribal government for which an amount is allocated under this subsection, the Secretary shall make the payment required for the Tribal government

not later than 60 days after the date of enactment of this section.

“(C) INITIAL PAYMENT TO DISTRICT OF COLUMBIA.—The Secretary shall pay the amount allocated under paragraph (3)(B)(ii) to the District of Columbia not later than 15 days after the date of enactment of this section.

“(c) REQUIREMENTS.—

Deadline.

“(1) USE OF FUNDS.—Subject to paragraph (2), and except as provided in paragraph (3), a State, territory, or Tribal government shall only use the funds provided under a payment made under this section, or transferred pursuant to section 603(c)(4), to cover costs incurred by the State, territory, or Tribal government, by December 31, 2024—

“(A) to respond to the public health emergency with respect to the Coronavirus Disease 2019 (COVID-19) or its negative economic impacts, including assistance to households, small businesses, and nonprofits, or aid to impacted industries such as tourism, travel, and hospitality;

Grants.

“(B) to respond to workers performing essential work during the COVID-19 public health emergency by providing premium pay to eligible workers of the State, territory, or Tribal government that are performing such essential work, or by providing grants to eligible employers that have eligible workers who perform essential work;

“(C) for the provision of government services to the extent of the reduction in revenue of such State, territory, or Tribal government due to the COVID-19 public health emergency relative to revenues collected in the most recent full fiscal year of the State, territory, or Tribal government prior to the emergency; or

“(D) to make necessary investments in water, sewer, or broadband infrastructure.

“(2) FURTHER RESTRICTION ON USE OF FUNDS.—

“(A) IN GENERAL.—A State or territory shall not use the funds provided under this section or transferred pursuant to section 603(c)(4) to either directly or indirectly offset a reduction in the net tax revenue of such State or territory resulting from a change in law, regulation, or administrative interpretation during the covered period that reduces any tax (by providing for a reduction in a rate, a rebate, a deduction, a credit, or otherwise) or delays the imposition of any tax or tax increase.

“(B) PENSION FUNDS.—No State or territory may use funds made available under this section for deposit into any pension fund.

“(3) TRANSFER AUTHORITY.—A State, territory, or Tribal government receiving a payment from funds made available under this section may transfer funds to a private nonprofit organization (as that term is defined in paragraph (17) of section 401 of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11360(17)), a Tribal organization (as that term is defined in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5304)), a public benefit corporation involved in the transportation of passengers or cargo, or a special-purpose unit of State or local government.

“(d) CERTIFICATIONS AND REPORTS.—

“(1) IN GENERAL.—In order for a State or territory to receive a payment under this section, or a transfer of funds under section 603(c)(4), the State or territory shall provide the Secretary with a certification, signed by an authorized officer of such State or territory, that such State or territory requires the payment or transfer to carry out the activities specified in subsection (c) of this section and will use any payment under this section, or transfer of funds under section 603(c)(4), in compliance with subsection (c) of this section.

“(2) REPORTING.—Any State, territory, or Tribal government receiving a payment under this section shall provide to the Secretary periodic reports providing a detailed accounting of—

“(A) the uses of funds by such State, territory, or Tribal government, including, in the case of a State or a territory, all modifications to the State’s or territory’s tax revenue sources during the covered period; and

“(B) such other information as the Secretary may require for the administration of this section.

“(e) RECOUPMENT.—Any State, territory, or Tribal government that has failed to comply with subsection (c) shall be required to repay to the Secretary an amount equal to the amount of funds used in violation of such subsection, provided that, in the case of a violation of subsection (c)(2)(A), the amount the State or territory shall be required to repay shall be lesser of—

Requirement.

“(1) the amount of the applicable reduction to net tax revenue attributable to such violation; and

“(2) the amount of funds received by such State or territory pursuant to a payment made under this section or a transfer made under section 603(c)(4).

“(f) REGULATIONS.—The Secretary shall have the authority to issue such regulations as may be necessary or appropriate to carry out this section.

“(g) DEFINITIONS.—In this section:

“(1) COVERED PERIOD.—The term ‘covered period’ means, with respect to a State, territory, or Tribal government, the period that—

“(A) begins on March 3, 2021; and

“(B) ends on the last day of the fiscal year of such State, territory, or Tribal government in which all funds received by the State, territory, or Tribal government from a payment made under this section or a transfer made under section 603(c)(4) have been expended or returned to, or recovered by, the Secretary.

“(2) ELIGIBLE WORKERS.—The term ‘eligible workers’ means those workers needed to maintain continuity of operations of essential critical infrastructure sectors and additional sectors as each Governor of a State or territory, or each Tribal government, may designate as critical to protect the health and well-being of the residents of their State, territory, or Tribal government.

“(3) PREMIUM PAY.—The term ‘premium pay’ means an amount of up to \$13 per hour that is paid to an eligible worker, in addition to wages or remuneration the eligible worker otherwise receives, for all work performed by the eligible worker during the COVID-19 public health emergency. Such

amount may not exceed \$25,000 with respect to any single eligible worker.

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

“(5) STATE.—The term ‘State’ means each of the 50 States and the District of Columbia.

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

“(7) TRIBAL GOVERNMENT.—The term ‘Tribal Government’ means the recognized governing body of any Indian or Alaska Native tribe, band, nation, pueblo, village, community, component band, or component reservation, individually identified (including parenthetically) in the list published most recently as of the date of enactment of this Act pursuant to section 104 of the Federally Recognized Indian Tribe List Act of 1994 (25 U.S.C. 5131).

42 USC 803.

“SEC. 603. CORONAVIRUS LOCAL FISCAL RECOVERY FUND.

“(a) APPROPRIATION.—In addition to amounts otherwise available, there is appropriated for fiscal year 2021, out of any money in the Treasury not otherwise appropriated, \$130,200,000,000, to remain available through December 31, 2024, for making payments under this section to metropolitan cities, nonentitlement units of local government, and counties to mitigate the fiscal effects stemming from the public health emergency with respect to the Coronavirus Disease (COVID-19).

“(b) AUTHORITY TO MAKE PAYMENTS.—

“(1) METROPOLITAN CITIES.—

“(A) IN GENERAL.—Of the amount appropriated under subsection (a), the Secretary shall reserve \$45,570,000,000 to make payments to metropolitan cities.

“(B) ALLOCATION AND PAYMENT.—From the amount reserved under subparagraph (A), the Secretary shall allocate and, in accordance with paragraph (7), pay to each metropolitan city an amount determined for the metropolitan city consistent with the formula under section 106(b) of the Housing and Community Development Act of 1974 (42 U.S.C. 5306(b)), except that, in applying such formula, the Secretary shall substitute ‘all metropolitan cities’ for ‘all metropolitan areas’ each place it appears.

“(2) NONENTITLEMENT UNITS OF LOCAL GOVERNMENT.—

“(A) IN GENERAL.—Of the amount appropriated under subsection (a), the Secretary shall reserve \$19,530,000,000 to make payments to States for distribution by the State to nonentitlement units of local government in the State.

“(B) ALLOCATION AND PAYMENT.—From the amount reserved under subparagraph (A), the Secretary shall allocate and, in accordance with paragraph (7), pay to each State an amount which bears the same proportion to such reserved amount as the total population of all areas that are non-metropolitan cities in the State bears to the total population of all areas that are non-metropolitan cities in all such States.

Deadlines.

“(C) DISTRIBUTION TO NONENTITLEMENT UNITS OF LOCAL GOVERNMENT.—

“(i) IN GENERAL.—Not later than 30 days after a State receives a payment under subparagraph (B), the State shall distribute to each nonentitlement unit of local government in the State an amount that bears the same proportion to the amount of such payment as the population of the nonentitlement unit of local government bears to the total population of all the nonentitlement units of local government in the State, subject to clause (iii).

“(ii) DISTRIBUTION OF FUNDS.—

“(I) EXTENSION FOR DISTRIBUTION.—If an authorized officer of a State required to make distributions under clause (i) certifies in writing to the Secretary before the end of the 30-day distribution period described in such clause that it would constitute an excessive administrative burden for the State to meet the terms of such clause with respect to 1 or more such distributions, the authorized officer may request, and the Secretary shall grant, an extension of such period of not more than 30 days to allow the State to make such distributions in accordance with clause (i).

Time period.
Certification.

“(II) ADDITIONAL EXTENSIONS.—

“(aa) IN GENERAL.—If a State has been granted an extension to the distribution period under subclause (I) but is unable to make all the distributions required under clause (i) before the end of such period as extended, an authorized officer of the State may request an additional extension of the distribution period of not more than 30 days. The Secretary may grant a request for an additional extension of such period only if—

“(AA) the authorized officer making such request provides a written plan to the Secretary specifying, for each distribution for which an additional extension is requested, when the State expects to make such distribution and the actions the State has taken and will take in order to make all such distributions before the end of the distribution period (as extended under subclause (I) and this subclause); and

Plan.

“(BB) the Secretary determines that such plan is reasonably designed to distribute all such funds to nonentitlement units of local government by the end of the distribution period (as so extended).

Determination.

“(bb) FURTHER ADDITIONAL EXTENSIONS.—

If a State granted an additional extension of the distribution period under item (aa) requires any further additional extensions of such period, the request only may be made and granted subject to the requirements specified in item (aa).

“(iii) CAPPED AMOUNT.—The total amount distributed to a nonentitlement unit of local government

under this paragraph may not exceed the amount equal to 75 percent of the most recent budget for the non-entitlement unit of local government as of January 27, 2020.

“(iv) RETURN OF EXCESS AMOUNTS.—Any amounts not distributed to a nonentitlement unit of local government as a result of the application of clause (iii) shall be returned to the Secretary.

Time period.

“(D) PENALTY FOR NONCOMPLIANCE.—If, by the end of the 120-day period that begins on the date a State receives a payment from the amount allocated under subparagraph (B) or, if later, the last day of the distribution period for the State (as extended with respect to the State under subparagraph (C)(ii)), such State has failed to make all the distributions from such payment in accordance with the terms of subparagraph (C) (including any extensions of the distribution period granted in accordance with such subparagraph), an amount equal to the amount of such payment that remains undistributed as of such date shall be booked as a debt of such State owed to the Federal Government, shall be paid back from the State’s allocation provided under section 602(b)(3)(B)(iii), and shall be deposited into the general fund of the Treasury.

“(3) COUNTIES.—

“(A) AMOUNT.—From the amount appropriated under subsection (a), the Secretary shall reserve and allocate \$65,100,000,000 of such amount to make payments directly to counties in an amount which bears the same proportion to the total amount reserved under this paragraph as the population of each such county bears to the total population of all such entities and shall pay such allocated amounts to such counties in accordance with paragraph (7).

“(B) SPECIAL RULES.—

“(i) URBAN COUNTIES.—No county that is an ‘urban county’ (as defined in section 102 of the Housing and Community Development Act of 1974 (42 U.S.C. 5302)) shall receive less than the amount the county would otherwise receive if the amount paid under this paragraph were allocated to metropolitan cities and urban counties under section 106(b) of the Housing and Community Development Act of 1974 (42 U.S.C. 5306(b)).

Distribution.

“(ii) COUNTIES THAT ARE NOT UNITS OF GENERAL LOCAL GOVERNMENT.—In the case of an amount to be paid to a county that is not a unit of general local government, the amount shall instead be paid to the State in which such county is located, and such State shall distribute such amount to each unit of general local government within such county in an amount that bears the same proportion to the amount to be paid to such county as the population of such units of general local government bears to the total population of such county.

“(iii) DISTRICT OF COLUMBIA.—For purposes of this paragraph, the District of Columbia shall be considered to consist of a single county that is a unit of general local government.

“(4) CONSOLIDATED GOVERNMENTS.—A unit of general local government that has formed a consolidated government, or that is geographically contained (in full or in part) within the boundaries of another unit of general local government may receive a distribution under each of paragraphs (1), (2), and (3), as applicable, based on the respective formulas specified in such paragraphs.

“(5) PRO RATA ADJUSTMENT AUTHORITY.—The amounts otherwise determined for allocation and payment under paragraphs (1), (2), and (3) may be adjusted by the Secretary on a pro rata basis to the extent necessary to ensure that all available funds are distributed to metropolitan cities, counties, and States in accordance with the requirements specified in each paragraph (as applicable) and the certification requirement specified in subsection (d).

“(6) POPULATION.—For purposes of determining allocations under this section, the population of an entity shall be determined based on the most recent data are available from the Bureau of the Census or, if not available, from such other data as a State determines appropriate.

Determination.

“(7) TIMING.—

“(A) FIRST TRANCHE AMOUNT.—To the extent practicable, with respect to each metropolitan city for which an amount is allocated under paragraph (1), each State for which an amount is allocated under paragraph (2) for distribution to nonentitlement units of local government, and each county for which an amount is allocated under paragraph (3), the Secretary shall pay from such allocation the First Tranche Amount for such city, State, or county not later than 60 days after the date of enactment of this section.

Deadline.

“(B) SECOND TRANCHE AMOUNT.—The Secretary shall pay to each metropolitan city for which an amount is allocated under paragraph (1), each State for which an amount is allocated under paragraph (2) for distribution to nonentitlement units of local government, and each county for which an amount is allocated under paragraph (3), the Second Tranche Amount for such city, State, or county not earlier than 12 months after the date on which the First Tranche Amount is paid to the city, State, or county.

Time period.

“(c) REQUIREMENTS.—

“(1) USE OF FUNDS.—Subject to paragraph (2), and except as provided in paragraphs (3) and (4), a metropolitan city, nonentitlement unit of local government, or county shall only use the funds provided under a payment made under this section to cover costs incurred by the metropolitan city, nonentitlement unit of local government, or county, by December 31, 2024—

Deadline.

“(A) to respond to the public health emergency with respect to the Coronavirus Disease 2019 (COVID-19) or its negative economic impacts, including assistance to households, small businesses, and nonprofits, or aid to impacted industries such as tourism, travel, and hospitality;

“(B) to respond to workers performing essential work during the COVID-19 public health emergency by providing premium pay to eligible workers of the metropolitan city, nonentitlement unit of local government, or county that are performing such essential work, or by providing grants to eligible employers that have eligible workers who perform essential work;

“(C) for the provision of government services to the extent of the reduction in revenue of such metropolitan city, nonentitlement unit of local government, or county due to the COVID-19 public health emergency relative to revenues collected in the most recent full fiscal year of the metropolitan city, nonentitlement unit of local government, or county prior to the emergency; or

“(D) to make necessary investments in water, sewer, or broadband infrastructure.

“(2) PENSION FUNDS.—No metropolitan city, nonentitlement unit of local government, or county may use funds made available under this section for deposit into any pension fund.

“(3) TRANSFER AUTHORITY.—A metropolitan city, nonentitlement unit of local government, or county receiving a payment from funds made available under this section may transfer funds to a private nonprofit organization (as that term is defined in paragraph (17) of section 401 of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11360(17))), a public benefit corporation involved in the transportation of passengers or cargo, or a special-purpose unit of State or local government.

“(4) TRANSFERS TO STATES.—Notwithstanding paragraph (1), a metropolitan city, nonentitlement unit of local government, or county receiving a payment from funds made available under this section may transfer such funds to the State in which such entity is located.

“(d) REPORTING.—Any metropolitan city, nonentitlement unit of local government, or county receiving funds provided under a payment made under this section shall provide to the Secretary periodic reports providing a detailed accounting of the uses of such funds by such metropolitan city, nonentitlement unit of local government, or county and including such other information as the Secretary may require for the administration of this section.

Requirement.

“(e) RECOUPMENT.—Any metropolitan city, nonentitlement unit of local government, or county that has failed to comply with subsection (c) shall be required to repay to the Secretary an amount equal to the amount of funds used in violation of such subsection.

“(f) REGULATIONS.—The Secretary shall have the authority to issue such regulations as may be necessary or appropriate to carry out this section.

“(g) DEFINITIONS.—In this section:

“(1) COUNTY.—The term ‘county’ means a county, parish, or other equivalent county division (as defined by the Bureau of the Census).

“(2) ELIGIBLE WORKERS.—The term ‘eligible workers’ means those workers needed to maintain continuity of operations of essential critical infrastructure sectors and additional sectors as each chief executive officer of a metropolitan city, nonentitlement unit of local government, or county may designate as critical to protect the health and well-being of the residents

of their metropolitan city, nonentitlement unit of local government, or county.

“(3) **FIRST TRANCHE AMOUNT.**—The term ‘First Tranche Amount’ means, with respect to each metropolitan city for which an amount is allocated under subsection (b)(1), each State for which an amount is allocated under subsection (b)(2) for distribution to nonentitlement units of local government, and each county for which an amount is allocated under subsection (b)(3), 50 percent of the amount so allocated to such metropolitan city, State, or county (as applicable).

“(4) **METROPOLITAN CITY.**—The term ‘metropolitan city’ has the meaning given that term in section 102(a)(4) of the Housing and Community Development Act of 1974 (42 U.S.C. 5302(a)(4)) and includes cities that relinquish or defer their status as a metropolitan city for purposes of receiving allocations under section 106 of such Act (42 U.S.C. 5306) for fiscal year 2021.

“(5) **NONENTITLEMENT UNIT OF LOCAL GOVERNMENT.**—The term ‘nonentitlement unit of local government’ means a ‘city’, as that term is defined in section 102(a)(5) of the Housing and Community Development Act of 1974 (42 U.S.C. 5302(a)(5))), that is not a metropolitan city.

“(6) **PREMIUM PAY.**—The term ‘premium pay’ has the meaning given such term in section 602(g).

“(7) **SECOND TRANCHE AMOUNT.**—The term ‘Second Tranche Amount’ means, with respect to each metropolitan city for which an amount is allocated under subsection (b)(1), each State for which an amount is allocated under subsection (b)(2) for distribution to nonentitlement units of local government, and each county for which an amount is allocated under subsection (b)(3), an amount not to exceed 50 percent of the amount so allocated to such metropolitan city, State, or county (as applicable).

“(8) **SECRETARY.**—The term ‘Secretary’ means the Secretary of the Treasury.

“(9) **STATE.**—The term ‘State’ means each of the 50 States, the District of Columbia, the Commonwealth of Puerto Rico, the United States Virgin Islands, Guam, the Commonwealth of the Northern Mariana Islands, and American Samoa.

“(10) **UNIT OF GENERAL LOCAL GOVERNMENT.**—The term ‘unit of general local government’ has the meaning given that term in section 102(a)(1) of the Housing and Community Development Act of 1974 (42 U.S.C. 5302(a)(1)).

“SEC. 604. CORONAVIRUS CAPITAL PROJECTS FUND.

42 USC 804.

“(a) **APPROPRIATION.**—In addition to amounts otherwise available, there is appropriated for fiscal year 2021, out of any money in the Treasury not otherwise appropriated, \$10,000,000,000, to remain available until expended, for making payments to States, territories, and Tribal governments to carry out critical capital projects directly enabling work, education, and health monitoring, including remote options, in response to the public health emergency with respect to the Coronavirus Disease (COVID-19).

“(b) **PAYMENTS.**—

“(1) **MINIMUM AMOUNTS.**—From the amount appropriated under subsection (a)—

“(A) the Secretary shall pay \$100,000,000 to each State;

“(B) the Secretary shall pay \$100,000,000 of such amount in equal shares to the United States Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, the Republic of the Marshall Islands, the Federated States of Micronesia, and the Republic of Palau; and

“(C) the Secretary shall pay \$100,000,000 of such amount in equal shares to Tribal governments and the State of Hawaii (in addition to the amount paid to the State of Hawaii under subparagraph (A)), of which—

“(i) not less than \$50,000 shall be paid to each Tribal government; and

“(ii) not less than \$50,000, and not more than \$200,000, shall be paid to the State of Hawaii for the exclusive use of the Department of Hawaiian Home Lands and the Native Hawaiian Education Programs to assist Native Hawaiians in accordance with this section.

“(2) REMAINING AMOUNTS.—

Allocations.

“(A) IN GENERAL.—From the amount of the appropriation under subsection (a) that remains after the application of paragraph (1), the Secretary shall make payments to States based on population such that—

“(i) 50 percent of such amount shall be allocated among the States based on the proportion that the population of each State bears to the population of all States;

“(ii) 25 percent of such amount shall be allocated among the States based on the proportion that the number of individuals living in rural areas in each State bears to the number of individuals living in rural areas in all States; and

“(iii) 25 percent of such amount shall be allocated among the States based on the proportion that the number of individuals with a household income that is below 150 percent of the poverty line applicable to a family of the size involved in each State bears to the number of such individuals in all States.

Determinations.

“(B) DATA.—In determining the allocations to be made to each State under subparagraph (A), the Secretary of the Treasury shall use the most recent data available from the Bureau of the Census.

Grants.
Deadline.

“(c) TIMING.—The Secretary shall establish a process of applying for grants to access funding made available under section (b) not later than 60 days after enactment of this section.

“(d) DEFINITIONS.—In this section:

“(1) SECRETARY.—The term ‘Secretary’ means the Secretary of the Treasury.

“(2) STATE.—The term ‘State’ means each of the 50 States, the District of Columbia, and Puerto Rico.

“(3) TRIBAL GOVERNMENT.—The term ‘Tribal government’ has the meaning given such term in section 602(g).

42 USC 805.

“SEC. 605. LOCAL ASSISTANCE AND TRIBAL CONSISTENCY FUND.

“(a) APPROPRIATION.—In addition to amounts otherwise available, there is appropriated for fiscal year 2021, out of any money in the Treasury not otherwise appropriated, \$2,000,000,000 to

remain available until September 30, 2023, with amounts to be obligated for each of fiscal years 2022 and 2023 in accordance with subsection (b), for making payments under this section to eligible revenue sharing counties and eligible Tribal governments.

“(b) AUTHORITY TO MAKE PAYMENTS.—

“(1) PAYMENTS TO ELIGIBLE REVENUE SHARING COUNTIES.—

For each of fiscal years 2022 and 2023, the Secretary shall reserve \$750,000,000 of the total amount appropriated under subsection (a) to allocate and pay to each eligible revenue sharing county in amounts that are determined by the Secretary taking into account economic conditions of each eligible revenue sharing county, using measurements of poverty rates, household income, land values, and unemployment rates as well as other economic indicators, over the 20-year period ending with September 30, 2021.

“(2) PAYMENTS TO ELIGIBLE TRIBAL GOVERNMENTS.—For each of fiscal years 2022 and 2023, the Secretary shall reserve \$250,000,000 of the total amount appropriated under subsection (a) to allocate and pay to eligible Tribal governments in amounts that are determined by the Secretary taking into account economic conditions of each eligible Tribe.

“(c) USE OF PAYMENTS.—An eligible revenue sharing county or an eligible Tribal government may use funds provided under a payment made under this section for any governmental purpose other than a lobbying activity.

“(d) REPORTING REQUIREMENT.—Any eligible revenue sharing county receiving a payment under this section shall provide to the Secretary periodic reports providing a detailed accounting of the uses of fund by such eligible revenue sharing county and such other information as the Secretary may require for the administration of this section.

“(e) RECOUPMENT.—Any eligible revenue sharing county that has failed to submit a report required under subsection (d) or failed to comply with subsection (c), shall be required to repay to the Secretary an amount equal to—

“(1) in the case of a failure to comply with subsection (c), the amount of funds used in violation of such subsection; and

“(2) in the case of a failure to submit a report required under subsection (d), such amount as the Secretary determines appropriate, but not to exceed 5 percent of the amount paid to the eligible revenue sharing county under this section for all fiscal years.

“(f) DEFINITIONS.—In this section:

“(1) ELIGIBLE REVENUE SHARING COUNTY.—The term ‘eligible revenue sharing county’ means—

“(A) a county, parish, or borough—

“(i) that is independent of any other unit of local government; and

“(ii) that, as determined by the Secretary, is the principal provider of government services for the area within its jurisdiction; and

“(iii) for which, as determined by the Secretary, there is a negative revenue impact due to implementation of a Federal program or changes to such program; and

Allocations.
Determinations.
Time period.

Lobbying

Requirement.

Determination.

Determinations.

“(B) the District of Columbia, the Commonwealth of Puerto Rico, Guam, and the United States Virgin Islands.

“(2) ELIGIBLE TRIBAL GOVERNMENT.—The term ‘eligible Tribal government’ means the recognized governing body of an eligible Tribe.

“(3) ELIGIBLE TRIBE.—The term ‘eligible Tribe’ means any Indian or Alaska Native tribe, band, nation, pueblo, village, community, component band, or component reservation, individually identified (including parenthetically) in the list published most recently as of the date of enactment of this section pursuant to section 104 of the Federally Recognized Indian Tribe List Act of 1994 (25 U.S.C. 5131).

“(4) SECRETARY.—The term ‘Secretary’ means the Secretary of the Treasury.”

(b) CONFORMING AMENDMENT.—The heading for title VI of the Social Security Act (42 U.S.C. 801 et seq.) is amended by striking “FUND” and inserting “, FISCAL RECOVERY, AND CRITICAL CAPITAL PROJECTS FUNDS”.

Subtitle N—Other Provisions

SEC. 9911. FUNDING FOR PROVIDERS RELATING TO COVID-19.

Part A of title XI of the Social Security Act (42 U.S.C. 1301 et seq.) is amended by adding at the end the following:

“SEC. 1150C. FUNDING FOR PROVIDERS RELATING TO COVID-19.

“(a) FUNDING.—In addition to amounts otherwise available, there is appropriated to the Secretary, for fiscal year 2021, out of any monies in the Treasury not otherwise appropriated, \$8,500,000,000 for purposes of making payments to eligible health care providers for health care related expenses and lost revenues that are attributable to COVID-19. Amounts appropriated under the preceding sentence shall remain available until expended.

“(b) APPLICATION REQUIREMENT.—To be eligible for a payment under this section, an eligible health care provider shall submit to the Secretary an application in such form and manner as the Secretary shall prescribe. Such application shall contain the following:

“(1) A statement justifying the need of the provider for the payment, including documentation of the health care related expenses attributable to COVID-19 and lost revenues attributable to COVID-19.

“(2) The tax identification number of the provider.

“(3) Such assurances as the Secretary determines appropriate that the eligible health care provider will maintain and make available such documentation and submit such reports (at such time, in such form, and containing such information as the Secretary shall prescribe) as the Secretary determines is necessary to ensure compliance with any conditions imposed by the Secretary under this section.

“(4) Any other information determined appropriate by the Secretary.

“(c) LIMITATION.—Payments made to an eligible health care provider under this section may not be used to reimburse any expense or loss that—

“(1) has been reimbursed from another source; or

42 USC
1320b-26.

Reports.

“(2) another source is obligated to reimburse.

“(d) APPLICATION OF REQUIREMENTS, RULES, AND PROCEDURES.—The Secretary shall apply any requirements, rules, or procedures as the Secretary deems appropriate for the efficient execution of this section.

“(e) DEFINITIONS.—In this section:

“(1) ELIGIBLE HEALTH CARE PROVIDER.—The term ‘eligible health care provider’ means—

“(A) a provider of services (as defined in section 1861(u)) or a supplier (as defined in section 1861(d)) that—

“(i) is enrolled in the Medicare program under title XVIII under section 1866(j) (including temporarily enrolled during the emergency period described in section 1135(g)(1)(B) for such period);

“(ii) provides diagnoses, testing, or care for individuals with possible or actual cases of COVID-19; and

“(iii) is a rural provider or supplier; or

“(B) a provider or supplier that—

“(i) is enrolled with a State Medicaid plan under title XIX (or a waiver of such plan) in accordance with subsections (a)(77) and (kk) of section 1902 (including enrolled pursuant to section 1902(a)(78) or section 1932(d)(6)) or enrolled with a State child health plan under title XXI (or a waiver of such plan) in accordance with subparagraph (G) of section 2107(e)(1) (including enrolled pursuant to subparagraph (D) or (Q) of such section);

“(ii) provides diagnoses, testing, or care for individuals with possible or actual cases of COVID-19; and

“(iii) is a rural provider or supplier.

“(2) HEALTH CARE RELATED EXPENSES ATTRIBUTABLE TO COVID-19.—The term ‘health care related expenses attributable to COVID-19’ means health care related expenses to prevent, prepare for, and respond to COVID-19, including the building or construction of a temporary structure, the leasing of a property, the purchase of medical supplies and equipment, including personal protective equipment and testing supplies, providing for increased workforce and training (including maintaining staff, obtaining additional staff, or both), the operation of an emergency operation center, retrofitting a facility, providing for surge capacity, and other expenses determined appropriate by the Secretary.

“(3) LOST REVENUE ATTRIBUTABLE TO COVID-19.—The term ‘lost revenue attributable to COVID-19’ has the meaning given that term in the Frequently Asked Questions guidance released by the Department of Health and Human Services in June 2020, including the difference between such provider’s budgeted and actual revenue if such budget had been established and approved prior to March 27, 2020.

“(4) PAYMENT.—The term ‘payment’ includes, as determined appropriate by the Secretary, a pre-payment, a prospective payment, a retrospective payment, or a payment through a grant or other mechanism.

“(5) RURAL PROVIDER OR SUPPLIER.—The term ‘rural provider or supplier’ means—

“(A) a—

“(i) provider or supplier located in a rural area (as defined in section 1886(d)(2)(D)); or

“(ii) provider treated as located in a rural area pursuant to section 1886(d)(8)(E);

“(B) a provider or supplier located in any other area that serves rural patients (as defined by the Secretary), which may include, but is not required to include, a metropolitan statistical area with a population of less than 500,000 (determined based on the most recently available data);

“(C) a rural health clinic (as defined in section 1861(aa)(2));

“(D) a provider or supplier that furnishes home health, hospice, or long-term services and supports in an individual’s home located in a rural area (as defined in section 1886(d)(2)(D)); or

“(E) any other rural provider or supplier (as defined by the Secretary).”.

SEC. 9912. EXTENSION OF CUSTOMS USER FEES.

(a) **IN GENERAL.**—Section 13031(j)(3) of the Consolidated Omnibus Budget Reconciliation Act of 1985 (19 U.S.C. 58c(j)(3)) is amended—

(1) in subparagraph (A), by striking “October 21, 2029” and inserting “September 30, 2030”; and

(2) in subparagraph (B)(i), by striking “October 21, 2029” and inserting “September 30, 2030”.

(b) **RATE FOR MERCHANDISE PROCESSING FEES.**—Section 503 of the United States-Korea Free Trade Agreement Implementation Act (Public Law 112-41; 19 U.S.C. 3805 note) is amended by striking “October 21, 2029” and inserting “September 30, 2030”.

TITLE X—COMMITTEE ON FOREIGN RELATIONS

SEC. 10001. DEPARTMENT OF STATE OPERATIONS.

In addition to amounts otherwise available, there is authorized and appropriated to the Secretary of State for fiscal year 2021, out of any money in the Treasury not otherwise appropriated, \$204,000,000, to remain available until September 30, 2022, for necessary expenses of the Department of State to carry out the authorities, functions, duties, and responsibilities in the conduct of the foreign affairs of the United States, to prevent, prepare for, and respond to coronavirus domestically or internationally, which shall include maintaining Department of State operations.

SEC. 10002. UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT OPERATIONS.

In addition to amounts otherwise available, there is authorized and appropriated to the Administrator of the United States Agency for International Development for fiscal year 2021, out of any money in the Treasury not otherwise appropriated, \$41,000,000, to remain available until September 30, 2022, to carry out the provisions of section 667 of the Foreign Assistance Act of 1961 (22 U.S.C. 2427) for necessary expenses of the United States Agency for International Development to prevent, prepare for, and respond to

coronavirus domestically or internationally, and for other operations and maintenance requirements related to coronavirus.

SEC. 10003. GLOBAL RESPONSE.

(a) **IN GENERAL.**—In addition to amounts otherwise available, there is authorized and appropriated to the Secretary of State for fiscal year 2021, out of any money in the Treasury not otherwise appropriated, \$8,675,000,000, to remain available until September 30, 2022, for necessary expenses to carry out the provisions of section 531 of chapter 4 of part II of the Foreign Assistance Act of 1961 (22 U.S.C. 2346) as health programs to prevent, prepare for, and respond to coronavirus, which shall include recovery from the impacts of such virus and shall be allocated as follows—

(1) \$905,000,000 to be made available to the United States Agency for International Development for global health activities to prevent, prepare for, and respond to coronavirus, which shall include a contribution to a multilateral vaccine development partnership to support epidemic preparedness;

(2) \$3,750,000,000 to be made available to the Department of State to support programs for the prevention, treatment, and control of HIV/AIDS in order to prevent, prepare for, and respond to coronavirus, including to mitigate the impact on such programs from coronavirus and support recovery from the impacts of the coronavirus, of which not less than \$3,500,000,000 shall be for a United States contribution to the Global Fund to Fight AIDS, Tuberculosis and Malaria;

(3) \$3,090,000,000 to be made available to the United States Agency for International Development to prevent, prepare for, and respond to coronavirus, which shall include support for international disaster relief, rehabilitation, and reconstruction, for health activities, and to meet emergency food security needs; and

(4) \$930,000,000 to be made available to prevent, prepare for, and respond to coronavirus, which shall include activities to address economic and stabilization requirements resulting from such virus.

(b) **WAIVER OF LIMITATION.**—Any contribution to the Global Fund to Fight AIDS, Tuberculosis and Malaria made pursuant to subsection (a)(2) shall be made available notwithstanding section 202(d)(4)(A)(i) of the United States Leadership Against HIV/AIDS, Tuberculosis, and Malaria Act of 2003 (22 U.S.C. 7622(d)(4)(A)(i)), and such contribution shall not be considered a contribution for the purpose of applying such section 202(d)(4)(A)(i).

SEC. 10004. HUMANITARIAN RESPONSE.

(a) **IN GENERAL.**—In addition to amounts otherwise available, there is authorized and appropriated to the Secretary of State for fiscal year 2021, out of any money in the Treasury not otherwise appropriated, \$500,000,000, to remain available until September 30, 2022, to carry out the provisions of section 2(a) and (b) of the Migration and Refugee Assistance Act of 1962 (22 U.S.C. 2601(a) and (b)) to prevent, prepare for, and respond to coronavirus.

(b) **USE OF FUNDS.**—Funds appropriated pursuant to this section shall not be made available for the costs of resettling refugees in the United States.

Refugee
resettlement.

SEC. 10005. MULTILATERAL ASSISTANCE.

In addition to amounts otherwise available, there is authorized and appropriated to the Secretary of State for fiscal year 2021, out of any money in the Treasury not otherwise appropriated, \$580,000,000, to remain available until September 30, 2022, to carry out the provisions of section 301(a) of the Foreign Assistance Act of 1961 (22 U.S.C. 2221(a)) to prevent, prepare for, and respond to coronavirus, which shall include support for the priorities and objectives of the United Nations Global Humanitarian Response Plan COVID-19 through voluntary contributions to international organizations and programs administered by such organizations.

TITLE XI—COMMITTEE ON INDIAN AFFAIRS

SEC. 11001. INDIAN HEALTH SERVICE.

(a) In addition to amounts otherwise available, there is appropriated to the Secretary of Health and Human Services (in this section referred to as the “Secretary”) for fiscal year 2021, out of any money in the Treasury not otherwise appropriated, \$6,094,000,000, to remain available until expended, of which—

(1) \$5,484,000,000 shall be for carrying out the Act of August 5, 1954 (42 U.S.C. 2001 et seq.) (commonly referred to as the Transfer Act), the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5301 et seq.), the Indian Health Care Improvement Act (25 U.S.C. 1601 et seq.), and titles II and III of the Public Health Service Act (42 U.S.C. 201 et seq. and 241 et seq.) with respect to the Indian Health Service, of which—

(A) \$2,000,000,000 shall be for lost reimbursements, in accordance with section 207 of the Indian Health Care Improvement Act (25 U.S.C. 1621f);

(B) \$500,000,000 shall be for the provision of additional health care services, services provided through the Purchased/Referred Care program, and other related activities;

(C) \$140,000,000 shall be for information technology, telehealth infrastructure, and the Indian Health Service electronic health records system;

(D) \$84,000,000 shall be for maintaining operations of the Urban Indian health program, which shall be in addition to other amounts made available under this subsection for Urban Indian organizations (as defined in section 4 of the Indian Health Care Improvement Act (25 U.S.C. 1603));

(E) \$600,000,000 shall be for necessary expenses to plan, prepare for, promote, distribute, administer, and track COVID-19 vaccines, for the purposes described in subparagraphs (F) and (G), and for other vaccine-related activities;

(F) \$1,500,000,000 shall be for necessary expenses to detect, diagnose, trace, and monitor COVID-19 infections, activities necessary to mitigate the spread of COVID-19, supplies necessary for such activities, for the purposes described in subparagraphs (E) and (G), and for other related activities;

(G) \$240,000,000 shall be for necessary expenses to establish, expand, and sustain a public health workforce to prevent, prepare for, and respond to COVID-19, other public health workforce-related activities, for the purposes described in subparagraphs (E) and (F), and for other related activities; and

(H) \$420,000,000 shall be for necessary expenses related to mental health and substance use prevention and treatment services, for the purposes described in subparagraph (C) and paragraph (2) as related to mental health and substance use prevention and treatment services, and for other related activities;

(2) \$600,000,000 shall be for the lease, purchase, construction, alteration, renovation, or equipping of health facilities to respond to COVID-19, and for maintenance and improvement projects necessary to respond to COVID-19 under section 7 of the Act of August 5, 1954 (42 U.S.C. 2004a), the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5301 et seq.), the Indian Health Care Improvement Act (25 U.S.C. 1601 et seq.), and titles II and III of the Public Health Service Act (42 U.S.C. 202 et seq.) with respect to the Indian Health Service; and

(3) \$10,000,000 shall be for carrying out section 7 of the Act of August 5, 1954 (42 U.S.C. 2004a) for expenses relating to potable water delivery.

(b) Funds appropriated by subsection (a) shall be made available to restore amounts, either directly or through reimbursement, for obligations for the purposes specified in this section that were incurred to prevent, prepare for, and respond to COVID-19 during the period beginning on the date on which the public health emergency was declared by the Secretary on January 31, 2020, pursuant to section 319 of the Public Health Service Act (42 U.S.C. 247d) with respect to COVID-19 and ending on the date of the enactment of this Act.

Reimbursement.
Time period.

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

SEC. 11002. BUREAU OF INDIAN AFFAIRS.

(a) IN GENERAL.—In addition to amounts otherwise made available, there is appropriated for fiscal year 2021, out of any money in the Treasury not otherwise appropriated, \$900,000,000 to remain available until expended, pursuant to the Snyder Act (25 U.S.C. 13), of which—

(1) \$100,000,000 shall be for Tribal housing improvement;

(2) \$772,500,000 shall be for Tribal government services, public safety and justice, social services, child welfare assistance, and for other related expenses;

(3) \$7,500,000 shall be for related Federal administrative costs and oversight; and

(4) \$20,000,000 shall be to provide and deliver potable water.

(b) **EXCLUSIONS FROM CALCULATION.**—Funds appropriated under subsection (a) shall be excluded from the calculation of funds received by those Tribal governments that participate in the “Small and Needy” program.

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

SEC. 11003. HOUSING ASSISTANCE AND SUPPORTIVE SERVICES PROGRAMS FOR NATIVE AMERICANS.

(a) **APPROPRIATION.**—In addition to amounts otherwise available, there is appropriated to the Secretary of Housing and Urban Development (in this section referred to as the “Secretary”) for fiscal year 2021, out of any money in the Treasury not otherwise appropriated, \$750,000,000, to remain available until September 30, 2025, to prevent, prepare for, and respond to coronavirus, for activities and assistance authorized under title I of the Native American Housing Assistance and Self-Determination Act of 1996 (NAHASDA) (25 U.S.C. 4111 et seq.), under title VIII of NAHASDA (25 U.S.C. 4221 et seq.), and under section 106(a)(1) of the Housing and Community Development Act of 1974 with respect to Indian tribes (42 U.S.C. 5306(a)(1)), which shall be made available as follows:

(1) **HOUSING BLOCK GRANTS.**—\$455,000,000 shall be available for the Native American Housing Block Grants and Native Hawaiian Housing Block Grant programs, as authorized under titles I and VIII of NAHASDA, subject to the following terms and conditions:

(A) **FORMULA.**—Of the amounts made available under this paragraph, \$450,000,000 shall be for grants under title I of NAHASDA and shall be distributed according to the same funding formula used in fiscal year 2021.

(B) **NATIVE HAWAIIANS.**—Of the amounts made available under this paragraph, \$5,000,000 shall be for grants under title VIII of NAHASDA.

(C) **USE.**—Amounts made available under this paragraph shall be used by recipients to prevent, prepare for, and respond to coronavirus, including to maintain normal operations and fund eligible affordable housing activities under NAHASDA during the period that the program is impacted by coronavirus. In addition, amounts made available under subparagraph (B) may be used to provide rental assistance to eligible Native Hawaiian families both on and off the Hawaiian Home Lands.

(D) **TIMING OF OBLIGATIONS.**—Amounts made available under this paragraph shall be used, as necessary, to cover or reimburse allowable costs to prevent, prepare for, and respond to coronavirus that are incurred by a recipient, including for costs incurred after January 21, 2020.

(E) **WAIVERS OR ALTERNATIVE REQUIREMENTS.**—The Secretary may waive or specify alternative requirements for any provision of NAHASDA (25 U.S.C. 4101 et seq.)

Reimbursement.

or regulation applicable to the Native American Housing Block Grants or Native Hawaiian Housing Block Grant program other than requirements related to fair housing, nondiscrimination, labor standards, and the environment, upon a finding that the waiver or alternative requirement is necessary to expedite or facilitate the use of amounts made available under this paragraph.

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

(2) INDIAN COMMUNITY DEVELOPMENT BLOCK GRANTS.—\$280,000,000 shall be available for grants under title I of the Housing and Community Development Act of 1974, subject to the following terms and conditions:

(A) USE.—Amounts made available under this paragraph shall be used for emergencies that constitute imminent threats to health and safety and are designed to prevent, prepare for, and respond to coronavirus.

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

(C) TIMING OF OBLIGATIONS.—Amounts made available under this paragraph shall be used, as necessary, to cover or reimburse allowable costs to prevent, prepare for, and respond to coronavirus incurred by a recipient, including for costs incurred after January 21, 2020.

Reimbursement.

(D) INAPPLICABILITY OF PUBLIC SERVICES CAP.—Indian tribes may use up to 100 percent of any grant from amounts made available under this paragraph for public services activities to prevent, prepare for, and respond to coronavirus.

(E) WAIVERS OR ALTERNATIVE REQUIREMENTS.—The Secretary may waive or specify alternative requirements for any provision of title I of the Housing and Community Development Act of 1974 (42 U.S.C. 5301 et seq.) or regulation applicable to the Indian Community Development Block Grant program other than requirements related to fair housing, nondiscrimination, labor standards, and the environment, upon a finding that the waiver or alternative requirement is necessary to expedite or facilitate the use of amounts made available under this paragraph.

(3) TECHNICAL ASSISTANCE.—\$10,000,000 shall be used to make new awards or increase prior awards to existing technical assistance providers to provide an immediate increase in training and technical assistance to Indian tribes, Indian housing authorities, tribally designated housing entities, and recipients under title VIII of NAHASDA for activities under this section.

(4) OTHER COSTS.—\$5,000,000 shall be used for the administrative costs to oversee and administer the implementation of this section, and pay for associated information technology, financial reporting, and other costs.

SEC. 11004. COVID-19 RESPONSE RESOURCES FOR THE PRESERVATION AND MAINTENANCE OF NATIVE AMERICAN LANGUAGES.

(a) Section 816 of the Native American Programs Act of 1974 (42 U.S.C. 2992d) is amended by adding at the end the following:

“(f) In addition to amounts otherwise available, there is appropriated for fiscal year 2021, out of any money in the Treasury not otherwise appropriated, \$20,000,000 to remain available until expended, to carry out section 803C(g) of this Act.”.

(b) Section 803C of the Native American Programs Act of 1974 (42 U.S.C. 2991b-3) is amended by adding at the end the following:

Deadline.

“(g) EMERGENCY GRANTS FOR NATIVE AMERICAN LANGUAGE PRESERVATION AND MAINTENANCE.—Not later than 180 days after the effective date of this subsection, the Secretary shall award grants to entities eligible to receive assistance under subsection (a)(1) to ensure the survival and continuing vitality of Native American languages during and after the public health emergency declared by the Secretary pursuant to section 319 of the Public Health Service Act (42 U.S.C. 247d) with respect to the COVID-19 pandemic.”.

SEC. 11005. BUREAU OF INDIAN EDUCATION.

Deadline.

In addition to amounts otherwise available, there is appropriated to the Bureau of Indian Education for fiscal year 2021, out of any money in the Treasury not otherwise appropriated, \$850,000,000, to remain available until expended, to be allocated by the Director of the Bureau of Indian Education not more than 45 calendar days after the date of enactment of this Act, for programs or activities operated or funded by the Bureau of Indian Education, for Bureau-funded schools (as defined in section 1141(3) of the Education Amendments of 1978 (25 U.S.C. 2021(3)), and for Tribal Colleges or Universities (as defined in section 316(b)(3) of the Higher Education Act of 1965 (20 U.S.C. 1059c(b)(3))).

SEC. 11006. AMERICAN INDIAN, NATIVE HAWAIIAN, AND ALASKA NATIVE EDUCATION.

Determination.
Deadline.

In addition to amounts otherwise available, there is appropriated to the Department of Education for fiscal year 2021, out of any money in the Treasury not otherwise appropriated, \$190,000,000, to remain available until expended, for awards, which shall be determined by the Secretary of Education not more than 180 calendar days after the date of enactment of this Act, of which—

(1) \$20,000,000 shall be for awards for Tribal education agencies for activities authorized under section 6121(c) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7441(c));

(2) \$85,000,000 shall be for awards to entities eligible to receive grants under section 6205(a)(1) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7515(a)(1)) for activities authorized under section 6205(a)(3) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7515(a)(3)); and

(3) \$85,000,000 shall be for awards to entities eligible to receive grants under section 6304(a)(1) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7544(a)(1)) for activities authorized under section 6304(a)(2-3) of the

Elementary and Secondary Education Act of 1965 (20 U.S.C. 7544(a)(2–3)) and other related activities.

Approved March 11, 2021.

LEGISLATIVE HISTORY—H.R. 1319:

HOUSE REPORTS: No. 117-7 (Comm. on the Budget).

CONGRESSIONAL RECORD, Vol. 167 (2021):

Feb. 26, considered and passed House.

Mar. 4, 5, considered and passed Senate, amended.

Mar. 10, House concurred in Senate amendment.

DAILY COMPILATION OF PRESIDENTIAL DOCUMENTS (2021):

Mar. 11, Presidential remarks.

Public Law 117–3
117th Congress

An Act

Mar. 23, 2021
[S. 579]

To make a technical correction to the ALS Disability Insurance Access Act of 2019.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. RETROACTIVE ACCESS TO SOCIAL SECURITY DISABILITY BENEFITS INDIVIDUALS WITH AMYOTROPHIC LATERAL SCLEROSIS (ALS).

42 USC 423 note. (a) IN GENERAL.—Section 2(b) of the ALS Disability Insurance Access Act of 2019 (Public Law 116–250) is amended by striking “applications for disability insurance benefits filed after the date of enactment of this Act” and inserting “applications for disability insurance benefits approved after the date that is 5 months before the date of enactment of this Act”.

42 USC 423 note. (b) EFFECTIVE DATE.—The amendment made by this section shall take effect as if included in the enactment of the ALS Disability Insurance Access Act of 2019 (Public Law 116–250).

Approved March 23, 2021.

LEGISLATIVE HISTORY—S. 579:

CONGRESSIONAL RECORD, Vol. 167 (2021):

Mar. 3, considered and passed Senate.

Mar. 11, considered and passed House.

Public Law 117–4
117th Congress

An Act

To authorize the Secretary of Veterans Affairs to furnish COVID–19 vaccines to certain individuals, and for other purposes.

Mar. 24, 2021
[H.R. 1276]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Strengthening and Amplifying Vaccination Efforts to Locally Immunize All Veterans and Every Spouse Act” or the “SAVE LIVES Act”.

SEC. 2. AUTHORITY OF SECRETARY OF VETERANS AFFAIRS TO FURNISH COVID–19 VACCINE TO CERTAIN INDIVIDUALS NOT ENROLLED IN PATIENT ENROLLMENT SYSTEM OF DEPARTMENT OF VETERANS AFFAIRS.

(a) **IN GENERAL.**—The Secretary of Veterans Affairs may furnish a vaccine for COVID–19 to a covered individual during the COVID–19 public health emergency.

(b) **PRIORITIZATION.**—In furnishing vaccines for COVID–19 under the laws administered by the Secretary, the Secretary shall—

(1) prioritize the vaccination of veterans who are enrolled in the patient enrollment system, veterans who receive hospital care and medical services pursuant to subsection (c)(2) of section 1705 of title 38, United States Code, and accompanying caregivers of such veterans before the vaccination of covered individuals not otherwise described in this paragraph; and

(2) only furnish vaccines for COVID–19 to covered individuals under this section to the extent that such vaccines are available.

(c) **TIMING OF VACCINES PROVIDED TO SPOUSES OF VETERANS.**—The Secretary may determine the timing for offering a vaccine for COVID–19 to the spouse of a veteran from the Department of Veterans Affairs.

(d) **VACCINE ALLOCATION.**—It is the sense of Congress that, to the extent practicable based on the current national supply chain, the Secretary of Health and Human Services should adjust the allocation for the Department of Veterans Affairs for the vaccine for COVID–19 based on the additional eligibility of covered individuals under this section.

(e) **DEFINITIONS.**—In this section:

(1) **ACCOMPANYING CAREGIVER.**—The term “accompanying caregiver” means a caregiver described in subparagraph (D), (E), or (F) of paragraph (2) who is accompanying a veteran who is receiving a vaccine for COVID–19 furnished by the Department.

Strengthening
and Amplifying
Vaccination
Efforts to Locally
Immunize All
Veterans and
Every Spouse
Act.
38 USC 1701
note.

(2) COVERED INDIVIDUAL.—The term “covered individual” means any of the following individuals:

(A) A veteran who is not eligible to enroll in the patient enrollment system.

(B) A veteran who is eligible for care under section 1724 of title 38, United States Code.

(C) A beneficiary under section 1781 of such title.

(D) A family caregiver of a veteran participating in the program of comprehensive assistance for family caregivers under section 1720G(a) of such title.

(E) A caregiver of a veteran participating in the program of general caregiver support services under section 1720G(b) of such title.

(F) A caregiver of a veteran participating in the Medical Foster Home Program, Bowel and Bladder Program, Home Based Primary Care Program, or Veteran Directed Care Program of the Department of Veterans Affairs.

(G) A spouse of a veteran.

(3) COVERED PUBLIC HEALTH EMERGENCY.—The term “covered public health emergency” means an emergency with respect to COVID-19 declared by a Federal, State, or local authority.

(4) COVID-19.—The term “COVID-19” means the coronavirus disease 2019.

(5) PATIENT ENROLLMENT SYSTEM.—The term “patient enrollment system” means the system of annual patient enrollment of the Department of Veterans Affairs established and operated under section 1705(a) of title 38, United States Code.

(6) VETERAN.—The term “veteran” has the meaning given that term in section 101(2) of title 38, United States Code.

Approved March 24, 2021.

LEGISLATIVE HISTORY—H.R. 1276:

CONGRESSIONAL RECORD, Vol. 167 (2021):

Mar. 9, considered and passed House.

Mar. 17, considered and passed Senate, amended.

Mar. 19, House concurred in Senate amendment.

Public Law 117–5
117th Congress

An Act

To amend the CARES Act to extend the sunset for the definition of a small business debtor, and for other purposes.

Mar. 27, 2021
[H.R. 1651]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “COVID–19 Bankruptcy Relief Extension Act of 2021”.

COVID–19
Bankruptcy
Relief Extension
Act of 2021.
11 USC 101 note.

SEC. 2. EXTENSIONS.

(a) IN GENERAL.—Section 1113 of the CARES Act (Public Law 116–136) is amended—

(1) in subsection (a)(5) (11 U.S.C. 1182 note), by striking “1 year” and inserting “2 years”; and

(2) in subsection (b)(2)(B) (11 U.S.C. 101 note), by striking “1 year” and inserting “2 years”.

(b) MODIFICATION OF PLAN AFTER CONFIRMATION.—

(1) Section 1329(d)(1) of title 11, United States Code, is amended, in the matter preceding subparagraph (A), by striking “this subsection” and inserting “the COVID–19 Bankruptcy Relief Extension Act of 2021”.

(2) Section 1113(b)(1)(D)(ii) of the CARES Act (11 U.S.C. 1329 note) is amended by striking “this Act” and inserting “the COVID–19 Bankruptcy Relief Extension Act of 2021”.

SEC. 3. DETERMINATION OF BUDGETARY EFFECTS.

The budgetary effects of this Act, for the purpose of complying with the Statutory Pay-As-You-Go Act of 2010, shall be determined by reference to the latest statement titled “Budgetary Effects of PAYGO Legislation” for this Act, submitted for printing in the Congressional Record by the Chairman of the House Budget Committee, provided that such statement has been submitted prior to the vote on passage.

Approved March 27, 2021.

LEGISLATIVE HISTORY—H.R. 1651:

CONGRESSIONAL RECORD, Vol. 167 (2021):

Mar. 16, 17, considered and passed House.

Mar. 24, considered and passed Senate, amended.

Mar. 26, House concurred in Senate amendment.

Public Law 117–6
117th Congress

An Act

Mar. 30, 2021
[H.R. 1799]

To amend the Small Business Act and the CARES Act to extend the covered period for the paycheck protection program, and for other purposes.

PPP Extension
Act of 2021.
15 USC 631 note.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “PPP Extension Act of 2021”.

SEC. 2. EXTENSION OF COVERED PERIOD FOR PAYCHECK PROTECTION PROGRAM.

(a) IN GENERAL.—Section 7(a)(36)(A)(iii) of the Small Business Act (15 U.S.C. 636(a)(36)(A)(iii)) is amended by striking “March 31, 2021” and inserting “June 30, 2021”.

134 Stat. 2018.

(b) FUNDING.—Section 1102(b)(1) of the CARES Act (Public Law 116–136), as amended by section 323 of the Economic Aid to Hard-Hit Small Businesses, Nonprofits, and Venues Act (Public Law 116–260), is amended by striking “March 31, 2021” and inserting “June 30, 2021”.

15 USC 636 note.

(c) RESTRICTION.—From June 1, 2021, through June 30, 2021, the Administrator of the Small Business Administration shall not accept new lender applications for loans under paragraph (36) or (37) of section 7(a) of the Small Business Act (15 U.S.C. 636(a)) and shall only process such lender applications that have been submitted to the Administrator before June 1, 2021.

SEC. 3. DETERMINATION OF BUDGETARY EFFECTS.

(a) IN GENERAL.—The budgetary effects of this Act shall not be entered on either PAYGO scorecard maintained pursuant to section 4(d) of the Statutory Pay-As-You-Go Act of 2010 (2 U.S.C. 933(d)).

(b) SENATE PAYGO SCORECARDS.—The budgetary effects of this Act shall not be entered on any PAYGO scorecard maintained for purposes of section 4106 of H. Con. Res. 71 (115th Congress).

Approved March 30, 2021.

LEGISLATIVE HISTORY—H.R. 1799:

CONGRESSIONAL RECORD, Vol. 167 (2021):

Mar. 16, considered and passed House.

Mar. 25, considered and passed Senate.

DAILY COMPILATION OF PRESIDENTIAL DOCUMENTS (2021):

Mar. 30, Presidential remarks.

Public Law 117–7
117th Congress

An Act

To prevent across-the-board direct spending cuts, and for other purposes.

Apr. 14, 2021

[H.R. 1868]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. EXTENSION OF TEMPORARY SUSPENSION OF MEDICARE SEQUESTRATION.

(a) EXTENSION.—

(1) IN GENERAL.—Section 3709(a) of division A of the CARES Act (2 U.S.C. 901a note) is amended by striking “March 31, 2021” and inserting “December 31, 2021”.

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall take effect as if enacted as part of the CARES Act (Public Law 116–136).

2 USC 901a note.

(b) OFFSET.—Section 251A(6)(C) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 901a(6)(C)) is amended—

(1) in clause (i)—

(A) by striking “first 6 months” and inserting “first 5 ½ months”;

(B) by striking “4.0 percent” and inserting “2.0 percent”; and

(C) by striking “and” at the end;

(2) in clause (ii)—

(A) by striking “second 6 months” and inserting “6-month period beginning on the day after the last day of the period described in clause (i)”; and

(B) by striking “0.0 percent.” and inserting “4.0 percent; and”; and

(3) by adding at the end the following:

“(iii) with respect to the remaining ½ month in which such order is so effective for such fiscal year, the payment reduction shall be 0.0 percent.”.

SEC. 2. TECHNICAL CORRECTIONS.

(a) RURAL HEALTH CLINIC PAYMENTS.—

(1) IN GENERAL.—Section 1833(f)(3) of the Social Security Act (42 U.S.C. 1395l(f)(3)) is amended—

(A) in subparagraph (A)—

(i) in clause (i), by striking subclauses (I) and (II) and inserting the following:

“(I) with respect to a rural health clinic that had a per visit payment amount established for services furnished in 2020—

“(aa) the per visit payment amount applicable to such rural health clinic for rural health clinic services furnished in 2020, increased by the percentage increase in the MEI applicable to primary care services furnished as of the first day of 2021; or

“(bb) the limit described in paragraph (2)(A);

and

“(II) with respect to a rural health clinic that did not have a per visit payment amount established for services furnished in 2020—

“(aa) the per visit payment amount applicable to such rural health clinic for rural health clinic services furnished in 2021; or

“(bb) the limit described in paragraph (2)(A);

and”; and

(ii) in clause (ii)(I), by striking “under clause (i)(I)” and inserting “under subclause (I) or (II) of clause (i), as applicable,”; and

(B) by striking subparagraph (B) and inserting the following:

“(B) A rural health clinic described in this subparagraph is a rural health clinic that—

“(i) as of December 31, 2020, was in a hospital with less than 50 beds and after such date such hospital continues to have less than 50 beds (not taking into account any increase in the number of beds pursuant to a waiver under subsection (b)(1)(A) of section 1135 during the emergency period described in subsection (g)(1)(B) of such section); and

“(ii)(I) as of December 31, 2020, was enrolled under section 1866(j) (including temporary enrollment during such emergency period for such emergency period); or

“(II) submitted an application for enrollment under section 1866(j) (or a request for such a temporary enrollment for such emergency period) that was received not later than December 31, 2020.”.

42 USC 1395l
note.

(2) EFFECTIVE DATE.—The amendments made by this subsection shall take effect as if included in the enactment of the Consolidated Appropriations Act, 2021 (Public Law 116–260).

42 USC 1396r–4
note.

(b) ADDITIONAL AMOUNT FOR CERTAIN HOSPITALS WITH HIGH DISPROPORTIONATE SHARE.—Effective as if included in the enactment of section 203(a) of title II of division CC of Public Law 116–260, subsection (g) of section 1923 of the Social Security Act (42 U.S.C. 1396r–4), as amended by such section, is amended by adding at the end the following:

“(3) CONTINUED APPLICATION OF GRANDFATHERED TRANSITION RULE.—Notwithstanding paragraph (2) of this subsection (as in effect on October 1, 2021), paragraph (2) of this subsection (as in effect on September 30, 2021, and as applied under section 4721(e) of the Balanced Budget Act of 1997, and amended by section 607 of the Medicare, Medicaid, and SCHIP Balanced Budget Refinement Act of 1999 (Public Law 106–113)) shall apply in determining whether a payment adjustment for a hospital in a State referenced in section 4721(e) of the

Balanced Budget Act of 1997 during a State fiscal year shall be considered consistent with subsection (c).”.

Approved April 14, 2021.

LEGISLATIVE HISTORY—H.R. 1868:

CONGRESSIONAL RECORD, Vol. 167 (2021):

Mar. 19, considered and passed House.

Mar. 25, considered and passed Senate, amended.

Apr. 13, House concurred in Senate amendment.

Public Law 117–8
117th Congress

An Act

Apr. 23, 2021
[S. 164]

To educate health care providers and the public on biosimilar biological products,
and for other purposes.

*Be it enacted by the Senate and House of Representatives of
the United States of America in Congress assembled,*

Advancing
Education on
Biosimilars Act
of 2021.
42 USC 201 note.

SECTION 1. SHORT TITLE.

This Act may be cited as the “Advancing Education on
Biosimilars Act of 2021”.

SEC. 2. EDUCATION ON BIOLOGICAL PRODUCTS.

Subpart 1 of part F of title III of the Public Health Service
Act (42 U.S.C. 262 et seq.) is amended by adding at the end
the following:

42 USC 263–1.

“SEC. 352A. EDUCATION ON BIOLOGICAL PRODUCTS.

“(a) INTERNET WEBSITE.—

“(1) IN GENERAL.—The Secretary may maintain and operate
an internet website to provide educational materials for health
care providers, patients, and caregivers, regarding the meaning
of the terms, and the standards for review and licensing of,
biological products, including biosimilar biological products and
interchangeable biosimilar biological products.

“(2) CONTENT.—Educational materials provided under
paragraph (1) may include—

“(A) explanations of key statutory and regulatory
terms, including ‘biosimilar’ and ‘interchangeable’, and
clarification regarding the use of interchangeable biosimilar
biological products;

“(B) information related to development programs for
biological products, including biosimilar biological products
and interchangeable biosimilar biological products and rel-
evant clinical considerations for prescribers, which may
include, as appropriate and applicable, information related
to the comparability of such biological products;

“(C) an explanation of the process for reporting adverse
events for biological products, including biosimilar
biological products and interchangeable biosimilar
biological products; and

“(D) an explanation of the relationship between bio-
similar biological products and interchangeable biosimilar
biological products licensed under section 351(k) and ref-
erence products (as defined in section 351(i)), including
the standards for review and licensing of each such type
of biological product.

“(3) **FORMAT.**—The educational materials provided under paragraph (1) may be—

“(A) in formats such as webinars, continuing education modules, videos, fact sheets, infographics, stakeholder tool-kits, or other formats as appropriate and applicable; and

“(B) tailored for the unique needs of health care providers, patients, caregivers, and other audiences, as the Secretary determines appropriate.

“(4) **OTHER INFORMATION.**—In addition to the information described in paragraph (2), the Secretary shall continue to publish—

“(A) the action package of each biological product licensed under subsection (a) or (k) of section 351; or

“(B) the summary review of each biological product licensed under subsection (a) or (k) of section 351.

“(5) **CONFIDENTIAL AND TRADE SECRET INFORMATION.**—This subsection does not authorize the disclosure of any trade secret, confidential commercial or financial information, or other matter described in section 552(b) of title 5.

“(b) **CONTINUING EDUCATION.**—The Secretary shall advance education and awareness among health care providers regarding biological products, including biosimilar biological products and interchangeable biosimilar biological products, as appropriate, including by developing or improving continuing education programs that advance the education of such providers on the prescribing of, and relevant clinical considerations with respect to, biological products, including biosimilar biological products and interchangeable biosimilar biological products.”.

Approved April 23, 2021.

LEGISLATIVE HISTORY—S. 164:

CONGRESSIONAL RECORD, Vol. 167 (2021):

Mar. 3, considered and passed Senate.

Apr. 14, considered and passed House.

Public Law 117–9
117th Congress

An Act

Apr. 23, 2021
[S. 415]

To amend the Federal Food, Drug, and Cosmetic Act with respect to the scope of new chemical exclusivity.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. CLARIFYING THE MEANING OF NEW CHEMICAL ENTITY.

(a) IN GENERAL.—Chapter V of the Federal Food, Drug, and Cosmetic Act is amended—

(1) in section 505 (21 U.S.C. 355)—

(A) in subsection (c)(3)(E), by striking “active ingredient (including any ester or salt of the active ingredient)” each place it appears and inserting “active moiety (as defined by the Secretary in section 314.3 of title 21, Code of Federal Regulations (or any successor regulations))”;

(B) in subsection (j)(5)(F), by striking “active ingredient (including any ester or salt of the active ingredient)” each place it appears and inserting “active moiety (as defined by the Secretary in section 314.3 of title 21, Code of Federal Regulations (or any successor regulations))”;

(C) in subsection (l)(2)(A)—

(i) by amending clause (i) to read as follows:

Deadline.

“(i) not later than 30 days after the date of approval of such applications—

“(I) for a drug, no active moiety (as defined by the Secretary in section 314.3 of title 21, Code of Federal Regulations (or any successor regulations)) of which has been approved in any other application under this section; or

“(II) for a biological product, no active ingredient of which has been approved in any other application under section 351 of the Public Health Service Act; and”;

(ii) in clause (ii), by inserting “or biological product” before the period;

(D) by amending subsection (s) to read as follows:

Review.

“(s) REFERRAL TO ADVISORY COMMITTEE.—The Secretary shall—

“(1) refer a drug or biological product to a Food and Drug Administration advisory committee for review at a meeting of such advisory committee prior to the approval of such drug or biological if it is—

“(A) a drug, no active moiety (as defined by the Secretary in section 314.3 of title 21, Code of Federal Regulations (or any successor regulations)) of which has been approved in any other application under this section; or

“(B) a biological product, no active ingredient of which has been approved in any other application under section 351 of the Public Health Service Act; or

“(2) if the Secretary does not refer a drug or biological product described in paragraph (1) to a Food and Drug Administration advisory committee prior to such approval, provide in the action letter on the application for the drug or biological product a summary of the reasons why the Secretary did not refer the drug or biological product to an advisory committee prior to approval.”; and

Summary.

(E) in subsection (u)(1), in the matter preceding subparagraph (A)—

(i) by striking “active ingredient (including any ester or salt of the active ingredient)” and inserting “active moiety (as defined by the Secretary in section 314.3 of title 21, Code of Federal Regulations (or any successor regulations))”; and

(ii) by striking “same active ingredient” and inserting “same active moiety”;

(2) in section 512(c)(2)(F) (21 U.S.C. 360b(c)(2)(F)), by striking “active ingredient (including any ester or salt of the active ingredient)” each place it appears and inserting “active moiety (as defined by the Secretary in section 314.3 of title 21, Code of Federal Regulations (or any successor regulations))”;

(3) in section 524(a)(4) (21 U.S.C. 360n(a)(4)), by amending subparagraph (C) to read as follows:

“(C) is for—

“(i) a human drug, no active moiety (as defined by the Secretary in section 314.3 of title 21, Code of Federal Regulations (or any successor regulations)) of which has been approved in any other application under section 505(b)(1); or

“(ii) a biological product, no active ingredient of which has been approved in any other application under section 351 of the Public Health Service Act.”;

(4) in section 529(a)(4) (21 U.S.C. 360ff(a)(4)), by striking subparagraphs (A) and (B) and inserting the following:

“(A) is for a drug or biological product that is for the prevention or treatment of a rare pediatric disease;

“(B)(i) is for such a drug—

“(I) that contains no active moiety (as defined by the Secretary in section 314.3 of title 21, Code of Federal Regulations (or any successor regulations)) that has been previously approved in any other application under subsection (b)(1), (b)(2), or (j) of section 505; and

“(II) that is the subject of an application submitted under section 505(b)(1); or

“(ii) is for such a biological product—

“(I) that contains no active ingredient that has been previously approved in any other application under section 351(a) or 351(k) of the Public Health Service Act; and

“(II) that is the subject of an application submitted under section 351(a) of the Public Health Service Act.”; and

(5) in section 565A(a)(4) (21 U.S.C. 360bbb–4a(a)(4)), by amending subparagraph (D) to read as follows:

“(D) is for—

“(i) a human drug, no active moiety (as defined by the Secretary in section 314.3 of title 21, Code of Federal Regulations (or any successor regulations)) of which has been approved in any other application under section 505(b)(1); or

“(ii) a biological product, no active ingredient of which has been approved in any other application under section 351 of the Public Health Service Act.”.

(b) TECHNICAL CORRECTIONS.—Chapter V of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 351 et seq.) is amended—

(1) in section 505 (21 U.S.C. 355)—

(A) in subsection (c)(3)(E), by repealing clause (i); and

(B) in subsection (j)(5)(F), by repealing clause (i); and

(2) in section 505A(c)(1)(A)(i)(II) (21 U.S.C. 355a(c)(1)(A)(i)(II)), by striking “(c)(3)(D)” and inserting “(c)(3)(E)”.

Approved April 23, 2021.

LEGISLATIVE HISTORY—S. 415:

CONGRESSIONAL RECORD, Vol. 167 (2021):

Mar. 10, considered and passed Senate.

Apr. 14, considered and passed House.

Public Law 117–10
117th Congress

An Act

To allow Senators, Senators-elect, committees of the Senate, leadership offices, and other offices of the Senate to share employees, and for other purposes.

Apr. 23, 2021
[S. 422]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Senate Shared
Employee Act.
2 USC 4501 note.

SECTION 1. SHORT TITLE.

This Act may be cited as the “Senate Shared Employee Act”.

SEC. 2. ALLOWING SENATORS, COMMITTEES, LEADERSHIP OFFICES, AND OTHER OFFICES OF THE SENATE TO SHARE EMPLOYEES.

(a) **IN GENERAL.**—Section 114 of the Legislative Branch Appropriation Act, 1978 (2 U.S.C. 4576) is amended—

(1) by inserting “(a)” before “Notwithstanding”;

(2) by striking “position, each of” and all that follows through the period at the end and inserting the following: “qualifying position if the aggregate gross pay from those positions does not exceed—

“(1) the maximum rate specified in section 105(d)(2) of the Legislative Branch Appropriation Act, 1968 (2 U.S.C. 4575(d)(2)), as amended and modified; or

“(2) in a case where 1 or more of the individual’s qualifying positions are positions described in subsection (d)(2)(B), the maximum rate specified in section 105(e)(3) of the Legislative Branch Appropriation Act, 1968 (2 U.S.C. 4575(e)(3)), as amended and modified.”; and

(3) by adding at the end the following:

“(b)(1) For an individual serving in more than 1 qualifying position under subsection (a), the cost of any travel for official business shall be paid by the office authorizing the travel.

“(2) Messages for each electronic mail account used in connection with carrying out the official duties of an individual serving in more than 1 qualifying position under subsection (a) may be delivered to and sent from a single handheld communications device provided to the individual for purposes of official business.

“(3)(A) For purposes of the Ethics in Government Act of 1978 (5 U.S.C. App.), the rate of basic pay for an individual serving in more than 1 qualifying position under subsection (a) shall be the total basic pay received by the individual from all such positions.

“(B) For an individual serving in more than one qualifying position under subsection (a), for purposes of the rights and obligations described in, or described in the provisions applied under, title II of the Congressional Accountability Act of 1995 (2 U.S.C. 1311 et seq.) related to practices used at a time when the individual

is serving in such a qualifying position with an employing office, the rate of pay for the individual shall be the individual rate of pay received from the employing office.

“(c)(1) If the duties of a qualifying position under subsection (a) include information technology services and support, an individual may only serve in the qualifying position and 1 or more additional qualifying positions under such subsection if the individual is in compliance with each information technology standard and policy established for Senate offices by the Office of the Sergeant at Arms and Doorkeeper of the Senate.

“(2) Notwithstanding subsection (a), an employee serving in a qualifying position in the Office of the Secretary of the Senate or the Office of the Sergeant at Arms and Doorkeeper of the Senate may serve in an additional qualifying position only if—

“(A) the other qualifying position is with the other Office;

or

“(B) the Committee on Rules and Administration of the Senate has approved the arrangement.

Definition.

“(d) In this section, the term ‘qualifying position’ means a position that—

“(1) is designated as a shared position for purposes of this section by the Senator or other head of the office in which the position is located; and

“(2) is one of the following:

“(A) A position—

“(i) that is in the office of a Senator; and

“(ii) the pay of which is disbursed by the Secretary of the Senate.

“(B) A position—

“(i) that is in any committee of the Senate (including a select or special committee) or a joint committee of Congress; and

“(ii) the pay of which is disbursed by the Secretary of the Senate out of an appropriation under the heading ‘INQUIRIES AND INVESTIGATIONS’ or ‘JOINT ECONOMIC COMMITTEE’, or a heading relating to a Joint Congressional Committee on Inaugural Ceremonies.

“(C) A position—

“(i) that is in another office (excluding the Office of the Vice President and the Office of the Chaplain of the Senate); and

“(ii) the pay of which is disbursed by the Secretary of the Senate out of an appropriation under the heading ‘SALARIES, OFFICERS AND EMPLOYEES’.

“(D) A position—

“(i) that is filled pursuant to section 105 of the Second Supplemental Appropriations Act, 1978 (2 U.S.C. 6311); and

“(ii) the pay of which is disbursed by the Secretary of the Senate out of an appropriation under the heading ‘MISCELLANEOUS ITEMS’.”.

(b) **EFFECTIVE DATE.**—The amendments made by subsection (a) shall take effect beginning on the day that is 6 months after the date of enactment of this Act. 2 USC 4576 note.

Approved April 23, 2021.

LEGISLATIVE HISTORY—S. 422:

CONGRESSIONAL RECORD, Vol. 167 (2021):

Feb. 24, considered and passed Senate.

Apr. 16, considered and passed House.

Public Law 117–11
117th Congress

An Act

Apr. 23, 2021
[S. 578]

To improve the health and safety of Americans living with food allergies and related disorders, including potentially life-threatening anaphylaxis, food protein-induced enterocolitis syndrome, and eosinophilic gastrointestinal diseases, and for other purposes.

Food Allergy
Safety,
Treatment,
Education, and
Research Act
of 2021.
21 USC 301 note.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Food Allergy Safety, Treatment, Education, and Research Act of 2021” or the “FASTER Act of 2021”.

SEC. 2. FOOD ALLERGY SAFETY.

(a) IN GENERAL.—Section 201(qq)(1) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321(qq)(1)) is amended by striking “and soybeans” and inserting “soybeans, and sesame”.

21 USC 321 note.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to any food that is introduced or delivered for introduction into interstate commerce on or after January 1, 2023.

SEC. 3. REPORT TO CONGRESS.

(a) REPORT.—Not later than 18 months after the date of enactment of this Act, the Secretary of Health and Human Services (referred to in this section as the “Secretary”) shall submit to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Energy and Commerce of the House of Representatives a report that includes—

(1) descriptions of ongoing Federal activities related to—

(A) the surveillance and collection of data on the prevalence of food allergies and severity of allergic reactions for specific food or food ingredients, including the identification of any gaps in such activities;

(B) the development of effective food allergy diagnostics;

(C) the prevention of the onset of food allergies;

(D) the reduction of risks related to living with food allergies; and

(E) the development of new therapeutics to prevent, treat, cure, and manage food allergies; and

(2) specific recommendations and strategies to expand, enhance, or improve activities described in paragraph (1), including—

(A) strategies to improve the accuracy of food allergy prevalence data by expanding and intensifying current

Recommendations.
Strategies.

collection methods, including support for research that includes the identification of biomarkers and tests to validate survey data and the investigation of the use of identified biomarkers and tests in national surveys;

(B) strategies to overcome gaps in surveillance and data collection activities related to food allergies and specific food allergens; and

(C) recommendations for the development and implementation of a regulatory process and framework that would allow for the timely, transparent, and evidence-based modification of the definition of “major food allergen” included in section 201(qq) of the Federal Food, Drug and Cosmetic Act (21 U.S.C. 321(qq)), including with respect to—

(i) the scientific criteria for defining a food or food ingredient as a “major food allergen” pursuant to such process, including recommendations pertaining to evidence of the prevalence and severity of allergic reactions to a food or food ingredient that would be required in order to establish that such food or food ingredient is an allergen of public health concern appropriate for such process; and

(ii) opportunities for stakeholder engagement and comment, as appropriate, in considering any such modification to such definition.

(b) PUBLICATION.—The Secretary shall make the report under subsection (a) available on the internet website of the Department of Health and Human Services. Web posting.

Approved April 23, 2021.

LEGISLATIVE HISTORY—S. 578:

CONGRESSIONAL RECORD, Vol. 167 (2021):

Mar. 3, considered and passed Senate.

Apr. 14, considered and passed House.

Public Law 117–12
117th Congress

An Act

May 4, 2021
[H.R. 2630]

To amend the Temporary Reauthorization and Study of the Emergency Scheduling of Fentanyl Analogues Act to extend until October 2021, a temporary order for fentanyl-related substances.

Extending
Temporary
Emergency
Scheduling of
Fentanyl
Analogues Act.
Drugs and drug
abuse.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Extending Temporary Emergency Scheduling of Fentanyl Analogues Act”.

SEC. 2. EXTENSION OF TEMPORARY ORDER FOR FENTANYL-RELATED SUBSTANCES.

134 Stat. 103.

Effective as if included in the enactment of the Temporary Reauthorization and Study of the Emergency Scheduling of Fentanyl Analogues Act (Public Law 116–114), section 2 of such Act (Public Law 116–114) is amended by striking “May 6, 2021” and inserting “October 22, 2021”.

SEC. 3. DETERMINATION OF BUDGETARY EFFECTS.

The budgetary effects of this Act, for the purpose of complying with the Statutory Pay-As-You-Go Act of 2010, shall be determined by reference to the latest statement titled “Budgetary Effects of PAYGO Legislation” for this Act, submitted for printing in the Congressional Record by the Chairman of the House Budget Committee, provided that such statement has been submitted prior to the vote on passage.

Approved May 4, 2021.

LEGISLATIVE HISTORY—H.R. 2630 (S. 1216):
CONGRESSIONAL RECORD, Vol. 167 (2021):
Apr. 21, considered and passed House.
Apr. 29, considered and passed Senate.

Public Law 117–13
117th Congress

An Act

To facilitate the expedited review of COVID–19 hate crimes, and for other purposes.

May 20, 2021

[S. 937]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “COVID–19 Hate Crimes Act”.

COVID–19 Hate
Crimes Act.
34 USC 10101
note.

SEC. 2. FINDINGS.

Congress finds the following:

34 USC 30501
note.

(1) Following the spread of COVID–19 in 2020, there has been a dramatic increase in hate crimes and violence against Asian-Americans and Pacific Islanders.

(2) According to a recent report, there were nearly 3,800 reported cases of anti-Asian discrimination and incidents related to COVID–19 between March 19, 2020, and February 28, 2021, in all 50 States and the District of Columbia.

(3) During this time frame, race has been cited as the primary reason for discrimination, making up over 90 percent of incidents, and the United States condemns and denounces any and all anti-Asian and Pacific Islander sentiment in any form.

(4) Roughly 36 percent of these incidents took place at a business and more than 2,000,000 Asian-American businesses have contributed to the diverse fabric of American life.

(5) More than 1,900,000 Asian-American and Pacific Islander older adults, particularly those older adults who are recent immigrants or have limited English proficiency, may face even greater challenges in dealing with the COVID–19 pandemic, including discrimination, economic insecurity, and language isolation.

(6) In the midst of this alarming surge in anti-Asian hate crimes and incidents, a shooter murdered the following 8 people in the Atlanta, Georgia region, 7 of whom were women and 6 of whom were women of Asian descent:

- (A) Xiaojie Tan.
- (B) Daoyou Feng.
- (C) Delaina Ashley Yaun González.
- (D) Paul Andre Michels.
- (E) Soon Chung Park.
- (F) Hyun Jung Grant.
- (G) Suncha Kim.
- (H) Yong Ae Yue.

Xiaojie Tan.
Daoyou Feng.
Delaina Ashley
Yaun González.
Paul Andre
Michels.
Soon Chung
Park.
Hyun Jung
Grant.
Suncha Kim.
Yong Ae Yue.

(7) The people of the United States will always remember the victims of these shootings and stand in solidarity with

those affected by this senseless tragedy and incidents of hate that have affected the Asian and Pacific Islander communities.

34 USC 30501
note.
Deadline.
Designation.

SEC. 3. REVIEW OF HATE CRIMES.

(a) IN GENERAL.—Not later than 7 days after the date of enactment of this Act, the Attorney General shall designate an officer or employee of the Department of Justice whose responsibility during the applicable period shall be to facilitate the expedited review of hate crimes (as described in section 249 of title 18, United States Code) and reports of any such crime to Federal, State, local, or Tribal law enforcement agencies.

(b) APPLICABLE PERIOD DEFINED.—In this section, the term “applicable period” means the period beginning on the date on which the officer or employee is designated under subsection (a), and ending on the date that is 1 year after the date on which the emergency period described in subparagraph (B) of section 1135(g)(1) of the Social Security Act (42 U.S.C. 1320b–5(g)(1)) ends, except that the Attorney General may extend such period as appropriate.

34 USC 30501
note.

SEC. 4. GUIDANCE.

(a) GUIDANCE FOR LAW ENFORCEMENT AGENCIES.—The Attorney General shall issue guidance for State, local, and Tribal law enforcement agencies, pursuant to this Act and other applicable law, on how to—

(1) establish online reporting of hate crimes or incidents, and to have online reporting that is equally effective for people with disabilities as for people without disabilities available in multiple languages as determined by the Attorney General;

(2) collect data disaggregated by the protected characteristics described in section 249 of title 18, United States Code; and

(3) expand public education campaigns aimed at raising awareness of hate crimes and reaching victims, that are equally effective for people with disabilities as for people without disabilities.

Coordination.

(b) GUIDANCE RELATING TO COVID–19 PANDEMIC.—The Attorney General and the Secretary of Health and Human Services, in coordination with the COVID–19 Health Equity Task Force and community-based organizations, shall issue guidance aimed at raising awareness of hate crimes during the COVID–19 pandemic.

Khalid Jabara
and Heather
Heyer National
Opposition to
Hate, Assault,
and Threats to
Equality Act
of 2021.
34 USC 30507.

SEC. 5. JABARA-HEYER NO HATE ACT.

(a) SHORT TITLE.—This section may be cited as the “Khalid Jabara and Heather Heyer National Opposition to Hate, Assault, and Threats to Equality Act of 2021” or the “Jabara-Heyer NO HATE Act”.

(b) FINDINGS.—Congress finds the following:

(1) The incidence of violence known as hate crimes, or crimes motivated by bias, poses a serious national problem.

(2) According to data obtained by the Federal Bureau of Investigation, the incidence of such violence increased in 2019, the most recent year for which data is available.

(3) In 1990, Congress enacted the Hate Crime Statistics Act (Public Law 101–275; 28 U.S.C. 534 note) to provide the Federal Government, law enforcement agencies, and the public with data regarding the incidence of hate crime. The Hate Crime Statistics Act and the Matthew Shepard and James

Byrd, Jr. Hate Crimes Prevention Act (division E of Public Law 111–84; 123 Stat. 2835) have enabled Federal authorities to understand and, where appropriate, investigate and prosecute hate crimes.

(4) A more complete understanding of the national problem posed by hate crime is in the public interest and supports the Federal interest in eradicating bias-motivated violence referenced in section 249(b)(1)(C) of title 18, United States Code.

(5) However, a complete understanding of the national problem posed by hate crimes is hindered by incomplete data from Federal, State, and local jurisdictions through the Uniform Crime Reports program authorized under section 534 of title 28, United States Code, and administered by the Federal Bureau of Investigation.

(6) Multiple factors contribute to the provision of inaccurate and incomplete data regarding the incidence of hate crime through the Uniform Crime Reports program. A significant contributing factor is the quality and quantity of training that State and local law enforcement agencies receive on the identification and reporting of suspected bias-motivated crimes.

(7) The problem of crimes motivated by bias is sufficiently serious, widespread, and interstate in nature as to warrant Federal financial assistance to States and local jurisdictions.

(8) Federal financial assistance with regard to certain violent crimes motivated by bias enables Federal, State, and local authorities to work together as partners in the investigation and prosecution of such crimes.

(c) DEFINITIONS.—In this section:

(1) HATE CRIME.—The term “hate crime” means an act described in section 245, 247, or 249 of title 18, United States Code, or in section 901 of the Civil Rights Act of 1968 (42 U.S.C. 3631).

(2) PRIORITY AGENCY.—The term “priority agency” means—

(A) a law enforcement agency of a unit of local government that serves a population of not less than 100,000, as computed by the Federal Bureau of Investigation; or

(B) a law enforcement agency of a unit of local government that—

(i) serves a population of not less than 50,000 and less than 100,000, as computed by the Federal Bureau of Investigation; and

(ii) has reported no hate crimes through the Uniform Crime Reports program in each of the 3 most recent calendar years for which such data is available.

(3) STATE.—The term “State” has the meaning given the term in section 901 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (34 U.S.C. 10251).

(4) UNIFORM CRIME REPORTS.—The term “Uniform Crime Reports” means the reports authorized under section 534 of title 28, United States Code, and administered by the Federal Bureau of Investigation that compile nationwide criminal statistics for use—

(A) in law enforcement administration, operation, and management; and

(B) to assess the nature and type of crime in the United States.

(5) UNIT OF LOCAL GOVERNMENT.—The term “unit of local government” has the meaning given the term in section 901 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (34 U.S.C. 10251).

State and local
governments.

(d) REPORTING OF HATE CRIMES.—

(1) IMPLEMENTATION GRANTS.—

(A) IN GENERAL.—The Attorney General may make grants to States and units of local government to assist the State or unit of local government in implementing the National Incident-Based Reporting System, including to train employees in identifying and classifying hate crimes in the National Incident-Based Reporting System.

(B) PRIORITY.—In making grants under subparagraph (A), the Attorney General shall give priority to States and units of local government that develop and implement the programs and activities described in subsection (f)(2)(A).

(2) REPORTING.—

(A) COMPLIANCE.—

Time period.
Effective date.

(i) IN GENERAL.—Except as provided in clause (ii), in each fiscal year beginning after the date that is 3 years after the date on which a State or unit of local government first receives a grant under paragraph (1), the State or unit of local government shall provide to the Attorney General, through the Uniform Crime Reporting system, information pertaining to hate crimes committed in that jurisdiction during the preceding fiscal year.

(ii) EXTENSIONS; WAIVER.—The Attorney General—

(I) may provide a 120-day extension to a State or unit of local government that is making good faith efforts to comply with clause (i); and

(II) shall waive the requirements of clause (i) if compliance with that subparagraph by a State or unit of local government would be unconstitutional under the constitution of the State or of the State in which the unit of local government is located, respectively.

(B) FAILURE TO COMPLY.—If a State or unit of local government that receives a grant under paragraph (1) fails to substantially comply with subparagraph (A) of this paragraph, the State or unit of local government shall repay the grant in full, plus reasonable interest and penalty charges allowable by law or established by the Attorney General.

(e) GRANTS FOR STATE-RUN HATE CRIME HOTLINES.—

(1) GRANTS AUTHORIZED.—

(A) IN GENERAL.—The Attorney General shall make grants to States to create State-run hate crime reporting hotlines.

(B) GRANT PERIOD.—A grant made under subparagraph

(A) shall be for a period of not more than 5 years.

(2) HOTLINE REQUIREMENTS.—A State shall ensure, with respect to a hotline funded by a grant under paragraph (1), that—

(A) the hotline directs individuals to—

(i) law enforcement if appropriate; and

(ii) local support services;

(B) any personally identifiable information that an individual provides to an agency of the State through the hotline is not directly or indirectly disclosed, without the consent of the individual, to—

- (i) any other agency of that State;
- (ii) any other State;
- (iii) the Federal Government; or
- (iv) any other person or entity;

(C) the staff members who operate the hotline are trained to be knowledgeable about—

- (i) applicable Federal, State, and local hate crime laws; and
- (ii) local law enforcement resources and applicable local support services; and

(D) the hotline is accessible to—

- (i) individuals with limited English proficiency, where appropriate; and
- (ii) individuals with disabilities.

(3) BEST PRACTICES.—The Attorney General shall issue guidance to States on best practices for implementing the requirements of paragraph (2).

(f) INFORMATION COLLECTION BY STATES AND UNITS OF LOCAL GOVERNMENT.—

(1) DEFINITIONS.—In this subsection:

(A) COVERED AGENCY.—The term “covered agency” means—

- (i) a State law enforcement agency; and
- (ii) a priority agency.

(B) ELIGIBLE ENTITY.—The term “eligible entity” means—

- (i) a State; or
- (ii) a unit of local government that has a priority agency.

(2) GRANTS.—

(A) IN GENERAL.—The Attorney General may make grants to eligible entities to assist covered agencies within the jurisdiction of the eligible entity in conducting law enforcement activities or crime reduction programs to prevent, address, or otherwise respond to hate crime, particularly as those activities or programs relate to reporting hate crimes through the Uniform Crime Reports program, including—

- (i) adopting a policy on identifying, investigating, and reporting hate crimes;
- (ii) developing a standardized system of collecting, analyzing, and reporting the incidence of hate crime;
- (iii) establishing a unit specialized in identifying, investigating, and reporting hate crimes;
- (iv) engaging in community relations functions related to hate crime prevention and education such as—

(I) establishing a liaison with formal community-based organizations or leaders; and

(II) conducting public meetings or educational forums on the impact of hate crimes, services available to hate crime victims, and the relevant Federal, State, and local laws pertaining to hate crimes; and

(v) providing hate crime trainings for agency personnel.

(B) SUBGRANTS.—A State that receives a grant under subparagraph (A) may award a subgrant to a unit of local government within the State for the purposes under that subparagraph, except that a unit of local government may provide funding from such a subgrant to any law enforcement agency of the unit of local government.

(3) INFORMATION REQUIRED OF STATES AND UNITS OF LOCAL GOVERNMENT.—

(A) IN GENERAL.—For each fiscal year in which a State or unit of local government receives a grant or subgrant under paragraph (2), the State or unit of local government shall—

(i) collect information from each law enforcement agency that receives funding from the grant or subgrant summarizing the law enforcement activities or crime reduction programs conducted by the agency to prevent, address, or otherwise respond to hate crime, particularly as those activities or programs relate to reporting hate crimes through the Uniform Crime Reports program; and

Reports.

(ii) submit to the Attorney General a report containing the information collected under clause (i).

(B) SEMIANNUAL LAW ENFORCEMENT AGENCY REPORT.—

Requirement.

(i) IN GENERAL.—In collecting the information required under subparagraph (A)(i), a State or unit of local government shall require each law enforcement agency that receives funding from a grant or subgrant awarded to the State or unit of local government under paragraph (2) to submit a semiannual report to the State or unit of local government that includes a summary of the law enforcement activities or crime reduction programs conducted by the agency during the reporting period to prevent, address, or otherwise respond to hate crime, particularly as those activities or programs relate to reporting hate crimes through the Uniform Crime Reports program.

(ii) CONTENTS.—In a report submitted under clause (i), a law enforcement agency shall, at a minimum, disclose—

(I) whether the agency has adopted a policy on identifying, investigating, and reporting hate crimes;

(II) whether the agency has developed a standardized system of collecting, analyzing, and reporting the incidence of hate crime;

(III) whether the agency has established a unit specialized in identifying, investigating, and reporting hate crimes;

(IV) whether the agency engages in community relations functions related to hate crime, such as—

(aa) establishing a liaison with formal community-based organizations or leaders; and

(bb) conducting public meetings or educational forums on the impact of hate crime, services available to hate crime victims, and the relevant Federal, State, and local laws pertaining to hate crime; and

(V) the number of hate crime trainings for agency personnel, including the duration of the trainings, conducted by the agency during the reporting period.

(4) COMPLIANCE AND REDIRECTION OF FUNDS.—

(A) IN GENERAL.—Except as provided in subparagraph (B), beginning not later than 1 year after the date of this Act, a State or unit of local government receiving a grant or subgrant under paragraph (2) shall comply with paragraph (3). Deadline.

(B) EXTENSIONS; WAIVER.—The Attorney General—

(i) may provide a 120-day extension to a State or unit of local government that is making good faith efforts to collect the information required under paragraph (3); and

(ii) shall waive the requirements of paragraph (3) for a State or unit of local government if compliance with that subsection by the State or unit of local government would be unconstitutional under the constitution of the State or of the State in which the unit of local government is located, respectively.

(g) REQUIREMENTS OF THE ATTORNEY GENERAL.—

(1) INFORMATION COLLECTION AND ANALYSIS; REPORT.—In order to improve the accuracy of data regarding the incidence of hate crime provided through the Uniform Crime Reports program, and promote a more complete understanding of the national problem posed by hate crime, the Attorney General shall—

(A) collect and analyze the information provided by States and units of local government under subsection (f) for the purpose of developing policies related to the provision of accurate data obtained under the Hate Crime Statistics Act (Public Law 101–275; 28 U.S.C. 534 note) by the Federal Bureau of Investigation; and

(B) for each calendar year beginning after the date of enactment of this Act, publish and submit to Congress a report based on the information collected and analyzed under subparagraph (A). Time period.
Effective date.

(2) CONTENTS OF REPORT.—A report submitted under paragraph (1) shall include— Analysis.

(A) a qualitative analysis of the relationship between—

(i) the number of hate crimes reported by State law enforcement agencies or other law enforcement agencies that received funding from a grant or subgrant awarded under paragraph (2) through the Uniform Crime Reports program; and

(ii) the nature and extent of law enforcement activities or crime reduction programs conducted by

those agencies to prevent, address, or otherwise respond to hate crime; and

(B) a quantitative analysis of the number of State law enforcement agencies and other law enforcement agencies that received funding from a grant or subgrant awarded under paragraph (2) that have—

(i) adopted a policy on identifying, investigating, and reporting hate crimes;

(ii) developed a standardized system of collecting, analyzing, and reporting the incidence of hate crime;

(iii) established a unit specialized in identifying, investigating, and reporting hate crimes;

(iv) engaged in community relations functions related to hate crime, such as—

(I) establishing a liaison with formal community-based organizations or leaders; and

(II) conducting public meetings or educational forums on the impact of hate crime, services available to hate crime victims, and the relevant Federal, State, and local laws pertaining to hate crime; and

(v) conducted hate crime trainings for agency personnel during the reporting period, including—

(I) the total number of trainings conducted by each agency; and

(II) the duration of the trainings described in subclause (I).

(h) ALTERNATIVE SENTENCING.—Section 249 of title 18, United States Code, is amended by adding at the end the following:

Courts.
Requirement.

“(e) SUPERVISED RELEASE.—If a court includes, as a part of a sentence of imprisonment imposed for a violation of subsection (a), a requirement that the defendant be placed on a term of supervised release after imprisonment under section 3583, the court may order, as an explicit condition of supervised release, that the defendant undertake educational classes or community service directly related to the community harmed by the defendant’s offense.”.

Approved May 20, 2021.

LEGISLATIVE HISTORY—S. 937:

CONGRESSIONAL RECORD, Vol. 167 (2021):

Apr. 15, 19, 20, 22, considered and passed Senate.

May 18, considered and passed House.

DAILY COMPILATION OF PRESIDENTIAL DOCUMENTS (2021):

May 20, Presidential remarks.

Public Law 117–14
117th Congress

An Act

To restrict the imposition by the Secretary of Homeland Security of fines, penalties, duties, or tariffs applicable only to coastwise voyages, or prohibit otherwise qualified non-United States citizens from serving as crew, on specified vessels transporting passengers between the State of Washington and the State of Alaska, to address a Canadian cruise ship ban and the extraordinary impacts of the COVID–19 pandemic on Alaskan communities, and for other purposes.

May 24, 2021
[H.R. 1318]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Alaska Tourism
Restoration Act.
46 USC 101 note.

SECTION 1. SHORT TITLE.

This Act may be cited as the “Alaska Tourism Restoration Act”.

SEC. 2. VOYAGE DEEMED TO BE FOREIGN.

(a) DEFINITION OF COVERED CRUISE SHIP.—

(1) IN GENERAL.—In this section, the term “covered cruise ship” means a vessel included on the list under paragraph (2) that—

(A) has been issued, operates in accordance with, and retains a COVID–19 Conditional Sailing Certificate of the Centers for Disease Control and Prevention; and

(B) operates in accordance with any restrictions or guidance of the Centers for Disease Control and Prevention associated with such Certificate, including any such restrictions or guidance issued after the date of enactment of this Act.

(2) LIST.—The vessels listed under this paragraph are the following:

- (A) Carnival Freedom (IMO number 9333149).
- (B) Carnival Miracle (IMO number 9237357).
- (C) Crystal Serenity (IMO number 9243667).
- (D) Discovery Princess (IMO number 9837468).
- (E) Emerald Princess (IMO number 9333151).
- (F) Eurodam (IMO number 9378448).
- (G) Golden Horizon (IMO number 9793545).
- (H) Grand Princess (IMO number 9104005).
- (I) Hanseatic Inspiration (IMO number 9817145).
- (J) Koningsdam (IMO number 9692557).
- (K) NG Quest (IMO number 9798985).
- (L) NG Sea Bird (IMO number 8966444).
- (M) NG Sea Lion (IMO number 8966456).
- (N) NG Venture (IMO number 9799044).
- (O) Nieuw Amsterdam (IMO number 9378450).
- (P) Noordam (IMO number 9230115).

(Q) Zuiderdam (IMO number 9221279).
 (R) Majestic Princess (IMO number 9614141).
 (S) Ovation of the Seas (IMO number 9697753).
 (T) Radiance of the Seas (IMO number 9195195).
 (U) Serenade of the Seas (IMO number 9228344).
 (V) Eclipse (IMO number 9404314).
 (W) Millennium (IMO number 9189419).
 (X) Solstice (IMO number 9362530).
 (Y) Norwegian Bliss (IMO number 9751509).
 (Z) Norwegian Encore (IMO number 9751511).
 (AA) Norwegian Jewel (IMO number 9304045).
 (BB) Norwegian Spirit (IMO number 9141065).
 (CC) Norwegian Sun (IMO number 9218131).
 (DD) Ocean Victory (IMO number 9868869).
 (EE) Pacific Princess (IMO number 9187887).
 (FF) Pacific World (IMO number 9000259).
 (GG) Quantum of the Seas (IMO number 9549463).
 (HH) Queen Elizabeth (IMO number 9477438).
 (II) Disney Wonder (IMO number 9126819).
 (JJ) Regatta (IMO number 9156474).
 (KK) Roald Amundsen (IMO number 9813072).
 (LL) Ruby Princess (IMO number 9378462).
 (MM) Sapphire Princess (IMO number 9228186).
 (NN) Scenic Eclipse (IMO number 9797371).
 (OO) Seabourn Odyssey (IMO number 9417086).
 (PP) Seabourn Venture 2 (IMO 9862023).
 (QQ) Seven Seas Mariner (IMO number 9210139).
 (RR) Silver Shadow (IMO number 9192167).
 (SS) Silver Wind (IMO number 8903935).
 (TT) Star Breeze (IMO number 8807997).
 (UU) Sylvia Earle (IMO number 9872327).
 (VV) Westerdam (IMO number 9226891).
 (WW) L'Austral (IMO number 9502518).
 (XX) Silver Muse (IMO number 9784350).
 (YY) Viking Orion (IMO number 9796250).

(b) CRITERIA.—A roundtrip voyage of a covered cruise ship transporting passengers between a port or place in the State of Alaska and a port or place in the State of Washington shall be deemed to have made a stop in a port or place of Canada, and deemed a foreign voyage, for purposes of the law of the United States, if—

(1) during the voyage, the covered cruise ship sends an email containing the information described in subsection (c) to—

(A) the Canada Border Services Agency;

(B) the Commissioner of Customs and Border Protection; and

(C) each alien crewman on such voyage who is in possession of a valid, unexpired nonimmigrant visa issued pursuant to subparagraph (C) or (D) of section 101(a)(15) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)); and

(2) the voyage begins not later than February 28, 2022.

(c) EMAIL.—An email described in subsection (b)(1) shall contain the names of each alien crewman described in subparagraph (C) of such subsection.

Deadline.

(d) **EMPLOYMENT OF ALIEN CREWMEN.**—On the date on which a covered cruise ship sends an email to the Canada Border Services Agency in accordance with subsection (b)(1), each alien crewman described in subparagraph (C) of such subsection shall be deemed to have departed the United States, entered Canada, and been readmitted to the United States for purposes of complying with, during the applicable voyage described in subsection (b), the 29-day authorized stay pursuant to their nonimmigrant visas issued pursuant to subparagraph (C) or (D) of section 101(a)(15) of the Immigration and Nationality Act (8 U.S.C. 1101(a)).

(e) **EXCEPTION.**—Notwithstanding subsection (b), a voyage described in such subsection shall not be deemed a foreign voyage for purposes of section 446 of the Tariff Act of 1930 (19 U.S.C. 1446) or any other provision of law relating to levying duties or taxes on goods, including consumables, purchased for use onboard the covered cruise ship.

(f) **APPLICABILITY.**—This section shall not apply to a roundtrip voyage during any period for which the Director of the Centers for Disease Control and Prevention has issued an order under section 361 or 365 of the Public Health Service Act (42 U.S.C. 264 and 268) that requires covered cruise ships to suspend vessel operations.

(g) **DURATION.**—The authority provided under this section shall terminate on the earlier of—

(1) the date on which covered cruise ships are no longer prohibited by the Government of Canada, any political subdivision of Canada, or any port or province of Canada, from entering, berthing, or docking in Canadian waters of the Pacific Coast due to the COVID–19 pandemic; or

(2) March 31, 2022.

SEC. 3. MEDICAL AND SAFETY STANDARDS.

(a) **IN GENERAL.**—Chapter 35 of title 46, United States Code, is amended by adding at the end the following:

“§ 3510. Additional medical and safety standards

46 USC 3510.

“(a) **AUTOMATED EXTERNAL DEFIBRILLATORS.**—Not later than 1 year after the date of enactment of this section, the Secretary, in consultation with the Secretary of Health and Human Services and other appropriate Federal agencies, shall promulgate regulations to—

Deadline.
Consultation.
Regulations.
Requirements.

“(1) require that the owner of a vessel to which section 3507 applies install, and maintain in working order, automated external defibrillators on such vessel;

“(2) require that such defibrillators be placed throughout such vessel in clearly designated locations;

“(3) require that such defibrillators are available for passenger and crew access in the event of an emergency; and

“(4) require that automated external defibrillators, or adjacent equipment, allow passengers and crew to easily contact medical staff of the vessel.

“(b) **DEFINITION OF OWNER.**—In this section, the term ‘owner’ has the meaning given such term in section 3507.”.

46 USC
prec. 3501. (b) CLERICAL AMENDMENT.—The analysis for chapter 35 of title 46, United States Code, is amended by adding at the end the following:

“Sec. 3510. Additional medical and safety standards.”.

Approved May 24, 2021.

LEGISLATIVE HISTORY—H.R. 1318:

CONGRESSIONAL RECORD, Vol. 167 (2021):

May 20, considered and passed House and Senate.

Public Law 117–15
117th Congress

An Act

To reauthorize the Stem Cell Therapeutic and Research Act of 2005, and for other purposes.

May 26, 2021
[H.R. 941]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Timely ReAuthorization of Necessary Stem-cell Programs Lends Access to Needed Therapies Act of 2021” or the “TRANSPLANT Act of 2021”.

Timely
ReAuthorization
of Necessary
Stem-cell
Programs Lends
Access to Needed
Therapies Act
of 2021.
42 USC 201 note.

SEC. 2. REAUTHORIZATION OF THE C.W. BILL YOUNG CELL TRANSPLANTATION PROGRAM.

(a) **ADVISORY COUNCIL MEETINGS.**—Subsection (a) of section 379 of the Public Health Service Act (42 U.S.C. 274k) is amended by adding at the end the following new paragraph:

“(7) The Secretary shall convene the Advisory Council at least two times each calendar year.”.

(b) **INCREASING COLLECTION.**—

(1) **TECHNICAL CLARIFICATION.**—Effective as if included in the enactment of Public Law 114–104 (the Stem Cell Therapeutic and Research Reauthorization Act of 2015), the amendment to section 379(d)(2)(B) of the Public Health Service Act (42 U.S.C. 274k(d)(2)(B)) in section 2(a)(2) of Public Law 114–104 is amended by inserting “goal of increasing collections of high quality” before “cord blood units,”.

42 USC 274k and
note.

(2) **ELIMINATING DEADWOOD.**—Subparagraph (B) of section 379(d)(2) of the Public Health Service Act (42 U.S.C. 274k(d)(2)) is amended by striking the second and third sentences in such subparagraph.

(c) **PERIODIC REVIEW OF STATE OF SCIENCE.**—Section 379 of the Public Health Service Act (42 U.S.C. 274k) is amended by adding at the end the following new subsection:

“(o) **PERIODIC REVIEW OF STATE OF SCIENCE.**—

“(1) **REVIEW.**—Not less frequently than every 2 years, the Secretary, in consultation with the Director of the National Institutes of Health, the Commissioner of Food and Drugs, the Administrator of the Health Resources and Services Administration, the Advisory Council, and other stakeholders, where appropriate given relevant expertise, shall conduct a review of the state of the science of using adult stem cells and birthing tissues to develop new types of therapies for patients, for the purpose of considering the potential inclusion of such new types of therapies in the Program.

Consultation.

Deadline.

“(2) RECOMMENDATIONS.—Not later than June 30, 2025, the Secretary shall—

“(A) complete the second review required by paragraph (1); and

“(B) informed by such review, submit to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Energy and Commerce of the House of Representatives recommendations on the appropriateness of the inclusion of new types of therapies in the Program.”.

(d) AUTHORIZATION OF APPROPRIATIONS.—Section 379B of the Public Health Service Act (42 U.S.C. 274m) is amended by striking “\$33,000,000 for fiscal year 2015 and \$30,000,000 for each of fiscal years 2016 through 2020” and inserting “\$31,009,000 for each of fiscal years 2022 through 2026”.

SEC. 3. CORD BLOOD INVENTORY.

Subsection (g) of section 2 of the Stem Cell Therapeutic and Research Act of 2005 (42 U.S.C. 274k note) is amended to read as follows:

“(g) AUTHORIZATION OF APPROPRIATIONS.—To carry out this section, there is authorized to be appropriated \$23,000,000 for each of fiscal years 2022 through 2026.”.

SEC. 4. ADVANCING THE FIELD OF REGENERATIVE MEDICINE.

Section 402 of the Public Health Service Act (42 U.S.C. 282) is amended by adding at the end the following:

Consultation.

“(o) REGENERATIVE MEDICINE.—The Director of NIH shall, as appropriate, continue to consult with the directors of relevant institutes and centers of the National Institutes of Health, other relevant experts from such institutes and centers, and relevant experts within the Food and Drug Administration, to further the field of regenerative medicine using adult stem cells, including autologous stem cells, therapeutic tissue engineering products, human cell and tissue products, human gene therapies, and genetically modified cells.”.

SEC. 5. GAO REPORT ON REGENERATIVE MEDICINE WORKFORCE.

Assessment.

Not later than 2 years after the date of enactment of this Act, the Comptroller General of the United States shall submit to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Energy and Commerce of the House of Representatives a report that assesses a specialized health care workforce in the field of regenerative medicine. The report shall include—

(1) an overview of the current employment levels, in both commercial and academic settings, for—

(A) positions necessary for the collection and transplantation of stem cell therapeutics, including bone marrow and cord blood; and

(B) positions in the field of regenerative medicine using adult stem cells and related to product development;

(2) the identification of gaps, if any, in the projected workforce capacity for—

(A) positions described in paragraph (1)(A); and

(B) the field of regenerative medicine using adult stem cells, including workforce gaps related to the development of new cellular therapies using adult stem cells;

(3) an overview of the availability of training programs related to the development, refinement, and utilization of adult stem cells, including training on good manufacturing practices for such activities, and the performance of such programs; and

(4) recommendations, if any, for improving the workforce capacity related to—

Recommendations.

(A) the positions described in paragraph (1)(A); or

(B) the field of regenerative medicine using adult stem cells.

Approved May 26, 2021.

LEGISLATIVE HISTORY—H.R. 941:

CONGRESSIONAL RECORD, Vol. 167 (2021):

Apr. 14, 15, considered and passed House.

May 17, considered and passed Senate.

Public Law 117–16
117th Congress

An Act

June 8, 2021
[H.R. 2523]

To amend the American Rescue Plan Act of 2021 to improve the COVID–19 Veteran Rapid Retraining Assistance program, to make certain technical corrections to the Johnny Isakson and David P. Roe, M.D. Veterans Health Care and Benefits Improvement Act of 2020, and for other purposes.

Training in High-demand Roles to Improve Veteran Employment Act.
38 USC 101 note.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Training in High-demand Roles to Improve Veteran Employment Act” or the “THRIVE Act”.

SEC. 2. IMPROVEMENTS TO COVID-19 VETERAN RAPID RETRAINING ASSISTANCE PROGRAM.

Ante, p. 113.

(a) IN GENERAL.—Section 8006 of the American Rescue Plan Act of 2021 (Public Law 117–2) is amended—

(1) by striking paragraph (3) of subsection (c) and inserting the following new paragraph (3):

“(3) DETERMINATION OF HIGH-DEMAND OCCUPATIONS.—

“(A) INITIAL IMPLEMENTATION.—In carrying out this section, the Secretary shall use the list of high-demand occupations prepared in conjunction with the Secretary of Labor.

“(B) MODIFICATIONS.—The Secretary of Veterans Affairs may add and remove occupations from the list under subparagraph (A) as the Secretary determines appropriate.”;

(2) in subsection (d)(3)—

(A) in the matter preceding subparagraph (A), by inserting “(other than such a program pursued solely through distance learning on a half-time basis or less)” after “a covered program of education under the retraining assistance program under this section”; and

(B) in subparagraph (C), by striking “less than a half-time basis” and inserting “a half-time basis or less”;

(3) by redesignating subsections (f), (g), and (h) as subsections (k), (l), and (m), respectively;

(4) by inserting after subsection (e) the following new subsections:

Consultation.
Deadlines.

“(f) EMPLOYEE ASSISTANCE.—The Secretary of Veterans Affairs, in consultation with the Secretary of Labor, shall contact each veteran who pursues a covered program of education under this section—

Notification.

“(1) not later than 30 days after the date on which the veteran begins the program of education to notify the veteran

of the availability of employment placement services upon completion of the program; and

“(2) not later than 14 days after the date on which the veteran completes, or terminates participation in, such program to facilitate the provision of employment placement services to such veteran.

“(g) NONPROFIT ORGANIZATION.—

“(1) IN GENERAL.—The Secretary of Veterans Affairs shall seek to enter into a memorandum of understanding with one or more qualified nonprofit organizations for the purpose of facilitating the employment of veterans who participate in the retraining assistance program under this section.

Memorandum.

“(2) QUALIFIED NONPROFIT ORGANIZATION.—For purposes of this subsection, a qualified nonprofit organization is a nonprofit organization that—

“(A) is an association of businesses; and

“(B) has at least two years of experience providing job placement services for veterans.

“(h) FOLLOW UP OUTREACH.—The Secretary of Veterans Affairs, in coordination with the Secretary of Labor, shall contact each veteran who completes a covered program of education under the retraining assistance program under this section 30, 60, 90, and 180 days after the veteran completes such program of education to ask the veteran about the experience of the veteran in the retraining assistance program and the veteran’s employment status.

Coordination.
Time periods.

“(i) QUARTERLY REPORTS.—Not later than the date that is one year after the date of the enactment of this Act, and quarterly thereafter, the Secretary of Labor shall submit to the Committees on Veterans’ Affairs of the Senate and House of Representatives a report containing the following information about veterans who participate in the retraining assistance program under this section:

“(1) The percentage of such veterans who found employment before the end of the second calendar quarter after exiting the program.

“(2) The percentage of such veterans who found employment before the end of the fourth calendar quarter after exiting the program.

“(3) The median earnings of all such veterans for the second quarter after exiting the program.

“(4) The percentage of such veterans who attain a recognized postsecondary credential during the 12-month period after exiting the program.

Time period.

“(j) COMPTROLLER GENERAL REPORT.—Not later than 180 days after the termination of the retraining assistance program under subsection (l), the Comptroller General shall submit to the Committees on Veterans’ Affairs of the Senate and House of Representatives a report on the outcomes and effectiveness of the program.”;

(5) in subsection (l), as so redesignated, by striking “No retraining assistance may be paid under this section after the date that is 21 months after the date of the enactment of this Act” and inserting “No retraining assistance may be paid under this section for a covered program of education that begins on or after December 11, 2022”;

Effective date.

(6) in subsection (m), as so redesignated, by striking the period at the end and inserting the following: “, which shall be carried out as if such section were authorized for the payment of readjustment and rehabilitation benefits to or on behalf

of veterans under chapters 30, 31, and 41 of title 38, United States Code. Not more than \$386,000,000 may be obligated or expended to carry out this section.”; and

(7) by adding at the end the following new subsection:
“(n) DEFINITIONS.—In this section:

“(1) The term ‘covered public health emergency’ means the declaration—

“(A) of a public health emergency, based on an outbreak of COVID–19 by the Secretary of Health and Human Services under section 319 of the Public Health Service Act (42 U.S.C. 247d); or

“(B) of a domestic emergency, based on an outbreak of COVID–19 by the President, the Secretary of Homeland Security, or State, or local authority.

“(2) The term ‘veteran’ means—

“(A) a person who served in the active military, naval, or air service, and who was discharged or released therefrom under conditions other than dishonorable; or

“(B) a member of a reserve component of the Armed Forces who performs active service for a period of 30 days or longer by reason of the covered public health emergency.

“(3) The term ‘active service’ has the meaning given such term in section 101 of title 10, United States Code.”.

38 USC note
prec. 3001.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply as if included in the enactment of the American Rescue Plan Act of 2021 (Public Law 117–2).

SEC. 3. INFORMATION PROVIDED BY DEPARTMENT OF VETERANS AFFAIRS ABOUT POSTSECONDARY EDUCATIONAL INSTITUTIONS.

(a) ADDITIONAL INFORMATION TO BE PROVIDED.—Subsection (c) of section 3698 of title 38, United States Code, is amended—

(1) in paragraph (1)(C)—

(A) in clause (xi), by striking “and” at the end;

(B) in clause (xii), by striking the period and inserting a semicolon; and

(C) by adding at the end the following new clauses:

“(xiii) whether the institution is listed on the College Navigator website as affiliated with a religion and, if so, which religious denomination;

Determination.

“(xiv) whether the Secretary of Education or other head of a department or agency of the Federal Government has determined that the institution is a minority serving institution and, if so, which one or more types of minority serving institutions; and

“(xv) whether the institution is gender specific.”; and

(2) in paragraph (2), by adding at the end the following new sentence: “To the extent practicable, the Secretary shall ensure that such information is provided in a searchable format.”.

(b) DEFINITION.—Subsection (f) of such section is amended by adding at the end the following new paragraphs:

“(3) The term ‘College Navigator website’ has the meaning given that term in section 132 of the Higher Education Act (20 U.S.C. 1015a).

“(4) The term ‘minority serving institution’ means any of the following:

“(A) A part B institution, as such term is defined in section 322(2) of the Higher Education Act (20 U.S.C. 1061(2)).

“(B) A Hispanic-serving institution, as such term is defined in section 502(a)(5) of such Act (20 U.S.C. 1101a(5)).

“(C) A Tribal College or University, as such term is defined in section 316(b)(3) of such Act (20 U.S.C. 1059c(b)(3)).

“(D) A predominantly Black institution, as such term is defined in section 318(b)(6) of such Act (20 U.S.C. 1059e(b)(6)).

“(E) A Native American-serving, nontribal institution, as such term is defined in section 319(b)(2) of such Act (20 U.S.C. 1059f(b)(6)).

“(F) An Alaska Native-serving institution or Native Hawaiian-serving institution, as such terms are defined in section 317(b) of such Act (20 U.S.C. 1059d(b)).

“(G) An Asian American and Native American Pacific Islander-serving institution, as such term is defined in section 320(b) of such Act (20 U.S.C. 1059g(b)).”.

(c) APPLICATION.—The amendments made by this section shall apply with respect to the information provided under section 3698 of title 38, United States Code, beginning on the date that is two years after the date of the enactment of this Act.

Effective date.
38 USC 3698
note.

SEC. 4. DELAY OF EFFECTIVE DATE FOR LIMITATION ON COLOCATION AND ADMINISTRATION OF STATE APPROVING AGENCIES.

Section 1024 of the Johnny Isakson and David P. Roe, M.D. Veterans Health Care and Benefits Improvement Act of 2020 (Public Law 116–315) is amended to read as follows:

38 USC 3671 and
note.

“SEC. 1024. LIMITATION ON COLOCATION AND ADMINISTRATION OF STATE APPROVING AGENCIES.

“(a) IN GENERAL.—Section 3671 of title 38, United States Code, is amended by adding at the end the following new subsection:

“(c) The Secretary may not recognize a State department or agency as the State approving agency for a State for purposes of this chapter if such department or agency is administered at, or colocated with, a university or university system that offers courses or programs of education that are subject to approval under this chapter by the State approving agency for that State.’.

“(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on the date that is one year after the date of the enactment of this Act.”.

SEC. 5. CLARIFICATION OF APPLICABILITY OF TREATMENT OF CERTAIN FOR-PROFIT EDUCATIONAL INSTITUTIONS.

(a) CLARIFICATION.—Section 1022(c) of the Johnny Isakson and David P. Roe, M.D. Veterans Health Care and Benefits Improvement Act of 2020 (Public Law 116–315) is amended by inserting “, or the conversion of a for-profit educational institution to a public educational institution,” after “nonprofit educational institution”.

38 USC 3699B
note.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply as if included in the enactment of the Johnny Isakson and David P. Roe, M.D. Veterans Health Care and Benefits Improvement Act of 2020 (Public Law 116–315).

38 USC 3699B
note.

SEC. 6. CLARIFICATIONS REGARDING REQUIREMENTS FOR EDUCATIONAL INSTITUTIONS PARTICIPATING IN THE EDUCATIONAL ASSISTANCE PROGRAMS OF THE DEPARTMENT OF VETERANS AFFAIRS.

Subsection (f) of section 3679 of title 38, United States Code, as added by section 1018 of the Johnny Isakson and David P. Roe, M.D. Veterans Health Care and Benefits Improvement Act of 2020 (Public Law 116–315), is amended—

134 Stat. 4946.

(1) in paragraph (1)(E), by inserting “, to the maximum extent practicable,” after “including”;

(2) in paragraph (2)—

(A) in the matter preceding subparagraph (A), by inserting “, or any person with whom the institution has an agreement to provide educational programs, marketing, advertising, recruiting or admissions services,” after “educational institution”;

(B) in paragraph (A)(ii), by striking “1-month” and inserting “one-month”; and

(C) by striking subparagraph (B) and inserting the following new subparagraph (B):

“(B) Provides a commission, bonus, or other incentive payment based directly or indirectly on success in securing enrollments or financial aid to any persons or entities engaged in any student recruiting or admission activities or in making decisions regarding the award of student financial assistance.”;

(3) in paragraph (4)(A), by striking clause (ii) and inserting the following new clauses:

“(ii) Suspending the approval of the courses and programs of education offered by the educational institution by disapproving new enrollments of eligible veterans and eligible persons in each course or program of education offered by that educational institution.

“(iii) Revoking the approval of the courses and programs of education offered by the educational institution by disapproving all enrollments of eligible veterans and eligible persons in each course or program of education offered by that educational institution”; and

(4) in paragraph (5)(A), by striking “1-academic-year period” and inserting “one-academic-year period”.

SEC. 7. TECHNICAL CORRECTIONS.

(a) TITLE 38.—Title 38, United States Code, is amended as follows:

38 USC
prec. 1101.

(1) The second section 1164, as added by section 5501 of the Johnny Isakson and David P. Roe, M.D. Veterans Health Care and Benefits Improvement Act of 2020 (Public Law 116–315), is redesignated as section 1166 and transferred so as to appear after section 1165 (and the table of sections at the beginning of chapter 11 of such title is conformed accordingly).

38 USC 3313.

(2) Subsection (1) of section 3313, as added by section 1010 of such Act (as effective on August 1, 2021), is amended to read as follows:

“(1) VERIFICATION OF ENROLLMENT.—

Requirements.
Deadlines.

“(1) IN GENERAL.—The Secretary shall require—

“(A) each educational institution to submit to the Secretary verification of each individual who is enrolled in

a course or program of education at the educational institution and is receiving educational assistance under this chapter—

“(i) not later than such time as the Secretary determines reasonable after the date on which the individual is enrolled; and

“(ii) not later than such time as the Secretary determines reasonable after the last date on which a student is able to withdraw from the course or program of education without penalty; and

“(B) each individual who is enrolled in a course or program of education and is receiving educational assistance under this chapter to submit to the Secretary verification of such enrollment for each month during which the individual is so enrolled and receiving such educational assistance.

“(2) FORM OF VERIFICATION.—Verification under this subsection shall be in an electronic form prescribed by the Secretary.

“(3) FAILURE TO SUBMIT VERIFICATION.—If an individual fails to submit the verification required under paragraph (1)(B) for two consecutive months, the Secretary may not make a monthly housing stipend payment to the individual under this section until the individual submits such verification.”.

Time period.

(3) Section 3673A, as added by section 1013 of such Act, is amended—

38 USC 3673A.

(A) in subsection (a), by striking “searchable”; and

(B) in subsection (c), by inserting “searchable” before “database”.

(4) The subsection (f) of section 3679, as added by section 1017 of such Act, is redesignated as paragraph (3) of subsection (a) of such section 3679 and is transferred so as to appear after paragraph (2) of such subsection.

38 USC 3679.

(5) Section 3696(g)(4)(A)(iii)(III), as amended by section 1020 of such Act, is amended by striking “paragraph (3)(B) of this subsection” and inserting “paragraph (3)”.

38 USC 3696.

(b) JOHNNY ISAKSON AND DAVID P. ROE, M.D. VETERANS HEALTH CARE AND BENEFITS IMPROVEMENT ACT OF 2020.—The Johnny Isakson and David P. Roe, M.D. Veterans Health Care and Benefits Improvement Act of 2020 (Public Law 116–315) is amended as follows:

(1) In section 1013(a)(1), by inserting “of title 38” after “of chapter 36”.

(2) In section 2205(c)—

38 USC 2408
note.

(A) in the heading, by striking “EFFECTIVE DATE” and inserting “APPLICABILITY”; and

(B) by striking “the date that is two years after the date of the enactment of this Act” and inserting “the date of the enactment of this Act and shall apply with respect to grants applications submitted on or after the date that is two years after the date of the enactment of this Act.”.

(3) In section 4101(b), by striking “subchapter” and inserting “chapter”.

38 USC
prec. 1101.

(4) In section 5501—

(A) in subsection (a)(1), by striking “of such title” and inserting “of title 38, United States Code”; and

38 USC 1166.

(B) in subsection (b), by striking “section 1164” each place it appears and inserting “section 1166”.

SEC. 8. DETERMINATION OF BUDGETARY EFFECTS.

The budgetary effects of this Act, for the purpose of complying with the Statutory Pay-As-You-Go Act of 2010, shall be determined by reference to the latest statement titled “Budgetary Effects of PAYGO Legislation” for this Act, submitted for printing in the Congressional Record by the Chairman of the House Budget Committee, provided that such statement has been submitted prior to the vote on passage.

Approved June 8, 2021.

LEGISLATIVE HISTORY—H.R. 2523:

CONGRESSIONAL RECORD, Vol. 167 (2021):

Apr. 20, considered and passed House.

May 28, considered and passed Senate.

Public Law 117–17
117th Congress

An Act

To amend title 5, United States Code, to designate Juneteenth National Independence Day as a legal public holiday.

June 17, 2021
[S. 475]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Juneteenth National Independence Day Act”.

Juneteenth
National
Independence
Day Act.
5 USC 101 note.

SEC. 2. JUNETEENTH NATIONAL INDEPENDENCE DAY AS A LEGAL PUBLIC HOLIDAY.

Section 6103(a) of title 5, United States Code, is amended by inserting after the item relating to Memorial Day the following: “Juneteenth National Independence Day, June 19.”.

Approved June 17, 2021.

LEGISLATIVE HISTORY—S. 475:

CONGRESSIONAL RECORD, Vol. 167 (2021):

June 15, considered and passed Senate.

June 16, considered and passed House.

DAILY COMPILATION OF PRESIDENTIAL DOCUMENTS (2021):

June 17, Presidential remarks.

Public Law 117–18
117th Congress

An Act

June 23, 2021
[H.R. 711]

To amend the West Los Angeles Leasing Act of 2016 to authorize the use of certain funds received pursuant to leases entered into under such Act, and for other purposes.

West Los Angeles
VA Campus
Improvement Act
of 2021.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “West Los Angeles VA Campus Improvement Act of 2021”.

SEC. 2. TREATMENT OF LAND USE REVENUES UNDER WEST LOS ANGELES LEASING ACT OF 2016.

(a) IN GENERAL.—Subsection (d) of section 2 of the West Los Angeles Leasing Act of 2016 (Public Law 114–226; 130 Stat. 927) is amended to read as follows:

“(d) LAND USE REVENUES AT THE CAMPUS.—

“(1) IN GENERAL.—Any land use revenues received by the Secretary shall be credited to the applicable Department medical facilities accounts or minor construction accounts and shall be available, without fiscal year limitation and without further appropriation, exclusively for any of the following:

“(A) Supporting construction, maintenance, and services at the Campus relating to temporary or permanent supportive housing for homeless or at-risk veterans and their families.

“(B) Renovating and maintaining the land and facilities at the Campus.

“(C) Carrying out minor construction projects at the Campus.

“(D) Carrying out community operations at the Campus that support the development of emergency shelter or supportive housing for homeless or at-risk veterans and their families.

“(2) LAND USE REVENUE DEFINED.—In this subsection, the term ‘land use revenue’ means—

“(A) any funds received by the Secretary under a lease described in subsection (b); and

“(B) any funds received as proceeds from any assets seized or forfeited, and any restitution paid, in connection with any third-party land use at the Campus.”.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply with respect to funds received by the Secretary of Veterans Affairs after the date of the enactment of the West Los Angeles Leasing Act of 2016 (Public Law 114–226; 130 Stat. 927).

SEC. 3. MODIFICATION TO ENHANCED USE LEASES AT THE DEPARTMENT OF VETERANS AFFAIRS WEST LOS ANGELES CAMPUS.

Paragraph (1) of section 2(b) of the West Los Angeles Leasing Act of 2016 (Public Law 114–226; 130 Stat. 927), is amended by adding at the end the following new sentence: “Notwithstanding section 8162(b)(2) of such title, the term of such an enhanced-use lease at the Campus may not exceed 99 years.”. 130 Stat. 926.

SEC. 4. DETERMINATION OF BUDGETARY EFFECTS.

The budgetary effects of this Act, for the purpose of complying with the Statutory Pay-As-You-Go Act of 2010, shall be determined by reference to the latest statement titled “Budgetary Effects of PAYGO Legislation” for this Act, submitted for printing in the Congressional Record by the Chairman of the House Budget Committee, provided that such statement has been submitted prior to the vote on passage.

SEC. 5. INCLUSION OF ASSESSMENT OF REVENUE EXPENDITURES AND DIRECT BENEFITS TO VETERANS IN ANNUAL REPORT.

Section 2(j)(2) of the West Los Angeles Leasing Act of 2016 (Public Law 114–226; 130 Stat. 929) is amended—

- (1) in subparagraph (A), by striking “; and” and inserting a semicolon;
- (2) by redesignating subparagraph (B) as subparagraph (C); and
- (3) by inserting after subparagraph (A) the following new subparagraph (B):
 - “(B) an assessment of—
 - “(i) the manner in which such revenue is expended;
 - and
 - “(ii) the direct benefits such expenditures provide to veterans; and”.

Approved June 23, 2021.

LEGISLATIVE HISTORY—H.R. 711:**CONGRESSIONAL RECORD, Vol. 167 (2021):**

May 17, considered in House.
May 18, prior proceedings vacated; considered and passed House.
May 28, considered and passed Senate, amended.
June 15, House concurred in Senate amendment.

Public Law 117–19
117th Congress

Joint Resolution

June 23, 2021
[H.J. Res. 27]

Providing for the appointment of Barbara Barrett as a citizen regent of the Board of Regents of the Smithsonian Institution.

Time period.
Effective date.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That, in accordance with section 5581 of the Revised Statutes (20 U.S.C. 43), the vacancy on the Board of Regents of the Smithsonian Institution, in the class other than Members of Congress, occurring by reason of the expiration of the term of David M. Rubenstein of Maryland on May 7, 2021, is filled by the appointment of Barbara M. Barrett of Arizona. The appointment is for a term of 1,912 days, beginning on May 8, 2021, or the date of the enactment of this joint resolution, whichever occurs later.

Approved June 23, 2021.

LEGISLATIVE HISTORY—H.J. Res. 27:
CONGRESSIONAL RECORD, Vol. 167 (2021):
May 20, considered and passed House.
June 10, considered and passed Senate.

Public Law 117–20
117th Congress

An Act

To designate the National Pulse Memorial located at 1912 South Orange Avenue,
Orlando, Florida, 32806, and for other purposes.

June 25, 2021
[H.R. 49]

*Be it enacted by the Senate and House of Representatives of
the United States of America in Congress assembled,*

54 USC 320301
note.

SECTION 1. DESIGNATION OF NATIONAL PULSE MEMORIAL.

(a) **IN GENERAL.**—The Pulse Memorial located at 1912 South Orange Avenue, Orlando, Florida, 32806, is designated as the “National Pulse Memorial”.

(b) **EFFECT OF DESIGNATION.**—The national memorial designated by this section is not a unit of the National Park System and the designation of the National Pulse Memorial shall not require or permit Federal funds to be expended for any purpose related to that national memorial.

Approved June 25, 2021.

LEGISLATIVE HISTORY—H.R. 49:

CONGRESSIONAL RECORD, Vol. 167 (2021):

May 12, considered and passed House.

June 9, considered and passed Senate.

DAILY COMPILATION OF PRESIDENTIAL DOCUMENTS (2021):

June 25, Presidential remarks.

Public Law 117–21
117th Congress

An Act

June 30, 2021
[H.R. 2441]

To direct the Secretary of Veterans Affairs to expand the Rural Access Network for Growth Enhancement Program of the Department of Veterans Affairs, and to direct the Comptroller General of the United States to conduct a study to assess certain mental health care resources of the Department of Veterans Affairs available to veterans who live in rural areas.

Sgt. Ketchum
Rural Veterans
Mental Health
Act of 2021.
38 USC 101 note.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Sgt. Ketchum Rural Veterans Mental Health Act of 2021”.

38 USC 1712A
note.

SEC. 2. EXPANSION OF RURAL ACCESS NETWORK FOR GROWTH ENHANCEMENT PROGRAM OF THE DEPARTMENT OF VETERANS AFFAIRS.

Determination.

(a) **EXPANSION.**—The Secretary of Veterans Affairs shall establish and maintain three new centers of the RANGE Program.

(b) **LOCATIONS.**—The centers established under subsection (a) shall be located in areas determined by the Secretary based on—

(1) the need for additional mental health care for rural veterans in such areas; and

(2) interest expressed by personnel at facilities of the Department in such areas.

(c) **TIMELINE.**—The Secretary shall establish the centers under subsection (a) during fiscal year 2022.

(d) **FUNDING.**—There is authorized to be appropriated \$1,200,000 for each of fiscal years 2022 through 2024 to carry out this section.

SEC. 3. GAO STUDY OF MENTAL HEALTH CARE FURNISHED BY THE SECRETARY OF VETERANS AFFAIRS TO RURAL VETERANS.

(a) **STUDY REQUIRED.**—The Comptroller General of the United States shall conduct a study to assess whether the Department of Veterans Affairs has sufficient resources to serve rural veterans who need covered mental health care. Such study shall include assessments of—

(1) whether the mental health care furnished by the Secretary (through resources including the RANGE Program, Enhanced RANGE Program, mental health residential rehabilitation treatment programs, inpatient mental health services, and PRR centers) is sufficient to meet the covered mental health care needs of rural veterans;

(2) how best to expand and to appropriately locate resources described in paragraph (1);

(3) whether to require the establishment of a PRR center at a medical facility of the Department that serves 1,000 or more veterans on the National Psychosis Registry;

(4) the demand by rural veterans for mental health resources specified in paragraph (1);

(5) the average wait time for a rural veteran for mental health resources specified in paragraph (1); and

(6) how many rural veterans died by suicide or overdose—

(A) while on a wait list for mental health resources specified in paragraph (1); and

(B) during the term of the study.

(b) **REPORT REQUIRED.**—Not later than 18 months after the date of the enactment of this Act, the Comptroller General shall submit to the Committees on Veterans’ Affairs of the Senate and House of Representatives a report containing the results of the study under this section.

SEC. 4. DEFINITIONS.

38 USC 1712A
note.

In this Act:

(1) The term “covered mental health care” means mental health care that is more intensive than traditional outpatient therapy.

(2) The term “PRR center” means a psychosocial rehabilitation and recovery center of the Department of Veterans Affairs.

(3) The term “RANGE Program” means the Rural Access Network for Growth Enhancement Program of the Department of Veterans Affairs.

(4) The term “rural veteran” means a veteran who lives in a rural or highly rural area (including such an area in a Tribal or insular area), as determined through the use of the Rural-Urban Commuting Areas coding system of the Department of Agriculture.

Approved June 30, 2021.

LEGISLATIVE HISTORY—H.R. 2441:

CONGRESSIONAL RECORD, Vol. 167 (2021):

May 17, considered in House.

May 18, prior proceedings vacated; considered and passed House.

June 24, considered and passed Senate.

Public Law 117–22
117th Congress

Joint Resolution

June 30, 2021
[S.J. Res. 13]

Providing for congressional disapproval under chapter 8 of title 5, United States Code, of the rule submitted by the Equal Employment Opportunity Commission relating to “Update of Commission’s Conciliation Procedures”.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That Congress disapproves the rule submitted by the Equal Employment Opportunity Commission relating to “Update of Commission’s Conciliation Procedures” (86 Fed. Reg. 2974; published January 14, 2021), and such rule shall have no force or effect.

Approved June 30, 2021.

LEGISLATIVE HISTORY—S.J. Res. 13:

CONGRESSIONAL RECORD, Vol. 167 (2021):

May 18, 19, considered and passed Senate.

June 24, considered and passed House.

DAILY COMPILATION OF PRESIDENTIAL DOCUMENTS (2021):

June 30, Presidential remarks.

Public Law 117–23
117th Congress

Joint Resolution

Providing for congressional disapproval under chapter 8 of title 5, United States Code, of the rule submitted by the Environmental Protection Agency relating to “Oil and Natural Gas Sector: Emission Standards for New, Reconstructed, and Modified Sources Review”.

June 30, 2021
[S.J. Res. 14]

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That Congress disapproves the rule submitted by the Administrator of the Environmental Protection Agency relating to “Oil and Natural Gas Sector: Emission Standards for New, Reconstructed, and Modified Sources Review” (85 Fed. Reg. 57018 (September 14, 2020)), and such rule shall have no force or effect.

Approved June 30, 2021.

LEGISLATIVE HISTORY—S.J. Res. 14 (H.J. Res. 34):

HOUSE REPORTS: No. 117–64 (Comm. on Energy and Commerce) accompanying H.J. Res. 34.

CONGRESSIONAL RECORD, Vol. 167 (2021):

Apr. 28, considered and passed Senate.

June 25, considered and passed House.

DAILY COMPILATION OF PRESIDENTIAL DOCUMENTS (2021):

June 30, Presidential remarks.

Public Law 117–24
117th Congress

Joint Resolution

June 30, 2021
[S.J. Res. 15]

Providing for congressional disapproval under chapter 8 of title 5, United States Code, of the rule submitted by the Office of the Comptroller of Currency relating to “National Banks and Federal Savings Associations as Lenders”.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That Congress disapproves the rule submitted by the Office of the Comptroller of Currency relating to “National Banks and Federal Savings Associations as Lenders” (85 Fed. Reg. 68742 (October 30, 2020)), and such rule shall have no force or effect.

Approved June 30, 2021.

LEGISLATIVE HISTORY—S.J. Res. 15:

CONGRESSIONAL RECORD, Vol. 167 (2021):

May 11, considered and passed Senate.

June 24, considered and passed House.

DAILY COMPILATION OF PRESIDENTIAL DOCUMENTS (2021):

June 30, Presidential remarks.

Public Law 117–25
117th Congress

An Act

To provide for the availability of amounts for customer education initiatives and non-awards expenses of the Commodity Futures Trading Commission Whistleblower Program, and for other purposes.

July 6, 2021
[S. 409]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. COMMODITY FUTURES TRADING COMMISSION WHISTLEBLOWER PROGRAM.

(a) IN GENERAL.—Notwithstanding any other provision of law, there is established in the Treasury a separate account (referred to in this section as the “account”), the amounts in which shall be available for the sole purposes of—

(1) carrying out the activities described in section 23(g)(2)(B) of the Commodity Exchange Act (7 U.S.C. 26(g)(2)(B)) (referred to in this section as “customer education initiatives”); and

(2) funding the administrative, programmatic, and personnel expenses of the Whistleblower Office and the Office of Customer Education and Outreach of the Commodity Futures Trading Commission (referred to in this section as the “Commission”) in carrying out section 23 of the Commodity Exchange Act (7 U.S.C. 26) (referred to in this section as “non-awards expenses”).

(b) TRANSFERS FROM FUND INTO ACCOUNT.—

(1) IN GENERAL.—Notwithstanding any other provision of law, the Commission shall transfer up to \$10,000,000 from the Commodity Futures Trading Commission Customer Protection Fund established under section 23(g)(1) of the Commodity Exchange Act (7 U.S.C. 26(g)(1)) (referred to in this section as the “Fund”) into the account.

(2) AVAILABILITY.—Amounts transferred under paragraph (1) shall be available for obligation without further appropriation and remain available until October 1, 2022.

(3) REMAINING AMOUNTS.—Amounts remaining in the account that are unobligated on October 1, 2022, shall be returned to the Fund.

(c) REQUIREMENT FOR OBLIGATIONS.—The Commission may make obligations from the account only when the unobligated balance of the Fund is insufficient to pay non-awards expenses and expenses for customer education initiatives due to awards that the Commission has ordered under section 23(b) of the Commodity Exchange Act (7 U.S.C. 26(b)).

(d) REPORTS TO CONGRESS.—The Commission shall include in each report required under section 23(g)(5) of the Commodity

Exchange Act (7 U.S.C. 26(g)(5)) the same information with respect to the account as the Commission includes in the report with respect to the Fund, to the extent the information is relevant to the account.

Approved July 6, 2021.

LEGISLATIVE HISTORY—S. 409:

CONGRESSIONAL RECORD, Vol. 167 (2021):

May 28, considered and passed Senate.

June 22, considered in House.

June 23, prior proceedings vacated; considered and passed House.

Public Law 117–26
117th Congress

An Act

To amend title 28, United States Code, to redefine the eastern and middle judicial districts of North Carolina.

July 6, 2021

[S. 1340]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. JUDICIAL DISTRICTS OF NORTH CAROLINA.

(a) IN GENERAL.—Section 113 of title 28, United States Code, is amended—

(1) in subsection (a), by striking “and Wilson and” and inserting “Wilson, those portions of Hoke, Moore, Scotland, and Richmond counties encompassing the Fort Bragg Military Reservation and Camp Mackall, and”; and

(2) by striking subsection (b) and inserting the following:

“(b) MIDDLE DISTRICT.—The Middle District comprises the counties of Alamance, Cabarrus, Caswell, Chatham, Davidson, Davie, Durham (excluding that portion of Durham County encompassing the Federal Correctional Institution, Butner, North Carolina), Forsyth, Guilford, Hoke (excluding that portion of Hoke County encompassing the Fort Bragg Military Reservation and Camp Mackall), Lee, Montgomery, Moore (excluding that portion of Moore County encompassing the Fort Bragg Military Reservation and Camp Mackall), Orange, Person, Randolph, Richmond (excluding that portion of Richmond County encompassing the Fort Bragg Military Reservation and Camp Mackall), Rockingham, Rowan, Scotland (excluding that portion of Scotland County encompassing the Fort Bragg Military Reservation and Camp Mackall), Stanly, Stokes, Surry, and Yadkin.”.

(b) APPLICATION.—The amendments made by subsection (a) shall not apply to any action commenced or pending in any judicial

28 USC 113 note.

district of North Carolina before the date of enactment of this Act.

Approved July 6, 2021.

LEGISLATIVE HISTORY—S. 1340:

CONGRESSIONAL RECORD, Vol. 167 (2021):

June 17, considered and passed Senate.

June 22, considered in House.

June 23, prior proceedings vacated; considered and passed House.

Public Law 117–27
117th Congress

An Act

To deposit certain funds into the Crime Victims Fund, to waive matching requirements, and for other purposes.

July 22, 2021
[H.R. 1652]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “VOCA Fix to Sustain the Crime Victims Fund Act of 2021”.

VOCA Fix to
Sustain the
Crime Victims
Fund Act of 2021.
34 USC 10101
note.

SEC. 2. COMPREHENSIVE FIX OF CRIME VICTIMS FUND AND COMPENSATION.

(a) **CRIME VICTIMS FUND.**—Section 1402 of the Victims of Crime Act of 1984 (34 U.S.C. 20101) is amended—

(1) in subsection (b)—

(A) in paragraph (4), by striking “; and” and inserting a semicolon;

(B) in paragraph (5)(B), by striking the period at the end and inserting “; and”; and

(C) by adding at the end the following new paragraph:

“(6) any funds that would otherwise be deposited in the general fund of the Treasury collected pursuant to—

“(A) a deferred prosecution agreement; or

“(B) a non-prosecution agreement.”; and

(2) in subsection (e), by striking “Director” and inserting “Director, except that renewals and extensions beyond that period may be granted at the discretion of the Attorney General”.

(b) **CRIME VICTIM COMPENSATION.**—Section 1403 of the Victims of Crime Act of 1984 (34 U.S.C. 20102) is amended—

(1) in subsection (a)—

(A) in paragraph (1), by striking “40 percent in fiscal year 2002 and of 60 percent in subsequent fiscal years” and inserting “75 percent”;

(B) in paragraph (2), by striking “of 40 percent in fiscal year 2002 and of 60 percent in subsequent fiscal years”;

(C) by redesignating paragraph (3) as paragraph (4); and

(D) by inserting after paragraph (2) the following new paragraph:

“(3) For the purposes of calculating amounts awarded in the previous fiscal year under this subsection, the Director shall not require eligible crime victim compensation programs

to deduct recovery costs or collections from restitution or from subrogation for payment under a civil lawsuit.”;

(2) in subsection (b)(2) by striking “authorities;” and inserting “authorities, except if a program determines such cooperation may be impacted due to a victim’s age, physical condition, psychological state, cultural or linguistic barriers, or any other health or safety concern that jeopardizes the victim’s wellbeing;” and

(3) in subsection (d)—

(A) in paragraph (3), by striking “; and” and inserting a semicolon;

(B) in paragraph (4), by striking the period at the end and inserting “; and”; and

(C) by adding at the end the following new paragraph:

Definition.

“(5) the term ‘recovery costs’ means expenses for personnel directly involved in the recovery efforts to obtain collections from restitution or from subrogation for payment under a civil law suit.”.

SEC. 3. WAIVER OF MATCHING REQUIREMENT.

(a) IN GENERAL.—Section 1404(a) of the Victims of Crime Act of 1984 (34 U.S.C. 20103(a)) is amended by inserting at the end the following new paragraph:

“(7)(A) Each chief executive may waive a matching requirement imposed by the Director, in accordance with subparagraph (B), as a condition for the receipt of funds under any program to provide assistance to victims of crimes authorized under this chapter. The chief executive shall report to the Director the approval of any waiver of the matching requirement.

Reports.

Public information.

“(B) Each chief executive shall establish and make public, a policy including—

“(i) the manner in which an eligible crime victim assistance program can request a match waiver;

Criteria.

“(ii) the criteria used to determine eligibility of the match waiver; and

“(iii) the process for decision making and notifying the eligible crime victim assistance program of the decision.”.

(b) NATIONAL EMERGENCY WAIVER.—Section 1404(a) of the Victims of Crime Act of 1984 (34 U.S.C. 20103(a)), as amended by subsection (a), is further amended by inserting at the end the following new paragraph:

Time period.

“(8) Beginning on the date a national emergency is declared under the National Emergencies Act (50 U.S.C. 1601 et seq.) with respect to a pandemic and ending on the date that is one year after the date of the end of such national emergency, each chief executive shall issue waivers for any matching requirement, in its entirety, for all eligible crime victim assistance programs contracted to provide services at that time.”.

SEC. 4. DETERMINATION OF BUDGETARY EFFECTS.

The budgetary effects of this Act, for the purpose of complying with the Statutory Pay-As-You-Go Act of 2010, shall be determined by reference to the latest statement titled “Budgetary Effects of PAYGO Legislation” for this Act, submitted for printing in the

Congressional Record by the Chairman of the House Budget Committee, provided that such statement has been submitted prior to the vote on passage.

Approved July 22, 2021.

LEGISLATIVE HISTORY—H.R. 1652:

CONGRESSIONAL RECORD, Vol. 167 (2021):

Mar. 16, 17, considered and passed House.

July 20, considered and passed Senate.

DAILY COMPILATION OF PRESIDENTIAL DOCUMENTS (2021):

July 22, Presidential remarks.

Public Law 117–28
117th Congress

An Act

July 26, 2021
[H.R. 26]

To amend the Consolidated Appropriations Act, 2021, to correct a provision on the prohibition on the use of a reverse auction, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Construction
Consensus
Procurement
Improvement Act
of 2021.
41 USC 101 note.

SECTION 1. SHORT TITLE.

This Act may be cited as the “Construction Consensus Procurement Improvement Act of 2021”.

SEC. 2. AMENDMENT.

41 USC 3309
note.

Section 402 of title IV of division U of the Consolidated Appropriations Act, 2021, is amended to read as follows:

“PROHIBITION ON USE OF A REVERSE AUCTION FOR THE AWARD OF A CONTRACT FOR COMPLEX, SPECIALIZED, OR SUBSTANTIAL DESIGN AND CONSTRUCTION SERVICES

“SEC. 402.

“(a) FINDINGS.—Congress makes the following findings:

“(1) In contrast to a traditional auction in which the buyers bid up the price, sellers bid down the price in a reverse auction.

“(2) Reverse auctions, while providing value for the vast majority of Federal acquisitions, including certain construction-related acquisitions, are limited in value for complex, specialized, or substantial design and construction services.

“(b) REVERSE AUCTION DEFINED.—In this section, the term ‘reverse auction’ means, with respect to any procurement by an executive agency, a real-time auction generally conducted through an electronic medium among two or more offerors who compete by submitting bids for a supply or service contract, or a delivery order, task order, or purchase order under the contract, with the ability to submit revised lower bids at any time before the closing of the auction.

“(c) PROHIBITION.—

Deadline.

“(1) IN GENERAL.—Not later than 270 days after the date of the enactment of this section, the Federal Acquisition Regulation shall be amended to prohibit the use of reverse auctions for awarding contracts for complex, specialized, or substantial design and construction services.

“(2) APPLICABILITY TO ACQUISITIONS ABOVE THE SIMPLIFIED ACQUISITION THRESHOLD.—The prohibition on reverse auctions for complex, specialized, or substantial design and construction services shall apply only to acquisitions above the simplified acquisition threshold (SAT) for construction and design services pursuant to part 36 of the Federal Acquisition Regulation.

“(d) RULEMAKING FOR COMPLEX, SPECIALIZED, OR SUBSTANTIAL SERVICES.—Not later than 180 days after the date of the enactment of this section, the Federal Acquisition Regulatory Council shall promulgate a definition of complex, specialized, or substantial design and construction services, which shall include—

Deadline.
Definition.
41 USC 3309
note.

“(1) site planning and landscape design;

“(2) architectural and engineering services (as defined in section 1102 of title 40, United States Code);

“(3) interior design;

“(4) performance of substantial construction work for facility, infrastructure, and environmental restoration projects; and

“(5) construction or substantial alteration of public buildings or public works.

“(e) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to restrict the use of reverse auctions for the procurement of other goods and services except as specifically provided for under this section.

“(f) REPORT.—Not later than two years after the date of the enactment of this section, the Administrator of General Services shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Oversight and Reform of the House of Representatives a report on the effectiveness of this section in delivering complex, specialized, or substantial design and construction services to the United States Government.”.

SEC. 3. DETERMINATION OF BUDGETARY EFFECTS.

The budgetary effects of this Act, for the purpose of complying with the Statutory Pay-As-You-Go Act of 2010, shall be determined by reference to the latest statement titled “Budgetary Effects of PAYGO Legislation” for this Act, submitted for printing in the Congressional Record by the Chairman of the House Budget Committee, provided that such statement has been submitted prior to the vote on passage.

Approved July 26, 2021.

LEGISLATIVE HISTORY—H.R. 26:

CONGRESSIONAL RECORD, Vol. 167 (2021):

Jan. 5, considered and passed House.

July 13, considered and passed Senate.

Public Law 117–29
117th Congress

An Act

July 29, 2021
[S. 957]

To direct the Secretary of Veterans Affairs to ensure that certain medical facilities of the Department of Veterans Affairs have physical locations for the disposal of controlled substances medications.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DESIGNATION OF PERIODS DURING WHICH ANY INDIVIDUAL MAY DISPOSE OF CONTROLLED SUBSTANCES MEDICATIONS AT FACILITIES OF THE DEPARTMENT OF VETERANS AFFAIRS.

Section 3009 of the Johnny Isakson and David P. Roe, M.D. Veterans Health Care and Benefits Improvement Act of 2020 (Public Law 116–315; 38 U.S.C. 8110 note) is amended—

(1) by redesignating subsection (b) and (c) as subsections (c) and (d), respectively; and

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

“(b) DESIGNATION OF PERIODS FOR ANY INDIVIDUAL TO DISPOSE OF MEDICATION.—

“(1) IN GENERAL.—The Secretary shall designate periods during which any individual may dispose of controlled substances medications at a covered Department medical facility.

“(2) PUBLIC INFORMATION CAMPAIGNS.—The Secretary may carry out public information campaigns regarding the periods designated under paragraph (1).”.

Approved July 29, 2021.

LEGISLATIVE HISTORY—S. 957:

CONGRESSIONAL RECORD, Vol. 167 (2021):

Apr. 22, considered and passed Senate.

July 26, 27, considered and passed House.

Public Law 117–30
117th Congress

An Act

To authorize major medical facility projects of the Department of Veterans Affairs for fiscal year 2021.

July 29, 2021

[S. 1910]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Major Medical Facility Authorization Act of 2021”.

Major Medical
Facility
Authorization
Act of 2021.

SEC. 2. AUTHORIZATION OF MAJOR MEDICAL FACILITY PROJECTS OF DEPARTMENT OF VETERANS AFFAIRS FOR FISCAL YEAR 2021.

(a) IN GENERAL.—The Secretary of Veterans Affairs may carry out the following major medical facility projects in fiscal year 2021 at the locations specified and in an amount for each project not to exceed the amount specified for such location:

State listing.

(1) Construction of an outpatient clinic and national cemetery in Alameda, California, in an amount not to exceed \$266,200,000.

(2) Construction of a new specialty care building 201 in American Lake, Washington, in an amount not to exceed \$110,600,000.

(3) Construction of a community living center and renovation of domiciliary and outpatient facilities in Canandaigua, New York, in an amount not to exceed \$383,741,000.

(4) Construction of a spinal cord injury center in Dallas, Texas, in an amount not to exceed \$249,000,000.

(5) Realignment and closure of the Livermore Campus in Livermore, California, in an amount not to exceed \$455,000,000.

(6) Seismic corrections to the mental health and community living center in Long Beach, California, in an amount not to exceed \$367,300,000.

(7) Construction of a spinal cord injury building with a community living center, including a parking garage, in San Diego, California, in an amount not to exceed \$252,100,000.

(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized—

to be appropriated to the Secretary of Veterans Affairs for fiscal year 2021 or the year in which funds are appropriated for the Construction, Major Projects account, \$2,083,941,000 for the projects authorized in subsection (a).

Approved July 29, 2021.

LEGISLATIVE HISTORY—S. 1910:

CONGRESSIONAL RECORD, Vol. 167 (2021):

July 21, considered and passed Senate.

July 26, 27, considered and passed House.

Public Law 117–31
117th Congress

An Act

Making emergency supplemental appropriations for the fiscal year ending September 30, 2021, and for other purposes.

July 30, 2021
[H.R. 3237]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 2021, and for other purposes, namely:

Emergency
Security
Supplemental
Appropriations
Act, 2021.

TITLE I

DEPARTMENT OF DEFENSE

MILITARY PERSONNEL

NATIONAL GUARD PERSONNEL, ARMY

For an additional amount for “National Guard Personnel, Army”, \$231,000,000, to respond to the events at the United States Capitol Complex on January 6, 2021, and for related purposes: *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

NATIONAL GUARD PERSONNEL, AIR FORCE

For an additional amount for “National Guard Personnel, Air Force”, \$28,900,000, to respond to the events at the United States Capitol Complex on January 6, 2021, and for related purposes: *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

OPERATION AND MAINTENANCE

OPERATION AND MAINTENANCE, ARMY NATIONAL GUARD

For an additional amount for “Operation and Maintenance, Army National Guard”, \$218,500,000 to respond to the events at the United States Capitol Complex on January 6, 2021, and for related purposes: *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

OPERATION AND MAINTENANCE, AIR NATIONAL GUARD

For an additional amount for “Operation and Maintenance, Air National Guard”, \$42,500,000 to respond to the events at the United States Capitol Complex on January 6, 2021, and for related purposes: *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

OVERSEAS HUMANITARIAN, DISASTER, AND CIVIC AID

For an additional amount for “Overseas Humanitarian, Disaster, and Civic Aid”, \$500,000,000, to remain available until September 30, 2022: *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

TITLE II

DEPARTMENT OF HEALTH AND HUMAN SERVICES

ADMINISTRATION FOR CHILDREN AND FAMILIES

REFUGEE AND ENTRANT ASSISTANCE

For an additional amount for “Refugee and Entrant Assistance”, \$25,000,000, to remain available until September 30, 2022, for necessary expenses for refugee and entrant assistance activities authorized by section 414 of the Immigration and Nationality Act: *Provided*, That such amounts shall be for such activities for Afghan individuals within the United States who have been granted special immigrant status as described in section 602(b)(8) of the Afghan Allies Protection Act of 2009 (8 U.S.C. 1101 note): *Provided further*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

TITLE III

LEGISLATIVE BRANCH

SENATE

CONTINGENT EXPENSES OF THE SENATE

SERGEANT AT ARMS AND DOORKEEPER OF THE SENATE

For an additional amount for “Sergeant at Arms and Doorkeeper of the Senate”, \$7,832,856, to remain available until September 30, 2026, to prevent, prepare for, and respond to coronavirus: *Provided*, That of such amount, such sums as necessary may be used to restore amounts, either directly or through reimbursement, for obligations incurred for the same purposes by the Sergeant at Arms and Doorkeeper of the Senate prior to the date of the enactment of this Act: *Provided further*, That such amount shall be allocated in accordance with a spending plan submitted to the

Spending plan.

Committee on Appropriations of the Senate: *Provided further*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

HOUSE OF REPRESENTATIVES

PAYMENTS TO WIDOWS AND HEIRS OF DECEASED MEMBERS OF CONGRESS

For payment to Susan M. Wright, widow of Ronald Wright, late a Representative from the State of Texas, \$174,000. Susan M. Wright.

For payment to the heirs at law of Alcee Hastings, late a Representative from the State of Florida, \$174,000.

ALLOWANCES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for “Allowances and Expenses”, \$11,650,000, to remain available until September 30, 2022, to prevent, prepare for, and respond to coronavirus, which shall be for necessary expenses for business continuity and disaster recovery: *Provided*, That of such amount, such sums as necessary may be used to restore amounts, either directly or through reimbursement, for obligations incurred for the same purposes by the Sergeant at Arms of the House of Representatives prior to the date of the enactment of this Act: *Provided further*, That such amount shall be allocated in accordance with a spending plan submitted to and approved by the Committee on Appropriations of the House of Representatives: *Provided further*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

Spending plan.

CAPITOL POLICE

SALARIES

For an additional amount for “Salaries”, \$37,495,000, to remain available until September 30, 2022, to respond to the events at the United States Capitol on January 6, 2021, and for related purposes: *Provided*, That of such amount, such sums as necessary may be used to restore amounts, either directly or through reimbursement, for obligations incurred for the same purposes by the Capitol Police prior to the date of the enactment of this Act: *Provided further*, That of such amount, \$3,600,000 may remain available until expended for retention bonuses: *Provided further*, That of such amount, up to \$6,900,000 shall be made available for hazard pay for employees of the Capitol Police: *Provided further*, That of such amount, \$1,361,300 shall be made available for the wellness program for the United States Capitol Police: *Provided further*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

GENERAL EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for “General Expenses”, \$33,169,000, to remain available until September 30, 2022, to respond to the events at the United States Capitol on January 6, 2021, and for related purposes: *Provided*, That of such amount, such sums as necessary may be used to restore amounts, either directly or through reimbursement, for obligations incurred for the same purposes by the Capitol Police prior to the date of the enactment of this Act: *Provided further*, That of such amount, \$2,628,000 shall remain available until expended for physical protection barriers and various civil disturbance unit equipment: *Provided further*, That amounts provided under this heading in this Act for physical protection barriers may be transferred to and merged with the Capitol Police Building and Grounds Account of the Architect of the Capitol: *Provided further*, That of such amount, not less than \$5,000,000 shall be made available for reimbursable agreements with State and local law enforcement agencies and not less than \$4,800,000 shall be available for protective details for Members of Congress, including Delegates and the Resident Commissioner to the Congress: *Provided further*, That of such amount, up to \$2,500,000 may be transferred to “Department of Justice—United States Marshals Service—Salaries and Expenses” for the purpose of reimbursements for providing peer-to-peer and group counseling services to the Capitol Police and training and technical and related assistance necessary to establish a peer-to-peer and group counseling program within the Capitol Police: *Provided further*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

For an additional amount for “General Expenses”, \$800,000, to remain available until September 30, 2022, to prevent, prepare for, and respond to coronavirus: *Provided*, That of such amount, such sums as necessary may be used to restore amounts, either directly or through reimbursement, for obligations incurred for the same purposes by the Capitol Police prior to the date of the enactment of this Act: *Provided further*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

UNITED STATES CAPITOL POLICE MUTUAL AID REIMBURSEMENTS

For an additional amount for “United States Capitol Police Mutual Aid Reimbursements”, \$35,396,000, to remain available until September 30, 2026, for reimbursements for mutual aid and related training, including mutual aid and training provided under the agreements described in section 7302 of Public Law 108–458: *Provided*, That of such amount, up to \$9,096,000 is available to be used for reimbursement to the United States Capitol Police’s primary local law enforcement partners for mutual aid provided in response to the events of January 6, 2021: *Provided further*, That obligation of the funds made available under this heading in this Act be subject to notification to the Chairmen and Ranking Members of the Committees on Appropriations of both Houses of Congress, the Senate Committee on Rules and Administration,

Notification.
Deadline.

and the Committee on House Administration of the amount and purpose of the expense within 15 days of obligation: *Provided further*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

ADMINISTRATIVE PROVISIONS

WELLNESS PROGRAM

SEC. 301. (a) APPLICATION OF LAW.—The wellness program of the United States Capitol Police shall be known and designated as the “Howard C. Liebengood Center for Wellness”. 2 USC 1901 note.

(b) EFFECTIVE DATE.—This section shall apply with respect to fiscal year 2021 and each succeeding fiscal year.

CAPITOL POLICE SALARY CAP ADJUSTMENT

SEC. 302. For the purposes of administering pay during calendar year 2021, the maximum annual payable rate for any member or civilian employee of the Capitol Police whose compensation includes overtime pay under the Fair Labor Standards Act of 1938 (29 U.S.C. 201 et seq.) shall be set at Executive Schedule II at \$199,300. Excluded from this limitation for calendar year 2021 shall be retention bonuses and hazard bonuses related to the events of January 6th.

ARCHITECT OF THE CAPITOL

CAPITAL CONSTRUCTION AND OPERATIONS

For an additional amount for “Capital Construction and Operations”, \$21,869,069, to remain available until September 30, 2022, to prevent, prepare for, and respond to coronavirus, for necessary expenses of the Architect of the Capitol to supplement the funding made available in Public Law 116–136, as amended by section 159(3) of Public Law 116–159, and for the same purposes; and for related purchases for Congressional offices, including in Congressional Districts and State Offices, wherever located: *Provided*, That any funds transferred by the Architect to restore amounts, either directly or through reimbursement, for obligations incurred for the purposes provided herein prior to the date of enactment of this Act shall be merged with and made available for the same purposes, and period of availability, as the appropriations to which the funds are transferred: *Provided further*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

CAPITOL POLICE BUILDINGS, GROUNDS AND SECURITY

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for “Capitol Police Buildings, Grounds and Security”, \$300,000,000, to remain available until September 30, 2023, to respond to the events at the United States Capitol on January 6, 2021: *Provided*, That of such amount \$283,000,000 shall be for necessary upgrade or replacement of windows and

doors in the Capitol Building and the House of Representatives and Senate office buildings on the Capitol grounds, as well as any related work to harden or enhance physical security of such structures: *Provided further*, That of such amount, \$17,000,000 shall be for the purchase and installation of cameras at the Senate and House of Representatives office buildings for the purposes of safety and security: *Provided further*, That amounts necessary for the purpose in the preceding proviso may be transferred between the Architect of the Capitol and the United States Capitol Police, as needed: *Provided further*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

GENERAL PROVISIONS—THIS TITLE

2 USC 1965a.

SEC. 310. None of the funds made available in this or any other Act in prior fiscal years, this fiscal year, or any fiscal year thereafter may be used to install permanent, above-ground fencing around the perimeter, or any portion thereof, of the United States Capitol Grounds, as described in section 5102 of title 40, United States Code.

Determination.

SEC. 311. For fiscal years 2021 and 2022, subject to the approval of the Chairs and Ranking Members of Committee on Appropriations of the House of Representatives and the Senate, the Architect of the Capitol may accept contributions of, and may incur obligations and make expenditures out of available appropriations for, supplies, products, and services necessary to respond to an emergency involving the safety of human life or the protection of property, as determined or declared by the Capitol Police Board, which may be provided for the use of any office which is located within any building, grounds, or facility for which the Architect of the Capitol is responsible for the maintenance, care, and operation, on a reimbursable or non-reimbursable basis subject to the availability of funds.

TITLE IV

BILATERAL ECONOMIC ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

DEPARTMENT OF STATE

MIGRATION AND REFUGEE ASSISTANCE

For an additional amount for “Migration and Refugee Assistance”, \$100,000,000, to remain available until expended, to address humanitarian needs in Afghanistan and to assist Afghan refugees: *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

UNITED STATES EMERGENCY REFUGEE AND MIGRATION ASSISTANCE
FUND

For an additional amount for “United States Emergency Refugee and Migration Assistance Fund”, \$500,000,000, to remain available until expended, notwithstanding section 2(c)(2) of the Migration and Refugee Assistance Act of 1962, as amended (22 U.S.C. 2601(c)(2)): *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

GENERAL PROVISIONS—THIS TITLE

EXTENSION AND MODIFICATION OF THE AFGHAN SPECIAL IMMIGRANT
VISA PROGRAM

SEC. 401. (a) Section 602(b) of the Afghan Allies Protection Act of 2009 (8 U.S.C. 1101 note) is amended—

(1) in paragraph (2)—

(A) in subparagraph (A) by amending clause (ii) to read as follows:

“(ii) was or is employed in Afghanistan on or after October 7, 2001, for not less than 1 year—

“(I) by, or on behalf of, the United States Government; or

“(II) by the International Security Assistance Force (or any successor name for such Force) in a capacity that required the alien—

“(aa) while traveling off-base with United States military personnel stationed at the International Security Assistance Force (or any successor name for such Force), to serve as an interpreter or translator for such United States military personnel; or

“(bb) to perform activities for the United States military personnel stationed at International Security Assistance Force (or any successor name for such Force);”;

(B) in subparagraph (D)(ii)(I)(bb)—

(i) in the matter preceding subitem (AA), by inserting “per denial or revocation” after “written appeal”; and

(ii) in subitem (AA), by inserting “or thereafter at the discretion of the Secretary of State” after “in writing”;

(2) in paragraph (3)(F)—

(A) in the subparagraph heading, by striking “2021” and inserting “2022”;

(B) in the matter preceding clause (i)—

(i) by striking “exhausted,,” and inserting “exhausted,”; and

(ii) by striking “26,500” and inserting “34,500”;

(C) in clause (i), by striking “December 31, 2022” and inserting “December 31, 2023,”; and

(D) in clause (ii), by striking “December 31, 2022” and inserting “December 31, 2023,”;

(3) in paragraph (4)(A), by inserting “, including Chief of Mission approval,” after “so that all steps”; and

(4) in paragraph (13), in the matter preceding subparagraph (A), by striking “January 31, 2023” and inserting “January 31, 2024”.

(b) EMERGENCY REQUIREMENT.—The amount provided by this section is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

(c) REPORT TO CONGRESS.—

(1) IN GENERAL.—Not later than 1 year after the date of the enactment of this Act, the Secretary of State, in consultation with the Secretary of Defense, shall submit to the appropriate congressional committees a report, including a classified annex, if necessary, on the Afghan special immigrant visa program as described in Section 602(b) of the Afghan Allies Protection Act of 2009 (8 U.S.C. 1101 note) and Section 1059 of the National Defense Authorization Act of 2006 (8 U.S.C. 1101 note).

(2) ELEMENTS.—The report required by paragraph (1) shall include the following:

(A) The total number of visas issued under such program, disaggregated by fiscal year.

(B) With respect to principal aliens issued special immigrant visas under such program, a description of the types of roles performed for which such aliens earned eligibility for such visas.

(C) Information regarding the average processing times for visa applicants under such program, disaggregated by the fiscal year in which visa applications under the program were submitted.

(D) The number of individuals who have pending applications for visas under such program, including—

(1) The number of individuals approved of the total number of applications processed by the Chief of Mission; and

(2) The number of successful appeals of the total number of application appeals filed.

(E) The estimated total number of individuals who have performed the requisite employment to apply for a visa under such program, but who have not yet applied for or received a visa, including a description of the methodology used to create such an estimate.

(3) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term “appropriate congressional committees” means—

(A) the Committee on Appropriations, the Committee on Armed Services, the Committee on the Judiciary, the Committee on Foreign Relations, and the Committee on Homeland Security and Governmental Affairs of the Senate; and

(B) the Committee on Appropriations, the Committee on Armed Services, the Committee on the Judiciary, the Committee on Foreign Affairs, and the Committee on Homeland Security of the House of Representatives.

Consultation.
Classified
information.

Estimate.

WAIVER OF MEDICAL EXAMINATION FOR AFGHAN ALLIES

SEC. 402. (a) AUTHORIZATION.—The Secretary of State and the Secretary of Homeland Security may jointly issue a blanket waiver of the requirement that aliens described in section 602(b)(2) of the Afghan Allies Protection Act of 2009 (8 U.S.C. 1101) undergo a medical exam under section 221(d) of the Immigration and Nationality Act (8 U.S.C. 1201(d)), or any other applicable provision of law, prior to issuance of an immigrant visa or admission to the United States. 8 USC 1101 note.

(b) DURATION.—A waiver under subsection (a) shall be for a period of 1 year, and, subject to subsection (g), may be extended by the Secretary of State and Secretary of Homeland Security for additional periods, each of which shall not exceed 1 year. Extensions.

(c) NOTIFICATION.—Upon exercising the waiver authority under subsection (a), or the authority to extend a waiver under subsection (b), the Secretary of State and the Secretary of Homeland Security shall notify the appropriate congressional committees.

(d) REQUIREMENT FOR MEDICAL EXAMINATION AFTER ADMISSION.—

(1) IN GENERAL.—The Secretary of Homeland Security, in consultation with the Secretary of Health and Human Services, shall establish procedures to ensure, to the greatest extent practicable, that any alien who receives a waiver of the medical examination requirement under this section completes such an exam not later than 30 days after the date on which the alien is admitted to the United States. Consultation.
Procedures.
Deadline.

(2) CONDITIONAL BASIS FOR STATUS.—

(A) IN GENERAL.—Notwithstanding any other provision of law, an alien who receives a waiver of the medical examination requirement under this section shall be considered, at the time of admission to the United States, as an alien lawfully admitted for permanent residence on a conditional basis.

(B) REMOVAL OF CONDITIONS.—The Secretary of Homeland Security shall remove the conditional basis of the alien's status upon the Secretary's confirmation that such alien has completed the medical examination and is not inadmissible under section 212(a)(1)(A) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(1)(A)).

(3) REPORT.—Not later than 1 year after the date on which the waiver authority under subsection (a) is exercised, or such waiver is extended under subsection (b), as applicable, the Secretary of Homeland Security, in consultation with the Secretary of Health and Human Services, shall submit to the appropriate congressional committees a report on the status of medical examinations required under paragraph (1), including— Consultation.

(A) the number of pending and completed examinations; and

(B) the number of aliens who have failed to complete the medical examination within the 30-day period after the date of such aliens' admission. Time period.

(e) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term “appropriate committees of Congress” means— Definition.

(1) the Committee on Armed Services, the Committee on the Judiciary, the Committee on Foreign Relations, and the

Committee on Homeland Security and Governmental Affairs of the Senate; and

(2) the Committee on Armed Services, the Committee on the Judiciary, the Committee on Foreign Affairs, and the Committee on Homeland Security of the House of Representatives.

(f) RULE OF CONSTRUCTION.—Nothing in this Act may be construed to prevent the Secretary of State, the Secretary of Homeland Security, the Secretary of Defense, or the Secretary of Health and Human Services from adopting appropriate measures to prevent the spread of communicable diseases, including COVID–19, to the United States.

(g) SUNSET.—The authority under subsections (a) and (b) expires on the date that is 3 years after the date of enactment of this Act.

(h) EMERGENCY REQUIREMENT.—The amount provided by this section is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

SPECIAL IMMIGRANT STATUS FOR CERTAIN SURVIVING SPOUSES AND CHILDREN

SEC. 403. (a) IMMIGRATION AND NATIONALITY ACT.—Section 101(a)(27)(D) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(27)(D)) is amended—

(1) by striking “an immigrant who is an employee” and inserting “an immigrant who—

“(i) is an employee”; and

(2) by striking “grant such status;” and inserting “grant such status; or

“(ii) is the surviving spouse or child of an employee of the United States Government abroad: *Provided*, That the employee performed faithful service for a total of not less than 15 years or was killed in the line of duty;”.

Time period.

(b) AFGHAN ALLIES PROTECTION ACT OF 2009.—Section 602(b)(2)(C) of the Afghan Allies Protection Act of 2009 (8 U.S.C. 1101 note) is amended—

(1) in clause (ii), by redesignating subclauses (I) and (II) as items (aa) and (bb), respectively, and moving such items 2 ems to the right;

(2) by redesignating clauses (i) and (ii) as subclauses (I) and (II), respectively, and moving such subclauses 2 ems to the right;

(3) in the matter preceding subclause (I), as redesignated, by striking “An alien is described” and inserting the following: “(I) IN GENERAL.—An alien is described”;

(4) in clause (i)(I), as redesignated, by striking “who had a petition for classification approved” and inserting “who had submitted an application to the Chief of Mission”; and

(5) by adding at the end the following:

“(II) EMPLOYMENT REQUIREMENTS.—An application by a surviving spouse or child of a principal alien shall be subject to employment requirements set forth in subparagraph (A) as of the date of the principal alien’s filing of an application for the first time, or if no application has

been filed, the employment requirements as of the date of the principal alien's death.”.

(c) REFUGEE CRISIS IN IRAQ ACT OF 2007.—Section 1244(b)(3) of the Refugee Crisis in Iraq Act of 2007 (8 U.S.C. 1157 note) is amended—

(1) by striking “described in subsection (b)” and inserting “in this subsection”;

(2) in subparagraph (B), by redesignating clauses (i) and (ii) as subclauses (I) and (II), respectively, and moving such subclauses 2 ems to the right;

(3) by redesignating subparagraphs (A) and (B) as clauses (i) and (ii), respectively, and moving such clauses 2 ems to the right;

(4) in the matter preceding clause (i), as redesignated, by striking “An alien is described” and inserting the following: “(A) IN GENERAL.—An alien is described”;

(5) in subparagraph (A)(i), as redesignated, by striking “who had a petition for classification approved” and inserting “who submitted an application to the Chief of Mission”; and

(6) by adding at the end the following:

“(B) EMPLOYMENT REQUIREMENTS.—An application by a surviving spouse or child of a principal alien shall be subject to employment requirements set forth in paragraph (1) as of the date of the principal alien's filing of an application for the first time, or if the principal alien did not file an application, the employment requirements as of the date of the principal alien's death.”.

(d) EFFECTIVE DATE.—The amendments made by this section shall be effective on June 30, 2021, and shall have retroactive effect. 8 USC 1101 note.

(e) EMERGENCY REQUIREMENT.—The amount provided by this section is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

CONVERSION OF PETITIONS FOR SPECIAL IMMIGRANT STATUS FOR CERTAIN IRAQIS

SEC. 404. (a) Section 2 of Public Law 110–242 (8 U.S.C. 1101 note) is amended by striking subsection (b) and inserting the following:

“(b) DURATION.—The authority under subsection (a) shall expire on the date on which the numerical limitation specified under section 1244 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 8 U.S.C. 1157 note) is reached.”.

(b) EMERGENCY REQUIREMENT.—The amount provided by this section is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

TITLE V

DEPARTMENT OF JUSTICE

STATE AND LOCAL LAW ENFORCEMENT ACTIVITIES

OFFICE OF JUSTICE PROGRAMS

STATE AND LOCAL LAW ENFORCEMENT ASSISTANCE

For an additional amount for “State and Local Law Enforcement Assistance”, \$1,100,000, to remain available until September 30, 2022, for the sole purpose of restoring amounts, either directly or through reimbursement, for obligations incurred for extraordinary law enforcement and related costs directly associated with protection of the President-elect from November 4, 2020 until the inauguration of the President-elect as President: *Provided*, That such reimbursement shall be provided only for costs that a State or local agency can document as being over and above the cost of normal law enforcement operations and as being directly attributable to the provision of protection described herein: *Provided further*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

Reimbursement.

TITLE VI

GENERAL PROVISIONS—THIS ACT

SEC. 601. Each amount appropriated or made available by this Act is in addition to amounts otherwise appropriated for the fiscal year involved.

SEC. 602. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 603. Unless otherwise provided for by this Act, the additional amounts appropriated by this Act to appropriations accounts shall be available under the authorities and conditions applicable to such appropriations accounts for fiscal year 2021.

SEC. 604. Except for funds used to restore amounts, either directly or through reimbursement, for obligations incurred prior to the date of the enactment of this Act, and notwithstanding any other provision of law, funds made available in this Act shall only be used for the purposes specifically described herein.

Definition.

SEC. 605. In this Act, the term “coronavirus” means SARS-CoV-2 or another coronavirus with pandemic potential.

President.

SEC. 606. Each amount designated in this Act by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985 shall be available (or rescinded or transferred, if applicable) only if the President subsequently so designates all such amounts and transmits such designations to the Congress.

President.

SEC. 607. Any amount appropriated by this Act, designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985 and subsequently so designated by the President, and transferred pursuant to transfer authorities provided by this Act shall retain such designation.

This Act may be cited as the “Emergency Security Supplemental Appropriations Act, 2021”.

Approved July 30, 2021.

LEGISLATIVE HISTORY—H.R. 3237:

CONGRESSIONAL RECORD, Vol. 167 (2021):

May 20, considered and passed House.

July 29, considered and passed Senate, amended. House concurred in Senate amendment.

Public Law 117–32
117th Congress

An Act

Aug. 5, 2021
[H.R. 3325]

To award four congressional gold medals to the United States Capitol Police and those who protected the U.S. Capitol on January 6, 2021.

31 USC 5111
note.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. FINDINGS.

The Congress finds the following:

(1) Every day, the United States Capitol Police (“Capitol Police”) protects the U.S. Capitol, Members of Congress, congressional staff and institutional staff, journalists, and the visiting public.

(2) On January 6, 2021, a mob of insurrectionists forced its way into the U.S. Capitol building and congressional office buildings and engaged in acts of vandalism, looting, and violently attacked Capitol Police officers.

(3) The sacrifice of heroes including Capitol Police Officers Brian Sicknick and Howard Liebengood, Metropolitan Police Department Officer Jeffrey Smith, and those who sustained injuries, and the courage of Capitol Police Officer Eugene Goodman, exemplify the patriotism and the commitment of Capitol Police officers, and those of other law enforcement agencies, to risk their lives in service of our country.

(4) Up to seven Americans died following this violent attack, and more than 140 law enforcement officers suffered physical injuries, including 15 officers who were hospitalized.

(5) The desecration of the U.S. Capitol, which is the temple of our American Democracy, and the violence targeting Congress are horrors that will forever stain our Nation’s history.

(6) On April 2, 2021 Officer William “Billy” Evans was killed while protecting the North Barricade of the Capitol. Officer Evans was a distinguished member of the First Responders Unit and an eighteen-year veteran of the United States Capitol Police. Also injured in that assault was Officer Kenneth Shaver. Officer Shaver is a fifteen-year veteran of the United States Capitol Police.

Brian Sicknick.
Howard
Liebengood.
Jeffrey Smith.
Eugene
Goodman.

William “Billy”
Evans.

Kenneth Shaver.

SEC. 2. CONGRESSIONAL GOLD MEDALS.

(a) PRESENTATION AUTHORIZATION.—The Speaker of the House of Representatives and the President pro tempore of the Senate shall make appropriate arrangements for the presentation, on behalf of the Congress, of four gold medals of appropriate design to the United States Capitol Police and those who protected the U.S. Capitol on January 6, 2021.

(b) **DESIGN AND STRIKING.**—For the purposes of the award referred to in subsection (a), the Secretary of the Treasury (hereafter in this Act referred to as the “Secretary”) shall strike gold medals with suitable emblems, devices, and inscriptions, to be determined by the Secretary. Determination.

(c) **DISPOSITION OF MEDALS.**—Following the award of the gold medals under subsection (a):

(1) **USCP HEADQUARTERS.**—One gold medal shall be given to the United States Capitol Police, so that the medal may be displayed at the headquarters of the United States Capitol Police and made available for research, as appropriate.

(2) **DC METROPOLITAN POLICE DEPARTMENT HEADQUARTERS.**—One gold medal shall be given to the Metropolitan Police Department of the District of Columbia, so that the medal may be displayed at the headquarters of the Metropolitan Police Department and made available for research, as appropriate.

(3) **SMITHSONIAN INSTITUTION.**—

(A) **IN GENERAL.**—One gold medal shall be given to the Smithsonian Institution, where it shall be available for display as appropriate and available for research.

(B) **PLAQUE.**—In displaying the gold medal given under subparagraph (A), the Smithsonian Institution shall display the medal with a plaque that lists all of the law enforcement agencies that participated in protecting the U.S. Capitol on January 6, 2021.

(C) **SENSE OF THE CONGRESS.**—It is the sense of the Congress that the Smithsonian Institution should make the gold medal given under subparagraph (A) available for display elsewhere, particularly at appropriate locations associated with the protection of the U.S. Capitol on January 6, 2021.

(4) **UNITED STATES CAPITOL.**—

(A) **IN GENERAL.**—One gold medal shall be given to the Architect of the Capitol, for display in a prominent location in the United States Capitol as appropriate and available for research.

(B) **PLAQUE.**—In displaying the gold medal given under subparagraph (A), the Architect of the Capitol shall display the medal with a plaque that lists all of the law enforcement agencies that participated in protecting the United States Capitol on January 6, 2021.

SEC. 3. DUPLICATE MEDALS.

The Secretary may strike and sell duplicates in bronze of the gold medals struck pursuant to section 2 under such regulations as the Secretary may prescribe, at a price sufficient to cover the cost thereof, including labor, materials, dies, use of machinery, and overhead expenses.

SEC. 4. SENSE OF CONGRESS.

It is the sense of the Congress that the United States Mint should expedite production of the gold medals and duplicate medals under this Act, so that the sacrifices of fallen officers and their families, and the contributions of other law enforcement agencies who answered the call of duty on January 6, 2021, can be recognized and honored in a timely manner.

SEC. 5. NATIONAL MEDALS.

Medals struck pursuant to this Act are national medals for the purposes of chapter 51 of title 31, United States Code.

SEC. 6. DETERMINATION OF BUDGETARY EFFECTS.

The budgetary effects of this Act, for the purpose of complying with the Statutory Pay-As-You-Go Act of 2010, shall be determined by reference to the latest statement titled “Budgetary Effects of PAYGO Legislation” for this Act, submitted for printing in the Congressional Record by the Chairman of the House Budget Committee, provided that such statement has been submitted prior to the vote on passage.

Approved August 5, 2021.

LEGISLATIVE HISTORY—H.R. 3325:

CONGRESSIONAL RECORD, Vol. 167 (2021):

June 15, considered and passed House.

Aug. 3, considered and passed Senate.

DAILY COMPILATION OF PRESIDENTIAL DOCUMENTS (2021):

Aug. 5, Presidential remarks.

Public Law 117–33
117th Congress

An Act

To designate the facility of the United States Postal Service located at 500 West Main Street, Suite 102 in Tupelo, Mississippi, as the “Colonel Carlyle ‘Smitty’ Harris Post Office”.

Aug. 6, 2021
[H.R. 208]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. COLONEL CARLYLE “SMITTY” HARRIS POST OFFICE.

(a) DESIGNATION.—The facility of the United States Postal Service located at 500 West Main Street, Suite 102 in Tupelo, Mississippi, shall be known and designated as the “Colonel Carlyle ‘Smitty’ Harris Post Office”.

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the “Colonel Carlyle ‘Smitty’ Harris Post Office”.

Approved August 6, 2021.

LEGISLATIVE HISTORY—H.R. 208:

CONGRESSIONAL RECORD, Vol. 167 (2021):
Feb. 23, considered and passed House.
July 27, considered and passed Senate.

Public Law 117–34
117th Congress

An Act

Aug. 6, 2021
[H.R. 264]

To designate the facility of the United States Postal Service located at 1101 Charlotte Street in Georgetown, South Carolina, as the “Joseph Hayne Rainey Memorial Post Office Building”.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. JOSEPH HAYNE RAINEY MEMORIAL POST OFFICE BUILDING.

(a) DESIGNATION.—The facility of the United States Postal Service located at 1101 Charlotte Street in Georgetown, South Carolina, shall be known and designated as the “Joseph Hayne Rainey Memorial Post Office Building”.

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the “Joseph Hayne Rainey Memorial Post Office Building”.

Approved August 6, 2021.

LEGISLATIVE HISTORY—H.R. 264:

CONGRESSIONAL RECORD, Vol. 167 (2021):
Feb. 23, considered and passed House.
July 27, considered and passed Senate.

Public Law 117–35
117th Congress

An Act

To designate the facility of the United States Postal Service located at 229 Minnetonka Avenue South in Wayzata, Minnesota, as the “Jim Ramstad Post Office”.

Aug. 6, 2021
[H.R. 772]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. JIM RAMSTAD POST OFFICE.

(a) DESIGNATION.—The facility of the United States Postal Service located at 229 Minnetonka Avenue South in Wayzata, Minnesota, shall be known and designated as the “Jim Ramstad Post Office”.

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the “Jim Ramstad Post Office”.

Approved August 6, 2021.

LEGISLATIVE HISTORY—H.R. 772:

CONGRESSIONAL RECORD, Vol. 167 (2021):

Feb. 23, considered and passed House.

July 27, considered and passed Senate.

Public Law 117–36
117th Congress

An Act

Aug. 6, 2021
[H.R. 1002]

To amend the Controlled Substances Act to authorize the debarment of certain registrants, and for other purposes.

Debarment
Enforcement of
Bad Actor
Registrants Act
of 2021.
21 USC 801 note.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Debarment Enforcement of Bad Actor Registrants Act of 2021” or the “DEBAR Act of 2021”.

SEC. 2. DEBARMENT OF CERTAIN REGISTRANTS.

Section 304 of the Controlled Substances Act (21 U.S.C. 824) is amended by adding at the end the following:

“(h) The Attorney General may issue an order to prohibit, conditionally or unconditionally, and permanently or for such period as the Attorney General may determine, any person from being registered under this title to manufacture, distribute, or dispense a controlled substance or a list I chemical, if the Attorney General finds that—

“(1) such person meets or has met any of the conditions for suspension or revocation of registration under subsection (a); and

“(2) such person has a history of prior suspensions or revocations of registration.”.

SEC. 3. DETERMINATION OF BUDGETARY EFFECTS.

The budgetary effects of this Act, for the purpose of complying with the Statutory Pay-As-You-Go Act of 2010, shall be determined by reference to the latest statement titled “Budgetary Effects of PAYGO Legislation” for this Act, submitted for printing in the Congressional Record by the Chairman of the House Budget Committee, provided that such statement has been submitted prior to the vote on passage.

Approved August 6, 2021.

LEGISLATIVE HISTORY—H.R. 1002:

CONGRESSIONAL RECORD, Vol. 167 (2021):

Apr. 14, 15, considered and passed House.

July 27, considered and passed Senate.

Public Law 117–37
117th Congress

An Act

To direct the Secretary of Veterans Affairs to carry out a pilot program on dog training therapy, and to amend title 38, United States Code, to authorize the Secretary of Veterans Affairs to provide service dogs to veterans with mental illnesses who do not have mobility impairments.

Aug. 25, 2021
[H.R. 1448]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Puppies Assisting Wounded Servicemembers for Veterans Therapy Act” or the “PAWS for Veterans Therapy Act”.

Puppies
Assisting
Wounded
Servicemembers
for Veterans
Therapy Act.
38 USC 101 note.

SEC. 2. DEPARTMENT OF VETERANS AFFAIRS PILOT PROGRAM ON DOG TRAINING THERAPY.

38 USC 1714
note.

(a) **IN GENERAL.**—Not later than 180 days after the date of the enactment of the Act, the Secretary of Veterans Affairs shall commence the conduct of a pilot program to provide canine training to eligible veterans diagnosed with post-traumatic stress disorder (in this section referred to as “PTSD”) as an element of a complementary and integrative health program for such veterans.

Deadline.

(b) **DURATION; MEDICAL CENTERS.**—

(1) **DURATION.**—The Secretary shall carry out the pilot program under subsection (a) for a 5-year period beginning on the date of the commencement of the pilot program.

(2) **MEDICAL CENTERS.**—The Secretary shall ensure that such pilot program is carried out by not fewer than five medical centers of the Department of Veterans Affairs located in geographically diverse areas.

(c) **AGREEMENTS WITH ENTITIES.**—In carrying out the pilot program under subsection (a), the Secretary shall seek to enter into agreements with nongovernmental entities that the Secretary determines have the demonstrated ability to provide the canine training specified in subsection (a).

Determination.

(d) **REQUIRED CONDITIONS.**—The Secretary shall include in any agreement under subsection (c) conditions requiring that the nongovernmental entity seeking to enter into the agreement—

(1) submits to the Secretary certification that the entity is an accredited service dog training organization;

Certification.

(2) agrees to ensure that veterans participating in the pilot program under subsection (a) receive training from certified service dog training instructors for a period of time determined appropriate by the entity;

Determination.

(3) agrees to ensure that veterans participating in such pilot program are prohibited from having access to a dog under

such pilot program at any time during such participation without the supervision of a certified service dog training instructor;

(4) agrees to ensure that veterans participating in such pilot program receive training in skills unique to the needs of the veteran to address or alleviate PTSD symptoms of the veteran;

(5) agrees not to use shock collars or prong collars as training tools and to use positive reinforcement training; and

(6) agrees to provide any follow-up training support specified in subsection (e)(2), as applicable.

(e) ADOPTION OF DOG.—

Consultation.
Determination.

(1) IN GENERAL.—A veteran who has participated in the pilot program under subsection (a) may adopt a dog that the veteran assisted in training during such pilot program if the veteran and the veteran's health provider (in consultation with the entity that provided the canine training with respect to the dog under such pilot program) determine that it is in the best interest of the veteran.

(2) FOLLOW-UP TRAINING SUPPORT.—If a veteran adopts a dog under paragraph (1), the entity that provided the canine training with respect to the dog under the pilot program shall provide follow-up training support for the life of the dog. Such support shall include the provision of a contact plan between the veteran and the entity that enables the veteran to seek and receive assistance from the entity to ensure the dog is being properly cared for.

(f) ELIGIBILITY FOR OTHER CARE AND TREATMENT.—Participation in the pilot program under subsection (a) may not preclude a veteran from receiving any other medical care or treatment for PTSD furnished by the Department, including therapy, for which the veteran is otherwise eligible.

(g) COLLECTION OF DATA.—In carrying out this section, the Secretary shall—

(1) develop metrics and other appropriate means to measure, with respect to veterans participating in the pilot program under subsection (a)—

(A) the number of such veterans participating;

(B) the satisfaction of such veterans with the pilot program;

Determination.

(C) whether participation in the pilot program resulted in any clinically relevant improvements for such veterans, as determined by the health care provider or clinical team that referred the veteran to participate in the pilot program; and

(D) such other factors as the Secretary may determine appropriate; and

(2) establish processes to document and track the progress of such veterans under the pilot program with respect to health benefits and improvements.

Recommendations.

(h) REPORT BY SECRETARY.—Not later than 1 year before the date on which the pilot program under subsection (a) terminates, the Secretary shall submit to the Committees on Veterans' Affairs of the House of Representatives and the Senate a report containing the recommendations of the Secretary regarding—

(1) whether to extend or make permanent the pilot program; and

(2) the feasibility and advisability of expanding the pilot program to address mental health conditions other than PTSD.

(i) GAO BRIEFING AND STUDY.—

(1) BRIEFING.—Not later than 1 year after the date of the commencement of the pilot program under subsection (a), the Comptroller General of the United States shall provide to the Committees on Veterans' Affairs of the House of Representatives and the Senate a briefing on the methodology established for the pilot program. Deadline.

(2) REPORT.—Not later than 270 days after the date on which the pilot program terminates, the Comptroller General shall submit to the committees specified in paragraph (1) a report on the pilot program. Such report shall include an evaluation of the approach and methodology used for the pilot program with respect to— Evaluation.

(A) assisting veterans with PTSD; and

(B) measuring relevant metrics, such as reduction in scores under the Clinician Administered PTSD Scale (CAPS), improvement in psychosocial function, and therapeutic compliance.

(j) DEFINITIONS.—In this section:

(1) The term “accredited service dog training organization” means an organization described in section 501(c)(3) of the Internal Revenue Code of 1986 that—

(A) provides service dogs to veterans with PTSD; and

(B) is accredited by an accrediting organization with demonstrated experience, national scope, and recognized leadership and expertise in the training of service dogs and education in the use of service dogs (as determined by the Secretary).

(2) The term “eligible veteran” means a veteran who—

(A) is enrolled in the patient enrollment system in the Department of Veterans Affairs under section 1705 of title 38, United States Code; and

(B) has been recommended for participation in the pilot program under subsection (a) by a qualified mental health care provider or clinical team based on medical judgment that the veteran may benefit from such participation with respect to the diagnosed PTSD of the veteran.

(3) The term “service dog training instructor” means an instructor who provides the direct training of veterans with PTSD in the art and science of service dog training and handling.

SEC. 3. PROVISION OF SERVICE DOGS AND VETERINARY INSURANCE BENEFITS TO VETERANS WITH POST-TRAUMATIC STRESS DISORDER WHO DO NOT HAVE CERTAIN IMPAIRMENTS.

(a) IN GENERAL.—Section 1714 of title 38, United States Code, is amended by adding at the end the following new subsections:

“(e) The Secretary may provide a service dog to a veteran under subsection (c)(3) regardless of whether the veteran has a mobility impairment.

“(f)(1) The Secretary shall provide to any veteran described in paragraph (2) a commercially available veterinary insurance policy for each dog provided to such veteran under subsection (b) or (c).

“(2) A veteran described in this paragraph is a veteran who—

“(A) is diagnosed with post-traumatic stress disorder or a visual, hearing, or substantial mobility impairment;

“(B) has received a dog under subsection (b) or (c) in connection with such disorder or impairment; and

“(C) meets such other requirements as the Secretary may prescribe.”.

38 USC 1714
note.

(b) APPLICABILITY.—Section 1714(f) of title 38, United States Code, as added by subsection (a), shall apply with respect to a veteran provided a dog by the Secretary of Veterans Affairs on or after the date of the enactment of this Act.

Approved August 25, 2021.

LEGISLATIVE HISTORY—H.R. 1448:

HOUSE REPORTS: No. 117–31 (Comm. on Veterans’ Affairs).

CONGRESSIONAL RECORD, Vol. 167 (2021):

May 12, considered and passed House.

Aug. 5, considered and passed Senate.

Public Law 117–38
117th Congress

An Act

To award a Congressional gold medal to the 369th Infantry Regiment, commonly known as the “Harlem Hellfighters”, in recognition of their bravery and outstanding service during World War I.

Aug. 25, 2021
[H.R. 3642]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Harlem Hellfighters Congressional Gold Medal Act”.

Harlem
Hellfighters
Congressional
Gold Medal Act.
31 USC 5111
note.

SEC. 2. FINDINGS.

Congress finds the following:

(1) When the United States officially entered World War I in April 1917, the Armed Forces were still segregated, even though African-American soldiers had served and distinguished themselves in every war since the Revolutionary War, and even the Colonial Wars preceding the American Revolution.

(2) After several years of advocacy and debate, in 1916 the State of New York authorized the recruitment of the 15th New York National Guard Regiment, which was called to Federal service on July 25, 1917, soon after arriving for training at Camp Whitman, New York.

(3) The 15th completed its basic military practice training at Camp Whitman, New York.

(4) To receive combat training, the 15th reported, on October 8, 1917, to Camp Wadsworth, in Spartanburg, South Carolina, where it experienced many incidents of racial discrimination.

(5) Consequently, the government agreed to remove the 15th from Camp Wadsworth, but, instead of receiving further training, the regiment began preparing for deployment to France in November.

(6) The 15th arrived in Saint Nazaire, France, on January 1, 1918, where it was redesignated the 369th Infantry Regiment.

(7) Partly because many White soldiers within the American Expeditionary Forces (hereinafter, the “AEF”) refused to perform combat duty with Black soldiers, members of the 369th were initially assigned manual labor tasks, such as loading and unloading supplies, and constructing roads and railroads.

(8) After receiving pressure from the 369th regimental commander about not having a combat mission, the AEF attached the 369th to the French Fourth Army.

(9) By mid-March of 1918, the 369th went to the Argonne Forest with the French 16th Division for training and soon entered the trenches.

(10) The 369th encountered its first German soldiers in combat in April, 1918.

(11) In May of 1918, Private Henry Johnson of the 369th received the French Croix de Guerre, with Palm, for extraordinary valor, becoming one of the first American soldiers to be awarded this honor.

(12) Johnson also belatedly received a Purple Heart, was awarded the Distinguished Service Cross, and in, 2015, was awarded the Medal of Honor.

(13) Throughout the remainder of the spring and into the summer the 369th served at Minacourt, in the Champagne-Marne Defensive, and during the Aisne-Marne Offensive in support of the French 161st Infantry Division.

(14) As summer turned to autumn, the 369th went on to participate in the Meuse-Argonne offensive, where it captured the important village of Sechault despite sustaining severe losses.

(15) On October 14, 1918, the 369th advanced to Alsace.

(16) On November 20, 1918, the 369th reached the banks of the Rhine River as part of the French Army of Occupation, the first Allied unit to do so.

(17) The 369th was relieved of its assignment with the French 161st Division in December, 1918, and elements of the regiment sailed for New York in late January and early February, 1919.

(18) The 369th Infantry Regiment received a parade up 5th Avenue in New York City on February 17, 1919, receiving applause and cheers from hundreds of thousands of onlookers.

(19) The 369th was demobilized on February 28, 1919.

(20) Over 170 individual members of the 369th received the Croix de Guerre, many were awarded the Distinguished Service Cross, and the 369th was awarded a unit citation.

(21) It is generally believed that the 369th was dubbed the “Harlem Hellfighters” by German soldiers, who found the men to be incredibly determined and courageous in battle.

(22) The 369th was the first regiment of African Americans to deploy overseas during World War I and spent 191 days on the front line in World War I, more than any other American regimental sized unit.

(23) The 369th never lost a foot of ground nor had a man taken prisoner, despite suffering a high number of casualties.

SEC. 3. CONGRESSIONAL GOLD MEDAL.

(a) AWARD AUTHORIZED.—The Speaker of the House of Representatives and the President pro tempore of the Senate shall make appropriate arrangements for the award, on behalf of the Congress, of a gold medal of appropriate design to the 369th Infantry Regiment, commonly known as the “Harlem Hellfighters”, in recognition of their bravery and outstanding service during World War I.

Determination.

(b) DESIGN AND STRIKING.—For the purposes of the award referred to in subsection (a), the Secretary of the Treasury shall

strike the gold medal with suitable emblems, devices, and inscriptions, to be determined by the Secretary.

(c) SMITHSONIAN INSTITUTION.—

(1) IN GENERAL.—Following the award of the gold medal in honor of the 369th Infantry Regiment, the “Harlem Hellfighters”, the gold medal shall be given to the Smithsonian Institution, where it will be displayed as appropriate and made available for research.

(2) SENSE OF CONGRESS.—It is the sense of Congress that the Smithsonian Institution should make the gold medal awarded pursuant to this Act available for display elsewhere, particularly at other locations associated with the Harlem Hellfighters.

SEC. 4. DUPLICATE MEDALS.

(a) IN GENERAL.—The Secretary may strike and sell duplicates in bronze of the gold medal struck under section 3, at a price sufficient to cover the costs of the bronze medals, including labor, materials, dies, use of machinery, and overhead expenses.

(b) PROCEEDS OF SALES.—The amounts received from the sale of duplicate medals under subsection (a) shall be deposited in the United States Mint Public Enterprise Fund.

(c) AUTHORITY TO USE FUND AMOUNTS.—There is authorized to be charged against the United States Mint Public Enterprise Fund such amounts as may be necessary to pay for the costs of the medals struck under this Act.

SEC. 5. STATUS OF MEDALS.

The gold medal struck pursuant to this Act is a national medal for purposes of chapter 51 of title 31, United States Code.

SEC. 6. DETERMINATION OF BUDGETARY EFFECTS.

The budgetary effects of this Act, for the purpose of complying with the Statutory Pay-As-You-Go Act of 2010, shall be determined by reference to the latest statement titled “Budgetary Effects of PAYGO Legislation” for this Act, submitted for printing in the Congressional Record by the Chairman of the House Budget Committee, provided that such statement has been submitted prior to the vote on passage.

Approved August 25, 2021.

LEGISLATIVE HISTORY—H.R. 3642:

CONGRESSIONAL RECORD, Vol. 167 (2021):

June 15, considered and passed House.

Aug. 9, considered and passed Senate.

Public Law 117–39
117th Congress

An Act

Aug. 31, 2021
[H.R. 5085]

Emergency
Repatriation
Assistance for
Returning
Americans Act.
42 USC 1305
note.

To amend section 1113 of the Social Security Act to provide authority for increased payments for temporary assistance to United States citizens returned from foreign countries, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Emergency Repatriation Assistance for Returning Americans Act”.

SEC. 2. INCREASE IN AGGREGATE PAYMENTS.

(a) IN GENERAL.—Section 1113(d) of the Social Security Act (42 U.S.C. 1313(d)) is amended by striking “fiscal year 2020, the total amount of such assistance provided during such fiscal year shall not exceed \$10,000,000” and inserting “fiscal years 2021 and 2022, the total amount of such assistance provided during each such fiscal year shall not exceed \$10,000,000”.

(b) EMERGENCY DESIGNATION.—

(1) IN GENERAL.—The amounts provided by the amendment made by this section are designated as an emergency requirement pursuant to section 4(g) of the Statutory Pay-As-You-Go Act of 2010 (2 U.S.C. 933(g)).

(2) DESIGNATION IN SENATE.—In the Senate, this section and the amendment made by this section are designated as an emergency requirement pursuant to section 4001(a)(1) of S. Con. Res. 14 (117th Congress), the concurrent resolution on the budget for fiscal year 2022.

Approved August 31, 2021.

LEGISLATIVE HISTORY—H.R. 5085:

CONGRESSIONAL RECORD, Vol. 167 (2021):

Aug. 24, considered and passed House.

Aug. 31, considered and passed Senate.

Public Law 117–40
117th Congress

An Act

To amend the Federal Funding Accountability and Transparency Act of 2006, to require the budget justifications and appropriation requests of agencies be made publicly available.

Sept. 24, 2021
[S. 272]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Congressional Budget Justification Transparency Act of 2021”.

Congressional
Budget
Justification
Transparency Act
of 2021.
31 USC 6101
note.

SEC. 2. PUBLIC AVAILABILITY OF BUDGET JUSTIFICATIONS AND APPROPRIATION REQUESTS.

(a) IN GENERAL.—Section 3 of the Federal Funding Accountability and Transparency Act of 2006 (31 U.S.C. 6101 note) is amended to read as follows:

“SEC. 3. FULL DISCLOSURE OF FEDERAL FUNDS.

“(a) IN GENERAL.—Not less frequently than monthly when practicable, and in any event not less frequently than quarterly, the Secretary (in consultation with the Director and, with respect to information described in subsection (b)(2), the head of the applicable Federal agency) shall ensure that updated information with respect to the information described in subsection (b) is posted on the website established under section 2.

Time periods.
Consultation.

“(b) INFORMATION TO BE POSTED.—

“(1) FUNDS.—For any funds made available to or expended by a Federal agency or component of a Federal agency, the information to be posted shall include—

“(A) for each appropriations account, including an expired or unexpired appropriations account, the amount—

“(i) of budget authority appropriated;

“(ii) that is obligated;

“(iii) of unobligated balances; and

“(iv) of any other budgetary resources;

“(B) from which accounts and in what amount—

“(i) appropriations are obligated for each program activity; and

“(ii) outlays are made for each program activity;

“(C) from which accounts and in what amount—

“(i) appropriations are obligated for each object class; and

“(ii) outlays are made for each object class; and

“(D) for each program activity, the amount—

“(i) obligated for each object class; and

“(ii) of outlays made for each object class.

“(2) BUDGET JUSTIFICATIONS.—

“(A) DEFINITIONS.—In this paragraph—

“(i) the term ‘budget justification materials’ means the annual budget justification materials of a Federal agency, or a component of a Federal agency, that are submitted, in conjunction with the budget of the United States Government submitted under section 1105(a) of title 31, United States Code; and

“(ii) the term ‘open Government data asset’ has the meaning given that term in section 3502 of title 44, United States Code.

“(B) INFORMATION.—The information to be posted—

“(i) shall include any budget justification materials—

“(I) for the second fiscal year beginning after the date of enactment of this paragraph, and each fiscal year thereafter; and

“(II) to the extent practicable, that were released for any fiscal year before the date of enactment of this paragraph; and

“(ii) shall not include budget justification materials the disclosure of which is prohibited by law, that are classified, or that are exempt from disclosure under section 552(b) of title 5, United States Code.

“(C) FORMAT.—Budget justification materials shall be posted under subparagraph (B)—

“(i) as an open Government data asset;

“(ii) in a manner that enables users to download individual reports, download all reports in bulk, and download in bulk the results of a search, to the extent practicable; and

“(iii) in a structured data format, to the extent practicable.

“(D) DEADLINE.—The budget justification materials required to be posted under subparagraph (B)(i) shall be posted not later than 2 weeks after the date on which the budget justification materials are first submitted to Congress.

“(E) RULE OF CONSTRUCTION.—Nothing in this paragraph shall be construed to authorize a Federal agency, or a component of a Federal agency, to destroy any budget justification materials relating to a fiscal year before the fiscal year described in subparagraph (B)(i).”.

(b) INFORMATION REGARDING AGENCY BUDGET JUSTIFICATIONS.—Section 1105 of title 31, United States Code, is amended by adding at the end the following:

“(i)(1) The Director of the Office of Management and Budget shall make publicly available on a website, and continuously update, a tabular list for each fiscal year of each agency that submits budget justification materials, which shall include—

“(A) the name of the agency;

“(B) a unique identifier that identifies the agency;

“(C) to the extent practicable, the date on which the budget justification materials of the agency are first submitted to Congress;

Web postings.

Update.
List.

“(D) the date on which the budget justification materials of the agency are posted online under section 3 of the Federal Funding Accountability and Transparency Act of 2006 (31 U.S.C. 6101 note);

“(E) the uniform resource locator where the budget justification materials are published on the website of the agency; and

“(F) a single data set that contains the information described in subparagraphs (A) through (E) with respect to the agency for all fiscal years for which budget justifications of the agency are made available under section 3 of the Federal Funding Accountability and Transparency Act of 2006 (31 U.S.C. 6101 note) in a structured data format.

“(2)(A) Each agency that submits budget justification materials shall make the materials available on the website of the agency, in accordance with the policies established by the Director of the Office of Management and Budget under subparagraph (B).

“(B) Not later than 1 year after the date of enactment of this subsection, the Director of the Office of Management and Budget, in consultation with the Secretary of the Treasury, shall establish policies and data standards for agencies relating to making available materials under subparagraph (A), which shall include guidelines for making budget justification materials available in a format aligned with the requirements of section 3(b)(2)(C) of the Federal Funding Accountability and Transparency Act of 2006 (31 U.S.C. 6101 note) and using a uniform resource locator that is in a consistent format across agencies and is descriptive, memorable, and pronounceable, such as the format of ‘agencyname.gov/budget’.

Deadline.
Consultation.
Standards.
Guidelines.

“(C) If the Director of the Office of Management and Budget maintains a public website that contains the budget of the United States Government submitted under subsection (a) and any related materials, such website shall also contain a link to the tabular list required under paragraph (1).

“(3) In this subsection, the term ‘budget justification materials’ has the meaning given that term in section 3(b)(2) of the Federal Funding Accountability and Transparency Act of 2006 (31 U.S.C. 6101 note).”.

Definition.

SEC. 3. DETERMINATION OF BUDGETARY EFFECTS.

The budgetary effects of this Act, for the purpose of complying with the Statutory Pay-As-You-Go-Act of 2010, shall be determined by reference to the latest statement titled “Budgetary Effects of PAYGO Legislation” for this Act, submitted for printing in the

Congressional Record by the Chairman of the Senate Budget Committee, provided that such statement has been submitted prior to the vote on passage.

Approved September 24, 2021.

LEGISLATIVE HISTORY—S. 272 (H.R. 22):

SENATE REPORTS: No. 117–23 (Comm. on Homeland Security and Governmental Affairs).

CONGRESSIONAL RECORD, Vol. 167 (2021):

June 24, considered and passed Senate.

July 26, Aug. 23, considered and passed House.

Public Law 117–41
117th Congress

An Act

To amend the Alyce Spotted Bear and Walter Soboleff Commission on Native Children Act to extend the deadline for a report by the Alyce Spotted Bear and Walter Soboleff Commission on Native Children, and for other purposes.

Sept. 24, 2021
[S. 325]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. ALYCE SPOTTED BEAR AND WALTER SOBOLEFF COMMISSION ON NATIVE CHILDREN REPORT.

Section 3(f) of the Alyce Spotted Bear and Walter Soboleff Commission on Native Children Act (Public Law 114–244; 130 Stat. 987) is amended, in the matter preceding paragraph (1), by striking “3 years” and inserting “5 years”.

Approved September 24, 2021.

LEGISLATIVE HISTORY—S. 325 (H.R. 438):

HOUSE REPORTS: No. 117–103 (Comm. on Natural Resources) accompanying H.R. 438.

SENATE REPORTS: No. 117–12 (Comm. on Indian Affairs).

CONGRESSIONAL RECORD, Vol. 167 (2021):

May 26, considered and passed Senate.

July 26, Aug. 23, considered and passed House.

Public Law 117–42
117th Congress

An Act

Sept. 30, 2021
[H.R. 5293]

Department of
Veterans Affairs
Expiring
Authorities Act
of 2021.
38 USC 101 note.

To amend title 38, United States Code, to extend and modify certain authorities and requirements relating to the Department of Veterans Affairs, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Department of Veterans Affairs Expiring Authorities Act of 2021”.

SEC. 2. EXTENSION OF AUTHORITY FOR DENTAL INSURANCE PLAN FOR VETERANS AND SURVIVORS AND DEPENDENTS OF VETERANS.

Section 1712C of title 38, United States Code, is amended by striking subsection (j).

SEC. 3. EXTENSION OF TEMPORARY EXPANSION OF PAYMENTS AND ALLOWANCES FOR BENEFICIARY TRAVEL IN CONNECTION WITH VETERANS RECEIVING CARE FROM VET CENTERS.

Section 104(a) of the Honoring America’s Veterans and Caring for Camp Lejeune Families Act of 2012 (Public Law 112–154; 126 Stat. 1169), as most recently amended by section 5109 of the Continuing Appropriations Act, 2021 and Other Extensions Act (Public Law 116–159; 134 Stat. 749), is further amended by striking “September 30, 2021” and inserting “September 30, 2022”.

SEC. 4. EXTENSION OF AUTHORITY FOR PILOT PROGRAM ON ACCEPTANCE BY THE DEPARTMENT OF VETERANS AFFAIRS OF DONATED FACILITIES AND RELATED IMPROVEMENTS.

Section 2(i) of the Communities Helping Invest through Property and Improvements Needed for Veterans Act of 2016 (Public Law 114–294; 38 U.S.C. 8103 note) is amended by striking “the date that is 5 years after the date of the enactment of this Act” and inserting “December 16, 2026”.

SEC. 5. DETERMINATION OF BUDGETARY EFFECTS.

The budgetary effects of this Act, for the purpose of complying with the Statutory Pay-As-You-Go Act of 2010, shall be determined by reference to the latest statement titled “Budgetary Effects of PAYGO Legislation” for this Act, submitted for printing in the

Congressional Record by the Chairman of the House Budget Committee, provided that such statement has been submitted prior to the vote on passage.

Approved September 30, 2021.

LEGISLATIVE HISTORY—H.R. 5293:

CONGRESSIONAL RECORD, Vol. 167 (2021):

Sept. 20, considered and passed House.

Sept. 23, considered and passed Senate.

Public Law 117–43
117th Congress

An Act

Sept. 30, 2021
[H.R. 5305]

Making continuing appropriations for the fiscal year ending September 30, 2022,
and for providing emergency assistance, and for other purposes.

Extending
Government
Funding and
Delivering
Emergency
Assistance Act.

*Be it enacted by the Senate and House of Representatives of
the United States of America in Congress assembled,*

SECTION 1. SHORT TITLE.

This Act may be cited as the “Extending Government Funding
and Delivering Emergency Assistance Act”.

SEC. 2. TABLE OF CONTENTS.

Sec. 1. Short Title
Sec. 2. Table of Contents.
Sec. 3. References.

DIVISION A—CONTINUING APPROPRIATIONS ACT, 2022

DIVISION B—DISASTER RELIEF SUPPLEMENTAL APPROPRIATIONS ACT,
2022

DIVISION C—AFGHANISTAN SUPPLEMENTAL APPROPRIATIONS ACT, 2022

DIVISION D—OTHER MATTERS

Title I—Extensions, Technical Corrections, and Other Matters
Title II—Budgetary Effects

1 USC 1 note.

SEC. 3. REFERENCES.

Except as expressly provided otherwise, any reference to “this
Act” contained in any division of this Act shall be treated as
referring only to the provisions of that division.

Continuing
Appropriations
Act, 2022.

DIVISION A—CONTINUING APPROPRIATIONS ACT, 2022

The following sums are hereby appropriated, out of any money
in the Treasury not otherwise appropriated, and out of applicable
corporate or other revenues, receipts, and funds, for the several
departments, agencies, corporations, and other organizational units
of Government for fiscal year 2022, and for other purposes, namely:

SEC. 101. Such amounts as may be necessary, at a rate for
operations as provided in the applicable appropriations Acts for
fiscal year 2021 and under the authority and conditions provided
in such Acts, for continuing projects or activities (including the
costs of direct loans and loan guarantees) that are not otherwise
specifically provided for in this Act, that were conducted in fiscal
year 2021, and for which appropriations, funds, or other authority
were made available in the following appropriations Acts:

(1) The Agriculture, Rural Development, Food and Drug
Administration, and Related Agencies Appropriations Act, 2021

(division A of Public Law 116-260), except section 799D, and including title IV of division O of Public Law 116-260.

(2) The Commerce, Justice, Science, and Related Agencies Appropriations Act, 2021 (division B of Public Law 116-260), except the proviso in section 541 and sections 542 and 543.

(3) The Department of Defense Appropriations Act, 2021 (division C of Public Law 116-260).

(4) The Energy and Water Development and Related Agencies Appropriations Act, 2021 (division D of Public Law 116-260), except the last proviso under the heading “Department of Energy—Energy Programs—Science”, the last two provisos under the heading “Department of Energy—Energy Programs—Title 17 Innovative Technology Loan Guarantee Program”, and the two provisos under the heading “Department of Energy—Energy Programs—Advanced Technology Vehicles Manufacturing Loan Program”.

(5) The Financial Services and General Government Appropriations Act, 2021 (division E of Public Law 116-260), except the matter under the heading “Presidential Transition Administrative Support” in title II, the matter under the heading “General Services Administration—Expenses, Presidential Transition” in title V, the proviso and the amount specified in such proviso under the heading “District of Columbia—Federal Funds—Federal Payment for Emergency Planning and Security Costs in the District of Columbia” in title IV, and title IX.

(6) The Department of Homeland Security Appropriations Act, 2021 (division F of Public Law 116-260), except section 538, and including sections 101 through 103 and section 105 of title I of division O of Public Law 116-260.

(7) The Department of the Interior, Environment, and Related Agencies Appropriations Act, 2021 (division G of Public Law 116-260).

(8) The Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 2021 (division H of Public Law 116-260), except sections 118 and 533.

(9) The Legislative Branch Appropriations Act, 2021 (division I of Public Law 116-260), except sections 211 and 213, and including section 7 of Public Law 116-260.

(10) The Military Construction, Veterans Affairs, and Related Agencies Appropriations Act, 2021 (division J of Public Law 116-260), except sections 514, 515, and 517.

(11) The Department of State, Foreign Operations, and Related Programs Appropriations Act, 2021 (division K of Public Law 116-260), except title IX other than sections 9001 and 9002 and the matter preceding the first proviso and the first proviso under the heading “Consular and Border Security Programs”.

(12) The Transportation, Housing and Urban Development, and Related Agencies Appropriations Act, 2021 (division L of Public Law 116-260), except sections 420 and 421.

SEC. 102. (a) No appropriation or funds made available or authority granted pursuant to section 101 for the Department of Defense shall be used for:

(1) the new production of items not funded for production in fiscal year 2021 or prior years;

(2) the increase in production rates above those sustained with fiscal year 2021 funds; or

(3) The initiation, resumption, or continuation of any project, activity, operation, or organization (defined as any project, subproject, activity, budget activity, program element, and subprogram within a program element, and for any investment items defined as a P-1 line item in a budget activity within an appropriation account and an R-1 line item that includes a program element and subprogram element within an appropriation account) for which appropriations, funds, or other authority were not available during fiscal year 2021.

(b) No appropriation or funds made available or authority granted pursuant to section 101 for the Department of Defense shall be used to initiate multi-year procurements utilizing advance procurement funding for economic order quantity procurement unless specifically appropriated later.

SEC. 103. Appropriations made by section 101 shall be available to the extent and in the manner that would be provided by the pertinent appropriations Act.

SEC. 104. Except as otherwise provided in section 102, no appropriation or funds made available or authority granted pursuant to section 101 shall be used to initiate or resume any project or activity for which appropriations, funds, or other authority were not available during fiscal year 2021.

SEC. 105. Appropriations made and authority granted pursuant to this Act shall cover all obligations or expenditures incurred for any project or activity during the period for which funds or authority for such project or activity are available under this Act.

SEC. 106. Unless otherwise provided for in this Act or in the applicable appropriations Act for fiscal year 2022, appropriations and funds made available and authority granted pursuant to this Act shall be available until whichever of the following first occurs:

(1) The enactment into law of an appropriation for any project or activity provided for in this Act.

(2) The enactment into law of the applicable appropriations Act for fiscal year 2022 without any provision for such project or activity.

(3) December 3, 2021.

Expiration date.

SEC. 107. Expenditures made pursuant to this Act shall be charged to the applicable appropriation, fund, or authorization whenever a bill in which such applicable appropriation, fund, or authorization is contained is enacted into law.

SEC. 108. Appropriations made and funds made available by or authority granted pursuant to this Act may be used without regard to the time limitations for submission and approval of apportionments set forth in section 1513 of title 31, United States Code, but nothing in this Act may be construed to waive any other provision of law governing the apportionment of funds.

SEC. 109. Notwithstanding any other provision of this Act, except section 106, for those programs that would otherwise have high initial rates of operation or complete distribution of appropriations at the beginning of fiscal year 2022 because of distributions of funding to States, foreign countries, grantees, or others, such high initial rates of operation or complete distribution shall not be made, and no grants shall be awarded for such programs funded by this Act that would impinge on final funding prerogatives.

SEC. 110. This Act shall be implemented so that only the most limited funding action of that permitted in the Act shall be taken in order to provide for continuation of projects and activities.

SEC. 111. (a) For entitlements and other mandatory payments whose budget authority was provided in appropriations Acts for fiscal year 2021, and for activities under the Food and Nutrition Act of 2008, activities shall be continued at the rate to maintain program levels under current law, under the authority and conditions provided in the applicable appropriations Act for fiscal year 2021, to be continued through the date specified in section 106(3).

Extensions.

(b) Notwithstanding section 106, obligations for mandatory payments due on or about the first day of any month that begins after October 2021 but not later than 30 days after the date specified in section 106(3) may continue to be made, and funds shall be available for such payments.

Deadline.

SEC. 112. Amounts made available under section 101 for civilian personnel compensation and benefits in each department and agency may be apportioned up to the rate for operations necessary to avoid furloughs within such department or agency, consistent with the applicable appropriations Act for fiscal year 2021, except that such authority provided under this section shall not be used until after the department or agency has taken all necessary actions to reduce or defer non-personnel-related administrative expenses.

SEC. 113. Funds appropriated by this Act may be obligated and expended notwithstanding section 10 of Public Law 91–672 (22 U.S.C. 2412), section 15 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2680), section 313 of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (22 U.S.C. 6212), and section 504(a)(1) of the National Security Act of 1947 (50 U.S.C. 3094(a)(1)).

SEC. 114. (a) Each amount incorporated by reference in this Act that was previously designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985 or as being for disaster relief pursuant to section 251(b)(2)(D) of such Act is designated by the Congress as an emergency requirement pursuant to section 4001 of S. Con. Res. 14 (117th Congress), the concurrent resolution on the budget for fiscal year 2022, or as being for disaster relief pursuant to sections 4004(b)(6) and 4005(f) of such concurrent resolution, respectively.

(b) All references to sections 251(b)(2)(B), 251(b)(2)(B)(ii)(III), 251(b)(2)(C), 251(b)(2)(C)(ii), 251(b)(2)(E)(ii), 251(b)(2)(E)(i)(II), 251(b)(2)(F), and 251(b)(2)(F)(ii)(I) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 901(b)) shall be treated for each amount incorporated by reference in this Act in the Senate as references to sections 4004(b)(1), 4004(b)(1)(B)(i), 4004(b)(3), 4004(b)(3)(B), 4004(b)(4), 4004(b)(4)(B), 4004(b)(5), 4004(b)(5)(B), respectively, of S. Con. Res. 14 (117th Congress), the concurrent resolution on the budget for fiscal year 2022, and in the House of Representatives as references to sections 4005(a), 4005(a)(2)(A), 4005(c), 4005(c)(2), 4005(d), 4005(d)(2), 4005(e), 4005(e)(2)(A), respectively, of such concurrent resolution.

(c) This section shall become effective immediately upon enactment of this Act, and shall remain in effect through the date in section 106(3).

Effective date.

Rescissions.
Extensions.

SEC. 115. (a) Rescissions or cancellations of discretionary budget authority that continue pursuant to section 101 in Treasury Appropriations Fund Symbols (TAFS)—

(1) to which other appropriations are not provided by this Act, but for which there is a current applicable TAFS that does receive an appropriation in this Act; or

(2) which are no-year TAFS and receive other appropriations in this Act,

may be continued instead by reducing the rate for operations otherwise provided by section 101 for such current applicable TAFS, as long as doing so does not impinge on the final funding prerogatives of the Congress.

(b) Rescissions or cancellations described in subsection (a) shall continue in an amount equal to the lesser of—

(1) the amount specified for rescission or cancellation in the applicable appropriations Act referenced in section 101 of this Act; or

(2) the amount of balances available, as of October 1, 2021, from the funds specified for rescission or cancellation in the applicable appropriations Act referenced in section 101 of this Act.

Deadline.
List.

(c) No later than November 22, 2021, the Director of the Office of Management and Budget shall provide to the Committees on Appropriations of the House of Representatives and the Senate a comprehensive list of the rescissions or cancellations that will continue pursuant to section 101: *Provided*, That the information in such comprehensive list shall be periodically updated to reflect any subsequent changes in the amount of balances available, as of October 1, 2021, from the funds specified for rescission or cancellation in the applicable appropriations Act referenced in section 101, and such updates shall be transmitted to the Committees on Appropriations of the House of Representatives and the Senate upon request.

Updates.

SEC. 116. Amounts made available by section 101 for “Farm Service Agency—Agricultural Credit Insurance Fund Program Account” may be apportioned up to the rate for operations necessary to accommodate approved applications for direct and guaranteed farm ownership loans, as authorized by 7 U.S.C. 1922 et seq.

SEC. 117. Notwithstanding section 101, amounts are available to the Department of Agriculture for “Rural Business—Cooperative Service—Rural Microentrepreneur Assistance Program” for gross obligations for the principal amount of direct loans as authorized by section 379E of the Consolidated Farm and Rural Development Act (7 U.S.C. 2008s) not to exceed \$25,000,000.

Voucher.

SEC. 118. (a) In carrying out the Special Supplemental Nutrition Program for Women, Infants, and Children for the first quarter of fiscal year 2022, the Secretary of Agriculture shall increase the amount of a cash-value voucher to an amount recommended by the National Academies of Science, Engineering and Medicine and adjusted for inflation for women and children participants.

Apportionment.

(b) Amounts made available by section 101 to the Department of Agriculture for “Domestic Food Programs—Food and Nutrition Service—Special Supplemental Nutrition Program for Women, Infants, and Children (WIC)” shall be apportioned at the rate for operations necessary to accommodate the increase described in subsection (a).

SEC. 119. Notwithstanding sections 102 and 104, in addition to amounts otherwise provided by section 101, amounts are provided to the Department of Defense for “Procurement—Other Procurement, Air Force” at a rate for operations of \$885,000,000, for the procurement of equipment for the Strategic Microelectronic Supply program, and such amounts may be apportioned up to the rate for operations necessary to carry out such procurements.

SEC. 120. Amounts made available by section 101 to the Department of Defense for “Procurement—Procurement, Defense-Wide” may be apportioned up to the rate for operations necessary for the procurement of Military Global Positioning System User Equipment Increment 1 Application Specific Integrated Circuits.

SEC. 121. Notwithstanding sections 102 and 104, amounts made available by section 101 to the Department of Defense for “Research, Development, Test and Evaluation—Research, Development, Test and Evaluation, Air Force” may be apportioned up to the rate of operations necessary for the acquisition of real property by the United States Government.

SEC. 122. During the period covered by this Act, the limitation at section 2208(l)(3) of title 10, United States Code, shall not apply with respect to advance billing for orders for relief efforts related to the COVID–19 pandemic.

SEC. 123. (a) Funding provided in prior Acts making appropriations for energy and water development and related agencies for fiscal years 2019, 2020, and 2021 under the heading “Department of the Interior—Bureau of Reclamation—Water and Related Resources” for carrying out section 4007 of Public Law 114–322 shall be made available, in accordance with that section and as recommended by the Secretary in a letter dated July 23, 2021, for the construction, pre-construction, or study of the North-of-the-Delta Off Stream Storage (Sites Reservoir Project), the Los Vaqueros Reservoir Phase 2 Expansion Project, the B.F. Sisk Dam Raise and Reservoir Expansion Project, and the Del Puerto Canyon Reservoir.

Recommendations.

(b) Funding provided in the Energy and Water Development and Related Agencies Appropriations Act, 2021 under the heading “Department of the Interior—Bureau of Reclamation—Water and Related Resources” for carrying out section 4009(a) of Public Law 114–322 shall be made available, in accordance with that section and as recommended by the Secretary in a letter dated July 23, 2021, for the North Pleasant Valley Desalter Facility, the Mission Basin Groundwater Purification Facility Well Expansion and Brine Minimization Project, the Los Robles Desalter Project, and the Regional Brackish Water Reclamation Program.

(c) Funding provided in the Energy and Water Development and Related Agencies Appropriations Act, 2021 under the heading “Department of the Interior—Bureau of Reclamation—Water and Related Resources” for carrying out section 4009(c) of Public Law 114–322 shall be made available, in accordance with that section and as recommended by the Secretary in a letter dated July 23, 2021, for the El Paso Aquifer Storage and Recovery Using Reclaimed Water Project, the Pure Water Soquel: Groundwater Replenishment and Seawater Intrusion Prevention Project, the North San Diego Water Reuse Coalition Project, the Pure Water Oceanside Project, the City of Santa Fe Reuse Pipeline Project, the Replenish Big Bear Project, the Central Coast Blue: Recycled Water Project, the

Harvest Water Program, the East County Advanced Water Purification Program: Phase Two, the Ventura Water Pure Program, and the San Juan Watershed Project.

Applicability.

SEC. 124. (a) During the period covered by this Act, title I of Public Law 108-361 (the Calfed Bay-Delta Authorization Act) (118 Stat. 1681), as amended by section 4007(k) of Public Law 114-322, shall be applied by substituting “2022” for “2021” each place it appears.

(b) During the period covered by this Act, section 9106(g)(2) of Public Law 111-11 (Omnibus Public Land Management Act of 2009) shall be applied by substituting “2022” for “2021”.

(c) During the period covered by this Act, section 104(c) of the Reclamation States Emergency Drought Relief Act of 1991 (43 U.S.C. 2214(c)) shall be applied by substituting “2022” for “2021”.

(d) During the period covered by this Act, section 301 of the Reclamation States Emergency Drought Relief Act of 1991 (43 U.S.C. 2241) shall be applied by substituting “2022” for “2021”.

Applicability.

SEC. 125. (a) Notwithstanding section 101, section 506 of division D of Public Law 116-260 shall be applied by substituting “\$841,000,000” for “\$291,000,000”.

(b) Amounts provided by this Act for “Department of Energy—Energy Programs—Uranium Enrichment Decontamination and Decommissioning Fund” may be apportioned up to the rate for operations necessary to avoid disruption of continuing projects or activities funded in this appropriation.

Notification.
Deadline.

(c) The Secretary of Energy shall notify the Committees on Appropriations of the House of Representatives and the Senate not later than 3 days after each use of the authority provided in subsection (b).

SEC. 126. Notwithstanding section 101, amounts are provided for “Executive Office of the President and Funds Appropriated to the President—The White House—Salaries and Expenses” at a rate for operations of \$60,000,000.

SEC. 127. Notwithstanding section 101, amounts are provided for “General Services Administration—Allowances and Office Staff for Former Presidents” at a rate for operations of \$5,000,000.

Apportionment.

SEC. 128. Amounts made available by section 101 for “Small Business Administration—Business Loans Program Account” may be apportioned up to the rate for operations necessary to accommodate increased demand for commitments for general business loans authorized under paragraphs (1) through (35) of section 7(a) of the Small Business Act (15 U.S.C. 636(a)), for guarantees of trust certificates authorized by section 5(g) of the Small Business Act (15 U.S.C. 634(g)), for commitments to guarantee loans under section 503 of the Small Business Investment Act of 1958 (15 U.S.C. 697), and for commitments to guarantee loans for debentures under section 303(b) of the Small Business Investment Act of 1958 (15 U.S.C. 683(b)).

Applicability.

SEC. 129. Notwithstanding section 101, amounts are provided for “District of Columbia—Federal Funds—Federal Payment to the Court Services and Offender Supervision Agency for the District of Columbia” at a rate for operations of \$249,754,000: *Provided*, That the second proviso under such heading in title IV of division E of Public Law 116-260 shall be applied by substituting “\$70,574,000” for “\$66,743,000”.

SEC. 130. Notwithstanding any other provision of this Act, except section 106, the District of Columbia may expend local funds made available under the heading “District of Columbia—District of Columbia Funds” for such programs and activities under the District of Columbia Appropriations Act, 2021 (title IV of division E of Public Law 116–260) at the rate set forth in the Fiscal Year 2022 Local Budget Act of 2021 (D.C. Act 24–173), as modified as of the date of enactment of this Act.

SEC. 131. Section 330(e)(3) of title 11, United States Code, is amended by striking “in that fiscal year” at the end of the paragraph.

SEC. 132. In addition to amounts otherwise provided by section 101, an amount is provided to the Department of Homeland Security for “U.S. Citizenship and Immigration Services—Operations and Support” for application processing, the reduction of backlogs within asylum, field, and service center offices, and support of the refugee program at a rate for operations of \$250,000,000: *Provided*, That such amounts shall be in addition to any other funds made available for such purposes, and shall not be construed to require any reduction of any fee described in section 286(m) of the Immigration and Nationality Act (8 U.S.C. 1356(m)): *Provided further*, That prior to the obligation of such resources, U.S. Citizenship and Immigration Services shall provide to the Committees on Appropriations of the Senate and the House of Representatives an expenditure plan that identifies backlog reduction metrics and quarterly reports on the execution of such plan.

Expenditure
plan.
Reports.

SEC. 133. Amounts made available by section 101 to the Department of Homeland Security under the heading “Federal Emergency Management Agency—Disaster Relief Fund” may be apportioned up to the rate for operations necessary to carry out response and recovery activities under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.).

Apportionment.

SEC. 134. (a) Sections 1309(a) and 1319 of the National Flood Insurance Act of 1968 (42 U.S.C. 4016(a) and 4026) shall be applied by substituting the date specified in section 106(3) of this Act for “September 30, 2021”.

Applicability.

(b) If this Act is enacted after September 30, 2021, this section shall be applied as if it were in effect on September 30, 2021.

Effective date.

SEC. 135. Amounts made available by section 101 for “Department of the Interior—National Park Service—National Recreation and Preservation” for heritage partnership programs may be used to provide financial assistance to any national heritage area, national heritage corridor, cultural heritage corridor, national heritage partnership, national heritage route, national heritage canalway, and battlefields national historic district established as of September 1, 2021, notwithstanding any statutory sunset provision terminating the Secretary’s authority to provide assistance to any such area and notwithstanding any limitation on amounts authorized to be appropriated with respect to any such area: *Provided*, That the Commission sunset provision in section 804(j) of division B of H.R. 5666 (Appendix D), as amended, as enacted into law by section 1(a)(4) of Public Law 106– 554, shall be applied by substituting the date specified in section 106(3) of this Act for “September 30, 2021”: *Provided further*, That the authority in section 295D of Public Law 109–338, as amended, shall continue in effect through the date specified in section 106(3) of this Act.

Applicability.

Extension.

Allocations.

SEC. 136. Notwithstanding subsection (c)(2)(B) of section 200303 of title 54, United States Codes, during the period covered by this Act amounts made available from the Land and Water Conservation Fund for fiscal year 2022 pursuant to subsection (a) of such section of such title shall be allocated by the Secretary of the Interior or the Secretary of Agriculture, as appropriate, only for the following agencies and accounts, for the purposes specified, and in the amounts specified multiplied by the percentage of fiscal year 2022 covered by this Act:

(1) “Department of the Interior—Bureau of Land Management—Land Acquisition”, \$7,500,000, for Acquisition Management;

(2) “Department of the Interior—United States Fish and Wildlife Service—Land Acquisition”, \$17,000,000, for Land Acquisition Management;

(3) “Department of the Interior—National Park Service—Land Acquisition and State Assistance”, \$14,500,000, for Acquisition Management;

(4) “Department of the Interior—Office of the Secretary—Departmental Operations”, \$19,000,000, for Management Services, Appraisal and Valuation Service Offices—Federal Lands;

(5) “Department of Agriculture—Forest Service—State and Private Forestry”, \$6,400,000, for Administrative Funds; and

(6) “Department of Agriculture—Forest Service—Land Acquisition”, \$12,000,000, for Acquisition Management.

Apportionments.

SEC. 137. (a) In addition to amounts provided by section 101, amounts are provided for “Department of Health and Human Services—Indian Health Service—Indian Health Services” at a rate for operations of \$22,080,000, for an additional amount for costs of staffing and operating facilities that were opened, renovated, or expanded in fiscal years 2021 and 2022, and such amounts may be apportioned up to the rate for operations necessary to staff and operate such facilities.

(b) In addition to amounts provided by section 101, amounts are provided for “Department of Health and Human Services—Indian Health Service—Indian Health Facilities” at a rate for operations of \$2,261,000, for an additional amount for costs of staffing and operating facilities that were opened, renovated, or expanded in fiscal years 2021 and 2022, and such amounts may be apportioned up to the rate for operations necessary to staff and operate such facilities.

SEC. 138. In addition to amounts otherwise provided by section 101, for “Department of Health and Human Services—Centers for Disease Control and Prevention—Environmental Health”, there is appropriated \$1,500,000, for an additional amount for fiscal year 2022, to remain available until September 30, 2022, for the Vessel Sanitation Program.

Time periods.
Determination.

SEC. 139. (a) Funds made available in Public Law 114-113 to the accounts of the National Institutes of Health that were available for obligation through fiscal year 2016 and were obligated for multi-year research grants shall be available through fiscal year 2022 for the liquidation of valid obligations incurred in fiscal year 2016 if the Director of the National Institutes of Health determines the project suffered an interruption of activities attributable to COVID-19.

Effective dates.

(b)(1) Subject to paragraph (2), this section shall become effective immediately upon enactment of this Act.

(2) If this Act is enacted after September 30, 2021, this section shall be applied as if it were in effect on September 30, 2021.

Applicability.

SEC. 140. In addition to amounts provided by section 101, amounts are provided for “Department of Health and Human Services—Substance Abuse and Mental Health Services Administration—Mental Health” at a rate for operations of \$77,621,000 for an additional amount for carrying out section 520E-3 of the Public Health Service Act (42 U.S.C. 290bb-36c), and such amounts may be apportioned up to the rate for operations necessary to operate and maintain the National Suicide Prevention Lifeline program.

Apportionment.

SEC. 141. In addition to amounts otherwise provided by this Act, for “Department of Health and Human Services—Administration for Children and Families—Refugee and Entrant Assistance”, there is appropriated \$2,500,000,000, for an additional amount for fiscal year 2022, to remain available until September 30, 2024, to carry out section 462 of the Homeland Security Act of 2002 and section 235 of the William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008: *Provided*, That not later than November 1, 2021, the Secretary of Health and Human Services shall submit to the Committees on Appropriations of the House of Representatives and the Senate a report detailing steps taken and planned to be taken by the Department to phase out the use of emergency intake sites and a detailed plan for ending the use of emergency intake sites, including a timeline of major milestones and projections for delivered online bed capacity by facility type: *Provided further*, That such report shall include an aligned spend plan for estimated fiscal year 2022 obligations by major category: *Provided further*, That the Secretary shall submit monthly reports during fiscal year 2022 to the Committees on Appropriations on all obligations and expenditures incurred by the Department for carrying out such sections 462 and 235: *Provided further*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 4001(a)(1) and section 4001(b) of S. Con. Res. 14 (117th Congress), the concurrent resolution on the budget for fiscal year 2022.

Reports.

Deadline.
Plan.
Timeline.

SEC. 142. Amounts made available by section 101 for “Department of Health and Human Services—Administration for Children and Families—Refugee and Entrant Assistance” may be apportioned up to the rate for operations necessary to carry out section 462 of the Homeland Security Act of 2002 and section 235 of the William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008, and up to the rate for operations necessary for activities authorized by section 414 of the Immigration and Nationality Act and section 501 of the Refugee Education Assistance Act of 1980.

Apportionment.

SEC. 143. Not later than 90 days after the date of enactment of this Act, and every 90 days thereafter through fiscal year 2022, the Secretary of Health and Human Services shall provide a report to the Committees on Appropriations of the House of Representatives and the Senate on (1) the total number of children that the Office of Refugee Resettlement has released to sponsors living in the United States, disaggregated by State, and (2) the number of children that the Office of Refugee Resettlement has released to sponsors living in the United States for whom the Office of Refugee Resettlement has successfully conducted safety and welfare checks, and provided post-release services as appropriate, for the most recent quarter such data are available.

Time period.
Reports.
Refugees.

Reports.
Public
information.
Web posting.

List.
Refugees.

Updates.
Deadline.
Time period.
Applicability.

Applicability.

Applicability.

Applicability.

Applicability.

SEC. 144. Not later than 10 days after the date of enactment of this Act, the Secretary of Health and Human Services shall provide a report to the Committees on Appropriations of the House of Representatives and the Senate, and disclose on a publicly available website, on all transfers made for carrying out section 462 of the Homeland Security Act of 2002 or section 235 of the William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008 during fiscal year 2021. This report shall include: (1) a list of the source of funds transferred by public law;(2) the program, project, or activity funds were transferred from and the corresponding amount that was transferred;(3) date of transfer;(4) the number of children referred to the Office of Refugee Resettlement (ORR) by month for fiscal year 2021; and(5) the age distribution of the children referred to ORR by month for fiscal year 2021: *Provided*, That the report shall be updated every 30 days throughout fiscal year 2022.

SEC. 145. During the period covered by this Act, for services furnished under the Community Services Block Grant Act (“CSBG Act”) with funds made available by this Act, by the Consolidated Appropriations Act, 2021 (Public Law 116-260), or by the Coronavirus Aid, Relief, and Economic Security Act (Public Law 116-136), States may apply the last sentence of section 673(2) of the CSBG Act by substituting “200 percent” for “125 percent”.

SEC. 146. For purposes of annual leave accumulated in fiscal year 2021, the authority provided in section 2106 of division C of Public Law 116-159 shall apply to such leave by substituting “2021” for “2020” in subsections (a) and (d).

SEC. 147. Activities authorized by part A of title IV (other than under section 403(c) or 418) and section 1108(b) of the Social Security Act shall continue through the date specified in section 106(3), in the manner authorized for fiscal year 2021, and out of any money in the Treasury of the United States not otherwise appropriated, there are hereby appropriated such sums as may be necessary for such purpose.

SEC. 148. Section 114(f) of the Higher Education Act of 1965 (20 U.S.C. 1011c(f)) shall be applied by substituting the date specified in section 106(3) of this Act for “September 30, 2021”.

SEC. 149. Section 458(a)(4) of the Higher Education Act of 1965 (20 U.S.C. 1087h(a)(4)) shall be applied through the date specified in section 106(3) of this Act by substituting “2022” for “2021”.

SEC. 150. Notwithstanding section 101, section 116 of division J of Public Law 116-260 shall be applied during the period covered by this Act by substituting “fifth fiscal year” for “fourth fiscal year”.

SEC. 151. During the period covered by this Act, the Secretary of Veterans Affairs may transfer up to \$193,500,000 of the unobligated balances from amounts made available for fiscal year 2021 under the heading “Veterans Health Administration—Medical Services” in title II of division F of the Further Consolidated Appropriations Act, 2020 (Public Law 116-94), or in section 8002 of title VIII of the American Rescue Plan Act of 2021 (Public Law 117-2) to the following accounts of the Department in the amounts specified:

(1) “Veterans Benefits Administration—General Operating Expenses, Veterans Benefits Administration”, up to \$178,000,000;

(2) “Departmental Administration—Board of Veterans Appeals”, up to \$5,800,000; and

(3) “Departmental Administration—Information Technology Systems”, up to \$9,700,000:

Provided, That the transferred amounts shall be used, in addition to any other amounts available for such purposes, for personnel costs and other expenses to implement the interim final rule entitled “Presumptive Service Connection for Respiratory Conditions Due to Exposure to Particulate Matter”, published on August 5, 2021 (86 FR 42724), and any revisions to such rule.

SEC. 152. Amounts made available by section 101 to United States Government-funded entities for “Related Agency—United States Agency for Global Media—International Broadcasting Operations”, “Related Programs—The Asia Foundation”, “Related Programs—United States Institute of Peace”, and “Related Programs—National Endowment for Democracy” may be apportioned up to the rate for operations necessary to support the evacuation of Afghan journalists and other Afghan employees of such entities, following consultation with the Committees on Appropriations.

Apportionment.

SEC. 153. Section 21009 of the Coronavirus Aid, Relief, and Economic Security Act (Public Law 116–136) shall continue in effect through the date specified in section 106(3) of this Act.

Extension.

SEC. 154. Amounts made available by section 101 to the United States International Development Finance Corporation for “Corporate Capital Account” and paid to the “Program Account” shall be available for the costs of modifying loans and loan guarantees transferred to the Corporation pursuant to section 1463 of the BUILD Act of 2018 (division F of Public Law 115–254): *Provided*, That such costs shall be as defined in section 502 of the Congressional Budget Act of 1974.

SEC. 155. Section 1334 of the Foreign Affairs Reform and Restructuring Act of 1998 (22 U.S.C. 6553) shall be applied by substituting the date specified in section 106(3) of this Act for “October 1, 2021”.

Applicability.

SEC. 156. Notwithstanding section 101, amounts are provided for “Department of Transportation—Office of the Secretary—Payments to Air Carriers” at a rate for operations of \$247,700,000, and such amounts may be apportioned up to the rate for operations necessary to maintain Essential Air Service program operations.

Apportionment.

SEC. 157. Amounts made available by section 101 to the Department of Housing and Urban Development in the third paragraph under the heading “Public and Indian Housing—Native American Programs” may be apportioned up to the rate for operations necessary to accommodate demand for guaranteed notes and other obligations as authorized by title VI of the Native American Housing Assistance and Self-Determination Act of 1996.

Apportionment.

This division may be cited as the “Continuing Appropriations Act, 2022”.

DIVISION B—DISASTER RELIEF SUPPLEMENTAL APPROPRIATIONS ACT, 2022

Disaster Relief
Supplemental
Appropriations
Act, 2022.

The following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 2022, and for other purposes, namely:

TITLE I

DEPARTMENT OF AGRICULTURE

AGRICULTURAL PROGRAMS

PROCESSING, RESEARCH AND MARKETING

OFFICE OF THE SECRETARY

Determination. For an additional amount for the “Office of the Secretary”, \$10,000,000,000, which shall remain available until December 31, 2023, for necessary expenses related to losses of crops (including milk, on-farm stored commodities, crops prevented from planting in 2020 and 2021, and harvested adulterated wine grapes), trees, bushes, and vines, as a consequence of droughts, wildfires, hurricanes, floods, derechos, excessive heat, winter storms, freeze, including a polar vortex, smoke exposure, quality losses of crops, and excessive moisture occurring in calendar years 2020 and 2021 under such terms and conditions as determined by the Secretary:

Grapes. *Provided*, That, with respect to smoke tainted wine grapes, the loss (including a quality loss) of such crop during the coverage period due to wildfire, as determined by the Secretary, is considered a qualified loss: *Provided further*, That losses due to drought shall only be eligible under this heading in this Act if any area within the county in which the loss occurs was rated by the U.S. Drought Monitor as having a D2 (Severe Drought) for eight consecutive weeks or a D3 (Extreme Drought) or higher level of drought intensity during the applicable calendar years: *Provided further*, That of the amounts provided under this heading in this Act, the Secretary shall use \$750,000,000 to provide assistance to producers of livestock, as determined by the Secretary of Agriculture, for losses incurred during calendar year 2021 due to drought or wildfires: *Provided further*, That at the election of a processor eligible for a loan under section 156 of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7272) or a cooperative processor of dairy, the Secretary shall make payments for losses in 2021 to such processors (to be paid to producer members, as determined by such processors) in lieu of payments to producers and under the same terms and conditions as payments made to processors pursuant to title I of the Additional Supplemental Appropriations for Disaster Relief Act, 2019 (Public Law 116–20) under the heading “Department of Agriculture—Agricultural Programs—Processing, Research and Marketing—Office of the Secretary”, as last amended by section 791(c) of title VII of division B of the Further Consolidated Appropriations Act, 2020 (Public Law 116–94): *Provided further*, That notwithstanding section 760.1503(j) of title 7 of the Code of Federal Regulations, in the event that a processor described in the preceding proviso does not elect to receive payments under such clause, the Secretary shall make direct payments to producers under this heading in this Act: *Provided further*, That of the amounts provided under this heading in this Act, not more than one percent of the funds provided herein may be used for administrative costs, including for streamlining the application process and easing the burden on county office employees, to carry out the matter under this heading in this Act: *Provided further*, That, except as otherwise provided under this heading

Determination.

Eligibility.

Determination.

Payments.
Determination.

Payments.

in this Act, the Secretary shall impose payment limitations consistent with section 760.1507 of title 7, Code of Federal Regulations (as in effect on the date of enactment of this Act): *Provided further*, That, in the case of specialty crops or high value crops, as determined by the Secretary, the Secretary shall impose payment limitations consistent with section 760.1507(a)(2) of title 7, Code of Federal Regulations (as in effect on January 1, 2019): *Provided further*, That, with respect to the payment limitations described under this heading in this Act, the Secretary shall apply separate payment limits for each of 2020 and 2021: *Provided further*, That the total amount of payments received under this heading in this Act and applicable policies of crop insurance under the Federal Crop Insurance Act (7 U.S.C. 1501 et seq.) or the Noninsured Crop Disaster Assistance Program (NAP) under section 196 of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7333) (minus any premiums or fees paid for such coverages) shall not exceed 90 percent of the loss as determined by the Secretary: *Provided further*, That the total amount of payments received under this heading in this Act for producers who did not obtain a policy or plan of insurance for an insurable commodity for the applicable crop year under the Federal Crop Insurance Act (7 U.S.C. 1501 et seq.) for the crop incurring the losses or did not file the required paperwork and pay the service fee by the applicable State filing deadline for a noninsurable commodity for the applicable crop year under NAP for the crop incurring the losses shall not exceed 70 percent of the loss as determined by the Secretary: *Provided further*, That producers receiving payments under this heading in this Act, as determined by the Secretary, shall be required to purchase crop insurance where crop insurance is available for the next two available crop years and producers receiving payments under this heading in this Act shall be required to purchase coverage under NAP where crop insurance is not available in the next two available crop years, as determined by the Secretary: *Provided further*, That not later than 120 days after the end of fiscal year 2021, the Secretary shall submit a report to the Congress specifying the type, amount, and method of such assistance by state and territory.

Determination.

Applicability.

Determination.

Determination.

Determinations.
Requirement.
Time period.

Reports.

FARM PRODUCTION AND CONSERVATION PROGRAMS

NATURAL RESOURCES CONSERVATION SERVICE

WATERSHED AND FLOOD PREVENTION OPERATIONS

For an additional amount for “Watershed and Flood Prevention Operations” for necessary expenses for the Emergency Watershed Protection Program, \$275,000,000, to remain available until expended, which shall be in addition to amounts otherwise available for such purposes.

TITLE II

DEPARTMENT OF COMMERCE

NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY

SCIENTIFIC AND TECHNICAL RESEARCH AND SERVICES

For an additional amount for “Scientific and Technical Research and Services” for necessary expenses to carry out investigations of building failures pursuant to the National Construction Safety Team Act of 2002 (15 U.S.C. 7301), \$22,000,000, to remain available until September 30, 2023.

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

OPERATIONS, RESEARCH, AND FACILITIES

For an additional amount for “Operations, Research, and Facilities” for necessary expenses related to the consequences of hurricanes and of wildfires in calendar years 2020 and 2021, \$92,834,000, to remain available until September 30, 2023, as follows:

(1) \$4,709,000 for repair and replacement of observing assets, real property, and equipment;

(2) \$3,425,000 for marine debris assessment and removal;

(3) \$4,700,000 for mapping, charting, and geodesy services;

(4) \$35,000,000 to improve: (A) hurricane intensity and track forecasting, including through deployment of unmanned ocean observing platforms and enhanced data assimilation; and (B) precipitation and flood prediction, forecasting, and mitigation capabilities;

(5) \$20,000,000 to improve wildfire research, prediction, detection, forecasting, monitoring, data management, and communication and engagement; and

(6) \$25,000,000 for Title IX Fund grants as authorized under section 906(c) of division O of Public Law 114–113:

Spending plan.
Deadline.

Provided, That the National Oceanic and Atmospheric Administration shall submit a spending plan to the Committees on Appropriations of the House of Representatives and the Senate within 45 days after the date of enactment of this Act.

PROCUREMENT, ACQUISITION AND CONSTRUCTION

For an additional amount for “Procurement, Acquisition and Construction” for necessary expenses related to the consequences of hurricanes and of wildfires in calendar years 2020 and 2021, \$52,205,000, to remain available until September 30, 2024, as follows:

(1) \$2,205,000 for repair and replacement of observing assets, real property, and equipment; and

(2) \$50,000,000 for improvements to operational and research weather and climate supercomputing and dissemination infrastructure, observing assets, and satellites, along with associated ground systems, used for hurricane intensity and track prediction; precipitation and flood prediction, forecasting, and mitigation; and wildfire research, prediction, detection, forecasting, and monitoring:

Provided, That the National Oceanic and Atmospheric Administration shall submit a spending plan to the Committees on Appropriations of the House of Representatives and the Senate within 45 days after the date of enactment of this Act.

Spending plan.
Deadline.

FISHERIES DISASTER ASSISTANCE

For an additional amount for “Fisheries Disaster Assistance” for necessary expenses associated with the mitigation of fishery disasters, \$200,000,000, to remain available until expended: *Provided*, That such funds shall be used for mitigating the effects of commercial fishery failures and fishery resource disasters declared by the Secretary of Commerce, including those declared by the Secretary to be a direct result of hurricanes in calendar years 2020 and 2021.

SCIENCE

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

CONSTRUCTION AND ENVIRONMENTAL COMPLIANCE AND RESTORATION

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for “Construction and Environmental Compliance and Restoration” for repair at National Aeronautics and Space Administration facilities damaged by Hurricanes Zeta and Ida, \$321,400,000, to remain available until expended: *Provided*, That up to 15 percent of such amount may be transferred to “Exploration” for necessary expenses related to flight hardware, tooling, production and schedule delays caused by Hurricane Ida: *Provided further*, That except as provided in the preceding proviso, the amounts appropriated under this heading in this Act shall not be available for transfer under any transfer authority provided for the National Aeronautics and Space Administration in an appropriation Act for fiscal year 2022.

NATIONAL SCIENCE FOUNDATION

MAJOR RESEARCH EQUIPMENT AND FACILITIES CONSTRUCTION

For an additional amount for “Major Research Equipment and Facilities Construction” for necessary expenses related to the National Science Foundation Regional Class Research Vessel construction impacted by Hurricane Ida, \$25,000,000, to remain available until expended.

RELATED AGENCIES

LEGAL SERVICES CORPORATION

PAYMENT TO THE LEGAL SERVICES CORPORATION

For an additional amount for “Payment to the Legal Services Corporation” to carry out the purposes of the Legal Services Corporation Act by providing for necessary expenses related to the consequences of hurricanes, wildfires, other extreme weather, and earthquakes that occurred during calendar years 2020 and 2021,

\$40,000,000, to remain available until September 30, 2022: *Provided*, That none of the funds appropriated in this Act to the Legal Services Corporation shall be expended for any purpose prohibited or limited by, or contrary to any of the provisions of, sections 501, 502, 503, 504, 505, and 506 of Public Law 105–119, and all funds appropriated in this Act to the Legal Services Corporation shall be subject to the same terms and conditions set forth in such sections, except that all references in sections 502 and 503 to 1997 and 1998 shall be deemed to refer instead to 2021 and 2022, respectively, and except that sections 501 and 503 of Public Law 104–134 (referenced by Public Law 105–119) shall not apply to the amount made available under this heading: *Provided further*, That, for the purposes of this Act, the Legal Services Corporation shall be considered an agency of the United States.

TITLE III

DEPARTMENT OF DEFENSE

DEPARTMENT OF DEFENSE—MILITARY

OPERATION AND MAINTENANCE

OPERATION AND MAINTENANCE, NAVY

For an additional amount for “Operation and Maintenance, Navy”, \$565,000,000, to remain available until September 30, 2022, for necessary expenses related to the consequences of severe storms, straight-line winds, flooding, tornadoes, earthquakes, wildfires, and hurricanes occurring in calendar years 2020 and 2021.

OPERATION AND MAINTENANCE, AIR FORCE

For an additional amount for “Operation and Maintenance, Air Force”, \$330,000,000, to remain available until September 30, 2022, for necessary expenses related to the consequences of Winter Storm Uri occurring in calendar year 2021.

GENERAL PROVISION—THIS TITLE

SEC. 1301. Notwithstanding any other provision of law, funds provided by this title shall only be for the purposes specified, and shall not be subject to any transfer authority provided by law.

TITLE IV

CORPS OF ENGINEERS—CIVIL

DEPARTMENT OF THE ARMY

INVESTIGATIONS

For an additional amount for “Investigations” for necessary expenses related to the completion, or initiation and completion, of flood and storm damage reduction, including shore protection, studies that are currently authorized or that are authorized after

the date of enactment of this Act, to reduce risk from future floods and hurricanes, at full Federal expense, \$100,000,000, to remain available until expended: *Provided*, That funds made available under this heading in this Act shall be for high-priority studies of projects in States with a major disaster declared due to Hurricane Ida pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.) in fiscal year 2021: *Provided further*, That the Assistant Secretary of the Army for Civil Works shall provide a monthly report directly to the Committees on Appropriations of the House of Representatives and the Senate detailing the allocation and obligation of these funds, including new studies selected to be initiated using funds provided under this heading in this Act, beginning not later than 60 days after the date of enactment of this Act.

Reports.
Allocation.

CONSTRUCTION

For an additional amount for “Construction” for necessary expenses, \$3,000,000,000, to remain available until expended, to construct flood and storm damage reduction, including shore protection, projects that are currently authorized or that are authorized after the date of enactment of this Act, and flood and storm damage reduction, including shore protection, projects that have signed Chief’s Reports as of the date of enactment of this Act or that are studied using funds provided under the heading “Investigations” if the Secretary determines such projects to be technically feasible, economically justified, and environmentally acceptable: *Provided*, That of such amount, \$1,500,000,000 shall be available for such projects in States with a major disaster declared due to Hurricane Ida pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.) in fiscal year 2021: *Provided further*, That the provisions of section 902 of the Water Resources Development Act of 1986 shall not apply to the construction of projects, including initial construction or periodic nourishment, completed using funding under this heading in this Act: *Provided further*, That the completion of ongoing construction projects receiving funding provided under this heading in this Act shall be at full Federal expense with respect to such funds: *Provided further*, That for any projects using funding provided under this heading in this Act, the non-Federal cash contribution for projects other than ongoing construction projects shall be financed in accordance with the provisions of section 103(k) of Public Law 99-662 over a period of 30 years from the date of completion of the project or separable element: *Provided further*, That up to \$65,000,000 of the amounts made available under this heading in this Act shall be used for continuing authorities projects to reduce the risk of flooding and storm damage: *Provided further*, That any projects using funding appropriated under this heading in this Act shall be initiated only after non-Federal interests have entered into binding agreements with the Secretary requiring, where applicable, the non-Federal interests to pay 100 percent of the operation, maintenance, repair, replacement, and rehabilitation costs of the project and to hold and save the United States free from damages due to the construction or operation and maintenance of the project, except for damages due to the fault or negligence of the United States or its contractors: *Provided further*, That of the amounts made available under this heading in this Act, such sums as are

Determination.

Time period.

Contracts.

Reports.
Allocation.

necessary to cover the Federal share of construction costs for facilities under the Dredged Material Disposal Facilities Program shall be derived from the general fund of the Treasury: *Provided further*, That the Assistant Secretary of the Army for Civil Works shall provide a monthly report directly to the Committees on Appropriations of the House of Representatives and the Senate detailing the allocation and obligation of these funds, beginning not later than 60 days after the date of enactment of this Act.

MISSISSIPPI RIVER AND TRIBUTARIES

Time period.

Contracts.

Reports.
Allocation.

For an additional amount for “Mississippi River and Tributaries” for necessary expenses to address emergency situations at Corps of Engineers projects, and to construct, and rehabilitate and repair damages to Corps of Engineers projects, caused by natural disasters, \$868,000,000, to remain available until expended: *Provided*, That of the amounts made available under this heading in this Act, such sums as are necessary to cover the Federal share of eligible operation and maintenance costs for coastal harbors and channels, and for inland harbors shall be derived from the general fund of the Treasury: *Provided further*, That of the amounts made available under this heading in this Act, \$500,000,000 shall be available to construct flood and storm damage reduction projects that are currently authorized or that are authorized after the date of enactment of this Act in States with a major disaster declared due to Hurricane Ida pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.) in fiscal year 2021: *Provided further*, That the provisions of section 902 of the Water Resources Development Act of 1986 shall not apply to the construction of projects, including initial construction or periodic nourishment, completed using funding under this heading in this Act: *Provided further*, That to the extent that ongoing construction projects are constructed using funding provided under this heading in this Act, such construction shall be at full Federal expense: *Provided further*, That for any projects using funding provided under this heading in this Act, the non-Federal cash contribution for projects other than ongoing construction projects shall be financed in accordance with the provisions of section 103(k) of Public Law 99-662 over a period of 30 years from the date of completion of the project or separable element: *Provided further*, That any projects using funding appropriated under this heading in this Act shall be initiated only after non-Federal interests have entered into binding agreements with the Secretary requiring, where applicable, the non-Federal interests to pay 100 percent of the operation, maintenance, repair, replacement, and rehabilitation costs of the project and to hold and save the United States free from damages due to the construction or operation and maintenance of the project, except for damages due to the fault or negligence of the United States or its contractors: *Provided further*, That the Assistant Secretary of the Army for Civil Works shall provide a monthly report directly to the Committees on Appropriations of the House of Representatives and the Senate detailing the allocation and obligation of these funds, beginning not later than 60 days after the date of enactment of this Act.

OPERATION AND MAINTENANCE

For an additional amount for “Operation and Maintenance” for necessary expenses to dredge Federal navigation projects in response to, and repair damages to Corps of Engineers Federal projects caused by, natural disasters, \$887,000,000, to remain available until expended, of which such sums as are necessary to cover the Federal share of eligible operation and maintenance costs for coastal harbors and channels, and for inland harbors shall be derived from the general fund of the Treasury: *Provided*, That the Assistant Secretary of the Army for Civil Works shall provide a monthly report directly to the Committees on Appropriations of the House of Representatives and the Senate detailing the allocation and obligation of these funds, beginning not later than 60 days after the date of enactment of this Act.

Reports.
Allocation.

FLOOD CONTROL AND COASTAL EMERGENCIES

For an additional amount for “Flood Control and Coastal Emergencies”, as authorized by section 5 of the Act of August 18, 1941 (33 U.S.C. 701n), for necessary expenses to prepare for flood, hurricane and other natural disasters and support emergency operations, repairs, and other activities in response to such disasters, as authorized by law, \$826,000,000, to remain available until expended: *Provided*, That funding utilized for authorized shore protection projects shall restore such projects to the full project profile at full Federal expense: *Provided further*, That the Assistant Secretary of the Army for Civil Works shall provide a monthly report directly to the Committees on Appropriations of the House of Representatives and the Senate detailing the allocation and obligation of these funds, beginning not later than 60 days after the date of enactment of this Act.

Reports.
Allocation.

EXPENSES

For an additional amount for “Expenses” for necessary expenses to administer and oversee the obligation and expenditure of amounts provided in this Act for the Corps of Engineers, \$30,000,000, to remain available until expended: *Provided*, That the Assistant Secretary of the Army for Civil Works shall provide a monthly report directly to the Committees on Appropriations of the House of Representatives and the Senate detailing the allocation and obligation of these funds, beginning not later than 60 days after the date of enactment of this Act.

Reports.
Allocation.

DEPARTMENT OF THE INTERIOR

CENTRAL UTAH PROJECT

CENTRAL UTAH PROJECT COMPLETION ACCOUNT

For an additional amount for “Central Utah Project Completion Account”, \$10,000,000 to be deposited into the Utah Reclamation Mitigation and Conservation Account for use by the Utah Reclamation Mitigation and Conservation Commission, to remain available until expended, for expenses necessary in carrying out fire remediation activities for wildfires.

BUREAU OF RECLAMATION

WATER AND RELATED RESOURCES

Determination.

For an additional amount for “Water and Related Resources”, \$210,000,000, to remain available until expended: *Provided*, That of such amount, \$200,000,000 shall be available for activities to address drought, as determined by the Secretary of the Interior: *Provided further*, That of the amount made available under this heading in this Act, \$10,000,000 shall be for fire remediation and suppression emergency assistance related to wildfires: *Provided further*, That the Commissioner shall provide a monthly report directly to the Committees on Appropriations of the House of Representatives and the Senate detailing the allocation and obligation of these funds, beginning not later than 60 days after the date of enactment of this Act.

Reports.
Allocation.

DEPARTMENT OF ENERGY

ENERGY PROGRAMS

STRATEGIC PETROLEUM RESERVE

For an additional amount for “Strategic Petroleum Reserve”, \$43,300,000, to remain available until expended, for necessary expenses related to damages caused by natural disasters.

TITLE V

INDEPENDENT AGENCIES

SMALL BUSINESS ADMINISTRATION

DISASTER LOANS PROGRAM ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for “Disaster Loans Program Account” for the cost of direct loans authorized by section 7(b) of the Small Business Act, \$1,189,100,000, to remain available until expended: *Provided*, That up to \$620,000,000 may be transferred to and merged with “Salaries and Expenses” for administrative expenses to carry out the disaster loan program authorized by section 7(b) of the Small Business Act.

TITLE VI

DEPARTMENT OF HOMELAND SECURITY

PROTECTION, PREPAREDNESS, RESPONSE, AND RECOVERY

FEDERAL EMERGENCY MANAGEMENT AGENCY

FEDERAL ASSISTANCE

For an additional amount for “Federal Assistance”, \$50,000,000, to remain available until September 30, 2022, for emergency management performance grants under the National Flood Insurance Act of 1968 (42 U.S.C. 4001 et seq.), the Robert T. Stafford

Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121), the Earthquake Hazards Reduction Act of 1977 (42 U.S.C. 7701), section 762 of title 6, United States Code, and Reorganization Plan No. 3 of 1978 (5 U.S.C. App.).

GENERAL PROVISION—THIS TITLE

SEC. 1601. (a) Repayments of the remaining balances of all loans, as of September 30, 2021, by the Federal Emergency Management Agency under section 417 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5184) are hereby cancelled.

Loan
cancellations.
42 USC 5184
note.

(b) Of the unobligated balances available to the Department of Homeland Security for “Federal Emergency Management Agency—Disaster Relief Fund”, such sums as are necessary may be transferred to the Disaster Assistance Direct Loan Program Account for carrying out subsection (a).

(c) Each amount repurposed or transferred by this section that was previously designated by the Congress as an emergency requirement or as being for disaster relief pursuant to the Balanced Budget and Emergency Deficit Control Act of 1985 or a concurrent resolution on the budget is designated by the Congress as an emergency requirement pursuant to section 4001(a)(1) and section 4001(b), or as being for disaster relief pursuant to section 4004(b)(6) and section 4005(f), respectively, of S. Con. Res. 14 (117th Congress), the concurrent resolution on the budget for fiscal year 2022.

TITLE VII

DEPARTMENT OF THE INTERIOR

BUREAU OF LAND MANAGEMENT

MANAGEMENT OF LANDS AND RESOURCES

For an additional amount for “Management of Lands and Resources”, \$1,192,000, to remain available until expended, for necessary expenses related to the consequences of calendar year 2019, 2020, and 2021 wildfires, hurricanes and other natural disasters.

UNITED STATES FISH AND WILDLIFE SERVICE

CONSTRUCTION

For an additional amount for “Construction”, \$58,227,000, to remain available until expended, for necessary expenses related to the consequences of calendar year 2019, 2020, and 2021 wildfires, hurricanes and other natural disasters.

NATIONAL PARK SERVICE

CONSTRUCTION

For an additional amount for “Construction”, \$229,472,000, to remain available until expended, for necessary expenses related to the consequences of calendar year 2019, 2020, and 2021 wildfires, hurricanes and other natural disasters.

UNITED STATES GEOLOGICAL SURVEY

SURVEYS, INVESTIGATIONS, AND RESEARCH

For an additional amount for “Surveys, Investigations, and Research”, \$26,284,000, to remain available until expended, for necessary expenses related to the consequences of calendar year 2019, 2020, and 2021 wildfires, hurricanes and other natural disasters.

BUREAU OF SAFETY AND ENVIRONMENTAL ENFORCEMENT

OFFSHORE SAFETY AND ENVIRONMENTAL ENFORCEMENT

For an additional amount for “Offshore Safety and Environmental Enforcement”, \$223,000, to remain available until expended, for necessary expenses related to the consequences of calendar year 2019, 2020 and 2021 wildfires, hurricanes and natural disasters.

BUREAU OF INDIAN AFFAIRS

CONSTRUCTION

For an additional amount for “Construction”, \$452,000, to remain available until expended, for necessary expenses related to the consequences of calendar year 2019, 2020, and 2021 wildfires, hurricanes and other natural disasters.

DEPARTMENT-WIDE PROGRAMS

WILDLAND FIRE MANAGEMENT

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for “Wildland Fire Management”, \$100,000,000, to remain available until expended, for necessary expenses related to wildfires: *Provided*, That of the amounts provided under this heading in this Act, \$55,000,000 shall be for hazardous fuels management activities: *Provided further*, That of the amounts provided under this heading in this Act, \$45,000,000, shall be for burned area recovery.

RELATED AGENCIES

DEPARTMENT OF AGRICULTURE

FOREST SERVICE

FOREST SERVICE OPERATIONS

For an additional amount for “Forest Service Operations”, \$105,000,000, to remain available until expended, for necessary expenses related to the consequences of calendar year 2019, 2020, and 2021 wildfires, hurricanes and other natural disasters.

FOREST AND RANGELAND RESEARCH

For an additional amount for “Forest and Rangeland Research”, \$25,000,000, to remain available until expended, for necessary expenses related to the consequences of calendar year 2019, 2020, and 2021 wildfires, hurricanes and other natural disasters for the forest inventory and analysis program.

STATE AND PRIVATE FORESTRY

For an additional amount for “State and Private Forestry”, \$50,000,000, to remain available until expended, for necessary expenses related to the consequences of calendar year 2019, 2020, and 2021 wildfires, hurricanes and other natural disasters.

NATIONAL FOREST SYSTEM

For an additional amount for “National Forest System”, \$710,000,000, to remain available until expended: *Provided*, That of the amounts provided under this heading in this Act, \$535,000,000 shall be for necessary expenses related to the consequences of calendar year 2019, 2020, and 2021 wildfires, hurricanes and other natural disasters, including no less than \$175,000,000 for high priority post-wildfire restoration for watershed protection, critical habitat, and burned area recovery: *Provided further*, That of the amounts provided under this heading in this Act, \$175,000,000 shall be for hazardous fuels mitigation.

CAPITAL IMPROVEMENT AND MAINTENANCE

For an additional amount for “Capital Improvement and Maintenance”, \$470,000,000, to remain available until expended, for necessary expenses related to the consequences of calendar year 2019, 2020, and 2021 wildfires, hurricanes and other natural disasters.

GENERAL PROVISION—THIS TITLE

SEC. 1701. (a)(1) If services performed by the designated employees under paragraph (2) of this subsection at the Department of the Interior or the Department of Agriculture during 2021 are determined by the Secretary of the Interior or the Secretary of Agriculture, as applicable, to be primarily related to emergency wildland fire suppression activities, any premium pay for such services shall be disregarded in calculating the aggregate of such employee’s basic pay and premium pay for purposes of a limitation under section 5547(a) of title 5, United States Code, or under any other provision of law, whether such employee’s pay is paid on a biweekly or calendar year basis. Any services during 2021 that generate payments payable in 2022 shall be disregarded in applying this subsection.

(2) The premium pay waiver under paragraph (1) of this subsection shall apply to individuals serving as wildland firefighters and as fire management response officials, including regional fire directors, deputy regional fire directors, agency officials who directly oversee fire operations, and fire management officers, and individuals serving on incident management teams (IMTs), at the National

Determinations.
Applicability.
Wages.
Waiver.
5 USC 5547 note.

	Interagency Fire Center (NIFC), at Geographic Area Coordinating Centers (GACCs), and at Operations centers.
Reports. Employee positions.	(3) The Departments of the Interior and Agriculture shall provide a report to Congress detailing the number of positions, including by occupation, grade, and the aggregate pay by type of pay for each individual who receives pay authorized under subsection (a)(1). (b) Any overtime pay for services described in subsection (a) that is payable under an authority outside of title 5, United States Code, shall be disregarded in calculating any annual limit on the amount of overtime pay payable in 2021. (c) Any pay that is disregarded under either subsection (a) or (b) shall be disregarded in calculating such employee's aggregate pay for purposes of applying the limitation in section 5307 of title 5, United States Code, during 2021. (d)(1) Pay that is disregarded under subsection (a) or (b) shall not cause the aggregate of the employee's basic pay and premium pay for the applicable calendar year to exceed the rate of basic pay payable for a position at level II of the Executive Schedule under section 5313 of title 5, United States Code, as in effect at the end of such calendar year.
Definition.	(2) For purposes of applying this subsection to an employee who would otherwise be subject to the premium pay limits established under section 5547 of title 5, United States Code, "premium pay" means the premium pay paid under the provisions of law cited in section 5547(a). (3) For purposes of applying this subsection to an employee under a premium pay limit established under an authority other than section 5547 of title 5, United States Code, the agency responsible for administering such limit shall determine what payments are considered premium pay.
Definition.	(4) For the purpose of applying this subsection, "basic pay" includes any applicable locality-based comparability payment under section 5304 of title 5, United States Code, any applicable special rate supplement under section 5305 of such title, or any equivalent payment under a similar provision of law.
Effective date.	(e) This section shall take effect as if enacted on January 1, 2021. (f) If application of this section results in the payment of additional premium pay to a covered employee of a type that is normally creditable as basic pay for retirement or any other purpose, that additional pay shall not— (1) be considered to be basic pay of the covered employee for any purpose; or (2) be used in computing a lump-sum payment to the covered employee for accumulated and accrued annual leave under section 5551 or section 5552 of title 5, United States Code, or other similar provision of law.
Deadline. Effective date.	(g) Not later than 45 days after the date of enactment of this Act, the Secretary of the Interior and Secretary of Agriculture shall jointly provide to the Committees on Appropriations of the House of Representatives and the Senate, the Senate Committee on Agriculture Nutrition and Forestry, the House of Representatives Committee on Agriculture, the Senate Committee on Energy and Natural Resources, the House of Representatives Committee on Natural Resources, Senate Committee on Homeland Security and Governmental Affairs, and the House of Representatives Committee

on Oversight and Reform, a framework to modernize the wildland firefighting workforce beginning in fiscal year 2022.

TITLE VIII

DEPARTMENT OF TRANSPORTATION

FEDERAL AVIATION ADMINISTRATION

FACILITIES AND EQUIPMENT

For an additional amount for “Facilities and Equipment”, \$100,000,000, to remain available until September 30, 2024, for necessary expenses related to the consequences of Hurricane Ida.

FEDERAL HIGHWAY ADMINISTRATION

EMERGENCY RELIEF PROGRAM

For an additional amount for the “Emergency Relief Program” as authorized under section 125 of title 23, United States Code, \$2,600,000,000, to remain available until expended.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

COMMUNITY PLANNING AND DEVELOPMENT

COMMUNITY DEVELOPMENT FUND

(INCLUDING TRANSFERS OF FUNDS)

For an additional amount for “Community Development Fund”, \$5,000,000,000, to remain available until expended, for necessary expenses for activities authorized under title I of the Housing and Community Development Act of 1974 (42 U.S.C. 5301 et seq.) related to disaster relief, long-term recovery, restoration of infrastructure and housing, economic revitalization, and mitigation, in the most impacted and distressed areas resulting from a major disaster that occurred in 2020 or 2021 pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.): *Provided*, That amounts made available under this heading in this Act shall be awarded directly to the State, unit of general local government, or Indian tribe (as such term is defined in section 102 of the Housing and Community Development Act of 1974 (42 U.S.C. 5302)) at the discretion of the Secretary: *Provided further*, That the Secretary shall allocate, using the best available data, an amount equal to the total estimate for unmet needs for qualifying disasters under this heading in this Act: *Provided further*, That any final allocation for the total estimate for unmet need made available under the preceding proviso shall include an additional amount of 15 percent of such estimate for additional mitigation: *Provided further*, That of the amounts made available under this heading in this Act, no less than \$1,610,000,000 shall be allocated for major declared disasters that occurred in 2020 within 30 days of the date of enactment of this Act: *Provided further*, That the Secretary shall not prohibit the use of amounts made available under this heading in this Act for non-Federal share as authorized by section 105(a)(9) of the Housing and Community

Allocation.

Deadline.

Grants.	Development Act of 1974 (42 U.S.C. 5305(a)(9)): <i>Provided further</i> , That of the amounts made available under this heading in this Act, grantees may establish grant programs to assist small businesses for working capital purposes to aid in recovery: <i>Provided further</i> , That as a condition of drawing funds for any activity other than general administration, the Secretary shall certify in advance that such grantee has in place proficient financial controls and procurement processes and has established adequate procedures to prevent any duplication of benefits as defined by section 312 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5155), to ensure timely expenditure of funds, to maintain comprehensive websites regarding all disaster recovery activities assisted with amounts made available under this heading in this Act, and to detect and prevent waste, fraud, and abuse of funds: <i>Provided further</i> , That with respect to any such duplication of benefits, the Secretary shall act in accordance with section 1210 of Public Law 115-254 (132 Stat. 3442) and section 312 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5155): <i>Provided further</i> , That the Secretary shall require grantees to maintain on a public website information containing common reporting criteria established by the Department that permits individuals and entities awaiting assistance and the general public to see how all grant funds are used, including copies of all relevant procurement documents, including grantee administrative contracts and details of ongoing procurement processes, as determined by the Secretary: <i>Provided further</i> , That prior to the obligation of funds a grantee shall submit a plan to the Secretary for approval detailing the proposed use of all funds, including criteria for eligibility and how the use of these funds will address long-term recovery and restoration of infrastructure and housing, economic revitalization, and mitigation in the most impacted and distressed areas: <i>Provided further</i> , That such funds may not be used for activities reimbursable by, or for which funds are made available by, the Federal Emergency Management Agency or the Army Corps of Engineers: <i>Provided further</i> , That funds allocated under this heading in this Act shall not be considered relevant to the non-disaster formula allocations made pursuant to section 106 of the Housing and Community Development Act of 1974 (42 U.S.C. 5306): <i>Provided further</i> , That a State, unit of general local government, or Indian tribe may use up to 5 percent of its allocation for administrative costs related to a major disaster under this heading in this Act and for the same purposes in prior and future Acts and such amounts shall be available for any eligible administrative costs without regard to a particular disaster: <i>Provided further</i> , That in administering the amounts made available under this heading in this Act, the Secretary of Housing and Urban Development may waive, or specify alternative requirements for, any provision of any statute or regulation that the Secretary administers in connection with the obligation by the Secretary or the use by the recipient of these funds (except for requirements related to fair housing, nondiscrimination, labor standards, and the environment), if the Secretary finds that good cause exists for the waiver or alternative requirement and such waiver or alternative requirement would not be inconsistent with the overall purpose of title I of the Housing and Community Development Act of 1974: <i>Provided further</i> , That, notwithstanding the preceding proviso, recipients of funds provided under this heading in this Act that use such funds
Requirement. Public information. Web posting. Records. Contracts. Determination.	
Plan. Criteria.	
42 USC 5322 note.	
Waiver authority. Requirement.	

to supplement Federal assistance provided under section 402, 403, 404, 406, 407, 408(c)(4), or 502 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.) may adopt, without review or public comment, any environmental review, approval, or permit performed by a Federal agency, and such adoption shall satisfy the responsibilities of the recipient with respect to such environmental review, approval or permit: *Provided further*, That, notwithstanding section 104(g)(2) of the Housing and Community Development Act of 1974 (42 U.S.C. 5304(g)(2)), the Secretary or a State may, upon receipt of a request for release of funds and certification, immediately approve the release of funds for an activity or project assisted under this heading in this Act if the recipient has adopted an environmental review, approval or permit under the preceding proviso or the activity or project is categorically excluded from review under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.): *Provided further*, That the Secretary shall publish via notice in the Federal Register or on the website of the Department any waiver, or alternative requirement, to any statute or regulation that the Secretary administers pursuant to title I of the Housing and Community Development Act of 1974 no later than 5 days before the effective date of such waiver or alternative requirement: *Provided further*, That the Secretary is authorized to approve the use of amounts made available under this heading in this Act or a prior or future Act for activities authorized under title I of the Housing and Community Development Act of 1974 (42 U.S.C. 5301 et seq.) related to unmet recovery needs in the most impacted and distressed areas resulting from a major disaster in this Act or in a prior or future Act to be used interchangeably and without limitation for the same activities in the most impacted and distressed areas resulting from other major disasters assisted under this Act or a prior or future Act when such areas overlap and when the use of the funds will address unmet recovery needs of both disasters: *Provided further*, That, until the Secretary publishes a Federal Register Notice establishing the requirements for the previous proviso, grantees that received grants under the same heading for 2017, 2018 or 2019 disasters may submit for approval revised plans for the use of funds related to those major disasters to expand the eligible beneficiaries of existing programs contained in such previously approved plans to include those impacted by disasters in 2020 or 2021: *Provided further*, That of the amounts made available under this heading in this Act, up to \$7,000,000 shall be made available for capacity building and technical assistance, including assistance on contracting and procurement, to support States, units of general local government, or Indian tribes, and subrecipients that receive allocations for disaster recovery pursuant to the authority under this heading in this Act and allocations for disaster recovery in any prior or future Acts: *Provided further*, That of the amounts made available under this heading in this Act, up to \$5,500,000 shall be transferred to “Department of Housing and Urban Development—Program Office Salaries and Expenses—Community Planning and Development” for necessary costs, including information technology costs, of administering and overseeing the obligation and expenditure of amounts made available under the heading “Community Development Fund” in this Act or any prior or future Act that makes amounts available for purposes related to major disasters under such heading.

Notice.
Federal Register,
publication.
Web posting.
Waiver.
Requirement.
Deadline.
42 USC 5301
note.

Plans.

TITLE IX

GENERAL PROVISIONS—THIS ACT

SEC. 1901. Each amount appropriated or made available by this Act is in addition to amounts otherwise appropriated for the fiscal year involved.

SEC. 1902. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 1903. Unless otherwise provided for by this Act, the additional amounts appropriated by this Act to appropriations accounts shall be available under the authorities and conditions applicable to such appropriations accounts for fiscal year 2022.

SEC. 1904. Each amount provided by this division is designated by the Congress as being for an emergency requirement pursuant to section 4001(a)(1) and section 4001(b) of S. Con. Res. 14 (117th Congress), the concurrent resolution on the budget for fiscal year 2022.

This division may be cited as the “Disaster Relief Supplemental Appropriations Act, 2022”.

Afghanistan
Supplemental
Appropriations
Act, 2022.

**DIVISION C—AFGHANISTAN SUPPLEMENTAL
APPROPRIATIONS ACT, 2022**

The following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 2022, and for other purposes, namely:

TITLE I

DEPARTMENT OF JUSTICE

FEDERAL BUREAU OF INVESTIGATION

SALARIES AND EXPENSES

For an additional amount for “Salaries and Expenses”, \$50,000,000, to remain available until September 30, 2022, for investigative activities associated with Afghan resettlement operations.

TITLE II

DEPARTMENT OF DEFENSE

OPERATION AND MAINTENANCE

OVERSEAS HUMANITARIAN, DISASTER, AND CIVIC AID

For an additional amount for “Overseas Humanitarian, Disaster, and Civic Aid”, \$2,200,000,000, to remain available until September 30, 2023, for support of Operation Allies Welcome by the Department of Defense.

GENERAL PROVISIONS—THIS TITLE

Reports.

SEC. 2201. Not later than 30 days after the date of enactment of this Act, and every 30 days thereafter through fiscal year 2022,

the Secretary of Defense shall provide a written report to the congressional defense committees describing the execution of funds provided in this title, including the amounts obligated and expended, in total and since the previous report; the nature of the costs incurred or services provided by such funds; and any reimbursements or funds transferred by another Federal agency to the Department of Defense which relates to the purpose of the funds provided by this title.

SEC. 2202. Notwithstanding any other provision of law, funds provided by this title shall only be for the purposes specified, and shall not be subject to any transfer authority provided by law.

SEC. 2203. The Inspector General of the Department of Defense shall carry out reviews of the activities of the Department of Defense to transport and care for Afghans, including but not limited to, the humane treatment and living conditions of Afghans at any Department of Defense facility; the use of funds by the Department of Defense to support such persons, including the monitoring of potential waste, fraud, or abuse of such funds; and any related issues that the Inspector General may direct: *Provided*, That the Inspector General shall provide to the congressional defense committees periodic updates on such oversight efforts and a written report to such committees not later than 60 days after the date of enactment of this Act.

Reviews.

Updates.
Reports.

SEC. 2204. Title IX of division C of Public Law 116–260 is amended under the heading “Afghanistan Security Forces Fund” by inserting the following before the penultimate proviso: “*Provided further*, That the Secretary of Defense may obligate and expend funds made available under this heading for costs associated with the termination of contracts previously funded with amounts provided under this heading in prior Acts, and to pay valid invoices in satisfaction of liabilities under such contracts for which the applicable prior appropriation cannot be identified.”

134 Stat. 1341.

Contracts.

SEC. 2205. Not later than 90 days after the date of enactment of this Act, the Secretary of Defense, in consultation with the Service Secretaries and the Commander of United States Central Command, shall submit to the congressional defense committees a report regarding the disposition of United States property, equipment, and supplies, including property, equipment, and supplies provided to the Afghanistan National Security Forces, which were destroyed, taken out of Afghanistan, or remain in Afghanistan in connection with the United States military withdrawal: *Provided*, That such report shall include information on the future plans of the Department of Defense regarding any such items.

Consultation.
Reports.

TITLE III

DEPARTMENT OF HEALTH AND HUMAN SERVICES

CENTERS FOR DISEASE CONTROL AND PREVENTION

CDC–WIDE ACTIVITIES AND PROGRAM SUPPORT

For an additional amount for “CDC–Wide Activities and Program Support”, \$21,500,000, for support of Operation Allies Welcome, to remain available until September 30, 2022, for medical support, screening, and other related public health activities related to Afghan arrivals and refugees.

ADMINISTRATION FOR CHILDREN AND FAMILIES

REFUGEE AND ENTRANT ASSISTANCE

For an additional amount for “Refugee and Entrant Assistance”, \$1,680,000,000, to remain available until September 30, 2023, for support of Operation Allies Welcome for carrying out refugee and entrant assistance activities in support of citizens or nationals of Afghanistan paroled into the United States under section 212(d)(5) of the Immigration and Nationality Act and citizens or nationals of Afghanistan for whom such refugee and entrant assistance activities are authorized: *Provided*, That amounts made available under this heading in this Act may be used for grants or contracts with qualified nonprofit organizations to provide culturally and linguistically appropriate services, including wrap-around services during temporary housing and after resettlement, housing assistance, medical assistance, legal assistance, and case management assistance: *Provided further*, That the Director of the Office of Refugee Resettlement, in carrying out section 412(c)(1)(A) of the Immigration and Nationality Act with amounts made available under this heading in this Act, may allocate such amounts among the States in a manner that accounts for the most current data available.

CHILDREN AND FAMILIES SERVICES PROGRAMS

For an additional amount for “Children and Families Services Programs”, \$7,773,000, to remain available until September 30, 2022, for support of Operation Allies Welcome for necessary administrative expenses to carry out refugee and entrant assistance activities in support of citizens or nationals of Afghanistan.

GENERAL PROVISION—THIS TITLE

Deadline.
Strategy.

SEC. 2301. (a) Not later than 45 days after the date of enactment of this Act, the Secretary of Health and Human Services, the Secretary of State, and the Secretary of Homeland Security shall jointly submit a strategy on Afghan evacuee resettlement to the appropriate congressional committees and leadership describing agency roles and responsibilities, vetting, immigration status of each Afghan, and anticipated costs associated with implementing such strategy.

(b) DEFINITION OF AFGHAN EVACUEE.—In this section, the term “Afghan evacuee” means a person whose evacuation from Afghanistan to the United States, or a location overseas controlled by the United States, was facilitated by the United States as part of Operation Allies Refuge.

TITLE IV

DEPARTMENT OF STATE

ADMINISTRATION OF FOREIGN AFFAIRS

EMERGENCIES IN THE DIPLOMATIC AND CONSULAR SERVICE

For an additional amount for “Emergencies in the Diplomatic and Consular Service”, \$276,900,000, to remain available until

expended, for support for Operation Allies Welcome and related efforts by the Department of State, including additional relocations of individuals at risk as a result of the situation in Afghanistan and related expenses, and to reimburse the account under this heading in prior acts making appropriations for the Department of State, foreign operations, and related programs for obligations previously incurred.

BILATERAL ECONOMIC ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

INTERNATIONAL DISASTER ASSISTANCE

For an additional amount for “International Disaster Assistance”, \$400,000,000, to remain available until expended, to address humanitarian needs in Afghanistan and the region impacted by the situation in Afghanistan.

DEPARTMENT OF STATE

MIGRATION AND REFUGEE ASSISTANCE

For an additional amount for “Migration and Refugee Assistance”, \$415,000,000, to remain available until expended, to address humanitarian needs in, and to assist refugees from, Afghanistan.

UNITED STATES EMERGENCY REFUGEE AND MIGRATION ASSISTANCE FUND

For an additional amount for “United States Emergency Refugee and Migration Assistance Fund”, \$1,076,100,000, to remain available until expended, notwithstanding section 2(c)(2) of the Migration and Refugee Assistance Act of 1962 (22 U.S.C. 2601(c)(2)), of which \$976,100,000 is for support for Operation Allies Welcome and related efforts by the Department of State, including additional relocations of individuals at risk as a result of the situation in Afghanistan and related expenses, and \$100,000,000 is to respond to other unexpected and urgent humanitarian emergencies.

GENERAL PROVISIONS—THIS TITLE

SEC. 2401. During fiscal years 2022 and 2023, notwithstanding any applicable restrictions on the ability of the Department of State and the United States Agency for International Development to enter into personal services contracts, including section 704 of the Financial Services and General Government Appropriations Act, 2021 (division E of Public Law 116–260) as continued by section 101 of division A of this Act (and any successor provision in a subsequently enacted appropriations Act), the authorities of section 2(c) of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2669(c)), section 636(a)(3) of the Foreign Assistance Act of 1961 (22 U.S.C. 2396(a)(3)), and section 5(a)(6) of the Migration and Refugee Assistance Act of 1962 (22 U.S.C. 2605(a)(6)) may be exercised, without regard to the geographic limitations referenced therein, particularly to enter into, extend, and maintain contracts with individuals who have served as locally employed staff of the United States mission in Afghanistan.

Time period.
Contracts.

Consultation.
Reports.

SEC. 2402. The Secretary of State, in consultation with the Administrator of the United States Agency for International Development, shall submit to the Committees on Appropriations, not later than 45 days after the date of enactment of this Act, a report on the proposed uses of funds appropriated by this title under the headings “Emergencies in the Diplomatic and Consular Service” and “United States Emergency Refugee and Migration Assistance Fund”, by program, project, and activity, for which the obligation of funds is anticipated: *Provided*, That such report shall be updated (including any changes in proposed uses from the initial plan) and submitted to the Committees on Appropriations every 45 days until September 30, 2023.

Updates.

Reports.
Consultation.

SEC. 2403. Not later than 45 days after the date of enactment of this Act, the Secretary of State, in consultation with the Secretary of Homeland Security and the heads of other relevant Federal agencies, shall submit to the Committees on Appropriations a report on the status of the Priority 2 (P-2) designation granting United States Refugee Admissions Program (USRAP) access for certain at risk Afghan nationals and their eligible family members that was announced by the Department of State on August 2, 2021: *Provided*, That such report shall include the approximate number of Afghan nationals and their eligible family members who have been referred to the program, the number of Afghan nationals who have contacted a Resettlement Support Center to begin processing of their P-2 referral, the estimated time for processing such applications, an assessment of the obstacles facing P-2 eligible individuals seeking to leave Afghanistan, and a plan for augmenting personnel needed for refugee processing or humanitarian parole: *Provided further*, That such report shall be submitted in unclassified form, but may be accompanied by a classified annex.

Taliban.

SEC. 2404. None of the funds appropriated in this title and made available for assistance for Afghanistan may be made available for direct assistance to the Taliban.

TITLE V

GENERAL PROVISIONS—THIS ACT

Deadlines.
Expenditure
plan.
Updates.
Data.

SEC. 2501. In addition to amounts otherwise made available, there is appropriated for “U.S. Citizenship and Immigration Services—Immigration Examinations Fee Account”, \$193,000,000, to remain available until expended, for necessary expenses in support of Operation Allies Welcome, to be deposited and used as provided in section 286(n) of the Immigration and Nationality Act (8 U.S.C. 1356(n)): *Provided*, That such amounts shall be in addition to any other amounts made available for such purposes and shall not be construed to require any reduction of any fee described in section 286(m) of the Immigration and Nationality Act (8 U.S.C. 1356(m)): *Provided further*, That amounts provided in this section shall only be for the purposes specified, and notwithstanding any other provision of law are not available for non-expenditure transfer or reprogramming: *Provided further*, That within 15 days of the date of enactment of this Act, U.S. Citizenship and Immigration Services shall provide to the Committees on Appropriations and the Committees on the Judiciary of the Senate and the House of Representatives an expenditure plan for the funds provided under this paragraph, and every 30 days thereafter shall provide updated execution data

to such Committees for such funds: *Provided further*, That the reporting requirement in the previous proviso shall end on September 30, 2026.

Termination date.

SEC. 2502. (a) IN GENERAL.—Notwithstanding any other provision of law, a citizen or national of Afghanistan (or a person with no nationality who last habitually resided in Afghanistan) shall be eligible for the benefits described in subsections (b) and (c) if—

Eligibility.
8 USC 1101 note.

(1) such individual completed security and law enforcement background checks to the satisfaction of the Secretary of Homeland Security and was subsequently—

(A) paroled into the United States between July 31, 2021, and September 30, 2022; or

Time period.

(B) paroled into the United States after September 30, 2022, and—

Effective date.

(i) is the spouse or child (as such term is defined under section 101(b) of the Immigration and Nationality Act (8 U.S.C. 1101(b)) of an individual described in subparagraph (A); or

(ii) is the parent or legal guardian of an individual described in subparagraph (A) who is determined to be an unaccompanied child under 6 U.S.C. 279(g)(2); and

(2) such individual's parole has not been terminated by the Secretary of Homeland Security.

(b) BENEFITS.—An individual described in subsection (a) shall be eligible for—

(1) resettlement assistance, entitlement programs, and other benefits available to refugees admitted under section 207 of the Immigration and Nationality Act (8 U.S.C. 1157) until March 31, 2023, or the term of parole granted under subsection (a), whichever is later;

Expiration date.

(2) services described under section 412(d)(2) of the Immigration and Nationality Act (8 U.S.C. 1522(d)(2)), subject to subparagraph (B) of such section, if such individual is an unaccompanied alien child as defined under 6 U.S.C. 279(g)(2); and

(3) a driver's license or identification card under section 202 of the REAL ID Act of 2005 (division B of Public Law 109–13; 49 U.S.C. 30301 note), notwithstanding subsection (c)(2)(B) of such Act.

(c) EXPEDITIOUS ADJUDICATION OF ASYLUM APPLICATIONS.—With respect to an application for asylum under section 208 of the Immigration and Nationality Act (8 U.S.C. 1158) filed by an individual described in subsection (a), the Secretary of Homeland Security shall—

(1) conduct the initial interview on the asylum application not later than 45 days after the date on which the application is filed; and

Deadlines.

(2) in the absence of exceptional circumstances, issue a final administrative adjudication on the asylum application within 150 days after the date the application is filed.

(d) CLARIFICATION.—Notwithstanding any other provision of law, nothing in this act shall be interpreted to—

(1) preclude an individual described in subsection (a), from applying for or receiving any immigration benefits to which such individual is otherwise eligible; or

(2) entitle a person described in subsection (a) to lawful permanent resident status.

Time period.
Consultation.

(e) REPORT.—Not later than 120 days after the date of enactment of this Act, and every 3 months thereafter, the Secretary of Homeland Security, in consultation with the Secretary of Defense and the Secretary of State, shall submit a report to Congress detailing the number of individuals described in subsection (a); the number of individuals receiving benefits in subsection (b), including their eligibility for benefits as refugees notwithstanding this Act; and any other information deemed relevant by the Secretary.

REPORTING REQUIREMENT

Coordination.
Time period.
Reports.

SEC. 2503. (a) IN GENERAL.—Not later than 60 days after the date of the enactment of this Act, and quarterly thereafter through September 30, 2023, the Secretary of Homeland Security, in coordination with the head of any other applicable Federal agency, shall submit to Congress a report that includes the elements described in subsection (b).

(b) ELEMENTS.—The report required by subsection (a) shall include the following:

Summary.

(1) A summary of the status of Afghan evacuees, including—

(A) the number of the Afghan evacuees present in the United States, located at overseas bases of the United States Armed Forces, or located in third countries who are not located at such a base including—

(i) the number who are U.S. lawful permanent residents;

(ii) the number who are Special Immigrant Visa holders;

(iii) the number who are Special Immigrant Visa applicants;

(iv) the number who are in possession of a valid nonimmigrant visa to enter the United States;

(v) the number who are employees of a U.S. Government agency;

(vi) the number who are employees of a U.S. funded partner organization, media, or non-profit;

(vii) the number of Priority 1 refugee referrals;

(viii) the number of Priority 2 refugee referrals;

(ix) the number who have been relocated from the United States to a third country, and the country to which they were relocated; and

(x) the number who do not fall into any of the above categories;

(B) the number of Afghan evacuees at overseas bases or other official staging areas who have been flagged as potential security concerns or risks or included on the United States no-fly list and who were therefore denied clearance to enter the United States; and

(C) the number of the Afghan evacuees who have been paroled into the United States—

(i) the number whose parole was terminated; and

(ii) the number whose parole has been extended.

(2) The number of Afghan evacuees who have been interviewed by U.S. Citizenship and Immigration Services in connection with an application or petition for immigration benefits, including—

(A) the number of such interviews conducted since the United States withdrawal;

(B) the rate at which individuals were granted or refused the benefits that formed the basis for such interviews;

(C) the number of individuals who did not appear at a scheduled interview; and

(D) a description of the procedures for screening for and detecting child marriage, human trafficking, gender-based violence, and marriages entered into or relationships as fiancée or fiancé claimed for the sole purpose of securing evacuation.

(3) For each Federal department and agency involved in Operation Allies Welcome—

(A) as of the date of the report, the costs incurred; and

(B) an identification of the source of appropriated or other funds used to fund the effort.

(c) DEFINITION OF AFGHAN EVACUEE.—In this section, the term “Afghan evacuee” means a person whose evacuation from Afghanistan to the United States, or a location overseas controlled by the United States, was facilitated by the United States as part of Operation Allies Refuge.

SEC. 2504. Each amount appropriated or made available by this Act is in addition to amounts otherwise appropriated for the fiscal year involved.

SEC. 2505. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 2506. Unless otherwise provided for by this Act, the additional amounts appropriated by this Act to appropriations accounts shall be available under the authorities and conditions applicable to such appropriations accounts for fiscal year 2022.

SEC. 2507. Each amount provided by this division is designated by the Congress as being for an emergency requirement pursuant to section 4001(a)(1) and section 4001(b) of S. Con. Res. 14 (117th Congress), the concurrent resolution on the budget for fiscal year 2022.

This division may be cited as the “Afghanistan Supplemental Appropriations Act, 2022”.

DIVISION D—OTHER MATTERS

TITLE I—EXTENSIONS, TECHNICAL CORRECTIONS, AND OTHER MATTERS

SEC. 3101. EXTENSION OF AUTHORITY TO MAKE CERTAIN APPOINTMENTS FOR NATIONAL DISASTER MEDICAL SYSTEM.

Section 2812(c)(4)(B) of the Public Health Service Act (42 U.S.C. 300hh–11(c)(4)(B)) is amended by striking “September 30, 2021” and inserting “December 3, 2021”.

SEC. 3102. EXTENDING CERTAIN WAIVER AUTHORITIES.

(a) NATIONAL SCHOOL LUNCH PROGRAM REQUIREMENT WAIVERS ADDRESSING COVID-19.—Section 2202(e) of the Families First Coronavirus Response Act (Public Law 116-127; 42 U.S.C. 1760 note) is amended by striking “September 30, 2021” and inserting “June 30, 2022: *Provided*, That such waivers shall only apply to school year 2021–2022”.

Waiver authority.
Time period.

(b) FUNDING.—There are hereby appropriated, out of any funds in the Treasury not otherwise appropriated, such sums as may be necessary to carry out this section.

SEC. 3103. EXTENSION OF ADDITIONAL SPECIAL ASSESSMENT.

Section 3014(a) of title 18, United States Code, is amended by striking “September 30, 2021” and inserting “December 31, 2021”.

SEC. 3104. EXTENSION OF TEMPORARY ORDER FOR FENTANYL-RELATED SUBSTANCES.

Effective as if included in the enactment of the Temporary Reauthorization and Study of the Emergency Scheduling of Fentanyl Analogues Act (Public Law 116-114), section 2 of such Act (as amended by Public Law 117-12) is amended by striking “October 22, 2021” and inserting “January 28, 2022”.

Effective date.

Ante, p. 264.

SEC. 3105. EXTENDING THE INCREASED FEDERAL MEDICAL ASSISTANCE PERCENTAGE FOR TERRITORIES.

(a) IN GENERAL.—Section 1905(ff) of the Social Security Act (42 U.S.C. 1396d(ff)) is amended—

(1) in paragraph (2), by striking “September 30, 2021” and inserting “December 3, 2021”; and

(2) in paragraph (3), by striking “September 30, 2021” and inserting “December 3, 2021”.

Deadline.
Allotment.
Puerto Rico.

(b) GAO REVIEW.—Not later than November 15, 2021, the Comptroller General of the United States shall review the determination of the allotment for Puerto Rico for fiscal year 2022 under section 1108(g) of the Social Security Act (42 U.S.C. 1308(g)), and include in the review the legal opinion of the Comptroller General on the most plausible plain reading of how such fiscal year 2022 allotment level should be calculated.

SEC. 3106. MEDICARE IMPROVEMENT FUND.

Section 1898(b)(1) of the Social Security Act (42 U.S.C. 1395iii(b)(1)) is amended by striking “\$165,000,000” and inserting “\$69,000,000”.

TITLE II—BUDGETARY EFFECTS**SEC. 3201. BUDGETARY EFFECTS.**

(a) STATUTORY PAYGO SCORECARDS.—The budgetary effects of this division shall not be entered on either PAYGO scorecard maintained pursuant to section 4(d) of the Statutory Pay-As-You-Go Act of 2010.

(b) SENATE PAYGO SCORECARDS.—The budgetary effects of this division shall not be entered on any PAYGO scorecard maintained for purposes of section 4106 of H. Con. Res. 71 (115th Congress).

(c) CLASSIFICATION OF BUDGETARY EFFECTS.—Notwithstanding Rule 3 of the Budget Scorekeeping Guidelines set forth in the

joint explanatory statement of the committee of conference accompanying Conference Report 105-217 and section 250(c)(8) of the Balanced Budget and Emergency Deficit Control Act of 1985, the budgetary effects of this division shall not be estimated—

(1) for purposes of section 251 of such Act;

(2) for purposes of an allocation to the Committee on Appropriations pursuant to section 302(a) of the Congressional Budget Act of 1974; and

(3) for purposes of paragraph (4)(C) of section 3 of the Statutory Pay-As-You-Go Act of 2010 as being included in an appropriation Act.

Approved September 30, 2021.

LEGISLATIVE HISTORY—H.R. 5305:

CONGRESSIONAL RECORD, Vol. 167 (2021):

Sept. 21, considered and passed House.

Sept. 30, considered and passed Senate, amended. House concurred in Senate amendment.

DAILY COMPILATION OF PRESIDENTIAL DOCUMENTS (2021):

Sept. 30, Presidential statement.

Public Law 117–44
117th Congress

An Act

Oct. 2, 2021
[H.R. 5434]

To provide an extension of Federal-aid highway, highway safety, and transit programs, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Surface
Transportation
Extension Act of
2021.
23 USC 101 note.

SECTION 1. SHORT TITLE.

This Act may be cited as the “Surface Transportation Extension Act of 2021”.

23 USC 101 note.

SEC. 2. DEFINITIONS.

In this Act:

(1) COVERED LAW.—The term “covered law” means any of the following:

(A) Titles I, II, III, IV, V, VI, VII, VIII, XI, and XXIV of the FAST Act (Public Law 114–94; 129 Stat. 1312).

(B) Division A, division B, subtitle A of title I and title II of division C, and division E of MAP–21 (Public Law 112–141; 126 Stat. 405).

(C) Titles I, II, and III of the SAFETEA–LU Technical Corrections Act of 2008 (Public Law 110–244; 122 Stat. 1572).

(D) Titles I, II, III, IV, V, and VI of SAFETEA–LU (Public Law 109–59; 119 Stat. 1144).

(E) Titles I, II, III, IV, and V of the Transportation Equity Act for the 21st Century (Public Law 105–178; 112 Stat. 107).

(F) Titles II, III, and IV of the National Highway System Designation Act of 1995 (Public Law 104–59; 109 Stat. 568).

(G) Titles I, II, III, IV, V, and VI of the Intermodal Surface Transportation Efficiency Act of 1991 (Public Law 102–240; 105 Stat. 1914).

(H) Title 23, United States Code.

(I) Sections 116, 117, 330, 5128, 5505, and 24905 and chapters 53, 139, 303, 311, 313, 701, and 702 of title 49, United States Code.

(J) Division B of the Continuing Appropriations Act, 2021 and Other Extensions Act (Public Law 116–159; 134 Stat. 725).

(2) EXTENSION END DATE.—The term “extension end date” means October 31, 2021.

(3) EXTENSION FRACTION.—The term “extension fraction” means the quotient, expressed as a fraction, obtained by dividing—

- (A) the number of days in the extension period; by
- (B) 365.

(4) **EXTENSION PERIOD.**—The term “extension period” means the period that begins on October 1, 2021, and ends on the extension end date.

(5) **HIGHWAY ACCOUNT.**—The term “Highway Account” means the portion of the Highway Trust Fund that is not the Mass Transit Account.

(6) **MASS TRANSIT ACCOUNT.**—The term “Mass Transit Account” means the portion of the Highway Trust Fund established under section 9503(e)(1) of the Internal Revenue Code of 1986.

(7) **SECRETARY.**—The term “Secretary” means the Secretary of Transportation.

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

TITLE I—SURFACE TRANSPORTATION PROGRAMS

SEC. 101. EXTENSION OF FEDERAL SURFACE TRANSPORTATION PROGRAMS.

23 USC 101 note.

(a) **IN GENERAL.**—Except as otherwise provided in this Act, the requirements, authorities, conditions, eligibilities, limitations, and other provisions authorized under the covered laws, which would otherwise expire on or cease to apply after September 30, 2021, are incorporated by reference and shall continue in effect through the extension end date.

Incorporation by reference.

(b) **AUTHORIZATION OF APPROPRIATIONS.**—

(1) **HIGHWAY TRUST FUND.**—

(A) **HIGHWAY ACCOUNT.**—There is authorized to be appropriated from the Highway Account for fiscal year 2022, for each program with respect to which amounts are authorized to be appropriated from such account for fiscal year 2021, an amount equal to the extension fraction of the amount authorized for appropriation with respect to the program from such account under the covered laws for fiscal year 2021.

(B) **MASS TRANSIT ACCOUNT.**—There is authorized to be appropriated from the Mass Transit Account for fiscal year 2022, for each program with respect to which amounts are authorized to be appropriated from such account for fiscal year 2021, an amount equal to the extension fraction of the amount authorized for appropriation with respect to the program from such account under the covered laws for fiscal year 2021.

(2) **GENERAL FUND.**—There is authorized to be appropriated for fiscal year 2022, for each program under the covered laws with respect to which amounts are authorized to be appropriated for fiscal year 2021 from an account other than the Highway Account or the Mass Transit Account, an amount that is not less than the extension fraction of the amount authorized for appropriation with respect to the program under the covered laws for fiscal year 2021.

(c) **USE OF FUNDS.**—

(1) IN GENERAL.—Except as described in paragraph (2), amounts authorized to be appropriated for fiscal year 2022 with respect to a program under subsection (b) shall be distributed, administered, limited, and made available for obligation in the same manner as amounts authorized to be appropriated with respect to the program for fiscal year 2021 under the covered laws.

(2) APPORTIONMENT TO STATES.—

Time period.

(A) IN GENERAL.—Notwithstanding subsections (c)(2) or (e)(1) of section 104 of title 23, United States Code, the Secretary—

(i) shall not apportion on October 1, 2021, amounts authorized to be appropriated for fiscal year 2022 under subsection (b)(1)(A) with a respect to a program described in subparagraph (B); and

(ii) shall not apportion such amounts before October 15, 2021.

(B) PROGRAMS DESCRIBED.—A program referred to in subparagraph (A)(i) is a program—

(i) for which amounts are authorized to be appropriated under subsection (b)(1)(A); and

(ii) under which amounts described in clause (i) will be apportioned to States as described in section 104 of title 23, United States Code.

(C) NOTICE TO STATES.—Section 104(e)(2) of title 23, United States Code, shall not apply for fiscal year 2022.

(d) OBLIGATION LIMITATION.—

(1) IN GENERAL.—Subject to paragraph (2), a program for which amounts are authorized to be appropriated under subsection (b)(1) shall be subject to a limitation on obligations for fiscal year 2022 in an amount equal to the extension fraction of the limitation on obligations for the program for fiscal year 2021 and in the same manner as the limitation applicable with respect to the program for fiscal year 2021.

(2) FEDERAL-AID HIGHWAYS.—

(A) IN GENERAL.—In distributing a limitation on obligations for Federal-aid highways for qualifying programs, the Secretary—

(i) shall reserve, for qualifying programs, an amount of the limitation on obligations for Federal-aid highways equal to the amount calculated for the extension period for qualifying programs in effect on the date of enactment of this Act; and

Determination.

(ii) if H.R. 3684 (117th Congress) is enacted, may distribute the amount determined under clause (i) among qualifying programs (including any qualifying programs established pursuant to such H.R. 3684) in a manner determined to be appropriate by the Secretary.

(B) CALCULATION.—Notwithstanding the enactment of H.R. 3684 (117th Congress), the Secretary shall calculate the amount under subparagraph (A)(i) in the manner described in section 120(a)(4) of division L of the Consolidated Appropriations Act, 2021 (Public Law 116–260).

(C) DEFINITION OF QUALIFYING PROGRAM.—In this paragraph, the term “qualifying program” means a program for Federal-aid highways that is—

- (i) allocated by the Secretary under—
 - (I) title 23, United States Code;
 - (II) subsection (c)(1); or
 - (III) H.R. 3684 (117th Congress), if enacted;
- or
- (ii) apportioned by the Secretary under section 202 or 204 of title 23, United States Code.

SEC. 102. NATIONALLY SIGNIFICANT FREIGHT AND HIGHWAY PROJECTS.

During the extension period, until H.R. 3684 (117th Congress) is enacted, the matter preceding clause (i) in section 117(d)(2)(A) of title 23, United States Code, shall be applied—

- (1) by substituting “\$700,000,000” for “\$600,000,000”; and
- (2) by substituting “2022” for “2021”.

SEC. 103. HIGHWAY SAFETY RESEARCH AND DEVELOPMENT.

During the extension period, until H.R. 3684 (117th Congress) is enacted, section 403(h)(2) of title 23, United States Code, shall be applied—

- (1) by substituting “2022” for “2021”; and
- (2) by substituting “\$31,872,000” for “\$26,560,000”.

SEC. 104. RAIL-RELATED PROVISIONS.

During the extension period, until H.R. 3684 (117th Congress) is enacted, section 502(b)(3) of the Railroad Revitalization and Regulatory Reform Act of 1976 (45 U.S.C. 822(b)(3)) shall be applied by substituting the extension end date for “September 30, 2021”.

SEC. 105. PROHIBITION ON USE OF FUNDS.

None of the funds authorized in this Act or any other Act may be used to adjust apportionments for the Mass Transit Account or withhold funds from apportionments for the Mass Transit Account pursuant to section 9503(e)(4) of the Internal Revenue Code of 1986 in fiscal year 2022.

SEC. 106. APPALACHIAN REGIONAL COMMISSION.

During the extension period, until H.R. 3684 (117th Congress) is enacted—

- (1) section 14703 of title 40, United States Code, shall be applied—
 - (A) in subsection (a)(5), by substituting “2022” for “2021”; and
 - (B) in subsection (c), by substituting “2022” for “2021”; and
- (2) section 14704 of title 40, United States Code, shall be applied by substituting “2022” for “2021”.

SEC. 107. SPORT FISHING.

During the extension period, until H.R. 3684 (117th Congress) is enacted, section 4 of the Dingell-Johnson Sport Fish Restoration Act (16 U.S.C. 777c) shall be applied by substituting—

- (1) “fiscal year 2022” for “fiscal year 2021” in subsections (a) and (b)(1)(A); and
- (2) “fiscal years 2016 through 2022” for “fiscal years 2016 through 2021” in subsection (b)(2)(A).

23 USC 101 note. **SEC. 108. FEDERAL EMPLOYEE COMPENSATION FOLLOWING HIGHWAY TRUST FUND EXPIRATION.**

(a) **IN GENERAL.**—Each employee of the United States Government furloughed as a result of a covered lapse in Highway Trust Fund expenditure authority shall be paid for the period of the covered lapse, and each excepted employee who is required to perform work during a covered lapse shall be paid for such work, at the employee’s standard rate of pay, at the earliest date possible after the covered lapse ends, regardless of scheduled pay dates, and subject to availability of funds.

Definition.
Time period.

(b) **COVERED LAPSE.**—In this section, the term “covered lapse in Highway Trust Fund expenditure authority” means any lapse in authority to make expenditures from the Highway Trust Fund that begins on October 1, 2021 and ends on or before the date of enactment of this Act.

TITLE II—TRUST FUNDS

SEC. 201. EXTENSION OF EXPENDITURE AUTHORITY FOR HIGHWAY TRUST FUND, SPORT FISH RESTORATION AND BOATING TRUST FUND, AND LEAKING UNDERGROUND STORAGE TANK TRUST FUND.

26 USC 9503. (a) **HIGHWAY TRUST FUND.**—Section 9503 of the Internal Revenue Code of 1986 is amended—

(1) by striking “October 1, 2021” in subsections (b)(6)(B), (c)(1), and (e)(3) and inserting “November 1, 2021”, and

(2) by striking “Continuing Appropriations Act, 2021 and Other Extensions Act” in subsections (c)(1) and (e)(3) and inserting “Surface Transportation Extension Act of 2021”.

26 USC 9504. (b) **SPORT FISH RESTORATION AND BOATING TRUST FUND.**—Section 9504 of such Code is amended—

(1) by striking “Continuing Appropriations Act, 2021 and Other Extensions Act” each place it appears in subsection (b)(2) and inserting “Surface Transportation Extension Act of 2021”, and

(2) by striking “October 1, 2021” in subsection (d)(2) and inserting “November 1, 2021”.

26 USC 9508. (c) **LEAKING UNDERGROUND STORAGE TANK TRUST FUND.**—Section 9508(e)(2) of such Code is amended by striking “October 1, 2021” and inserting “November 1, 2021”.

Effective date.
26 USC 9503
note.

(d) **SPECIAL RULE FOR EXECUTION OF AMENDMENTS.**—On the date of enactment of H.R. 3684 (117th Congress)—

(1) this section and the amendments made by this section shall cease to be effective;

(2) the text of the laws amended by this section shall revert back so as to read as the text read on the day before the date of enactment of this section; and

(3) the amendments made by H.R. 3684 (117th Congress) shall be executed as if this section had not been enacted.

TITLE III—REPLACEMENT AUTHORIZATION

SEC. 301. RESCISSION OF DUPLICATIVE CONTRACT AUTHORITY.

(a) **IN GENERAL.**—Upon enactment of H.R. 3684 (117th Congress), subject to subsections (c) and (d), for each program described in subsection (b), there is permanently rescinded an amount of contract authority equal to the contract authority made available for that program under section 101.

(b) **PROGRAMS DESCRIBED.**—A program referred to in subsection (a) is a program for which contract authority was made available for fiscal year 2022 under both section 101 and H.R. 3684 (117th Congress).

(c) **IMPLEMENTATION.**—

(1) **APPLICATION OF RESCISSION AMONG CERTAIN PROGRAMS.**—The amount of contract authority rescinded under subsection (a) shall be applied among States for apportioned programs in the same amounts that contract authority would be apportioned to such States and distributed for such apportioned programs under section 101.

(2) **SUBSTANTIALLY SIMILAR AND SUCCESSOR PROGRAMS.**—The Secretary may implement subsection (a) in a manner that, as determined appropriate by the Secretary, accommodates a circumstance in which—

Determination.

(A) section 101 makes available contract authority for fiscal year 2022 for a program; and

(B) H.R. 3684 (117th Congress) makes available contract authority for fiscal year 2022 for a program that is, in the judgment of the Secretary, substantially similar or a successor to the program referred to in subparagraph (A).

(d) **DEADLINE.**—The Secretary shall implement the rescission under subsection (a) not later than September 30, 2022.

(e) **APPORTIONMENT EXCEPTION.**—Notwithstanding subsection (c)(2) or (e)(1) of section 104 of title 23, United States Code, or section 101(c)(2), the Secretary shall not be required to apportion any amounts of contract authority that are rescinded pursuant to this section.

SEC. 302. PRIOR ENACTED AUTHORIZATION.

If H.R. 3684 (117th Congress) is enacted before the date of enactment of this Act, this Act shall not take effect and the provisions of this Act shall not be executed.

Approved October 2, 2021.

LEGISLATIVE HISTORY—H.R. 5434:

CONGRESSIONAL RECORD, Vol. 167 (2021):

Oct. 1, considered and passed House.

Oct. 2, considered and passed Senate.

Public Law 117–45
117th Congress

An Act

To increase, effective as of December 1, 2021, the rates of compensation for veterans with service-connected disabilities and the rates of dependency and indemnity compensation for the survivors of certain disabled veterans, and for other purposes.

Oct. 8, 2021
[S. 189]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Veterans’ Compensation Cost-of-Living Adjustment Act of 2021”.

Veterans’
Compensation
Cost-of-Living
Adjustment Act
of 2021.
38 USC 101 note.

SEC. 2. INCREASE IN RATES OF DISABILITY COMPENSATION AND DEPENDENCY AND INDEMNITY COMPENSATION.

(a) **RATE ADJUSTMENT.**—Effective on December 1, 2021, the Secretary of Veterans Affairs shall increase, in accordance with subsection (c), the dollar amounts in effect on November 30, 2021, for the payment of disability compensation and dependency and indemnity compensation under the provisions specified in subsection (b).

38 USC 1114
note.

(b) **AMOUNTS TO BE INCREASED.**—The dollar amounts to be increased pursuant to subsection (a) are the following:

(1) **WARTIME DISABILITY COMPENSATION.**—Each of the dollar amounts under section 1114 of title 38, United States Code.

(2) **ADDITIONAL COMPENSATION FOR DEPENDENTS.**—Each of the dollar amounts under section 1115(1) of such title.

(3) **CLOTHING ALLOWANCE.**—The dollar amount under section 1162 of such title.

(4) **DEPENDENCY AND INDEMNITY COMPENSATION TO SURVIVING SPOUSE.**—Each of the dollar amounts under subsections (a) through (d) of section 1311 of such title.

(5) **DEPENDENCY AND INDEMNITY COMPENSATION TO CHILDREN.**—Each of the dollar amounts under sections 1313(a) and 1314 of such title.

(c) **DETERMINATION OF INCREASE.**—Each dollar amount described in subsection (b) shall be increased by the same percentage as the percentage by which benefit amounts payable under title II of the Social Security Act (42 U.S.C. 401 et seq.) are increased effective December 1, 2021, as a result of a determination under section 215(i) of such Act (42 U.S.C. 415(i)).

(d) **SPECIAL RULE.**—The Secretary of Veterans Affairs may adjust administratively, consistent with the increases made under subsection (a), the rates of disability compensation payable to persons under section 10 of Public Law 85–857 (72 Stat. 1263) who have not received compensation under chapter 11 of title 38, United States Code.

38 USC 1114
note.

Federal Register,
publication.
Deadline.
38 USC 1114
note.

SEC. 3. PUBLICATION OF ADJUSTED RATES.

The Secretary of Veterans Affairs shall publish in the Federal Register the amounts specified in section 2(b), as increased under that section, not later than the date on which the matters specified in section 215(i)(2)(D) of the Social Security Act (42 U.S.C. 415(i)(2)(D)) are required to be published by reason of a determination made under section 215(i) of such Act during fiscal year 2022.

Approved October 8, 2021.

LEGISLATIVE HISTORY—S. 189:

CONGRESSIONAL RECORD, Vol. 167 (2021):

July 21, considered and passed Senate.

Sept. 20, considered and passed House.

Public Law 117–46
117th Congress

An Act

To amend the Central Intelligence Agency Act of 1949 to authorize the provision of payment to personnel of the Central Intelligence Agency who incur qualifying injuries to the brain, to authorize the provision of payment to personnel of the Department of State who incur similar injuries, and for other purposes.

Oct. 8, 2021
[S. 1828]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Helping American Victims Afflicted by Neurological Attacks Act of 2021” or the “HAVANA Act of 2021”.

Helping
American
Victims Afflicted
by Neurological
Attacks Act
of 2021.
22 USC 2651
note.
50 USC 3519b
note.

SEC. 2. AUTHORITY TO PAY PERSONNEL OF CENTRAL INTELLIGENCE AGENCY FOR CERTAIN INJURIES TO THE BRAIN.

(a) **DEFINITIONS.**—In this section:

(1) **APPROPRIATE CONGRESSIONAL COMMITTEES.**—The term “appropriate congressional committees” mean—

(A) the congressional intelligence committees (as that term is defined in section 3 of the National Security Act of 1947 (50 U.S.C. 3003));

(B) the Committee on Homeland Security and Governmental Affairs and the Committee on Appropriations of the Senate; and

(C) the Committee on Homeland Security and the Committee on Appropriations of the House of Representatives.

(2) **COVERED DEPENDENT.**—The term “covered dependent” has the meaning given such term in subsection (d)(1) of section 19 of the Central Intelligence Agency Act of 1949 (50 U.S.C. 3519), as added by subsection (b).

(3) **COVERED EMPLOYEE.**—The term “covered employee” has the meaning given such term in section 19A(a) of the Central Intelligence Agency Act of 1949 (50 U.S.C. 3519b(a)).

(4) **COVERED INDIVIDUAL.**—The term “covered individual” has the meaning given such term in section 19A(a) of the Central Intelligence Agency Act of 1949 (50 U.S.C. 3519b(a)).

(5) **QUALIFYING INJURY.**—The term “qualifying injury” has the meaning given such term in subsection (d)(1) of section 19 of the Central Intelligence Agency Act of 1949 (50 U.S.C. 3519), as added by subsection (b).

(b) **PAYMENT AUTHORIZED.**—Section 19A of the Central Intelligence Agency Act of 1949 (50 U.S.C. 3519b) is amended by adding at the end the following:

“(d) **AUTHORITY TO MAKE PAYMENTS FOR QUALIFYING INJURIES TO THE BRAIN.**—

“(1) DEFINITIONS.—In this subsection:

“(A) COVERED DEPENDENT.—The term ‘covered dependent’ has the meaning given such term in subsection (a), except that the assigned duty station need not be in a foreign country.

“(B) QUALIFYING INJURY.—The term ‘qualifying injury’ has the meaning given such term in subsection (a), except that the assigned duty station need not be in a foreign country.

“(2) AUTHORITY.—Notwithstanding any other provision of law but subject to paragraph (3), the Director may provide payment to a covered dependent, a covered employee, and a covered individual for a qualifying injury to the brain.

“(3) LIMITATIONS.—

“(A) APPROPRIATIONS REQUIRED.—Payment under paragraph (2) in a fiscal year may only be made using amounts appropriated in advance specifically for payments under such paragraph in such fiscal year.

“(B) MATTER OF PAYMENTS.—Payments under paragraph (2) using amounts appropriated for such purpose shall be made on a first come, first serve, or pro rata basis.

“(C) AMOUNTS OF PAYMENTS.—The total amount of funding obligated for payments under paragraph (2) may not exceed the amount specifically appropriated for providing payments under such paragraph during its period of availability.

“(4) REGULATIONS.—

“(A) IN GENERAL.—The Director shall prescribe regulations to carry out this subsection.

“(B) ELEMENTS.—The regulations prescribed under subparagraph (A) shall include regulations detailing fair and equitable criteria for payment under paragraph (2).”.

50 USC 3519b
note.

(c) APPLICABILITY.—Payment under subsection (d) of such section, as added by subsection (b) of this section, may be made available for a qualifying injury to the brain that occurs before, on, or after the date of the enactment of this Act as the Director of the Central Intelligence Agency considers appropriate.

(d) REPORTS.—

(1) REPORT ON USE OF AUTHORITY.—

(A) IN GENERAL.—Not later than 365 days after the date of the enactment of this Act, the Director of the Central Intelligence Agency shall submit to the appropriate congressional committees a report on the use of the authority provided by section 19A(d) of such Act, as added by subsection (b) of this section.

(B) CONTENTS.—The report submitted under subparagraph (A) shall include the following:

Budget.
Spend plan.

(i) A budget or spend plan for the use of the authority described in subparagraph (A) for the subsequent fiscal year.

(ii) Information relating to the use of the authority described in subparagraph (A) for the preceding year, including the following:

(I) The total amount expended.

(II) The number of covered dependents, covered employees, and covered individuals for whom payments were made.

(III) The amounts that were provided to each person described in subclause (II).

(iii) An assessment of whether additional authorities are required to ensure that covered dependents, covered employees, and covered individuals can receive payments for qualifying injuries, such as a qualifying injury to the back or heart.

Assessment.

(C) FORM.—The report submitted under subparagraph (A) shall be submitted in classified form.

Classified information.

(2) REPORT ON ESTIMATED COSTS FOR FISCAL YEAR 2023.—Not later than March 1, 2022, the Director shall submit to the appropriate congressional committees a report detailing an estimate of the obligation that the Director expects to incur in providing payment under section 19A(d) of such Act, as added by subsection (b) of this section, in fiscal year 2023.

(e) REGULATIONS.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Director shall prescribe regulations required under section 19A(d)(4)(A) of such Act, as added by subsection (b) of this section.

Deadlines.
50 USC 3519b
note.

(2) NOTICE TO CONGRESS.—Not later than 210 days after the date of the enactment of this Act, the Director shall submit to the appropriate congressional committees the regulations prescribed in accordance with paragraph (1).

(f) CLARIFYING AMENDMENT.—Section 19A(b) of the Central Intelligence Agency Act of 1949 (50 U.S.C. 3519b(b)) is amended, in the subsection heading, by inserting “TOTAL DISABILITY RESULTING FROM” before “CERTAIN INJURIES”.

SEC. 3. AUTHORITY TO PAY PERSONNEL OF DEPARTMENT OF STATE FOR CERTAIN INJURIES TO THE BRAIN.

(a) DEFINITIONS.—In this section:

22 USC 2680b
note.

(1) DEFINITION OF APPROPRIATE CONGRESSIONAL COMMITTEES.—The term “appropriate congressional committees” means—

(A) the Committee on Foreign Relations, the Committee on Homeland Security and Governmental Affairs, and the Committee on Appropriations of the Senate; and

(B) the Committee on Foreign Affairs, the Committee on Homeland Security, and the Committee on Appropriations of the House of Representatives.

(2) COVERED DEPENDENT.—The term “covered dependent” has the meaning given such term in subsection (i)(1) of section 901 of title IX of division J of the Further Consolidated Appropriations Act, 2020 (22 U.S.C. 2680b), as added by subsection (b).

(3) COVERED EMPLOYEE.—The term “covered employee” has the meaning given such term in subsection (i)(1) of section 901 of title IX of division J of the Further Consolidated Appropriations Act, 2020 (22 U.S.C. 2680b), as added by subsection (b).

(4) COVERED INDIVIDUAL.—The term “covered individual” has the meaning given such term in subsection (i)(1) of section

901 of title IX of division J of the Further Consolidated Appropriations Act, 2020 (22 U.S.C. 2680b), as added by subsection (b).

(5) **QUALIFYING INJURY.**—The term “qualifying injury” has the meaning given such term in subsection (i)(1) of section 901 of title IX of division J of the Further Consolidated Appropriations Act, 2020 (22 U.S.C. 2680b), as added by subsection (b).

(b) **IN GENERAL.**—Section 901 of title IX of division J of the Further Consolidated Appropriations Act, 2020 (22 U.S.C. 2680b) is amended—

(1) in subsection (f), by striking “subsection (a) or (b)” both places it appears and inserting “subsection (a), (b), or (i)”; and

(2) in subsection (h)—

(A) in paragraph (1), by striking “IN GENERAL.—This section” and inserting “ADJUSTMENT OF COMPENSATION PROVISION.—Subsections (a) and (b)”; and

(B) by redesignating paragraph (2) as paragraph (3); and

(C) by inserting after paragraph (1) the following new paragraph:

“(2) **OTHER PAYMENT PROVISION.**—Payment under subsection (i) may be made available for a qualifying injury (as defined in such subsection) that occurs before, on, or after the date of the enactment of the Helping American Victims Afflicted by Neurological Attacks Act of 2021.”; and

(3) by adding at the end the following new subsection: “(i) **OTHER INJURIES.**—

“(1) **DEFINITIONS.**—In this subsection:

“(A) **COVERED DEPENDENT.**—The term ‘covered dependent’ has the meaning given such term in subsection (e), except that the assigned duty station need not be in the Republic of Cuba, the People’s Republic of China, or another foreign country.

“(B) **COVERED EMPLOYEE.**—The term ‘covered employee’ has the meaning given such term in subsection (e), except that the assigned duty station need not be in the Republic of Cuba, the People’s Republic of China, or another foreign country.

“(C) **COVERED INDIVIDUAL.**—The term ‘covered individual’ has the meaning given such term in subsection (e), except that the assigned duty station need not be in the Republic of Cuba, the People’s Republic of China, or another foreign country.

“(D) **QUALIFYING INJURY.**—The term ‘qualifying injury’ has the meaning given such term in subsection (e), except that the assigned duty station need not be in the Republic of Cuba, the People’s Republic of China, or another foreign country.

“(2) **AUTHORITY.**—Notwithstanding any other provision of law but subject to paragraph (3), the Secretary of State or other agency head with an employee may provide payment to a covered dependent, a dependent of a former employee, a covered employee, a former employee, and a covered individual for a qualifying injury to the brain.

“(3) **LIMITATIONS.**—

“(A) APPROPRIATIONS REQUIRED.—Payment under paragraph (2) in a fiscal year may only be made using amounts appropriated in advance specifically for payments under such paragraph in such fiscal year.

“(B) MATTER OF PAYMENTS.—Payments under paragraph (2) using amounts appropriated for such purpose shall be made on a first come, first serve, or pro rata basis.

“(C) AMOUNTS OF PAYMENTS.—The total amount of funding obligated for payments under paragraph (2) may not exceed the amount specifically appropriated for providing payments under such paragraph during its period of availability.

“(4) REGULATIONS.—

“(A) IN GENERAL.—The Secretary or other agency head described in paragraph (2) that provides payment under such paragraph shall prescribe regulations to carry out this subsection.

“(B) ELEMENTS.—The regulations prescribed under subparagraph (A) shall include regulations detailing fair and equitable criteria for payment under paragraph (2).”.

(c) REPORTS.—

(1) REPORTS ON USE OF AUTHORITY.—

(A) IN GENERAL.—Not later than 365 days after the date of the enactment of this Act, the Secretary of State and each other agency head that makes a payment under subsection (i) of section 901 of title IX of division J of the Further Consolidated Appropriations Act, 2020 (22 U.S.C. 2680b), as added by subsection (b) of this section, shall submit to the appropriate congressional committees a report on the use of the authority provided by such subsection (i).

(B) CONTENTS.—Each report submitted under subparagraph (A) shall include the following:

(i) A budget or spend plan for the use of the authority described in subparagraph (A) for the subsequent fiscal year.

Budget.
Spend plan.

(ii) Information relating to the use of the authority described in subparagraph (A) for the preceding year, including the following:

(I) The total amount expended.

(II) The number of covered dependents, covered employees, and covered individuals for whom payments were made.

(III) The amounts that were provided to each person described in subclause (II).

(iii) An assessment of whether additional authorities are required to ensure that covered dependents, covered employees, and covered individuals can receive payments for qualifying injuries, such as a qualifying injury to the back or heart.

Assessment.

(C) FORM.—The report submitted under subparagraph (A) shall be submitted in classified form.

Classified
information.

(2) REPORTS ON ESTIMATED COSTS FOR FISCAL YEAR 2023.—Not later than March 1, 2022, the Secretary of State and each other agency head that makes a payment under subsection

Deadlines.
22 USC 2680b
note.

(i) of section 901 of title IX of division J of the Further Consolidated Appropriations Act, 2020 (22 U.S.C. 2680b), as added by subsection (b) of this section, shall submit to the appropriate congressional committees a report detailing an estimate of the obligation that the Director expects to incur in providing payment under such subsection (i) in fiscal year 2023.

(d) REGULATIONS.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of State and each other agency head that makes a payment under subsection (i)(2) of section 901 of title IX of division J of the Further Consolidated Appropriations Act, 2020 (22 U.S.C. 2680b), as added by subsection (b) of this section, shall prescribe regulations required under subsection (i)(4)(A) of such Act.

(2) NOTICE TO CONGRESS.—Not later than 210 days after the date of the enactment of this Act, the Secretary of State and the agency heads described in paragraph (1) shall submit to the appropriate congressional committees the regulations prescribed in accordance with paragraph (1).

Approved October 8, 2021.

LEGISLATIVE HISTORY—S. 1828:

CONGRESSIONAL RECORD, Vol. 167 (2021):

June 7, considered and passed Senate.

July 26, Sept. 21, considered and passed House.

DAILY COMPILATION OF PRESIDENTIAL DOCUMENTS (2021):

Oct. 8, Presidential statement.

Public Law 117–47
117th Congress

An Act

To establish a K–12 education cybersecurity initiative, and for other purposes.

Oct. 8, 2021

[S. 1917]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “K–12 Cybersecurity Act of 2021”.

K–12
Cybersecurity
Act of 2021.
6 USC 652 note.

SEC. 2. FINDINGS.

Congress finds the following:

(1) K–12 educational institutions across the United States are facing cyber attacks.

(2) Cyber attacks place the information systems of K–12 educational institutions at risk of possible disclosure of sensitive student and employee information, including—

(A) grades and information on scholastic development;

(B) medical records;

(C) family records; and

(D) personally identifiable information.

(3) Providing K–12 educational institutions with resources to aid cybersecurity efforts will help K–12 educational institutions prevent, detect, and respond to cyber events.

SEC. 3. K–12 EDUCATION CYBERSECURITY INITIATIVE.

(a) DEFINITIONS.—In this section:

(1) CYBERSECURITY RISK.—The term “cybersecurity risk” has the meaning given the term in section 2209 of the Homeland Security Act of 2002 (6 U.S.C. 659).

(2) DIRECTOR.—The term “Director” means the Director of Cybersecurity and Infrastructure Security.

(3) INFORMATION SYSTEM.—The term “information system” has the meaning given the term in section 3502 of title 44, United States Code.

(4) K–12 EDUCATIONAL INSTITUTION.—The term “K–12 educational institution” means an elementary school or a secondary school, as those terms are defined in section 8101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801).

(b) STUDY.—

(1) IN GENERAL.—Not later than 120 days after the date of enactment of this Act, the Director, in accordance with subsection (g)(1), shall conduct a study on the specific cybersecurity risks facing K–12 educational institutions that—

(A) analyzes how identified cybersecurity risks specifically impact K–12 educational institutions;

Deadlines.
Evaluations.

Analysis.

(B) includes an evaluation of the challenges K-12 educational institutions face in—

(i) securing—

(I) information systems owned, leased, or relied upon by K-12 educational institutions; and

(II) sensitive student and employee records;

and

(ii) implementing cybersecurity protocols;

(C) identifies cybersecurity challenges relating to remote learning; and

(D) evaluates the most accessible ways to communicate cybersecurity recommendations and tools.

(2) CONGRESSIONAL BRIEFING.—Not later than 120 days after the date of enactment of this Act, the Director shall provide a Congressional briefing on the study conducted under paragraph (1).

Deadline.
Guidelines.

(c) CYBERSECURITY RECOMMENDATIONS.—Not later than 60 days after the completion of the study required under subsection (b)(1), the Director, in accordance with subsection (g)(1), shall develop recommendations that include cybersecurity guidelines designed to assist K-12 educational institutions in facing the cybersecurity risks described in subsection (b)(1), using the findings of the study.

Deadline.

(d) ONLINE TRAINING TOOLKIT.—Not later than 120 days after the completion of the development of the recommendations required under subsection (c), the Director shall develop an online training toolkit designed for officials at K-12 educational institutions to—

(1) educate the officials about the cybersecurity recommendations developed under subsection (c); and

Strategy.

(2) provide strategies for the officials to implement the recommendations developed under subsection (c).

Web posting.

(e) PUBLIC AVAILABILITY.—The Director shall make available on the website of the Department of Homeland Security with other information relating to school safety the following:

(1) The findings of the study conducted under subsection (b)(1).

(2) The cybersecurity recommendations developed under subsection (c).

(3) The online training toolkit developed under subsection (d).

(f) VOLUNTARY USE.—The use of the cybersecurity recommendations developed under (c) by K-12 educational institutions shall be voluntary.

(g) CONSULTATION.—

(1) IN GENERAL.—In the course of the conduction of the study required under subsection (b)(1) and the development of the recommendations required under subsection (c), the Director shall consult with individuals and entities focused on cybersecurity and education, as appropriate, including—

(A) teachers;

(B) school administrators;

(C) Federal agencies;

(D) non-Federal cybersecurity entities with experience in education issues; and

(E) private sector organizations.

(2) INAPPLICABILITY OF FACA.—The Federal Advisory Committee Act (5 U.S.C App.) shall not apply to any consultation under paragraph (1).

Approved October 8, 2021.

LEGISLATIVE HISTORY—S. 1917 (H.R. 4691):

HOUSE REPORTS: No. 117–122 (Comm. on Homeland Security) accompanying H.R. 4691.

SENATE REPORTS: No. 117–32 (Comm. on Homeland Security and Governmental Affairs).

CONGRESSIONAL RECORD, Vol. 167 (2021):

Aug. 9, considered and passed Senate.

Sept. 29, considered and passed House.

DAILY COMPILATION OF PRESIDENTIAL DOCUMENTS (2021):

Oct. 8, Presidential statement.

Public Law 117–48
117th Congress

An Act

Oct. 13, 2021
[H.R. 2278]

To designate the September 11th National Memorial Trail Route, and for other purposes.

16 USC 1244
note.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SEPTEMBER 11TH NATIONAL MEMORIAL TRAIL ROUTE.

(a) **DEFINITIONS.**—In this section:

(1) **MAP.**—The term “Map” means the map entitled “September 11th National Memorial Trail Route Proposed Trail Route,” numbered 669/176,670A, and dated July 2021.

(2) **SECRETARY.**—The term “Secretary” means the Secretary of the Interior, acting through the Director of the National Park Service.

(3) **TRAIL ROUTE.**—The term “Trail Route” means the September 11th National Memorial Trail Route designated under subsection (b).

(b) **ESTABLISHMENT OF TRAIL ROUTE.**—

(1) **DESIGNATION.**—There is designated a Trail Route, to be known as the “September 11th National Memorial Trail Route”, to link the National 9/11 Memorial and Museum in New York City, the National 9/11 Pentagon Memorial in Arlington, Virginia, and the Flight 93 National Memorial in Somerset County, Pennsylvania. The September 11th National Memorial Trail Route shall—

(A) provide for a tribute to the family members and loved ones who were victims of the attack and the heroes of September 11th, including the first responders in the days, weeks, and months after the attack;

(B) be a trail of remembrance to honor the fallen in a tangible way that keeps their memories alive and reaffirms the exceptionalism of our country; and

(C) be a celebration of our Nation’s resilience and perseverance since September 11, 2001.

(2) **ROUTE.**—

(A) **IN GENERAL.**—The Trail Route shall consist of a series of trails as generally depicted on the Map.

(B) **AVAILABILITY OF MAP.**—The Map shall be available in the appropriate offices of the National Park Service.

(C) **REVISION.**—The Secretary may revise the Map by publication in the Federal Register of a notice of availability of a new Map.

(c) **ADMINISTRATION.**—The Trail Route program shall be administered by the Secretary in consultation with the affected landowners, including any Federal, State, Tribal or local agencies

Federal Register,
publication.
Notice.

Consultation.

that manage the affected lands, but shall not be considered to be a unit of the National Park System or a part of the National Trail System.

(d) ACTIVITIES.—To facilitate the administration of the Trail Route program and the dissemination of information regarding the Trail Route, the Secretary shall—

(1) produce and disseminate appropriate educational materials regarding the Trail Route, such as handbooks, maps, exhibits, signs, interpretive guides, electronic information, and other interpretive materials;

(2) coordinate the management and planning of the Trail Route with participating property owners, other Federal agencies, State, Tribal, and local governments, and nonprofit entities;

Coordination.

(3) create and adopt an official, uniform symbol or device to mark the Trail Route;

(4) issue guidelines for the use of the symbol or device adopted under paragraph (3); and

Guidelines.

(5) if deemed appropriate by the Secretary, authorize signage on lands managed by the General Services Administration or the National Park Service in the District of Columbia and its environs, without regard to the requirements of the Commemorative Works Act (40 U.S.C. 8901).

(e) AGREEMENTS.—To ensure effective coordination of the Federal and non-Federal properties along the Trail Route, the Secretary may enter into agreements with, and provide technical and financial assistance to, other Federal agencies, the State, localities, regional governmental bodies, and private entities.

Approved October 13, 2021.

LEGISLATIVE HISTORY—H.R. 2278:

HOUSE REPORTS: No. 117–101 (Comm. on Natural Resources).

CONGRESSIONAL RECORD, Vol. 167 (2021):

July 26, 29, considered and passed House.

Oct. 1, considered and passed Senate.

Public Law 117–49
117th Congress

An Act

Oct. 13, 2021
[S. 848]

To amend the Higher Education Act of 1965 in order to improve the service obligation verification process for TEACH Grant recipients, and for other purposes.

Consider
Teachers Act
of 2021.
20 USC 1001
note.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Consider Teachers Act of 2021”.

SEC. 2. TEACH GRANTS.

Section 420N of the Higher Education Act of 1965 (20 U.S.C. 1070g–2) is amended—

(1) in subsection (b)(1)—

(A) in subparagraph (A), by inserting “(referred to in this section as the ‘service obligation window’)” after “under this subpart”;

(B) in subparagraph (C)(vii), by inserting “or geographic area” after “field”; and

(C) by striking subparagraphs (D) and (E) and inserting the following:

Certification.

“(D) submit a certification of employment by the chief administrative officer of the school in accordance with subsection (d)(5); and

Certification.

“(E) meet all State certification requirements for teaching (which may include meeting such requirements through a certification obtained through alternative routes to teaching);”;

(2) in subsection (c)—

(A) by striking “In the event” and inserting the following:

“(1) IN GENERAL.—In the event”; and

(B) by adding at the end the following:

Determinations.
Loans.

“(2) RECONSIDERATION OF CONVERSION DECISIONS.—

“(A) REQUEST TO RECONSIDER.—In any case where the Secretary has determined that a recipient of a grant under this subpart has failed or refused to comply with the service obligation in the agreement under subsection (b) and has converted the grant into a Federal Direct Unsubsidized Stafford Loan under part D in accordance with paragraph (1), (including a TEACH Grant converted to a loan prior to the date of enactment of the Consider Teachers Act of 2021 and including cases where such loans have been fully or partially paid), the recipient may request that the Secretary reconsider such initial determination and

may submit additional information to demonstrate satisfaction of the service obligation. Upon receipt of such a request, the Secretary shall reconsider the determination in accordance with this paragraph not later than 90 days after the date that such request was received.

Deadline.

“(B) RECONSIDERATION.—If, in reconsidering an initial determination under subparagraph (A) (including reconsideration related to a TEACH Grant that was converted to a loan prior to the date of enactment of the Consider Teachers Act of 2021 and including cases where such loans were fully or partially paid), the Secretary determines that the reason for such determination was the recipient’s failure to timely submit a certification required under subsection (b)(1)(D) (as in effect on the day before the date of enactment of the Consider Teachers Act of 2021), an error or processing delay by the Secretary, a change to the fields considered eligible for fulfillment of the service obligation (as described in subsection (b)(1)(C)), a recipient having previously requested to have the TEACH Grant converted to a loan, or another valid reason determined by the Secretary, and that the recipient has, as of the date of the reconsideration, demonstrated that the recipient did meet, or is meeting the service obligation in the agreement under subsection (b), the Secretary shall—

Certification.

“(i) discharge the Federal Direct Unsubsidized Stafford Loan under part D, and reinstate the recipient’s grant under this subpart;

“(ii) discharge any interest or fees that may have accumulated during the period that the grant was converted to a Federal Direct Unsubsidized Stafford Loan under part D;

“(iii) if the recipient has other loans under part D, apply any payments made for the Federal Direct Unsubsidized Stafford Loan under part D during such period to those other loans under part D;

“(iv) if the recipient does not have other loans under part D, reimburse the recipient for any amounts paid on the Federal Direct Unsubsidized Stafford Loan under part D during such period;

“(v) request that consumer reporting agencies remove any negative credit reporting due to the conversion of the TEACH Grant to a loan; and

“(vi) use the additional information provided under subparagraph (A) to determine the progress the recipient has made in meeting the service obligation.

“(C) EXTENSION OF TIME TO COMPLETE SERVICE OBLIGATION.—In the case of a recipient whose TEACH Grant was reinstated in accordance with subparagraph (B), the Secretary shall, upon such reinstatement—

“(i) extend the time remaining for the recipient to fulfill the service obligation described in subsection (b)(1) to a period of time equal to—

“(I) 8 years; minus

“(II) the number of full academic years of teaching that the recipient completed prior to the reconversion of the loan to a TEACH Grant under

subparagraph (B), including any years of qualifying teaching completed during the period when the TEACH Grant was in loan status; and

“(ii) treat any full academic years of teaching described in clause (i)(II) as years that count toward the individual’s service obligation (regardless of whether the TEACH Grant funds were in grant or loan status) if that time otherwise meets the requirements of this section.”; and

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

Notification.
Certification.
Recommendations.

“(3) COMMUNICATION WITH RECIPIENTS.—The Secretary shall notify TEACH grant recipients not less than once per calendar year regarding how to submit the employment certification under subsection (b)(1)(D) and the recommendations and requirements for submitting that certification under subsection (d)(5).

Updates.
Lists.
Public
information.
Web posting.

“(4) QUALIFYING SCHOOLS AND HIGH-NEED FIELDS.—The Secretary shall maintain and annually update a list of qualifying schools as described in subsection (b)(1)(B), and a list of high-need fields as described in subsection (b)(1)(C) and shall make such lists publicly available on the Department’s website in a sortable and searchable format.”.

SEC. 3. SUBMISSION OF EMPLOYMENT CERTIFICATION.

Section 420N(d) of the Higher Education Act of 1965 (20 U.S.C. 1070g–2(d)), as amended by section 2, is further amended by adding at the end the following:

Notification.

“(5) SUBMISSION OF EMPLOYMENT CERTIFICATION.—

“(A) RECOMMENDED SUBMISSIONS.—The Secretary shall notify TEACH Grant recipients that the Department recommends that TEACH Grant recipients submit the employment certification described in subsection (b)(1)(D) as soon as practicable after the completion of each year of service.

“(B) REQUIRED SUBMISSION.—A TEACH Grant recipient shall be required to submit to the Department employment certification within the timeframe that would allow that individual to complete their service obligation before the end of the service obligation window.

“(C) NOTIFICATION.—The Secretary shall notify TEACH Grant recipients of the required submission deadlines described in this paragraph.

“(D) ADJUSTMENT OF DEADLINE.—The Secretary shall adjust the submission deadline described in subparagraph (B) to account for a service obligation window extension.

“(E) ALTERNATIVE TO CERTIFICATION.—The Secretary shall provide an alternative to the certification of employment described in subsection (b)(1)(D) for recipients who cannot obtain such required certification of employment from the chief administrative officer of the school because the recipient can demonstrate the school is no longer in existence or the school refuses to cooperate.”.

SEC. 4. EXTENSION OF TIME TO FULFILL SERVICE OBLIGATION DUE TO COVID-19.

(a) Section 3519(a) of the CARES Act (Public Law 116–136; 20 U.S.C. 1001 note) is amended—

(1) in the matter preceding paragraph (1), by striking “For the purpose of section 420N of the Higher Education Act of

1965 (20 U.S.C. 1070g–2), during a qualifying emergency,” and inserting “Notwithstanding any provision of subpart 9 of part A of title IV of the Higher Education Act of 1965 (20 U.S.C. 1070g et seq.),”;

(2) in paragraph (1), by striking “and” after the semicolon;

(3) in paragraph (2), by striking “such section 420N.” and inserting “section 420N of such Act; and”; and

(4) by adding at the end the following:

“(3) shall extend the service obligation window (as described in section 420N(b)(1)(A) of such Act) for a period of not more than 3 years, in addition to any extensions provided in accordance with subpart 9 of part A of title IV of the Higher Education Act of 1965 (20 U.S.C. 1070g et seq.), in the case of a grant recipient whose service obligation window begins during, or includes—

“(A) the qualifying emergency period; or

“(B) a period of recession or economic downturn related to the qualifying emergency period, as determined by the Secretary in consultation with the Secretary of Labor.”.

Determination.
Consultation.

(b) Section 3519 of the CARES Act (Public Law 116–136; 20 U.S.C. 1001 note) is amended by adding at the end the following:

“(c) FEDERAL PERKINS LOANS.—Notwithstanding section 465 of the Higher Education Act of 1965 (20 U.S.C. 1087ee), the Secretary shall waive the requirements of such section in regard to full-time service and shall consider an incomplete year of service of a borrower as fulfilling the requirement for a complete year of service under such section, if the service was interrupted due to a qualifying emergency.”.

Waiver authority.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect as if included in the enactment of the CARES Act (Public Law 116–136).

20 USC 1001
note.

SEC. 5. IMPLEMENTATION.

In carrying out this Act and any amendments made by this Act, or any regulations promulgated under this Act or under such amendments, the Secretary of Education may waive the application of—

20 USC 1070g–2
note.
Waiver authority.

(1) subchapter I of chapter 35 of title 44, United States Code (commonly known as the “Paperwork Reduction Act”);

(2) the master calendar requirements under section 482 of the Higher Education Act of 1965 (20 U.S.C. 1089);

(3) negotiated rulemaking under section 492 of the Higher Education Act of 1965 (20 U.S.C. 1098a); and

(4) the requirement to publish the notices related to the system of records of the agency before implementation required under paragraphs (4) and (11) of section 552a(e) of title 5, United States Code (commonly known as the “Privacy Act of

Notices.
Deadline.

1974”), except that the notices shall be published not later than 180 days after the date of enactment of this Act.

Approved October 13, 2021.

LEGISLATIVE HISTORY—S. 848:

CONGRESSIONAL RECORD, Vol. 167 (2021):

Apr. 27, considered and passed Senate.

July 26, Sept. 28, considered and passed House.

Public Law 117–50
117th Congress

An Act

To provide for the publication by the Secretary of Health and Human Services
of physical activity recommendations for Americans.

Oct. 14, 2021
[S. 1301]

*Be it enacted by the Senate and House of Representatives of
the United States of America in Congress assembled,*

SECTION 1. INCREASE OF PUBLIC DEBT LIMIT.

The limitation under section 3101(b) of title 31, United States
Code, as most recently increased by section 301 of the Bipartisan
Budget Act of 2019 (31 U.S.C. 3101 note), is increased by
\$480,000,000,000.

31 USC 3101
note.

Approved October 14, 2021.

LEGISLATIVE HISTORY—S. 1301:

CONGRESSIONAL RECORD, Vol. 167 (2021):

July 30, considered and passed Senate.

Sept. 29, considered and passed House, amended.

Sept. 30, Oct. 4, 7, Senate considered and concurred in House amendment
with an amendment.

Oct. 12, House concurred in Senate amendment pursuant to H. Res. 716.

Public Law 117–51
117th Congress

An Act

Oct. 19, 2021
[H.R. 4981]

To amend the Fentanyl Sanctions Act, to modify certain deadlines relating to the Commission on Combating Synthetic Opioid Trafficking.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. MODIFICATION OF CERTAIN DEADLINES FOR COMMISSION ON COMBATING SYNTHETIC OPIOID TRAFFICKING.

Section 7221(f)(2) of the Fentanyl Sanctions Act (133 Stat. 2273) is amended by striking “270 days” and inserting “390 days”.

Approved October 19, 2021.

LEGISLATIVE HISTORY—H.R. 4981:

CONGRESSIONAL RECORD, Vol. 167 (2021):

Sept. 28, considered and passed House.

Oct. 6, considered and passed Senate.

Public Law 117–52
117th Congress

An Act

To provide an extension of Federal-aid highway, highway safety, and transit programs, and for other purposes.

Oct. 31, 2021
[H.R. 5763]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Further Surface
Transportation
Extension Act
of 2021.
23 USC 101 note.

SECTION 1. SHORT TITLE.

This Act may be cited as the “Further Surface Transportation Extension Act of 2021”.

SEC. 2. AMENDMENT TO THE EXTENSION END DATE.

Section 2(2) of the Surface Transportation Extension Act of 2021 (Public Law 117–44) is amended by striking “October 31, 2021” and inserting “December 3, 2021”.

Ante, p. 382.

SEC. 3. AMENDMENT FOR FEDERAL EMPLOYEE COMPENSATION FOLLOWING HIGHWAY TRUST FUND EXPIRATION.

Time periods.

Section 108(b) of the Surface Transportation Extension Act of 2021 (Public Law 117–44) is amended by striking “that begins” and all that follows through the period at the end and inserting the following: “that begins on—

Ante, p. 386.

“(1) October 1, 2021, and ends on or before the date of enactment of this Act; or

“(2) November 1, 2021, and ends on or before the date of enactment of the Further Surface Transportation Extension Act of 2021.”.

SEC. 4. EXTENSION OF EXPENDITURE AUTHORITY FOR THE HIGHWAY TRUST FUND, SPORT FISH RESTORATION AND BOATING TRUST FUND, AND LEAKING UNDERGROUND STORAGE TANK TRUST FUND.

(a) HIGHWAY TRUST FUND.—Section 9503 of the Internal Revenue Code of 1986 is amended—

26 USC 9503.

(1) in subsections (b)(6)(B), (c)(1), and (e)(3) by striking “November 1, 2021” and inserting “December 4, 2021”; and

(2) by striking “Surface Transportation Extension Act of 2021” each place it appears and inserting “Further Surface Transportation Extension Act of 2021”.

(b) SPORT FISH RESTORATION AND BOATING TRUST FUND.—Section 9504 of such Code is amended—

(1) in subsection (b)(2) by striking “Surface Transportation Extension Act of 2021” each place it appears and inserting “Further Surface Transportation Extension Act of 2021”; and

(2) in subsection (d)(2) by striking “November 1, 2021” and inserting “December 4, 2021”.

26 USC 9508. (c) LEAKING UNDERGROUND STORAGE TANK TRUST FUND.—Section 9508(e)(2) of such Code is amended by striking “November 1, 2021” and inserting “December 4, 2021”.

Effective date. (d) SPECIAL RULE FOR AMENDMENTS.—On the date of enactment of H.R. 3684 (117th Congress)—

(1) subsections (a), (b), and (c) of this section, the amendments made by such subsections, section 201 of the Surface Transportation Extension Act of 2021 (Public Law 117–44), and the amendments made by such section shall cease to be effective;

(2) the text of the laws amended by subsections (a), (b), and (c) of this section and section 201 of the Surface Transportation Extension Act of 2021 (Public Law 117–44) shall revert back so as to read as the text read on September 30, 2021; and

(3) the amendments made by H.R. 3684 (117th Congress) shall be executed as if this section and section 201 of the Surface Transportation Extension Act had not been enacted.

Ante, p. 386. (e) CONFORMING AMENDMENT.—Section 201 of the Surface Transportation Extension Act of 2021 (Public Law 117–44) is amended by striking subsection (d).

SEC. 5. PRIOR ENACTED AUTHORIZATION.

If H.R. 3684 (117th Congress) is enacted before the date of enactment of this Act, this Act shall not take effect and the provisions of this Act shall not be executed.

Approved October 31, 2021.

LEGISLATIVE HISTORY—H.R. 5763:

CONGRESSIONAL RECORD, Vol. 167 (2021):

Oct. 28, considered and passed House and Senate.

Public Law 117–53
117th Congress

An Act

To amend the Controlled Substances Act to provide for the modification, transfer, and termination of a registration to manufacture, distribute, or dispense controlled substances or list I chemicals, and for other purposes.

Nov. 10, 2021
[H.R. 1899]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Ensuring Compliance Against Drug Diversion Act of 2021”.

Ensuring
Compliance
Against Drug
Diversion Act
of 2021.
21 USC 801 note.

SEC. 2. MODIFICATION, TRANSFER, AND TERMINATION OF REGISTRATION TO MANUFACTURE, DISTRIBUTE, OR DISPENSE CONTROLLED SUBSTANCES.

Subsection (a) of section 302 of the Controlled Substances Act (21 U.S.C. 822) is amended by adding at the end the following new paragraph:

“(3)(A) Except as provided in subparagraph (C), the registration of any registrant under this title to manufacture, distribute, or dispense controlled substances or list I chemicals terminates if and when such registrant—

- “(i) dies;
- “(ii) ceases legal existence;
- “(iii) discontinues business or professional practice; or
- “(iv) surrenders such registration.

“(B) In the case of such a registrant who ceases legal existence or discontinues business or professional practice, such registrant shall promptly notify the Attorney General in writing of such fact.

Notification.

“(C) No registration under this title to manufacture, distribute, or dispense controlled substances or list I chemicals, and no authority conferred thereby, may be assigned or otherwise transferred except upon such conditions as the Attorney General may specify and then only pursuant to written consent. A registrant to whom a registration is assigned or transferred pursuant to the preceding sentence may not manufacture, distribute, or dispense controlled substances or list I chemicals pursuant to such registration until the Attorney General receives such written consent.

“(D) In the case of a registrant under this title to manufacture, distribute, or dispense controlled substances or list I chemicals desiring to discontinue business or professional practice altogether or with respect to controlled substances and list I chemicals (without assigning or transferring such business or professional practice to another entity), such registrant shall return to the Attorney General for cancellation—

- “(i) the registrant’s certificate of registration;

“(ii) any unexecuted order forms in the registrant’s possession; and

“(iii) any other documentation that the Attorney General may require.”.

SEC. 3. DETERMINATION OF BUDGETARY EFFECTS.

The budgetary effects of this Act, for the purpose of complying with the Statutory Pay-As-You-Go Act of 2010, shall be determined by reference to the latest statement titled “Budgetary Effects of PAYGO Legislation” for this Act, submitted for printing in the Congressional Record by the Chairman of the House Budget Committee, provided that such statement has been submitted prior to the vote on passage.

Approved November 10, 2021.

LEGISLATIVE HISTORY—H.R. 1899:

CONGRESSIONAL RECORD, Vol. 167 (2021):

Apr. 14, 15, considered and passed House.

Oct. 26, considered and passed Senate.

Public Law 117–54
117th Congress

An Act

To advance the strategic alignment of United States diplomatic tools toward the realization of free, fair, and transparent elections in Nicaragua and to reaffirm the commitment of the United States to protect the fundamental freedoms and human rights of the people of Nicaragua, and for other purposes.

Nov. 10, 2021
[S. 1064]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) **SHORT TITLE.**—This Act may be cited as the “Reinforcing Nicaragua’s Adherence to Conditions for Electoral Reform Act of 2021” or the “RENACER Act”.

(b) **TABLE OF CONTENTS.**—The table of contents for this Act is as follows:

- Sec. 1. Short title; table of contents.
- Sec. 2. Sense of Congress.
- Sec. 3. Review of participation of Nicaragua in Dominican Republic-Central America-United States Free Trade Agreement.
- Sec. 4. Restrictions on international financial institutions relating to Nicaragua.
- Sec. 5. Targeted sanctions to advance democratic elections.
- Sec. 6. Developing and implementing a coordinated sanctions strategy with diplomatic partners.
- Sec. 7. Inclusion of Nicaragua in list of countries subject to certain sanctions relating to corruption.
- Sec. 8. Classified report on the involvement of Ortega family members and Nicaraguan government officials in corruption.
- Sec. 9. Classified report on the activities of the Russian Federation in Nicaragua.
- Sec. 10. Report on certain purchases by and agreements entered into by Government of Nicaragua relating to military or intelligence sector of Nicaragua.
- Sec. 11. Report on human rights abuses in Nicaragua.
- Sec. 12. Supporting independent news media and freedom of information in Nicaragua.
- Sec. 13. Amendment to short title of Public Law 115–335.
- Sec. 14. Definition.

SEC. 2. SENSE OF CONGRESS.

It is the sense of Congress that—

(1) ongoing efforts by the government of President Daniel Ortega in Nicaragua to suppress the voice and actions of political opponents through intimidation and unlawful detainment, civil society, and independent news media violate the fundamental freedoms and basic human rights of the people of Nicaragua;

(2) Congress unequivocally condemns the politically motivated and unlawful detention of presidential candidates Cristiana Chamorro, Arturo Cruz, Felix Maradiaga, and Juan Sebastian Chamorro;

(3) Congress unequivocally condemns the passage of the Foreign Agents Regulation Law, the Special Cybercrimes Law,

Reinforcing
Nicaragua’s
Adherence to
Conditions for
Electoral Reform
Act of 2021.
50 USC 1701
note.

the Self-Determination Law, and the Consumer Protection Law by the National Assembly of Nicaragua, which represent clear attempts by the Ortega government to curtail the fundamental freedoms and basic human rights of the people of Nicaragua;

(4) Congress recognizes that free, fair, and transparent elections predicated on robust reform measures and the presence of domestic and international observers represent the best opportunity for the people of Nicaragua to restore democracy and reach a peaceful solution to the political and social crisis in Nicaragua;

(5) the United States recognizes the right of the people of Nicaragua to freely determine their own political future as vital to ensuring the sustainable restoration of democracy in their country;

(6) the United States should align the use of diplomatic engagement and all other foreign policy tools, including the use of targeted sanctions, in support of efforts by democratic political actors and civil society in Nicaragua to advance the necessary conditions for free, fair, and transparent elections in Nicaragua;

(7) the United States, in order to maximize the effectiveness of efforts described in paragraph (6), should—

(A) coordinate with diplomatic partners, including the Government of Canada, the European Union, and partners in Latin America and the Caribbean;

(B) advance diplomatic initiatives in consultation with the Organization of American States and the United Nations; and

(C) thoroughly investigate the assets and holdings of the Nicaraguan Armed Forces in the United States and consider appropriate actions to hold such forces accountable for gross violations of human rights; and

(8) pursuant to section 6(b) of the Nicaragua Investment Conditionality Act of 2018, the President should waive the application of restrictions under section 4 of that Act and the sanctions under section 5 of that Act if the Secretary of State certifies that the Government of Nicaragua is taking the steps identified in section 6(a) of that Act, including taking steps to “to hold free and fair elections overseen by credible domestic and international observers”.

SEC. 3. REVIEW OF PARTICIPATION OF NICARAGUA IN DOMINICAN REPUBLIC-CENTRAL AMERICA-UNITED STATES FREE TRADE AGREEMENT.

(a) FINDINGS.—Congress makes the following findings:

(1) On November 27, 2018, the President signed Executive Order 13851 (50 U.S.C. 1701 note; relating to blocking property of certain persons contributing to the situation in Nicaragua), which stated that “the situation in Nicaragua, including the violent response by the Government of Nicaragua to the protests that began on April 18, 2018, and the Ortega regime’s systematic dismantling and undermining of democratic institutions and the rule of law, its use of indiscriminate violence and repressive tactics against civilians, as well as its corruption leading to the destabilization of Nicaragua’s economy, constitutes an unusual and extraordinary threat to the national security and foreign policy of the United States”.

(2) Article 21.2 of the Dominican Republic-Central America-United States Free Trade Agreement approved by Congress under section 101(a)(1) of the Dominican Republic-Central America-United States Free Trade Agreement Implementation Act (19 U.S.C. 4011(a)(1)) states, “Nothing in this Agreement shall be construed . . . to preclude a Party from applying measures that it considers necessary for the fulfillment of its obligations with respect to the maintenance or restoration of international peace or security, or the protection of its own essential security interests.”

(b) SENSE OF CONGRESS.—It is the sense of Congress that the President should review the continued participation of Nicaragua in the Dominican Republic-Central America-United States Free Trade Agreement if the Government of Nicaragua continues to tighten its authoritarian rule in an attempt to subvert democratic elections in November 2021 and undermine democracy and human rights in Nicaragua.

SEC. 4. RESTRICTIONS ON INTERNATIONAL FINANCIAL INSTITUTIONS RELATING TO NICARAGUA.

Section 4 of the Nicaragua Investment Conditionality Act of 2018 is amended—

(1) by redesignating subsections (a), (b), and (c) as subsections (b), (c), and (d), respectively;

(2) by inserting before subsection (b), as redesignated by paragraph (1), the following:

“(a) SENSE OF CONGRESS.—It is the sense of Congress that the Secretary of the Treasury should take all possible steps, including through the full implementation of the exceptions set forth in subsection (c), to ensure that the restrictions required under subsection (b) do not negatively impact the basic human needs of the people of Nicaragua.”;

(3) in subsection (c), as so redesignated, by striking “subsection (a)” and inserting “subsection (b)”; and

(4) by striking subsection (d), as so redesignated, and inserting the following:

“(d) INCREASED OVERSIGHT.—

“(1) IN GENERAL.—The United States Executive Director at each international financial institution of the World Bank Group, the United States Executive Director at the Inter-American Development Bank, and the United States Executive Director at each other international financial institution, including the International Monetary Fund, shall take all practicable steps—

“(A) to increase scrutiny of any loan or financial or technical assistance provided for a project in Nicaragua; and

“(B) to ensure that the loan or assistance is administered through an entity with full technical, administrative, and financial independence from the Government of Nicaragua.

“(2) MECHANISMS FOR INCREASED SCRUTINY.—The United States Executive Director at each international financial institution described in paragraph (1) shall use the voice, vote, and influence of the United States to encourage that institution to increase oversight mechanisms for new and existing loans

50 USC 1701
note.

or financial or technical assistance provided for a project in Nicaragua.

“(e) INTERAGENCY CONSULTATION.—Before implementing the restrictions described in subsection (b), or before exercising an exception under subsection (c), the Secretary of the Treasury shall consult with the Secretary of State and with the Administrator of the United States Agency for International Development to ensure that all loans and financial or technical assistance to Nicaragua are consistent with United States foreign policy objectives as defined in section 3.

Coordination.

“(f) REPORT.—Not later than 180 days after the date of the enactment of the RENACER Act, and annually thereafter until the termination date specified in section 10, the Secretary of the Treasury, in coordination with the Secretary of State and the Administrator of the United States Agency for International Development, shall submit to the appropriate congressional committees a report on the implementation of this section, which shall include—

Summary.

“(1) summary of any loans and financial and technical assistance provided by international financial institutions for projects in Nicaragua;

“(2) a description of the implementation of the restrictions described in subsection (b);

Assessment.

“(3) an identification of the occasions in which the exceptions under subsection (c) are exercised and an assessment of how the loan or assistance provided with each such exception may address basic human needs or promote democracy in Nicaragua;

“(4) a description of the results of the increased oversight conducted under subsection (d); and

“(5) a description of international efforts to address the humanitarian needs of the people of Nicaragua.”.

50 USC 1701
note.

SEC. 5. TARGETED SANCTIONS TO ADVANCE DEMOCRATIC ELECTIONS.

(a) COORDINATED STRATEGY.—

Consultation.

(1) IN GENERAL.—The Secretary of State and the Secretary of the Treasury, in consultation with the intelligence community (as defined in section 3 of the National Security Act of 1947 (50 U.S.C. 3003)), shall develop and implement a coordinated strategy to align diplomatic engagement efforts with the implementation of targeted sanctions in order to support efforts to facilitate the necessary conditions for free, fair, and transparent elections in Nicaragua.

Deadline.
Time period.

(2) BRIEFING REQUIRED.—Not later than 90 days after the date of the enactment of this Act, and every 90 days thereafter until December 31, 2022, the Secretary of State and the Secretary of the Treasury shall brief the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives on steps to be taken by the United States Government to develop and implement the coordinated strategy required by paragraph (1).

President.

(b) TARGETED SANCTIONS PRIORITIZATION.—

(1) IN GENERAL.—Pursuant to the coordinated strategy required by subsection (a), the President shall prioritize the implementation of the targeted sanctions required under section 5 of the Nicaragua Investment Conditionality Act of 2018.

(2) TARGETS.—In carrying out paragraph (1), the President—

(A) shall examine whether foreign persons involved in directly or indirectly obstructing the establishment of conditions necessary for the realization of free, fair, and transparent elections in Nicaragua are subject to sanctions under section 5 of the Nicaragua Investment Conditionality Act of 2018; and Examination.

(B) should, in particular, examine whether the following persons have engaged in conduct subject to such sanctions:

(i) Officials in the government of President Daniel Ortega. Daniel Ortega.

(ii) Family members of President Daniel Ortega. Daniel Ortega.

(iii) High-ranking members of the National Nicaraguan Police.

(iv) High-ranking members of the Nicaraguan Armed Forces.

(v) Members of the Supreme Electoral Council of Nicaragua.

(vi) Officials of the Central Bank of Nicaragua.

(vii) Party members and elected officials from the Sandinista National Liberation Front and their family members.

(viii) Individuals or entities affiliated with businesses engaged in corrupt financial transactions with officials in the government of President Daniel Ortega, his party, or his family. Daniel Ortega.

(ix) Individuals identified in the report required by section 8 as involved in significant acts of public corruption in Nicaragua.

SEC. 6. DEVELOPING AND IMPLEMENTING A COORDINATED SANCTIONS STRATEGY WITH DIPLOMATIC PARTNERS. Consultation.

(a) FINDINGS.—Congress makes the following findings:

(1) On June 21, 2019, the Government of Canada, pursuant to its Special Economic Measures Act, designated 9 officials of the Government of Nicaragua for the imposition of sanctions in response to gross and systematic human rights violations in Nicaragua.

(2) On May 4, 2020, the European Union imposed sanctions with respect to 6 officials of the Government of Nicaragua identified as responsible for serious human rights violations and for the repression of civil society and democratic opposition in Nicaragua.

(3) On October 12, 2020, the European Union extended its authority to impose restrictive measures on “persons and entities responsible for serious human rights violations or abuses or for the repression of civil society and democratic opposition in Nicaragua, as well as persons and entities whose actions, policies or activities otherwise undermine democracy and the rule of law in Nicaragua, and persons associated with them”.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the United States should encourage the Government of Canada, the European Union and governments of member countries of the European Union, and governments of countries in Latin America

and the Caribbean to use targeted sanctions with respect to persons involved in human rights violations and the obstruction of free, fair, and transparent elections in Nicaragua.

(c) **COORDINATING INTERNATIONAL SANCTIONS.**—The Secretary of State, working through the head of the Office of Sanctions Coordination established by section 1(h) of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2651a(h)), and in consultation with the Secretary of the Treasury, shall engage in diplomatic efforts with governments of countries that are partners of the United States, including the Government of Canada, governments of countries in the European Union, and governments of countries in Latin America and the Caribbean, to impose targeted sanctions with respect to the persons described in section 5(b) in order to advance democratic elections in Nicaragua.

Deadline.
Time period.

(d) **BRIEFING REQUIREMENT.**—Not later than 90 days after the date of the enactment of this Act, and every 90 days thereafter until December 31, 2022, the Secretary of State, in consultation with the Secretary of the Treasury, shall brief the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives on the implementation of this section.

SEC. 7. INCLUSION OF NICARAGUA IN LIST OF COUNTRIES SUBJECT TO CERTAIN SANCTIONS RELATING TO CORRUPTION.

22 USC 2277a.

Section 353 of title III of division FF of the Consolidated Appropriations Act, 2021 (Public Law 116–260) is amended—

(1) in the section heading, by striking “**AND HONDURAS**” and inserting “, **HONDURAS, AND NICARAGUA**”; and

(2) by striking “and Honduras” each place it appears and inserting “, Honduras, and Nicaragua”.

SEC. 8. CLASSIFIED REPORT ON THE INVOLVEMENT OF ORTEGA FAMILY MEMBERS AND NICARAGUAN GOVERNMENT OFFICIALS IN CORRUPTION.

Coordination.

(a) **REPORT REQUIRED.**—Not later than 90 days after the date of the enactment of this Act, the Secretary of State, acting through the Bureau of Intelligence and Research of the Department of State, and in coordination with the Director of National Intelligence, shall submit a classified report to the appropriate congressional committees on significant acts of public corruption in Nicaragua that—

(1) involve—

(A) the President of Nicaragua, Daniel Ortega;

(B) members of the family of Daniel Ortega; and

(C) senior officials of the Ortega government, including—

(i) members of the Supreme Electoral Council, the Nicaraguan Armed Forces, and the National Nicaraguan Police; and

(ii) elected officials from the Sandinista National Liberation Front party;

(2) pose challenges for United States national security and regional stability;

(3) impede the realization of free, fair, and transparent elections in Nicaragua; and

(4) violate the fundamental freedoms of civil society and political opponents in Nicaragua.

(b) APPROPRIATE CONGRESSIONAL COMMITTEES.—In this section, the term “appropriate congressional committees” means—

- (1) the Committee on Foreign Relations and the Select Committee on Intelligence of the Senate; and
- (2) the Committee on Foreign Affairs and the Permanent Select Committee on Intelligence of the House of Representatives.

SEC. 9. CLASSIFIED REPORT ON THE ACTIVITIES OF THE RUSSIAN FEDERATION IN NICARAGUA.

(a) REPORT REQUIRED.—Not later than 90 days after the date of the enactment of this Act, the Secretary of State, acting through the Bureau of Intelligence and Research of the Department of State, and in coordination with the Director of National Intelligence, shall submit a classified report to the appropriate congressional committees on activities of the Government of the Russian Federation in Nicaragua, including—

- (1) cooperation between Russian and Nicaraguan military personnel, intelligence services, security forces, and law enforcement, and private Russian security contractors;
- (2) cooperation related to telecommunications and satellite navigation;
- (3) other political and economic cooperation, including with respect to banking, disinformation, and election interference; and
- (4) the threats and risks that such activities pose to United States national interests and national security.

(b) APPROPRIATE CONGRESSIONAL COMMITTEES.—In this section, the term “appropriate congressional committees” means—

- (1) the Committee on Foreign Relations and the Select Committee on Intelligence of the Senate; and
- (2) the Committee on Foreign Affairs and the Permanent Select Committee on Intelligence of the House of Representatives.

SEC. 10. REPORT ON CERTAIN PURCHASES BY AND AGREEMENTS ENTERED INTO BY GOVERNMENT OF NICARAGUA RELATING TO MILITARY OR INTELLIGENCE SECTOR OF NICARAGUA.

(a) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Secretary of State, acting through the Bureau of Intelligence and Research of the Department of State, and in coordination with the Director of National Intelligence and the Director of the Defense Intelligence Agency, shall submit to the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives a report that includes—

(1) a list of—

(A) all equipment, technology, or infrastructure with respect to the military or intelligence sector of Nicaragua purchased, on or after January 1, 2011, by the Government of Nicaragua from an entity identified by the Department of State under section 231(e) of the Countering America’s Adversaries Through Sanctions Act (22 U.S.C. 9525(e)); and

(B) all agreements with respect to the military or intelligence sector of Nicaragua entered into, on or after January 1, 2011, by the Government of Nicaragua with an entity described in subparagraph (A); and

(2) a description of and date for each purchase and agreement described in paragraph (1).

(b) CONSIDERATION.—The report required by subsection (a) shall be prepared after consideration of the content of the report of the Defense Intelligence Agency entitled, “Russia: Defense Cooperation with Cuba, Nicaragua, and Venezuela” and dated February 4, 2019.

Classified
information.

(c) FORM OF REPORT.—The report required by subsection (a) shall be submitted in unclassified form but may include a classified annex.

SEC. 11. REPORT ON HUMAN RIGHTS ABUSES IN NICARAGUA.

(a) FINDINGS.—Congress finds that, since the June 2018 initiation of “Operation Clean-up”, an effort of the government of Daniel Ortega to dismantle barricades constructed throughout Nicaragua during social demonstrations in April 2018, the Ortega government has increased its abuse of campesinos and members of indigenous communities, including arbitrary detentions, torture, and sexual violence as a form of intimidation.

(b) REPORT REQUIRED.—Not later than 90 days after the date of the enactment of this Act, the Secretary of State shall submit to the appropriate congressional committees a report that documents the perpetration of gross human rights violations by the Ortega government against the citizens of Nicaragua, including campesinos and indigenous communities in the interior of Nicaragua.

(c) ELEMENTS.—The report required by subsection (b) shall—

(1) include a compilation of human rights violations committed by the Ortega government against the citizens of Nicaragua, with a focus on such violations committed since April 2018, including human rights abuses and extrajudicial killings in—

(A) the cities of Managua, Carazo, and Masaya between April and June of 2018; and

(B) the municipalities of Wiwili, El Cuá, San Jose de Bocay, and Santa Maria de Pantasma in the Department of Jinotega, Esquipulas in the Department of Rivas, and Bilwi in the North Caribbean Coast Autonomous Region between 2018 and 2021;

(2) outline efforts by the Ortega government to intimidate and disrupt the activities of civil society organizations attempting to hold the government accountable for infringing on the fundamental rights and freedoms of the people of Nicaragua; and

Recommendations.

(3) provide recommendations on how the United States, in collaboration with international partners and Nicaraguan civil society, should leverage bilateral and regional relationships to curtail the gross human rights violations perpetrated by the Ortega government and better support the victims of human rights violations in Nicaragua.

(d) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term “appropriate congressional committees” means—

(1) the Committee on Foreign Relations of the Senate; and

(2) the Committee on Foreign Affairs of the House of Representatives.

SEC. 12. SUPPORTING INDEPENDENT NEWS MEDIA AND FREEDOM OF INFORMATION IN NICARAGUA.

(a) **REPORT REQUIRED.**—Not later than 90 days after the date of the enactment of this Act, the Secretary of State, the Administrator for the United States Agency for International Development, and the Chief Executive Officer of the United States Agency for Global Media, shall submit to Congress a report that includes—

(1) an evaluation of the governmental, political, and technological obstacles faced by the people of Nicaragua in their efforts to obtain accurate, objective, and comprehensive news and information about domestic and international affairs; and

Evaluation.

(2) a list of all TV channels, radio stations, online news sites, and other media platforms operating in Nicaragua that are directly or indirectly owned or controlled by President Daniel Ortega, members of the Ortega family, or known allies of the Ortega government.

List.
Daniel Ortega.

(b) **ELEMENTS.**—The report required by subsection (a) shall include—

(1) an assessment of the extent to which the current level and type of news and related programming and content provided by the Voice of America and other sources is addressing the informational needs of the people of Nicaragua;

Assessment.

(2) a description of existing United States efforts to strengthen freedom of the press and freedom of expression in Nicaragua, including recommendations to expand upon those efforts; and

Recommendations.

(3) a strategy for strengthening independent broadcasting, information distribution, and media platforms in Nicaragua.

SEC. 13. AMENDMENT TO SHORT TITLE OF PUBLIC LAW 115–335.

Section 1(a) of the Nicaragua Human Rights and Anticorruption Act of 2018 (Public Law 115–335; 50 U.S.C. 1701 note) is amended to read as follows:

“(a) **SHORT TITLE.**—This Act may be cited as the ‘Nicaragua Investment Conditionality Act of 2018’ or the ‘NICA Act’.”.

50 USC 1701
note.

SEC. 14. DEFINITION.

In this Act, the term “Nicaragua Investment Conditionality Act of 2018” means the Public Law 115–335 (50 U.S.C. 1701 note), as amended by section 13.

Approved November 10, 2021.

LEGISLATIVE HISTORY—S. 1064:

CONGRESSIONAL RECORD, Vol. 167 (2021):

Nov. 1, considered and passed Senate.

Nov. 3, considered and passed House.

Public Law 117–55
117th Congress

An Act

To ensure that the Federal Communications Commission prohibits authorization of radio frequency devices that pose a national security risk.

Nov. 11, 2021
[H.R. 3919]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Secure Equipment Act of 2021”.

Secure
Equipment Act of
2021.
47 USC 1601
note.

SEC. 2. UPDATES TO EQUIPMENT AUTHORIZATION PROCESS OF FEDERAL COMMUNICATIONS COMMISSION.

(a) RULEMAKING.—

(1) IN GENERAL.—Not later than 1 year after the date of the enactment of this Act, the Commission shall adopt rules in the proceeding initiated in the Notice of Proposed Rulemaking in the matter of Protecting Against National Security Threats to the Communications Supply Chain through the Equipment Authorization Program (ET Docket No. 21–232; FCC 21–73; adopted June 17, 2021), in accordance with paragraph (2), to update the equipment authorization procedures of the Commission.

Deadline.

(2) UPDATES REQUIRED.—In the rules adopted under paragraph (1), the Commission shall clarify that the Commission will no longer review or approve any application for equipment authorization for equipment that is on the list of covered communications equipment or services published by the Commission under section 2(a) of the Secure and Trusted Communications Networks Act of 2019 (47 U.S.C. 1601(a)).

(3) APPLICABILITY.—

(A) IN GENERAL.—In the rules adopted under paragraph (1), the Commission may not provide for review or revocation of any equipment authorization granted before the date on which such rules are adopted on the basis of the equipment being on the list described in paragraph (2).

(B) RULE OF CONSTRUCTION.—Nothing in this section may be construed to prohibit the Commission, other than in the rules adopted under paragraph (1), from—

(i) examining the necessity of review or revocation of any equipment authorization on the basis of the equipment being on the list described in paragraph (2); or

(ii) adopting rules providing for any such review or revocation.

(b) DEFINITION.—In this section, the term “Commission” means the Federal Communications Commission.

Approved November 11, 2021.

LEGISLATIVE HISTORY—H.R. 3919 (S. 1790):

HOUSE REPORTS: No. 117–148 (Comm. on Energy and Commerce).

CONGRESSIONAL RECORD, Vol. 167 (2021):

Oct. 19, 20, considered and passed House.

Oct. 28, considered and passed Senate.

Public Law 117–56
117th Congress

An Act

To name the Department of Veterans Affairs community-based outpatient clinic in Columbus, Georgia, as the “Robert S. Poydasheff VA Clinic”.

Nov. 12, 2021
[H.R. 3475]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. FINDINGS.

Congress makes the following findings:

(1) Former Columbus, Georgia, Mayor Robert S. Poydasheff died on September 24, 2020.

(2) He earned a B.A. in Political Science from the Citadel in 1954, a J.D. from Tulane University Law School in 1957, an M.A. in International Relations from Boston University’s Graduate Program in Berlin, Germany, in 1967, and attended the Hague Academy of International Law in the Netherlands in preparation for a military and subsequent civilian career that focused on serving others.

(3) In 1955, he was commissioned as a Second Lieutenant in the Infantry Branch of the United States Army, and he was reassigned to the Judge Advocate General’s Corps.

(4) He was a 1976 graduate of the United States Army War College and served a total of 24 years, retiring as a Colonel in 1979.

(5) He was decorated with the Legion of Merit with two Oak Leaf Clusters, the Bronze Star Medal, and Vietnam Ribbon with Four Battle Stars, and during his military career and because of his expert legal acumen he was assigned to work on the biggest cases of the time in which he served, but during this he never lost sight of what he considered his primary role, which was to take care of soldiers.

(6) Robert S. Poydasheff was appointed as legal counsel to the Secretary of the Army and served the needs of all soldiers by helping to shape Army policy.

(7) In 2012, the Army War College Foundation named Colonel Poydasheff an Outstanding Alumnus in recognition of his wide-ranging service to his community after his retirement from active duty.

(8) Colonel Poydasheff served on the Columbus, Georgia City Council from 1994 to 2002, helping all citizens of the community he had come to love while concurrently serving Fort Benning and his beloved soldiers.

(9) He was elected Mayor of Columbus, Georgia, in 2002, served a four-year term and maintained a focus on community-based programs as well as strengthening the relationship between the city and Fort Benning.

(10) During that time he made great contributions to the joint military and civilian communities of Columbus, Georgia, and Fort Benning, appointing first a fellow soldier and later the first African American to the City Manager position, while knowing that doing so would be at his own political peril.

(11) After his service as Mayor of Columbus, Georgia, Robert S. Poydasheff found continued success as a practicing lawyer helping countless citizens and soldiers living in the city he once led as well as advocating for many soldiers in the area.

(12) His continued interest in the betterment of the city as well as his contributions to the Veterans Action Committee has a continued impact to this day.

(13) He served as past president of the Chattahoochee Council Boy Scouts of America, past president of the Chattahoochee Valley Association of the United States Army, past president of the Columbus Symphony Orchestra, member of the Board of Directors of the Springer Opera Arts Association, past president of the Ann Elizabeth Shepherd Home, and member of the Kiwanis Club and Columbus Bar Association.

Effective date.

SEC. 2. NAME OF DEPARTMENT OF VETERANS AFFAIRS COMMUNITY-BASED OUTPATIENT CLINIC, COLUMBUS, GEORGIA.

The Department of Veterans Affairs community-based outpatient clinic in Columbus, Georgia, shall after the date of the enactment of this Act be known and designated as the “Robert S. Poydasheff VA Clinic”. Any reference to such clinic in any law, regulation, map, document, record, or other paper of the United States shall be considered to be a reference to the Robert S. Poydasheff VA Clinic.

Approved November 12, 2021.

LEGISLATIVE HISTORY—H.R. 3475:

CONGRESSIONAL RECORD, Vol. 167 (2021):

Sept. 20, considered and passed House.

Oct. 28, considered and passed Senate.

Public Law 117–57
117th Congress

An Act

To name the Department of Veterans Affairs community-based outpatient clinic in Aurora, Colorado, as the “Lieutenant Colonel John W. Mosley VA Clinic”.

Nov. 12, 2021

[H.R. 4172]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. NAME OF DEPARTMENT OF VETERANS AFFAIRS COMMUNITY-BASED OUTPATIENT CLINIC, AURORA, COLORADO.

(a) FINDINGS.—Congress makes the following findings:

(1) John Mosley was born on June 21, 1921, in Denver, Colorado.

(2) In 1945, John Mosley married Edna Mosley.

(3) During World War II, he joined the famed Tuskegee Airmen and trained as a bomber pilot, serving as one of the first African Americans in that role. He earned the flight qualification of Command Pilot during his service in the United States Air Force. The brave service of the Tuskegee Airmen helped pave the way for integration of the armed services. Edna Mosley worked in the defense industry during the war.

(4) Upon their return to Colorado, Edna Mosley joined John as a tireless community activist and organizer. Among her many achievements, Edna was elected to three terms as Aurora’s first African-American City Council Woman. While on the Council, Mrs. Mosley also served on the Board of Directors of the Fitzsimons Redevelopment Authority, the entity which provided the vision for the development of the University of Colorado Health Sciences Center.

(5) After a brief break from military service, John Mosley served during the Korean and Vietnam wars. He was an operations officer in Thailand during the Vietnam War.

(6) John Mosley retired in 1970 as a lieutenant colonel.

(7) In 2007, Lieutenant Colonel Mosley and the original Tuskegee Airmen received the Congressional Gold Medal from President George W. Bush.

(8) John and Edna Mosley continued to serve their community long after their retirements, advocating for racial equality, women’s rights, veterans’ affairs, housing, and education.

(b) DESIGNATION.—The Department of Veterans Affairs community-based outpatient clinic to be located in Aurora, Colorado, shall after the date of the enactment of this Act be known and designated as the “Lieutenant Colonel John W. Mosley Clinic”.

Effective date.

(c) REFERENCES.—Any reference to such clinic in any law, regulation, map, document, record, or other paper of the United States

shall be considered to be a reference to the Lieutenant Colonel John W. Mosley Clinic.

Approved November 12, 2021.

LEGISLATIVE HISTORY—H.R. 4172:

CONGRESSIONAL RECORD, Vol. 167 (2021):

Sept. 20, considered and passed House.

Oct. 28, considered and passed Senate.

Public Law 117–58
117th Congress

An Act

To authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes.

Nov. 15, 2021
[H.R. 3684]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Infrastructure
Investment and
Jobs Act.

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) **SHORT TITLE.**—This Act may be cited as the “Infrastructure Investment and Jobs Act”.

23 USC 101 note.

(b) **TABLE OF CONTENTS.**—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. References.

DIVISION A—SURFACE TRANSPORTATION

Sec. 10001. Short title.
Sec. 10002. Definitions.
Sec. 10003. Effective date.

TITLE I—FEDERAL-AID HIGHWAYS

Subtitle A—Authorizations and Programs

Sec. 11101. Authorization of appropriations.
Sec. 11102. Obligation ceiling.
Sec. 11103. Definitions.
Sec. 11104. Apportionment.
Sec. 11105. National highway performance program.
Sec. 11106. Emergency relief.
Sec. 11107. Federal share payable.
Sec. 11108. Railway-highway grade crossings.
Sec. 11109. Surface transportation block grant program.
Sec. 11110. Nationally significant freight and highway projects.
Sec. 11111. Highway safety improvement program.
Sec. 11112. Federal lands transportation program.
Sec. 11113. Federal lands access program.
Sec. 11114. National highway freight program.
Sec. 11115. Congestion mitigation and air quality improvement program.
Sec. 11116. Alaska Highway.
Sec. 11117. Toll roads, bridges, tunnels, and ferries.
Sec. 11118. Bridge investment program.
Sec. 11119. Safe routes to school.
Sec. 11120. Highway use tax evasion projects.
Sec. 11121. Construction of ferry boats and ferry terminal facilities.
Sec. 11122. Vulnerable road user research.
Sec. 11123. Wildlife crossing safety.
Sec. 11124. Consolidation of programs.
Sec. 11125. GAO report.
Sec. 11126. Territorial and Puerto Rico highway program.
Sec. 11127. Nationally significant Federal lands and Tribal projects program.
Sec. 11128. Tribal high priority projects program.
Sec. 11129. Standards.
Sec. 11130. Public transportation.

- Sec. 11131. Reservation of certain funds.
- Sec. 11132. Rural surface transportation grant program.
- Sec. 11133. Bicycle transportation and pedestrian walkways.
- Sec. 11134. Recreational trails program.
- Sec. 11135. Updates to Manual on Uniform Traffic Control Devices.

Subtitle B—Planning and Performance Management

- Sec. 11201. Transportation planning.
- Sec. 11202. Fiscal constraint on long-range transportation plans.
- Sec. 11203. State human capital plans.
- Sec. 11204. Prioritization process pilot program.
- Sec. 11205. Travel demand data and modeling.
- Sec. 11206. Increasing safe and accessible transportation options.

Subtitle C—Project Delivery and Process Improvement

- Sec. 11301. Codification of One Federal Decision.
- Sec. 11302. Work zone process reviews.
- Sec. 11303. Transportation management plans.
- Sec. 11304. Intelligent transportation systems.
- Sec. 11305. Alternative contracting methods.
- Sec. 11306. Flexibility for projects.
- Sec. 11307. Improved Federal-State stewardship and oversight agreements.
- Sec. 11308. Geomatic data.
- Sec. 11309. Evaluation of projects within an operational right-of-way.
- Sec. 11310. Preliminary engineering.
- Sec. 11311. Efficient implementation of NEPA for Federal land management projects.
- Sec. 11312. National Environmental Policy Act of 1969 reporting program.
- Sec. 11313. Surface transportation project delivery program written agreements.
- Sec. 11314. State assumption of responsibility for categorical exclusions.
- Sec. 11315. Early utility relocation prior to transportation project environmental review.
- Sec. 11316. Streamlining of section 4(f) reviews.
- Sec. 11317. Categorical exclusion for projects of limited Federal assistance.
- Sec. 11318. Certain gathering lines located on Federal land and Indian land.
- Sec. 11319. Annual report.

Subtitle D—Climate Change

- Sec. 11401. Grants for charging and fueling infrastructure.
- Sec. 11402. Reduction of truck emissions at port facilities.
- Sec. 11403. Carbon reduction program.
- Sec. 11404. Congestion relief program.
- Sec. 11405. Promoting Resilient Operations for Transformative, Efficient, and Cost-saving Transportation (PROTECT) program.
- Sec. 11406. Healthy Streets program.

Subtitle E—Miscellaneous

- Sec. 11501. Additional deposits into Highway Trust Fund.
- Sec. 11502. Stopping threats on pedestrians.
- Sec. 11503. Transfer and sale of toll credits.
- Sec. 11504. Study of impacts on roads from self-driving vehicles.
- Sec. 11505. Disaster relief mobilization study.
- Sec. 11506. Appalachian Regional Commission.
- Sec. 11507. Denali Commission.
- Sec. 11508. Requirements for transportation projects carried out through public-private partnerships.
- Sec. 11509. Reconnecting communities pilot program.
- Sec. 11510. Cybersecurity tool; cyber coordinator.
- Sec. 11511. Report on emerging alternative fuel vehicles and infrastructure.
- Sec. 11512. Nonhighway recreational fuel study.
- Sec. 11513. Buy America.
- Sec. 11514. High priority corridors on the National Highway System.
- Sec. 11515. Interstate weight limits.
- Sec. 11516. Report on air quality improvements.
- Sec. 11517. Roadside highway safety hardware.
- Sec. 11518. Permeable pavements study.
- Sec. 11519. Emergency relief projects.
- Sec. 11520. Study on stormwater best management practices.
- Sec. 11521. Stormwater best management practices reports.
- Sec. 11522. Invasive plant elimination program.
- Sec. 11523. Over-the-road bus tolling equity.

- Sec. 11524. Bridge terminology.
- Sec. 11525. Technical corrections.
- Sec. 11526. Working group on covered resources.
- Sec. 11527. Blood transport vehicles.
- Sec. 11528. Pollinator-friendly practices on roadsides and highway rights-of-way.
- Sec. 11529. Active transportation infrastructure investment program.
- Sec. 11530. Highway cost allocation study.

TITLE II—TRANSPORTATION INFRASTRUCTURE FINANCE AND INNOVATION

- Sec. 12001. Transportation Infrastructure Finance and Innovation Act of 1998 amendments.
- Sec. 12002. Federal requirements for TIFIA eligibility and project selection.

TITLE III—RESEARCH, TECHNOLOGY, AND EDUCATION

- Sec. 13001. Strategic innovation for revenue collection.
- Sec. 13002. National motor vehicle per-mile user fee pilot.
- Sec. 13003. Performance management data support program.
- Sec. 13004. Data integration pilot program.
- Sec. 13005. Emerging technology research pilot program.
- Sec. 13006. Research and technology development and deployment.
- Sec. 13007. Workforce development, training, and education.
- Sec. 13008. Wildlife-vehicle collision research.
- Sec. 13009. Transportation Resilience and Adaptation Centers of Excellence.
- Sec. 13010. Transportation access pilot program.

TITLE IV—INDIAN AFFAIRS

- Sec. 14001. Definition of Secretary.
- Sec. 14002. Environmental reviews for certain tribal transportation facilities.
- Sec. 14003. Programmatic agreements for tribal categorical exclusions.
- Sec. 14004. Use of certain tribal transportation funds.
- Sec. 14005. Bureau of Indian Affairs road maintenance program.
- Sec. 14006. Study of road maintenance on Indian land.
- Sec. 14007. Maintenance of certain Indian reservation roads.
- Sec. 14008. Tribal transportation safety needs.
- Sec. 14009. Office of Tribal Government Affairs.

DIVISION B—SURFACE TRANSPORTATION INVESTMENT ACT OF 2021

- Sec. 20001. Short title.
- Sec. 20002. Definitions.

TITLE I—MULTIMODAL AND FREIGHT TRANSPORTATION

Subtitle A—Multimodal Freight Policy

- Sec. 21101. Office of Multimodal Freight Infrastructure and Policy.
- Sec. 21102. Updates to National Freight Plan.
- Sec. 21103. State collaboration with National Multimodal Freight Network.
- Sec. 21104. Improving State freight plans.
- Sec. 21105. Implementation of National Multimodal Freight Network.
- Sec. 21106. Multi-State freight corridor planning.
- Sec. 21107. State freight advisory committees.

Subtitle B—Multimodal Investment

- Sec. 21201. National infrastructure project assistance.
- Sec. 21202. Local and regional project assistance.
- Sec. 21203. National culvert removal, replacement, and restoration grant program.
- Sec. 21204. National multimodal cooperative freight research program.
- Sec. 21205. Rural and Tribal infrastructure advancement.

Subtitle C—Railroad Rehabilitation and Improvement Financing Reforms

- Sec. 21301. RRIF codification and reforms.
- Sec. 21302. Substantive criteria and standards.
- Sec. 21303. Semiannual report on transit-oriented development eligibility.

TITLE II—RAIL

- Sec. 22001. Short title.

Subtitle A—Authorization of Appropriations

- Sec. 22101. Grants to Amtrak.

- Sec. 22102. Federal Railroad Administration.
- Sec. 22103. Consolidated rail infrastructure and safety improvements grants.
- Sec. 22104. Railroad crossing elimination program.
- Sec. 22105. Restoration and enhancement grants.
- Sec. 22106. Federal-State partnership for intercity passenger rail grants.
- Sec. 22107. Amtrak Office of Inspector General.

Subtitle B—Amtrak Reforms

- Sec. 22201. Amtrak findings, mission, and goals.
- Sec. 22202. Composition of Amtrak’s Board of Directors.
- Sec. 22203. Station agents.
- Sec. 22204. Increasing oversight of changes to Amtrak long-distance routes and other intercity services.
- Sec. 22205. Improved oversight of Amtrak accounting.
- Sec. 22206. Improved oversight of Amtrak spending.
- Sec. 22207. Increasing service line and asset line plan transparency.
- Sec. 22208. Passenger experience enhancement.
- Sec. 22209. Amtrak smoking policy.
- Sec. 22210. Protecting Amtrak routes through rural communities.
- Sec. 22211. State-Supported Route Committee.
- Sec. 22212. Enhancing cross border service.
- Sec. 22213. Creating quality jobs.
- Sec. 22214. Amtrak daily long-distance service study.

Subtitle C—Intercity Passenger Rail Policy

- Sec. 22301. Northeast Corridor planning.
- Sec. 22302. Northeast Corridor Commission.
- Sec. 22303. Consolidated rail infrastructure and safety improvements.
- Sec. 22304. Restoration and enhancement grants.
- Sec. 22305. Railroad crossing elimination program.
- Sec. 22306. Interstate rail compacts.
- Sec. 22307. Federal-State partnership for intercity passenger rail grants.
- Sec. 22308. Corridor identification and development program.
- Sec. 22309. Surface Transportation Board passenger rail program.

Subtitle D—Rail Safety

- Sec. 22401. Railway-highway crossings program evaluation.
- Sec. 22402. Grade crossing accident prediction model.
- Sec. 22403. Periodic updates to highway-rail crossing reports and plans.
- Sec. 22404. Blocked crossing portal.
- Sec. 22405. Data accessibility.
- Sec. 22406. Emergency lighting.
- Sec. 22407. Comprehensive rail safety review of Amtrak.
- Sec. 22408. Completion of hours of service and fatigue studies.
- Sec. 22409. Positive train control study.
- Sec. 22410. Operating crew member training, qualification, and certification.
- Sec. 22411. Transparency and safety.
- Sec. 22412. Research and development.
- Sec. 22413. Rail research and development center of excellence.
- Sec. 22414. Quarterly report on positive train control system performance.
- Sec. 22415. Speed limit action plans.
- Sec. 22416. New passenger service pre-revenue safety validation plan.
- Sec. 22417. Federal Railroad Administration accident and incident investigations.
- Sec. 22418. Civil penalty enforcement authority.
- Sec. 22419. Advancing safety and innovative technology.
- Sec. 22420. Passenger rail vehicle occupant protection systems.
- Sec. 22421. Federal Railroad Administration reporting requirements.
- Sec. 22422. National Academies study on trains longer than 7,500 feet.
- Sec. 22423. High-speed train noise emissions.
- Sec. 22424. Critical incident stress plans.
- Sec. 22425. Requirements for railroad freight cars placed into service in the United States.
- Sec. 22426. Railroad point of contact for public safety issues.
- Sec. 22427. Controlled substances testing for mechanical employees.

TITLE III—MOTOR CARRIER SAFETY

- Sec. 23001. Authorization of appropriations.
- Sec. 23002. Motor carrier safety advisory committee.
- Sec. 23003. Combating human trafficking.
- Sec. 23004. Immobilization grant program.
- Sec. 23005. Commercial motor vehicle enforcement training and support.

- Sec. 23006. Study of commercial motor vehicle crash causation.
- Sec. 23007. Promoting women in the trucking workforce.
- Sec. 23008. State inspection of passenger-carrying commercial motor vehicles.
- Sec. 23009. Truck Leasing Task Force.
- Sec. 23010. Automatic emergency braking.
- Sec. 23011. Underride protection.
- Sec. 23012. Providers of recreational activities.
- Sec. 23013. Amendments to regulations relating to transportation of household goods in interstate commerce.
- Sec. 23014. Improving Federal-State motor carrier safety enforcement coordination.
- Sec. 23015. Limousine research.
- Sec. 23016. National Consumer Complaint Database.
- Sec. 23017. Electronic logging device oversight.
- Sec. 23018. Transportation of agricultural commodities and farm supplies.
- Sec. 23019. Modification of restrictions on certain commercial driver's licenses.
- Sec. 23020. Report on human trafficking violations involving commercial motor vehicles.
- Sec. 23021. Broker guidance relating to Federal motor carrier safety regulations.
- Sec. 23022. Apprenticeship pilot program.
- Sec. 23023. Limousine compliance with Federal safety standards.

TITLE IV—HIGHWAY AND MOTOR VEHICLE SAFETY

Subtitle A—Highway Traffic Safety

- Sec. 24101. Authorization of appropriations.
- Sec. 24102. Highway safety programs.
- Sec. 24103. Highway safety research and development.
- Sec. 24104. High-visibility enforcement programs.
- Sec. 24105. National priority safety programs.
- Sec. 24106. Multiple substance-impaired driving prevention.
- Sec. 24107. Minimum penalties for repeat offenders for driving while intoxicated or driving under the influence.
- Sec. 24108. Crash data.
- Sec. 24109. Review of Move Over or Slow Down Law public awareness.
- Sec. 24110. Review of laws, safety measures, and technologies relating to school buses.
- Sec. 24111. Motorcyclist Advisory Council.
- Sec. 24112. Safe Streets and Roads for All grant program.
- Sec. 24113. Implementation of GAO recommendations.

Subtitle B—Vehicle Safety

- Sec. 24201. Authorization of appropriations.
- Sec. 24202. Recall completion.
- Sec. 24203. Recall engagement.
- Sec. 24204. Motor vehicle seat back safety standards.
- Sec. 24205. Automatic shutoff.
- Sec. 24206. Petitions by interested persons for standards and enforcement.
- Sec. 24207. Child safety seat accessibility study.
- Sec. 24208. Crash avoidance technology.
- Sec. 24209. Reduction of driver distraction.
- Sec. 24210. Rulemaking report.
- Sec. 24211. Global harmonization.
- Sec. 24212. Headlamps.
- Sec. 24213. New Car Assessment Program.
- Sec. 24214. Hood and bumper standards.
- Sec. 24215. Emergency medical services and 9–1–1.
- Sec. 24216. Early warning reporting.
- Sec. 24217. Improved vehicle safety databases.
- Sec. 24218. National Driver Register Advisory Committee repeal.
- Sec. 24219. Research on connected vehicle technology.
- Sec. 24220. Advanced impaired driving technology.
- Sec. 24221. GAO report on crash dummies.
- Sec. 24222. Child safety.

TITLE V—RESEARCH AND INNOVATION

- Sec. 25001. Intelligent Transportation Systems Program Advisory Committee.
- Sec. 25002. Smart Community Resource Center.
- Sec. 25003. Federal support for local decisionmaking.
- Sec. 25004. Bureau of Transportation Statistics.
- Sec. 25005. Strengthening mobility and revolutionizing transportation grant program.

- Sec. 25006. Electric vehicle working group.
- Sec. 25007. Risk and system resilience.
- Sec. 25008. Coordination on emerging transportation technology.
- Sec. 25009. Interagency Infrastructure Permitting Improvement Center.
- Sec. 25010. Rural opportunities to use transportation for economic success initiative.
- Sec. 25011. Safety data initiative.
- Sec. 25012. Advanced transportation research.
- Sec. 25013. Open research initiative.
- Sec. 25014. Transportation research and development 5-year strategic plan.
- Sec. 25015. Research planning modifications.
- Sec. 25016. Incorporation of Department of Transportation research.
- Sec. 25017. University transportation centers program.
- Sec. 25018. National travel and tourism infrastructure strategic plan.
- Sec. 25019. Local hiring preference for construction jobs.
- Sec. 25020. Transportation workforce development.
- Sec. 25021. Intermodal Transportation Advisory Board repeal.
- Sec. 25022. GAO cybersecurity recommendations.
- Sec. 25023. Volpe oversight.
- Sec. 25024. Modifications to grant program.
- Sec. 25025. Drug-impaired driving data collection.
- Sec. 25026. Report on marijuana research.
- Sec. 25027. GAO study on improving the efficiency of traffic systems.

TITLE VI—HAZARDOUS MATERIALS

- Sec. 26001. Authorization of appropriations.
- Sec. 26002. Assistance for local emergency response training grant program.
- Sec. 26003. Real-time emergency response information.

TITLE VII—GENERAL PROVISIONS

- Sec. 27001. Performance measurement, transparency, and accountability.
- Sec. 27002. Coordination regarding forced labor.
- Sec. 27003. Department of Transportation spectrum audit.
- Sec. 27004. Study and reports on the travel and tourism activities of the Department.

TITLE VIII—SPORT FISH RESTORATION AND RECREATIONAL BOATING SAFETY

- Sec. 28001. Sport fish restoration and recreational boating safety.

DIVISION C—TRANSIT

- Sec. 30001. Definitions.
- Sec. 30002. Metropolitan transportation planning.
- Sec. 30003. Statewide and nonmetropolitan transportation planning.
- Sec. 30004. Planning programs.
- Sec. 30005. Fixed guideway capital investment grants.
- Sec. 30006. Formula grants for rural areas.
- Sec. 30007. Public transportation innovation.
- Sec. 30008. Bus testing facilities.
- Sec. 30009. Transit-oriented development.
- Sec. 30010. General provisions.
- Sec. 30011. Public transportation emergency relief program.
- Sec. 30012. Public transportation safety program.
- Sec. 30013. Administrative provisions.
- Sec. 30014. National transit database.
- Sec. 30015. Apportionment of appropriations for formula grants.
- Sec. 30016. State of good repair grants.
- Sec. 30017. Authorizations.
- Sec. 30018. Grants for buses and bus facilities.
- Sec. 30019. Washington Metropolitan Area Transit Authority safety, accountability, and investment.

DIVISION D—ENERGY

- Sec. 40001. Definitions.

TITLE I—GRID INFRASTRUCTURE AND RESILIENCY

Subtitle A—Grid Infrastructure Resilience and Reliability

- Sec. 40101. Preventing outages and enhancing the resilience of the electric grid.
- Sec. 40102. Hazard mitigation using disaster assistance.

- Sec. 40103. Electric grid reliability and resilience research, development, and demonstration.
- Sec. 40104. Utility demand response.
- Sec. 40105. Siting of interstate electric transmission facilities.
- Sec. 40106. Transmission facilitation program.
- Sec. 40107. Deployment of technologies to enhance grid flexibility.
- Sec. 40108. State energy security plans.
- Sec. 40109. State energy program.
- Sec. 40110. Power marketing administration transmission borrowing authority.
- Sec. 40111. Study of codes and standards for use of energy storage systems across sectors.
- Sec. 40112. Demonstration of electric vehicle battery second-life applications for grid services.
- Sec. 40113. Columbia Basin power management.

Subtitle B—Cybersecurity

- Sec. 40121. Enhancing grid security through public-private partnerships.
- Sec. 40122. Energy Cyber Sense program.
- Sec. 40123. Incentives for advanced cybersecurity technology investment.
- Sec. 40124. Rural and municipal utility advanced cybersecurity grant and technical assistance program.
- Sec. 40125. Enhanced grid security.
- Sec. 40126. Cybersecurity plan.
- Sec. 40127. Savings provision.

TITLE II—SUPPLY CHAINS FOR CLEAN ENERGY TECHNOLOGIES

- Sec. 40201. Earth Mapping Resources Initiative.
- Sec. 40202. National Cooperative Geologic Mapping Program.
- Sec. 40203. National Geological and Geophysical Data Preservation Program.
- Sec. 40204. USGS energy and minerals research facility.
- Sec. 40205. Rare earth elements demonstration facility.
- Sec. 40206. Critical minerals supply chains and reliability.
- Sec. 40207. Battery processing and manufacturing.
- Sec. 40208. Electric drive vehicle battery recycling and second-life applications program.
- Sec. 40209. Advanced energy manufacturing and recycling grant program.
- Sec. 40210. Critical minerals mining and recycling research.
- Sec. 40211. 21st Century Energy Workforce Advisory Board.

TITLE III—FUELS AND TECHNOLOGY INFRASTRUCTURE INVESTMENTS

Subtitle A—Carbon Capture, Utilization, Storage, and Transportation Infrastructure

- Sec. 40301. Findings.
- Sec. 40302. Carbon utilization program.
- Sec. 40303. Carbon capture technology program.
- Sec. 40304. Carbon dioxide transportation infrastructure finance and innovation.
- Sec. 40305. Carbon storage validation and testing.
- Sec. 40306. Secure geologic storage permitting.
- Sec. 40307. Geologic carbon sequestration on the outer Continental Shelf.
- Sec. 40308. Carbon removal.

Subtitle B—Hydrogen Research and Development

- Sec. 40311. Findings; purpose.
- Sec. 40312. Definitions.
- Sec. 40313. Clean hydrogen research and development program.
- Sec. 40314. Additional clean hydrogen programs.
- Sec. 40315. Clean hydrogen production qualifications.

Subtitle C—Nuclear Energy Infrastructure

- Sec. 40321. Infrastructure planning for micro and small modular nuclear reactors.
- Sec. 40322. Property interests relating to certain projects and protection of information relating to certain agreements.
- Sec. 40323. Civil nuclear credit program.

Subtitle D—Hydropower

- Sec. 40331. Hydroelectric production incentives.
- Sec. 40332. Hydroelectric efficiency improvement incentives.
- Sec. 40333. Maintaining and enhancing hydroelectricity incentives.
- Sec. 40334. Pumped storage hydropower wind and solar integration and system reliability initiative.

- Sec. 40335. Authority for pumped storage hydropower development using multiple Bureau of Reclamation reservoirs.
- Sec. 40336. Limitations on issuance of certain leases of power privilege.

Subtitle E—Miscellaneous

- Sec. 40341. Solar energy technologies on current and former mine land.
- Sec. 40342. Clean energy demonstration program on current and former mine land.
- Sec. 40343. Leases, easements, and rights-of-way for energy and related purposes on the outer Continental Shelf.

TITLE IV—ENABLING ENERGY INFRASTRUCTURE INVESTMENT AND DATA COLLECTION

Subtitle A—Department of Energy Loan Program

- Sec. 40401. Department of Energy loan programs.

Subtitle B—Energy Information Administration

- Sec. 40411. Definitions.
- Sec. 40412. Data collection in the electricity sector.
- Sec. 40413. Expansion of energy consumption surveys.
- Sec. 40414. Data collection on electric vehicle integration with the electricity grids.
- Sec. 40415. Plan for the modeling and forecasting of demand for minerals used in the energy sector.
- Sec. 40416. Expansion of international energy data.
- Sec. 40417. Plan for the National Energy Modeling System.
- Sec. 40418. Report on costs of carbon abatement in the electricity sector.
- Sec. 40419. Harmonization of efforts and data.

Subtitle C—Miscellaneous

- Sec. 40431. Consideration of measures to promote greater electrification of the transportation sector.
- Sec. 40432. Office of public participation.
- Sec. 40433. Digital climate solutions report.
- Sec. 40434. Study and report by the Secretary of Energy on job loss and impacts on consumer energy costs due to the revocation of the permit for the Keystone XL pipeline.
- Sec. 40435. Study on impact of electric vehicles.
- Sec. 40436. Study on impact of forced labor in China on the electric vehicle supply chain.

TITLE V—ENERGY EFFICIENCY AND BUILDING INFRASTRUCTURE

Subtitle A—Residential and Commercial Energy Efficiency

- Sec. 40501. Definitions.
- Sec. 40502. Energy efficiency revolving loan fund capitalization grant program.
- Sec. 40503. Energy auditor training grant program.

Subtitle B—Buildings

- Sec. 40511. Cost-effective codes implementation for efficiency and resilience.
- Sec. 40512. Building, training, and assessment centers.
- Sec. 40513. Career skills training.
- Sec. 40514. Commercial building energy consumption information sharing.

Subtitle C—Industrial Energy Efficiency

PART I—INDUSTRY

- Sec. 40521. Future of industry program and industrial research and assessment centers.
- Sec. 40522. Sustainable manufacturing initiative.

PART II—SMART MANUFACTURING

- Sec. 40531. Definitions.
- Sec. 40532. Leveraging existing agency programs to assist small and medium manufacturers.
- Sec. 40533. Leveraging smart manufacturing infrastructure at National Laboratories.
- Sec. 40534. State manufacturing leadership.
- Sec. 40535. Report.

Subtitle D—Schools and Nonprofits

- Sec. 40541. Grants for energy efficiency improvements and renewable energy improvements at public school facilities.

Sec. 40542. Energy efficiency materials pilot program.

Subtitle E—Miscellaneous

Sec. 40551. Weatherization assistance program.

Sec. 40552. Energy Efficiency and Conservation Block Grant Program.

Sec. 40553. Survey, analysis, and report on employment and demographics in the energy, energy efficiency, and motor vehicle sectors of the United States.

Sec. 40554. Assisting Federal Facilities with Energy Conservation Technologies grant program.

Sec. 40555. Rebates.

Sec. 40556. Model guidance for combined heat and power systems and waste heat to power systems.

TITLE VI—METHANE REDUCTION INFRASTRUCTURE

Sec. 40601. Orphaned well site plugging, remediation, and restoration.

TITLE VII—ABANDONED MINE LAND RECLAMATION

Sec. 40701. Abandoned Mine Reclamation Fund authorization of appropriations.

Sec. 40702. Abandoned mine reclamation fee.

Sec. 40703. Amounts distributed from Abandoned Mine Reclamation Fund.

Sec. 40704. Abandoned hardrock mine reclamation.

TITLE VIII—NATURAL RESOURCES-RELATED INFRASTRUCTURE,
WILDFIRE MANAGEMENT, AND ECOSYSTEM RESTORATION

Sec. 40801. Forest Service Legacy Road and Trail Remediation Program.

Sec. 40802. Study and report on feasibility of revegetating reclaimed mine sites.

Sec. 40803. Wildfire risk reduction.

Sec. 40804. Ecosystem restoration.

Sec. 40805. GAO study.

Sec. 40806. Establishment of fuel breaks in forests and other wildland vegetation.

Sec. 40807. Emergency actions.

Sec. 40808. Joint Chiefs Landscape Restoration Partnership program.

TITLE IX—WESTERN WATER INFRASTRUCTURE

Sec. 40901. Authorizations of appropriations.

Sec. 40902. Water storage, groundwater storage, and conveyance projects.

Sec. 40903. Small water storage and groundwater storage projects.

Sec. 40904. Critical maintenance and repair.

Sec. 40905. Competitive grant program for large-scale water recycling and reuse program.

Sec. 40906. Drought contingency plan funding requirements.

Sec. 40907. Multi-benefit projects to improve watershed health.

Sec. 40908. Eligible desalination projects.

Sec. 40909. Clarification of authority to use coronavirus fiscal recovery funds to meet a non-Federal matching requirement for authorized Bureau of Reclamation water projects.

Sec. 40910. Federal assistance for groundwater recharge, aquifer storage, and water source substitution projects.

TITLE X—AUTHORIZATION OF APPROPRIATIONS FOR ENERGY ACT OF 2020

Sec. 41001. Energy storage demonstration projects.

Sec. 41002. Advanced reactor demonstration program.

Sec. 41003. Mineral security projects.

Sec. 41004. Carbon capture demonstration and pilot programs.

Sec. 41005. Direct air capture technologies prize competitions.

Sec. 41006. Water power projects.

Sec. 41007. Renewable energy projects.

Sec. 41008. Industrial emissions demonstration projects.

TITLE XI—WAGE RATE REQUIREMENTS

Sec. 41101. Wage rate requirements.

TITLE XII—MISCELLANEOUS

Sec. 41201. Office of Clean Energy Demonstrations.

Sec. 41202. Extension of Secure Rural Schools and Community Self-Determination Act of 2000.

DIVISION E—DRINKING WATER AND WASTEWATER INFRASTRUCTURE

Sec. 50001. Short title.

Sec. 50002. Definition of Administrator.

TITLE I—DRINKING WATER

- Sec. 50101. Technical assistance and grants for emergencies affecting public water systems.
- Sec. 50102. Drinking water State revolving loan funds.
- Sec. 50103. Source water petition program.
- Sec. 50104. Assistance for small and disadvantaged communities.
- Sec. 50105. Reducing lead in drinking water.
- Sec. 50106. Operational sustainability of small public water systems.
- Sec. 50107. Midsized and large drinking water system infrastructure resilience and sustainability program.
- Sec. 50108. Needs assessment for nationwide rural and urban low-income community water assistance.
- Sec. 50109. Rural and low-income water assistance pilot program.
- Sec. 50110. Lead contamination in school drinking water.
- Sec. 50111. Indian reservation drinking water program.
- Sec. 50112. Advanced drinking water technologies.
- Sec. 50113. Cybersecurity support for public water systems.
- Sec. 50114. State response to contaminants.
- Sec. 50115. Annual study on boil water advisories.

TITLE II—CLEAN WATER

- Sec. 50201. Research, investigations, training, and information.
- Sec. 50202. Wastewater efficiency grant pilot program.
- Sec. 50203. Pilot program for alternative water source projects.
- Sec. 50204. Sewer overflow and stormwater reuse municipal grants.
- Sec. 50205. Clean water infrastructure resiliency and sustainability program.
- Sec. 50206. Small and medium publicly owned treatment works circuit rider program.
- Sec. 50207. Small publicly owned treatment works efficiency grant program.
- Sec. 50208. Grants for construction and refurbishing of individual household decentralized wastewater systems for individuals with low or moderate income.
- Sec. 50209. Connection to publicly owned treatment works.
- Sec. 50210. Clean water State revolving funds.
- Sec. 50211. Water infrastructure and workforce investment.
- Sec. 50212. Grants to Alaska to improve sanitation in rural and Native villages.
- Sec. 50213. Water data sharing pilot program.
- Sec. 50214. Final rating opinion letters.
- Sec. 50215. Water infrastructure financing reauthorization.
- Sec. 50216. Small and disadvantaged community analysis.
- Sec. 50217. Stormwater infrastructure technology.
- Sec. 50218. Water Reuse Interagency Working Group.
- Sec. 50219. Advanced clean water technologies study.
- Sec. 50220. Clean watersheds needs survey.
- Sec. 50221. Water Resources Research Act amendments.
- Sec. 50222. Enhanced aquifer use and recharge.

DIVISION F—BROADBAND

TITLE I—BROADBAND GRANTS FOR STATES, DISTRICT OF COLUMBIA, PUERTO RICO, AND TERRITORIES

- Sec. 60101. Findings.
- Sec. 60102. Grants for broadband deployment.
- Sec. 60103. Broadband DATA maps.
- Sec. 60104. Report on future of Universal Service Fund.
- Sec. 60105. Broadband deployment locations map.

TITLE II—TRIBAL CONNECTIVITY TECHNICAL AMENDMENTS.

- Sec. 60201. Tribal connectivity technical amendments.

TITLE III—DIGITAL EQUITY ACT OF 2021

- Sec. 60301. Short title.
- Sec. 60302. Definitions.
- Sec. 60303. Sense of Congress.
- Sec. 60304. State Digital Equity Capacity Grant Program.
- Sec. 60305. Digital Equity Competitive Grant Program.
- Sec. 60306. Policy research, data collection, analysis and modeling, evaluation, and dissemination.

Sec. 60307. General provisions.

TITLE IV—ENABLING MIDDLE MILE BROADBAND INFRASTRUCTURE

Sec. 60401. Enabling middle mile broadband infrastructure.

TITLE V—BROADBAND AFFORDABILITY

Sec. 60501. Definitions.

Sec. 60502. Broadband affordability.

Sec. 60503. Coordination with certain other Federal agencies.

Sec. 60504. Adoption of consumer broadband labels.

Sec. 60505. GAO report.

Sec. 60506. Digital discrimination.

TITLE VI—TELECOMMUNICATIONS INDUSTRY WORKFORCE

Sec. 60601. Short title.

Sec. 60602. Telecommunications interagency working group.

Sec. 60603. Telecommunications workforce guidance.

Sec. 60604. GAO assessment of workforce needs of the telecommunications industry.

DIVISION G—OTHER AUTHORIZATIONS

TITLE I—INDIAN WATER RIGHTS SETTLEMENT COMPLETION FUND

Sec. 70101. Indian Water Rights Settlement Completion Fund.

TITLE II—WILDFIRE MITIGATION

Sec. 70201. Short title.

Sec. 70202. Definitions.

Sec. 70203. Establishment of Commission.

Sec. 70204. Duties of Commission.

Sec. 70205. Powers of Commission.

Sec. 70206. Commission personnel matters.

Sec. 70207. Termination of Commission.

TITLE III—REFORESTATION

Sec. 70301. Short title.

Sec. 70302. Reforestation following wildfires and other unplanned events.

Sec. 70303. Report.

TITLE IV—RECYCLING PRACTICES

Sec. 70401. Best practices for battery recycling and labeling guidelines.

Sec. 70402. Consumer recycling education and outreach grant program; Federal procurement.

TITLE V—BIOPRODUCT PILOT PROGRAM

Sec. 70501. Pilot program on use of agricultural commodities in construction and consumer products.

TITLE VI—CYBERSECURITY

Subtitle A—Cyber Response and Recovery Act

Sec. 70601. Short title.

Sec. 70602. Declaration of a significant incident.

Subtitle B—State and Local Cybersecurity Improvement Act

Sec. 70611. Short title.

Sec. 70612. State and Local Cybersecurity Grant Program.

TITLE VII—PUBLIC-PRIVATE PARTNERSHIPS

Sec. 70701. Value for money analysis.

TITLE VIII—FEDERAL PERMITTING IMPROVEMENT

Sec. 70801. Federal permitting improvement.

TITLE IX—BUILD AMERICA, BUY AMERICA

Subtitle A—Build America, Buy America

Sec. 70901. Short title.

PART I—BUY AMERICA SOURCING REQUIREMENTS

Sec. 70911. Findings.

- Sec. 70912. Definitions.
- Sec. 70913. Identification of deficient programs.
- Sec. 70914. Application of Buy America preference.
- Sec. 70915. OMB guidance and standards.
- Sec. 70916. Technical assistance partnership and consultation supporting Department of Transportation Buy America requirements.
- Sec. 70917. Application.

PART II—MAKE IT IN AMERICA

- Sec. 70921. Regulations relating to Buy American Act.
- Sec. 70922. Amendments relating to Buy American Act.
- Sec. 70923. Made in America Office.
- Sec. 70924. Hollings Manufacturing Extension Partnership activities.
- Sec. 70925. United States obligations under international agreements.
- Sec. 70926. Definitions.
- Sec. 70927. Prospective amendments to internal cross-references.

Subtitle B—BuyAmerican.gov

- Sec. 70931. Short title.
- Sec. 70932. Definitions.
- Sec. 70933. Sense of Congress on buying American.
- Sec. 70934. Assessment of impact of free trade agreements.
- Sec. 70935. Judicious use of waivers.
- Sec. 70936. Establishment of BuyAmerican.gov website.
- Sec. 70937. Waiver Transparency and Streamlining for contracts.
- Sec. 70938. Comptroller General report.
- Sec. 70939. Rules of construction.
- Sec. 70940. Consistency with international agreements.
- Sec. 70941. Prospective amendments to internal cross-references.

Subtitle C—Make PPE in America

- Sec. 70951. Short title.
- Sec. 70952. Findings.
- Sec. 70953. Requirement of long-term contracts for domestically manufactured personal protective equipment.

TITLE X—ASSET CONCESSIONS

- Sec. 71001. Asset concessions.

TITLE XI—CLEAN SCHOOL BUSES AND FERRIES

- Sec. 71101. Clean school bus program.
- Sec. 71102. Electric or low-emitting ferry pilot program.
- Sec. 71103. Ferry service for rural communities.
- Sec. 71104. Expanding the funding authority for renovating, constructing, and expanding certain facilities.

DIVISION H—REVENUE PROVISIONS

TITLE I—HIGHWAY TRUST FUND

- Sec. 80101. Extension of Highway Trust Fund expenditure authority.
- Sec. 80102. Extension of highway-related taxes.
- Sec. 80103. Further additional transfers to trust fund.

TITLE II—CHEMICAL SUPERFUND

- Sec. 80201. Extension and modification of certain superfund excise taxes.

TITLE III—CUSTOMS USER FEES

- Sec. 80301. Extension of customs user fees.

TITLE IV—BOND PROVISIONS

- Sec. 80401. Private activity bonds for qualified broadband projects.
- Sec. 80402. Carbon dioxide capture facilities.
- Sec. 80403. Increase in national limitation amount for qualified highway or surface freight transportation facilities.

TITLE V—RELIEF FOR TAXPAYERS AFFECTED BY DISASTERS OR OTHER CRITICAL EVENTS

- Sec. 80501. Modification of automatic extension of certain deadlines in the case of taxpayers affected by Federally declared disasters.

- Sec. 80502. Modifications of rules for postponing certain acts by reason of service in combat zone or contingency operation.
- Sec. 80503. Tolling of time for filing a petition with the tax court.
- Sec. 80504. Authority to postpone certain tax deadlines by reason of significant fires.

TITLE VI—OTHER PROVISIONS

- Sec. 80601. Modification of tax treatment of contributions to the capital of a corporation.
- Sec. 80602. Extension of interest rate stabilization.
- Sec. 80603. Information reporting for brokers and digital assets.
- Sec. 80604. Termination of employee retention credit for employers subject to closure due to COVID–19.

DIVISION I—OTHER MATTERS

- Sec. 90001. Extension of direct spending reductions through fiscal year 2031.
- Sec. 90002. Strategic Petroleum Reserve drawdown and sale.
- Sec. 90003. Findings regarding unused unemployment insurance funds.
- Sec. 90004. Requiring manufacturers of certain single-dose container or single-use package drugs payable under part B of the Medicare program to provide refunds with respect to discarded amounts of such drugs.
- Sec. 90005. Extension of enterprise guarantee fees.
- Sec. 90006. Moratorium on implementation of rule relating to eliminating the anti-kickback statute safe harbor protection for prescription drug rebates.
- Sec. 90007. Rescission of COVID–19 appropriations.
- Sec. 90008. Spectrum auctions.

DIVISION J—APPROPRIATIONS

TITLE I—AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG
ADMINISTRATION, AND RELATED AGENCIES

TITLE II—COMMERCE, JUSTICE, SCIENCE, AND RELATED AGENCIES

TITLE III—ENERGY AND WATER DEVELOPMENT AND RELATED AGENCIES

TITLE IV—FINANCIAL SERVICES AND GENERAL GOVERNMENT

TITLE V—DEPARTMENT OF HOMELAND SECURITY

TITLE VI—DEPARTMENT OF THE INTERIOR, ENVIRONMENT, AND
RELATED AGENCIESTITLE VII—LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION,
AND RELATED AGENCIESTITLE VIII—TRANSPORTATION, HOUSING AND URBAN DEVELOPMENT,
AND RELATED AGENCIES

TITLE IX—GENERAL PROVISIONS—THIS DIVISION

DIVISION K—MINORITY BUSINESS DEVELOPMENT

- Sec. 100001. Short title.
- Sec. 100002. Definitions.
- Sec. 100003. Minority Business Development Agency.

TITLE I—EXISTING INITIATIVES

Subtitle A—Market Development, Research, and Information

- Sec. 100101. Private sector development.
- Sec. 100102. Public sector development.
- Sec. 100103. Research and information.

Subtitle B—Minority Business Development Agency Business Center Program

- Sec. 100111. Definition.
- Sec. 100112. Purpose.
- Sec. 100113. Establishment.
- Sec. 100114. Grants and cooperative agreements.
- Sec. 100115. Minimizing disruptions to existing MBDA Business Center program.
- Sec. 100116. Publicity.

TITLE II—NEW INITIATIVES TO PROMOTE ECONOMIC RESILIENCY FOR
MINORITY BUSINESSES

- Sec. 100201. Annual diverse business forum on capital formation.

- Sec. 100202. Agency study on alternative financing solutions.
- Sec. 100203. Educational development relating to management and entrepreneurship.

TITLE III—RURAL MINORITY BUSINESS CENTER PROGRAM

- Sec. 100301. Definitions.
- Sec. 100302. Business centers.
- Sec. 100303. Report to Congress.
- Sec. 100304. Study and report.

TITLE IV—MINORITY BUSINESS DEVELOPMENT GRANTS

- Sec. 100401. Grants to nonprofit organizations that support minority business enterprises.

TITLE V—MINORITY BUSINESS ENTERPRISES ADVISORY COUNCIL

- Sec. 100501. Purpose.
- Sec. 100502. Composition and term.
- Sec. 100503. Duties.

TITLE VI—FEDERAL COORDINATION OF MINORITY BUSINESS PROGRAMS

- Sec. 100601. General duties.
- Sec. 100602. Participation of Federal departments and agencies.

TITLE VII—ADMINISTRATIVE POWERS OF THE AGENCY; MISCELLANEOUS PROVISIONS

- Sec. 100701. Administrative powers.
- Sec. 100702. Federal assistance.
- Sec. 100703. Recordkeeping.
- Sec. 100704. Review and report by Comptroller General.
- Sec. 100705. Biannual reports; recommendations.
- Sec. 100706. Separability.
- Sec. 100707. Executive Order 11625.
- Sec. 100708. Authorization of appropriations.

1 USC 1 note.

SEC. 2. REFERENCES.

Except as expressly provided otherwise, any reference to “this Act” contained in any division of this Act shall be treated as referring only to the provisions of that division.

DIVISION A—SURFACE TRANSPORTATION

Surface
Transportation
Reauthorization
Act of 2021.

SEC. 10001. SHORT TITLE.

23 USC 101 note.

This division may be cited as the “Surface Transportation Reauthorization Act of 2021”.

SEC. 10002. DEFINITIONS.

23 USC 101 note.

In this division:

(1) **DEPARTMENT.**—The term “Department” means the Department of Transportation.

(2) **SECRETARY.**—The term “Secretary” means the Secretary of Transportation.

SEC. 10003. EFFECTIVE DATE.

23 USC 101 note.

Except as otherwise provided, this division and the amendments made by this division take effect on October 1, 2021.

TITLE I—FEDERAL-AID HIGHWAYS

Subtitle A—Authorizations and Programs

Time periods.

SEC. 11101. AUTHORIZATION OF APPROPRIATIONS.

(a) **IN GENERAL.**—The following amounts are authorized to be appropriated out of the Highway Trust Fund (other than the Mass Transit Account):

(1) **FEDERAL-AID HIGHWAY PROGRAM.**—For the national highway performance program under section 119 of title 23, United States Code, the surface transportation block grant program under section 133 of that title, the highway safety improvement program under section 148 of that title, the congestion mitigation and air quality improvement program under section 149 of that title, the national highway freight program under section 167 of that title, the carbon reduction program under section 175 of that title, to carry out subsection (c) of the PROTECT program under section 176 of that title, and to carry out section 134 of that title—

- (A) \$52,488,065,375 for fiscal year 2022;
- (B) \$53,537,826,683 for fiscal year 2023;
- (C) \$54,608,583,217 for fiscal year 2024;
- (D) \$55,700,754,881 for fiscal year 2025; and
- (E) \$56,814,769,844 for fiscal year 2026.

(2) **TRANSPORTATION INFRASTRUCTURE FINANCE AND INNOVATION PROGRAM.**—For credit assistance under the transportation infrastructure finance and innovation program under chapter 6 of title 23, United States Code, \$250,000,000 for each of fiscal years 2022 through 2026.

(3) **FEDERAL LANDS AND TRIBAL TRANSPORTATION PROGRAMS.**—

(A) **TRIBAL TRANSPORTATION PROGRAM.**—For the tribal transportation program under section 202 of title 23, United States Code—

- (i) \$578,460,000 for fiscal year 2022;
- (ii) \$589,960,000 for fiscal year 2023;
- (iii) \$602,460,000 for fiscal year 2024;

- (iv) \$612,960,000 for fiscal year 2025; and
- (v) \$627,960,000 for fiscal year 2026.
- (B) FEDERAL LANDS TRANSPORTATION PROGRAM.—
 - (i) IN GENERAL.—For the Federal lands transportation program under section 203 of title 23, United States Code—
 - (I) \$421,965,000 for fiscal year 2022;
 - (II) \$429,965,000 for fiscal year 2023;
 - (III) \$438,965,000 for fiscal year 2024;
 - (IV) \$447,965,000 for fiscal year 2025; and
 - (V) \$455,965,000 for fiscal year 2026.
 - (ii) ALLOCATION.—Of the amount made available for a fiscal year under clause (i)—
 - (I) the amount for the National Park Service is—
 - (aa) \$332,427,450 for fiscal year 2022;
 - (bb) \$338,867,450 for fiscal year 2023;
 - (cc) \$346,237,450 for fiscal year 2024;
 - (dd) \$353,607,450 for fiscal year 2025; and
 - (ee) \$360,047,450 for fiscal year 2026;
 - (II) the amount for the United States Fish and Wildlife Service is \$36,000,000 for each of fiscal years 2022 through 2026; and
 - (III) the amount for the Forest Service is—
 - (aa) \$24,000,000 for fiscal year 2022;
 - (bb) \$25,000,000 for fiscal year 2023;
 - (cc) \$26,000,000 for fiscal year 2024;
 - (dd) \$27,000,000 for fiscal year 2025; and
 - (ee) \$28,000,000 for fiscal year 2026.
- (C) FEDERAL LANDS ACCESS PROGRAM.—For the Federal lands access program under section 204 of title 23, United States Code—
 - (i) \$285,975,000 for fiscal year 2022;
 - (ii) \$291,975,000 for fiscal year 2023;
 - (iii) \$296,975,000 for fiscal year 2024;
 - (iv) \$303,975,000 for fiscal year 2025; and
 - (v) \$308,975,000 for fiscal year 2026.
- (4) TERRITORIAL AND PUERTO RICO HIGHWAY PROGRAM.—For the territorial and Puerto Rico highway program under section 165 of title 23, United States Code—
 - (A) \$219,000,000 for fiscal year 2022;
 - (B) \$224,000,000 for fiscal year 2023;
 - (C) \$228,000,000 for fiscal year 2024;
 - (D) \$232,500,000 for fiscal year 2025; and
 - (E) \$237,000,000 for fiscal year 2026.
- (5) NATIONALLY SIGNIFICANT FREIGHT AND HIGHWAY PROJECTS.—For nationally significant freight and highway projects under section 117 of title 23, United States Code—
 - (A) \$1,000,000,000 for fiscal year 2022;
 - (B) \$1,000,000,000 for fiscal year 2023;
 - (C) \$1,000,000,000 for fiscal year 2024;
 - (D) \$900,000,000 for fiscal year 2025; and
 - (E) \$900,000,000 for fiscal year 2026.
- (b) OTHER PROGRAMS.—
 - (1) IN GENERAL.—The following amounts are authorized to be appropriated out of the Highway Trust Fund (other than the Mass Transit Account):

(A) BRIDGE INVESTMENT PROGRAM.—To carry out the bridge investment program under section 124 of title 23, United States Code—

- (i) \$600,000,000 for fiscal year 2022;
- (ii) \$640,000,000 for fiscal year 2023;
- (iii) \$650,000,000 for fiscal year 2024;
- (iv) \$675,000,000 for fiscal year 2025; and
- (v) \$700,000,000 for fiscal year 2026.

(B) CONGESTION RELIEF PROGRAM.—To carry out the congestion relief program under section 129(d) of title 23, United States Code, \$50,000,000 for each of fiscal years 2022 through 2026.

(C) CHARGING AND FUELING INFRASTRUCTURE GRANTS.—To carry out section 151(f) of title 23, United States Code—

- (i) \$300,000,000 for fiscal year 2022;
- (ii) \$400,000,000 for fiscal year 2023;
- (iii) \$500,000,000 for fiscal year 2024;
- (iv) \$600,000,000 for fiscal year 2025; and
- (v) \$700,000,000 for fiscal year 2026.

(D) RURAL SURFACE TRANSPORTATION GRANT PROGRAM.—To carry out the rural surface transportation grant program under section 173 of title 23, United States Code—

- (i) \$300,000,000 for fiscal year 2022;
- (ii) \$350,000,000 for fiscal year 2023;
- (iii) \$400,000,000 for fiscal year 2024;
- (iv) \$450,000,000 for fiscal year 2025; and
- (v) \$500,000,000 for fiscal year 2026.

(E) PROTECT GRANTS.—

(i) IN GENERAL.—To carry out subsection (d) of the PROTECT program under section 176 of title 23, United States Code, for each of fiscal years 2022 through 2026—

- (I) \$250,000,000 for fiscal year 2022;
- (II) \$250,000,000 for fiscal year 2023;
- (III) \$300,000,000 for fiscal year 2024;
- (IV) \$300,000,000 for fiscal year 2025; and
- (V) \$300,000,000 for fiscal year 2026.

(ii) ALLOCATION.—Of the amounts made available under clause (i)—

(I) for planning grants under paragraph (3) of that subsection—

- (aa) \$25,000,000 for fiscal year 2022;
- (bb) \$25,000,000 for fiscal year 2023;
- (cc) \$30,000,000 for fiscal year 2024;
- (dd) \$30,000,000 for fiscal year 2025; and
- (ee) \$30,000,000 for fiscal year 2026;

(II) for resilience improvement grants under paragraph (4)(A) of that subsection—

- (aa) \$175,000,000 for fiscal year 2022;
- (bb) \$175,000,000 for fiscal year 2023;
- (cc) \$210,000,000 for fiscal year 2024;
- (dd) \$210,000,000 for fiscal year 2025; and
- (ee) \$210,000,000 for fiscal year 2026;

(III) for community resilience and evacuation route grants under paragraph (4)(B) of that subsection—

- (aa) \$25,000,000 for fiscal year 2022;
- (bb) \$25,000,000 for fiscal year 2023;
- (cc) \$30,000,000 for fiscal year 2024;
- (dd) \$30,000,000 for fiscal year 2025; and
- (ee) \$30,000,000 for fiscal year 2026; and

(IV) for at-risk coastal infrastructure grants under paragraph (4)(C) of that subsection—

- (aa) \$25,000,000 for fiscal year 2022;
- (bb) \$25,000,000 for fiscal year 2023;
- (cc) \$30,000,000 for fiscal year 2024;
- (dd) \$30,000,000 for fiscal year 2025; and
- (ee) \$30,000,000 for fiscal year 2026.

(F) REDUCTION OF TRUCK EMISSIONS AT PORT FACILITIES.—

(i) IN GENERAL.—To carry out the reduction of truck emissions at port facilities under section 11402, \$50,000,000 for each of fiscal years 2022 through 2026.

(ii) TREATMENT.—Amounts made available under clause (i) shall be available for obligation in the same manner as if those amounts were apportioned under chapter 1 of title 23, United States Code.

(G) NATIONALLY SIGNIFICANT FEDERAL LANDS AND TRIBAL PROJECTS.—

(i) IN GENERAL.—To carry out the nationally significant Federal lands and tribal projects program under section 1123 of the FAST Act (23 U.S.C. 201 note; Public Law 114–94), \$55,000,000 for each of fiscal years 2022 through 2026.

(ii) TREATMENT.—Amounts made available under clause (i) shall be available for obligation in the same manner as if those amounts were apportioned under chapter 1 of title 23, United States Code.

(2) GENERAL FUND.—

(A) BRIDGE INVESTMENT PROGRAM.—

(i) IN GENERAL.—In addition to amounts made available under paragraph (1)(A), there are authorized to be appropriated to carry out the bridge investment program under section 124 of title 23, United States Code—

- (I) \$600,000,000 for fiscal year 2022;
- (II) \$640,000,000 for fiscal year 2023;
- (III) \$650,000,000 for fiscal year 2024;
- (IV) \$675,000,000 for fiscal year 2025; and
- (V) \$700,000,000 for fiscal year 2026.

(ii) ALLOCATION.—Amounts made available under clause (i) shall be allocated in the same manner as if made available under paragraph (1)(A).

(B) NATIONALLY SIGNIFICANT FEDERAL LANDS AND TRIBAL PROJECTS PROGRAM.—In addition to amounts made available under paragraph (1)(G), there is authorized to be appropriated to carry out section 1123 of the FAST Act (23 U.S.C. 201 note; Public Law 114–94) \$300,000,000 for each of fiscal years 2022 through 2026.

(C) HEALTHY STREETS PROGRAM.—There is authorized to be appropriated to carry out the Healthy Streets program under section 11406 \$100,000,000 for each of fiscal years 2022 through 2026.

(D) TRANSPORTATION RESILIENCE AND ADAPTATION CENTERS OF EXCELLENCE.—There is authorized to be appropriated to carry out section 520 of title 23, United States Code, \$100,000,000 for each of fiscal years 2022 through 2026.

(E) OPEN CHALLENGE AND RESEARCH PROPOSAL PILOT PROGRAM.—There is authorized to be appropriated to carry out the open challenge and research proposal pilot program under section 13006(e) \$15,000,000 for each of fiscal years 2022 through 2026.

(c) RESEARCH, TECHNOLOGY, AND EDUCATION AUTHORIZATIONS.—

(1) IN GENERAL.—The following amounts are authorized to be appropriated out of the Highway Trust Fund (other than the Mass Transit Account):

(A) HIGHWAY RESEARCH AND DEVELOPMENT PROGRAM.—To carry out section 503(b) of title 23, United States Code, \$147,000,000 for each of fiscal years 2022 through 2026.

(B) TECHNOLOGY AND INNOVATION DEPLOYMENT PROGRAM.—To carry out section 503(c) of title 23, United States Code, \$110,000,000 for each of fiscal years 2022 through 2026.

(C) TRAINING AND EDUCATION.—To carry out section 504 of title 23, United States Code—

- (i) \$25,000,000 for fiscal year 2022;
- (ii) \$25,250,000 for fiscal year 2023;
- (iii) \$25,500,000 for fiscal year 2024;
- (iv) \$25,750,000 for fiscal year 2025; and
- (v) \$26,000,000 for fiscal year 2026.

(D) INTELLIGENT TRANSPORTATION SYSTEMS PROGRAM.—To carry out sections 512 through 518 of title 23, United States Code, \$110,000,000 for each of fiscal years 2022 through 2026.

(E) UNIVERSITY TRANSPORTATION CENTERS PROGRAM.—To carry out section 5505 of title 49, United States Code—

- (i) \$80,000,000 for fiscal year 2022;
- (ii) \$80,500,000 for fiscal year 2023;
- (iii) \$81,000,000 for fiscal year 2024;
- (iv) \$81,500,000 for fiscal year 2025; and
- (v) \$82,000,000 for fiscal year 2026.

(F) BUREAU OF TRANSPORTATION STATISTICS.—To carry out chapter 63 of title 49, United States Code—

- (i) \$26,000,000 for fiscal year 2022;
- (ii) \$26,250,000 for fiscal year 2023;
- (iii) \$26,500,000 for fiscal year 2024;
- (iv) \$26,750,000 for fiscal year 2025; and
- (v) \$27,000,000 for fiscal year 2026.

(2) ADMINISTRATION.—The Federal Highway Administration shall—

(A) administer the programs described in subparagraphs (A), (B), and (C) of paragraph (1); and

(B) in consultation with relevant modal administrations, administer the programs described in paragraph (1)(D).

Consultation.

(3) APPLICABILITY OF TITLE 23, UNITED STATES CODE.—Amounts authorized to be appropriated by paragraph (1) shall—

Determination.

(A) be available for obligation in the same manner as if those funds were apportioned under chapter 1 of title 23, United States Code, except that the Federal share of the cost of a project or activity carried out using those funds shall be 80 percent, unless otherwise expressly provided by this division (including the amendments by this division) or otherwise determined by the Secretary; and

(B) remain available until expended and not be transferable, except as otherwise provided by this division.

(d) PILOT PROGRAMS.—The following amounts are authorized to be appropriated out of the Highway Trust Fund (other than the Mass Transit Account):

(1) WILDLIFE CROSSINGS PILOT PROGRAM.—For the wildlife crossings pilot program under section 171 of title 23, United States Code—

(A) \$60,000,000 for fiscal year 2022;

(B) \$65,000,000 for fiscal year 2023;

(C) \$70,000,000 for fiscal year 2024;

(D) \$75,000,000 for fiscal year 2025; and

(E) \$80,000,000 for fiscal year 2026.

(2) PRIORITIZATION PROCESS PILOT PROGRAM.—

(A) IN GENERAL.—For the prioritization process pilot program under section 11204, \$10,000,000 for each of fiscal years 2022 through 2026.

(B) TREATMENT.—Amounts made available under subparagraph (A) shall be available for obligation in the same manner as if those amounts were apportioned under chapter 1 of title 23, United States Code.

(3) RECONNECTING COMMUNITIES PILOT PROGRAM.—

(A) PLANNING GRANTS.—For planning grants under the reconnecting communities pilot program under section 11509(c), \$30,000,000 for each of fiscal years 2022 through 2026.

(B) CAPITAL CONSTRUCTION GRANTS.—For capital construction grants under the reconnecting communities pilot program under section 11509(d)—

(i) \$65,000,000 for fiscal year 2022;

(ii) \$68,000,000 for fiscal year 2023;

(iii) \$70,000,000 for fiscal year 2024;

(iv) \$72,000,000 for fiscal year 2025; and

(v) \$75,000,000 for fiscal year 2026.

(C) TREATMENT.—Amounts made available under subparagraph (A) or (B) shall be available for obligation in the same manner as if those amounts were apportioned under chapter 1 of title 23, United States Code, except that those amounts shall remain available until expended.

23 USC 101 note.

(e) DISADVANTAGED BUSINESS ENTERPRISES.—

(1) FINDINGS.—Congress finds that—

(A) while significant progress has occurred due to the establishment of the disadvantaged business enterprise program, discrimination and related barriers continue to pose significant obstacles for minority- and women-owned businesses seeking to do business in Federally assisted surface transportation markets across the United States;

(B) the continuing barriers described in subparagraph (A) merit the continuation of the disadvantaged business enterprise program;

(C) Congress has received and reviewed testimony and documentation of race and gender discrimination from numerous sources, including congressional hearings and roundtables, scientific reports, reports issued by public and private agencies, news stories, reports of discrimination by organizations and individuals, and discrimination lawsuits, which show that race- and gender-neutral efforts alone are insufficient to address the problem;

(D) the testimony and documentation described in subparagraph (C) demonstrate that discrimination across the United States poses a barrier to full and fair participation in surface transportation-related businesses of women business owners and minority business owners and has impacted firm development and many aspects of surface transportation-related business in the public and private markets; and

(E) the testimony and documentation described in subparagraph (C) provide a strong basis that there is a compelling need for the continuation of the disadvantaged business enterprise program to address race and gender discrimination in surface transportation-related business.

(2) DEFINITIONS.—In this subsection:

(A) SMALL BUSINESS CONCERN.—

(i) IN GENERAL.—The term “small business concern” means a small business concern (as the term is used in section 3 of the Small Business Act (15 U.S.C. 632)).

(ii) EXCLUSIONS.—The term “small business concern” does not include any concern or group of concerns controlled by the same socially and economically disadvantaged individual or individuals that have average annual gross receipts during the preceding 3 fiscal years in excess of \$26,290,000, as adjusted annually by the Secretary for inflation.

(B) SOCIALLY AND ECONOMICALLY DISADVANTAGED INDIVIDUALS.—The term “socially and economically disadvantaged individuals” has the meaning given the term in section 8(d) of the Small Business Act (15 U.S.C. 637(d)) and relevant subcontracting regulations issued pursuant to that Act, except that women shall be presumed to be socially and economically disadvantaged individuals for purposes of this subsection.

(3) AMOUNTS FOR SMALL BUSINESS CONCERNS.—Except to the extent that the Secretary determines otherwise, not less than 10 percent of the amounts made available for any program under this division (other than section 14004), division C, and section 403 of title 23, United States Code, shall be expended through small business concerns owned and controlled by socially and economically disadvantaged individuals. Determination.

(4) ANNUAL LISTING OF DISADVANTAGED BUSINESS ENTERPRISES.—Each State shall annually—

(A) survey and compile a list of the small business concerns referred to in paragraph (3) in the State, including the location of the small business concerns in the State; and Surveys.

(B) notify the Secretary, in writing, of the percentage of the small business concerns that are controlled by— Notification.

- (i) women;
- (ii) socially and economically disadvantaged individuals (other than women); and
- (iii) individuals who are women and are otherwise socially and economically disadvantaged individuals.
- (5) **UNIFORM CERTIFICATION.**—
- Criteria. (A) **IN GENERAL.**—The Secretary shall establish minimum uniform criteria for use by State governments in certifying whether a concern qualifies as a small business concern for the purpose of this subsection.
- (B) **INCLUSIONS.**—The minimum uniform criteria established under subparagraph (A) shall include, with respect to a potential small business concern—
- Analyses. (i) on-site visits;
- Lists. (ii) personal interviews with personnel;
- Analyses. (iii) issuance or inspection of licenses;
- Lists. (iv) analyses of stock ownership;
- Examination. (v) listings of equipment;
- (vi) analyses of bonding capacity;
- (vii) listings of work completed;
- (viii) examination of the resumes of principal owners;
- Analyses. (ix) analyses of financial capacity; and
- Analyses. (x) analyses of the type of work preferred.
- Requirements. (6) **REPORTING.**—The Secretary shall establish minimum requirements for use by State governments in reporting to the Secretary—
- (A) information concerning disadvantaged business enterprise awards, commitments, and achievements; and
- Determination. (B) such other information as the Secretary determines to be appropriate for the proper monitoring of the disadvantaged business enterprise program.
- (7) **COMPLIANCE WITH COURT ORDERS.**—Nothing in this subsection limits the eligibility of an individual or entity to receive funds made available under this division, division C, and section 403 of title 23, United States Code, if the entity or person is prevented, in whole or in part, from complying with paragraph (3) because a Federal court issues a final order in which the court finds that a requirement or the implementation of paragraph (3) is unconstitutional.
- (8) **SENSE OF CONGRESS ON PROMPT PAYMENT OF DBE SUB-CONTRACTORS.**—It is the sense of Congress that—
- (A) the Secretary should take additional steps to ensure that recipients comply with section 26.29 of title 49, Code of Federal Regulations (the disadvantaged business enterprises prompt payment rule), or any corresponding regulation, in awarding Federally funded transportation contracts under laws and regulations administered by the Secretary; and
- (B) such additional steps should include increasing the ability of the Department to track and keep records of complaints and to make that information publicly available.
- 23 USC 104 note. **SEC. 11102. OBLIGATION CEILING.**
- (a) **GENERAL LIMITATION.**—Subject to subsection (e), and notwithstanding any other provision of law, the obligations for Federal-

aid highway and highway safety construction programs shall not exceed—

- (1) \$57,473,430,072 for fiscal year 2022;
- (2) \$58,764,510,674 for fiscal year 2023;
- (3) \$60,095,782,888 for fiscal year 2024;
- (4) \$61,314,170,545 for fiscal year 2025; and
- (5) \$62,657,105,821 for fiscal year 2026.

(b) EXCEPTIONS.—The limitations under subsection (a) shall not apply to obligations under or for—

- (1) section 125 of title 23, United States Code;
- (2) section 147 of the Surface Transportation Assistance Act of 1978 (23 U.S.C. 144 note; 92 Stat. 2714);
- (3) section 9 of the Federal-Aid Highway Act of 1981 (95 Stat. 1701);
- (4) subsections (b) and (j) of section 131 of the Surface Transportation Assistance Act of 1982 (96 Stat. 2119);
- (5) subsections (b) and (c) of section 149 of the Surface Transportation and Uniform Relocation Assistance Act of 1987 (101 Stat. 198);
- (6) sections 1103 through 1108 of the Intermodal Surface Transportation Efficiency Act of 1991 (105 Stat. 2027);
- (7) section 157 of title 23, United States Code (as in effect on June 8, 1998);
- (8) section 105 of title 23, United States Code (as in effect for fiscal years 1998 through 2004, but only in an amount equal to \$639,000,000 for each of those fiscal years);
- (9) Federal-aid highway programs for which obligation authority was made available under the Transportation Equity Act for the 21st Century (112 Stat. 107) or subsequent Acts for multiple years or to remain available until expended, but only to the extent that the obligation authority has not lapsed or been used;
- (10) section 105 of title 23, United States Code (as in effect for fiscal years 2005 through 2012, but only in an amount equal to \$639,000,000 for each of those fiscal years);
- (11) section 1603 of SAFETEA-LU (23 U.S.C. 118 note; 119 Stat. 1248), to the extent that funds obligated in accordance with that section were not subject to a limitation on obligations at the time at which the funds were initially made available for obligation;
- (12) section 119 of title 23, United States Code (as in effect for fiscal years 2013 through 2015, but only in an amount equal to \$639,000,000 for each of those fiscal years);
- (13) section 119 of title 23, United States Code (as in effect for fiscal years 2016 through 2021, but only in an amount equal to \$639,000,000 for each of those fiscal years); and
- (14) section 119 of title 23, United States Code (but, for fiscal years 2022 through 2026, only in an amount equal to \$639,000,000 for each of those fiscal years).

(c) DISTRIBUTION OF OBLIGATION AUTHORITY.—For each of fiscal years 2022 through 2026, the Secretary—

- (1) shall not distribute obligation authority provided by subsection (a) for the fiscal year for—
 - (A) amounts authorized for administrative expenses and programs by section 104(a) of title 23, United States Code; and

(B) amounts authorized for the Bureau of Transportation Statistics;

(2) shall not distribute an amount of obligation authority provided by subsection (a) that is equal to the unobligated balance of amounts—

(A) made available from the Highway Trust Fund (other than the Mass Transit Account) for Federal-aid highway and highway safety construction programs for previous fiscal years the funds for which are allocated by the Secretary (or apportioned by the Secretary under section 202 or 204 of title 23, United States Code); and

(B) for which obligation authority was provided in a previous fiscal year;

Determination.

(3) shall determine the proportion that—

(A) the obligation authority provided by subsection (a) for the fiscal year, less the aggregate of amounts not distributed under paragraphs (1) and (2) of this subsection; bears to

(B) the total of the sums authorized to be appropriated for the Federal-aid highway and highway safety construction programs (other than sums authorized to be appropriated for provisions of law described in paragraphs (1) through (13) of subsection (b) and sums authorized to be appropriated for section 119 of title 23, United States Code, equal to the amount referred to in subsection (b)(14) for the fiscal year), less the aggregate of the amounts not distributed under paragraphs (1) and (2) of this subsection;

(4) shall distribute the obligation authority provided by subsection (a), less the aggregate amounts not distributed under paragraphs (1) and (2), for each of the programs (other than programs to which paragraph (1) applies) that are allocated by the Secretary under this division and title 23, United States Code, or apportioned by the Secretary under section 202 or 204 of that title, by multiplying—

(A) the proportion determined under paragraph (3); by

(B) the amounts authorized to be appropriated for each such program for the fiscal year; and

(5) shall distribute the obligation authority provided by subsection (a), less the aggregate amounts not distributed under paragraphs (1) and (2) and the amounts distributed under paragraph (4), for Federal-aid highway and highway safety construction programs that are apportioned by the Secretary under title 23, United States Code (other than the amounts apportioned for the national highway performance program in section 119 of title 23, United States Code, that are exempt from the limitation under subsection (b)(14) and the amounts apportioned under sections 202 and 204 of that title) in the proportion that—

(A) amounts authorized to be appropriated for the programs that are apportioned under title 23, United States Code, to each State for the fiscal year; bears to

(B) the total of the amounts authorized to be appropriated for the programs that are apportioned under title 23, United States Code, to all States for the fiscal year.

(d) REDISTRIBUTION OF UNUSED OBLIGATION AUTHORITY.—Notwithstanding subsection (c), the Secretary shall, after August 1 of each of fiscal years 2022 through 2026—

Effective dates.

(1) revise a distribution of the obligation authority made available under subsection (c) if an amount distributed cannot be obligated during that fiscal year; and

Revision.

(2) redistribute sufficient amounts to those States able to obligate amounts in addition to those previously distributed during that fiscal year, giving priority to those States having large unobligated balances of funds apportioned under sections 144 (as in effect on the day before the date of enactment of MAP–21 (Public Law 112–141; 126 Stat. 405)) and 104 of title 23, United States Code.

(e) APPLICABILITY OF OBLIGATION LIMITATIONS TO TRANSPORTATION RESEARCH PROGRAMS.—

(1) IN GENERAL.—Except as provided in paragraph (2), obligation limitations imposed by subsection (a) shall apply to contract authority for transportation research programs carried out under chapter 5 of title 23, United States Code.

(2) EXCEPTION.—Obligation authority made available under paragraph (1) shall—

(A) remain available for a period of 4 fiscal years; and

(B) be in addition to the amount of any limitation imposed on obligations for Federal-aid highway and highway safety construction programs for future fiscal years.

(f) REDISTRIBUTION OF CERTAIN AUTHORIZED FUNDS.—

(1) IN GENERAL.—Not later than 30 days after the date of distribution of obligation authority under subsection (c) for each of fiscal years 2022 through 2026, the Secretary shall distribute to the States any funds (excluding funds authorized for the program under section 202 of title 23, United States Code) that—

Deadlines.

(A) are authorized to be appropriated for the fiscal year for Federal-aid highway programs; and

(B) the Secretary determines will not be allocated to the States (or will not be apportioned to the States under section 204 of title 23, United States Code), and will not be available for obligation, for the fiscal year because of the imposition of any obligation limitation for the fiscal year.

Determination.

(2) RATIO.—Funds shall be distributed under paragraph (1) in the same proportion as the distribution of obligation authority under subsection (c)(5).

(3) AVAILABILITY.—Funds distributed to each State under paragraph (1) shall be available for any purpose described in section 133(b) of title 23, United States Code.

SEC. 11103. DEFINITIONS.

Section 101(a) of title 23, United States Code, is amended—

(1) in paragraph (4)—

(A) in subparagraph (A), by inserting “assessing resilience,” after “surveying,”;

(B) in subparagraph (G), by striking “and” at the end;

(C) by redesignating subparagraph (H) as subparagraph (I); and

(D) by inserting after subparagraph (G) the following:

“(H) improvements that reduce the number of wildlife-vehicle collisions, such as wildlife crossing structures; and”;
 (2) by redesignating paragraphs (17) through (34) as paragraphs (18), (19), (20), (21), (22), (23), (25), (26), (27), (28), (29), (30), (31), (32), (33), (34), (35), and (36), respectively;
 (3) by inserting after paragraph (16) the following:

“(17) NATURAL INFRASTRUCTURE.—The term ‘natural infrastructure’ means infrastructure that uses, restores, or emulates natural ecological processes and—

“(A) is created through the action of natural physical, geological, biological, and chemical processes over time;

“(B) is created by human design, engineering, and construction to emulate or act in concert with natural processes; or

“(C) involves the use of plants, soils, and other natural features, including through the creation, restoration, or preservation of vegetated areas using materials appropriate to the region to manage stormwater and runoff, to attenuate flooding and storm surges, and for other related purposes.”;

(4) by inserting after paragraph (23) (as so redesignated) the following:

“(24) RESILIENCE.—The term ‘resilience’, with respect to a project, means a project with the ability to anticipate, prepare for, or adapt to conditions or withstand, respond to, or recover rapidly from disruptions, including the ability—

“(A)(i) to resist hazards or withstand impacts from weather events and natural disasters; or

“(ii) to reduce the magnitude or duration of impacts of a disruptive weather event or natural disaster on a project; and

“(B) to have the absorptive capacity, adaptive capacity, and recoverability to decrease project vulnerability to weather events or other natural disasters.”; and

(5) in subparagraph (A) of paragraph (32) (as so redesignated)—

(A) by striking the period at the end and inserting “; and”;

(B) by striking “through the implementation” and inserting the following: “through—

“(i) the implementation”; and

(C) by adding at the end the following:

“(ii) the consideration of incorporating natural infrastructure.”.

SEC. 11104. APPORTIONMENT.

(a) ADMINISTRATIVE EXPENSES.—Section 104(a)(1) of title 23, United States Code, is amended by striking subparagraphs (A) through (E) and inserting the following:

“(A) \$490,964,697 for fiscal year 2022;

“(B) \$500,783,991 for fiscal year 2023;

“(C) \$510,799,671 for fiscal year 2024;

“(D) \$521,015,664 for fiscal year 2025; and

“(E) \$531,435,977 for fiscal year 2026.”.

(b) DIVISION AMONG PROGRAMS OF STATE SHARE.—Section 104(b) of title 23, United States Code, is amended in subsection (b)—

(1) in the matter preceding paragraph (1), by inserting “the carbon reduction program under section 175, to carry out subsection (c) of the PROTECT program under section 176,” before “and to carry out section 134”;

(2) in paragraph (1), by striking “63.7 percent” and inserting “59.0771195921461 percent”;

(3) in paragraph (2), by striking “29.3 percent” and inserting “28.7402203421251 percent”;

(4) in paragraph (3), by striking “7 percent” and inserting “6.70605141316253 percent”;

(5) by striking paragraph (4) and inserting the following:

“(4) CONGESTION MITIGATION AND AIR QUALITY IMPROVEMENT PROGRAM.—

“(A) IN GENERAL.—For the congestion mitigation and air quality improvement program, an amount determined for the State under subparagraphs (B) and (C).

“(B) TOTAL AMOUNT.—The total amount for the congestion mitigation and air quality improvement program for all States shall be—

“(i) \$2,536,490,803 for fiscal year 2022;

“(ii) \$2,587,220,620 for fiscal year 2023;

“(iii) \$2,638,965,032 for fiscal year 2024;

“(iv) \$2,691,744,332 for fiscal year 2025; and

“(v) \$2,745,579,213 for fiscal year 2026.

“(C) STATE SHARE.—For each fiscal year, the Secretary shall distribute among the States the total amount for the congestion mitigation and air quality improvement program under subparagraph (B) so that each State receives an amount equal to the proportion that—

“(i) the amount apportioned to the State for the congestion mitigation and air quality improvement program for fiscal year 2020; bears to

“(ii) the total amount of funds apportioned to all States for that program for fiscal year 2020.”;

(6) in paragraph (5)—

(A) by striking subparagraph (B) and inserting the following:

“(B) TOTAL AMOUNT.—The total amount set aside for the national highway freight program for all States shall be—

“(i) \$1,373,932,519 for fiscal year 2022;

“(ii) \$1,401,411,169 for fiscal year 2023;

“(iii) \$1,429,439,392 for fiscal year 2024;

“(iv) \$1,458,028,180 for fiscal year 2025; and

“(v) \$1,487,188,740 for fiscal year 2026.”; and

(B) by striking subparagraph (D); and

(7) by striking paragraph (6) and inserting the following:

“(6) METROPOLITAN PLANNING.—

“(A) IN GENERAL.—To carry out section 134, an amount determined for the State under subparagraphs (B) and (C).

“(B) TOTAL AMOUNT.—The total amount for metropolitan planning for all States shall be—

“(i) \$ 438,121,139 for fiscal year 2022;

“(ii) \$446,883,562 for fiscal year 2023;

“(iii) \$455,821,233 for fiscal year 2024;

“(iv) \$464,937,657 for fiscal year 2025; and

“(v) \$474,236,409 for fiscal year 2026.

“(C) STATE SHARE.—For each fiscal year, the Secretary shall distribute among the States the total amount to carry out section 134 under subparagraph (B) so that each State receives an amount equal to the proportion that—

“(i) the amount apportioned to the State to carry out section 134 for fiscal year 2020; bears to

“(ii) the total amount of funds apportioned to all States to carry out section 134 for fiscal year 2020.

“(7) CARBON REDUCTION PROGRAM.—For the carbon reduction program under section 175, 2.56266964565637 percent of the amount remaining after distributing amounts under paragraphs (4), (5), and (6).

“(8) PROTECT FORMULA PROGRAM.—To carry out subsection (c) of the PROTECT program under section 176, 2.91393900690991 percent of the amount remaining after distributing amounts under paragraphs (4), (5), and (6).”.

(c) CALCULATION OF AMOUNTS.—Section 104(c) of title 23, United States Code, is amended—

(1) in paragraph (1)—

(A) in the matter preceding subparagraph (A), by striking “each of fiscal years 2016 through 2020” and inserting “fiscal year 2022 and each fiscal year thereafter”;

(B) in subparagraph (A)—

(i) by striking clause (i) and inserting the following:

“(i) the base apportionment; by”; and

(ii) in clause (ii)(I), by striking “fiscal year 2015” and inserting “fiscal year 2021”; and

(C) by striking subparagraph (B) and inserting the following:

“(B) GUARANTEED AMOUNTS.—The initial amounts resulting from the calculation under subparagraph (A) shall be adjusted to ensure that each State receives an aggregate apportionment that is—

“(i) equal to at least 95 percent of the estimated tax payments paid into the Highway Trust Fund (other than the Mass Transit Account) in the most recent fiscal year for which data are available that are—

“(I) attributable to highway users in the State;

and

“(II) associated with taxes in effect on July 1, 2019, and only up to the rate those taxes were in effect on that date;

“(ii) at least 2 percent greater than the apportionment that the State received for fiscal year 2021; and

“(iii) at least 1 percent greater than the apportionment that the State received for the previous fiscal year.”; and

(2) in paragraph (2)—

(A) by striking “fiscal years 2016 through 2020” and inserting “fiscal year 2022 and each fiscal year thereafter”; and

(B) by inserting “the carbon reduction program under section 175, to carry out subsection (c) of the PROTECT program under section 176,” before “and to carry out section 134”.

(d) METROPOLITAN PLANNING.—Section 104(d)(1)(A) of title 23, United States Code, is amended by striking “paragraphs (5)(D) and (6) of subsection (b)” each place it appears and inserting “subsection (b)(6)”.

(e) SUPPLEMENTAL FUNDS.—Section 104 of title 23, United States Code, is amended by striking subsection (h).

(f) BASE APPORTIONMENT DEFINED.—Section 104 of title 23, United States Code, is amended—

- (1) by redesignating subsection (i) as subsection (h); and
- (2) in subsection (h) (as so redesignated)—

(A) by striking “means” in the matter preceding paragraph (1) and all that follows through “the combined amount” in paragraph (1) and inserting “means the combined amount”;

(B) by striking “and to carry out section 134; minus” and inserting “the carbon reduction program under section 175, to carry out subsection (c) of the PROTECT program under section 176, and to carry out section 134.”; and

(C) by striking paragraph (2).

SEC. 11105. NATIONAL HIGHWAY PERFORMANCE PROGRAM.

Section 119 of title 23, United States Code, is amended—

- (1) in subsection (b)—

(A) in paragraph (2), by striking “and” at the end;

(B) in paragraph (3), by striking the period at the end and inserting “; and”; and

(C) by adding at the end the following:

“(4) to provide support for activities to increase the resiliency of the National Highway System to mitigate the cost of damages from sea level rise, extreme weather events, flooding, wildfires, or other natural disasters.”;

- (2) in subsection (d)(2), by adding at the end the following:

“(Q) Undergrounding public utility infrastructure carried out in conjunction with a project otherwise eligible under this section.

“(R) Resiliency improvements on the National Highway System, including protective features described in subsection (k)(2).

“(S) Implement activities to protect segments of the National Highway System from cybersecurity threats.”;

(3) in subsection (e)(4)(D), by striking “analysis” and inserting “analyses, both of which shall take into consideration extreme weather and resilience”; and

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

“(k) PROTECTIVE FEATURES.—

“(1) IN GENERAL.—A State may use not more than 15 percent of the funds apportioned to the State under section 104(b)(1) for each fiscal year for 1 or more protective features on a Federal-aid highway or bridge not on the National Highway System, if the protective feature is designed to mitigate the risk of recurring damage or the cost of future repairs from extreme weather events, flooding, or other natural disasters.

“(2) PROTECTIVE FEATURES DESCRIBED.—A protective feature referred to in paragraph (1) includes—

- “(A) raising roadway grades;

“(B) relocating roadways in a base floodplain to higher ground above projected flood elevation levels or away from slide prone areas;

“(C) stabilizing slide areas;

“(D) stabilizing slopes;

“(E) lengthening or raising bridges to increase waterway openings;

“(F) increasing the size or number of drainage structures;

“(G) replacing culverts with bridges or upsizing culverts;

“(H) installing seismic retrofits on bridges;

“(I) adding scour protection at bridges, installing riprap, or adding other scour, stream stability, coastal, or other hydraulic countermeasures, including spur dikes; and

“(J) the use of natural infrastructure to mitigate the risk of recurring damage or the cost of future repair from extreme weather events, flooding, or other natural disasters.

“(3) SAVINGS PROVISION.—Nothing in this subsection limits the ability of a State to carry out a project otherwise eligible under subsection (d) using funds apportioned under section 104(b)(1).”.

SEC. 11106. EMERGENCY RELIEF.

Section 125 of title 23, United States Code, is amended—

(1) in subsection (a)(1), by inserting “wildfire,” after “severe storm,”;

(2) by striking subsection (b) and inserting the following:

“(b) RESTRICTION ON ELIGIBILITY.—Funds under this section shall not be used for the repair or reconstruction of a bridge that has been permanently closed to all vehicular traffic by the State or responsible local official because of imminent danger of collapse due to a structural deficiency or physical deterioration.”; and

(3) in subsection (d)—

(A) in paragraph (2)(A)—

(i) by striking the period at the end and inserting “; and”;

(ii) by striking “a facility that meets the current” and inserting the following: “a facility that—

“(i) meets the current”; and

(iii) by adding at the end the following:

“(ii) incorporates economically justifiable improvements that will mitigate the risk of recurring damage from extreme weather, flooding, and other natural disasters.”;

(B) by redesignating paragraph (3) as paragraph (4); and

(C) by inserting after paragraph (2) the following:

“(3) PROTECTIVE FEATURES.—

“(A) IN GENERAL.—The cost of an improvement that is part of a project under this section shall be an eligible expense under this section if the improvement is a protective feature that will mitigate the risk of recurring damage or the cost of future repair from extreme weather, flooding, and other natural disasters.

“(B) PROTECTIVE FEATURES DESCRIBED.—A protective feature referred to in subparagraph (A) includes—

- “(i) raising roadway grades;
- “(ii) relocating roadways in a floodplain to higher ground above projected flood elevation levels or away from slide prone areas;
- “(iii) stabilizing slide areas;
- “(iv) stabilizing slopes;
- “(v) lengthening or raising bridges to increase waterway openings;
- “(vi) increasing the size or number of drainage structures;
- “(vii) replacing culverts with bridges or upsizing culverts;
- “(viii) installing seismic retrofits on bridges;
- “(ix) adding scour protection at bridges, installing riprap, or adding other scour, stream stability, coastal, or other hydraulic countermeasures, including spur dikes; and
- “(x) the use of natural infrastructure to mitigate the risk of recurring damage or the cost of future repair from extreme weather, flooding, and other natural disasters.”.

SEC. 11107. FEDERAL SHARE PAYABLE.

Section 120 of title 23, United States Code, is amended—

(1) in subsection (c)—

(A) in paragraph (1), in the first sentence, by inserting “vehicle-to-infrastructure communication equipment,” after “breakaway utility poles,”;

(B) in subparagraph (3)(B)—

- (i) in clause (v), by striking “or” at the end;
- (ii) by redesignating clause (vi) as clause (vii); and
- (iii) by inserting after clause (v) the following:

“(vi) contractual provisions that provide safety contingency funds to incorporate safety enhancements to work zones prior to or during roadway construction activities; or”;

(C) by adding at the end the following:

“(4) POOLED FUNDING.—Notwithstanding any other provision of law, the Secretary may waive the non-Federal share of the cost of a project or activity under section 502(b)(6) that is carried out with amounts apportioned under section 104(b)(2) after considering appropriate factors, including whether—

“(A) decreasing or eliminating the non-Federal share would best serve the interests of the Federal-aid highway program; and

“(B) the project or activity addresses national or regional high priority research, development, and technology transfer problems in a manner that would benefit multiple States or metropolitan planning organizations.”;

(2) in subsection (e)—

(A) in paragraph (1), by striking “180 days” and inserting “270 days”; and

(B) in paragraph (4), by striking “permanent”; and

(3) by adding at the end the following:

“(1) FEDERAL SHARE FLEXIBILITY PILOT PROGRAM.—

Waiver authority.

Deadline.

“(1) ESTABLISHMENT.—Not later than 180 days after the date of enactment of the Surface Transportation Reauthorization Act of 2021, the Secretary shall establish a pilot program (referred to in this subsection as the ‘pilot program’) to give States additional flexibility with respect to the Federal requirements under this section.

“(2) PROGRAM.—

“(A) IN GENERAL.—Notwithstanding any other provision of law, a State participating in the pilot program (referred to in this subsection as a ‘participating State’) may determine the Federal share on a project, multiple-project, or program basis for projects under any of the following:

“(i) The national highway performance program under section 119.

“(ii) The surface transportation block grant program under section 133.

“(iii) The highway safety improvement program under section 148.

“(iv) The congestion mitigation and air quality improvement program under section 149.

“(v) The national highway freight program under section 167.

“(vi) The carbon reduction program under section 175.

“(vii) Subsection (c) of the PROTECT program under section 176.

“(B) REQUIREMENTS.—

“(i) MAXIMUM FEDERAL SHARE.—Subject to clause (iii), the Federal share of the cost of an individual project carried out under a program described in subparagraph (A) by a participating State and to which the participating State is applying the Federal share requirements under the pilot program may be up to 100 percent.

“(ii) MINIMUM FEDERAL SHARE.—No individual project carried out under a program described in subparagraph (A) by a participating State and to which the participating State is applying the Federal share requirements under the pilot program shall have a Federal share of 0 percent.

“(iii) DETERMINATION.—The average annual Federal share of the total cost of all projects authorized under a program described in subparagraph (A) to which a participating State is applying the Federal share requirements under the pilot program shall be not more than the average of the maximum Federal share of those projects if those projects were not carried out under the pilot program.

“(C) SELECTION.—

“(i) APPLICATION.—A State seeking to be a participating State shall—

“(I) submit to the Secretary an application in such form, at such time, and containing such information as the Secretary may require; and

“(II) have in place adequate financial controls to allow the State to determine the average annual

Federal share requirements under the pilot program.

“(ii) REQUIREMENT.—For each of fiscal years 2022 through 2026, the Secretary shall select not more than 10 States to be participating States.”.

SEC. 11108. RAILWAY-HIGHWAY GRADE CROSSINGS.

(a) IN GENERAL.—Section 130(e) of title 23, United States Code, is amended—

(1) in the heading, by striking “PROTECTIVE DEVICES” and inserting “RAILWAY-HIGHWAY GRADE CROSSINGS”; and

(2) in paragraph (1)—

(A) in subparagraph (A), by striking “and the installation of protective devices at railway-highway crossings” in the matter preceding clause (i) and all that follows through “2020.” in clause (v) and inserting the following: “, the installation of protective devices at railway-highway crossings, the replacement of functionally obsolete warning devices, and as described in subparagraph (B), not less than \$245,000,000 for each of fiscal years 2022 through 2026.”; and

(B) by striking subparagraph (B) and inserting the following:

“(B) REDUCING TRESPASSING FATALITIES AND INJURIES.—A State may use funds set aside under subparagraph (A) for projects to reduce pedestrian fatalities and injuries from trespassing at grade crossings.”.

(b) FEDERAL SHARE.—Section 130(f)(3) of title 23, United States Code, is amended by striking “90 percent” and inserting “100 percent”.

(c) INCENTIVE PAYMENTS FOR AT-GRADE CROSSING CLOSURES.—Section 130(i)(3)(B) of title 23, United States Code, is amended by striking “\$7,500” and inserting “\$100,000”.

(d) EXPENDITURE OF FUNDS.—Section 130(k) of title 23, United States Code, is amended by striking “2 percent” and inserting “8 percent”.

(e) GAO STUDY.—Not later than 3 years after the date of enactment of this Act, the Comptroller General of the United States shall submit to Congress a report that includes an analysis of the effectiveness of the railway-highway crossings program under section 130 of title 23, United States Code.

Reports.
Analysis.

(f) SENSE OF CONGRESS RELATING TO TRESPASSER DEATHS ALONG RAILROAD RIGHTS-OF-WAY.—It is the sense of Congress that the Department should, where feasible, coordinate departmental efforts to prevent or reduce trespasser deaths along railroad rights-of-way and at or near railway-highway crossings.

SEC. 11109. SURFACE TRANSPORTATION BLOCK GRANT PROGRAM.

(a) IN GENERAL.—Section 133 of title 23, United States Code, is amended—

(1) in subsection (b)—

(A) in paragraph (1)—

(i) in subparagraph (B)—

(I) by adding “or” at the end;

(II) by striking “facilities eligible” and inserting the following: “facilities—

“(i) that are eligible”; and

(III) by adding at the end the following:

Determination.

“(ii) that are privately or majority-privately owned, but that the Secretary determines provide a substantial public transportation benefit or otherwise meet the foremost needs of the surface transportation system described in section 101(b)(3)(D);”;

(ii) in subparagraph (E), by striking “and” at the end;

(iii) in subparagraph (F), by striking the period at the end and inserting “; and”; and

(iv) by adding at the end the following:

“(G) wildlife crossing structures.”;

(B) in paragraph (3), by inserting “148(a)(4)(B)(xvii),” after “119(g);”;

(C) by redesignating paragraphs (4) through (15) as paragraphs (5), (6), (7), (8), (9), (10), (11), (12), (13), (20), (21), and (22), respectively;

(D) in paragraph (5) (as so redesignated), by striking “railway-highway grade crossings” and inserting “projects eligible under section 130 and installation of safety barriers and nets on bridges”;

(E) in paragraph (7) (as so redesignated)—

(i) by inserting “including the maintenance and restoration of existing recreational trails,” after “section 206”; and

(ii) by striking “the safe routes to school program under section 1404 of SAFETEA-LU (23 U.S.C. 402 note)” and inserting “the safe routes to school program under section 208”;

(F) by inserting after paragraph (13) (as so redesignated) the following:

“(14) Projects and strategies designed to reduce the number of wildlife-vehicle collisions, including project-related planning, design, construction, monitoring, and preventative maintenance.

“(15) The installation of electric vehicle charging infrastructure and vehicle-to-grid infrastructure.

“(16) The installation and deployment of current and emerging intelligent transportation technologies, including the ability of vehicles to communicate with infrastructure, buildings, and other road users.

“(17) Planning and construction of projects that facilitate intermodal connections between emerging transportation technologies, such as magnetic levitation and hyperloop.

“(18) Protective features, including natural infrastructure, to enhance the resilience of a transportation facility otherwise eligible for assistance under this section.

“(19) Measures to protect a transportation facility otherwise eligible for assistance under this section from cybersecurity threats.”; and

(G) by adding at the end the following:

“(23) Rural barge landing, dock, and waterfront infrastructure projects in accordance with subsection (j).

“(24) Projects to enhance travel and tourism.”;

(2) in subsection (c)—

(A) in paragraph (2), by striking “paragraphs (4) through (11)” and inserting “paragraphs (5) through (15) and paragraph (23)”;

- (B) in paragraph (3), by striking “and” at the end;
- (C) by redesignating paragraph (4) as paragraph (5);
- and
- (D) by inserting after paragraph (3) the following:
 - “(4) for a bridge project for the replacement of a low water crossing (as defined by the Secretary) with a bridge; and”;
- (3) in subsection (d)—
 - (A) in paragraph (1)—
 - (i) in the matter preceding subparagraph (A), by striking “reservation” and inserting “set aside”; and
 - (ii) in subparagraph (A)—
 - (I) in the matter preceding clause (i), by striking “the percentage specified in paragraph (6) for a fiscal year” and inserting “55 percent for each of fiscal years 2022 through 2026”; and
 - (II) by striking clauses (ii) and (iii) and inserting the following:
 - “(ii) in urbanized areas of the State with an urbanized area population of not less than 50,000 and not more than 200,000;
 - “(iii) in urban areas of the State with a population not less than 5,000 and not more than 49,999; and
 - “(iv) in other areas of the State with a population less than 5,000; and”;
 - (B) by striking paragraph (3) and inserting the following:
 - “(3) LOCAL CONSULTATION.—
 - “(A) CONSULTATION WITH METROPOLITAN PLANNING ORGANIZATIONS.—For purposes of clause (ii) of paragraph (1)(A), a State shall—
 - “(i) establish a process to consult with all metropolitan planning organizations in the State that represent an urbanized area described in that clause; and
 - “(ii) describe how funds allocated for areas described in that clause will be allocated equitably among the applicable urbanized areas during the period of fiscal years 2022 through 2026.
 - “(B) CONSULTATION WITH REGIONAL TRANSPORTATION PLANNING ORGANIZATIONS.—For purposes of clauses (iii) and (iv) of paragraph (1)(A), before obligating funding attributed to an area with a population less than 50,000, a State shall consult with the regional transportation planning organizations that represent the area, if any.”; and
 - (C) by striking paragraph (6);
 - (4) in subsection (e)(1), in the matter preceding subparagraph (A), by striking “fiscal years 2016 through 2020” and inserting “fiscal years 2022 through 2026”;
 - (5) in subsection (f)—
 - (A) in paragraph (1)—
 - (i) by inserting “or low water crossing (as defined by the Secretary)” after “a highway bridge”; and
 - (ii) by inserting “or low water crossing (as defined by the Secretary)” after “other than a bridge”;
 - (B) in paragraph (2)(A)—
 - (i) by striking “activities described in subsection (b)(2) for off-system bridges” and inserting “activities

described in paragraphs (1)(A) and (10) of subsection (b) for off-system bridges, projects and activities described in subsection (b)(1)(A) for the replacement of low water crossings with bridges, and projects and activities described in subsection (b)(10) for low water crossings (as defined by the Secretary);” and

(ii) by striking “15 percent” and inserting “20 percent”; and

(C) in paragraph (3), in the matter preceding subparagraph (A)—

(i) by striking “bridge or rehabilitation of a bridge” and inserting “bridge, rehabilitation of a bridge, or replacement of a low water crossing (as defined by the Secretary) with a bridge”; and

(ii) by inserting “or, in the case of a replacement of a low water crossing with a bridge, is determined by the Secretary on completion to have improved the safety of the location” after “no longer a deficient bridge”;

(6) in subsection (g)—

(A) in the subsection heading, by striking “LESS THAN 5,000” and inserting “LESS THAN 50,000”; and

(B) by striking paragraph (1) and inserting the following:

“(1) IN GENERAL.—Notwithstanding subsection (c), and except as provided in paragraph (2), up to 15 percent of the amounts required to be obligated by a State under clauses (iii) and (iv) of subsection (d)(1)(A) for each fiscal year may be obligated on—

“(A) roads functionally classified as rural minor collectors or local roads; or

“(B) on critical rural freight corridors designated under section 167(e).”; and

(7) by adding at the end the following:

“(j) RURAL BARGE LANDING, DOCK, AND WATERFRONT INFRASTRUCTURE PROJECTS.—

“(1) IN GENERAL.—A State may use not more than 5 percent of the funds apportioned to the State under section 104(b)(2) for eligible rural barge landing, dock, and waterfront infrastructure projects described in paragraph (2).

“(2) ELIGIBLE PROJECTS.—An eligible rural barge landing, dock, or waterfront infrastructure project referred to in paragraph (1) is a project for the planning, designing, engineering, or construction of a barge landing, dock, or other waterfront infrastructure in a rural community or a Native village (as defined in section 3 of the Alaska Native Claims Settlement Act (43 U.S.C. 1602)) that is off the road system.

“(k) PROJECTS IN RURAL AREAS.—

“(1) SET ASIDE.—Notwithstanding subsection (c), in addition to the activities described in subsections (b) and (g), of the amounts apportioned to a State for each fiscal year to carry out this section, not more than 15 percent may be—

“(A) used on eligible projects under subsection (b) or maintenance activities on roads functionally classified as rural minor collectors or local roads, ice roads, or seasonal roads; or

“(B) transferred to—

Determination.

“(i) the Appalachian Highway System Program under 14501 of title 40; or

“(ii) the Denali access system program under section 309 of the Denali Commission Act of 1998 (42 U.S.C. 3121 note; Public Law 105–277).

“(2) SAVINGS CLAUSE.—Amounts allocated under subsection (d) shall not be used to carry out this subsection, except at the request of the applicable metropolitan planning organization.”.

(b) SET-ASIDE.—

(1) IN GENERAL.—Section 133(h) of title 23, United States Code, is amended—

(A) in paragraph (1)—

(i) in the heading, by striking “RESERVATION OF FUNDS” and inserting “IN GENERAL”; and

(ii) in the matter preceding subparagraph (A), by striking “for each fiscal year” and all that follows through “and” at the end of subparagraph (A)(ii) and inserting the following: “for fiscal year 2022 and each fiscal year thereafter—

“(A) the Secretary shall set aside an amount equal to 10 percent to carry out this subsection; and”;

(B) by striking paragraph (2) and inserting the following:

“(2) ALLOCATION WITHIN A STATE.—

“(A) IN GENERAL.—Except as provided in subparagraph (B), funds set aside for a State under paragraph (1) shall be obligated within that State in the manner described in subsection (d), except that, for purposes of this paragraph (after funds are made available under paragraph (5))—

“(i) for fiscal year 2022 and each fiscal year thereafter, the percentage referred to in paragraph (1)(A) of that subsection shall be deemed to be 59 percent; and

“(ii) paragraph (3) of subsection (d) shall not apply.

“(B) LOCAL CONTROL.—A State may allocate up to 100 percent of the funds referred to in subparagraph (A)(i) if—

“(i) the State submits to the Secretary a plan that describes—

“(I) how funds will be allocated to counties, metropolitan planning organizations, regional transportation planning organizations as described in section 135(m), or local governments;

“(II) how the entities described in subclause (I) will carry out a competitive process to select projects for funding and report selected projects to the State;

“(III) the legal, financial, and technical capacity of the entities described in subclause (I);

“(IV) how input was gathered from the entities described in subclause (I) to ensure those entities will be able to comply with the requirements of this subsection; and

“(V) how the State will comply with paragraph (8); and

“(ii) the Secretary approves the plan submitted under clause (i).”;

(C) by striking paragraph (3) and inserting the following:

“(3) ELIGIBLE PROJECTS.—Funds set aside under this subsection may be obligated for—

“(A) projects or activities described in section 101(a)(29) or 213, as those provisions were in effect on the day before the date of enactment of the FAST Act (Public Law 114–94; 129 Stat. 1312);

“(B) projects and activities under the safe routes to school program under section 208; and

“(C) activities in furtherance of a vulnerable road user safety assessment (as defined in section 148(a)).”;

(D) in paragraph (4)—

(i) by striking subparagraph (A);

(ii) by redesignating subparagraph (B) as subparagraph (A);

(iii) in subparagraph (A) (as so redesignated)—

(I) by redesignating clauses (vii) and (viii) as clauses (viii) and (ix), respectively;

(II) by inserting after clause (vi) the following:

“(vii) a metropolitan planning organization that serves an urbanized area with a population of 200,000 or fewer.”;

(III) in clause (viii) (as so redesignated), by striking “responsible” and all that follows through “programs; and” and inserting a semicolon;

(IV) in clause (ix) (as so redesignated)—

(aa) by inserting “that serves an urbanized area with a population of over 200,000” after “metropolitan planning organization”; and

(bb) by striking the period at the end and inserting “; and”; and

(V) by adding at the end the following:

“(x) a State, at the request of an entity described in clauses (i) through (ix).”; and

(iv) by adding at the end the following:

“(B) COMPETITIVE PROCESS.—A State or metropolitan planning organization required to obligate funds in accordance with paragraph (2) shall develop a competitive process to allow eligible entities to submit projects for funding that achieve the objectives of this subsection.

“(C) SELECTION.—A metropolitan planning organization for an area described in subsection (d)(1)(A)(i) shall select projects under the competitive process described in subparagraph (B) in consultation with the relevant State.

“(D) PRIORITIZATION.—The competitive process described in subparagraph (B) shall include prioritization of project location and impact in high-need areas as defined by the State, such as low-income, transit-dependent, rural, or other areas.”;

(E) in paragraph (5)(A), by striking “reserved under this section” and inserting “set aside under this subsection”;

(F) in paragraph (6)—

(i) in subparagraph (B), by striking “reserved” and inserting “set aside”; and

(ii) by adding at the end the following:

“(C) IMPROVING ACCESSIBILITY AND EFFICIENCY.—

“(i) IN GENERAL.—A State may use an amount equal to not more than 5 percent of the funds set aside for the State under this subsection, after allocating funds in accordance with paragraph (2)(A), to improve the ability of applicants to access funding for projects under this subsection in an efficient and expeditious manner by providing—

“(I) to applicants for projects under this subsection application assistance, technical assistance, and assistance in reducing the period of time between the selection of the project and the obligation of funds for the project; and

“(II) funding for 1 or more full-time State employee positions to administer this subsection.

“(ii) USE OF FUNDS.—Amounts used under clause

(i) may be expended—

“(I) directly by the State; or

“(II) through contracts with State agencies, private entities, or nonprofit entities.”;

(G) by redesignating paragraph (7) as paragraph (8);

(H) by inserting after paragraph (6) the following:

“(7) FEDERAL SHARE.—

“(A) REQUIRED AGGREGATE NON-FEDERAL SHARE.—The average annual non-Federal share of the total cost of all projects for which funds are obligated under this subsection in a State for a fiscal year shall be not less than the average non-Federal share of the cost of the projects that would otherwise apply.

“(B) FLEXIBLE FINANCING.—Subject to subparagraph (A), notwithstanding section 120—

“(i) funds made available to carry out section 148 may be credited toward the non-Federal share of the costs of a project under this subsection if the project—

“(I) is an eligible project described in section 148(e)(1); and

“(II) is consistent with the State strategic highway safety plan (as defined in section 148(a));

“(ii) the non-Federal share for a project under this subsection may be calculated on a project, multiple-project, or program basis; and

“(iii) the Federal share of the cost of an individual project in this section may be up to 100 percent.

“(C) REQUIREMENT.—Subparagraph (B) shall only apply to a State if the State has adequate financial controls, as certified by the Secretary, to account for the average annual non-Federal share under this paragraph.”; and

(I) in subparagraph (A) of paragraph (8) (as so redesignated)—

(i) in the matter preceding clause (i), by striking “describes” and inserting “includes”; and

(ii) by striking clause (ii) and inserting the following:

“(ii) a list of each project selected for funding for each fiscal year, including, for each project—

Applicability.
Certification.

“(I) the fiscal year during which the project was selected;

“(II) the fiscal year in which the project is anticipated to be funded;

“(III) the recipient;

“(IV) the location, including the congressional district;

“(V) the type;

“(VI) the cost; and

“(VII) a brief description.”.

(2) STATE TRANSFERABILITY.—Section 126(b)(2) of title 23, United States Code, is amended—

(A) by striking the period at the end and inserting “; and”;

(B) by striking “reserved for a State under section 133(h) for a fiscal year may” and inserting the following: “set aside for a State under section 133(h) for a fiscal year—

“(A) may”; and

(C) by adding at the end the following:

Certification.

“(B) may only be transferred if the Secretary certifies that the State—

“(i) held a competition in compliance with the guidance issued to carry out section 133(h) and provided sufficient time for applicants to apply;

“(ii) offered to each eligible entity, and provided on request of an eligible entity, technical assistance; and

“(iii) demonstrates that there were not sufficiently suitable applications from eligible entities to use the funds to be transferred.”.

SEC. 11110. NATIONALLY SIGNIFICANT FREIGHT AND HIGHWAY PROJECTS.

(a) IN GENERAL.—Section 117 of title 23, United States Code, is amended—

(1) in the section heading, by inserting “**multimodal**” before “**freight**”;

(2) in subsection (a)(2)—

(A) in subparagraph (A), by inserting “in and across rural and urban areas” after “people”;

(B) in subparagraph (C), by inserting “or freight” after “highway”;

(C) in subparagraph (E), by inserting “or freight” after “highway”; and

(D) in subparagraph (F), by inserting “, including highways that support movement of energy equipment” after “security”;

(3) in subsection (b), by adding at the end the following: “(3) GRANT ADMINISTRATION.—The Secretary may—

Reviews.

“(A) retain not more than a total of 2 percent of the funds made available to carry out this section for the National Surface Transportation and Innovative Finance Bureau to review applications for grants under this section; and

Transfer authority.

“(B) transfer portions of the funds retained under subparagraph (A) to the relevant Administrators to fund

the award and oversight of grants provided under this section.”;

(4) in subsection (c)(1)—

(A) by redesignating subparagraph (H) as subparagraph (I); and

(B) by inserting after subparagraph (G) the following:

“(H) A multistate corridor organization.”;

(5) in subsection (d)—

(A) in paragraph (1)(A)—

(i) in clause (iii)(II), by striking “or” at the end;

(ii) in clause (iv), by striking “and” at the end;

and

(iii) by adding at the end the following:

“(v) a wildlife crossing project;

“(vi) a surface transportation infrastructure project

that—

“(I) is located within the boundaries of or functionally connected to an international border crossing area in the United States;

“(II) improves a transportation facility owned by a Federal, State, or local government entity; and

“(III) increases throughput efficiency of the border crossing described in subclause (I), including—

“(aa) a project to add lanes;

“(bb) a project to add technology; and

“(cc) other surface transportation improvements;

“(vii) a project for a marine highway corridor designated by the Secretary under section 55601(c) of title 46 (including an inland waterway corridor), if the Secretary determines that the project—

“(I) is functionally connected to the National Highway Freight Network; and

“(II) is likely to reduce on-road mobile source emissions; or

“(viii) a highway, bridge, or freight project carried out on the National Multimodal Freight Network established under section 70103 of title 49; and”; and

(B) in paragraph (2)(A), in the matter preceding clause

(i)—

(i) by striking “\$600,000,000” and inserting “30 percent”; and

(ii) by striking “fiscal years 2016 through 2020, in the aggregate,” and inserting “each of fiscal years 2022 through 2026”;

(6) in subsection (e)—

(A) in paragraph (1), by striking “10 percent” and inserting “not less than 15 percent”;

(B) in paragraph (3)—

(i) in subparagraph (A), by striking “and” at the end;

(ii) in subparagraph (B), by striking the period at the end and inserting “; and”; and

(iii) by adding at the end the following:

Determination.

“(C) the effect of the proposed project on safety on freight corridors with significant hazards, such as high winds, heavy snowfall, flooding, rockslides, mudslides, wildfire, wildlife crossing onto the roadway, or steep grades.”; and

(C) by adding at the end the following:

“(4) REQUIREMENT.—Of the amounts reserved under paragraph (1), not less than 30 percent shall be used for projects in rural areas (as defined in subsection (i)(3)).”;

(7) in subsection (f)(2), by inserting “(including a project to replace or rehabilitate a culvert, or to reduce stormwater runoff for the purpose of improving habitat for aquatic species)” after “environmental mitigation”;

(8) in subsection (h)—

(A) in paragraph (2), by striking “and” at the end;

(B) in paragraph (3), by striking the period at the end and inserting a semicolon; and

(C) by adding at the end the following:

“(4) enhancement of freight resilience to natural hazards or disasters, including high winds, heavy snowfall, flooding, rockslides, mudslides, wildfire, wildlife crossing onto the roadway, or steep grades;

“(5) whether the project will improve the shared transportation corridor of a multistate corridor organization, if applicable; and

“(6) prioritizing projects located in States in which neither the State nor an eligible entity in that State has been awarded a grant under this section.”;

(9) in subsection (i)(2), by striking “other grants under this section” and inserting “grants under subsection (e)”;

(10) in subsection (j)—

(A) by striking the subsection designation and heading and all that follows through “The Federal share” in paragraph (1) and inserting the following:

“(j) FEDERAL ASSISTANCE.—

“(1) FEDERAL SHARE.—

“(A) IN GENERAL.—Except as provided in subparagraph (B) or for a grant under subsection (q), the Federal share”;

(B) in paragraph (1), by adding at the end the following:

“(B) SMALL PROJECTS.—In the case of a project described in subsection (e)(1), the Federal share of the cost of the project shall be 80 percent.”; and

(C) in paragraph (2)—

(i) by striking “Federal assistance other” and inserting “Except for grants under subsection (q), Federal assistance other”; and

(ii) by striking “except that the total Federal” and inserting the following: “except that—

“(A) for a State with a population density of not more than 80 persons per square mile of land area, based on the 2010 census, the maximum share of the total Federal assistance provided for a project receiving a grant under this section shall be the applicable share under section 120(b); and

“(B) for a State not described in subparagraph (A), the total Federal”;

(11) by redesignating subsections (k) through (n) as subsections (l), (m), (n), and (p), respectively;

(12) by inserting after subsection (j) the following:

“(k) EFFICIENT USE OF NON-FEDERAL FUNDS.—

“(1) IN GENERAL.—Notwithstanding any other provision of law and subject to approval by the Secretary under paragraph (2)(B), in the case of any grant for a project under this section, during the period beginning on the date on which the grant recipient is selected and ending on the date on which the grant agreement is signed—

“(A) the grant recipient may obligate and expend non-Federal funds with respect to the project for which the grant is provided; and

“(B) any non-Federal funds obligated or expended in accordance with subparagraph (A) shall be credited toward the non-Federal cost share for the project for which the grant is provided.

“(2) REQUIREMENTS.—

“(A) APPLICATION.—In order to obligate and expend non-Federal funds under paragraph (1), the grant recipient shall submit to the Secretary a request to obligate and expend non-Federal funds under that paragraph, including—

“(i) a description of the activities the grant recipient intends to fund;

“(ii) a justification for advancing the activities described in clause (i), including an assessment of the effects to the project scope, schedule, and budget if the request is not approved; and

“(iii) the level of risk of the activities described in clause (i).

“(B) APPROVAL.—The Secretary shall approve or disapprove each request submitted under subparagraph (A).

“(C) COMPLIANCE WITH APPLICABLE REQUIREMENTS.—Any non-Federal funds obligated or expended under paragraph (1) shall comply with all applicable requirements, including any requirements included in the grant agreement.

“(3) EFFECT.—The obligation or expenditure of any non-Federal funds in accordance with this subsection shall not—

“(A) affect the signing of a grant agreement or other applicable grant procedures with respect to the applicable grant;

“(B) create an obligation on the part of the Federal Government to repay any non-Federal funds if the grant agreement is not signed; or

“(C) affect the ability of the recipient of the grant to obligate or expend non-Federal funds to meet the non-Federal cost share for the project for which the grant is provided after the period described in paragraph (1).”;

(13) in subsection (n) (as so redesignated), by striking paragraph (1) and inserting the following:

“(1) IN GENERAL.—Not later than 60 days before the date on which a grant is provided for a project under this section, the Secretary shall submit to the Committees on Commerce, Science, and Transportation and Environment and Public Works of the Senate and the Committee on Transportation

Grants.

Reports.

	and Infrastructure of the House of Representatives a report describing the proposed grant, including—
Evaluation.	“(A) an evaluation and justification for the applicable project; and “(B) a description of the amount of the proposed grant award.”; (14) by inserting after subsection (n) (as so redesignated) the following:
Deadlines.	“(o) APPLICANT NOTIFICATION.— “(1) IN GENERAL.—Not later than 60 days after the date on which a grant recipient for a project under this section is selected, the Secretary shall provide to each eligible applicant not selected for that grant a written notification that the eligible applicant was not selected. “(2) INCLUSION.—A written notification under paragraph (1) shall include an offer for a written or telephonic debrief by the Secretary that will provide— “(A) detail on the evaluation of the application of the eligible applicant; and “(B) an explanation of and guidance on the reasons the application was not selected for a grant under this section. “(3) RESPONSE.— “(A) IN GENERAL.—Not later than 30 days after the eligible applicant receives a written notification under paragraph (1), if the eligible applicant opts to receive a debrief described in paragraph (2), the eligible applicant shall notify the Secretary that the eligible applicant is requesting a debrief. “(B) DEBRIEF.—If the eligible applicant submits a request for a debrief under subparagraph (A), the Secretary shall provide the debrief by not later than 60 days after the date on which the Secretary receives the request for a debrief.”; and (15) by striking subsection (p) (as so redesignated) and inserting the following: “(p) REPORTS.— “(1) ANNUAL REPORT.—
Criteria.	“(A) IN GENERAL.—Notwithstanding any other provision of law, not later than 30 days after the date on which the Secretary selects a project for funding under this section, the Secretary shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report that describes the reasons for selecting the project, based on any criteria established by the Secretary in accordance with this section. “(B) INCLUSIONS.—The report submitted under subparagraph (A) shall specify each criterion established by the Secretary that the project meets.
Web posting.	“(C) AVAILABILITY.—The Secretary shall make available on the website of the Department of Transportation the report submitted under subparagraph (A). “(D) APPLICABILITY.—This paragraph applies to all projects described in subparagraph (A) that the Secretary selects on or after October 1, 2021. “(2) COMPTROLLER GENERAL.—

“(A) ASSESSMENT.—The Comptroller General of the United States shall conduct an assessment of the establishment, solicitation, selection, and justification process with respect to the funding of projects under this section.

“(B) REPORT.—Not later than 1 year after the date of enactment of the Surface Transportation Reauthorization Act of 2021 and annually thereafter, the Comptroller General of the United States shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report that describes, for each project selected to receive funding under this section—

“(i) the process by which each project was selected;

“(ii) the factors that went into the selection of each project; and

“(iii) the justification for the selection of each project based on any criteria established by the Secretary in accordance with this section.

“(3) INSPECTOR GENERAL.—Not later than 1 year after the date of enactment of the Surface Transportation Reauthorization Act of 2021 and annually thereafter, the Inspector General of the Department of Transportation shall—

Deadline.

“(A) conduct an assessment of the establishment, solicitation, selection, and justification process with respect to the funding of projects under this section; and

Assessment.

“(B) submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a final report that describes the findings of the Inspector General of the Department of Transportation with respect to the assessment conducted under subparagraph (A).

Reports.

“(q) STATE INCENTIVES PILOT PROGRAM.—

Grants.

“(1) ESTABLISHMENT.—There is established a pilot program to award grants to eligible applicants for projects eligible for grants under this section (referred to in this subsection as the ‘pilot program’).

“(2) PRIORITY.—In awarding grants under the pilot program, the Secretary shall give priority to an application that offers a greater non-Federal share of the cost of a project relative to other applications under the pilot program.

“(3) FEDERAL SHARE.—

“(A) IN GENERAL.—Notwithstanding any other provision of law, the Federal share of the cost of a project assisted with a grant under the pilot program may not exceed 50 percent.

“(B) NO FEDERAL INVOLVEMENT.—

“(i) IN GENERAL.—For grants awarded under the pilot program, except as provided in clause (ii), an eligible applicant may not use Federal assistance to satisfy the non-Federal share of the cost under subparagraph (A).

“(ii) EXCEPTION.—An eligible applicant may use funds from a secured loan (as defined in section 601(a)) to satisfy the non-Federal share of the cost under subparagraph (A) if the loan is repayable from non-Federal funds.

“(4) RESERVATION.—

“(A) IN GENERAL.—Of the amounts made available to provide grants under this section, the Secretary shall reserve for each fiscal year \$150,000,000 to provide grants under the pilot program.

“(B) UNUTILIZED AMOUNTS.—In any fiscal year during which applications under this subsection are insufficient to effect an award or allocation of the entire amount reserved under subparagraph (A), the Secretary shall use the unutilized amounts to provide other grants under this section.

Applicability.

“(5) SET-ASIDES.—

“(A) SMALL PROJECTS.—

“(i) IN GENERAL.—Of the amounts reserved under paragraph (4)(A), the Secretary shall reserve for each fiscal year not less than 10 percent for projects eligible for a grant under subsection (e).

“(ii) REQUIREMENT.—For a grant awarded from the amount reserved under clause (i)—

“(I) the requirements of subsection (e) shall apply; and

“(II) the requirements of subsection (g) shall not apply.

“(B) RURAL PROJECTS.—

“(i) IN GENERAL.—Of the amounts reserved under paragraph (4)(A), the Secretary shall reserve for each fiscal year not less than 25 percent for projects eligible for a grant under subsection (i).

“(ii) REQUIREMENT.—For a grant awarded from the amount reserved under clause (i), the requirements of subsection (i) shall apply.

“(6) REPORT TO CONGRESS.—Not later than 2 years after the date of enactment of this subsection, the Secretary shall submit to the Committee on Environment and Public Works and the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report that describes the administration of the pilot program, including—

“(A) the number, types, and locations of eligible applicants that have applied for grants under the pilot program;

“(B) the number, types, and locations of grant recipients under the pilot program;

Assessment.

“(C) an assessment of whether implementation of the pilot program has incentivized eligible applicants to offer a greater non-Federal share for grants under the pilot program; and

Recommendations.

“(D) any recommendations for modifications to the pilot program.

“(r) MULTISTATE CORRIDOR ORGANIZATION DEFINED.—For purposes of this section, the term ‘multistate corridor organization’ means an organization of a group of States developed through cooperative agreements, coalitions, or other arrangements to promote regional cooperation, planning, and shared project implementation for programs and projects to improve transportation system management and operations for a shared transportation corridor.

“(s) ADDITIONAL AUTHORIZATION OF APPROPRIATIONS.—In addition to amounts made available from the Highway Trust Fund, there are authorized to be appropriated to carry out this section, to remain available for a period of 3 fiscal years following the fiscal year for which the amounts are appropriated—

- “(1) \$1,000,000,000 for fiscal year 2022;
- “(2) \$1,100,000,000 for fiscal year 2023;
- “(3) \$1,200,000,000 for fiscal year 2024;
- “(4) \$1,300,000,000 for fiscal year 2025; and
- “(5) \$1,400,000,000 for fiscal year 2026.”.

(b) CLERICAL AMENDMENT.—The analysis for chapter 1 of title 23, United States Code, is amended by striking the item relating to section 117 and inserting the following:

23 USC
prec. 101.

“117. Nationally significant multimodal freight and highway projects.”.

(c) EFFICIENT USE OF NON-FEDERAL FUNDS.—

23 USC 117 note.
Grants.
Applicability.

(1) IN GENERAL.—Notwithstanding any other provision of law, in the case of a grant described in paragraph (2), section 117(k) of title 23, United States Code, shall apply to the grant as if the grant was a grant provided under that section.

(2) GRANT DESCRIBED.—A grant referred to in paragraph (1) is a grant that is—

(A) provided under a competitive discretionary grant program administered by the Federal Highway Administration;

(B) for a project eligible under title 23, United States Code; and

(C) in an amount greater than \$5,000,000.

SEC. 11111. HIGHWAY SAFETY IMPROVEMENT PROGRAM.

(a) IN GENERAL.—Section 148 of title 23, United States Code, is amended—

(1) in subsection (a)—

(A) in paragraph (4)(B)—

(i) in clause (i), by inserting “that provides for the safety of all road users, as appropriate, including a multimodal roundabout” after “improvement”;

(ii) in clause (vi), by inserting “or a grade separation project” after “devices”;

(iii) by striking clause (viii) and inserting the following:

“(viii) Construction or installation of features, measures, and road designs to calm traffic and reduce vehicle speeds.”;

(iv) by striking clause (xxvi) and inserting the following:

“(xxvi) Installation or upgrades of traffic control devices for pedestrians and bicyclists, including pedestrian hybrid beacons and the addition of bicycle movement phases to traffic signals.”; and

(v) by striking clauses (xxvii) and (xxviii) and inserting the following:

“(xxvii) Roadway improvements that provide separation between pedestrians and motor vehicles or between bicyclists and motor vehicles, including medians, pedestrian crossing islands, protected bike lanes, and protected intersection features.

- “(xxviii) A pedestrian security feature designed to slow or stop a motor vehicle.
- “(xxix) A physical infrastructure safety project not described in clauses (i) through (xxviii).”;
- (B) by redesignating paragraphs (9) through (12) as paragraphs (10), (12), (13), and (14), respectively;
- (C) by inserting after paragraph (8) the following:
- Definition. “(9) SAFE SYSTEM APPROACH.—The term ‘safe system approach’ means a roadway design—
- “(A) that emphasizes minimizing the risk of injury or fatality to road users; and
- “(B) that—
- “(i) takes into consideration the possibility and likelihood of human error;
- “(ii) accommodates human injury tolerance by taking into consideration likely accident types, resulting impact forces, and the ability of the human body to withstand impact forces; and
- “(iii) takes into consideration vulnerable road users.”;
- (D) by inserting after paragraph (10) (as so redesignated) the following:
- “(11) SPECIFIED SAFETY PROJECT.—
- Definition. “(A) IN GENERAL.—The term ‘specified safety project’ means a project carried out for the purpose of safety under any other section of this title that is consistent with the State strategic highway safety plan.
- “(B) INCLUSION.—The term ‘specified safety project’ includes a project that—
- “(i) promotes public awareness and informs the public regarding highway safety matters (including safety for motorcyclists, bicyclists, pedestrians, individuals with disabilities, and other road users);
- “(ii) facilitates enforcement of traffic safety laws;
- “(iii) provides infrastructure and infrastructure-related equipment to support emergency services;
- “(iv) conducts safety-related research to evaluate experimental safety countermeasures or equipment; or
- “(v) supports safe routes to school noninfrastructure-related activities described in section 208(g)(2).”;
- (E) in paragraph (13) (as so redesignated)—
- (i) by redesignating subparagraphs (G), (H), and (I) as subparagraphs (H), (I), and (J), respectively; and
- (ii) by inserting after subparagraph (F) the following:
- “(G) includes a vulnerable road user safety assessment.”; and
- Definitions. (F) by adding at the end the following:
- “(15) VULNERABLE ROAD USER.—The term ‘vulnerable road user’ means a nonmotorist—
- “(A) with a fatality analysis reporting system person attribute code that is included in the definition of the term ‘number of non-motorized fatalities’ in section 490.205 of title 23, Code of Federal Regulations (or successor regulations); or

“(B) described in the term ‘number of non-motorized serious injuries’ in that section.

“(16) VULNERABLE ROAD USER SAFETY ASSESSMENT.—The term ‘vulnerable road user safety assessment’ means an assessment of the safety performance of the State with respect to vulnerable road users and the plan of the State to improve the safety of vulnerable road users as described in subsection (1).”;

(2) in subsection (c)—

(A) in paragraph (1)(A), by striking “subsections (a)(11)” and inserting “subsections (a)(13)”; and

(B) in paragraph (2)—

(i) in subparagraph (A)(vi), by inserting “and to differentiate the safety data for vulnerable road users, including bicyclists, motorcyclists, and pedestrians, from other road users” after “crashes”;

(ii) in subparagraph (B)(i), by striking “(including motorcyclists), bicyclists, pedestrians,” and inserting “, vulnerable road users (including motorcyclists, bicyclists, pedestrians),”; and

(iii) in subparagraph (D)—

(I) in clause (iv), by striking “and” at the end;

(II) in clause (v), by striking the semicolon at the end and inserting “; and”; and

(III) by adding at the end the following:

“(vi) improves the ability of the State to differentiate the fatalities and serious injuries of vulnerable road users, including bicyclists, motorcyclists, and pedestrians, from other road users.”;

(3) in subsection (d)(2)(B)(i), by striking “subsection (a)(11)” and inserting “subsection (a)(13)”; and

(4) in subsection (e), by adding at the end the following:

“(3) FLEXIBLE FUNDING FOR SPECIFIED SAFETY PROJECTS.—

“(A) IN GENERAL.—To advance the implementation of a State strategic highway safety plan, a State may use not more than 10 percent of the amounts apportioned to the State under section 104(b)(3) for a fiscal year to carry out specified safety projects.

“(B) RULE OF CONSTRUCTION.—Nothing in this paragraph requires a State to revise any State process, plan, or program in effect on the date of enactment of this paragraph.

“(C) EFFECT OF PARAGRAPH.—

“(i) REQUIREMENTS.—A project carried out under this paragraph shall be subject to all requirements under this section that apply to a highway safety improvement project.

“(ii) OTHER APPORTIONED PROGRAMS.—Nothing in this paragraph prohibits the use of funds made available under other provisions of this title for a specified safety project that is a noninfrastructure project.”;

(5) in subsection (g), by adding at the end the following:

“(3) VULNERABLE ROAD USER SAFETY.—If the total annual fatalities of vulnerable road users in a State represents not less than 15 percent of the total annual crash fatalities in the State, that State shall be required to obligate not less than 15 percent of the amounts apportioned to the State under

Requirement.

section 104(b)(3) for the following fiscal year for highway safety improvement projects to address the safety of vulnerable road users.”; and

(6) by adding at the end the following:

“(1) VULNERABLE ROAD USER SAFETY ASSESSMENT.—

Deadline.

“(1) IN GENERAL.—Not later than 2 years after the date of enactment of this subsection, each State shall complete a vulnerable road user safety assessment.

“(2) CONTENTS.—A vulnerable road user safety assessment under paragraph (1) shall include—

Analysis.
Data.

“(A) a quantitative analysis of vulnerable road user fatalities and serious injuries that—

“(i) includes data such as location, roadway functional classification, design speed, speed limit, and time of day;

“(ii) considers the demographics of the locations of fatalities and serious injuries, including race, ethnicity, income, and age; and

“(iii) based on the data, identifies areas as ‘high-risk’ to vulnerable road users; and

Strategies.

“(B) a program of projects or strategies to reduce safety risks to vulnerable road users in areas identified as high-risk under subparagraph (A)(iii).

“(3) USE OF DATA.—In carrying out a vulnerable road user safety assessment under paragraph (1), a State shall use data from the most recent 5-year period for which data is available.

“(4) REQUIREMENTS.—In carrying out a vulnerable road user safety assessment under paragraph (1), a State shall—

“(A) take into consideration a safe system approach; and

Consultation.

“(B) consult with local governments, metropolitan planning organizations, and regional transportation planning organizations that represent a high-risk area identified under paragraph (2)(A)(iii).

“(5) UPDATE.—A State shall update the vulnerable road user safety assessment of the State in accordance with the updates required to the State strategic highway safety plan under subsection (d).

“(6) REQUIREMENT FOR TRANSPORTATION SYSTEM ACCESS.—The program of projects developed under paragraph (2)(B) may not degrade transportation system access for vulnerable road users.

“(7) GUIDANCE.—

Deadline.

“(A) IN GENERAL.—Not later than 1 year after the date of enactment of this subsection, the Secretary shall develop guidance for States to carry out this subsection.

“(B) CONSULTATION.—In developing the guidance under this paragraph, the Secretary shall consult with the States and relevant safety stakeholders.”.

Deadlines.
Updates.
23 USC 148 note.

(b) HIGH-RISK RURAL ROADS.—

(1) STUDY.—Not later than 2 years after the date of enactment of this Act, the Secretary shall update the study under section 1112(b)(1) of MAP–21 (23 U.S.C. 148 note; Public Law 112–141).

Web posting.

(2) PUBLICATION OF REPORT.—Not later than 2 years after the date of enactment of this Act, the Secretary shall publish on the website of the Department of Transportation an update

to the report described in section 1112(b)(2) of MAP–21 (23 U.S.C. 148 note; Public Law 112–141).

(3) BEST PRACTICES MANUAL.—Not later than 180 days after the date on which the report is published under paragraph (2), the Secretary shall update the best practices manual described in section 1112(b)(3) of MAP–21 (23 U.S.C. 148 note; Public Law 112–141).

SEC. 11112. FEDERAL LANDS TRANSPORTATION PROGRAM.

Section 203(a) of title 23, United States Code, is amended—

(1) in paragraph (1)(D), by striking “\$10,000,000” and inserting “\$20,000,000”; and

(2) by adding at the end the following:

“(6) NATIVE PLANT MATERIALS.—In carrying out an activity described in paragraph (1), the entity carrying out the activity shall consider, to the maximum extent practicable—

“(A) the use of locally adapted native plant materials; and

“(B) designs that minimize runoff and heat generation.”.

SEC. 11113. FEDERAL LANDS ACCESS PROGRAM.

(a) FEDERAL SHARE.—Section 201 of title 23, United States Code, is amended—

(1) in subsection (b)(7)(B), by striking “determined in accordance with section 120”, and inserting “be up to 100 percent”; and

(2) in subsection (c)(8)(A), by striking “5 percent” and inserting “20 percent”.

(b) FEDERAL LANDS ACCESS PROGRAM.—Section 204(a) of title 23, United States Code, is amended—

(1) in paragraph (1)(A)—

(A) in the matter preceding clause (i), by inserting “context-sensitive solutions,” after “restoration,”;

(B) in clause (i), by inserting “, including interpretive panels in or adjacent to those areas” after “areas”;

(C) in clause (v), by striking “and” at the end;

(D) by redesignating clause (vi) as clause (ix); and

(E) by inserting after clause (v) the following:

“(vi) contextual wayfinding markers;

“(vii) landscaping;

“(viii) cooperative mitigation of visual blight, including screening or removal; and”; and

(2) by adding at the end the following:

“(6) NATIVE PLANT MATERIALS.—In carrying out an activity described in paragraph (1), the Secretary shall ensure that the entity carrying out the activity considers, to the maximum extent practicable—

“(A) the use of locally adapted native plant materials; and

“(B) designs that minimize runoff and heat generation.”.

SEC. 11114. NATIONAL HIGHWAY FREIGHT PROGRAM.

Section 167 of title 23, United States Code, is amended—

(1) in subsection (e)—

(A) in paragraph (2), by striking “150 miles” and inserting “300 miles”; and

(B) by adding at the end the following:

“(3) RURAL STATES.—Notwithstanding paragraph (2), a State with a population per square mile of area that is less than the national average, based on the 2010 census, may designate as critical rural freight corridors a maximum of 600 miles of highway or 25 percent of the primary highway freight system mileage in the State, whichever is greater.”;

(2) in subsection (f)(4), by striking “75 miles” and inserting “150 miles”; and

(3) in subsection (i)(5)(B)—

(A) in the matter preceding clause (i), by striking “10 percent” and inserting “30 percent”;

(B) in clause (i), by striking “and” at the end;

(C) in clause (ii), by striking the period at the end and inserting a semicolon; and

(D) by adding at the end the following:

“(iii) for the modernization or rehabilitation of a lock and dam, if the Secretary determines that the project—

“(I) is functionally connected to the National Highway Freight Network; and

“(II) is likely to reduce on-road mobile source emissions; and

“(iv) on a marine highway corridor, connector, or crossing designated by the Secretary under section 55601(c) of title 46 (including an inland waterway corridor, connector, or crossing), if the Secretary determines that the project—

“(I) is functionally connected to the National Highway Freight Network; and

“(II) is likely to reduce on-road mobile source emissions.”.

Determinations.

SEC. 11115. CONGESTION MITIGATION AND AIR QUALITY IMPROVEMENT PROGRAM.

Section 149 of title 23, United States Code, is amended—

(1) in subsection (b)—

(A) in the matter preceding paragraph (1), by striking “subsection (d)” and inserting “subsections (d) and (m)(1)(B)(ii)”

(B) in paragraph (7), by inserting “shared micro-mobility (including bikesharing and shared scooter systems),” after “carsharing,”;

(C) in paragraph (8)—

(i) in subparagraph (A)—

(I) in the matter preceding clause (i), by inserting “replacements or” before “retrofits”;

(II) by striking clause (i) and inserting the following:

“(i) verified technologies (as defined in section 791 of the Energy Policy Act of 2005 (42 U.S.C. 16131)) for motor vehicles (as defined in section 216 of the Clean Air Act (42 U.S.C. 7550)); or”;

(III) in clause (ii)(II), by striking “or” at the end; and

(ii) in subparagraph (B), by inserting “replacements or” before “retrofits”; and

(iii) by adding at the end the following:

“(C) the purchase of medium- or heavy-duty zero emission vehicles and related charging equipment;”;

(D) in paragraph (9), by striking the period at the end and inserting a semicolon; and

(E) by adding at the end the following:

Determinations.

“(10) if the project is for the modernization or rehabilitation of a lock and dam that—

“(A) is functionally connected to the Federal-aid highway system; and

“(B) the Secretary determines is likely to contribute to the attainment or maintenance of a national ambient air quality standard; or

“(11) if the project is on a marine highway corridor, connector, or crossing designated by the Secretary under section 55601(c) of title 46 (including an inland waterway corridor, connector, or crossing) that—

“(A) is functionally connected to the Federal-aid highway system; and

“(B) the Secretary determines is likely to contribute to the attainment or maintenance of a national ambient air quality standard.”;

(2) in subsection (c), by adding at the end the following:

“(4) LOCKS AND DAMS; MARINE HIGHWAYS.—For each fiscal year, a State may not obligate more than 10 percent of the funds apportioned to the State under section 104(b)(4) for projects described in paragraphs (10) and (11) of subsection (b).”;

(3) in subsection (f)(4)(A), by inserting “and nonroad vehicles and nonroad engines used in construction projects or port-related freight operations” after “motor vehicles”;

(4) in subsection (g)—

(A) in paragraph (1)(B)—

(i) in the subparagraph heading, by inserting “REPLACEMENT OR” before “RETROFIT”;

(ii) by striking “The term ‘diesel retrofit’” and inserting “The term ‘diesel replacement or retrofit’”; and

(iii) by inserting “or retrofit” after “replacement”;

(B) in paragraph (2), in the matter preceding subparagraph (A), by inserting “replacement or” before “retrofit”; and

(C) in paragraph (3), by inserting “replacements or” before “retrofits”;

(5) in subsection (k)(1), by striking “that reduce such fine particulate matter emissions in such area, including diesel retrofits.” and inserting “that—

“(A) reduce such fine particulate matter emissions in such area, including diesel replacements or retrofits; and

“(B) to the extent practicable, prioritize benefits to disadvantaged communities or low-income populations living in, or immediately adjacent to, such area.”;

(6) in subsection (l), by adding at the following:

“(3) ASSISTANCE TO METROPOLITAN PLANNING ORGANIZATIONS.—

“(A) IN GENERAL.—On the request of a metropolitan planning organization, the Secretary may assist the metropolitan planning organization tracking progress made in minority or low-income populations as part of a performance plan under this subsection.

“(B) SAVINGS PROVISION.—Nothing in this paragraph provides the Secretary the authority—

“(i) to change the performance measures under section 150(c)(5) or the performance targets established under section 134(h)(2) or 150(d); or

“(ii) to establish any other Federal requirement.”;

and

(7) by striking subsection (m) and inserting the following:

“(m) OPERATING ASSISTANCE.—

“(1) IN GENERAL.—A State may obligate funds apportioned under section 104(b)(4) in an area of the State that is otherwise eligible for obligations of such funds for operating costs—

“(A) under chapter 53 of title 49; or

“(B) on—

“(i) a system for which CMAQ funding was eligible, made available, obligated, or expended in fiscal year 2012; or

“(ii) a State-supported Amtrak route with a valid cost-sharing agreement under section 209 of the Passenger Rail Investment and Improvement Act of 2008 (49 U.S.C. 24101 note; Public Law 110–432) and no current nonattainment areas under subsection (d).

“(2) NO TIME LIMITATION.—Operating assistance provided under paragraph (1) shall have no imposed time limitation if the operating assistance is for—

“(A) a route described in subparagraph (B) of that paragraph; or

“(B) a transit system that is located in—

“(i) a non-urbanized area; or

“(ii) an urbanized area with a population of 200,000 or fewer.”.

SEC. 11116. ALASKA HIGHWAY.

Section 218 of title 23, United States Code, is amended to read as follows:

Canada.

“§ 218. Alaska Highway

“(a) Recognizing the benefits that will accrue to the State of Alaska and to the United States from the reconstruction of the Alaska Highway from the Alaskan border at Beaver Creek, Yukon Territory, to Haines Junction in Canada and the Haines Cutoff Highway from Haines Junction in Canada to Haines, Alaska, the Secretary may provide for the necessary reconstruction of the highway using funds awarded through an applicable competitive grant program, if the highway meets all applicable eligibility requirements for the program, except for the specific requirements established by the agreement for the Alaska Highway Project between the Government of the United States and the Government of Canada. In addition to the funds described in the previous sentence, notwithstanding any other provision of law and on agreement with the State of Alaska, the Secretary is authorized to expend on such highway or the Alaska Marine Highway System

any Federal-aid highway funds apportioned to the State of Alaska under this title at a Federal share of 100 per centum. No expenditures shall be made for the construction of the portion of such highways that are in Canada unless an agreement is in place between the Government of Canada and the Government of the United States (including an agreement in existence on the date of enactment of the Surface Transportation Reauthorization Act of 2021) that provides, in part, that the Canadian Government—

“(1) will provide, without participation of funds authorized under this title, all necessary right-of-way for the reconstruction of such highways;

“(2) will not impose any highway toll, or permit any such toll to be charged for the use of such highways by vehicles or persons;

“(3) will not levy or assess, directly or indirectly, any fee, tax, or other charge for the use of such highways by vehicles or persons from the United States that does not apply equally to vehicles or persons of Canada;

“(4) will continue to grant reciprocal recognition of vehicle registration and driver’s licenses in accordance with agreements between the United States and Canada; and

“(5) will maintain such highways after their completion in proper condition adequately to serve the needs of present and future traffic.

“(b) The survey and construction work undertaken in Canada pursuant to this section shall be under the general supervision of the Secretary.

“(c) For purposes of this section, the term ‘Alaska Marine Highway System’ includes all existing or planned transportation facilities and equipment in Alaska, including the lease, purchase, or construction of vessels, terminals, docks, floats, ramps, staging areas, parking lots, bridges and approaches thereto, and necessary roads.

Definition.

“(d) Notwithstanding any other provision of law, a project assisted under this section in the State of Alaska shall be treated as a project on a Federal-aid highway under chapter 1.”.

SEC. 11117. TOLL ROADS, BRIDGES, TUNNELS, AND FERRIES.

(a) **IN GENERAL.**—Section 129(c) of title 23, United States Code, is amended in the matter preceding paragraph (1) by striking “the construction of ferry boats and ferry terminal facilities, whether toll or free,” and inserting “the construction of ferry boats and ferry terminal facilities (including ferry maintenance facilities), whether toll or free, and the procurement of transit vehicles used exclusively as an integral part of an intermodal ferry trip.”.

(b) **DIESEL FUEL FERRY VESSELS.**—

23 USC 147 note.

(1) **IN GENERAL.**—Notwithstanding section 147(b), in the case of a project to replace or retrofit a diesel fuel ferry vessel that provides substantial emissions reductions, the Federal share of the cost of the project may be up to 85 percent, as determined by the State.

Determination.

(2) **SUNSET.**—The authority provided by paragraph (1) shall terminate on September 30, 2025.

SEC. 11118. BRIDGE INVESTMENT PROGRAM.

(a) **IN GENERAL.**—Chapter 1 of title 23, United States Code, is amended by inserting after section 123 the following:

Grants.
23 USC 124.

“§ 124. Bridge investment program

“(a) DEFINITIONS.—In this section:

“(1) ELIGIBLE PROJECT.—

“(A) IN GENERAL.—The term ‘eligible project’ means a project to replace, rehabilitate, preserve, or protect 1 or more bridges on the National Bridge Inventory under section 144(b).

“(B) INCLUSIONS.—The term ‘eligible project’ includes—

“(i) a bundle of projects described in subparagraph (A), regardless of whether the bundle of projects meets the requirements of section 144(j)(5); and

“(ii) a project to replace or rehabilitate culverts for the purpose of improving flood control and improved habitat connectivity for aquatic species.

“(2) LARGE PROJECT.—The term ‘large project’ means an eligible project with total eligible project costs of greater than \$100,000,000.

“(3) PROGRAM.—The term ‘program’ means the bridge investment program established by subsection (b)(1).

“(b) ESTABLISHMENT OF BRIDGE INVESTMENT PROGRAM.—

“(1) IN GENERAL.—There is established a bridge investment program to provide financial assistance for eligible projects under this section.

“(2) GOALS.—The goals of the program shall be—

“(A) to improve the safety, efficiency, and reliability of the movement of people and freight over bridges;

“(B) to improve the condition of bridges in the United States by reducing—

“(i) the number of bridges—

“(I) in poor condition; or

“(II) in fair condition and at risk of falling into poor condition within the next 3 years;

“(ii) the total person miles traveled over bridges—

“(I) in poor condition; or

“(II) in fair condition and at risk of falling into poor condition within the next 3 years;

“(iii) the number of bridges that—

“(I) do not meet current geometric design standards; or

“(II) cannot meet the load and traffic requirements typical of the regional transportation network; and

“(iv) the total person miles traveled over bridges that—

“(I) do not meet current geometric design standards; or

“(II) cannot meet the load and traffic requirements typical of the regional transportation network; and

“(C) to provide financial assistance that leverages and encourages non-Federal contributions from sponsors and stakeholders involved in the planning, design, and construction of eligible projects.

“(c) GRANT AUTHORITY.—

“(1) IN GENERAL.—In carrying out the program, the Secretary may award grants, on a competitive basis, in accordance with this section.

“(2) GRANT AMOUNTS.—Except as otherwise provided, a grant under the program shall be—

“(A) in the case of a large project, in an amount that is—

“(i) adequate to fully fund the project (in combination with other financial resources identified in the application); and

“(ii) not less than \$50,000,000; and

“(B) in the case of any other eligible project, in an amount that is—

“(i) adequate to fully fund the project (in combination with other financial resources identified in the application); and

“(ii) not less than \$2,500,000.

“(3) MAXIMUM AMOUNT.—Except as otherwise provided, for an eligible project receiving assistance under the program, the amount of assistance provided by the Secretary under this section, as a share of eligible project costs, shall be—

“(A) in the case of a large project, not more than 50 percent; and

“(B) in the case of any other eligible project, not more than 80 percent.

“(4) FEDERAL SHARE.—

“(A) MAXIMUM FEDERAL INVOLVEMENT.—Federal assistance other than a grant under the program may be used to satisfy the non-Federal share of the cost of a project for which a grant is made, except that the total Federal assistance provided for a project receiving a grant under the program may not exceed the Federal share for the project under section 120.

“(B) OFF-SYSTEM BRIDGES.—In the case of an eligible project for an off-system bridge (as defined in section 133(f)(1))—

“(i) Federal assistance other than a grant under the program may be used to satisfy the non-Federal share of the cost of a project; and

“(ii) notwithstanding subparagraph (A), the total Federal assistance provided for the project shall not exceed 90 percent of the total eligible project costs.

“(C) FEDERAL LAND MANAGEMENT AGENCIES AND TRIBAL GOVERNMENTS.—Notwithstanding any other provision of law, Federal funds other than Federal funds made available under this section may be used to pay the remaining share of the cost of a project under the program by a Federal land management agency or a Tribal government or consortium of Tribal governments.

“(5) CONSIDERATIONS.—

“(A) IN GENERAL.—In awarding grants under the program, the Secretary shall consider—

“(i) in the case of a large project, the ratings assigned under subsection (g)(5)(A);

“(ii) in the case of an eligible project other than a large project, the quality rating assigned under subsection (f)(3)(A)(ii);

“(iii) the average daily person and freight throughput supported by the eligible project;

“(iv) the number and percentage of bridges within the same State as the eligible project that are in poor condition;

“(v) the extent to which the eligible project demonstrates cost savings by bundling multiple bridge projects;

“(vi) in the case of an eligible project of a Federal land management agency, the extent to which the grant would reduce a Federal liability or Federal infrastructure maintenance backlog;

“(vii) geographic diversity among grant recipients, including the need for a balance between the needs of rural and urban communities; and

“(viii) the extent to which a bridge that would be assisted with a grant—

“(I) is, without that assistance—

“(aa) at risk of falling into or remaining in poor condition; or

“(bb) in fair condition and at risk of falling into poor condition within the next 3 years;

“(II) does not meet current geometric design standards based on—

“(aa) the current use of the bridge; or

“(bb) load and traffic requirements typical of the regional corridor or local network in which the bridge is located; or

“(III) does not meet current seismic design standards.

“(B) REQUIREMENT.—The Secretary shall—

“(i) give priority to an application for an eligible project that is located within a State for which—

“(I) 2 or more applications for eligible projects within the State were submitted for the current fiscal year and an average of 2 or more applications for eligible projects within the State were submitted in prior fiscal years of the program; and

“(II) fewer than 2 grants have been awarded for eligible projects within the State under the program;

“(ii) during the period of fiscal years 2022 through 2026, for each State described in clause (i), select—

“(I) not fewer than 1 large project that the Secretary determines is justified under the evaluation under subsection (g)(4); or

“(II) 2 eligible projects that are not large projects that the Secretary determines are justified under the evaluation under subsection (f)(3); and

“(iii) not be required to award a grant for an eligible project that the Secretary does not determine is justified under an evaluation under subsection (f)(3) or (g)(4).

“(6) CULVERT LIMITATION.—Not more than 5 percent of the amounts made available for each fiscal year for grants under the program may be used for eligible projects that consist solely of culvert replacement or rehabilitation.

“(d) ELIGIBLE ENTITY.—The Secretary may make a grant under the program to any of the following:

Determinations.

“(1) A State or a group of States.

“(2) A metropolitan planning organization that serves an urbanized area (as designated by the Bureau of the Census) with a population of over 200,000.

“(3) A unit of local government or a group of local governments.

“(4) A political subdivision of a State or local government.

“(5) A special purpose district or public authority with a transportation function.

“(6) A Federal land management agency.

“(7) A Tribal government or a consortium of Tribal governments.

“(8) A multistate or multijurisdictional group of entities described in paragraphs (1) through (7).

“(e) ELIGIBLE PROJECT REQUIREMENTS.—The Secretary may make a grant under the program only to an eligible entity for an eligible project that—

“(1) in the case of a large project, the Secretary recommends for funding in the annual report on funding recommendations under subsection (g)(6), except as provided in subsection (g)(1)(B);

Recommendations.

“(2) is reasonably expected to begin construction not later than 18 months after the date on which funds are obligated for the project; and

Deadline.

“(3) is based on the results of preliminary engineering.

“(f) COMPETITIVE PROCESS AND EVALUATION OF ELIGIBLE PROJECTS OTHER THAN LARGE PROJECTS.—

“(1) COMPETITIVE PROCESS.—

“(A) IN GENERAL.—The Secretary shall—

Deadlines.

“(i) for the first fiscal year for which funds are made available for obligation under the program, not later than 60 days after the date on which the template under subparagraph (B)(i) is developed, and in subsequent fiscal years, not later than 60 days after the date on which amounts are made available for obligation under the program, solicit grant applications for eligible projects other than large projects; and

“(ii) not later than 120 days after the date on which the solicitation under clause (i) expires, conduct evaluations under paragraph (3).

“(B) REQUIREMENTS.—In carrying out subparagraph (A), the Secretary shall—

“(i) develop a template for applicants to use to summarize project needs and benefits, including benefits described in paragraph (3)(B)(i); and

“(ii) enable applicants to use data from the National Bridge Inventory under section 144(b) to populate templates described in clause (i), as applicable.

“(2) APPLICATIONS.—An eligible entity shall submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require.

“(3) EVALUATION.—

“(A) IN GENERAL.—Prior to providing a grant under this subsection, the Secretary shall—

“(i) conduct an evaluation of each eligible project for which an application is received under this subsection; and

“(ii) assign a quality rating to the eligible project on the basis of the evaluation under clause (i).

“(B) REQUIREMENTS.—In carrying out an evaluation under subparagraph (A), the Secretary shall—

Determination.

“(i) consider information on project benefits submitted by the applicant using the template developed under paragraph (1)(B)(i), including whether the project will generate, as determined by the Secretary—

“(I) costs avoided by the prevention of closure or reduced use of the bridge to be improved by the project;

“(II) in the case of a bundle of projects, benefits from executing the projects as a bundle compared to as individual projects;

“(III) safety benefits, including the reduction of accidents and related costs;

“(IV) person and freight mobility benefits, including congestion reduction and reliability improvements;

“(V) national or regional economic benefits;

“(VI) benefits from long-term resiliency to extreme weather events, flooding, or other natural disasters;

“(VII) benefits from protection (as described in section 133(b)(10)), including improving seismic or scour protection;

“(VIII) environmental benefits, including wildlife connectivity;

“(IX) benefits to nonvehicular and public transportation users;

“(X) benefits of using—

“(aa) innovative design and construction techniques; or

“(bb) innovative technologies; or

“(XI) reductions in maintenance costs, including, in the case of a federally-owned bridge, cost savings to the Federal budget; and

“(ii) consider whether and the extent to which the benefits, including the benefits described in clause (i), are more likely than not to outweigh the total project costs.

“(g) COMPETITIVE PROCESS, EVALUATION, AND ANNUAL REPORT FOR LARGE PROJECTS.—

“(1) IN GENERAL.—

“(A) APPLICATIONS.—The Secretary shall establish an annual date by which an eligible entity submitting an application for a large project shall submit to the Secretary such information as the Secretary may require, including information described in paragraph (2), in order for a large project to be considered for a recommendation by the Secretary for funding in the next annual report under paragraph (6).

“(B) FIRST FISCAL YEAR.—Notwithstanding subparagraph (A), for the first fiscal year for which funds are

made available for obligation for grants under the program, the Secretary may establish a date by which an eligible entity submitting an application for a large project shall submit to the Secretary such information as the Secretary may require, including information described in paragraph (2), in order for a large project to be considered for immediate execution of a grant agreement.

“(2) INFORMATION REQUIRED.—The information referred to in paragraph (1) includes—

“(A) all necessary information required for the Secretary to evaluate the large project; and

“(B) information sufficient for the Secretary to determine that—

“(i) the large project meets the applicable requirements under this section; and

“(ii) there is a reasonable likelihood that the large project will continue to meet the requirements under this section.

“(3) DETERMINATION; NOTICE.—On making a determination that information submitted to the Secretary under paragraph (1) is sufficient, the Secretary shall provide a written notice of that determination to—

“(A) the eligible entity that submitted the application;

“(B) the Committee on Environment and Public Works of the Senate; and

“(C) the Committee on Transportation and Infrastructure of the House of Representatives.

“(4) EVALUATION.—The Secretary may recommend a large project for funding in the annual report under paragraph (6), or, in the case of the first fiscal year for which funds are made available for obligation for grants under the program, immediately execute a grant agreement for a large project, only if the Secretary evaluates the proposed project and determines that the project is justified because the project—

“(A) addresses a need to improve the condition of the bridge, as determined by the Secretary, consistent with the goals of the program under subsection (b)(2);

“(B) will generate, as determined by the Secretary—

“(i) costs avoided by the prevention of closure or reduced use of the bridge to be improved by the project;

“(ii) in the case of a bundle of projects, benefits from executing the projects as a bundle compared to as individual projects;

“(iii) safety benefits, including the reduction of accidents and related costs;

“(iv) person and freight mobility benefits, including congestion reduction and reliability improvements;

“(v) national or regional economic benefits;

“(vi) benefits from long-term resiliency to extreme weather events, flooding, or other natural disasters;

“(vii) benefits from protection (as described in section 133(b)(10)), including improving seismic or scour protection;

“(viii) environmental benefits, including wildlife connectivity;

“(ix) benefits to nonvehicular and public transportation users;

Determination.

Recommendations.
Determination.

Determination.

Determination.

“(x) benefits of using—

“(I) innovative design and construction techniques; or

“(II) innovative technologies; or

“(xi) reductions in maintenance costs, including, in the case of a federally-owned bridge, cost savings to the Federal budget;

Analysis.

“(C) is cost effective based on an analysis of whether the benefits and avoided costs described in subparagraph (B) are expected to outweigh the project costs;

“(D) is supported by other Federal or non-Federal financial commitments or revenues adequate to fund ongoing maintenance and preservation; and

“(E) is consistent with the objectives of an applicable asset management plan of the project sponsor, including a State asset management plan under section 119(e) in the case of a project on the National Highway System that is sponsored by a State.

“(5) RATINGS.—

“(A) IN GENERAL.—The Secretary shall develop a methodology to evaluate and rate a large project on a 5-point scale (the points of which include ‘high’, ‘medium-high’, ‘medium’, ‘medium-low’, and ‘low’) for each of—

“(i) paragraph (4)(B);

“(ii) paragraph (4)(C); and

“(iii) paragraph (4)(D).

“(B) REQUIREMENT.—To be considered justified and receive a recommendation for funding in the annual report under paragraph (6), a project shall receive a rating of not less than ‘medium’ for each rating required under subparagraph (A).

“(C) INTERIM METHODOLOGY.—In the first fiscal year for which funds are made available for obligation for grants under the program, the Secretary may establish an interim methodology to evaluate and rate a large project for each of—

“(i) paragraph (4)(B);

“(ii) paragraph (4)(C); and

“(iii) paragraph (4)(D).

“(6) ANNUAL REPORT ON FUNDING RECOMMENDATIONS FOR LARGE PROJECTS.—

“(A) IN GENERAL.—Not later than the first Monday in February of each year, the Secretary shall submit to the Committees on Transportation and Infrastructure and Appropriations of the House of Representatives and the Committees on Environment and Public Works and Appropriations of the Senate a report that includes—

List.

“(i) a list of large projects that have requested a recommendation for funding under a new grant agreement from funds anticipated to be available to carry out this subsection in the next fiscal year;

“(ii) the evaluation under paragraph (4) and ratings under paragraph (5) for each project referred to in clause (i);

Payments.

“(iii) the grant amounts that the Secretary recommends providing to large projects in the next fiscal year, including—

“(I) scheduled payments under previously signed multiyear grant agreements under subsection (j);

“(II) payments for new grant agreements, including single-year grant agreements and multiyear grant agreements; and

“(III) a description of how amounts anticipated to be available for the program from the Highway Trust Fund for that fiscal year will be distributed; and

“(iv) for each project for which the Secretary recommends a new multiyear grant agreement under subsection (j), the proposed payout schedule for the project.”

Proposed
schedule.

“(B) LIMITATIONS.—

“(i) IN GENERAL.—The Secretary shall not recommend in an annual report under this paragraph a new multiyear grant agreement provided from funds from the Highway Trust Fund unless the Secretary determines that the project can be completed using funds that are anticipated to be available from the Highway Trust Fund in future fiscal years.

Determination.

“(ii) GENERAL FUND PROJECTS.—The Secretary—

“(I) may recommend for funding in an annual report under this paragraph a large project using funds from the general fund of the Treasury; but

“(II) shall not execute a grant agreement for that project unless—

“(aa) funds other than from the Highway Trust Fund have been made available for the project; and

“(bb) the Secretary determines that the project can be completed using funds other than from the Highway Trust Fund that are anticipated to be available in future fiscal years.

Determination.

“(C) CONSIDERATIONS.—In selecting projects to recommend for funding in the annual report under this paragraph, or, in the case of the first fiscal year for which funds are made available for obligation for grants under the program, projects for immediate execution of a grant agreement, the Secretary shall—

“(i) consider the amount of funds available in future fiscal years for multiyear grant agreements as described in subparagraph (B); and

“(ii) assume the availability of funds in future fiscal years for multiyear grant agreements that extend beyond the period of authorization based on the amount made available for large projects under the program in the last fiscal year of the period of authorization.

“(D) PROJECT DIVERSITY.—In selecting projects to recommend for funding in the annual report under this paragraph, the Secretary shall ensure diversity among projects recommended based on—

“(i) the amount of the grant requested; and

“(ii) grants for an eligible project for 1 bridge compared to an eligible project that is a bundle of projects.

“(h) ELIGIBLE PROJECT COSTS.—A grant received for an eligible project under the program may be used for—

“(1) development phase activities, including planning, feasibility analysis, revenue forecasting, environmental review, preliminary engineering and design work, and other preconstruction activities;

“(2) construction, reconstruction, rehabilitation, acquisition of real property (including land related to the project and improvements to the land), environmental mitigation, construction contingencies, acquisition of equipment, and operational improvements directly related to improving system performance; and

“(3) expenses related to the protection (as described in section 133(b)(10)) of a bridge, including seismic or scour protection.

“(i) TIFIA PROGRAM.—On the request of an eligible entity carrying out an eligible project, the Secretary may use amounts awarded to the entity to pay subsidy and administrative costs necessary to provide to the entity Federal credit assistance under chapter 6 with respect to the eligible project for which the grant was awarded.

“(j) MULTIYEAR GRANT AGREEMENTS FOR LARGE PROJECTS.—

“(1) IN GENERAL.—A large project that receives a grant under the program in an amount of not less than \$100,000,000 may be carried out through a multiyear grant agreement in accordance with this subsection.

“(2) REQUIREMENTS.—A multiyear grant agreement for a large project described in paragraph (1) shall—

“(A) establish the terms of participation by the Federal Government in the project;

“(B) establish the maximum amount of Federal financial assistance for the project in accordance with paragraphs (3) and (4) of subsection (c);

“(C) establish a payout schedule for the project that provides for disbursement of the full grant amount by not later than 4 fiscal years after the fiscal year in which the initial amount is provided;

“(D) determine the period of time for completing the project, even if that period extends beyond the period of an authorization; and

“(E) attempt to improve timely and efficient management of the project, consistent with all applicable Federal laws (including regulations).

“(3) SPECIAL FINANCIAL RULES.—

“(A) IN GENERAL.—A multiyear grant agreement under this subsection—

“(i) shall obligate an amount of available budget authority specified in law; and

“(ii) may include a commitment, contingent on amounts to be specified in law in advance for commitments under this paragraph, to obligate an additional amount from future available budget authority specified in law.

“(B) STATEMENT OF CONTINGENT COMMITMENT.—The agreement shall state that the contingent commitment is not an obligation of the Federal Government.

“(C) INTEREST AND OTHER FINANCING COSTS.—

Schedule.
Deadline.

Determination.

“(i) IN GENERAL.—Interest and other financing costs of carrying out a part of the project within a reasonable time shall be considered a cost of carrying out the project under a multiyear grant agreement, except that eligible costs may not be more than the cost of the most favorable financing terms reasonably available for the project at the time of borrowing.

“(ii) CERTIFICATION.—The applicant shall certify to the Secretary that the applicant has shown reasonable diligence in seeking the most favorable financing terms.

“(4) ADVANCE PAYMENT.—Notwithstanding any other provision of law, an eligible entity carrying out a large project under a multiyear grant agreement—

“(A) may use funds made available to the eligible entity under this title for eligible project costs of the large project until the amount specified in the multiyear grant agreement for the project for that fiscal year becomes available for obligation; and

“(B) if the eligible entity uses funds as described in subparagraph (A), the funds used shall be reimbursed from the amount made available under the multiyear grant agreement for the project.

Reimbursement.

“(k) UNDERTAKING PARTS OF PROJECTS IN ADVANCE UNDER LETTERS OF NO PREJUDICE.—

“(1) IN GENERAL.—The Secretary may pay to an applicant all eligible project costs under the program, including costs for an activity for an eligible project incurred prior to the date on which the project receives funding under the program if—

“(A) before the applicant carries out the activity, the Secretary approves through a letter to the applicant the activity in the same manner as the Secretary approves other activities as eligible under the program;

Advance approval.

“(B) a record of decision, a finding of no significant impact, or a categorical exclusion under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) has been issued for the eligible project; and

Records.

“(C) the activity is carried out without Federal assistance and in accordance with all applicable procedures and requirements.

“(2) INTEREST AND OTHER FINANCING COSTS.—

“(A) IN GENERAL.—For purposes of paragraph (1), the cost of carrying out an activity for an eligible project includes the amount of interest and other financing costs, including any interest earned and payable on bonds, to the extent interest and other financing costs are expended in carrying out the activity for the eligible project, except that interest and other financing costs may not be more than the cost of the most favorable financing terms reasonably available for the eligible project at the time of borrowing.

“(B) CERTIFICATION.—The applicant shall certify to the Secretary that the applicant has shown reasonable diligence in seeking the most favorable financing terms under subparagraph (A).

“(3) NO OBLIGATION OR INFLUENCE ON RECOMMENDATIONS.—An approval by the Secretary under paragraph (1)(A) shall not—

“(A) constitute an obligation of the Federal Government; or

“(B) alter or influence any evaluation under subsection (f)(3)(A)(i) or (g)(4) or any recommendation by the Secretary for funding under the program.

“(1) FEDERALLY-OWNED BRIDGES.—

“(1) DIVESTITURE CONSIDERATION.—In the case of a bridge owned by a Federal land management agency for which that agency applies for a grant under the program, the agency—

“(A) shall consider options to divest the bridge to a State or local entity after completion of the project; and

“(B) may apply jointly with the State or local entity to which the bridge may be divested.

Applicability.

“(2) TREATMENT.—Notwithstanding any other provision of law, section 129 shall apply to a bridge that was previously owned by a Federal land management agency and has been transferred to a non-Federal entity under paragraph (1) in the same manner as if the bridge was never federally owned.

“(m) TREATMENT OF PROJECTS.—Notwithstanding any other provision of law, a project assisted under this section shall be treated as a project on a Federal-aid highway under this chapter.

Deadline.

“(n) CONGRESSIONAL NOTIFICATION.—Not later than 30 days before making a grant for an eligible project under the program, the Secretary shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate a written notification of the proposed grant that includes—

Evaluation.

“(1) an evaluation and justification for the eligible project; and

“(2) the amount of the proposed grant.

“(o) REPORTS.—

Web posting.

“(1) ANNUAL REPORT.—Not later than August 1 of each fiscal year, the Secretary shall make available on the website of the Department of Transportation an annual report that lists each eligible project for which a grant has been provided under the program during the fiscal year.

“(2) GAO ASSESSMENT AND REPORT.—Not later than 3 years after the date of enactment of the Surface Transportation Reauthorization Act of 2021, the Comptroller General of the United States shall—

“(A) conduct an assessment of the administrative establishment, solicitation, selection, and justification process with respect to the funding of grants under the program; and

“(B) submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate a report that describes—

“(i) the adequacy and fairness of the process under which each eligible project that received a grant under the program was selected; and

“(ii) the justification and criteria used for the selection of each eligible project.

“(p) LIMITATION.—

“(1) LARGE PROJECTS.—Of the amounts made available out of the Highway Trust Fund (other than the Mass Transit Account) to carry out this section for each of fiscal years 2022 through 2026, not less than 50 percent, in aggregate, shall be used for large projects.

“(2) UNUTILIZED AMOUNTS.—If, in fiscal year 2026, the Secretary determines that grants under the program will not allow for the requirement under paragraph (1) to be met, the Secretary shall use the unutilized amounts to make other grants under the program during that fiscal year.

Determination.

“(q) TRIBAL TRANSPORTATION FACILITY BRIDGE SET ASIDE.—

“(1) IN GENERAL.—Of the amounts made available from the Highway Trust Fund (other than the Mass Transit Account) for a fiscal year to carry out this section, the Secretary shall use, to carry out section 202(d)—

“(A) \$16,000,000 for fiscal year 2022;

“(B) \$18,000,000 for fiscal year 2023;

“(C) \$20,000,000 for fiscal year 2024;

“(D) \$22,000,000 for fiscal year 2025; and

“(E) \$24,000,000 for fiscal year 2026.

“(2) TREATMENT.—For purposes of section 201, funds made available for section 202(d) under paragraph (1) shall be considered to be part of the tribal transportation program.”.

(b) CLERICAL AMENDMENT.—The analysis for chapter 1 of title 23, United States Code, is amended by inserting after the item relating to section 123 the following:

23 USC
prec. 101.

“124. Bridge investment program.”.

SEC. 11119. SAFE ROUTES TO SCHOOL.

(a) IN GENERAL.—Chapter 2 of title 23, United States Code, is amended by inserting after section 207 the following:

“§ 208. Safe routes to school

23 USC 208.

“(a) DEFINITIONS.—In this section:

“(1) IN THE VICINITY OF SCHOOLS.—The term ‘in the vicinity of schools’, with respect to a school, means the approximately 2-mile area within bicycling and walking distance of the school.

“(2) PRIMARY, MIDDLE, AND HIGH SCHOOLS.—The term ‘primary, middle, and high schools’ means schools providing education from kindergarten through 12th grade.

“(b) ESTABLISHMENT.—Subject to the requirements of this section, the Secretary shall establish and carry out a safe routes to school program for the benefit of children in primary, middle, and high schools.

“(c) PURPOSES.—The purposes of the program established under subsection (b) shall be—

“(1) to enable and encourage children, including those with disabilities, to walk and bicycle to school;

“(2) to make bicycling and walking to school a safer and more appealing transportation alternative, thereby encouraging a healthy and active lifestyle from an early age; and

“(3) to facilitate the planning, development, and implementation of projects and activities that will improve safety and reduce traffic, fuel consumption, and air pollution in the vicinity of schools.

“(d) APPORTIONMENT OF FUNDS.—

“(1) IN GENERAL.—Subject to paragraphs (2), (3), and (4), amounts made available to carry out this section for a fiscal year shall be apportioned among the States so that each State receives the amount equal to the proportion that—

“(A) the total student enrollment in primary, middle, and high schools in each State; bears to

“(B) the total student enrollment in primary, middle, and high schools in all States.

“(2) MINIMUM APPORTIONMENT.—No State shall receive an apportionment under this section for a fiscal year of less than \$1,000,000.

“(3) SET-ASIDE FOR ADMINISTRATIVE EXPENSES.—Before apportioning under this subsection amounts made available to carry out this section for a fiscal year, the Secretary shall set aside not more than \$3,000,000 of those amounts for the administrative expenses of the Secretary in carrying out this section.

“(4) DETERMINATION OF STUDENT ENROLLMENTS.—Determinations under this subsection relating to student enrollments shall be made by the Secretary.

“(e) ADMINISTRATION OF AMOUNTS.—Amounts apportioned to a State under this section shall be administered by the State department of transportation.

“(f) ELIGIBLE RECIPIENTS.—Amounts apportioned to a State under this section shall be used by the State to provide financial assistance to State, local, Tribal, and regional agencies, including nonprofit organizations, that demonstrate an ability to meet the requirements of this section.

“(g) ELIGIBLE PROJECTS AND ACTIVITIES.—

“(1) INFRASTRUCTURE-RELATED PROJECTS.—

“(A) IN GENERAL.—Amounts apportioned to a State under this section may be used for the planning, design, and construction of infrastructure-related projects that will substantially improve the ability of students to walk and bicycle to school, including sidewalk improvements, traffic calming and speed reduction improvements, pedestrian and bicycle crossing improvements, on-street bicycle facilities, off-street bicycle and pedestrian facilities, secure bicycle parking facilities, and traffic diversion improvements in the vicinity of schools.

“(B) LOCATION OF PROJECTS.—Infrastructure-related projects under subparagraph (A) may be carried out on any public road or any bicycle or pedestrian pathway or trail in the vicinity of schools.

“(2) NONINFRASTRUCTURE-RELATED ACTIVITIES.—

“(A) IN GENERAL.—In addition to projects described in paragraph (1), amounts apportioned to a State under this section may be used for noninfrastructure-related activities to encourage walking and bicycling to school, including public awareness campaigns and outreach to press and community leaders, traffic education and enforcement in the vicinity of schools, student sessions on bicycle and pedestrian safety, health, and environment, and funding for training, volunteers, and managers of safe routes to school programs.

“(B) ALLOCATION.—Not less than 10 percent and not more than 30 percent of the amount apportioned to a

State under this section for a fiscal year shall be used for noninfrastructure-related activities under this paragraph.

“(3) **SAFE ROUTES TO SCHOOL COORDINATOR.**—Each State shall use a sufficient amount of the apportionment of the State for each fiscal year to fund a full-time position of coordinator of the safe routes to school program of the State.

“(h) **CLEARINGHOUSE.**—

“(1) **IN GENERAL.**—The Secretary shall make grants to a national nonprofit organization engaged in promoting safe routes to schools—

Grants.

“(A) to operate a national safe routes to school clearinghouse;

“(B) to develop information and educational programs on safe routes to school; and

“(C) to provide technical assistance and disseminate techniques and strategies used for successful safe routes to school programs.

“(2) **FUNDING.**—The Secretary shall carry out this subsection using amounts set aside for administrative expenses under subsection (d)(3).

“(i) **TREATMENT OF PROJECTS.**—Notwithstanding any other provision of law, a project assisted under this section shall be treated as a project on a Federal-aid highway under chapter 1.”.

(b) **CONFORMING AMENDMENTS.**—

(1) The analysis for chapter 2 of title 23, United States Code, is amended by inserting after the item relating to section 207 the following:

23 USC
prec. 201.

“208. Safe routes to school.”.

(2) Section 1404 of SAFETEA–LU (23 U.S.C. 402 note; Public Law 109–59) is repealed.

Repeal.

(3) The table of contents in section 1(b) of SAFETEA–LU (Public Law 109–59; 119 Stat. 1144) is amended by striking the item relating to section 1404.

SEC. 11120. HIGHWAY USE TAX EVASION PROJECTS.

Section 143(b)(2)(A) of title 23, United States Code, is amended by striking “fiscal years 2016 through 2020” and inserting “fiscal years 2022 through 2026”.

SEC. 11121. CONSTRUCTION OF FERRY BOATS AND FERRY TERMINAL FACILITIES.

Section 147 of title 23, United States Code, is amended by striking subsection (h) and inserting the following:

“(h) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated out of the Highway Trust Fund (other than the Mass Transit Account) to carry out this section—

“(1) \$110,000,000 for fiscal year 2022;

“(2) \$112,000,000 for fiscal year 2023;

“(3) \$114,000,000 for fiscal year 2024;

“(4) \$116,000,000 for fiscal year 2025; and

“(5) \$118,000,000 for fiscal year 2026.”.

SEC. 11122. VULNERABLE ROAD USER RESEARCH.

23 USC 148 note.

(a) **DEFINITIONS.**—In this subsection:

(1) ADMINISTRATOR.—The term “Administrator” means the Secretary, acting through the Administrator of the Federal Highway Administration.

(2) VULNERABLE ROAD USER.—The term “vulnerable road user” has the meaning given the term in section 148(a) of title 23, United States Code.

(b) ESTABLISHMENT OF RESEARCH PLAN.—The Administrator shall establish a research plan to prioritize research on roadway designs, the development of safety countermeasures to minimize fatalities and serious injuries to vulnerable road users, and the promotion of bicycling and walking, including research relating to—

(1) roadway safety improvements, including traffic calming techniques and vulnerable road user accommodations appropriate in a suburban arterial context;

(2) the impacts of traffic speeds, and access to low-traffic stress corridors, on safety and rates of bicycling and walking;

Evaluation.

(3) tools to evaluate the impact of transportation improvements on projected rates and safety of bicycling and walking; and

Determination.

(4) other research areas to be determined by the Administrator.

(c) VULNERABLE ROAD USER ASSESSMENTS.—The Administrator shall—

Reviews.

Determination.

(1) review each vulnerable road user safety assessment submitted by a State under section 148(l) of title 23, United States Code, and other relevant sources of data to determine what, if any, standard definitions and methods should be developed through guidance to enable a State to collect pedestrian injury and fatality data; and

(2) in the first progress update under subsection (d)(2), provide—

(A) the results of the determination described in paragraph (1); and

Recommendations.

(B) the recommendations of the Secretary with respect to the collection and reporting of data on the safety of vulnerable road users.

Deadlines.

(d) SUBMISSION; PUBLICATION.—

(1) SUBMISSION OF PLAN.—Not later than 180 days after the date of enactment of this Act, the Administrator shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives the research plan described in subsection (b).

(2) PROGRESS UPDATES.—Not later than 2 years after the date of enactment of this Act, and biannually thereafter, the Administrator shall submit to the Committees described in paragraph (1)—

(A) updates on the progress and findings of the research conducted pursuant to the plan described in subsection (b); and

(B) in the first submission under this paragraph, the results and recommendations described in subsection (c)(2).

SEC. 11123. WILDLIFE CROSSING SAFETY.

(a) **DECLARATION OF POLICY.**—Section 101(b)(3)(D) of title 23, United States Code, is amended, in the matter preceding clause (i), by inserting “resilient,” after “efficient,”.

(b) **WILDLIFE CROSSINGS PILOT PROGRAM.**—

(1) **IN GENERAL.**—Chapter 1 of title 23, United States Code, is amended by adding at the end the following:

“§ 171. Wildlife crossings pilot program

Grants.
23 USC 171.

“(a) **FINDING.**—Congress finds that greater adoption of wildlife-vehicle collision safety countermeasures is in the public interest because—

“(1) according to the report of the Federal Highway Administration entitled ‘Wildlife-Vehicle Collision Reduction Study’, there are more than 1,000,000 wildlife-vehicle collisions every year;

“(2) wildlife-vehicle collisions—

“(A) present a danger to—

“(i) human safety; and

“(ii) wildlife survival; and

“(B) represent a persistent concern that results in tens of thousands of serious injuries and hundreds of fatalities on the roadways of the United States; and

“(3) the total annual cost associated with wildlife-vehicle collisions has been estimated to be \$8,388,000,000; and

“(4) wildlife-vehicle collisions are a major threat to the survival of species, including birds, reptiles, mammals, and amphibians.

“(b) **ESTABLISHMENT.**—The Secretary shall establish a competitive wildlife crossings pilot program (referred to in this section as the ‘pilot program’) to provide grants for projects that seek to achieve—

“(1) a reduction in the number of wildlife-vehicle collisions; and

“(2) in carrying out the purpose described in paragraph (1), improved habitat connectivity for terrestrial and aquatic species.

“(c) **ELIGIBLE ENTITIES.**—An entity eligible to apply for a grant under the pilot program is—

“(1) a State highway agency, or an equivalent of that agency;

“(2) a metropolitan planning organization (as defined in section 134(b));

“(3) a unit of local government;

“(4) a regional transportation authority;

“(5) a special purpose district or public authority with a transportation function, including a port authority;

“(6) an Indian tribe (as defined in section 207(m)(1)), including a Native village and a Native Corporation (as those terms are defined in section 3 of the Alaska Native Claims Settlement Act (43 U.S.C. 1602));

“(7) a Federal land management agency; or

“(8) a group of any of the entities described in paragraphs (1) through (7).

“(d) **APPLICATIONS.**—

- “(1) IN GENERAL.—To be eligible to receive a grant under the pilot program, an eligible entity shall submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require.
- Consultation. “(2) REQUIREMENT.—If an application under paragraph (1) is submitted by an eligible entity other than an eligible entity described in paragraph (1) or (7) of subsection (c), the application shall include documentation that the State highway agency, or an equivalent of that agency, of the State in which the eligible entity is located was consulted during the development of the application.
- “(3) GUIDANCE.—To enhance consideration of current and reliable data, eligible entities may obtain guidance from an agency in the State with jurisdiction over fish and wildlife.
- “(e) CONSIDERATIONS.—In selecting grant recipients under the pilot program, the Secretary shall take into consideration the following:
- “(1) Primarily, the extent to which the proposed project of an eligible entity is likely to protect motorists and wildlife by reducing the number of wildlife-vehicle collisions and improve habitat connectivity for terrestrial and aquatic species.
- “(2) Secondly, the extent to which the proposed project of an eligible entity is likely to accomplish the following:
- “(A) Leveraging Federal investment by encouraging non-Federal contributions to the project, including projects from public-private partnerships.
- “(B) Supporting local economic development and improvement of visitation opportunities.
- “(C) Incorporation of innovative technologies, including advanced design techniques and other strategies to enhance efficiency and effectiveness in reducing wildlife-vehicle collisions and improving habitat connectivity for terrestrial and aquatic species.
- “(D) Provision of educational and outreach opportunities.
- “(E) Monitoring and research to evaluate, compare effectiveness of, and identify best practices in, selected projects.
- Determination. “(F) Any other criteria relevant to reducing the number of wildlife-vehicle collisions and improving habitat connectivity for terrestrial and aquatic species, as the Secretary determines to be appropriate, subject to the condition that the implementation of the pilot program shall not be delayed in the absence of action by the Secretary to identify additional criteria under this subparagraph.
- “(f) USE OF FUNDS.—
- “(1) IN GENERAL.—The Secretary shall ensure that a grant received under the pilot program is used for a project to reduce wildlife-vehicle collisions.
- “(2) GRANT ADMINISTRATION.—
- “(A) IN GENERAL.—A grant received under the pilot program shall be administered by—
- “(i) in the case of a grant to a Federal land management agency or an Indian tribe (as defined in section 207(m)(1), including a Native village and a Native Corporation (as those terms are defined in section 3 of the Alaska Native Claims Settlement Act (43 U.S.C.

1602))), the Federal Highway Administration, through an agreement; and

“(ii) in the case of a grant to an eligible entity other than an eligible entity described in clause (i), the State highway agency, or an equivalent of that agency, for the State in which the project is to be carried out.

“(B) PARTNERSHIPS.—

“(i) IN GENERAL.—A grant received under the pilot program may be used to provide funds to eligible partners of the project for which the grant was received described in clause (ii), in accordance with the terms of the project agreement.

“(ii) ELIGIBLE PARTNERS DESCRIBED.—The eligible partners referred to in clause (i) include—

“(I) a metropolitan planning organization (as defined in section 134(b));

“(II) a unit of local government;

“(III) a regional transportation authority;

“(IV) a special purpose district or public authority with a transportation function, including a port authority;

“(V) an Indian tribe (as defined in section 207(m)(1)), including a Native village and a Native Corporation (as those terms are defined in section 3 of the Alaska Native Claims Settlement Act (43 U.S.C. 1602));

“(VI) a Federal land management agency;

“(VII) a foundation, nongovernmental organization, or institution of higher education;

“(VIII) a Federal, Tribal, regional, or State government entity; and

“(IX) a group of any of the entities described in subclauses (I) through (VIII).

“(3) COMPLIANCE.—An eligible entity that receives a grant under the pilot program and enters into a partnership described in paragraph (2) shall establish measures to verify that an eligible partner that receives funds from the grant complies with the conditions of the pilot program in using those funds.

“(g) REQUIREMENT.—The Secretary shall ensure that not less than 60 percent of the amounts made available for grants under the pilot program each fiscal year are for projects located in rural areas. Urban and rural areas.

“(h) ANNUAL REPORT TO CONGRESS.—

“(1) IN GENERAL.—Not later than December 31 of each calendar year, the Secretary shall submit to Congress, and make publicly available, a report describing the activities under the pilot program for the fiscal year that ends during that calendar year. Public information.

“(2) CONTENTS.—The report under paragraph (1) shall include—

“(A) a detailed description of the activities carried out under the pilot program;

“(B) an evaluation of the effectiveness of the pilot program in meeting the purposes described in subsection (b); and Evaluation.

Recommendations.

“(C) policy recommendations to improve the effectiveness of the pilot program.

“(i) TREATMENT OF PROJECTS.—Notwithstanding any other provision of law, a project assisted under this section shall be treated as a project on a Federal-aid highway under this chapter.”.

23 USC
prec. 101.

(2) CLERICAL AMENDMENT.—The analysis for chapter 1 of title 23, United States Code, is amended by inserting after the item relating to section 170 the following:

“171. Wildlife crossings pilot program.”.

(c) WILDLIFE VEHICLE COLLISION REDUCTION AND HABITAT CONNECTIVITY IMPROVEMENT.—

(1) IN GENERAL.—Chapter 1 of title 23, United States Code (as amended by subsection (b)(1)), is amended by adding at the end the following:

23 USC 172.

“§ 172. Wildlife-vehicle collision reduction and habitat connectivity improvement

“(a) STUDY.—

“(1) IN GENERAL.—The Secretary shall conduct a study (referred to in this subsection as the ‘study’) of the state, as of the date of the study, of the practice of methods to reduce collisions between motorists and wildlife (referred to in this section as ‘wildlife-vehicle collisions’).

“(2) CONTENTS.—

“(A) AREAS OF STUDY.—The study shall—

Update.

“(i) update and expand on, as appropriate—

“(I) the report entitled ‘Wildlife Vehicle Collision Reduction Study: 2008 Report to Congress’; and

“(II) the document entitled ‘Wildlife Vehicle Collision Reduction Study: Best Practices Manual’ and dated October 2008; and

“(ii) include—

Assessments.

“(I) an assessment, as of the date of the study, of—

“(aa) the causes of wildlife-vehicle collisions;

“(bb) the impact of wildlife-vehicle collisions on motorists and wildlife; and

“(cc) the impacts of roads and traffic on habitat connectivity for terrestrial and aquatic species; and

“(II) solutions and best practices for—

“(aa) reducing wildlife-vehicle collisions; and

“(bb) improving habitat connectivity for terrestrial and aquatic species.

“(B) METHODS.—In carrying out the study, the Secretary shall—

Review.

“(i) conduct a thorough review of research and data relating to—

“(I) wildlife-vehicle collisions; and

“(II) habitat fragmentation that results from transportation infrastructure;

Survey.

“(ii) survey current practices of the Department of Transportation and State departments of transportation to reduce wildlife-vehicle collisions; and

“(iii) consult with—

Consultation.

“(I) appropriate experts in the field of wildlife-vehicle collisions; and

“(II) appropriate experts on the effects of roads and traffic on habitat connectivity for terrestrial and aquatic species.

“(3) REPORT.—

“(A) IN GENERAL.—Not later than 18 months after the date of enactment of the Surface Transportation Reauthorization Act of 2021, the Secretary shall submit to Congress a report on the results of the study.

“(B) CONTENTS.—The report under subparagraph (A) shall include—

“(i) a description of—

“(I) the causes of wildlife-vehicle collisions;

“(II) the impacts of wildlife-vehicle collisions;

and

“(III) the impacts of roads and traffic on—

“(aa) species listed as threatened species or endangered species under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.);

“(bb) species identified by States as species of greatest conservation need;

“(cc) species identified in State wildlife plans; and

“(dd) medium and small terrestrial and aquatic species;

“(ii) an economic evaluation of the costs and benefits of installing highway infrastructure and other measures to mitigate damage to terrestrial and aquatic species, including the effect on jobs, property values, and economic growth to society, adjacent communities, and landowners;

Evaluation.

“(iii) recommendations for preventing wildlife-vehicle collisions, including recommended best practices, funding resources, or other recommendations for addressing wildlife-vehicle collisions; and

Recommendations.

“(iv) guidance, developed in consultation with Federal land management agencies and State departments of transportation, State fish and wildlife agencies, and Tribal governments that agree to participate, for developing, for each State that agrees to participate, a voluntary joint statewide transportation and wildlife action plan—

Consultation.

“(I) to address wildlife-vehicle collisions; and

“(II) to improve habitat connectivity for terrestrial and aquatic species.

“(b) WORKFORCE DEVELOPMENT AND TECHNICAL TRAINING.—

“(1) IN GENERAL.—Not later than 3 years after the date of enactment of the Surface Transportation Reauthorization Act of 2021, the Secretary shall, based on the study conducted under subsection (a), develop a series of in-person and online workforce development and technical training courses—

Deadline.

“(A) to reduce wildlife-vehicle collisions; and

“(B) to improve habitat connectivity for terrestrial and aquatic species.

“(2) AVAILABILITY.—The Secretary shall—

- Updates. “(A) make the series of courses developed under paragraph (1) available for transportation and fish and wildlife professionals; and
- “(B) update the series of courses not less frequently than once every 2 years.
- “(c) STANDARDIZATION OF WILDLIFE COLLISION AND CARCASS DATA.—
- “(1) STANDARDIZED METHODOLOGY.—
- “(A) IN GENERAL.—The Secretary, acting through the Administrator of the Federal Highway Administration (referred to in this subsection as the ‘Secretary’), shall develop a quality standardized methodology for collecting and reporting spatially accurate wildlife collision and carcass data for the National Highway System, considering the practicability of the methodology with respect to technology and cost.
- “(B) METHODOLOGY.—In developing the standardized methodology under subparagraph (A), the Secretary shall—
- Survey. “(i) survey existing methodologies and sources of data collection, including the Fatality Analysis Reporting System, the General Estimates System of the National Automotive Sampling System, and the Highway Safety Information System; and
- “(ii) to the extent practicable, identify and correct limitations of those existing methodologies and sources of data collection.
- “(C) CONSULTATION.—In developing the standardized methodology under subparagraph (A), the Secretary shall consult with—
- “(i) the Secretary of the Interior;
- “(ii) the Secretary of Agriculture, acting through the Chief of the Forest Service;
- “(iii) Tribal, State, and local transportation and wildlife authorities;
- “(iv) metropolitan planning organizations (as defined in section 134(b));
- “(v) members of the American Association of State Highway Transportation Officials;
- “(vi) members of the Association of Fish and Wildlife Agencies;
- “(vii) experts in the field of wildlife-vehicle collisions;
- “(viii) nongovernmental organizations; and
- “(ix) other interested stakeholders, as appropriate.
- “(2) STANDARDIZED NATIONAL DATA SYSTEM WITH VOLUNTARY TEMPLATE IMPLEMENTATION.—The Secretary shall—
- “(A) develop a template for State implementation of a standardized national wildlife collision and carcass data system for the National Highway System that is based on the standardized methodology developed under paragraph (1); and
- “(B) encourage the voluntary implementation of the template developed under subparagraph (A).
- “(3) REPORTS.—
- “(A) METHODOLOGY.—The Secretary shall submit to Congress a report describing the standardized methodology

developed under paragraph (1) not later than the later of—

“(i) the date that is 18 months after the date of enactment of the Surface Transportation Reauthorization Act of 2021; and

“(ii) the date that is 180 days after the date on which the Secretary completes the development of the standardized methodology.

“(B) IMPLEMENTATION.—Not later than 4 years after the date of enactment of the Surface Transportation Reauthorization Act of 2021, the Secretary shall submit to Congress a report describing—

“(i) the status of the voluntary implementation of the standardized methodology developed under paragraph (1) and the template developed under paragraph (2)(A);

“(ii) whether the implementation of the standardized methodology developed under paragraph (1) and the template developed under paragraph (2)(A) has impacted efforts by States, units of local government, and other entities—

“(I) to reduce the number of wildlife-vehicle collisions; and

“(II) to improve habitat connectivity;

“(iii) the degree of the impact described in clause (ii); and

“(iv) the recommendations of the Secretary, including recommendations for further study aimed at reducing motorist collisions involving wildlife and improving habitat connectivity for terrestrial and aquatic species on the National Highway System, if any.

Recommendations.

“(d) NATIONAL THRESHOLD GUIDANCE.—The Secretary shall—

“(1) establish guidance, to be carried out by States on a voluntary basis, that contains a threshold for determining whether a highway shall be evaluated for potential mitigation measures to reduce wildlife-vehicle collisions and increase habitat connectivity for terrestrial and aquatic species, taking into consideration—

Determination.

“(A) the number of wildlife-vehicle collisions on the highway that pose a human safety risk;

“(B) highway-related mortality and the effects of traffic on the highway on—

“(i) species listed as endangered species or threatened species under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.);

“(ii) species identified by a State as species of greatest conservation need;

“(iii) species identified in State wildlife plans; and

“(iv) medium and small terrestrial and aquatic species; and

“(C) habitat connectivity values for terrestrial and aquatic species and the barrier effect of the highway on the movements and migrations of those species.”.

(2) CLERICAL AMENDMENT.—The analysis for chapter 1 of title 23, United States Code (as amended by subsection (b)(2))

23 USC
prec. 101.

is amended by inserting after the item relating to section 171 the following:

“172. Wildlife-vehicle collision reduction and habitat connectivity improvement.”.

(d) WILDLIFE CROSSINGS STANDARDS.—Section 109(c)(2) of title 23, United States Code, is amended—

(1) in subparagraph (E), by striking “and” at the end;

(2) by redesignating subparagraph (F) as subparagraph (G); and

(3) by inserting after subparagraph (E) the following:

“(F) the publication of the Federal Highway Administration entitled ‘Wildlife Crossing Structure Handbook: Design and Evaluation in North America’ and dated March 2011; and”.

(e) WILDLIFE HABITAT CONNECTIVITY AND NATIONAL BRIDGE AND TUNNEL INVENTORY AND INSPECTION STANDARDS.—Section 144 of title 23, United States Code, is amended—

(1) in subsection (a)(2)—

(A) in subparagraph (B), by inserting “, resilience,” after “safety”;

(B) in subparagraph (D), by striking “and” at the end;

(C) in subparagraph (E), by striking the period at the end and inserting “; and”; and

(D) by adding at the end the following:

“(F) to ensure adequate passage of aquatic and terrestrial species, where appropriate.”;

(2) in subsection (b)—

(A) in paragraph (4), by striking “and” at the end;

(B) in paragraph (5), by striking the period at the end and inserting “; and”; and

(C) by adding at the end the following:

“(6) determine if the replacement or rehabilitation of bridges and tunnels should include measures to enable safe and unimpeded movement for terrestrial and aquatic species.”; and

(3) in subsection (i), by adding at the end the following:

“(3) REQUIREMENT.—The first revision under paragraph (2) after the date of enactment of the Surface Transportation Reauthorization Act of 2021 shall include techniques to assess passage of aquatic and terrestrial species and habitat restoration potential.”.

SEC. 11124. CONSOLIDATION OF PROGRAMS.

Section 1519(a) of MAP–21 (Public Law 112–141; 126 Stat. 574; 129 Stat. 1423) is amended, in the matter preceding paragraph (1), by striking “fiscal years 2016 through 2020” and inserting “fiscal years 2022 through 2026”.

SEC. 11125. GAO REPORT.

Repeal.

(a) IN GENERAL.—Section 1433 of the FAST Act (23 U.S.C. 101 note; Public Law 114–94) is repealed.

(b) CLERICAL AMENDMENT.—The table of contents in section 1(b) of the FAST Act (Public Law 114–94; 129 Stat. 1312) is amended by striking the item relating to section 1433.

SEC. 11126. TERRITORIAL AND PUERTO RICO HIGHWAY PROGRAM.

Section 165 of title 23, United States Code, is amended—

(1) in subsection (a), by striking paragraphs (1) and (2) and inserting the following:

“(1) for the Puerto Rico highway program under subsection (b)—

- “(A) \$173,010,000 shall be for fiscal year 2022;
- “(B) \$176,960,000 shall be for fiscal year 2023;
- “(C) \$180,120,000 shall be for fiscal year 2024;
- “(D) \$183,675,000 shall be for fiscal year 2025; and
- “(E) \$187,230,000 shall be for fiscal year 2026; and

“(2) for the territorial highway program under subsection (c)—

- “(A) \$45,990,000 shall be for fiscal year 2022;
- “(B) \$47,040,000 shall be for fiscal year 2023;
- “(C) \$47,880,000 shall be for fiscal year 2024;
- “(D) \$48,825,000 shall be for fiscal year 2025; and
- “(E) \$49,770,000 shall be for fiscal year 2026.”;

(2) in subsection (b)(2)(C)(iii), by inserting “and preventative maintenance on the National Highway System” after “chapter 1”; and

(3) in subsection (c)(7), by striking “paragraphs (1) through (4) of section 133(c) and section 133(b)(12)” and inserting “paragraphs (1), (2), (3), and (5) of section 133(c) and section 133(b)(13)”.

SEC. 11127. NATIONALLY SIGNIFICANT FEDERAL LANDS AND TRIBAL PROJECTS PROGRAM.

Section 1123 of the FAST Act (23 U.S.C. 201 note; Public Law 114–94) is amended—

(1) in subsection (c)(3), by striking “\$25,000,000” and all that follows through the period at the end and inserting “\$12,500,000.”;

(2) in subsection (g)—

(A) by striking the subsection designation and heading and all that follows through “The Federal” in paragraph (1) and inserting the following:

“(g) COST SHARE.—

“(1) FEDERAL SHARE.—

“(A) IN GENERAL.—Except as provided in subparagraph (B), the Federal”;

(B) in paragraph (1), by adding at the end the following:

“(B) TRIBAL PROJECTS.—In the case of a project on a tribal transportation facility (as defined in section 101(a) of title 23, United States Code), the Federal share of the cost of the project shall be 100 percent.”; and

(C) in paragraph (2), by striking “other than those made available under title 23 or title 49, United States Code,”; and

(3) by striking subsection (h) and inserting the following:

“(h) USE OF FUNDS.—

“(1) IN GENERAL.—For each fiscal year, of the amounts made available to carry out this section—

“(A) 50 percent shall be used for eligible projects on Federal lands transportation facilities and Federal lands access transportation facilities (as those terms are defined in section 101(a) of title 23, United States Code); and

“(B) 50 percent shall be used for eligible projects on tribal transportation facilities (as defined in section 101(a) of title 23, United States Code).

“(2) REQUIREMENT.—Not less than 1 eligible project carried out using the amount described in paragraph (1)(A) shall be in a unit of the National Park System with not less than 3,000,000 annual visitors.

“(3) AVAILABILITY.—Amounts made available to carry out this section shall remain available for a period of 3 fiscal years following the fiscal year for which the amounts are appropriated.”.

SEC. 11128. TRIBAL HIGH PRIORITY PROJECTS PROGRAM.

Section 1123(h) of MAP–21 (23 U.S.C. 202 note; Public Law 112–141) is amended—

(1) by redesignating paragraph (2) as paragraph (3);

(2) in paragraph (3) (as so redesignated), in the matter preceding subparagraph (A), by striking “paragraph (1)” and inserting “paragraphs (1) and (2)”; and

(3) by striking the subsection designation and heading and all that follows through the period at the end of paragraph (1) and inserting the following:

“(h) FUNDING.—

“(1) SET-ASIDE.—For each of fiscal years 2022 through 2026, of the amounts made available to carry out the tribal transportation program under section 202 of title 23, United States Code, for that fiscal year, the Secretary shall use \$9,000,000 to carry out the program.

“(2) AUTHORIZATION OF APPROPRIATIONS.—In addition to amounts made available under paragraph (1), there is authorized to be appropriated \$30,000,000 out of the general fund of the Treasury to carry out the program for each of fiscal years 2022 through 2026.”.

SEC. 11129. STANDARDS.

Section 109 of title 23, United States Code, is amended—

(1) in subsection (d)—

(A) by striking “(d) On any” and inserting the following:

“(d) MANUAL ON UNIFORM TRAFFIC CONTROL DEVICES.—

“(1) IN GENERAL.—On any”;

(B) in paragraph (1) (as so designated), by striking “promote the safe” and inserting “promote the safety, inclusion, and mobility of all users”; and

(C) by adding at the end the following:

“(2) UPDATES.—Not later than 18 months after the date of enactment of the Surface Transportation Reauthorization Act of 2021 and not less frequently than every 4 years thereafter, the Secretary shall update the Manual on Uniform Traffic Control Devices.”;

(2) in subsection (o)—

(A) by striking “Projects” and inserting:

“(A) IN GENERAL.—Projects”; and

(B) by inserting at the end the following:

“(B) LOCAL JURISDICTIONS.—Notwithstanding subparagraph (A), a local jurisdiction may use a roadway design guide recognized by the Federal Highway Administration and adopted by the local jurisdiction that is different from the roadway design guide used by the State in which

Deadline.

the local jurisdiction is located for the design of projects on all roadways under the ownership of the local jurisdiction (other than a highway on the National Highway System) for which the local jurisdiction is the project sponsor, provided that the design complies with all other applicable Federal laws.”; and

(3) by adding at the end the following:

“(s) ELECTRIC VEHICLE CHARGING STATIONS.—

“(1) STANDARDS.—Electric vehicle charging infrastructure installed using funds provided under this title shall provide, at a minimum—

“(A) non-proprietary charging connectors that meet applicable industry safety standards; and

“(B) open access to payment methods that are available to all members of the public to ensure secure, convenient, and equal access to the electric vehicle charging infrastructure that shall not be limited by membership to a particular payment provider.

“(2) TREATMENT OF PROJECTS.—Notwithstanding any other provision of law, a project to install electric vehicle charging infrastructure using funds provided under this title shall be treated as if the project is located on a Federal-aid highway.”.

SEC. 11130. PUBLIC TRANSPORTATION.

(a) IN GENERAL.—Section 142(a) of title 23, United States Code, is amended by adding at the end the following:

“(3) BUS CORRIDORS.—In addition to the projects described in paragraphs (1) and (2), the Secretary may approve payment from sums apportioned under paragraph (2) or (7) of section 104(b) for carrying out a capital project for the construction of a bus rapid transit corridor or dedicated bus lanes, including the construction or installation of—

“(A) traffic signaling and prioritization systems;

“(B) redesigned intersections that are necessary for the establishment of a bus rapid transit corridor;

“(C) on-street stations;

“(D) fare collection systems;

“(E) information and wayfinding systems; and

“(F) depots.”.

(b) TECHNICAL CORRECTION.—Section 142 of title 23, United States Code, is amended by striking subsection (i).

SEC. 11131. RESERVATION OF CERTAIN FUNDS.

(a) OPEN CONTAINER REQUIREMENTS.—Section 154(c)(2) of title 23, United States Code, is amended—

(1) in the paragraph heading, by striking “2012” and inserting “2022”;

(2) by striking subparagraph (A) and inserting the following:

“(A) RESERVATION OF FUNDS.—

“(i) IN GENERAL.—On October 1, 2021, and each October 1 thereafter, in the case of a State described in clause (ii), the Secretary shall reserve an amount equal to 2.5 percent of the funds to be apportioned to the State on that date under each of paragraphs (1) and (2) of section 104(b) until the State certifies to the Secretary the means by which the State will

Effective dates.
Certification.

use those reserved funds in accordance with subparagraphs (A) and (B) of paragraph (1), and paragraph (3).

“(ii) STATES DESCRIBED.—A State referred to in clause (i) is a State—

“(I) that has not enacted or is not enforcing an open container law described in subsection (b); and

Determination.

“(II) for which the Secretary determined for the prior fiscal year that the State had not enacted or was not enforcing an open container law described in subsection (b).”; and

(3) in subparagraph (B), in the matter preceding clause (i), by striking “subparagraph (A)” and inserting “subparagraph (A)(i)”.

(b) REPEAT INTOXICATED DRIVER LAWS.—Section 164(b)(2) of title 23, United States Code, is amended—

(1) in the paragraph heading, by striking “2012” and inserting “2022”;

(2) by striking subparagraph (A) and inserting the following:

“(A) RESERVATION OF FUNDS.—

Effective dates.
Certification.

“(i) IN GENERAL.—On October 1, 2021, and each October 1 thereafter, in the case of a State described in clause (ii), the Secretary shall reserve an amount equal to 2.5 percent of the funds to be apportioned to the State on that date under each of paragraphs (1) and (2) of section 104(b) until the State certifies to the Secretary the means by which the State will use those reserved funds in accordance with subparagraphs (A) and (B) of paragraph (1), and paragraph (3).

“(ii) STATES DESCRIBED.—A State referred to in clause (i) is a State—

“(I) that has not enacted or is not enforcing a repeat intoxicated driver law; and

Determination.

“(II) for which the Secretary determined for the prior fiscal year that the State had not enacted or was not enforcing a repeat intoxicated driver law.”; and

(3) in subparagraph (B), in the matter preceding clause (i), by striking “subparagraph (A)” and inserting “subparagraph (A)(i)”.

SEC. 11132. RURAL SURFACE TRANSPORTATION GRANT PROGRAM.

(a) IN GENERAL.—Chapter 1 of title 23, United States Code (as amended by section 11123(c)(1)), is amended by adding at the end the following:

23 USC 173.

“§ 173. Rural surface transportation grant program

“(a) DEFINITIONS.—In this section:

“(1) PROGRAM.—The term ‘program’ means the program established under subsection (b)(1).

“(2) RURAL AREA.—The term ‘rural area’ means an area that is outside an urbanized area with a population of over 200,000.

“(b) ESTABLISHMENT.—

“(1) IN GENERAL.—The Secretary shall establish a rural surface transportation grant program to provide grants, on a competitive basis, to eligible entities to improve and expand the surface transportation infrastructure in rural areas.

“(2) GOALS.—The goals of the program shall be—

“(A) to increase connectivity;

“(B) to improve the safety and reliability of the movement of people and freight; and

“(C) to generate regional economic growth and improve quality of life.

“(3) GRANT ADMINISTRATION.—The Secretary may—

“(A) retain not more than a total of 2 percent of the funds made available to carry out the program and to review applications for grants under the program; and

Review.

“(B) transfer portions of the funds retained under subparagraph (A) to the relevant Administrators to fund the award and oversight of grants provided under the program.

Transfer authority.

“(c) ELIGIBLE ENTITIES.—The Secretary may make a grant under the program to—

“(1) a State;

“(2) a regional transportation planning organization;

“(3) a unit of local government;

“(4) a Tribal government or a consortium of Tribal governments; and

“(5) a multijurisdictional group of entities described in paragraphs (1) through (4).

“(d) APPLICATIONS.—To be eligible to receive a grant under the program, an eligible entity shall submit to the Secretary an application in such form, at such time, and containing such information as the Secretary may require.

“(e) ELIGIBLE PROJECTS.—

“(1) IN GENERAL.—Except as provided in paragraph (2), the Secretary may make a grant under the program only for a project that is—

“(A) a highway, bridge, or tunnel project eligible under section 119(d);

“(B) a highway, bridge, or tunnel project eligible under section 133(b);

“(C) a project eligible under section 202(a);

“(D) a highway freight project eligible under section 167(h)(5);

“(E) a highway safety improvement project, including a project to improve a high risk rural road (as those terms are defined in section 148(a));

“(F) a project on a publicly-owned highway or bridge that provides or increases access to an agricultural, commercial, energy, or intermodal facility that supports the economy of a rural area; or

“(G) a project to develop, establish, or maintain an integrated mobility management system, a transportation demand management system, or on-demand mobility services.

“(2) BUNDLING OF ELIGIBLE PROJECTS.—

“(A) IN GENERAL.—An eligible entity may bundle 2 or more similar eligible projects under the program that are—

“(i) included as a bundled project in a statewide transportation improvement program under section 135; and

“(ii) awarded to a single contractor or consultant pursuant to a contract for engineering and design or construction between the contractor and the eligible entity.

“(B) ITEMIZATION.—Notwithstanding any other provision of law (including regulations), a bundling of eligible projects under this paragraph may be considered to be a single project, including for purposes of section 135.

“(f) ELIGIBLE PROJECT COSTS.—An eligible entity may use funds from a grant under the program for—

“(1) development phase activities, including planning, feasibility analysis, revenue forecasting, environmental review, preliminary engineering and design work, and other preconstruction activities; and

“(2) construction, reconstruction, rehabilitation, acquisition of real property (including land related to the project and improvements to the land), environmental mitigation, construction contingencies, acquisition of equipment, and operational improvements.

Determination.

“(g) PROJECT REQUIREMENTS.—The Secretary may provide a grant under the program to an eligible project only if the Secretary determines that the project—

“(1) will generate regional economic, mobility, or safety benefits;

“(2) will be cost effective;

“(3) will contribute to the accomplishment of 1 or more of the national goals under section 150;

“(4) is based on the results of preliminary engineering; and

Deadline.

“(5) is reasonably expected to begin construction not later than 18 months after the date of obligation of funds for the project.

“(h) ADDITIONAL CONSIDERATIONS.—In providing grants under the program, the Secretary shall consider the extent to which an eligible project will—

“(1) improve the state of good repair of existing highway, bridge, and tunnel facilities;

“(2) increase the capacity or connectivity of the surface transportation system and improve mobility for residents of rural areas;

“(3) address economic development and job creation challenges, including energy sector job losses in energy communities as identified in the report released in April 2021 by the interagency working group established by section 218 of Executive Order 14008 (86 Fed. Reg. 7628 (February 1, 2021));

“(4) enhance recreational and tourism opportunities by providing access to Federal land, national parks, national forests, national recreation areas, national wildlife refuges, wilderness areas, or State parks;

“(5) contribute to geographic diversity among grant recipients;

“(6) utilize innovative project delivery approaches or incorporate transportation technologies;

“(7) coordinate with projects to address broadband infrastructure needs; or Coordination.

“(8) improve access to emergency care, essential services, healthcare providers, or drug and alcohol treatment and rehabilitation resources.

“(i) GRANT AMOUNT.—Except as provided in subsection (k)(1), a grant under the program shall be in an amount that is not less than \$25,000,000.

“(j) FEDERAL SHARE.—

“(1) IN GENERAL.—Except as provided in paragraph (2), the Federal share of the cost of a project carried out with a grant under the program may not exceed 80 percent.

“(2) FEDERAL SHARE FOR CERTAIN PROJECTS.—The Federal share of the cost of an eligible project that furthers the completion of a designated segment of the Appalachian Development Highway System under section 14501 of title 40, or addresses a surface transportation infrastructure need identified for the Denali access system program under section 309 of the Denali Commission Act of 1998 (42 U.S.C. 3121 note; Public Law 105–277) shall be up to 100 percent, as determined by the State. Determination.

“(3) USE OF OTHER FEDERAL ASSISTANCE.—Federal assistance other than a grant under the program may be used to satisfy the non-Federal share of the cost of a project carried out with a grant under the program.

“(k) SET ASIDES.—

“(1) SMALL PROJECTS.—The Secretary shall use not more than 10 percent of the amounts made available for the program for each fiscal year to provide grants for eligible projects in an amount that is less than \$25,000,000.

“(2) APPALACHIAN DEVELOPMENT HIGHWAY SYSTEM.—The Secretary shall reserve 25 percent of the amounts made available for the program for each fiscal year for eligible projects that further the completion of designated routes of the Appalachian Development Highway System under section 14501 of title 40.

“(3) RURAL ROADWAY LANE DEPARTURES.—The Secretary shall reserve 15 percent of the amounts made available for the program for each fiscal year to provide grants for eligible projects located in States that have rural roadway fatalities as a result of lane departures that are greater than the average of rural roadway fatalities as a result of lane departures in the United States, based on the latest available data from the Secretary.

“(4) EXCESS FUNDING.—In any fiscal year in which qualified applications for grants under this subsection do not allow for the amounts reserved under paragraphs (1), (2), or (3) to be fully utilized, the Secretary shall use the unutilized amounts to make other grants under the program.

“(l) CONGRESSIONAL REVIEW.—

Deadlines.

“(1) NOTIFICATION.—Not less than 60 days before providing a grant under the program, the Secretary shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives—

“(A) a list of all applications determined to be eligible for a grant by the Secretary;

List.
Determination.

Proposal.	“(B) each application proposed to be selected for a grant, including a justification for the selection; and “(C) proposed grant amounts.
	“(2) COMMITTEE REVIEW.—Before the last day of the 60-day period described in paragraph (1), each Committee described in paragraph (1) shall review the list of proposed projects submitted by the Secretary.
	“(3) CONGRESSIONAL DISAPPROVAL.—The Secretary may not make a grant or any other obligation or commitment to fund a project under the program if a joint resolution is enacted disapproving funding for the project before the last day of the 60-day period described in paragraph (1).
Deadline. Web posting.	“(m) TRANSPARENCY.— “(1) IN GENERAL.—Not later than 30 days after providing a grant for a project under the program, the Secretary shall provide to all applicants, and publish on the website of the Department of Transportation, the information described in subsection (l)(1).
	“(2) BRIEFING.—The Secretary shall provide, on the request of an eligible entity, the opportunity to receive a briefing to explain any reasons the eligible entity was not selected to receive a grant under the program.
Web posting.	“(n) REPORTS.— “(1) ANNUAL REPORT.—The Secretary shall make available on the website of the Department of Transportation at the end of each fiscal year an annual report that lists each project for which a grant has been provided under the program during that fiscal year.
	“(2) COMPTROLLER GENERAL.— “(A) ASSESSMENT.—The Comptroller General of the United States shall conduct an assessment of the administrative establishment, solicitation, selection, and justification process with respect to the awarding of grants under the program for each fiscal year.
	“(B) REPORT.—Each fiscal year, the Comptroller General shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report that describes, for the fiscal year—
	“(i) the adequacy and fairness of the process by which each project was selected, if applicable; and
	“(ii) the justification and criteria used for the selection of each project, if applicable.
	“(o) TREATMENT OF PROJECTS.—Notwithstanding any other provision of law, a project assisted under this section shall be treated as a project on a Federal-aid highway under this chapter.”.
23 USC prec. 101.	(b) CLERICAL AMENDMENT.—The analysis for chapter 1 of title 23, United States Code (as amended by section 11123(c)(2)), is amended by inserting after the item relating to section 172 the following:
	“173. Rural surface transportation grant program.”.
	SEC. 11133. BICYCLE TRANSPORTATION AND PEDESTRIAN WALKWAYS.
	Section 217 of title 23, United States Code, is amended— (1) in subsection (a)—

(A) by striking “pedestrian walkways and bicycle” and inserting “pedestrian walkways and bicycle and shared micromobility”; and

(B) by striking “safe bicycle use” and inserting “safe access for bicyclists and pedestrians”;

(2) in subsection (d), by striking “a position” and inserting “up to 2 positions”;

(3) in subsection (e), by striking “bicycles” each place it appears and inserting “pedestrians or bicyclists”;

(4) in subsection (f), by striking “and a bicycle” and inserting “or a bicycle or shared micromobility”; and

(5) in subsection (j), by striking paragraph (2) and inserting the following:

“(2) ELECTRIC BICYCLE.—

“(A) IN GENERAL.—The term ‘electric bicycle’ means a bicycle— Definition.

“(i) equipped with fully operable pedals, a saddle or seat for the rider, and an electric motor of less than 750 watts;

“(ii) that can safely share a bicycle transportation facility with other users of such facility; and

“(iii) that is a class 1 electric bicycle, class 2 electric bicycle, or class 3 electric bicycle.

“(B) CLASSES OF ELECTRIC BICYCLES.—

“(i) CLASS 1 ELECTRIC BICYCLE.—For purposes of subparagraph (A)(iii), the term ‘class 1 electric bicycle’ means an electric bicycle, other than a class 3 electric bicycle, equipped with a motor that—

“(I) provides assistance only when the rider is pedaling; and

“(II) ceases to provide assistance when the speed of the bicycle reaches or exceeds 20 miles per hour.

“(ii) CLASS 2 ELECTRIC BICYCLE.—For purposes of subparagraph (A)(iii), the term ‘class 2 electric bicycle’ means an electric bicycle equipped with a motor that—

“(I) may be used exclusively to propel the bicycle; and

“(II) is not capable of providing assistance when the speed of the bicycle reaches or exceeds 20 miles per hour.

“(iii) CLASS 3 ELECTRIC BICYCLE.—For purposes of subparagraph (A)(iii), the term ‘class 3 electric bicycle’ means an electric bicycle equipped with a motor that—

“(I) provides assistance only when the rider is pedaling; and

“(II) ceases to provide assistance when the speed of the bicycle reaches or exceeds 28 miles per hour.”.

SEC. 11134. RECREATIONAL TRAILS PROGRAM.

Section 206 of title 23, United States Code, is amended by adding at the end the following:

“(j) USE OF OTHER APPORTIONED FUNDS.—Funds apportioned to a State under section 104(b) that are obligated for a recreational trail or a related project shall be administered as if the funds were made available to carry out this section.”.

23 USC 109 note. **SEC. 11135. UPDATES TO MANUAL ON UNIFORM TRAFFIC CONTROL DEVICES.**

In carrying out the first update to the Manual on Uniform Traffic Control Devices under section 109(d)(2) of title 23, United States Code, to the greatest extent practicable, the Secretary shall include updates necessary to provide for—

(1) the protection of vulnerable road users (as defined in section 148(a) of title 23, United States Code);

(2) supporting the safe testing of automated vehicle technology and any preparation necessary for the safe integration of automated vehicles onto public streets;

(3) appropriate use of variable message signs to enhance public safety;

(4) the minimum retroreflectivity of traffic control devices and pavement markings; and

(5) any additional recommendations made by the National Committee on Uniform Traffic Control Devices that have not been incorporated into the Manual on Uniform Traffic Control Devices.

Subtitle B—Planning and Performance Management

SEC. 11201. TRANSPORTATION PLANNING.

(a) **METROPOLITAN TRANSPORTATION PLANNING.**—Section 134 of title 23, United States Code, is amended—

(1) in subsection (d)—

(A) in paragraph (3), by adding at the end the following:

“(D) **CONSIDERATIONS.**—In designating officials or representatives under paragraph (2) for the first time, subject to the bylaws or enabling statute of the metropolitan planning organization, the metropolitan planning organization shall consider the equitable and proportional representation of the population of the metropolitan planning area.”; and

(B) in paragraph (7)—

(i) by striking “an existing metropolitan planning area” and inserting “an existing urbanized area (as defined by the Bureau of the Census)”; and

(ii) by striking “the existing metropolitan planning area” and inserting “the area”;

(2) in subsection (g)—

(A) in paragraph (1), by striking “a metropolitan area” and inserting “an urbanized area (as defined by the Bureau of the Census)”; and

(B) by adding at the end the following:

“(4) **COORDINATION BETWEEN MPOS.**—If more than 1 metropolitan planning organization is designated within an urbanized area (as defined by the Bureau of the Census) under subsection (d)(7), the metropolitan planning organizations designated within the area shall ensure, to the maximum extent practicable, the consistency of any data used in the planning process, including information used in forecasting travel demand.

“(5) SAVINGS CLAUSE.—Nothing in this subsection requires metropolitan planning organizations designated within a single urbanized area to jointly develop planning documents, including a unified long-range transportation plan or unified TIP.”;

(3) in subsection (i)(6), by adding at the end the following:

“(D) USE OF TECHNOLOGY.—A metropolitan planning organization may use social media and other web-based tools—

“(i) to further encourage public participation; and

“(ii) to solicit public feedback during the transportation planning process.”; and

(4) in subsection (p), by striking “paragraphs (5)(D) and (6) of section 104(b) of this title” and inserting “section 104(b)(6)”.

(b) STATEWIDE AND NONMETROPOLITAN TRANSPORTATION PLANNING.—Section 135(f)(3) of title 23, United States Code, is amended by adding at the end the following:

“(C) USE OF TECHNOLOGY.—A State may use social media and other web-based tools—

“(i) to further encourage public participation; and

“(ii) to solicit public feedback during the transportation planning process.”.

(c) CONFORMING AMENDMENT.—Section 135(i) of title 23, United States Code, is amended by striking “paragraphs (5)(D) and (6) of section 104(b) of this title” and inserting “section 104(b)(6)”.

(d) HOUSING COORDINATION.—Section 134 of title 23, United States Code, is amended—

(1) in subsection (a)(1), by inserting “better connect housing and employment,” after “urbanized areas”;

(2) in subsection (g)(3)(A), by inserting “housing,” after “economic development,”;

(3) in subsection (h)(1)(E), by inserting “, housing,” after “growth”;

(4) in subsection (i)—

(A) in paragraph (4)(B)—

(i) by redesignating clauses (iii) through (vi) as clauses (iv) through (vii), respectively; and

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

“(iii) assumed distribution of population and housing;”;

(B) in paragraph (6)(A), by inserting “affordable housing organizations,” after “disabled,”; and

(5) in subsection (k)—

(A) by redesignating paragraphs (4) and (5) as paragraphs (5) and (6), respectively; and

(B) by inserting after paragraph (3) the following:

“(4) HOUSING COORDINATION PROCESS.—

“(A) IN GENERAL.—Within a metropolitan planning area serving a transportation management area, the transportation planning process under this section may address the integration of housing, transportation, and economic development strategies through a process that provides for effective integration, based on a cooperatively developed and implemented strategy, of new and existing transportation facilities eligible for funding under this title and chapter 53 of title 49.

Consultation.

“(B) COORDINATION IN INTEGRATED PLANNING PROCESS.—In carrying out the process described in subparagraph (A), a metropolitan planning organization may—

“(i) consult with—

“(I) State and local entities responsible for land use, economic development, housing, management of road networks, or public transportation; and

“(II) other appropriate public or private entities; and

“(ii) coordinate, to the extent practicable, with applicable State and local entities to align the goals of the process with the goals of any comprehensive housing affordability strategies established within the metropolitan planning area pursuant to section 105 of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12705) and plans developed under section 5A of the United States Housing Act of 1937 (42 U.S.C. 1437c–1).

“(C) HOUSING COORDINATION PLAN.—

“(i) IN GENERAL.—A metropolitan planning organization serving a transportation management area may develop a housing coordination plan that includes projects and strategies that may be considered in the metropolitan transportation plan of the metropolitan planning organization.

“(ii) CONTENTS.—A plan described in clause (i) may—

“(I) develop regional goals for the integration of housing, transportation, and economic development strategies to—

“(aa) better connect housing and employment while mitigating commuting times;

“(bb) align transportation improvements with housing needs, such as housing supply shortages, and proposed housing development;

“(cc) align planning for housing and transportation to address needs in relationship to household incomes within the metropolitan planning area;

“(dd) expand housing and economic development within the catchment areas of existing transportation facilities and public transportation services when appropriate, including higher-density development, as locally determined;

“(ee) manage effects of growth of vehicle miles traveled experienced in the metropolitan planning area related to housing development and economic development;

“(ff) increase share of households with sufficient and affordable access to the transportation networks of the metropolitan planning area;

“(II) identify the location of existing and planned housing and employment, and transportation options that connect housing and employment; and

“(III) include a comparison of transportation plans to land use management plans, including zoning plans, that may affect road use, public transportation ridership, and housing development.”.

SEC. 11202. FISCAL CONSTRAINT ON LONG-RANGE TRANSPORTATION PLANS.

Deadline.
Time period.
23 USC 134 note.

Not later than 1 year after the date of enactment of this Act, the Secretary shall amend section 450.324(f)(11)(v) of title 23, Code of Federal Regulations, to ensure that the outer years of a metropolitan transportation plan are defined as “beyond the first 4 years”.

SEC. 11203. STATE HUMAN CAPITAL PLANS.

(a) IN GENERAL.—Chapter 1 of title 23, United States Code (as amended by section 11132(a)), is amended by adding at the end the following:

“§ 174. State human capital plans

23 USC 174.

“(a) IN GENERAL.—Not later than 18 months after the date of enactment of this section, the Secretary shall encourage each State to develop a voluntary plan, to be known as a ‘human capital plan’, that provides for the immediate and long-term personnel and workforce needs of the State with respect to the capacity of the State to deliver transportation and public infrastructure eligible under this title.

Deadline.

“(b) PLAN CONTENTS.—

“(1) IN GENERAL.—A human capital plan developed by a State under subsection (a) shall, to the maximum extent practicable, take into consideration—

“(A) significant transportation workforce trends, needs, issues, and challenges with respect to the State;

“(B) the human capital policies, strategies, and performance measures that will guide the transportation-related workforce investment decisions of the State;

“(C) coordination with educational institutions, industry, organized labor, workforce boards, and other agencies or organizations to address the human capital transportation needs of the State;

“(D) a workforce planning strategy that identifies current and future human capital needs, including the knowledge, skills, and abilities needed to recruit and retain skilled workers in the transportation industry;

“(E) a human capital management strategy that is aligned with the transportation mission, goals, and organizational objectives of the State;

“(F) an implementation system for workforce goals focused on addressing continuity of leadership and knowledge sharing across the State;

“(G) an implementation system that addresses workforce competency gaps, particularly in mission-critical occupations;

“(H) in the case of public-private partnerships or other alternative project delivery methods to carry out the transportation program of the State, a description of workforce needs—

“(i) to ensure that the transportation mission, goals, and organizational objectives of the State are fully carried out; and

“(ii) to ensure that procurement methods provide the best public value;

“(I) a system for analyzing and evaluating the performance of the State department of transportation with respect to all aspects of human capital management policies, programs, and activities; and

“(J) the manner in which the plan will improve the ability of the State to meet the national policy in support of performance management established under section 150.

“(2) PLANNING PERIOD.—If a State develops a human capital plan under subsection (a), the plan shall address a 5-year forecast period.

Time period.

“(c) PLAN UPDATES.—If a State develops a human capital plan under subsection (a), the State shall update the plan not less frequently than once every 5 years.

“(d) RELATIONSHIP TO LONG-RANGE PLAN.—

“(1) IN GENERAL.—Subject to paragraph (2), a human capital plan developed by a State under subsection (a) may be developed separately from, or incorporated into, the long-range statewide transportation plan required under section 135.

“(2) EFFECT OF SECTION.—Nothing in this section requires a State, or authorizes the Secretary to require a State, to incorporate a human capital plan into the long-range statewide transportation plan required under section 135.

Records.
Web posting.

“(e) PUBLIC AVAILABILITY.—Each State that develops a human capital plan under subsection (a) shall make a copy of the plan available to the public in a user-friendly format on the website of the State department of transportation.

“(f) SAVINGS PROVISION.—Nothing in this section prevents a State from carrying out transportation workforce planning—

“(1) not described in this section; or

“(2) not in accordance with this section.”.

23 USC
prec. 101.

(b) CLERICAL AMENDMENT.—The analysis for chapter 1 of title 23, United States Code (as amended by section 11132(b)), is amended by inserting after the item relating to section 173 the following:

“174. State human capital plans.”.

23 USC 134 note.

SEC. 11204. PRIORITIZATION PROCESS PILOT PROGRAM.

(a) DEFINITIONS.—In this section:

(1) ELIGIBLE ENTITY.—The term “eligible entity” means any of the following:

(A) A metropolitan planning organization that serves an area with a population of over 200,000.

(B) A State.

(2) METROPOLITAN PLANNING ORGANIZATION.—The term “metropolitan planning organization” has the meaning given the term in section 134(b) of title 23, United States Code.

(3) PRIORITIZATION PROCESS PILOT PROGRAM.—The term “prioritization process pilot program” means the pilot program established under subsection (b)(1).

(b) ESTABLISHMENT.—

(1) IN GENERAL.—The Secretary shall establish and solicit applications for a prioritization process pilot program.

(2) PURPOSE.—The purpose of the prioritization process pilot program shall be to support data-driven approaches to planning that, on completion, can be evaluated for public benefit.

(c) PILOT PROGRAM ADMINISTRATION.—

(1) IN GENERAL.—An eligible entity participating in the prioritization process pilot program shall—

(A) use priority objectives that are developed—

Consultation.

(i) in the case of an urbanized area with a population of over 200,000, by the metropolitan planning organization that serves the area, in consultation with the State;

(ii) in the case of an urbanized area with a population of 200,000 or fewer, by the State in consultation with all metropolitan planning organizations in the State; and

(iii) through a public process that provides an opportunity for public input;

(B) assess and score projects and strategies on the basis of—

Assessment.

(i) the contribution and benefits of the project or strategy to each priority objective developed under subparagraph (A);

(ii) the cost of the project or strategy relative to the contribution and benefits assessed and scored under clause (i); and

(iii) public support;

(C) use the scores assigned under subparagraph (B) to guide project selection in the development of the transportation plan and transportation improvement program; and

(D) ensure that the public—

(i) has opportunities to provide public comment on projects before decisions are made on the transportation plan and the transportation improvement program; and

Public comment.

(ii) has access to clear reasons why each project or strategy was selected or not selected.

(2) REQUIREMENTS.—An eligible entity that receives a grant under the prioritization process pilot program shall use the funds as described in each of the following, as applicable:

(A) METROPOLITAN TRANSPORTATION PLANNING.—In the case of a metropolitan planning organization that serves an area with a population of over 200,000, the entity shall—

(i) develop and implement a publicly accessible, transparent prioritization process for the selection of projects for inclusion on the transportation plan for the metropolitan planning area under section 134(i) of title 23, United States Code, and section 5303(i) of title 49, United States Code, which shall—

(I) include criteria identified by the metropolitan planning organization, which may be weighted to reflect the priority objectives developed under paragraph (1)(A), that the metropolitan planning organization has determined support—

Criteria.

- (aa) factors described in section 134(h) of title 23, United States Code, and section 5303(h) of title 49, United States Code;
- (bb) targets for national performance measures under section 150(b) of title 23, United States Code;
- (cc) applicable transportation goals in the metropolitan planning area or State set by the applicable transportation agency; and
- (dd) priority objectives developed under paragraph (1)(A);
- Evaluation. (II) evaluate the outcomes for each proposed project on the basis of the benefits of the proposed project with respect to each of the criteria described in subclause (I) relative to the cost of the proposed project; and
- List. (III) use the evaluation under subclause (II) to create a ranked list of proposed projects; and
- (ii) with respect to the priority list under section 134(j)(2)(A) of title 23 and section 5303(j)(2)(A) of title 49, United States Code, include projects according to the rank of the project under clause (i)(III), except as provided in subparagraph (D).
- (B) STATEWIDE TRANSPORTATION PLANNING.—In the case of a State, the State shall—
- (i) develop and implement a publicly accessible, transparent process for the selection of projects for inclusion on the long-range statewide transportation plan under section 135(f) of title 23, United States Code, which shall—
- Criteria. (I) include criteria identified by the State, which may be weighted to reflect statewide priorities, that the State has determined support—
- (aa) factors described in section 135(d) of title 23, United States Code, and section 5304(d) of title 49, United States Code;
- (bb) national transportation goals under section 150(b) of title 23, United States Code;
- (cc) applicable transportation goals in the State; and
- (dd) the priority objectives developed under paragraph (1)(A);
- Evaluation. (II) evaluate the outcomes for each proposed project on the basis of the benefits of the proposed project with respect to each of the criteria described in subclause (I) relative to the cost of the proposed project; and
- List. (III) use the evaluation under subclause (II) to create a ranked list of proposed projects; and
- (ii) with respect to the statewide transportation improvement program under section 135(g) of title 23, United States Code, and section 5304(g) of title 49, United States Code, include projects according to the rank of the project under clause (i)(III), except as provided in subparagraph (D).
- (C) ADDITIONAL TRANSPORTATION PLANNING.—If the eligible entity has implemented, and has in effect, the

requirements under subparagraph (A) or (B), as applicable, the eligible entity may use any remaining funds from a grant provided under the pilot program for any transportation planning purpose.

(D) EXCEPTIONS TO PRIORITY RANKING.—In the case of any project that the eligible entity chooses to include or not include in the transportation improvement program under section 134(j) of title 23, United States Code, or the statewide transportation improvement program under section 135(g) of title 23, United States Code, as applicable, in a manner that is contrary to the priority ranking for that project established under subparagraph (A)(i)(III) or (B)(i)(III), the eligible entity shall make publicly available an explanation for the decision, including—

Public
information.

(i) a review of public comments regarding the project;

Review.

(ii) an evaluation of public support for the project;

Evaluation.

(iii) an assessment of geographic balance of projects of the eligible entity; and

Assessment.

(iv) the number of projects of the eligible entity in economically distressed areas.

(3) MAXIMUM AMOUNT.—The maximum amount of a grant under the prioritization process pilot program is \$2,000,000.

(d) APPLICATIONS.—To be eligible to participate in the prioritization process pilot program, an eligible entity shall submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require.

SEC. 11205. TRAVEL DEMAND DATA AND MODELING.

23 USC 134 note.

(a) DEFINITION OF METROPOLITAN PLANNING ORGANIZATION.—In this section, the term “metropolitan planning organization” has the meaning given the term in section 134(b) of title 23, United States Code.

(b) STUDY.—

(1) IN GENERAL.—Not later than 2 years after the date of enactment of this Act, and not less frequently than once every 5 years thereafter, the Secretary shall carry out a study that—

Deadline.
Time period.

(A) gathers travel data and travel demand forecasts from a representative sample of States and metropolitan planning organizations;

(B) uses the data and forecasts gathered under subparagraph (A) to compare travel demand forecasts with the observed data, including—

(i) traffic counts;

(ii) travel mode share and public transit ridership;

and

(iii) vehicle occupancy measures; and

(C) uses the information described in subparagraphs (A) and (B)—

(i) to develop best practices or guidance for States and metropolitan planning organizations to use in forecasting travel demand for future investments in transportation improvements;

(ii) to evaluate the impact of transportation investments, including new roadway capacity, on travel

Evaluation.

behavior and travel demand, including public transportation ridership, induced highway travel, and congestion;

(iii) to support more accurate travel demand forecasting by States and metropolitan planning organizations; and

(iv) to enhance the capacity of States and metropolitan planning organizations—

(I) to forecast travel demand; and

(II) to track observed travel behavior responses, including induced travel, to changes in transportation capacity, pricing, and land use patterns.

(2) SECRETARIAL SUPPORT.—The Secretary shall seek opportunities to support the transportation planning processes under sections 134 and 135 of title 23, United States Code, through the provision of data to States and metropolitan planning organizations to improve the quality of plans, models, and forecasts described in this subsection.

Public
information.

(3) EVALUATION TOOL.—The Secretary shall develop a publicly available multimodal web-based tool for the purpose of enabling States and metropolitan planning organizations to evaluate the effect of investments in highway and public transportation projects on the use and conditions of all transportation assets within the State or area served by the metropolitan planning organization, as applicable.

23 USC 134 note. **SEC. 11206. INCREASING SAFE AND ACCESSIBLE TRANSPORTATION OPTIONS.**

(a) DEFINITION OF COMPLETE STREETS STANDARDS OR POLICIES.—In this section, the term “Complete Streets standards or policies” means standards or policies that ensure the safe and adequate accommodation of all users of the transportation system, including pedestrians, bicyclists, public transportation users, children, older individuals, individuals with disabilities, motorists, and freight vehicles.

(b) FUNDING REQUIREMENT.—Notwithstanding any other provision of law, each State and metropolitan planning organization shall use to carry out 1 or more activities described in subsection (c)—

(1) in the case of a State, not less than 2.5 percent of the amounts made available to the State to carry out section 505 of title 23, United States Code; and

(2) in the case of a metropolitan planning organization, not less than 2.5 percent of the amounts made available to the metropolitan planning organization under section 104(d) of title 23, United States Code.

(c) ACTIVITIES DESCRIBED.—An activity referred to in subsection (b) is an activity to increase safe and accessible options for multiple travel modes for people of all ages and abilities, which, if permissible under applicable State and local laws, may include—

(1) adoption of Complete Streets standards or policies;

(2) development of a Complete Streets prioritization plan that identifies a specific list of Complete Streets projects to improve the safety, mobility, or accessibility of a street;

(3) development of transportation plans—

(A) to create a network of active transportation facilities, including sidewalks, bikeways, or pedestrian and bicycle trails, to connect neighborhoods with destinations such as workplaces, schools, residences, businesses, recreation areas, healthcare and child care services, or other community activity centers;

(B) to integrate active transportation facilities with public transportation service or improve access to public transportation;

(C) to create multiuse active transportation infrastructure facilities, including bikeways or pedestrian and bicycle trails, that make connections within or between communities;

(D) to increase public transportation ridership; and

(E) to improve the safety of bicyclists and pedestrians;

(4) regional and megaregional planning to address travel demand and capacity constraints through alternatives to new highway capacity, including through intercity passenger rail; and

(5) development of transportation plans and policies that support transit-oriented development.

(d) **FEDERAL SHARE.**—The Federal share of the cost of an activity carried out under this section shall be 80 percent, unless the Secretary determines that the interests of the Federal-aid highway program would be best served by decreasing or eliminating the non-Federal share. Determination.

(e) **STATE FLEXIBILITY.**—A State or metropolitan planning organization, with the approval of the Secretary, may opt out of the requirements of this section if the State or metropolitan planning organization demonstrates to the Secretary, by not later than 30 days before the Secretary apportions funds for a fiscal year under section 104, that the State or metropolitan planning organization— Deadline.

(1) has Complete Streets standards and policies in place; and

(2) has developed an up-to-date Complete Streets prioritization plan as described in subsection (c)(2).

Subtitle C—Project Delivery and Process Improvement

SEC. 11301. CODIFICATION OF ONE FEDERAL DECISION.

(a) **IN GENERAL.**—Section 139 of title 23, United States Code, is amended—

(1) in the section heading, by striking “**decisionmaking**” and inserting “**decisionmaking and One Federal Decision**”;

(2) in subsection (a)—

(A) by redesignating paragraphs (2) through (8) as paragraphs (4), (5), (6), (8), (9), (10), and (11), respectively;

(B) by inserting after paragraph (1) the following:

“(2) **AUTHORIZATION.**—The term ‘authorization’ means any environmental license, permit, approval, finding, or other administrative decision related to the environmental review process that is required under Federal law to site, construct, or reconstruct a project.” Definitions.

“(3) ENVIRONMENTAL DOCUMENT.—The term ‘environmental document’ includes an environmental assessment, finding of no significant impact, notice of intent, environmental impact statement, or record of decision under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).”;

(C) in subparagraph (B) of paragraph (5) (as so redesignated), by striking “process for and completion of any environmental permit” and inserting “process and schedule, including a timetable for and completion of any environmental permit”; and

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

Definitions.

“(7) MAJOR PROJECT.—

“(A) IN GENERAL.—The term ‘major project’ means a project for which—

“(i) multiple permits, approvals, reviews, or studies are required under a Federal law other than the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.);

“(ii) the project sponsor has identified the reasonable availability of funds sufficient to complete the project;

“(iii) the project is not a covered project (as defined in section 41001 of the FAST Act (42 U.S.C. 4370m)); and

Determinations.

“(iv)(I) the head of the lead agency has determined that an environmental impact statement is required; or

“(II) the head of the lead agency has determined that an environmental assessment is required, and the project sponsor requests that the project be treated as a major project.

“(B) CLARIFICATION.—In this section, the term ‘major project’ does not have the same meaning as the term ‘major project’ as described in section 106(h).”;

(3) in subsection (b)(1)—

(A) by inserting “, including major projects,” after “all projects”; and

(B) by inserting “as requested by a project sponsor and” after “applied.”;

(4) in subsection (c)—

(A) in paragraph (6)—

(i) in subparagraph (B), by striking “and” at the end;

(ii) in subparagraph (C), by striking the period at the end and inserting “; and”; and

(iii) by adding at the end the following:

“(D) to calculate annually the average time taken by the lead agency to complete all environmental documents for each project during the previous fiscal year.”; and

(B) by adding at the end the following:

“(7) PROCESS IMPROVEMENTS FOR PROJECTS.—

Reviews.

“(A) IN GENERAL.—The Secretary shall review—

“(i) existing practices, procedures, rules, regulations, and applicable laws to identify impediments to meeting the requirements applicable to projects under this section; and

“(ii) best practices, programmatic agreements, and potential changes to internal departmental procedures that would facilitate an efficient environmental review process for projects.

“(B) CONSULTATION.—In conducting the review under subparagraph (A), the Secretary shall consult, as appropriate, with the heads of other Federal agencies that participate in the environmental review process.

“(C) REPORT.—Not later than 2 years after the date of enactment of the Surface Transportation Reauthorization Act of 2021, the Secretary shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report that includes—

“(i) the results of the review under subparagraph (A); and

“(ii) an analysis of whether additional funding would help the Secretary meet the requirements applicable to projects under this section.”;

Analysis.

(5) in subsection (d)—

(A) in paragraph (8)—

(i) in the paragraph heading, by striking “NEPA” and inserting “ENVIRONMENTAL”;

(ii) in subparagraph (A)—

(I) by inserting “and except as provided in subparagraph (D)” after “paragraph (7)”;

(II) by striking “permits” and inserting “authorizations”; and

(III) by striking “single environment document” and inserting “single environmental document for each kind of environmental document”;

(iii) in subparagraph (B)(i)—

(I) by striking “an environmental document” and inserting “environmental documents”; and

(II) by striking “permits issued” and inserting “authorizations”; and

(iv) by adding at the end the following:

“(D) EXCEPTIONS.—The lead agency may waive the application of subparagraph (A) with respect to a project if—

Waiver authority.

“(i) the project sponsor requests that agencies issue separate environmental documents;

“(ii) the obligations of a cooperating agency or participating agency under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) have already been satisfied with respect to the project; or

“(iii) the lead agency determines that reliance on a single environmental document (as described in subparagraph (A)) would not facilitate timely completion of the environmental review process for the project.”; and

Determination.

(B) by adding at the end the following:

“(10) TIMELY AUTHORIZATIONS FOR MAJOR PROJECTS.—

“(A) DEADLINE.—Except as provided in subparagraph (C), all authorization decisions necessary for the construction of a major project shall be completed by not later

than 90 days after the date of the issuance of a record of decision for the major project.

“(B) **DETAIL.**—The final environmental impact statement for a major project shall include an adequate level of detail to inform decisions necessary for the role of the participating agencies and cooperating agencies in the environmental review process.

“(C) **EXTENSION OF DEADLINE.**—The head of the lead agency may extend the deadline under subparagraph (A) if—

“(i) Federal law prohibits the lead agency or another agency from issuing an approval or permit within the period described in that subparagraph;

“(ii) the project sponsor requests that the permit or approval follow a different timeline; or

“(iii) an extension would facilitate completion of the environmental review and authorization process of the major project.”;

(6) in subsection (g)(1)—

(A) in subparagraph (B)—

(i) in clause (ii)(IV), by striking “schedule for and cost of” and inserting “time required by an agency to conduct an environmental review and make decisions under applicable Federal law relating to a project (including the issuance or denial of a permit or license) and the cost of”; and

(ii) by adding at the end the following:

Time period.

“(iii) **MAJOR PROJECT SCHEDULE.**—To the maximum extent practicable and consistent with applicable Federal law, in the case of a major project, the lead agency shall develop, in concurrence with the project sponsor, a schedule for the major project that is consistent with an agency average of not more than 2 years for the completion of the environmental review process for major projects, as measured from, as applicable—

“(I) the date of publication of a notice of intent to prepare an environmental impact statement to the record of decision; or

Determination.

“(II) the date on which the head of the lead agency determines that an environmental assessment is required to a finding of no significant impact.”;

(B) by striking subparagraph (D) and inserting the following:

“(D) **MODIFICATION.**—

“(i) **IN GENERAL.**—Except as provided in clause (ii), the lead agency may lengthen or shorten a schedule established under subparagraph (B) for good cause.

“(ii) **EXCEPTIONS.**—

Time period.

“(I) **MAJOR PROJECTS.**—In the case of a major project, the lead agency may lengthen a schedule under clause (i) for a cooperating Federal agency by not more than 1 year after the latest deadline established for the major project by the lead agency.

“(II) **SHORTENED SCHEDULES.**—The lead agency may not shorten a schedule under clause

- (i) if doing so would impair the ability of a cooperating Federal agency to conduct necessary analyses or otherwise carry out relevant obligations of the Federal agency for the project.”;
- (C) by redesignating subparagraph (E) as subparagraph (F); and
- (D) by inserting after subparagraph (D) the following:
- “(E) FAILURE TO MEET DEADLINE.—If a cooperating Federal agency fails to meet a deadline established under subparagraph (D)(ii)(I)—
- “(i) the cooperating Federal agency shall submit to the Secretary a report that describes the reasons why the deadline was not met; and
- “(ii) the Secretary shall—
- “(I) transmit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a copy of the report under clause (i); and
- “(II) make the report under clause (i) publicly available on the internet.”;
- (7) in subsection (n), by adding at the end the following:
- “(3) LENGTH OF ENVIRONMENTAL DOCUMENT.—
- “(A) IN GENERAL.—Notwithstanding any other provision of law and except as provided in subparagraph (B), to the maximum extent practicable, the text of the items described in paragraphs (4) through (6) of section 1502.10(a) of title 40, Code of Federal Regulations (or successor regulations), of an environmental impact statement for a project shall be 200 pages or fewer.
- “(B) EXEMPTION.—An environmental impact statement for a project may exceed 200 pages, if the lead agency establishes a new page limit for the environmental impact statement for that project.”; and
- (8) by adding at the end the following:
- “(p) ACCOUNTABILITY AND REPORTING FOR MAJOR PROJECTS.—
- “(1) IN GENERAL.—The Secretary shall establish a performance accountability system to track each major project.
- “(2) REQUIREMENTS.—The performance accountability system under paragraph (1) shall, for each major project, track, at a minimum—
- “(A) the environmental review process for the major project, including the project schedule;
- “(B) whether the lead agency, cooperating agencies, and participating agencies are meeting the schedule established for the environmental review process; and
- “(C) the time taken to complete the environmental review process.
- “(q) DEVELOPMENT OF CATEGORICAL EXCLUSIONS.—
- “(1) IN GENERAL.—Not later than 60 days after the date of enactment of this subsection, and every 4 years thereafter, the Secretary shall—
- “(A) in consultation with the agencies described in paragraph (2), identify the categorical exclusions described in section 771.117 of title 23, Code of Federal Regulations (or successor regulations), that would accelerate delivery

Reports.

Records.

Public
information.
Web posting.Deadline.
Time period.

Consultation.

of a project if those categorical exclusions were available to those agencies;

“(B) collect existing documentation and substantiating information on the categorical exclusions described in subparagraph (A); and

“(C) provide to each agency described in paragraph (2)—

List.

“(i) a list of the categorical exclusions identified under subparagraph (A); and

“(ii) the documentation and substantiating information under subparagraph (B).

“(2) AGENCIES DESCRIBED.—The agencies referred to in paragraph (1) are—

“(A) the Department of the Interior;

“(B) the Department of the Army;

“(C) the Department of Commerce;

“(D) the Department of Agriculture;

“(E) the Department of Energy;

“(F) the Department of Defense; and

“(G) any other Federal agency that has participated in an environmental review process for a project, as determined by the Secretary.

“(3) ADOPTION OF CATEGORICAL EXCLUSIONS.—

Deadline.
Publication.
Notice.
Regulations.

“(A) IN GENERAL.—Not later than 1 year after the date on which the Secretary provides a list under paragraph (1)(C), an agency described in paragraph (2) shall publish a notice of proposed rulemaking to propose any categorical exclusions from the list applicable to the agency, subject to the condition that the categorical exclusion identified under paragraph (1)(A) meets the criteria for a categorical exclusion under section 1508.1 of title 40, Code of Federal Regulations (or successor regulations).

“(B) PUBLIC COMMENT.—In a notice of proposed rulemaking under subparagraph (A), the applicable agency may solicit comments on whether any of the proposed new categorical exclusions meet the criteria for a categorical exclusion under section 1508.1 of title 40, Code of Federal Regulations (or successor regulations).”.

23 USC
prec. 101.

(b) CLERICAL AMENDMENT.—The analysis for chapter 1 of title 23, United States Code, is amended by striking the item relating to section 139 and inserting the following:

“139. Efficient environmental reviews for project decisionmaking and One Federal Decision.”.

Time period.
23 USC 401 note.

SEC. 11302. WORK ZONE PROCESS REVIEWS.

The Secretary shall amend section 630.1008(e) of title 23, Code of Federal Regulations, to ensure that the work zone process review under that subsection is required not more frequently than once every 5 years.

Time period.
23 USC 401 note.

SEC. 11303. TRANSPORTATION MANAGEMENT PLANS.

(a) IN GENERAL.—The Secretary shall amend section 630.1010(c) of title 23, Code of Federal Regulations, to ensure that only a project described in that subsection with a lane closure for 3 or more consecutive days shall be considered to be a significant project for purposes of that section.

(b) **NON-INTERSTATE PROJECTS.**—Notwithstanding any other provision of law, a State shall not be required to develop or implement a transportation management plan (as described in section 630.1012 of title 23, Code of Federal Regulations (or successor regulations)) for a highway project not on the Interstate System if the project requires not more than 3 consecutive days of lane closures.

SEC. 11304. INTELLIGENT TRANSPORTATION SYSTEMS.

23 USC 502 note.

(a) **IN GENERAL.**—The Secretary shall develop guidance for using existing flexibilities with respect to the systems engineering analysis described in part 940 of title 23, Code of Federal Regulations (or successor regulations).

(b) **IMPLEMENTATION.**—The Secretary shall ensure that any guidance developed under subsection (a)—

(1) clearly identifies criteria for low-risk and exempt intelligent transportation systems projects, with a goal of minimizing unnecessary delay or paperwork burden;

Criteria.

(2) is consistently implemented by the Department nationwide; and

(3) is disseminated to Federal-aid recipients.

(c) **SAVINGS PROVISION.**—Nothing in this section prevents the Secretary from amending part 940 of title 23, Code of Federal Regulations (or successor regulations), to reduce State administrative burdens.

SEC. 11305. ALTERNATIVE CONTRACTING METHODS.

(a) **ALTERNATIVE CONTRACTING METHODS FOR FEDERAL LAND MANAGEMENT AGENCIES AND TRIBAL GOVERNMENTS.**—Section 201 of title 23, United States Code, is amended by adding at the end the following:

“(f) **ALTERNATIVE CONTRACTING METHODS.**—

“(1) **IN GENERAL.**—Notwithstanding any other provision of law (including the Federal Acquisition Regulation), a contracting method available to a State under this title may be used by the Secretary, on behalf of—

“(A) a Federal land management agency, in using any funds pursuant to section 203, 204, or 308;

“(B) a Federal land management agency, in using any funds pursuant to section 1535 of title 31 for any of the eligible uses described in sections 203(a)(1) and 204(a)(1) and paragraphs (1) and (2) of section 308(a); or

“(C) a Tribal government, in using funds pursuant to section 202(b)(7)(D).

“(2) **METHODS DESCRIBED.**—The contracting methods referred to in paragraph (1) shall include, at a minimum—

“(A) project bundling;

“(B) bridge bundling;

“(C) design-build contracting;

“(D) 2-phase contracting;

“(E) long-term concession agreements; and

“(F) any method tested, or that could be tested, under an experimental program relating to contracting methods carried out by the Secretary.

“(3) **EFFECT.**—Nothing in this subsection—

“(A) affects the application of the Federal share for the project carried out with a contracting method under this subsection; or

“(B) modifies the point of obligation of Federal salaries and expenses.”.

(b) COOPERATION WITH FEDERAL AND STATE AGENCIES AND FOREIGN COUNTRIES.—Section 308(a) of title 23, United States Code, is amended by adding at the end the following:

“(4) ALTERNATIVE CONTRACTING METHODS.—

“(A) IN GENERAL.—Notwithstanding any other provision of law (including the Federal Acquisition Regulation), in performing services under paragraph (1), the Secretary may use any contracting method available to a State under this title.

“(B) METHODS DESCRIBED.—The contracting methods referred to in subparagraph (A) shall include, at a minimum—

“(i) project bundling;

“(ii) bridge bundling;

“(iii) design-build contracting;

“(iv) 2-phase contracting;

“(v) long-term concession agreements; and

“(vi) any method tested, or that could be tested, under an experimental program relating to contracting methods carried out by the Secretary.”.

23 USC 201 note.

(c) USE OF ALTERNATIVE CONTRACTING METHODS.—In carrying out an alternative contracting method under section 201(f) or 308(a)(4) of title 23, United States Code, the Secretary shall—

Consultation.
Procedures.

(1) in consultation with the applicable Federal land management agencies, establish clear procedures that are—

(A) applicable to the alternative contracting method; and

(B) to the maximum extent practicable, consistent with the requirements applicable to Federal procurement transactions;

(2) solicit input on the use of the alternative contracting method from the affected industry prior to using the method; and

Analysis.
Evaluation.

(3) analyze and prepare an evaluation of the use of the alternative contracting method.

SEC. 11306. FLEXIBILITY FOR PROJECTS.

Section 1420 of the FAST Act (23 U.S.C. 101 note; Public Law 114–94) is amended—

Determination.

(1) in subsection (a), by striking “and on request by a State, the Secretary may” in the matter preceding paragraph (1) and all that follows through the period at the end of paragraph (2) and inserting the following: “, on request by a State, and if in the public interest (as determined by the Secretary), the Secretary shall exercise all existing flexibilities under—

“(1) the requirements of title 23, United States Code; and

“(2) other requirements administered by the Secretary, in whole or in part.”; and

(2) in subsection (b)(2)(A), by inserting “(including regulations)” after “environmental law”.

SEC. 11307. IMPROVED FEDERAL-STATE STEWARDSHIP AND OVERSIGHT AGREEMENTS.

23 USC 106 note.

(a) DEFINITION OF TEMPLATE.—In this section, the term “template” means a template created by the Secretary for Federal-State stewardship and oversight agreements that—

(1) includes all standard terms found in stewardship and oversight agreements, including any terms in an attachment to the agreement;

(2) is developed in accordance with section 106 of title 23, United States Code, or any other applicable authority; and

(3) may be developed with consideration of relevant regulations, guidance, or policies.

(b) REQUEST FOR COMMENT.—

(1) IN GENERAL.—Not later than 60 days after the date of enactment of this Act, the Secretary shall publish in the Federal Register the template and a notice requesting public comment on ways to improve the template.

Deadline.
Federal Register,
publication.
Notice.

(2) COMMENT PERIOD.—The Secretary shall provide a period of not less than 60 days for public comment on the notice under paragraph (1).

(3) CERTAIN ISSUES.—The notice under paragraph (1) shall allow comment on any aspect of the template and shall specifically request public comment on—

(A) whether the template should be revised to delete standard terms requiring approval by the Secretary of the policies, procedures, processes, or manuals of the States, or other State actions, if Federal law (including regulations) does not specifically require an approval;

(B) opportunities to modify the template to allow adjustments to the review schedules for State practices or actions, including through risk-based approaches, program reviews, process reviews, or other means; and

(C) any other matters that the Secretary determines to be appropriate.

(c) NOTICE OF ACTION; UPDATES.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, after considering the comments received in response to the Federal Register notice under subsection (b), the Secretary shall publish in the Federal Register a notice that—

Deadline.
Federal Register,
publication.

(A) describes any proposed changes to be made, and any alternatives to such changes, to the template;

(B) addresses comments in response to which changes were not made to the template; and

(C) prescribes a schedule and a plan to execute a process for implementing the changes referred to in subparagraph (A).

Schedule.
Plan.

(2) APPROVAL REQUIREMENTS.—In addressing comments under paragraph (1)(B), the Secretary shall include an explanation of the basis for retaining any requirement for approval of State policies, procedures, processes, or manuals, or other State actions, if Federal law (including regulations) does not specifically require the approval.

(3) IMPLEMENTATION.—

Deadlines.

(A) IN GENERAL.—Not later than 60 days after the date on which the notice under paragraph (1) is published, the Secretary shall make changes to the template in accordance with—

(i) the changes described in the notice under paragraph (1)(A); and

(ii) the schedule and plan described in the notice under paragraph (1)(C).

(B) UPDATES.—Not later than 1 year after the date on which the revised template under subparagraph (A) is published, the Secretary shall update existing agreements with States according to the template updated under subparagraph (A).

(d) INCLUSION OF NON-STANDARD TERMS.—Nothing in this section precludes the inclusion in a Federal-State stewardship and oversight agreement of non-standard terms to address a State-specific matter, including risk-based stewardship and Department oversight involvement in individual projects of division interest.

(e) COMPLIANCE WITH NON-STATUTORY TERMS.—

(1) IN GENERAL.—The Secretary shall not enforce or otherwise require a State to comply with approval requirements that are not required by Federal law (including regulations) in a Federal-State stewardship and oversight agreement.

(2) APPROVAL AUTHORITY.—Notwithstanding any other provision of law, the Secretary shall not assert approval authority over any matter in a Federal-State stewardship and oversight agreement reserved to States.

(f) FREQUENCY OF REVIEWS.—Section 106(g)(3) of title 23, United States Code, is amended—

(1) by striking “annual”;

(2) by striking “The Secretary” and inserting the following:
“ (A) IN GENERAL.—The Secretary”; and

(3) by adding at the end the following:

“ (B) FREQUENCY.—

“(i) IN GENERAL.—Except as provided in clauses (ii) and (iii), the Secretary shall carry out a review under subparagraph (A) not less frequently than once every 2 years.

“(ii) CONSULTATION WITH STATE.—The Secretary, after consultation with a State, may make a determination to carry out a review under subparagraph (A) for that State less frequently than provided under clause (i).

“(iii) CAUSE.—If the Secretary determines that there is a specific reason to require a review more frequently than provided under clause (i) with respect to a State, the Secretary may carry out a review more frequently than provided under that clause.”.

Determinations.

49 USC 301 note.

SEC. 11308. GEOMATIC DATA.

(a) IN GENERAL.—The Secretary shall develop guidance for the acceptance and use of information obtained from a non-Federal entity through geomatic techniques, including remote sensing and land surveying, cartography, geographic information systems, global navigation satellite systems, photogrammetry, or other remote means.

(b) CONSIDERATIONS.—In carrying out this section, the Secretary shall ensure that acceptance or use of information described in subsection (a) meets the data quality and operational requirements of the Secretary.

(c) PUBLIC COMMENT.—Before issuing any final guidance under subsection (a), the Secretary shall provide to the public—

(1) notice of the proposed guidance; and

Notice.

- (2) an opportunity to comment on the proposed guidance.
- (d) SAVINGS CLAUSE.—Nothing in this section—
 - (1) requires the Secretary to accept or use information that the Secretary determines does not meet the guidance developed under this section; or
 - (2) changes the current statutory or regulatory requirements of the Department.

SEC. 11309. EVALUATION OF PROJECTS WITHIN AN OPERATIONAL RIGHT-OF-WAY.

(a) IN GENERAL.—Chapter 3 of title 23, United States Code, is amended by adding at the end the following:

“§ 331. Evaluation of projects within an operational right-of-way 23 USC 331.

“(a) DEFINITIONS.—

“(1) ELIGIBLE PROJECT OR ACTIVITY.—

“(A) IN GENERAL.—In this section, the term ‘eligible project or activity’ means a project or activity within an existing operational right-of-way (as defined in section 771.117(c)(22) of title 23, Code of Federal Regulations (or successor regulations))—

“(i)(I) eligible for assistance under this title; or

“(II) administered as if made available under this title;

“(ii) that is—

“(I) a preventive maintenance, preservation, or highway safety improvement project (as defined in section 148(a)); or

“(II) a new turn lane that the State advises in writing to the Secretary would assist public safety; and

“(iii) that—

“(I) is classified as a categorical exclusion under section 771.117 of title 23, Code of Federal Regulations (or successor regulations); or

“(II) if the project or activity does not receive assistance described in clause (i) would be considered a categorical exclusion if the project or activity received assistance described in clause (i).

“(B) EXCLUSION.—The term ‘eligible project or activity’ does not include a project to create a new travel lane.

“(2) PRELIMINARY EVALUATION.—The term ‘preliminary evaluation’, with respect to an application described in subsection (b)(1), means an evaluation that is customary or practicable for the relevant agency to complete within a 45-day period for similar applications.

“(3) RELEVANT AGENCY.—The term ‘relevant agency’ means a Federal agency, other than the Federal Highway Administration, with responsibility for review of an application from a State for a permit, approval, or jurisdictional determination for an eligible project or activity.

“(b) ACTION REQUIRED.—

“(1) IN GENERAL.—Subject to paragraph (2), not later than 45 days after the date of receipt of an application by a State for a permit, approval, or jurisdictional determination for an

Deadline.

	eligible project or activity, the head of the relevant agency shall—
Evaluation.	“(A) make at least a preliminary evaluation of the application; and
Notification.	“(B) notify the State of the results of the preliminary evaluation under subparagraph (A).
Notice.	“(2) EXTENSION.—The head of the relevant agency may extend the review period under paragraph (1) by not more than 30 days if the head of the relevant agency provides to the State written notice that includes an explanation of the need for the extension.
	“(3) FAILURE TO ACT.—If the head of the relevant agency fails to meet a deadline under paragraph (1) or (2), as applicable, the head of the relevant agency shall—
Reports.	“(A) not later than 30 days after the date of the missed deadline, submit to the State, the Committee on Environment and Public Works of the Senate, and the Committee on Transportation and Infrastructure of the House of Representatives a report that describes why the deadline was missed; and
Deadline. Public information. Web posting. Records.	“(B) not later than 14 days after the date on which a report is submitted under subparagraph (A), make publicly available, including on the internet, a copy of that report.”.
23 USC prec. 301.	(b) CLERICAL AMENDMENT.—The analysis for chapter 3 of title 23, United States Code, is amended by adding at the end the following:

“331. Evaluation of projects within an operational right-of-way.”.

SEC. 11310. PRELIMINARY ENGINEERING.

(a) IN GENERAL.—Section 102 of title 23, United States Code, is amended—

(1) by striking subsection (b); and

(2) in subsection (a), in the second sentence, by striking “Nothing in this subsection” and inserting the following:

“(b) SAVINGS PROVISION.—Nothing in this section”.

(b) CONFORMING AMENDMENT.—Section 144(j) of title 23, United States Code, is amended by striking paragraph (6).

SEC. 11311. EFFICIENT IMPLEMENTATION OF NEPA FOR FEDERAL LAND MANAGEMENT PROJECTS.

Section 203 of title 23, United States Code, is amended by adding at the end the following:

“(e) EFFICIENT IMPLEMENTATION OF NEPA.—

“(1) DEFINITIONS.—In this subsection:

“(A) ENVIRONMENTAL DOCUMENT.—The term ‘environmental document’ means an environmental impact statement, environmental assessment, categorical exclusion, or other document prepared under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

“(B) PROJECT.—The term ‘project’ means a highway project, public transportation capital project, or multimodal project that—

“(i) receives funds under this title; and

“(ii) is authorized under this section or section

“(C) PROJECT SPONSOR.—The term ‘project sponsor’ means the Federal land management agency that seeks or receives funds under this title for a project.

“(2) ENVIRONMENTAL REVIEW TO BE COMPLETED BY FEDERAL HIGHWAY ADMINISTRATION.—The Federal Highway Administration may prepare an environmental document pursuant to the implementing procedures of the Federal Highway Administration to comply with the requirements of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) if—

“(A) requested by a project sponsor; and

“(B) all areas of analysis required by the project sponsor can be addressed.

“(3) FEDERAL LAND MANAGEMENT AGENCIES ADOPTION OF EXISTING ENVIRONMENTAL REVIEW DOCUMENTS.—

“(A) IN GENERAL.—To the maximum extent practicable, if the Federal Highway Administration prepares an environmental document pursuant to paragraph (2), that environmental document shall address all areas of analysis required by a Federal land management agency.

“(B) INDEPENDENT EVALUATION.—Notwithstanding any other provision of law, a Federal land management agency shall not be required to conduct an independent evaluation to determine the adequacy of an environmental document prepared by the Federal Highway Administration pursuant to paragraph (2).

“(C) USE OF SAME DOCUMENT.—In authorizing or implementing a project, a Federal land management agency may use an environmental document previously prepared by the Federal Highway Administration for a project addressing the same or substantially the same action to the same extent that the Federal land management agency could adopt or use a document previously prepared by another Federal agency.

“(4) APPLICATION BY FEDERAL LAND MANAGEMENT AGENCIES OF CATEGORICAL EXCLUSIONS ESTABLISHED BY FEDERAL HIGHWAY ADMINISTRATION.—In carrying out requirements under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) for a project, the project sponsor may use categorical exclusions designated under that Act in the implementing regulations of the Federal Highway Administration, subject to the conditions that—

“(A) the project sponsor makes a determination, in consultation with the Federal Highway Administration, that the categorical exclusion applies to the project;

Determination.
Consultation.
Applicability.

“(B) the project satisfies the conditions for a categorical exclusion under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.); and

“(C) the use of the categorical exclusion does not otherwise conflict with the implementing regulations of the project sponsor, except any list of the project sponsor that designates categorical exclusions.

“(5) MITIGATION COMMITMENTS.—The Secretary shall assist the Federal land management agency with all design and mitigation commitments made jointly by the Secretary and the project sponsor in any environmental document prepared by the Secretary in accordance with this subsection.”.

SEC. 11312. NATIONAL ENVIRONMENTAL POLICY ACT OF 1969 REPORTING PROGRAM.

(a) IN GENERAL.—Chapter 1 of title 23, United States Code, is amended by inserting after section 156 the following:

23 USC 157.

“§ 157. National Environmental Policy Act of 1969 reporting program

“(a) DEFINITIONS.—In this section:

“(1) CATEGORICAL EXCLUSION.—The term ‘categorical exclusion’ has the meaning given the term in section 771.117(c) of title 23, Code of Federal Regulations (or a successor regulation).

“(2) DOCUMENTED CATEGORICAL EXCLUSION.—The term ‘documented categorical exclusion’ has the meaning given the term in section 771.117(d) of title 23, Code of Federal Regulations (or a successor regulation).

“(3) ENVIRONMENTAL ASSESSMENT.—The term ‘environmental assessment’ has the meaning given the term in section 1508.1 of title 40, Code of Federal Regulations (or a successor regulation).

“(4) ENVIRONMENTAL IMPACT STATEMENT.—The term ‘environmental impact statement’ means a detailed statement required under section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)(C)).

“(5) FEDERAL AGENCY.—The term ‘Federal agency’ includes a State that has assumed responsibility under section 327.

“(6) NEPA PROCESS.—The term ‘NEPA process’ means the entirety of the development and documentation of the analysis required under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), including the assessment and analysis of any impacts, alternatives, and mitigation of a proposed action, and any interagency participation and public involvement required to be carried out before the Secretary undertakes a proposed action.

“(7) PROPOSED ACTION.—The term ‘proposed action’ means an action (within the meaning of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.)) under this title that the Secretary proposes to carry out.

“(8) REPORTING PERIOD.—The term ‘reporting period’ means the fiscal year prior to the fiscal year in which a report is issued under subsection (b).

“(9) SECRETARY.—The term ‘Secretary’ includes the governor or head of an applicable State agency of a State that has assumed responsibility under section 327.

“(b) REPORT ON NEPA DATA.—

“(1) IN GENERAL.—The Secretary shall carry out a process to track, and annually submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report containing, the information described in paragraph (3).

“(2) TIME TO COMPLETE.—For purposes of paragraph (3), the NEPA process—

“(A) for an environmental impact statement—

“(i) begins on the date on which the Notice of Intent is published in the Federal Register; and

“(ii) ends on the date on which the Secretary issues a record of decision, including, if necessary, a revised record of decision; and

Record.

“(B) for an environmental assessment—

Determinations.

“(i) begins on the date on which the Secretary makes a determination to prepare an environmental assessment; and

“(ii) ends on the date on which the Secretary issues a finding of no significant impact or determines that preparation of an environmental impact statement is necessary.

“(3) INFORMATION DESCRIBED.—The information referred to in paragraph (1) is, with respect to the Department of Transportation—

“(A) the number of proposed actions for which a categorical exclusion was issued during the reporting period;

“(B) the number of proposed actions for which a documented categorical exclusion was issued by the Department of Transportation during the reporting period;

“(C) the number of proposed actions pending on the date on which the report is submitted for which the issuance of a documented categorical exclusion by the Department of Transportation is pending;

“(D) the number of proposed actions for which an environmental assessment was issued by the Department of Transportation during the reporting period;

“(E) the length of time the Department of Transportation took to complete each environmental assessment described in subparagraph (D);

“(F) the number of proposed actions pending on the date on which the report is submitted for which an environmental assessment is being drafted by the Department of Transportation;

“(G) the number of proposed actions for which an environmental impact statement was completed by the Department of Transportation during the reporting period;

“(H) the length of time that the Department of Transportation took to complete each environmental impact statement described in subparagraph (G);

“(I) the number of proposed actions pending on the date on which the report is submitted for which an environmental impact statement is being drafted; and

“(J) for the proposed actions reported under subparagraphs (F) and (I), the percentage of those proposed actions for which—

“(i) funding has been identified; and

“(ii) all other Federal, State, and local activities that are required to allow the proposed action to proceed are completed.”.

(b) CLERICAL AMENDMENT.—The analysis for chapter 1 of title 23, United States Code, is amended by inserting after the item relating to section 156 the following:

23 USC
prec. 101.

“157. National Environmental Policy Act of 1969 reporting program.”.

SEC. 11313. SURFACE TRANSPORTATION PROJECT DELIVERY PROGRAM WRITTEN AGREEMENTS.

Section 327 of title 23, United States Code, is amended—

(1) in subsection (a)(2)(G), by inserting “, including the payment of fees awarded under section 2412 of title 28” before the period at the end;

(2) in subsection (c)—

(A) by striking paragraph (5) and inserting the following:

“(5) except as provided under paragraph (7), have a term of not more than 5 years;”;

(B) in paragraph (6), by striking the period at the end and inserting “; and”; and

(C) by adding at the end the following:

Time period.

“(7) for any State that has participated in a program under this section (or under a predecessor program) for at least 10 years, have a term of 10 years.”;

(3) in subsection (g)(1)—

(A) in subparagraph (B), by striking “and” at the end;

(B) in subparagraph (C), by striking “annual”;

(C) by redesignating subparagraph (C) as subparagraph (D); and

(D) by inserting after subparagraph (B) the following:

Time period.
Audit.

“(C) in the case of an agreement period of greater than 5 years pursuant to subsection (c)(7), conduct an audit covering the first 5 years of the agreement period; and”;

(4) by adding at the end the following:

“(m) AGENCY DEEMED TO BE FEDERAL AGENCY.—A State agency that is assigned a responsibility under an agreement under this section shall be deemed to be an agency for the purposes of section 2412 of title 28.”.

Time periods.

SEC. 11314. STATE ASSUMPTION OF RESPONSIBILITY FOR CATEGORICAL EXCLUSIONS.

Section 326(c)(3) of title 23, United States Code, is amended—

(1) by striking subparagraph (A) and inserting the following:

“(A) except as provided under subparagraph (C), shall have a term of not more than 3 years;”;

(2) in subparagraph (B), by striking the period at the end and inserting “; and”; and

(3) by adding at the end the following:

“(C) shall have a term of 5 years, in the case of a State that has assumed the responsibility for categorical exclusions under this section for not fewer than 10 years.”.

SEC. 11315. EARLY UTILITY RELOCATION PRIOR TO TRANSPORTATION PROJECT ENVIRONMENTAL REVIEW.

Section 123 of title 23, United States Code, is amended to read as follows:

“§ 123. Relocation of utility facilities

“(a) DEFINITIONS.—In this section:

“(1) COST OF RELOCATION.—The term ‘cost of relocation’ includes the entire amount paid by a utility properly attributable to the relocation of a utility facility, minus any increase in the value of the new facility and any salvage value derived from the old facility.

“(2) EARLY UTILITY RELOCATION PROJECT.—The term ‘early utility relocation project’ means utility relocation activities

identified by the State for performance before completion of the environmental review process for the transportation project.

“(3) ENVIRONMENTAL REVIEW PROCESS.—The term ‘environmental review process’ has the meaning given the term in section 139(a).

“(4) TRANSPORTATION PROJECT.—The term ‘transportation project’ means a project.

“(5) UTILITY FACILITY.—The term ‘utility facility’ means any privately, publicly, or cooperatively owned line, facility, or system for producing, transmitting, or distributing communications, power, electricity, light, heat, gas, oil, crude products, water, steam, waste, stormwater not connected with highway drainage, or any other similar commodity, including any fire or police signal system or street lighting system, that directly or indirectly serves the public.

“(6) UTILITY RELOCATION ACTIVITY.—The term ‘utility relocation activity’ means an activity necessary for the relocation of a utility facility, including preliminary and final design, surveys, real property acquisition, materials acquisition, and construction.

“(b) REIMBURSEMENT TO STATES.—

“(1) IN GENERAL.—If a State pays for the cost of relocation of a utility facility necessitated by the construction of a transportation project, Federal funds may be used to reimburse the State for the cost of relocation in the same proportion as Federal funds are expended on the transportation project.

“(2) LIMITATION.—Federal funds shall not be used to reimburse a State under this section if the payment to the utility—

“(A) violates the law of the State; or

“(B) violates a legal contract between the utility and the State.

“(3) REQUIREMENT.—A reimbursement under paragraph (1) shall be made only if the State demonstrates to the satisfaction of the Secretary that the State paid the cost of the utility relocation activity from funds of the State with respect to transportation projects for which Federal funds are obligated subsequent to April 16, 1958, for work, including utility relocation activities.

“(4) REIMBURSEMENT ELIGIBILITY FOR EARLY RELOCATION PRIOR TO TRANSPORTATION PROJECT ENVIRONMENTAL REVIEW PROCESS.—

“(A) IN GENERAL.—In addition to the requirements under paragraphs (1) through (3), a State may carry out, at the expense of the State, an early utility relocation project for a transportation project before completion of the environmental review process for the transportation project.

“(B) REQUIREMENTS FOR REIMBURSEMENT.—Funds apportioned to a State under this title may be used to pay the costs incurred by the State for an early utility relocation project only if the State demonstrates to the Secretary, and the Secretary finds that—

“(i) the early utility relocation project is necessary to accommodate a transportation project;

“(ii) the State provides adequate documentation to the Secretary of eligible costs incurred by the State for the early utility relocation project;

“(iii) before the commencement of the utility relocation activities, an environmental review process was completed for the early utility relocation project that resulted in a finding that the early utility relocation project—

“(I) would not result in significant adverse environmental impacts; and

“(II) would comply with other applicable Federal environmental requirements;

“(iv) the early utility relocation project did not influence—

“(I) the environmental review process for the transportation project;

“(II) the decision relating to the need to construct the transportation project; or

“(III) the selection of the transportation project design or location;

“(v) the early utility relocation project complies with all applicable provisions of law, including regulations issued pursuant to this title;

“(vi) the early utility relocation project follows applicable financial procedures and requirements, including documentation of eligible costs and the requirements under section 109(l), but not including requirements applicable to authorization and obligation of Federal funds;

“(vii) the transportation project for which the early utility relocation project was necessitated was included in the applicable transportation improvement program under section 134 or 135;

“(viii) before the cost incurred by a State is approved for Federal participation, environmental compliance pursuant to the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) has been completed for the transportation project for which the early utility relocation project was necessitated; and

“(ix) the transportation project that necessitated the utility relocation activity is approved for construction.

“(C) SAVINGS PROVISION.—Nothing in this paragraph affects other eligibility requirements or authorities for Federal participation in payment of costs incurred for utility relocation activities.

“(c) APPLICABILITY OF OTHER PROVISIONS.—Nothing in this section affects the applicability of other requirements that would otherwise apply to an early utility relocation project, including any applicable requirements under—

“(1) section 138;

“(2) the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (42 U.S.C. 4601 et seq.), including regulations under part 24 of title 49, Code of Federal Regulations (or successor regulations);

“(3) title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d et seq.); or

Compliance.

Compliance.

“(4) an environmental review process.”.

SEC. 11316. STREAMLINING OF SECTION 4(F) REVIEWS.

Section 138(a) of title 23, United States Code, is amended—
(1) in the fourth sentence, by striking “In carrying out” and inserting the following:

“(4) STUDIES.—In carrying out”;

(2) in the third sentence—

(A) by striking “such land, and (2) such program” and inserting the following: “the land; and

“(B) the program”;

(B) by striking “unless (1) there is” and inserting the following: “unless—

“(A) there is”; and

(C) by striking “After the” and inserting the following:

“(3) REQUIREMENT.—After the”;

(3) in the second sentence—

(A) by striking “The Secretary of Transportation” and inserting the following:

“(2) COOPERATION AND CONSULTATION.—

“(A) IN GENERAL.—The Secretary”; and

(B) by adding at the end the following:

“(B) TIMELINE FOR APPROVALS.—

“(i) IN GENERAL.—The Secretary shall—

“(I) provide an evaluation under this section to the Secretaries described in subparagraph (A); and

“(II) provide a period of 30 days for receipt of comments.

“(ii) ASSUMED ACCEPTANCE.—If the Secretary does not receive comments by 15 days after the deadline under clause (i)(II), the Secretary shall assume a lack of objection and proceed with the action. Deadline.

“(C) EFFECT.—Nothing in subparagraph (B) affects—

“(i) the requirements under—

“(I) subsections (b) through (f); or

“(II) the consultation process under section 306108 of title 54; or

“(ii) programmatic section 4(f) evaluations, as described in regulations issued by the Secretary.”; and

(4) in the first sentence, by striking “It is declared to be” and inserting the following:

“(1) IN GENERAL.—It is”.

SEC. 11317. CATEGORICAL EXCLUSION FOR PROJECTS OF LIMITED FEDERAL ASSISTANCE.

Section 1317(1) of MAP–21 (23 U.S.C. 109 note; Public Law 112–141) is amended—

(1) in subparagraph (A), by striking “\$5,000,000” and inserting “\$6,000,000”; and

(2) in subparagraph (B), by striking “\$30,000,000” and inserting “\$35,000,000”.

SEC. 11318. CERTAIN GATHERING LINES LOCATED ON FEDERAL LAND AND INDIAN LAND. 42 USC 15943.

(a) DEFINITIONS.—In this section:

(1) FEDERAL LAND.—

(A) IN GENERAL.—The term “Federal land” means land the title to which is held by the United States.

(B) EXCLUSIONS.—The term “Federal land” does not include—

- (i) a unit of the National Park System;
- (ii) a unit of the National Wildlife Refuge System;
- (iii) a component of the National Wilderness Preservation System;
- (iv) a wilderness study area within the National Forest System; or
- (v) Indian land.

(2) GATHERING LINE AND ASSOCIATED FIELD COMPRESSION OR PUMPING UNIT.—

(A) IN GENERAL.—The term “gathering line and associated field compression or pumping unit” means—

- (i) a pipeline that is installed to transport oil, natural gas and related constituents, or produced water from 1 or more wells drilled and completed to produce oil or gas; and
- (ii) if necessary, 1 or more compressors or pumps to raise the pressure of the transported oil, natural gas and related constituents, or produced water to higher pressures necessary to enable the oil, natural gas and related constituents, or produced water to flow into pipelines and other facilities.

(B) INCLUSIONS.—The term “gathering line and associated field compression or pumping unit” includes a pipeline or associated compression or pumping unit that is installed to transport oil or natural gas from a processing plant to a common carrier pipeline or facility.

(C) EXCLUSIONS.—The term “gathering line and associated field compression or pumping unit” does not include a common carrier pipeline.

(3) INDIAN LAND.—The term “Indian land” means land the title to which is held by—

(A) the United States in trust for an Indian Tribe or an individual Indian; or

(B) an Indian Tribe or an individual Indian subject to a restriction by the United States against alienation.

(4) PRODUCED WATER.—The term “produced water” means water produced from an oil or gas well bore that is not a fluid prepared at, or transported to, the well site to resolve a specific oil or gas well bore or reservoir condition.

(5) SECRETARY.—The term “Secretary” means the Secretary of the Interior.

(b) CERTAIN GATHERING LINES.—

(1) IN GENERAL.—Subject to paragraph (2), the issuance of a sundry notice or right-of-way for a gathering line and associated field compression or pumping unit that is located on Federal land or Indian land and that services any oil or gas well may be considered by the Secretary to be an action that is categorically excluded (as defined in section 1508.1 of title 40, Code of Federal Regulations (as in effect on the date of enactment of this Act)) for purposes of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) if the gathering line and associated field compression or pumping unit—

(A) are within a field or unit for which an approved land use plan or an environmental document prepared pursuant to the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) analyzed transportation of oil, natural gas, or produced water from 1 or more oil or gas wells in the field or unit as a reasonably foreseeable activity;

(B) are located adjacent to or within—

(i) any existing disturbed area; or

(ii) an existing corridor for a right-of-way; and

(C) would reduce—

(i) in the case of a gathering line and associated field compression or pumping unit transporting methane, the total quantity of methane that would otherwise be vented, flared, or unintentionally emitted from the field or unit; or

(ii) in the case of a gathering line and associated field compression or pumping unit not transporting methane, the vehicular traffic that would otherwise service the field or unit.

(2) **APPLICABILITY.**—Paragraph (1) shall apply to Indian land, or a portion of Indian land—

(A) to which the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) applies; and

(B) for which the Indian Tribe with jurisdiction over the Indian land submits to the Secretary a written request that paragraph (1) apply to that Indian land (or portion of Indian land).

(c) **EFFECT ON OTHER LAW.**—Nothing in this section—

(1) affects or alters any requirement—

(A) relating to prior consent under—

(i) section 2 of the Act of February 5, 1948 (62 Stat. 18, chapter 45; 25 U.S.C. 324); or

(ii) section 16(e) of the Act of June 18, 1934 (48 Stat. 987, chapter 576; 102 Stat. 2939; 114 Stat. 47; 25 U.S.C. 5123(e)) (commonly known as the “Indian Reorganization Act”);

(B) under section 306108 of title 54, United States Code; or

(C) under any other Federal law (including regulations) relating to Tribal consent for rights-of-way across Indian land; or

(2) makes the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) applicable to land to which that Act otherwise would not apply.

SEC. 11319. ANNUAL REPORT.

49 USC 308 note.

(a) **DEFINITION OF COVERED PROJECT.**—In this section, the term “covered project” means a project or activity carried out with funds provided by the Department, including a project carried out under title 23 or 49, United States Code—

(1) that is more than 5 years behind schedule; or

(2) for which the total amount spent on the project or activity is not less than \$1,000,000,000 more than the original cost estimate for the project or activity.

(b) **REQUIREMENT.**—Not later than 1 year after the date of enactment of this Act, and annually thereafter, the Secretary shall

submit to Congress a report on covered projects of the Department, which shall include, for each covered project—

- (1) a brief description of the covered project, including—
 - (A) the purpose of the covered project;
 - (B) each location in which the covered project is carried out;
 - (C) the contract or award number of the covered project, if applicable;
 - (D) the year in which the covered project was initiated;
 - (E) the Federal share of the total cost of the covered project; and
 - (F) each primary contractor, subcontractor, grant recipient, and subgrantee recipient of the covered project;
- (2) an explanation of any change to the original scope of the covered project, including by the addition or narrowing of the initial requirements of the covered project;
- (3) the original expected date for completion of the covered project;
- (4) the current expected date for completion of the covered project;
- Cost estimate. (5) the original cost estimate for the covered project, as adjusted to reflect increases in the Consumer Price Index for All Urban Consumers, as published by the Bureau of Labor Statistics;
- Cost estimate. (6) the current cost estimate for the covered project, as adjusted to reflect increases in the Consumer Price Index for All Urban Consumers, as published by the Bureau of Labor Statistics;
- (7) an explanation for a delay in completion or an increase in the original cost estimate for the covered project, including, where applicable, any impact of insufficient or delayed appropriations; and
- (8) the amount of and rationale for any award, incentive fee, or other type of bonus, if any, awarded for the covered project.

Subtitle D—Climate Change

SEC. 11401. GRANTS FOR CHARGING AND FUELING INFRASTRUCTURE.

23 USC 151 note.

(a) PURPOSE.—The purpose of this section is to establish a grant program to strategically deploy publicly accessible electric vehicle charging infrastructure, hydrogen fueling infrastructure, propane fueling infrastructure, and natural gas fueling infrastructure along designated alternative fuel corridors or in certain other locations that will be accessible to all drivers of electric vehicles, hydrogen vehicles, propane vehicles, and natural gas vehicles.

(b) GRANT PROGRAM.—Section 151 of title 23, United States Code, is amended—

(1) in subsection (a)—

(A) by striking “Not later than 1 year after the date of enactment of the FAST Act, the Secretary shall” and inserting “The Secretary shall periodically”; and

(B) by striking “to improve the mobility” and inserting “to support changes in the transportation sector that help achieve a reduction in greenhouse gas emissions and improve the mobility”;

(2) in subsection (b)(2), by inserting “previously designated by the Federal Highway Administration or” before “designated by”;

(3) by striking subsection (d) and inserting the following:
“(d) REDESIGNATION.—

Updates.
Deadline.

“(1) INITIAL REDESIGNATION.—Not later than 180 days after the date of enactment of the Surface Transportation Reauthorization Act of 2021, the Secretary shall update and redesignate the corridors under subsection (a).

“(2) SUBSEQUENT REDESIGNATION.—The Secretary shall establish a recurring process to regularly update and redesignate the corridors under subsection (a).”;

(4) in subsection (e)—

(A) in paragraph (1), by striking “and” at the end;

(B) in paragraph (2)—

(i) by striking “establishes an aspirational goal of achieving” and inserting “describes efforts, including through funds awarded through the grant program under subsection (f), that will aid efforts to achieve”; and

(ii) by striking “by the end of fiscal year 2020.” and inserting “; and”;

(C) by adding at the end the following:

“(3) summarizes best practices and provides guidance, developed through consultation with the Secretary of Energy, for project development of electric vehicle charging infrastructure, hydrogen fueling infrastructure, propane fueling infrastructure and natural gas fueling infrastructure at the State, Tribal, and local level to allow for the predictable deployment of that infrastructure.”; and

Consultation.

(5) by adding at the end the following:

“(f) GRANT PROGRAM.—

“(1) DEFINITION OF PRIVATE ENTITY.—In this subsection, the term ‘private entity’ means a corporation, partnership, company, or nonprofit organization.

“(2) ESTABLISHMENT.—Not later than 1 year after the date of enactment of the Surface Transportation Reauthorization Act of 2021, the Secretary shall establish a grant program to award grants to eligible entities to carry out the activities described in paragraph (6).

Deadline.

“(3) ELIGIBLE ENTITIES.—An entity eligible to receive a grant under this subsection is—

“(A) a State or political subdivision of a State;

“(B) a metropolitan planning organization;

“(C) a unit of local government;

“(D) a special purpose district or public authority with a transportation function, including a port authority;

“(E) an Indian tribe (as defined in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5304));

“(F) a territory of the United States;

“(G) an authority, agency, or instrumentality of, or an entity owned by, 1 or more entities described in subparagraphs (A) through (F); or

“(H) a group of entities described in subparagraphs (A) through (G).

“(4) APPLICATIONS.—To be eligible to receive a grant under this subsection, an eligible entity shall submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary shall require, including—

“(A) a description of how the eligible entity has considered—

“(i) public accessibility of charging or fueling infrastructure proposed to be funded with a grant under this subsection, including—

“(I) charging or fueling connector types and publicly available information on real-time availability; and

“(II) payment methods to ensure secure, convenient, fair, and equal access;

“(ii) collaborative engagement with stakeholders (including automobile manufacturers, utilities, infrastructure providers, technology providers, electric charging, hydrogen, propane, and natural gas fuel providers, metropolitan planning organizations, States, Indian tribes, and units of local governments, fleet owners, fleet managers, fuel station owners and operators, labor organizations, infrastructure construction and component parts suppliers, and multi-State and regional entities)—

“(I) to foster enhanced, coordinated, public-private or private investment in electric vehicle charging infrastructure, hydrogen fueling infrastructure, propane fueling infrastructure, or natural gas fueling infrastructure;

“(II) to expand deployment of electric vehicle charging infrastructure, hydrogen fueling infrastructure, propane fueling infrastructure, or natural gas fueling infrastructure;

“(III) to protect personal privacy and ensure cybersecurity; and

“(IV) to ensure that a properly trained workforce is available to construct and install electric vehicle charging infrastructure, hydrogen fueling infrastructure, propane fueling infrastructure, or natural gas fueling infrastructure;

“(iii) the location of the station or fueling site, such as consideration of—

“(I) the availability of onsite amenities for vehicle operators, such as restrooms or food facilities;

“(II) access in compliance with the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.);

“(III) height and fueling capacity requirements for facilities that charge or refuel large vehicles, such as semi-trailer trucks; and

“(IV) appropriate distribution to avoid redundancy and fill charging or fueling gaps;

“(iv) infrastructure installation that can be responsive to technology advancements, such as accommodating autonomous vehicles, vehicle-to-grid technology, and future charging methods; and

“(v) the long-term operation and maintenance of the electric vehicle charging infrastructure, hydrogen fueling infrastructure, propane fueling infrastructure, or natural gas fueling infrastructure, to avoid stranded assets and protect the investment of public funds in that infrastructure; and

“(B) an assessment of the estimated emissions that will be reduced through the use of electric vehicle charging infrastructure, hydrogen fueling infrastructure, propane fueling infrastructure, or natural gas fueling infrastructure, which shall be conducted using the Alternative Fuel Life-Cycle Environmental and Economic Transportation (AFLEET) tool developed by Argonne National Laboratory (or a successor tool).

Assessment.

“(5) CONSIDERATIONS.—In selecting eligible entities to receive a grant under this subsection, the Secretary shall—

“(A) consider the extent to which the application of the eligible entity would—

“(i) improve alternative fueling corridor networks by—

“(I) converting corridor-pending corridors to corridor-ready corridors; or

“(II) in the case of corridor-ready corridors, providing redundancy—

“(aa) to meet excess demand for charging or fueling infrastructure; or

“(bb) to reduce congestion at existing charging or fueling infrastructure in high-traffic locations;

“(ii) meet current or anticipated market demands for charging or fueling infrastructure;

“(iii) enable or accelerate the construction of charging or fueling infrastructure that would be unlikely to be completed without Federal assistance;

“(iv) support a long-term competitive market for electric vehicle charging infrastructure, hydrogen fueling infrastructure, propane fueling infrastructure, or natural gas fueling infrastructure that does not significantly impair existing electric vehicle charging infrastructure, hydrogen fueling infrastructure, propane fueling infrastructure, or natural gas fueling infrastructure providers;

“(v) provide access to electric vehicle charging infrastructure, hydrogen fueling infrastructure, propane fueling infrastructure, or natural gas fueling infrastructure in areas with a current or forecasted need; and

“(vi) deploy electric vehicle charging infrastructure, hydrogen fueling infrastructure, propane fueling infrastructure, or natural gas fueling infrastructure for medium- and heavy-duty vehicles (including along the National Highway Freight Network established under section 167(c)) and in proximity to intermodal transfer stations;

“(B) ensure, to the maximum extent practicable, geographic diversity among grant recipients to ensure that electric vehicle charging infrastructure, hydrogen fueling

infrastructure, propane fueling infrastructure, or natural gas fueling infrastructure is available throughout the United States;

“(C) consider whether the private entity that the eligible entity contracts with under paragraph (6)—

“(i) submits to the Secretary the most recent year of audited financial statements; and

“(ii) has experience in installing and operating electric vehicle charging infrastructure, hydrogen fueling infrastructure, propane fueling infrastructure, or natural gas fueling infrastructure; and

“(D) consider whether, to the maximum extent practicable, the eligible entity and the private entity that the eligible entity contracts with under paragraph (6) enter into an agreement—

“(i) to operate and maintain publicly available electric vehicle charging infrastructure, hydrogen fueling infrastructure, propane fueling infrastructure, or natural gas infrastructure; and

“(ii) that provides a remedy and an opportunity to cure if the requirements described in clause (i) are not met.

“(6) USE OF FUNDS.—

Contracts.

“(A) IN GENERAL.—An eligible entity receiving a grant under this subsection shall only use the funds in accordance with this paragraph to contract with a private entity for acquisition and installation of publicly accessible electric vehicle charging infrastructure, hydrogen fueling infrastructure, propane fueling infrastructure, or natural gas fueling infrastructure that is directly related to the charging or fueling of a vehicle.

“(B) LOCATION OF INFRASTRUCTURE.—Any publicly accessible electric vehicle charging infrastructure, hydrogen fueling infrastructure, propane fueling infrastructure, or natural gas fueling infrastructure acquired and installed with a grant under this subsection shall be located along an alternative fuel corridor designated under this section, on the condition that any affected Indian tribes are consulted before the designation.

“(C) OPERATING ASSISTANCE.—

Time period.

“(i) IN GENERAL.—Subject to clauses (ii) and (iii), an eligible entity that receives a grant under this subsection may use a portion of the funds to provide to a private entity operating assistance for the first 5 years of operations after the installation of publicly available electric vehicle charging infrastructure, hydrogen fueling infrastructure, propane fueling infrastructure, or natural gas fueling infrastructure while the facility transitions to independent system operations.

“(ii) INCLUSIONS.—Operating assistance under this subparagraph shall be limited to costs allocable to operating and maintaining the electric vehicle charging infrastructure, hydrogen fueling infrastructure, propane fueling infrastructure, or natural gas fueling infrastructure and service.

“(iii) LIMITATION.—Operating assistance under this subparagraph may not exceed the amount of a contract under subparagraph (A) to acquire and install publicly accessible electric vehicle charging infrastructure, hydrogen fueling infrastructure, propane fueling infrastructure, or natural gas fueling infrastructure.

“(D) TRAFFIC CONTROL DEVICES.—

“(i) IN GENERAL.—Subject to this paragraph, an eligible entity that receives a grant under this subsection may use a portion of the funds to acquire and install traffic control devices located in the right-of-way to provide directional information to publicly accessible electric vehicle charging infrastructure, hydrogen fueling infrastructure, propane fueling infrastructure, or natural gas fueling infrastructure acquired, installed, or operated with the grant.

“(ii) APPLICABILITY.—Clause (i) shall apply only to an eligible entity that—

“(I) receives a grant under this subsection; and

“(II) is using that grant for the acquisition and installation of publicly accessible electric vehicle charging infrastructure, hydrogen fueling infrastructure, propane fueling infrastructure, or natural gas fueling infrastructure.

“(iii) LIMITATION ON AMOUNT.—The amount of funds used to acquire and install traffic control devices under clause (i) may not exceed the amount of a contract under subparagraph (A) to acquire and install publicly accessible charging or fueling infrastructure.

“(iv) NO NEW AUTHORITY CREATED.—Nothing in this subparagraph authorizes an eligible entity that receives a grant under this subsection to acquire and install traffic control devices if the entity is not otherwise authorized to do so.

“(E) REVENUE.—

Contracts.

“(i) IN GENERAL.—An eligible entity receiving a grant under this subsection and a private entity referred to in subparagraph (A) may enter into a cost-sharing agreement under which the private entity submits to the eligible entity a portion of the revenue from the electric vehicle charging infrastructure, hydrogen fueling infrastructure, propane fueling infrastructure, or natural gas fueling infrastructure.

“(ii) USES OF REVENUE.—An eligible entity that receives revenue from a cost-sharing agreement under clause (i) may only use that revenue for a project that is eligible under this title.

“(7) CERTAIN FUELS.—The use of grants for propane fueling infrastructure under this subsection shall be limited to infrastructure for medium- and heavy-duty vehicles.

“(8) COMMUNITY GRANTS.—

“(A) IN GENERAL.—Notwithstanding paragraphs (4), (5), and (6), the Secretary shall reserve 50 percent of the amounts made available each fiscal year to carry out this section to provide grants to eligible entities in accordance with this paragraph.

“(B) APPLICATIONS.—To be eligible to receive a grant under this paragraph, an eligible entity shall submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require.

“(C) ELIGIBLE ENTITIES.—An entity eligible to receive a grant under this paragraph is—

“(i) an entity described in paragraph (3); and

“(ii) a State or local authority with ownership of publicly accessible transportation facilities.

“(D) ELIGIBLE PROJECTS.—The Secretary may provide a grant under this paragraph for a project that is expected to reduce greenhouse gas emissions and to expand or fill gaps in access to publicly accessible electric vehicle charging infrastructure, hydrogen fueling infrastructure, propane fueling infrastructure, or natural gas fueling infrastructure, including—

“(i) development phase activities, including planning, feasibility analysis, revenue forecasting, environmental review, preliminary engineering and design work, and other preconstruction activities; and

“(ii) the acquisition and installation of electric vehicle charging infrastructure, hydrogen fueling infrastructure, propane fueling infrastructure, or natural gas fueling infrastructure that is directly related to the charging or fueling of a vehicle, including any related construction or reconstruction and the acquisition of real property directly related to the project, such as locations described in subparagraph (E), to expand access to electric vehicle charging infrastructure, hydrogen fueling infrastructure, propane fueling infrastructure, or natural gas fueling infrastructure.

“(E) PROJECT LOCATIONS.—A project receiving a grant under this paragraph may be located on any public road or in other publicly accessible locations, such as parking facilities at public buildings, public schools, and public parks, or in publicly accessible parking facilities owned or managed by a private entity.

“(F) PRIORITY.—In providing grants under this paragraph, the Secretary shall give priority to projects that expand access to electric vehicle charging infrastructure, hydrogen fueling infrastructure, propane fueling infrastructure, or natural gas fueling infrastructure within—

“(i) rural areas;

“(ii) low- and moderate-income neighborhoods; and

“(iii) communities with a low ratio of private parking spaces to households or a high ratio of multi-unit dwellings to single family homes, as determined by the Secretary.

“(G) ADDITIONAL CONSIDERATIONS.—In providing grants under this paragraph, the Secretary shall consider the extent to which the project—

“(i) contributes to geographic diversity among eligible entities, including achieving a balance between urban and rural communities; and

“(ii) meets current or anticipated market demands for charging or fueling infrastructure, including faster

Determination.

charging speeds with high-powered capabilities necessary to minimize the time to charge or refuel current and anticipated vehicles.

“(H) PARTNERING WITH PRIVATE ENTITIES.—An eligible entity that receives a grant under this paragraph may use the grant funds to contract with a private entity for the acquisition, construction, installation, maintenance, or operation of electric vehicle charging infrastructure, hydrogen fueling infrastructure, propane fueling infrastructure, or natural gas fueling infrastructure that is directly related to the charging or fueling of a vehicle. Contracts.

“(I) MAXIMUM GRANT AMOUNT.—The amount of a grant under this paragraph shall not be more than \$15,000,000.

“(J) TECHNICAL ASSISTANCE.—Of the amounts reserved under subparagraph (A), the Secretary may use not more than 1 percent to provide technical assistance to eligible entities.

“(K) ADDITIONAL ACTIVITIES.—The recipient of a grant under this paragraph may use not more than 5 percent of the grant funds on educational and community engagement activities to develop and implement education programs through partnerships with schools, community organizations, and vehicle dealerships to support the use of zero-emission vehicles and associated infrastructure.

“(9) REQUIREMENTS.—

“(A) PROJECT TREATMENT.—Notwithstanding any other provision of law, any project funded by a grant under this subsection shall be treated as a project on a Federal-aid highway under this chapter.

“(B) SIGNS.—Any traffic control device or on-premises sign acquired, installed, or operated with a grant under this subsection shall comply with—

“(i) the Manual on Uniform Traffic Control Devices, if located in the right-of-way; and

“(ii) other provisions of Federal, State, and local law, as applicable.

“(10) FEDERAL SHARE.—

“(A) IN GENERAL.—The Federal share of the cost of a project carried out with a grant under this subsection shall not exceed 80 percent of the total project cost.

“(B) RESPONSIBILITY OF PRIVATE ENTITY.—As a condition of contracting with an eligible entity under paragraph (6) or (8), a private entity shall agree to pay the share of the cost of a project carried out with a grant under this subsection that is not paid by the Federal Government under subparagraph (A). Payment.

“(11) REPORT.—Not later than 3 years after the date of enactment of this subsection, the Secretary shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives and make publicly available a report on the progress and implementation of this subsection.”. Public information.

SEC. 11402. REDUCTION OF TRUCK EMISSIONS AT PORT FACILITIES. 23 USC 149 note.

(a) ESTABLISHMENT OF PROGRAM.—

Studies.

(1) IN GENERAL.—The Secretary shall establish a program to reduce idling at port facilities, under which the Secretary shall—

(A) study how ports and intermodal port transfer facilities would benefit from increased opportunities to reduce emissions at ports, including through the electrification of port operations;

(B) study emerging technologies and strategies that may help reduce port-related emissions from idling trucks; and

Coordination.

(C) coordinate and provide funding to test, evaluate, and deploy projects that reduce port-related emissions from idling trucks, including through the advancement of port electrification and improvements in efficiency, focusing on port operations, including heavy-duty commercial vehicles, and other related projects.

(2) CONSULTATION.—In carrying out the program under this subsection, the Secretary may consult with the Secretary of Energy and the Administrator of the Environmental Protection Agency.

(b) GRANTS.—

(1) IN GENERAL.—In carrying out subsection (a)(1)(C), the Secretary shall award grants to fund projects that reduce emissions at ports, including through the advancement of port electrification.

(2) COST SHARE.—A grant awarded under paragraph (1) shall not exceed 80 percent of the total cost of the project funded by the grant.

(3) COORDINATION.—In carrying out the grant program under this subsection, the Secretary shall—

(A) to the maximum extent practicable, leverage existing resources and programs of the Department and other relevant Federal agencies; and

Determination.

(B) coordinate with other Federal agencies, as the Secretary determines to be appropriate.

Determination.

(4) APPLICATION; SELECTION.—

(A) APPLICATION.—The Secretary shall solicit applications for grants under paragraph (1) at such time, in such manner, and containing such information as the Secretary determines to be necessary.

Deadlines.

(B) SELECTION.—The Secretary shall make grants under paragraph (1) by not later than April 1 of each fiscal year for which funding is made available.

(5) REQUIREMENT.—Notwithstanding any other provision of law, any project funded by a grant under this subsection shall be treated as a project on a Federal-aid highway under chapter 1 of title 23, United States Code.

Recommendations.

(c) REPORT.—Not later than 1 year after the date on which all of the projects funded with a grant under subsection (b) are completed, the Secretary shall submit to Congress a report that includes—

(1) the findings of the studies described in subparagraphs (A) and (B) of subsection (a)(1);

(2) the results of the projects that received a grant under subsection (b);

(3) any recommendations for workforce development and training opportunities with respect to port electrification; and

(4) any policy recommendations based on the findings and results described in paragraphs (1) and (2).

SEC. 11403. CARBON REDUCTION PROGRAM.

(a) **IN GENERAL.**—Chapter 1 of title 23, United States Code (as amended by section 11203(a)), is amended by adding at the end the following:

“§ 175. Carbon reduction program

23 USC 175.

“(a) **DEFINITIONS.**—In this section:

“(1) **METROPOLITAN PLANNING ORGANIZATION; URBANIZED AREA.**—The terms ‘metropolitan planning organization’ and ‘urbanized area’ have the meaning given those terms in section 134(b).

“(2) **TRANSPORTATION EMISSIONS.**—The term ‘transportation emissions’ means carbon dioxide emissions from on-road highway sources of those emissions within a State.

“(3) **TRANSPORTATION MANAGEMENT AREA.**—The term ‘transportation management area’ means a transportation management area identified or designated by the Secretary under section 134(k)(1).

“(b) **ESTABLISHMENT.**—The Secretary shall establish a carbon reduction program to reduce transportation emissions.

“(c) **ELIGIBLE PROJECTS.**—

“(1) **IN GENERAL.**—Subject to paragraph (2), funds apportioned to a State under section 104(b)(7) may be obligated for projects to support the reduction of transportation emissions, including—

“(A) a project described in section 149(b)(4) to establish or operate a traffic monitoring, management, and control facility or program, including advanced truck stop electrification systems;

“(B) a public transportation project that is eligible for assistance under section 142;

“(C) a project described in section 101(a)(29) (as in effect on the day before the date of enactment of the FAST Act (Public Law 114–94; 129 Stat. 1312)), including the construction, planning, and design of on-road and off-road trail facilities for pedestrians, bicyclists, and other non-motorized forms of transportation;

“(D) a project described in section 503(c)(4)(E) for advanced transportation and congestion management technologies;

“(E) a project for the deployment of infrastructure-based intelligent transportation systems capital improvements and the installation of vehicle-to-infrastructure communications equipment, including retrofitting dedicated short-range communications (DSRC) technology deployed as part of an existing pilot program to cellular vehicle-to-everything (C–V2X) technology;

“(F) a project to replace street lighting and traffic control devices with energy-efficient alternatives;

“(G) the development of a carbon reduction strategy in accordance with subsection (d);

“(H) a project or strategy that is designed to support congestion pricing, shifting transportation demand to nonpeak hours or other transportation modes, increasing

vehicle occupancy rates, or otherwise reducing demand for roads, including electronic toll collection, and travel demand management strategies and programs;

“(I) efforts to reduce the environmental and community impacts of freight movement;

“(J) a project to support deployment of alternative fuel vehicles, including—

“(i) the acquisition, installation, or operation of publicly accessible electric vehicle charging infrastructure or hydrogen, natural gas, or propane vehicle fueling infrastructure; and

“(ii) the purchase or lease of zero-emission construction equipment and vehicles, including the acquisition, construction, or leasing of required supporting facilities;

“(K) a project described in section 149(b)(8) for a diesel engine retrofit;

“(L) a project described in section 149(b)(5) that does not result in the construction of new capacity; and

“(M) a project that reduces transportation emissions at port facilities, including through the advancement of port electrification.

Certification.

“(2) FLEXIBILITY.—In addition to the eligible projects under paragraph (1), a State may use funds apportioned under section 104(b)(7) for a project eligible under section 133(b) if the Secretary certifies that the State has demonstrated a reduction in transportation emissions—

“(A) as estimated on a per capita basis; and

“(B) as estimated on a per unit of economic output basis.

“(d) CARBON REDUCTION STRATEGY.—

Deadline.
Consultation.

“(1) IN GENERAL.—Not later than 2 years after the date of enactment of the Surface Transportation Reauthorization Act of 2021, a State, in consultation with any metropolitan planning organization designated within the State, shall develop a carbon reduction strategy in accordance with this subsection.

“(2) REQUIREMENTS.—The carbon reduction strategy of a State developed under paragraph (1) shall—

“(A) support efforts to reduce transportation emissions;

“(B) identify projects and strategies to reduce transportation emissions, which may include projects and strategies for safe, reliable, and cost-effective options—

“(i) to reduce traffic congestion by facilitating the use of alternatives to single-occupant vehicle trips, including public transportation facilities, pedestrian facilities, bicycle facilities, and shared or pooled vehicle trips within the State or an area served by the applicable metropolitan planning organization, if any;

“(ii) to facilitate the use of vehicles or modes of travel that result in lower transportation emissions per person-mile traveled as compared to existing vehicles and modes; and

“(iii) to facilitate approaches to the construction of transportation assets that result in lower transportation emissions as compared to existing approaches;

“(C) support the reduction of transportation emissions of the State;

“(D) at the discretion of the State, quantify the total carbon emissions from the production, transport, and use of materials used in the construction of transportation facilities within the State; and

“(E) be appropriate to the population density and context of the State, including any metropolitan planning organization designated within the State.

“(3) UPDATES.—The carbon reduction strategy of a State developed under paragraph (1) shall be updated not less frequently than once every 4 years. Time period.

“(4) REVIEW.—Not later than 90 days after the date on which a State submits a request for the approval of a carbon reduction strategy developed by the State under paragraph (1), the Secretary shall— Deadline.

“(A) review the process used to develop the carbon reduction strategy; and

“(B)(i) certify that the carbon reduction strategy meets the requirements of paragraph (2); or Certification.

“(ii) deny certification of the carbon reduction strategy and specify the actions necessary for the State to take to correct the deficiencies in the process of the State in developing the carbon reduction strategy.

“(5) TECHNICAL ASSISTANCE.—At the request of a State, the Secretary shall provide technical assistance in the development of the carbon reduction strategy under paragraph (1).

“(e) SUBALLOCATION.—

“(1) IN GENERAL.—For each fiscal year, of the funds apportioned to the State under section 104(b)(7)—

“(A) 65 percent shall be obligated, in proportion to their relative shares of the population of the State—

“(i) in urbanized areas of the State with an urbanized area population of more than 200,000;

“(ii) in urbanized areas of the State with an urbanized population of not less than 50,000 and not more than 200,000;

“(iii) in urban areas of the State with a population of not less than 5,000 and not more than 49,999; and

“(iv) in other areas of the State with a population of less than 5,000; and

“(B) the remainder may be obligated in any area of the State.

“(2) METROPOLITAN AREAS.—Funds attributed to an urbanized area under paragraph (1)(A)(i) may be obligated in the metropolitan area established under section 134 that encompasses the urbanized area.

“(3) DISTRIBUTION AMONG URBANIZED AREAS OF OVER 50,000 POPULATION.—

“(A) IN GENERAL.—Except as provided in subparagraph (B), the amounts that a State is required to obligate under clauses (i) and (ii) of paragraph (1)(A) shall be obligated in urbanized areas described in those clauses based on the relative population of the areas.

“(B) OTHER FACTORS.—The State may obligate the funds described in subparagraph (A) based on other factors if—

“(i) the State and the relevant metropolitan planning organizations jointly apply to the Secretary for the permission to base the obligation on other factors; and

“(ii) the Secretary grants the request.

“(4) COORDINATION IN URBANIZED AREAS.—Before obligating funds for an eligible project under subsection (c) in an urbanized area that is not a transportation management area, a State shall coordinate with any metropolitan planning organization that represents the urbanized area prior to determining which activities should be carried out under the project.

“(5) CONSULTATION IN RURAL AREAS.—Before obligating funds for an eligible project under subsection (c) in a rural area, a State shall consult with any regional transportation planning organization or metropolitan planning organization that represents the rural area prior to determining which activities should be carried out under the project.

“(6) OBLIGATION AUTHORITY.—

Time period.

“(A) IN GENERAL.—A State that is required to obligate in an urbanized area with an urbanized area population of 50,000 or more under this subsection funds apportioned to the State under section 104(b)(7) shall make available during the period of fiscal years 2022 through 2026 an amount of obligation authority distributed to the State for Federal-aid highways and highway safety construction programs for use in the area that is equal to the amount obtained by multiplying—

“(i) the aggregate amount of funds that the State is required to obligate in the area under this subsection during the period; and

“(ii) the ratio that—

“(I) the aggregate amount of obligation authority distributed to the State for Federal-aid highways and highway safety construction programs during the period; bears to

“(II) the total of the sums apportioned to the State for Federal-aid highways and highway safety construction programs (excluding sums not subject to an obligation limitation) during the period.

Compliance.

“(B) JOINT RESPONSIBILITY.—Each State, each affected metropolitan planning organization, and the Secretary shall jointly ensure compliance with subparagraph (A).

“(f) FEDERAL SHARE.—The Federal share of the cost of a project carried out using funds apportioned to a State under section 104(b)(7) shall be determined in accordance with section 120.

“(g) TREATMENT OF PROJECTS.—Notwithstanding any other provision of law, a project assisted under this section shall be treated as a project on a Federal-aid highway under this chapter.”.

23 USC
prec. 101.

(b) CLERICAL AMENDMENT.—The analysis for chapter 1 of title 23, United States Code (as amended by section 11203(b)) is amended by inserting after the item relating to section 174 the following: “175. Carbon reduction program.”.

SEC. 11404. CONGESTION RELIEF PROGRAM.

(a) IN GENERAL.—Section 129 of title 23, United States Code, is amended by adding at the end the following:

“(d) CONGESTION RELIEF PROGRAM.—

“(1) DEFINITIONS.—In this subsection:

“(A) ELIGIBLE ENTITY.—The term ‘eligible entity’ means any of the following:

“(i) A State, for the purpose of carrying out a project in an urbanized area with a population of more than 1,000,000.

“(ii) A metropolitan planning organization, city, or municipality, for the purpose of carrying out a project in an urbanized area with a population of more than 1,000,000.

“(B) INTEGRATED CONGESTION MANAGEMENT SYSTEM.—The term ‘integrated congestion management system’ means a system for the integration of management and operations of a regional transportation system that includes, at a minimum, traffic incident management, work zone management, traffic signal timing, managed lanes, real-time traveler information, and active traffic management, in order to maximize the capacity of all facilities and modes across the applicable region.

“(C) PROGRAM.—The term ‘program’ means the congestion relief program established under paragraph (2).

“(2) ESTABLISHMENT.—The Secretary shall establish a congestion relief program to provide discretionary grants to eligible entities to advance innovative, integrated, and multimodal solutions to congestion relief in the most congested metropolitan areas of the United States. Grants.

“(3) PROGRAM GOALS.—The goals of the program are to reduce highway congestion, reduce economic and environmental costs associated with that congestion, including transportation emissions, and optimize existing highway capacity and usage of highway and transit systems through—

“(A) improving intermodal integration with highways, highway operations, and highway performance;

“(B) reducing or shifting highway users to off-peak travel times or to nonhighway travel modes during peak travel times; and

“(C) pricing of, or based on, as applicable—

“(i) parking;

“(ii) use of roadways, including in designated geographic zones; or

“(iii) congestion.

“(4) ELIGIBLE PROJECTS.—Funds from a grant under the program may be used for a project or an integrated collection of projects, including planning, design, implementation, and construction activities, to achieve the program goals under paragraph (3), including—

“(A) deployment and operation of an integrated congestion management system;

“(B) deployment and operation of a system that implements or enforces high occupancy vehicle toll lanes, cordon pricing, parking pricing, or congestion pricing;

“(C) deployment and operation of mobility services, including establishing account-based financial systems, commuter buses, commuter vans, express operations, paratransit, and on-demand microtransit; and

“(D) incentive programs that encourage travelers to carpool, use nonhighway travel modes during peak period, or travel during nonpeak periods.

“(5) APPLICATION; SELECTION.—

“(A) APPLICATION.—To be eligible to receive a grant under the program, an eligible entity shall submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require.

“(B) PRIORITY.—In providing grants under the program, the Secretary shall give priority to projects in urbanized areas that are experiencing a high degree of recurrent congestion.

“(C) FEDERAL SHARE.—The Federal share of the cost of a project carried out with a grant under the program shall not exceed 80 percent of the total project cost.

“(D) MINIMUM AWARD.—A grant provided under the program shall be not less than \$10,000,000.

“(6) USE OF TOLLING.—

“(A) IN GENERAL.—Notwithstanding subsection (a)(1) and section 301 and subject to subparagraphs (B) and (C), the Secretary shall allow the use of tolls on the Interstate System as part of a project carried out with a grant under the program.

“(B) REQUIREMENTS.—The Secretary may only approve the use of tolls under subparagraph (A) if—

“(i) the eligible entity has authority under State, and if applicable, local, law to assess the applicable toll;

“(ii) the maximum toll rate for any vehicle class is not greater than the product obtained by multiplying—

“(I) the toll rate for any other vehicle class;

and

“(II) 5;

“(iii) the toll rates are not charged or varied on the basis of State residency;

“(iv) the Secretary determines that the use of tolls will enable the eligible entity to achieve the program goals under paragraph (3) without a significant impact to safety or mobility within the urbanized area in which the project is located; and

“(v) the use of toll revenues complies with subsection (a)(3).

“(C) LIMITATION.—The Secretary may not approve the use of tolls on the Interstate System under the program in more than 10 urbanized areas.

“(7) FINANCIAL EFFECTS ON LOW-INCOME DRIVERS.—A project under the program—

“(A) shall include, if appropriate, an analysis of the potential effects of the project on low-income drivers; and

“(B) may include mitigation measures to deal with any potential adverse financial effects on low-income drivers.”.

(b) HIGH OCCUPANCY VEHICLE USE OF CERTAIN TOLL FACILITIES.—Section 129(a) of title 23, United States Code, is amended—

Determination.

Analysis.

(1) by redesignating paragraph (10) as paragraph (11); and

(2) by inserting after paragraph (9) the following:

“(10) HIGH OCCUPANCY VEHICLE USE OF CERTAIN TOLL FACILITIES.—Notwithstanding section 102(a), in the case of a toll facility that is on the Interstate System and that is constructed or converted after the date of enactment of the Surface Transportation Reauthorization Act of 2021, the public authority with jurisdiction over the toll facility shall allow high occupancy vehicles, transit, and paratransit vehicles to use the facility at a discount rate or without charge, unless the public authority, in consultation with the Secretary, determines that the number of those vehicles using the facility reduces the travel time reliability of the facility.”.

Consultation.
Determination.

SEC. 11405. PROMOTING RESILIENT OPERATIONS FOR TRANSFORMATIVE, EFFICIENT, AND COST-SAVING TRANSPORTATION (PROTECT) PROGRAM.

(a) IN GENERAL.—Chapter 1 of title 23, United States Code (as amended by section 11403(a)), is amended by adding at the end the following:

“§ 176. Promoting Resilient Operations for Transformative, Efficient, and Cost-saving Transportation (PROTECT) program

23 USC 176.

“(a) DEFINITIONS.—In this section:

“(1) EMERGENCY EVENT.—The term ‘emergency event’ means a natural disaster or catastrophic failure resulting in—

“(A) an emergency declared by the Governor of the State in which the disaster or failure occurred; or

“(B) an emergency or disaster declared by the President.

“(2) EVACUATION ROUTE.—The term ‘evacuation route’ means a transportation route or system that—

“(A) is owned, operated, or maintained by a Federal, State, Tribal, or local government;

“(B) is used—

“(i) to transport the public away from emergency events; or

“(ii) to transport emergency responders and recovery resources; and

“(C) is designated by the eligible entity with jurisdiction over the area in which the route is located for the purposes described in subparagraph (B).

“(3) PROGRAM.—The term ‘program’ means the program established under subsection (b)(1).

“(4) RESILIENCE IMPROVEMENT.—The term ‘resilience improvement’ means the use of materials or structural or non-structural techniques, including natural infrastructure—

“(A) that allow a project—

“(i) to better anticipate, prepare for, and adapt to changing conditions and to withstand and respond to disruptions; and

“(ii) to be better able to continue to serve the primary function of the project during and after weather events and natural disasters for the expected life of the project; or

“(B) that—

“(i) reduce the magnitude and duration of impacts of current and future weather events and natural disasters to a project; or

“(ii) have the absorptive capacity, adaptive capacity, and recoverability to decrease project vulnerability to current and future weather events or natural disasters.

“(b) ESTABLISHMENT.—

“(1) IN GENERAL.—The Secretary shall establish a program, to be known as the ‘Promoting Resilient Operations for Transformative, Efficient, and Cost-saving Transportation program’ or the ‘PROTECT program’.

Grants.

“(2) PURPOSE.—The purpose of the program is to provide grants for resilience improvements through—

“(A) formula funding distributed to States to carry out subsection (c);

“(B) competitive planning grants to enable communities to assess vulnerabilities to current and future weather events and natural disasters and changing conditions, including sea level rise, and plan transportation improvements and emergency response strategies to address those vulnerabilities; and

“(C) competitive resilience improvement grants to protect—

“(i) surface transportation assets by making the assets more resilient to current and future weather events and natural disasters, such as severe storms, flooding, drought, levee and dam failures, wildfire, rockslides, mudslides, sea level rise, extreme weather, including extreme temperature, and earthquakes;

“(ii) communities through resilience improvements and strategies that allow for the continued operation or rapid recovery of surface transportation systems that—

“(I) serve critical local, regional, and national needs, including evacuation routes; and

“(II) provide access or service to hospitals and other medical or emergency service facilities, major employers, critical manufacturing centers, ports and intermodal facilities, utilities, and Federal facilities;

“(iii) coastal infrastructure, such as a tide gate to protect highways, that is at long-term risk to sea level rise; and

“(iv) natural infrastructure that protects and enhances surface transportation assets while improving ecosystem conditions, including culverts that ensure adequate flows in rivers and estuarine systems.

“(c) ELIGIBLE ACTIVITIES FOR APPORTIONED FUNDING.—

“(1) IN GENERAL.—Except as provided in paragraph (2), funds apportioned to the State under section 104(b)(8) shall be obligated for activities eligible under subparagraph (A), (B), or (C) of subsection (d)(4).

“(2) PLANNING SET-ASIDE.—Of the funds apportioned to a State under section 104(b)(8) for each fiscal year, not less

than 2 percent shall be for activities described in subsection (d)(3).

“(3) REQUIREMENTS.—

“(A) PROJECTS IN CERTAIN AREAS.—If a project under this subsection is carried out, in whole or in part, within a base floodplain, the State shall—

“(i) identify the base floodplain in which the project is to be located and disclose that information to the Secretary; and

“(ii) indicate to the Secretary whether the State plans to implement 1 or more components of the risk mitigation plan under section 322 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5165) with respect to the area.

“(B) ELIGIBILITIES.—A State shall use funds apportioned to the State under section 104(b)(8) for—

“(i) a highway project eligible for assistance under this title;

“(ii) a public transportation facility or service eligible for assistance under chapter 53 of title 49; or

“(iii) a port facility, including a facility that—

“(I) connects a port to other modes of transportation;

“(II) improves the efficiency of evacuations and disaster relief; or

“(III) aids transportation.

“(C) SYSTEM RESILIENCE.—A project carried out by a State with funds apportioned to the State under section 104(b)(8) may include the use of natural infrastructure or the construction or modification of storm surge, flood protection, or aquatic ecosystem restoration elements that are functionally connected to a transportation improvement, such as—

“(i) increasing marsh health and total area adjacent to a highway right-of-way to promote additional flood storage;

“(ii) upgrades to and installation of culverts designed to withstand 100-year flood events;

“(iii) upgrades to and installation of tide gates to protect highways;

“(iv) upgrades to and installation of flood gates to protect tunnel entrances; and

“(v) improving functionality and resiliency of stormwater controls, including inventory inspections, upgrades to, and preservation of best management practices to protect surface transportation infrastructure.

“(D) FEDERAL COST SHARE.—

“(i) IN GENERAL.—Except as provided in subsection (e)(1), the Federal share of the cost of a project carried out using funds apportioned to the State under section 104(b)(8) shall not exceed 80 percent of the total project cost.

“(ii) NON-FEDERAL SHARE.—A State may use Federal funds other than Federal funds apportioned to the State under section 104(b)(8) to meet the non-

Federal cost share requirement for a project under this subsection.

“(E) ELIGIBLE PROJECT COSTS.—

“(i) IN GENERAL.—Except as provided in clause (ii), eligible project costs for activities carried out by a State with funds apportioned to the State under section 104(b)(8) may include the costs of—

“(I) development phase activities, including planning, feasibility analysis, revenue forecasting, environmental review, preliminary engineering and design work, and other preconstruction activities; and

“(II) construction, reconstruction, rehabilitation, and acquisition of real property (including land related to the project and improvements to land), environmental mitigation, construction contingencies, acquisition of equipment directly related to improving system performance, and operational improvements.

“(ii) ELIGIBLE PLANNING COSTS.—In the case of a planning activity described in subsection (d)(3) that is carried out by a State with funds apportioned to the State under section 104(b)(8), eligible costs may include development phase activities, including planning, feasibility analysis, revenue forecasting, environmental review, preliminary engineering and design work, other preconstruction activities, and other activities consistent with carrying out the purposes of subsection (d)(3).

“(F) LIMITATIONS.—A State—

“(i) may use not more than 40 percent of the amounts apportioned to the State under section 104(b)(8) for the construction of new capacity; and

“(ii) may use not more than 10 percent of the amounts apportioned to the State under section 104(b)(8) for activities described in subparagraph (E)(i)(I).

“(d) COMPETITIVE AWARDS.—

“(1) IN GENERAL.—In addition to funds apportioned to States under section 104(b)(8) to carry out activities under subsection (c), the Secretary shall provide grants on a competitive basis under this subsection to eligible entities described in paragraph (2).

“(2) ELIGIBLE ENTITIES.—Except as provided in paragraph (4)(C), the Secretary may make a grant under this subsection to any of the following:

“(A) A State or political subdivision of a State.

“(B) A metropolitan planning organization.

“(C) A unit of local government.

“(D) A special purpose district or public authority with a transportation function, including a port authority.

“(E) An Indian tribe (as defined in section 207(m)(1)).

“(F) A Federal land management agency that applies jointly with a State or group of States.

“(G) A multi-State or multijurisdictional group of entities described in subparagraphs (A) through (F).

“(3) PLANNING GRANTS.—Using funds made available under this subsection, the Secretary shall provide planning grants to eligible entities for the purpose of—

“(A) in the case of a State or metropolitan planning organization, developing a resilience improvement plan under subsection (e)(2);

“(B) resilience planning, predesign, design, or the development of data tools to simulate transportation disruption scenarios, including vulnerability assessments;

“(C) technical capacity building by the eligible entity to facilitate the ability of the eligible entity to assess the vulnerabilities of the surface transportation assets and community response strategies of the eligible entity under current conditions and a range of potential future conditions; or

“(D) evacuation planning and preparation.

“(4) RESILIENCE GRANTS.—

“(A) RESILIENCE IMPROVEMENT GRANTS.—

“(i) IN GENERAL.—Using funds made available under this subsection, the Secretary shall provide resilience improvement grants to eligible entities to carry out 1 or more eligible activities under clause (ii).

“(ii) ELIGIBLE ACTIVITIES.—

“(I) IN GENERAL.—An eligible entity may use a resilience improvement grant under this subparagraph for 1 or more construction activities to improve the ability of an existing surface transportation asset to withstand 1 or more elements of a weather event or natural disaster, or to increase the resilience of surface transportation infrastructure from the impacts of changing conditions, such as sea level rise, flooding, wildfires, extreme weather events, and other natural disasters.

“(II) INCLUSIONS.—An activity eligible to be carried out under this subparagraph includes—

“(aa) resurfacing, restoration, rehabilitation, reconstruction, replacement, improvement, or realignment of an existing surface transportation facility eligible for assistance under this title;

“(bb) the incorporation of natural infrastructure;

“(cc) the upgrade of an existing surface transportation facility to meet or exceed a design standard adopted by the Federal Highway Administration;

“(dd) the installation of mitigation measures that prevent the intrusion of floodwaters into surface transportation systems;

“(ee) strengthening systems that remove rainwater from surface transportation facilities;

“(ff) upgrades to and installation of structural stormwater controls;

“(gg) a resilience project that addresses identified vulnerabilities described in the resilience improvement plan of the eligible entity, if applicable;

“(hh) relocating roadways in a base floodplain to higher ground above projected flood elevation levels, or away from slide prone areas;

“(ii) stabilizing slide areas or slopes;

“(jj) installing riprap;

“(kk) lengthening or raising bridges to increase waterway openings, including to respond to extreme weather;

“(ll) increasing the size or number of drainage structures;

“(mm) installing seismic retrofits on bridges;

“(nn) adding scour protection at bridges;

“(oo) adding scour, stream stability, coastal, and other hydraulic countermeasures, including spur dikes;

“(pp) vegetation management practices in transportation rights-of-way to improve roadway safety, prevent against invasive species, facilitate wildfire control, and provide erosion control; and

“(qq) any other protective features, including natural infrastructure, as determined by the Secretary.

“(iii) PRIORITY.—The Secretary shall prioritize a resilience improvement grant to an eligible entity if—

“(I) the Secretary determines—

“(aa) the benefits of the eligible activity proposed to be carried out by the eligible entity exceed the costs of the activity; and

“(bb) there is a need to address the vulnerabilities of surface transportation assets of the eligible entity with a high risk of, and impacts associated with, failure due to the impacts of weather events, natural disasters, or changing conditions, such as sea level rise, wildfires, and increased flood risk; or

“(II) the eligible activity proposed to be carried out by the eligible entity is included in the applicable resilience improvement plan under subsection (e)(2).

“(B) COMMUNITY RESILIENCE AND EVACUATION ROUTE GRANTS.—

“(i) IN GENERAL.—Using funds made available under this subsection, the Secretary shall provide community resilience and evacuation route grants to eligible entities to carry out 1 or more eligible activities under clause (ii).

“(ii) ELIGIBLE ACTIVITIES.—An eligible entity may use a community resilience and evacuation route grant under this subparagraph for 1 or more projects that strengthen and protect evacuation routes that are

Determination.

essential for providing and supporting evacuations caused by emergency events, including a project that—

“(I) is an eligible activity under subparagraph (A)(ii), if that eligible activity will improve an evacuation route;

“(II) ensures the ability of the evacuation route to provide safe passage during an evacuation and reduces the risk of damage to evacuation routes as a result of future emergency events, including restoring or replacing existing evacuation routes that are in poor condition or not designed to meet the anticipated demand during an emergency event, and including steps to protect routes from mud, rock, or other debris slides;

“(III) if the eligible entity notifies the Secretary that existing evacuation routes are not sufficient to adequately facilitate evacuations, including the transportation of emergency responders and recovery resources, expands the capacity of evacuation routes to swiftly and safely accommodate evacuations, including installation of—

Notification.

“(aa) communications and intelligent transportation system equipment and infrastructure;

“(bb) counterflow measures; or

“(cc) shoulders;

“(IV) is for the construction of new or redundant evacuation routes, if the eligible entity notifies the Secretary that existing evacuation routes are not sufficient to adequately facilitate evacuations, including the transportation of emergency responders and recovery resources;

Notification.

“(V) is for the acquisition of evacuation route or traffic incident management equipment or signage; or

“(VI) will ensure access or service to critical destinations, including hospitals and other medical or emergency service facilities, major employers, critical manufacturing centers, ports and intermodal facilities, utilities, and Federal facilities.

“(iii) PRIORITY.—The Secretary shall prioritize community resilience and evacuation route grants under this subparagraph for eligible activities that are cost-effective, as determined by the Secretary, taking into account—

Determination.

“(I) current and future vulnerabilities to an evacuation route due to future occurrence or recurrence of emergency events that are likely to occur in the geographic area in which the evacuation route is located; and

“(II) projected changes in development patterns, demographics, and extreme weather events based on the best available evidence and analysis.

“(iv) CONSULTATION.—In providing grants for community resilience and evacuation routes under this subparagraph, the Secretary may consult with the

Administrator of the Federal Emergency Management Agency, who may provide technical assistance to the Secretary and to eligible entities.

“(C) AT-RISK COASTAL INFRASTRUCTURE GRANTS.—

“(i) DEFINITION OF ELIGIBLE ENTITY.—In this subparagraph, the term ‘eligible entity’ means any of the following:

Territories.

“(I) A State (including the United States Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands) in, or bordering on, the Atlantic, Pacific, or Arctic Ocean, the Gulf of Mexico, Long Island Sound, or 1 or more of the Great Lakes.

“(II) A political subdivision of a State described in subclause (I).

“(III) A metropolitan planning organization in a State described in subclause (I).

“(IV) A unit of local government in a State described in subclause (I).

“(V) A special purpose district or public authority with a transportation function, including a port authority, in a State described in subclause (I).

“(VI) An Indian tribe in a State described in subclause (I).

“(VII) A Federal land management agency that applies jointly with a State or group of States described in subclause (I).

“(VIII) A multi-State or multijurisdictional group of entities described in subclauses (I) through (VII).

“(ii) GRANTS.—Using funds made available under this subsection, the Secretary shall provide at-risk coastal infrastructure grants to eligible entities to carry out 1 or more eligible activities under clause (iii).

“(iii) ELIGIBLE ACTIVITIES.—An eligible entity may use an at-risk coastal infrastructure grant under this subparagraph for strengthening, stabilizing, hardening, elevating, relocating, or otherwise enhancing the resilience of highway and non-rail infrastructure, including bridges, roads, pedestrian walkways, and bicycle lanes, and associated infrastructure, such as culverts and tide gates to protect highways, that are subject to, or face increased long-term future risks of, a weather event, a natural disaster, or changing conditions, including coastal flooding, coastal erosion, wave action, storm surge, or sea level rise, in order to improve transportation and public safety and to reduce costs by avoiding larger future maintenance or rebuilding costs.

“(iv) CRITERIA.—The Secretary shall provide at-risk coastal infrastructure grants under this subparagraph for a project—

“(I) that addresses the risks from a current or future weather event or natural disaster, including coastal flooding, coastal erosion, wave action, storm surge, or sea level change; and

“(II) that reduces long-term infrastructure costs by avoiding larger future maintenance or rebuilding costs.

“(v) COASTAL BENEFITS.—In addition to the criteria under clause (iv), for the purpose of providing at-risk coastal infrastructure grants under this subparagraph, the Secretary shall evaluate the extent to which a project will provide—

Evaluation.

“(I) access to coastal homes, businesses, communities, and other critical infrastructure, including access by first responders and other emergency personnel; or

“(II) access to a designated evacuation route.

“(5) GRANT REQUIREMENTS.—

“(A) SOLICITATIONS FOR GRANTS.—In providing grants under this subsection, the Secretary shall conduct a transparent and competitive national solicitation process to select eligible projects to receive grants under paragraph (3) and subparagraphs (A), (B), and (C) of paragraph (4).

“(B) APPLICATIONS.—

“(i) IN GENERAL.—To be eligible to receive a grant under paragraph (3) or subparagraph (A), (B), or (C) of paragraph (4), an eligible entity shall submit to the Secretary an application in such form, at such time, and containing such information as the Secretary determines to be necessary.

Determination.

“(ii) PROJECTS IN CERTAIN AREAS.—If a project is proposed to be carried out by the eligible entity, in whole or in part, within a base floodplain, the eligible entity shall—

“(I) as part of the application, identify the floodplain in which the project is to be located and disclose that information to the Secretary; and

Disclosure.

“(II) indicate in the application whether, if selected, the eligible entity will implement 1 or more components of the risk mitigation plan under section 322 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5165) with respect to the area.

“(C) ELIGIBILITIES.—The Secretary may make a grant under paragraph (3) or subparagraph (A), (B), or (C) of paragraph (4) only for—

“(i) a highway project eligible for assistance under this title;

“(ii) a public transportation facility or service eligible for assistance under chapter 53 of title 49;

“(iii) a facility or service for intercity rail passenger transportation (as defined in section 24102 of title 49); or

“(iv) a port facility, including a facility that—

“(I) connects a port to other modes of transportation;

“(II) improves the efficiency of evacuations and disaster relief; or

“(III) aids transportation.

“(D) SYSTEM RESILIENCE.—A project for which a grant is provided under paragraph (3) or subparagraph (A), (B),

Determination.

or (C) of paragraph (4) may include the use of natural infrastructure or the construction or modification of storm surge, flood protection, or aquatic ecosystem restoration elements that the Secretary determines are functionally connected to a transportation improvement, such as—

“(i) increasing marsh health and total area adjacent to a highway right-of-way to promote additional flood storage;

“(ii) upgrades to and installing of culverts designed to withstand 100-year flood events;

“(iii) upgrades to and installation of tide gates to protect highways; and

“(iv) upgrades to and installation of flood gates to protect tunnel entrances.

“(E) FEDERAL COST SHARE.—

“(i) PLANNING GRANT.—The Federal share of the cost of a planning activity carried out using a planning grant under paragraph (3) shall be 100 percent.

“(ii) RESILIENCE GRANTS.—

“(I) IN GENERAL.—Except as provided in subclause (II) and subsection (e)(1), the Federal share of the cost of a project carried out using a grant under subparagraph (A), (B), or (C) of paragraph (4) shall not exceed 80 percent of the total project cost.

“(II) TRIBAL PROJECTS.—On the determination of the Secretary, the Federal share of the cost of a project carried out using a grant under subparagraph (A), (B), or (C) of paragraph (4) by an Indian tribe (as defined in section 207(m)(1)) may be up to 100 percent.

“(iii) NON-FEDERAL SHARE.—The eligible entity may use Federal funds other than Federal funds provided under this subsection to meet the non-Federal cost share requirement for a project carried out with a grant under this subsection.

“(F) ELIGIBLE PROJECT COSTS.—

“(i) RESILIENCE GRANT PROJECTS.—Eligible project costs for activities funded with a grant under subparagraph (A), (B), or (C) of paragraph (4) may include the costs of—

“(I) development phase activities, including planning, feasibility analysis, revenue forecasting, environmental review, preliminary engineering and design work, and other preconstruction activities; and

“(II) construction, reconstruction, rehabilitation, and acquisition of real property (including land related to the project and improvements to land), environmental mitigation, construction contingencies, acquisition of equipment directly related to improving system performance, and operational improvements.

“(ii) PLANNING GRANTS.—Eligible project costs for activities funded with a grant under paragraph (3) may include the costs of development phase activities,

Determination.

including planning, feasibility analysis, revenue forecasting, environmental review, preliminary engineering and design work, other preconstruction activities, and other activities consistent with carrying out the purposes of that paragraph.

“(G) LIMITATIONS.—

“(i) IN GENERAL.—An eligible entity that receives a grant under subparagraph (A), (B), or (C) of paragraph (4)—

“(I) may use not more than 40 percent of the amount of the grant for the construction of new capacity; and

“(II) may use not more than 10 percent of the amount of the grant for activities described in subparagraph (F)(i)(I).

“(ii) LIMIT ON CERTAIN ACTIVITIES.—For each fiscal year, not more than 25 percent of the total amount provided under this subsection may be used for projects described in subparagraph (C)(iii).

“(H) DISTRIBUTION OF GRANTS.—

“(i) IN GENERAL.—Subject to the availability of funds, an eligible entity may request and the Secretary may distribute funds for a grant under this subsection on a multiyear basis, as the Secretary determines to be necessary.

“(ii) RURAL SET-ASIDE.—Of the amounts made available to carry out this subsection for each fiscal year, the Secretary shall use not less than 25 percent for grants for projects located in areas that are outside an urbanized area with a population of over 200,000.

“(iii) TRIBAL SET-ASIDE.—Of the amounts made available to carry out this subsection for each fiscal year, the Secretary shall use not less than 2 percent for grants to Indian tribes (as defined in section 207(m)(1)).

“(iv) REALLOCATION.—For any fiscal year, if the Secretary determines that the amount described in clause (ii) or (iii) will not be fully utilized for the grant described in that clause, the Secretary may reallocate the unutilized funds to provide grants to other eligible entities under this subsection.

“(6) CONSULTATION.—In carrying out this subsection, the Secretary shall—

“(A) consult with the Assistant Secretary of the Army for Civil Works, the Administrator of the Environmental Protection Agency, the Secretary of the Interior, and the Secretary of Commerce; and

“(B) solicit technical support from the Administrator of the Federal Emergency Management Agency.

“(7) GRANT ADMINISTRATION.—The Secretary may—

“(A) retain not more than a total of 5 percent of the funds made available to carry out this subsection and to review applications for grants under this subsection; and

“(B) transfer portions of the funds retained under subparagraph (A) to the relevant Administrators to fund the award and oversight of grants provided under this subsection.

Determinations.

Transfer
authority.

“(e) RESILIENCE IMPROVEMENT PLAN AND LOWER NON-FEDERAL SHARE.—

“(1) FEDERAL SHARE REDUCTIONS.—

“(A) IN GENERAL.—A State that receives funds apportioned to the State under section 104(b)(8) or an eligible entity that receives a grant under subsection (d) shall have the non-Federal share of a project carried out with the funds or grant, as applicable, reduced by an amount described in subparagraph (B) if the State or eligible entity meets the applicable requirements under that subparagraph.

“(B) AMOUNT OF REDUCTIONS.—

“(i) RESILIENCE IMPROVEMENT PLAN.—Subject to clause (iii), the amount of the non-Federal share of the costs of a project carried out with funds apportioned to a State under section 104(b)(8) or a grant under subsection (d) shall be reduced by 7 percentage points if—

“(I) in the case of a State or an eligible entity that is a State or a metropolitan planning organization, the State or eligible entity has—

“(aa) developed a resilience improvement plan in accordance with this subsection; and

“(bb) prioritized the project on that resilience improvement plan; and

“(II) in the case of an eligible entity not described in subclause (I), the eligible entity is located in a State or an area served by a metropolitan planning organization that has—

“(aa) developed a resilience improvement plan in accordance with this subsection; and

“(bb) prioritized the project on that resilience improvement plan.

“(ii) INCORPORATION OF RESILIENCE IMPROVEMENT PLAN IN OTHER PLANNING.—Subject to clause (iii), the amount of the non-Federal share of the cost of a project carried out with funds under subsection (c) or a grant under subsection (d) shall be reduced by 3 percentage points if—

“(I) in the case of a State or an eligible entity that is a State or a metropolitan planning organization, the resilience improvement plan developed in accordance with this subsection has been incorporated into the metropolitan transportation plan under section 134 or the long-range statewide transportation plan under section 135, as applicable; and

“(II) in the case of an eligible entity not described in subclause (I), the eligible entity is located in a State or an area served by a metropolitan planning organization that incorporated a resilience improvement plan into the metropolitan transportation plan under section 134 or the long-range statewide transportation plan under section 135, as applicable.

“(iii) LIMITATIONS.—

“(I) MAXIMUM REDUCTION.—A State or eligible entity may not receive a reduction under this paragraph of more than 10 percentage points for any single project carried out with funds under subsection (c) or a grant under subsection (d).

“(II) NO NEGATIVE NON-FEDERAL SHARE.—A reduction under this paragraph shall not reduce the non-Federal share of the costs of a project carried out with funds under subsection (c) or a grant under subsection (d) to an amount that is less than zero.

“(2) PLAN CONTENTS.—A resilience improvement plan referred to in paragraph (1)—

“(A) shall be for the immediate and long-range planning activities and investments of the State or metropolitan planning organization with respect to resilience of the surface transportation system within the boundaries of the State or metropolitan planning organization, as applicable;

“(B) shall demonstrate a systemic approach to surface transportation system resilience and be consistent with and complementary of the State and local mitigation plans required under section 322 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5165);

“(C) shall include a risk-based assessment of vulnerabilities of transportation assets and systems to current and future weather events and natural disasters, such as severe storms, flooding, drought, levee and dam failures, wildfire, rockslides, mudslides, sea level rise, extreme weather, including extreme temperatures, and earthquakes; Assessment.

“(D) may—

“(i) designate evacuation routes and strategies, including multimodal facilities, designated with consideration for individuals without access to personal vehicles;

“(ii) plan for response to anticipated emergencies, including plans for the mobility of—

“(I) emergency response personnel and equipment; and

“(II) access to emergency services, including for vulnerable or disadvantaged populations;

“(iii) describe the resilience improvement policies, including strategies, land-use and zoning changes, investments in natural infrastructure, or performance measures that will inform the transportation investment decisions of the State or metropolitan planning organization with the goal of increasing resilience;

“(iv) include an investment plan that—

“(I) includes a list of priority projects; and List.

“(II) describes how funds apportioned to the State under section 104(b)(8) or provided by a grant under the program would be invested and matched, which shall not be subject to fiscal constraint requirements; and

“(v) use science and data and indicate the source of data and methodologies; and

	“(E) shall, as appropriate— “(i) include a description of how the plan will improve the ability of the State or metropolitan planning organization— “(I) to respond promptly to the impacts of weather events and natural disasters; and “(II) to be prepared for changing conditions, such as sea level rise and increased flood risk; “(ii) describe the codes, standards, and regulatory framework, if any, adopted and enforced to ensure resilience improvements within the impacted area of proposed projects included in the resilience improvement plan; “(iii) consider the benefits of combining hard surface transportation assets, and natural infrastructure, through coordinated efforts by the Federal Government and the States; “(iv) assess the resilience of other community assets, including buildings and housing, emergency management assets, and energy, water, and communication infrastructure; “(v) use a long-term planning period; and “(vi) include such other information as the State or metropolitan planning organization considers appropriate. “(3) NO NEW PLANNING REQUIREMENTS.—Nothing in this section requires a metropolitan planning organization or a State to develop a resilience improvement plan or to include a resilience improvement plan under the metropolitan transportation plan under section 134 or the long-range statewide transportation plan under section 135, as applicable, of the metropolitan planning organization or State.
Assessment.	“(f) MONITORING.— “(1) IN GENERAL.—Not later than 18 months after the date of enactment of this section, the Secretary shall— “(A) establish, for the purpose of evaluating the effectiveness and impacts of projects carried out with a grant under subsection (d)—
Deadline.	“(i) subject to paragraph (2), transportation and any other metrics as the Secretary determines to be necessary; and
Determination.	“(ii) procedures for monitoring and evaluating projects based on those metrics; and
Procedures.	“(B) select a representative sample of projects to evaluate based on the metrics and procedures established under subparagraph (A). “(2) NOTICE.—Before adopting any metrics described in paragraph (1), the Secretary shall—
Federal Register, publication.	“(A) publish the proposed metrics in the Federal Register; and
Public comment.	“(B) provide to the public an opportunity for comment on the proposed metrics. “(g) REPORTS.— “(1) REPORTS FROM ELIGIBLE ENTITIES.—Not later than 1 year after the date on which a project carried out with a grant under subsection (d) is completed, the eligible entity that carried out the project shall submit to the Secretary a

report on the results of the project and the use of the funds awarded.

“(2) REPORTS TO CONGRESS.—

“(A) ANNUAL REPORTS.—The Secretary shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives, and publish on the website of the Department of Transportation, an annual report that describes the implementation of the program during the preceding calendar year, including—

Web posting.

“(i) each project for which a grant was provided under subsection (d);

“(ii) information relating to project applications received;

“(iii) the manner in which the consultation requirements were implemented under subsection (d);

“(iv) recommendations to improve the administration of subsection (d), including whether assistance from additional or fewer agencies to carry out the program is appropriate;

Recommendations.

“(v) the period required to disburse grant funds to eligible entities based on applicable Federal coordination requirements; and

“(vi) a list of facilities that repeatedly require repair or reconstruction due to emergency events.

List.

“(B) FINAL REPORT.—Not later than 5 years after the date of enactment of the Surface Transportation Reauthorization Act of 2021, the Secretary shall submit to Congress a report that includes the results of the reports submitted under subparagraph (A).

“(h) TREATMENT OF PROJECTS.—Notwithstanding any other provision of law, a project assisted under this section shall be treated as a project on a Federal-aid highway under this chapter.”.

(b) CLERICAL AMENDMENT.—The analysis for chapter 1 of title 23, United States Code (as amended by section 11403(b)), is amended by inserting after the item relating to section 175 the following:

23 USC
prec. 101.

“176. Promoting Resilient Operations for Transformative, Efficient, and Cost-saving Transportation (PROTECT) program.”.

SEC. 11406. HEALTHY STREETS PROGRAM.

23 USC 149 note.

(a) DEFINITIONS.—In this section:

(1) COOL PAVEMENT.—The term “cool pavement” means a pavement with reflective surfaces with higher albedo to decrease the surface temperature of that pavement.

(2) ELIGIBLE ENTITY.—The term “eligible entity” means—

(A) a State;

(B) a metropolitan planning organization;

(C) a unit of local government;

(D) a Tribal government; and

(E) a nonprofit organization working in coordination with an entity described in subparagraphs (A) through (D).

(3) LOW-INCOME COMMUNITY.—The term “low-income community” means a census block group in which not less than 30 percent of the population lives below the poverty line

(as defined in section 673 of the Community Services Block Grant Act (42 U.S.C. 9902)).

(4) POROUS PAVEMENT.—The term “porous pavement” means a paved surface with a higher than normal percentage of air voids to allow water to pass through the surface and infiltrate into the subsoil.

(5) PROGRAM.—The term “program” means the Healthy Streets program established under subsection (b).

(6) STATE.—The term “State” has the meaning given the term in section 101(a) of title 23, United States Code.

(7) TRIBAL GOVERNMENT.—The term “Tribal government” means the recognized governing body of any Indian or Alaska Native tribe, band, nation, pueblo, village, community, component band, or component reservation, individually identified (including parenthetically) in the list published most recently as of the date of enactment of this Act pursuant to section 104 of the Federally Recognized Indian Tribe List Act of 1994 (25 U.S.C. 5131).

Grants.

(b) ESTABLISHMENT.—The Secretary shall establish a discretionary grant program, to be known as the “Healthy Streets program”, to provide grants to eligible entities—

- (1) to deploy cool pavements and porous pavements; and
- (2) to expand tree cover.

(c) GOALS.—The goals of the program are—

- (1) to mitigate urban heat islands;
- (2) to improve air quality; and
- (3) to reduce—
 - (A) the extent of impervious surfaces;
 - (B) stormwater runoff and flood risks; and
 - (C) heat impacts to infrastructure and road users.

(d) APPLICATION.—

(1) IN GENERAL.—To be eligible to receive a grant under the program, an eligible entity shall submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require.

(2) REQUIREMENTS.—The application submitted by an eligible entity under paragraph (1) shall include a description of—

(A) how the eligible entity would use the grant funds; and

(B) the contribution that the projects intended to be carried out with grant funds would make to improving the safety, health outcomes, natural environment, and quality of life in low-income communities and disadvantaged communities.

(e) USE OF FUNDS.—An eligible entity that receives a grant under the program may use the grant funds for 1 or more of the following activities:

Assessment.

(1) Conducting an assessment of urban heat islands to identify hot spot areas of extreme heat or elevated air pollution.

Assessment.

(2) Conducting a comprehensive tree canopy assessment, which shall assess the current tree locations and canopy, including—

Inventory.

(A) an inventory of the location, species, condition, and health of existing tree canopies and trees on public facilities; and

(B) an identification of—

- (i) the locations where trees need to be replaced;
 - (ii) empty tree boxes or other locations where trees could be added; and
 - (iii) flood-prone locations where trees or other natural infrastructure could mitigate flooding.
- (3) Conducting an equity assessment by mapping tree canopy gaps, flood-prone locations, and urban heat island hot spots as compared to—
 - (A) pedestrian walkways and public transportation stop locations;
 - (B) low-income communities; and
 - (C) disadvantaged communities.
- (4) Planning activities, including developing an investment plan based on the results of the assessments carried out under paragraphs (1), (2), and (3).
- (5) Purchasing and deploying cool pavements to mitigate urban heat island hot spots.
- (6) Purchasing and deploying porous pavement to mitigate flooding and stormwater runoff in—
 - (A) pedestrian-only areas; and
 - (B) areas of low-volume, low-speed vehicular use.
- (7) Purchasing of trees, site preparation, planting of trees, ongoing maintenance and monitoring of trees, and repairing of storm damage to trees, with priority given to—
 - (A) to the extent practicable, the planting of native species; and
 - (B) projects located in a neighborhood with lower tree cover or higher maximum daytime summer temperatures compared to surrounding neighborhoods.
- (8) Assessing underground infrastructure and coordinating with local transportation and utility providers.
- (9) Hiring staff to conduct any of the activities described in paragraphs (1) through (8).
- (f) **PRIORITY.**—In awarding grants to eligible entities under the program, the Secretary shall give priority to an eligible entity—
 - (1) proposing to carry out an activity or project in a low-income community or a disadvantaged community;
 - (2) that has entered into a community benefits agreement with representatives of the community; or
 - (3) that is partnering with a qualified youth or conservation corps (as defined in section 203 of the Public Lands Corps Act of 1993 (16 U.S.C. 1722)).
- (g) **DISTRIBUTION REQUIREMENT.**—Of the amounts made available to carry out the program for each fiscal year, not less than 80 percent shall be provided for projects in urbanized areas (as defined in section 101(a) of title 23, United States Code).
- (h) **FEDERAL SHARE.**—
 - (1) **IN GENERAL.**—Except as provided under paragraph (2), the Federal share of the cost of a project carried out under the program shall be 80 percent.
 - (2) **WAIVER.**—The Secretary may increase the Federal share requirement under paragraph (1) to 100 percent for projects carried out by an eligible entity that demonstrates economic hardship, as determined by the Secretary.
- (i) **MAXIMUM GRANT AMOUNT.**—An individual grant under this section shall not exceed \$15,000,000.

Assessment.

Plan.

Assessment.

Determination.

(j) TREATMENT OF PROJECTS.—Notwithstanding any other provision of law, a project assisted under this section shall be treated as a project on a Federal-aid highway under chapter 1 of title 23, United States Code.

Subtitle E—Miscellaneous

SEC. 11501. ADDITIONAL DEPOSITS INTO HIGHWAY TRUST FUND.

Repeal. (a) IN GENERAL.—Section 105 of title 23, United States Code, is repealed.

23 USC prec. 101. (b) CLERICAL AMENDMENT.—The analysis for chapter 1 of title 23, United States Code, is amended by striking the item relating to section 105.

23 USC 148 note. SEC. 11502. STOPPING THREATS ON PEDESTRIANS.

(a) DEFINITION OF BOLLARD INSTALLATION PROJECT.—In this section, the term “bollard installation project” means a project to install raised concrete or metal posts on a sidewalk adjacent to a roadway that are designed to slow or stop a motor vehicle.

Deadline. Grants. (b) ESTABLISHMENT.—Not later than 1 year after the date of enactment of this Act and subject to the availability of appropriations, the Secretary shall establish and carry out a competitive grant pilot program to provide assistance to State departments of transportation and local government entities for bollard installation projects designed to prevent pedestrian injuries and acts of terrorism in areas used by large numbers of pedestrians.

Determination. (c) APPLICATION.—To be eligible to receive a grant under this section, a State department of transportation or local government entity shall submit to the Secretary an application at such time, in such form, and containing such information as the Secretary determines to be appropriate, which shall include, at a minimum—

- (1) a description of the proposed bollard installation project to be carried out;
- (2) a description of the pedestrian injury or terrorism risks with respect to the proposed installation area; and
- Analysis. (3) an analysis of how the proposed bollard installation project will mitigate those risks.

(d) USE OF FUNDS.—A recipient of a grant under this section may only use the grant funds for a bollard installation project.

(e) FEDERAL SHARE.—The Federal share of the costs of a bollard installation project carried out with a grant under this section may be up to 100 percent.

(f) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary to carry out this section \$5,000,000 for each of fiscal years 2022 through 2026.

(g) TREATMENT OF PROJECTS.—Notwithstanding any other provision of law, a project assisted under this section shall be treated as a project on a Federal-aid highway under chapter 1 of title 23, United States Code.

23 USC 120 note. SEC. 11503. TRANSFER AND SALE OF TOLL CREDITS.

(a) DEFINITIONS.—In this section:

(1) ORIGINATING STATE.—The term “originating State” means a State that—

(A) is eligible to use a credit under section 120(i) of title 23, United States Code; and

(B) has been selected by the Secretary under subsection

(d)(2).

(2) PILOT PROGRAM.—The term “pilot program” means the pilot program established under subsection (b).

(3) RECIPIENT STATE.—The term “recipient State” means a State that receives a credit by transfer or by sale under this section from an originating State.

(4) STATE.—The term “State” has the meaning given the term in section 101(a) of title 23, United States Code.

(b) ESTABLISHMENT OF PILOT PROGRAM.—The Secretary shall establish and implement a toll credit exchange pilot program in accordance with this section.

(c) PURPOSES.—The purposes of the pilot program are—

(1) to identify the extent of the demand to purchase toll credits;

(2) to identify the cash price of toll credits through bilateral transactions between States;

(3) to analyze the impact of the purchase or sale of toll credits on transportation expenditures;

(4) to test the feasibility of expanding the pilot program to allow all States to participate on a permanent basis; and

(5) to identify any other repercussions of the toll credit exchange.

(d) SELECTION OF ORIGINATING STATES.—

(1) APPLICATION.—In order to participate in the pilot program as an originating State, a State shall submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require, including, at a minimum, such information as is required for the Secretary to verify—

Verification.

(A) the amount of unused toll credits for which the State has submitted certification to the Secretary that are available to be sold or transferred under the pilot program, including—

(i) toll revenue generated and the sources of that revenue;

(ii) toll revenue used by public, quasi-public, and private agencies to build, improve, or maintain highways, bridges, or tunnels that serve the public purpose of interstate commerce; and

(iii) an accounting of any Federal funds used by the public, quasi-public, or private agency to build, improve, or maintain the toll facility, to validate that the credit has been reduced by a percentage equal to the percentage of the total cost of building, improving, or maintaining the facility that was derived from Federal funds;

(B) the documentation of maintenance of effort for toll credits earned by the originating State; and

(C) the accuracy of the accounting system of the State to earn and track toll credits.

(2) SELECTION.—Of the States that submit an application under paragraph (1), the Secretary may select not more than 10 States to be designated as an originating State.

(3) LIMITATION ON SALES.—At any time, the Secretary may limit the amount of unused toll credits that may be offered for sale under the pilot program.

(e) TRANSFER OR SALE OF CREDITS.—

(1) IN GENERAL.—In carrying out the pilot program, the Secretary shall provide that an originating State may transfer or sell to a recipient State a credit not previously used by the originating State under section 120(i) of title 23, United States Code.

Public
information.

(2) WEBSITE SUPPORT.—The Secretary shall make available a publicly accessible website on which originating States shall post the amount of toll credits, verified under subsection (d)(1)(A), that are available for sale or transfer to a recipient State.

(3) BILATERAL TRANSACTIONS.—An originating State and a recipient State may enter into a bilateral transaction to sell or transfer verified toll credits.

Deadline.

(4) NOTIFICATION.—Not later than 30 days after the date on which a credit is transferred or sold, the originating State and the recipient State shall jointly submit to the Secretary a written notification of the transfer or sale, including details on—

(A) the amount of toll credits that have been sold or transferred;

(B) the price paid or other value transferred in exchange for the toll credits;

(C) the intended use by the recipient State of the toll credits, if known;

(D) the intended use by the originating State of the cash or other value transferred;

(E) an update on the toll credit balance of the originating State and the recipient State; and

(F) any other information about the transaction that the Secretary may require.

(5) USE OF CREDITS BY TRANSFEREE OR PURCHASER.—A recipient State may use a credit received under paragraph (1) toward the non-Federal share requirement for any funds made available to carry out title 23 or chapter 53 of title 49, United States Code, in accordance with section 120(i) of title 23, United States Code.

(6) USE OF PROCEEDS FROM SALE OF CREDITS.—An originating State shall use the proceeds from the sale of a credit under paragraph (1) for the construction costs of any project in the originating State that is eligible under title 23, United States Code.

(f) REPORTING REQUIREMENTS.—

(1) INITIAL REPORT.—Not later than 1 year after the date on which the pilot program is established, the Secretary shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report on the progress of the pilot program.

(2) FINAL REPORT.—Not later than 3 years after the date on which the pilot program is established, the Secretary shall—

(A) submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report that—

Determination.

(i) determines whether a toll credit marketplace is viable and cost-effective;

(ii) describes the buying and selling activities under the pilot program;

(iii) describes the average sale price of toll credits;

(iv) determines whether the pilot program could be expanded to more States or all States or to non-State operators of toll facilities;

(v) provides updated information on the toll credit balance accumulated by each State; and

(vi) describes the list of projects that were assisted by the pilot program; and

(B) make the report under subparagraph (A) publicly available on the website of the Department.

Determination.

Public information.
Web posting.

(g) TERMINATION.—

(1) IN GENERAL.—The Secretary may terminate the pilot program or the participation of any State in the pilot program if the Secretary determines that—

Determination.

(A) the pilot program is not serving a public benefit;

or

(B) it is not cost effective to carry out the pilot program.

(2) PROCEDURES.—The termination of the pilot program or the participation of a State in the pilot program shall be carried out consistent with Federal requirements for project closeout, adjustment, and continuing responsibilities.

SEC. 11504. STUDY OF IMPACTS ON ROADS FROM SELF-DRIVING VEHICLES.

(a) IN GENERAL.—Not later than 60 days after the date of enactment of this Act, the Secretary shall initiate a study on the existing and future impacts of self-driving vehicles to transportation infrastructure, mobility, the environment, and safety, including impacts on—

Deadline.

(1) the Interstate System (as defined in section 101(a) of title 23, United States Code);

(2) urban roads;

(3) rural roads;

(4) corridors with heavy traffic congestion;

(5) transportation systems optimization; and

(6) any other areas or issues relevant to operations of the Federal Highway Administration that the Secretary determines to be appropriate.

(b) CONTENTS OF STUDY.—The study under subsection (a) shall include specific recommendations for both rural and urban communities regarding the impacts of self-driving vehicles on existing transportation system capacity.

Recommendations.
Rural and urban areas.

(c) CONSIDERATIONS.—In carrying out the study under subsection (a), the Secretary shall—

(1) consider the need for and recommend any policy changes to be undertaken by the Federal Highway Administration on the impacts of self-driving vehicles as identified under paragraph (2); and

Recommendations.

(2) for both rural and urban communities, include a discussion of—

(A) the impacts that self-driving vehicles will have on existing transportation infrastructure, such as signage and markings, traffic lights, and highway capacity and design;

(B) the impact on commercial and private traffic flows;

(C) infrastructure improvement needs that may be necessary for transportation infrastructure to accommodate self-driving vehicles;

(D) the impact of self-driving vehicles on the environment, congestion, and vehicle miles traveled; and

(E) the impact of self-driving vehicles on mobility.

(d) COORDINATION.—In carrying out the study under subsection (a), the Secretary shall consider and incorporate relevant current and ongoing research of the Department.

(e) CONSULTATION.—In carrying out the study under subsection (a), the Secretary shall convene and consult with a panel of national experts in both rural and urban transportation, including—

(1) operators and users of the Interstate System (as defined in section 101(a) of title 23, United States Code), including private sector stakeholders;

(2) States and State departments of transportation;

(3) metropolitan planning organizations;

(4) the motor carrier industry;

(5) representatives of public transportation agencies or organizations;

(6) highway safety and academic groups;

(7) nonprofit entities with experience in transportation policy;

(8) National Laboratories (as defined in section 2 of the Energy Policy Act of 2005 (42 U.S.C. 15801));

(9) environmental stakeholders; and

(10) self-driving vehicle producers, manufacturers, and technology developers.

(f) REPORT.—Not later than 1 year after the date on which the study under subsection (a) is initiated, the Secretary shall submit a report on the results of the study to—

(1) the Committee on Environment and Public Works of the Senate; and

(2) the Committee on Transportation and Infrastructure of the House of Representatives.

SEC. 11505. DISASTER RELIEF MOBILIZATION STUDY.

(a) DEFINITION OF LOCAL COMMUNITY.—In this section, the term “local community” means—

(1) a unit of local government;

(2) a political subdivision of a State or local government;

(3) a metropolitan planning organization (as defined in section 134(b) of title 23, United States Code);

(4) a rural planning organization; or

(5) a Tribal government.

(b) STUDY.—

Determination.

(1) IN GENERAL.—The Secretary shall carry out a study to determine the utility of incorporating the use of bicycles into the disaster preparedness and disaster response plans of local communities.

(2) REQUIREMENTS.—The study carried out under paragraph (1) shall include—

Assessment.

(A) a vulnerability assessment of the infrastructure in local communities as of the date of enactment of this Act that supports active transportation, including bicycling, walking, and personal mobility devices, with a particular focus on areas in local communities that—

- (i) have low levels of vehicle ownership; and
 - (ii) lack sufficient active transportation infrastructure routes to public transportation;
 - (B) an evaluation of whether disaster preparedness and disaster response plans should include the use of bicycles by first responders, emergency workers, and community organization representatives—
 - (i) during a mandatory or voluntary evacuation ordered by a Federal, State, Tribal, or local government entity—
 - (I) to notify residents of the need to evacuate;
 - (II) to evacuate individuals and goods; and
 - (III) to reach individuals who are in need of first aid and medical assistance; and
 - (ii) after a disaster or emergency declared by a Federal, State, Tribal, or local government entity—
 - (I) to participate in search and rescue activities;
 - (II) to carry commodities to be used for life-saving or life-sustaining purposes, including—
 - (aa) water;
 - (bb) food;
 - (cc) first aid and other medical supplies; and
 - (dd) power sources and electric supplies, such as cell phones, radios, lights, and batteries;
 - (III) to reach individuals who are in need of the commodities described in subclause (II); and
 - (IV) to assist with other disaster relief tasks, as appropriate; and
 - (C) a review of training programs for first responders, emergency workers, and community organization representatives relating to—
 - (i) competent bicycle skills, including the use of cargo bicycles and electric bicycles, as applicable;
 - (ii) basic bicycle maintenance;
 - (iii) compliance with relevant traffic safety laws;
 - (iv) methods to use bicycles to carry out the activities described in clauses (i) and (ii) of subparagraph (2)(B); and
 - (v) exercises conducted for the purpose of—
 - (I) exercising the skills described in clause (i); and
 - (II) maintaining bicycles and related equipment.
- (c) REPORT.—Not later than 2 years after the date of enactment of this Act, the Secretary shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report that—
- (1) describes the results of the study carried out under subsection (b); and
 - (2) provides recommendations, if any, relating to—
 - (A) the methods by which to incorporate bicycles into disaster preparedness and disaster response plans of local communities; and

Evaluation.

Review.

Recommendations.

(B) improvements to training programs described in subsection (b)(2)(C).

SEC. 11506. APPALACHIAN REGIONAL COMMISSION.

(a) **DEFINITIONS.**—Section 14102(a)(1) of title 40, United States Code, is amended—

(1) in subparagraph (G)—

(A) by inserting “Catawba,” after “Caldwell,”; and

(B) by inserting “Cleveland,” after “Clay,”;

(2) in subparagraph (J), by striking “and Spartanburg” and inserting “Spartanburg, and Union”; and

(3) in subparagraph (M), by inserting “, of which the counties of Brooke, Hancock, Marshall, and Ohio shall be considered to be located in the North Central subregion” after “West Virginia”.

(b) **FUNCTIONS.**—Section 14303(a) of title 40, United States Code, is amended—

(1) in paragraph (9), by striking “and” at the end;

(2) in paragraph (10), by striking the period at the end and inserting “; and”; and

(3) by adding at the end the following:

“(11) support broadband access in the Appalachian region.”.

(c) **CONGRESSIONAL NOTIFICATION.**—

(1) **IN GENERAL.**—Subchapter II of chapter 143 of subtitle IV of title 40, United States Code, is amended by adding at the end the following:

40 USC 14323.

“§ 14323. Congressional notification

Time period.

“(a) **IN GENERAL.**—In the case of a project described in subsection (b), the Appalachian Regional Commission shall provide to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate notice of the award of a grant or other financial assistance not less than 3 full business days before awarding the grant or other financial assistance.

“(b) **PROJECTS DESCRIBED.**—A project referred to in subsection (a) is a project that the Appalachian Regional Commission has selected to receive a grant or other financial assistance under this subtitle in an amount not less than \$50,000.”.

40 USC
prec. 14301.

(2) **CLERICAL AMENDMENT.**—The analysis for subchapter II of chapter 143 of subtitle IV of title 40, United States Code, is amended by adding at the end the following:

“14323. Congressional notification.”.

(d) **HIGH-SPEED BROADBAND DEPLOYMENT INITIATIVE.**—Section 14509 of title 40, United States Code, is amended—

(1) by striking subsection (a) and inserting the following:

Grants.
Contracts.

“(a) **IN GENERAL.**—The Appalachian Regional Commission may provide technical assistance, make grants, enter into contracts, or otherwise provide amounts to individuals or entities in the Appalachian region for projects and activities to increase affordable access to broadband networks throughout the Appalachian region.”;

(2) by redesignating subsections (b) through (d) as subsections (c) through (e), respectively;

(3) by inserting after subsection (a) the following:

“(b) **ELIGIBLE PROJECTS AND ACTIVITIES.**—A project or activity eligible to be carried out under this section is a project or activity—

“(1) to conduct research, analysis, and training to increase broadband adoption efforts in the Appalachian region; or

“(2) for the construction and deployment of broadband service-related infrastructure in the Appalachian region.”;

(4) in subsection (d) (as so redesignated), in the matter preceding paragraph (1), by striking “subsection (b)” and inserting “subsection (c)”; and

(5) by adding at the end the following:

“(f) REQUEST FOR DATA.—Before making a grant for a project or activity described in subsection (b)(2), the Appalachian Regional Commission shall request from the Federal Communications Commission, the National Telecommunications and Information Administration, the Economic Development Administration, and the Department of Agriculture data on—

“(1) the level and extent of broadband service that exists in the area proposed to be served by the broadband service-related infrastructure; and

“(2) the level and extent of broadband service that will be deployed in the area proposed to be served by the broadband service-related infrastructure pursuant to another Federal program.

“(g) REQUIREMENT.—For each fiscal year, not less than 65 percent of the amounts made available to carry out this section shall be used for grants for projects and activities described in subsection (b)(2).”.

(e) APPALACHIAN REGIONAL ENERGY HUB INITIATIVE.—

(1) IN GENERAL.—Subchapter I of chapter 145 of subtitle IV of title 40, United States Code, is amended by adding at the end the following:

“§ 14511. Appalachian regional energy hub initiative

40 USC 14511.

“(a) IN GENERAL.—The Appalachian Regional Commission may provide technical assistance to, make grants to, enter into contracts with, or otherwise provide amounts to individuals or entities in the Appalachian region for projects and activities—

Grants.
Contracts.

“(1) to conduct research and analysis regarding the economic impact of an ethane storage hub in the Appalachian region that supports a more-effective energy market performance due to the scale of the project, such as a project with the capacity to store and distribute more than 100,000 barrels per day of hydrocarbon feedstock with a minimum gross heating value of 1,700 Btu per standard cubic foot;

“(2) with the potential to significantly contribute to the economic resilience of the area in which the project is located; and

“(3) that will help establish a regional energy hub in the Appalachian region for natural gas and natural gas liquids, including hydrogen produced from the steam methane reforming of natural gas feedstocks.

“(b) LIMITATION ON AVAILABLE AMOUNTS.—Of the cost of any project or activity eligible for a grant under this section—

“(1) except as provided in paragraphs (2) and (3), not more than 50 percent may be provided from amounts made available to carry out this section;

“(2) in the case of a project or activity to be carried out in a county for which a distressed county designation is in effect under section 14526, not more than 80 percent may

be provided from amounts made available to carry out this section; and

“(3) in the case of a project or activity to be carried out in a county for which an at-risk county designation is in effect under section 14526, not more than 70 percent may be provided from amounts made available to carry out this section.

“(c) SOURCES OF ASSISTANCE.—Subject to subsection (b), a grant provided under this section may be provided from amounts made available to carry out this section, in combination with amounts made available—

“(1) under any other Federal program; or

“(2) from any other source.

“(d) FEDERAL SHARE.—Notwithstanding any provision of law limiting the Federal share under any other Federal program, amounts made available to carry out this section may be used to increase that Federal share, as the Appalachian Regional Commission determines to be appropriate.”.

(2) CLERICAL AMENDMENT.—The analysis for subchapter I of chapter 145 of title 40, United States Code, is amended by adding at the end the following:

“14511. Appalachian regional energy hub initiative.”.

(f) AUTHORIZATION OF APPROPRIATIONS.—Section 14703 of title 40, United States Code, is amended—

(1) in subsection (a)—

(A) in paragraph (4), by striking “and” at the end;

(B) in paragraph (5), by striking the period at the end and inserting “; and”; and

(C) by adding at the end the following:

“(6) \$200,000,000 for each of fiscal years 2022 through 2026.”;

(2) in subsection (c), by striking “\$10,000,000 may be used to carry out section 14509 for each of fiscal years 2016 through 2021” and inserting “\$20,000,000 may be used to carry out section 14509 for each of fiscal years 2022 through 2026”;

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

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

“(d) APPALACHIAN REGIONAL ENERGY HUB INITIATIVE.—Of the amounts made available under subsection (a), \$5,000,000 shall be used to carry out section 14511 for each of fiscal years 2022 through 2026.”.

(g) TERMINATION.—Section 14704 of title 40, United States Code, is amended by striking “2021” and inserting “2026”.

SEC. 11507. DENALI COMMISSION.

(a) DENALI ACCESS SYSTEM PROGRAM.—Notwithstanding subsection (j) of section 309 of the Denali Commission Act of 1998 (42 U.S.C. 3121 note; Public Law 105–277), there is authorized to be appropriated \$20,000,000 for each of fiscal years 2022 through 2026 to carry out that section.

(b) TRANSFERS OF FUNDS.—Section 311(c) of the Denali Commission Act of 1998 (42 U.S.C. 3121 note; Public Law 105–277) is amended—

(1) in paragraph (1), by striking “and” at the end;

(2) in paragraph (2), by striking the period at the end and inserting “; and”; and

(3) by adding at the end the following:

“(3) notwithstanding any other provision of law, shall—
 “(A) be treated as if directly appropriated to the Commission and subject to applicable provisions of this Act; and
 “(B) not be subject to any requirements that applied to the funds before the transfer, including a requirement in an appropriations Act or a requirement or regulation of the Federal agency from which the funds are transferred.”.

SEC. 11508. REQUIREMENTS FOR TRANSPORTATION PROJECTS CARRIED OUT THROUGH PUBLIC-PRIVATE PARTNERSHIPS.

23 USC 106 note.

(a) DEFINITIONS.—In this section:

(1) PROJECT.—The term “project” means a project (as defined in section 101 of title 23, United States Code) that—

(A) is carried out, in whole or in part, using Federal financial assistance; and

(B) has an estimated total cost of \$100,000,000 or more.

(2) PUBLIC-PRIVATE PARTNERSHIP.—The term “public-private partnership” means an agreement between a public agency and a private entity to finance, build, and maintain or operate a project.

(b) REQUIREMENTS FOR PROJECTS CARRIED OUT THROUGH PUBLIC-PRIVATE PARTNERSHIPS.—With respect to a public-private partnership, as a condition of receiving Federal financial assistance for a project, the Secretary shall require the public partner, not later than 3 years after the date of opening of the project to traffic—

Deadline.

(1) to conduct a review of the project, including a review of the compliance of the private partner with the terms of the public-private partnership agreement;

Reviews.
Compliance.

(2)(A) to certify to the Secretary that the private partner of the public-private partnership is meeting the terms of the public-private partnership agreement for the project; or

Certification.

(B) to notify the Secretary that the private partner of the public-private partnership has not met 1 or more of the terms of the public-private partnership agreement for the project, including a brief description of each violation of the public-private partnership agreement; and

Notification.

(3) to make publicly available the certification or notification, as applicable, under paragraph (2) in a form that does not disclose any proprietary or confidential business information.

Public
information.

(c) NOTIFICATION.—If the Secretary provides Federal financial assistance to a project carried out through a public-private partnership, not later than 30 days after the date on which the Federal financial assistance is first obligated, the Secretary shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a notification of the Federal financial assistance made available for the project.

Deadline.

(d) VALUE FOR MONEY ANALYSIS.—

(1) PROJECT APPROVAL AND OVERSIGHT.—Section 106(h)(3) of title 23, United States Code, is amended—

(A) in subparagraph (C), by striking “and” at the end;

- (B) by redesignating subparagraph (D) as subparagraph (E); and
- (C) by inserting after subparagraph (C) the following:
- Analysis. “(D) for a project in which the project sponsor intends to carry out the project through a public-private partnership agreement, shall include a detailed value for money analysis or similar comparative analysis for the project; and”.
- (2) SURFACE TRANSPORTATION BLOCK GRANT PROGRAM.—Paragraph (21) of section 133(b) of title 23, United States Code (as redesignated by section 1109(a)(1)(C)), is amended by inserting “, including conducting value for money analyses or similar comparative analyses,” after “oversight”.
- (3) TIFIA.—Section 602(a) of title 23, United States Code, is amended by adding at the end the following:
- Analysis. “(11) PUBLIC-PRIVATE PARTNERSHIPS.—In the case of a project to be carried out through a public-private partnership, the public partner shall have—
- Determination. “(A) conducted a value for money analysis or similar comparative analysis; and
- “(B) determined the appropriateness of the public-private partnership agreement.”.
- (e) APPLICABILITY.—This section and the amendments made by this section shall only apply to a public-private partnership agreement entered into on or after the date of enactment of this Act.
- 23 USC 101 note. **SEC. 11509. RECONNECTING COMMUNITIES PILOT PROGRAM.**
- (a) DEFINITION OF ELIGIBLE FACILITY.—
- (1) IN GENERAL.—In this section, the term “eligible facility” means a highway or other transportation facility that creates a barrier to community connectivity, including barriers to mobility, access, or economic development, due to high speeds, grade separations, or other design factors.
- (2) INCLUSIONS.—In this section, the term “eligible facility” may include—
- (A) a limited access highway;
- (B) a viaduct; and
- (C) any other principal arterial facility.
- (b) ESTABLISHMENT.—The Secretary shall establish a pilot program through which an eligible entity may apply for funding, in order to restore community connectivity—
- Study. (1) to study the feasibility and impacts of removing, retrofitting, or mitigating an existing eligible facility;
- (2) to conduct planning activities necessary to design a project to remove, retrofit, or mitigate an existing eligible facility; and
- (3) to conduct construction activities necessary to carry out a project to remove, retrofit, or mitigate an existing eligible facility.
- (c) PLANNING GRANTS.—
- (1) ELIGIBLE ENTITIES.—The Secretary may award a grant (referred to in this section as a “planning grant”) to carry out planning activities described in paragraph (2) to—
- (A) a State;
- (B) a unit of local government;
- (C) a Tribal government;

(D) a metropolitan planning organization; and

(E) a nonprofit organization.

(2) ELIGIBLE ACTIVITIES DESCRIBED.—The planning activities referred to in paragraph (1) are—

(A) planning studies to evaluate the feasibility of removing, retrofitting, or mitigating an existing eligible facility to restore community connectivity, including evaluations of—

(i) current traffic patterns on the eligible facility proposed for removal, retrofit, or mitigation and the surrounding street network;

(ii) the capacity of existing transportation networks to maintain mobility needs;

(iii) an analysis of alternative roadway designs or other uses for the right-of-way of the eligible facility, including an analysis of whether the available right-of-way would suffice to create an alternative roadway design;

(iv) the effect of the removal, retrofit, or mitigation of the eligible facility on the mobility of freight and people;

(v) the effect of the removal, retrofit, or mitigation of the eligible facility on the safety of the traveling public;

(vi) the cost to remove, retrofit, or mitigate the eligible facility—

(I) to restore community connectivity; and

(II) to convert the eligible facility to a different roadway design or use, compared to any expected costs for necessary maintenance or reconstruction of the eligible facility;

(vii) the anticipated economic impact of removing, retrofitting, or mitigating and converting the eligible facility and any economic development opportunities that would be created by removing, retrofitting, or mitigating and converting the eligible facility; and

(viii) the environmental impacts of retaining or reconstructing the eligible facility and the anticipated effect of the proposed alternative use or roadway design;

(B) public engagement activities to provide opportunities for public input into a plan to remove and convert an eligible facility; and

(C) other transportation planning activities required in advance of a project to remove, retrofit, or mitigate an existing eligible facility to restore community connectivity, as determined by the Secretary.

(3) TECHNICAL ASSISTANCE PROGRAM.—

(A) IN GENERAL.—The Secretary may provide technical assistance described in subparagraph (B) to an eligible entity.

(B) TECHNICAL ASSISTANCE DESCRIBED.—The technical assistance referred to in subparagraph (A) is technical assistance in building organizational or community capacity—

(i) to engage in transportation planning; and

Determination.

(ii) to identify innovative solutions to infrastructure challenges, including reconnecting communities that—

(I) are bifurcated by eligible facilities; or

(II) lack safe, reliable, and affordable transportation choices.

(C) PRIORITIES.—In selecting recipients of technical assistance under subparagraph (A), the Secretary shall give priority to an application from a community that is economically disadvantaged.

(4) SELECTION.—The Secretary shall—

(A) solicit applications for—

(i) planning grants; and

(ii) technical assistance under paragraph (3); and

(B) evaluate applications for a planning grant on the basis of the demonstration by the applicant that—

(i) the eligible facility is aged and is likely to need replacement or significant reconstruction within the 20-year period beginning on the date of the submission of the application;

(ii) the eligible facility—

(I) creates barriers to mobility, access, or economic development; or

(II) is not justified by current and forecast future travel demand; and

(iii) on the basis of preliminary investigations into the feasibility of removing, retrofitting, or mitigating the eligible facility to restore community connectivity, further investigation is necessary and likely to be productive.

(5) AWARD AMOUNTS.—A planning grant may not exceed \$2,000,000 per recipient.

(6) FEDERAL SHARE.—The total Federal share of the cost of a planning activity for which a planning grant is used shall not exceed 80 percent.

(d) CAPITAL CONSTRUCTION GRANTS.—

(1) ELIGIBLE ENTITIES.—The Secretary may award a grant (referred to in this section as a “capital construction grant”) to the owner of an eligible facility to carry out an eligible project described in paragraph (3) for which all necessary feasibility studies and other planning activities have been completed.

(2) PARTNERSHIPS.—An owner of an eligible facility may, for the purposes of submitting an application for a capital construction grant, if applicable, partner with—

(A) a State;

(B) a unit of local government;

(C) a Tribal government;

(D) a metropolitan planning organization; or

(E) a nonprofit organization.

(3) ELIGIBLE PROJECTS.—A project eligible to be carried out with a capital construction grant includes—

(A) the removal, retrofit, or mitigation of an eligible facility; and

(B) the replacement of an eligible facility with a new facility that—

(i) restores community connectivity; and

(ii) is—

Evaluation.

Time period.

(I) sensitive to the context of the surrounding community; and

(II) otherwise eligible for funding under title 23, United States Code.

(4) SELECTION.—The Secretary shall—

(A) solicit applications for capital construction grants; and

(B) evaluate applications on the basis of—

Evaluation.

(i) the degree to which the project will improve mobility and access through the removal of barriers;

(ii) the appropriateness of removing, retrofitting, or mitigating the eligible facility, based on current traffic patterns and the ability of the replacement facility and the regional transportation network to absorb transportation demand and provide safe mobility and access;

(iii) the impact of the project on freight movement;

(iv) the results of a cost-benefit analysis of the project;

(v) the opportunities for inclusive economic development;

(vi) the degree to which the eligible facility is out of context with the current or planned land use;

(vii) the results of any feasibility study completed for the project; and

(viii) the plan of the applicant for—

(I) employing residents in the area impacted by the project through targeted hiring programs, in partnership with registered apprenticeship programs, if applicable; and

(II) contracting and subcontracting with disadvantaged business enterprises.

(5) MINIMUM AWARD AMOUNTS.—A capital construction grant shall be in an amount not less than \$5,000,000 per recipient.

(6) FEDERAL SHARE.—

(A) IN GENERAL.—Subject to subparagraph (B), a capital construction grant may not exceed 50 percent of the total cost of the project for which the grant is awarded.

(B) MAXIMUM FEDERAL INVOLVEMENT.—Federal assistance other than a capital construction grant may be used to satisfy the non-Federal share of the cost of a project for which the grant is awarded, except that the total Federal assistance provided for a project for which the grant is awarded may not exceed 80 percent of the total cost of the project.

(7) COMMUNITY ADVISORY BOARD.—

(A) IN GENERAL.—To help achieve inclusive economic development benefits with respect to the project for which a grant is awarded, a grant recipient may form a community advisory board, which shall—

(i) facilitate community engagement with respect to the project; and

(ii) track progress with respect to commitments of the grant recipient to inclusive employment, contracting, and economic development under the project.

(B) **MEMBERSHIP.**—If a grant recipient forms a community advisory board under subparagraph (A), the community advisory board shall be composed of representatives of—

- (i) the community;
- (ii) owners of businesses that serve the community;
- (iii) labor organizations that represent workers that serve the community; and
- (iv) State and local government.

(e) **REPORTS.**—

Evaluation.

(1) **USDOT REPORT ON PROGRAM.**—Not later than January 1, 2026, the Secretary shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report that evaluates the program under this section, including—

(A) information about the level of applicant interest in planning grants, technical assistance under subsection (c)(3), and capital construction grants, including the extent to which overall demand exceeded available funds; and

(B) for recipients of capital construction grants, the outcomes and impacts of the highway removal project, including—

- (i) any changes in the overall level of mobility, congestion, access, and safety in the project area; and
- (ii) environmental impacts and economic development opportunities in the project area.

(2) **GAO REPORT ON HIGHWAY REMOVALS.**—Not later than 2 years after the date of enactment of this Act, the Comptroller General of the United States shall issue a report that—

Evaluation.

(A) identifies examples of projects to remove highways using Federal highway funds;

(B) evaluates the effect of highway removal projects on the surrounding area, including impacts to the local economy, congestion effects, safety outcomes, and impacts on the movement of freight and people;

Evaluation.

(C) evaluates the existing Federal-aid program eligibility under title 23, United States Code, for highway removal projects;

Analysis.

(D) analyzes the costs and benefits of and barriers to removing underutilized highways that are nearing the end of their useful life compared to replacing or reconstructing the highway; and

Recommendations.

(E) provides recommendations for integrating those assessments into transportation planning and decision-making processes.

Time period.

(f) **TECHNICAL ASSISTANCE.**—Of the funds made available to carry out this section for planning grants, the Secretary may use not more than \$15,000,000 during the period of fiscal years 2022 through 2026 to provide technical assistance under subsection (c)(3).

(g) **TREATMENT OF PROJECTS.**—Notwithstanding any other provision of law, a project assisted under this section shall be treated as a project on a Federal-aid highway under chapter 1 of title 23, United States Code.

23 USC 101 note.

SEC. 11510. CYBERSECURITY TOOL; CYBER COORDINATOR.

(a) **DEFINITIONS.**—In this section:

(1) ADMINISTRATOR.—The term “Administrator” means the Administrator of the Federal Highway Administration.

(2) CYBER INCIDENT.—The term “cyber incident” has the meaning given the term “incident” in section 3552 of title 44, United States Code.

(3) TRANSPORTATION AUTHORITY.—The term “transportation authority” means—

(A) a public authority (as defined in section 101(a) of title 23, United States Code);

(B) an owner or operator of a highway (as defined in section 101(a) of title 23, United States Code);

(C) a manufacturer that manufactures a product related to transportation; and

(D) a division office of the Federal Highway Administration.

(b) CYBERSECURITY TOOL.—

(1) IN GENERAL.—Not later than 2 years after the date of enactment of this Act, the Administrator shall develop a tool to assist transportation authorities in identifying, detecting, protecting against, responding to, and recovering from cyber incidents. Deadline.

(2) REQUIREMENTS.—In developing the tool under paragraph (1), the Administrator shall—

(A) use the cybersecurity framework established by the National Institute of Standards and Technology and required by Executive Order 13636 of February 12, 2013 (78 Fed. Reg. 11739; relating to improving critical infrastructure cybersecurity);

(B) establish a structured cybersecurity assessment and development program;

(C) coordinate with the Transportation Security Administration and the Cybersecurity and Infrastructure Security Agency;

(D) consult with appropriate transportation authorities, operating agencies, industry stakeholders, and cybersecurity experts; and Consultation.

(E) provide for a period of public comment and review on the tool. Public comment.
Review.

(c) DESIGNATION OF CYBER COORDINATOR.—

(1) IN GENERAL.—Not later than 2 years after the date of enactment of this Act, the Administrator shall designate an office as a “cyber coordinator”, which shall be responsible for monitoring, alerting, and advising transportation authorities of cyber incidents. Deadline.

(2) REQUIREMENTS.—The office designated under paragraph (1) shall, in coordination with the Transportation Security Administration and the Cybersecurity and Infrastructure Security Agency—

(A) provide to transportation authorities a secure method of notifying the Federal Highway Administration of cyber incidents;

(B) share the information collected under subparagraph (A) with the Transportation Security Administration and the Cybersecurity and Infrastructure Security Agency;

(C) monitor cyber incidents that affect transportation authorities;

Investigation. (D) alert transportation authorities to cyber incidents that affect those transportation authorities;
 (E) investigate unaddressed cyber incidents that affect transportation authorities; and
 (F) provide to transportation authorities educational resources, outreach, and awareness on fundamental principles and best practices in cybersecurity for transportation systems.

SEC. 11511. REPORT ON EMERGING ALTERNATIVE FUEL VEHICLES AND INFRASTRUCTURE.

(a) DEFINITIONS.—In this section:
 (1) EMERGING ALTERNATIVE FUEL VEHICLE.—The term “emerging alternative fuel vehicle” means a vehicle fueled by hydrogen, natural gas, or propane.
 (2) EMERGING ALTERNATIVE FUELING INFRASTRUCTURE.—The term “emerging alternative fueling infrastructure” means infrastructure for fueling an emerging alternative fuel vehicle.
 (b) REPORT.—Not later than 1 year after the date of enactment of this Act, to help guide future investments for emerging alternative fueling infrastructure, the Secretary shall submit to Congress and make publicly available a report that—
 (1) includes an evaluation of emerging alternative fuel vehicles and projections for potential locations of emerging alternative fuel vehicle owners during the 5-year period beginning on the date of submission of the report;
 (2) identifies areas where emerging alternative fueling infrastructure will be needed to meet the current and future needs of drivers during the 5-year period beginning on the date of submission of the report;
 (3) identifies specific areas, such as a lack of pipeline infrastructure, that may impede deployment and adoption of emerging alternative fuel vehicles;
 (4) includes a map that identifies concentrations of emerging alternative fuel vehicles to meet the needs of current and future emerging alternative fueling infrastructure;
 (5) estimates the future need for emerging alternative fueling infrastructure to support the adoption and use of emerging alternative fuel vehicles; and
 (6) includes a tool to allow States to compare and evaluate different adoption and use scenarios for emerging alternative fuel vehicles, with the ability to adjust factors to account for regionally specific characteristics.

SEC. 11512. NONHIGHWAY RECREATIONAL FUEL STUDY.

(a) DEFINITIONS.—In this section:
 (1) HIGHWAY TRUST FUND.—The term “Highway Trust Fund” means the Highway Trust Fund established by section 9503(a) of the Internal Revenue Code of 1986.
 (2) NONHIGHWAY RECREATIONAL FUEL TAXES.—The term “nonhighway recreational fuel taxes” means taxes under section 4041 and 4081 of the Internal Revenue Code of 1986 with respect to fuel used in vehicles on recreational trails or back country terrain (including vehicles registered for highway use when used on recreational trails, trail access roads not eligible for funding under title 23, United States Code, or back country terrain).

(3) **RECREATIONAL TRAILS PROGRAM.**—The term “recreational trails program” means the recreational trails program under section 206 of title 23, United States Code.

(b) **ASSESSMENT; REPORT.**—

(1) **ASSESSMENT.**—Not later than 1 year after the date of enactment of this Act and not less frequently than once every 5 years thereafter, as determined by the Secretary, the Secretary shall carry out an assessment of the best available estimate of the total amount of nonhighway recreational fuel taxes received by the Secretary of the Treasury and transferred to the Highway Trust Fund for the period covered by the assessment.

Deadline.
Time period.

(2) **REPORT.**—After carrying out each assessment under paragraph (1), the Secretary shall submit to the Committees on Finance and Environment and Public Works of the Senate and the Committees on Ways and Means and Transportation and Infrastructure of the House of Representatives a report that includes—

(A) to assist Congress in determining an appropriate funding level for the recreational trails program—

(i) a description of the results of the assessment; and

(ii) an evaluation of whether the current recreational trails program funding level reflects the amount of nonhighway recreational fuel taxes collected and transferred to the Highway Trust Fund; and

Evaluation.

(B) in the case of the first report submitted under this paragraph, an estimate of the frequency with which the Secretary anticipates carrying out the assessment under paragraph (1), subject to the condition that such an assessment shall be carried out not less frequently than once every 5 years.

Estimate.
Time period.

(c) **CONSULTATION.**—In carrying out an assessment under subsection (b)(1), the Secretary may consult with, as the Secretary determines to be appropriate—

(1) the heads of—

(A) State agencies designated by Governors pursuant to section 206(c)(1) of title 23, United States Code, to administer the recreational trails program; and

(B) division offices of the Department;

(2) the Secretary of the Treasury;

(3) the Administrator of the Federal Highway Administration; and

(4) groups representing recreational activities and interests, including hiking, biking and mountain biking, horseback riding, water trails, snowshoeing, cross-country skiing, snowmobiling, off-highway motorcycling, all-terrain vehicles and other offroad motorized vehicle activities, and recreational trail advocates.

SEC. 11513. BUY AMERICA.

Section 313 of title 23, United States Code, is amended—

(1) by redesignating subsection (g) as subsection (h); and

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

“(g) **WAIVERS.**—

“(1) **IN GENERAL.**—Not less than 15 days before issuing a waiver under this section, the Secretary shall provide to the public—

Deadline.

Notice.

Public comment.

“(A) notice of the proposed waiver;

“(B) an opportunity for comment on the proposed waiver; and

“(C) the reasons for the proposed waiver.

“(2) REPORT.—Not less frequently than annually, the Secretary shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report on the waivers provided under this section.”.

State listing.

SEC. 11514. HIGH PRIORITY CORRIDORS ON THE NATIONAL HIGHWAY SYSTEM.

(a) HIGH PRIORITY CORRIDORS.—Section 1105(c) of the Intermodal Surface Transportation Efficiency Act of 1991 (Public Law 102–240; 105 Stat. 2032; 133 Stat. 3018) is amended—

(1) by striking paragraph (84) and inserting the following:

“(84) The Central Texas Corridor, including the route—

“(A) commencing in the vicinity of Texas Highway 338 in Odessa, Texas, running eastward generally following Interstate Route 20, connecting to Texas Highway 158 in the vicinity of Midland, Texas, then following Texas Highway 158 eastward to United States Route 87 and then following United States Route 87 southeastward, passing in the vicinity of San Angelo, Texas, and connecting to United States Route 190 in the vicinity of Brady, Texas;

“(B) commencing at the intersection of Interstate Route 10 and United States Route 190 in Pecos County, Texas, and following United States Route 190 to Brady, Texas;

“(C) following portions of United States Route 190 eastward, passing in the vicinity of Fort Hood, Killeen, Belton, Temple, Bryan, College Station, Huntsville, Livingston, Woodville, and Jasper, to the logical terminus of Texas Highway 63 at the Sabine River Bridge at Burrs Crossing and including a loop generally encircling Bryan/College Station, Texas;

“(D) following United States Route 83 southward from the vicinity of Eden, Texas, to a logical connection to Interstate Route 10 at Junction, Texas;

“(E) following United States Route 69 from Interstate Route 10 in Beaumont, Texas, north to United States Route 190 in the vicinity of Woodville, Texas;

“(F) following United States Route 96 from Interstate Route 10 in Beaumont, Texas, north to United States Route 190 in the vicinity of Jasper, Texas; and

“(G) following United States Route 190, State Highway 305, and United States Route 385 from Interstate Route 10 in Pecos County, Texas, to Interstate 20 at Odessa, Texas.”; and

(2) by adding at the end the following:

“(92) United States Route 421 from the interchange with Interstate Route 85 in Greensboro, North Carolina, to the interchange with Interstate Route 95 in Dunn, North Carolina.

“(93) The South Mississippi Corridor from the Louisiana and Mississippi border near Natchez, Mississippi, to Gulfport, Mississippi, shall generally follow—

“(A) United States Route 84 from the Louisiana border at the Mississippi River passing in the vicinity of Natchez,

Brookhaven, Monticello, Prentiss, and Collins, Mississippi, to the logical terminus with Interstate Route 59 in the vicinity of Laurel, Mississippi, and continuing on Interstate Route 59 south to the vicinity of Hattiesburg, Mississippi; and

“(B) United States Route 49 from the vicinity of Hattiesburg, Mississippi, south to Interstate Route 10 in the vicinity of Gulfport, Mississippi, following Mississippi Route 601 south and terminating near the Mississippi State Port at Gulfport.

“(94) The Kosciusko to Gulf Coast corridor commencing at the logical terminus of Interstate Route 55 near Vaiden, Mississippi, running south and passing east of the vicinity of the Jackson Urbanized Area, connecting to United States Route 49 north of Hattiesburg, Mississippi, and generally following United States Route 49 to a logical connection with Interstate Route 10 in the vicinity of Gulfport, Mississippi.

“(95) The Interstate Route 22 spur from the vicinity of Tupelo, Mississippi, running south generally along United States Route 45 to the vicinity of Shannon, Mississippi.

“(96) The route that generally follows United States Route 412 from its intersection with Interstate Route 35 in Noble County, Oklahoma, passing through Tulsa, Oklahoma, to its intersection with Interstate Route 49 in Springdale, Arkansas.

“(97) The Louie B. Nunn Cumberland Expressway from the interchange with Interstate Route 65 in Barren County, Kentucky, east to the interchange with United States Highway 27 in Somerset, Kentucky.

“(98) The route that generally follows State Route 7 from Grenada, Mississippi, to Holly Springs, Mississippi, passing in the vicinity of Coffeeville, Water Valley, Oxford, and Abbeville, Mississippi, to its logical connection with Interstate Route 22 in the vicinity of Holly Springs, Mississippi.

“(99) The Central Louisiana Corridor commencing at the logical terminus of Louisiana Highway 8 at the Sabine River Bridge at Burrs Crossing and generally following portions of Louisiana Highway 8 to Leesville, Louisiana, and then eastward on Louisiana Highway 28, passing in the vicinity of Alexandria, Pineville, Walters, and Archie, to the logical terminus of United States Route 84 at the Mississippi River Bridge at Vidalia, Louisiana.

“(100) The Central Mississippi Corridor, including the route—

“(A) commencing at the logical terminus of United States Route 84 at the Mississippi River and then generally following portions of United States Route 84 passing in the vicinity of Natchez, Brookhaven, Monticello, Prentiss, and Collins, to Interstate Route 59 in the vicinity of Laurel, Mississippi, and continuing on Interstate Route 59 north to Interstate Route 20 and on Interstate Route 20 to the Mississippi–Alabama State border; and

“(B) commencing in the vicinity of Laurel, Mississippi, running south on Interstate Route 59 to United States Route 98 in the vicinity of Hattiesburg, connecting to United States Route 49 south then following United States Route 49 south to Interstate Route 10 in the vicinity of

Gulfport and following Mississippi Route 601 southerly terminating near the Mississippi State Port at Gulfport.

“(101) The Middle Alabama Corridor including the route—

“(A) beginning at the Alabama–Mississippi border generally following portions of I–20 until following a new interstate extension paralleling United States Highway 80, specifically—

“(B) crossing Alabama Route 28 near Coatopa, Alabama, traveling eastward crossing United States Highway 43 and Alabama Route 69 near Selma, Alabama, traveling eastwards closely paralleling United States Highway 80 to the south crossing over Alabama Routes 22, 41, and 21, until its intersection with I–65 near Hope Hull, Alabama;

“(C) continuing east along the proposed Montgomery Outer Loop south of Montgomery, Alabama where it would next join with I–85 east of Montgomery, Alabama;

“(D) continuing along I–85 east bound until its intersection with United States Highway 280 near Opelika, Alabama or United States Highway 80 near Tuskegee, Alabama;

“(E) generally following the most expedient route until intersecting with existing United States Highway 80 (JR Allen Parkway) through Phenix City until continuing into Columbus, Georgia.

“(102) The Middle Georgia Corridor including the route—

“(A) beginning at the Alabama–Georgia Border generally following the Fall Line Freeway from Columbus, Georgia to Augusta, Georgia, specifically—

“(B) travelling along United States Route 80 (JR Allen Parkway) through Columbus, Georgia and near Fort Benning, Georgia, east to Talbot County, Georgia where it would follow Georgia Route 96, then commencing on Georgia Route 49C (Fort Valley Bypass) to Georgia Route 49 (Peach Parkway) to its intersection with Interstate Route 75 in Byron, Georgia;

“(C) continuing north along Interstate Route 75 through Warner Robins and Macon, Georgia where it would meet Interstate Route 16, then following Interstate Route 16 east it would next join United States Route 80 and then onto State Route 57;

“(D) commencing with State Route 57 which turns into State Route 24 near Milledgeville, Georgia would then bypass Wrens, Georgia with a newly constructed bypass, and after the bypass it would join United States Route 1 near Fort Gordon into Augusta, Georgia where it will terminate at Interstate Route 520.”.

(b) DESIGNATION AS FUTURE INTERSTATES.—Section 1105(e)(5)(A) of the Intermodal Surface Transportation Efficiency Act of 1991 (Public Law 102-240; 109 Stat. 597; 133 Stat. 3018) is amended in the first sentence—

(1) by inserting “subsection (c)(84),” after “subsection (c)(83),”; and

(2) by striking “and subsection (c)(91)” and inserting “subsection (c)(91), subsection (c)(92), subsection (c)(93)(A), subsection (c)(94), subsection (c)(95), subsection (c)(96), subsection

(c)(97), subsection (c)(99), subsection (c)(100), subsection (c)(101), and subsection (c)(102)”.

(c) NUMBERING OF PARKWAY.—Section 1105(e)(5)(C)(i) of the Intermodal Surface Transportation Efficiency Act of 1991 (Public Law 102–240; 109 Stat. 598; 133 Stat. 3018) is amended—

(1) by striking the fifteenth sentence and inserting the following: “The route referred to in subsection (c)(84)(A) is designated as Interstate Route I–14 North. The route referred to in subsection (c)(84)(B) is designated as Interstate Route I–14 South. The Bryan/College Station, Texas loop referred to in subsection (c)(84)(C) is designated as Interstate Route I–214.”; and

(2) by adding at the end the following: “The route referred to in subsection (c)(97) is designated as Interstate Route I–365. The routes referred to in subsections (c)(84)(C), (c)(99), (c)(100), (c)(101), and (c)(102) are designated as Interstate Route I–14. The routes referred to in subparagraphs (D), (E), (F), and (G) of subsection (c)(84) and subparagraph (B) of subsection (c)(100) shall each be given separate Interstate route numbers.”.

(d) GAO REPORT ON DESIGNATION OF SEGMENTS AS PART OF INTERSTATE SYSTEM.—

(1) DEFINITION OF APPLICABLE SEGMENT.—In this subsection, the term “applicable segment” means the route described in paragraph (92) of section 1105(c) of the Intermodal Surface Transportation Efficiency Act of 1991 (Public Law 102–240; 105 Stat. 2032).

(2) REPORT.—

(A) IN GENERAL.—Not later than 2 years after the date on which the applicable segment is open for operations as part of the Interstate System, the Comptroller General of the United States shall submit to Congress a report on the impact, if any, during that 2-year period of allowing the continuation of weight limits that applied before the designation of the applicable segment as a route on the Interstate System.

Time period.

(B) REQUIREMENTS.—The report under subparagraph (A) shall—

(i) be informed by the views and documentation provided by the State highway agency (or equivalent agency) in the State in which the applicable segment is located;

(ii) describe any impacts on safety and infrastructure on the applicable segment;

(iii) describe any view of the State highway agency (or equivalent agency) in the State in which the applicable segment is located on the impact of the applicable segment; and

(iv) focus only on the applicable segment.

SEC. 11515. INTERSTATE WEIGHT LIMITS.

Section 127 of title 23, United States Code, is amended—

(1) in subsection (1)(3)(A)—

(A) in the matter preceding clause (i), in the first sentence, by striking “clauses (i) through (iv) of this subparagraph” and inserting “clauses (i) through (v)”;

(B) by adding at the end the following:

Kentucky.

“(v) The Louie B. Nunn Cumberland Expressway (to be designated as a spur of Interstate Route 65) from the interchange with Interstate Route 65 in Barren County, Kentucky, east to the interchange with United States Highway 27 in Somerset, Kentucky.”; and

(2) by adding at the end the following:

“(v) OPERATION OF VEHICLES ON CERTAIN NORTH CAROLINA HIGHWAYS.—If any segment in the State of North Carolina of United States Route 17, United States Route 29, United States Route 52, United States Route 64, United States Route 70, United States Route 74, United States Route 117, United States Route 220, United States Route 264, or United States Route 421 is designated as a route on the Interstate System, a vehicle that could operate legally on that segment before the date of such designation may continue to operate on that segment, without regard to any requirement under subsection (a).

“(w) OPERATION OF VEHICLES ON CERTAIN OKLAHOMA HIGHWAYS.—If any segment of the highway referred to in paragraph (96) of section 1105(c) of the Intermodal Surface Transportation Efficiency Act of 1991 (Public Law 102–240; 105 Stat. 2032) is designated as a route on the Interstate System, a vehicle that could operate legally on that segment before the date of such designation may continue to operate on that segment, without any regard to any requirement under this section.”.

Evaluations.

SEC. 11516. REPORT ON AIR QUALITY IMPROVEMENTS.

(a) IN GENERAL.—Not later than 3 years after the date of enactment of this Act, the Comptroller General of the United States shall submit a report that evaluates the congestion mitigation and air quality improvement program under section 149 of title 23, United States Code (referred to in this section as the “program”), to—

(1) the Committee on Environment and Public Works of the Senate; and

(2) the Committee on Transportation and Infrastructure of the House of Representatives.

(b) CONTENTS.—The evaluation under subsection (a) shall include an evaluation of—

(1) the reductions of ozone, carbon monoxide, and particulate matter that result from projects under the program;

(2) the cost-effectiveness of the reductions described in paragraph (1);

(3) the result of investments of funding under the program in minority and low-income communities that are disproportionately affected by ozone, carbon monoxide, and particulate matter;

(4) the effectiveness, with respect to the attainment or maintenance of national ambient air quality standards under section 109 of the Clean Air Act (42 U.S.C. 7409) for ozone, carbon monoxide, and particulate matter, of performance measures established under section 150(c)(5) of title 23, United States Code, and performance targets established under subsection (d) of that section for traffic congestion and on-road mobile source emissions;

(5) the extent to which there are any types of projects that are not eligible funding under the program that would

be likely to contribute to the attainment or maintenance of the national ambient air quality standards described in paragraph (4); and

(6) the extent to which projects under the program reduce sulfur dioxide, nitrogen dioxide, and lead.

SEC. 11517. ROADSIDE HIGHWAY SAFETY HARDWARE.

23 USC 109 note.

(a) **IN GENERAL.**—To the maximum extent practicable, the Secretary shall develop a process for third party verification of full-scale crash testing results from crash test labs, including a method for formally verifying the testing outcomes and providing for an independent pass/fail determination. In establishing such a process, the Secretary shall seek to ensure the independence of crash test labs by ensuring that those labs have a clear separation between device development and testing in cases in which lab employees test devices that were developed within the parent organization of the employee.

Verification.
Determination.

(b) **CONTINUED ISSUANCE OF ELIGIBILITY LETTERS.**—Until the implementation of the process described in subsection (a) is complete, the Secretary may, and is encouraged to, ensure that the Administrator of the Federal Highway Administration continues to issue Federal-aid reimbursement eligibility letters for roadside safety hardware as a service to States.

(c) **REPORT TO CONGRESS.**—

(1) **IN GENERAL.**—If the Secretary seeks to discontinue issuing the letters described in subsection (b), the Secretary shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report at least 1 year before discontinuing the letters.

Time period.

(2) **INCLUSIONS.**—The report described in paragraph (1) shall include a summary of the third-party verification process described in subsection (a) that will replace the Federal Highway Administration issuance of eligibility letters and any other relevant information that the Secretary deems necessary.

Summary.

SEC. 11518. PERMEABLE PAVEMENTS STUDY.

(a) **IN GENERAL.**—Not later than 1 year after the date of enactment of this Act, the Secretary shall carry out a study—

Deadline.

(1) to gather existing information on the effects of permeable pavements on flood control in different contexts, including in urban areas, and over the lifetime of the permeable pavement;

(2) to perform research to fill gaps in the existing information gathered under paragraph (1); and

(3) to develop—

(A) models for the performance of permeable pavements in flood control; and

(B) best practices for designing permeable pavement to meet flood control requirements.

(b) **DATA SURVEY.**—In carrying out the study under subsection (a), the Secretary shall develop—

(1) a summary, based on available literature and models, of localized flood control capabilities of permeable pavement that considers long-term performance and cost information; and

Summary.

	(2) best practices for the design of localized flood control using permeable pavement that considers long-term performance and cost information.
Public information.	(c) PUBLICATION.—The Secretary shall make a report describing the results of the study under subsection (a) publicly available.
23 USC 125 note.	SEC. 11519. EMERGENCY RELIEF PROJECTS.
	(a) DEFINITION OF EMERGENCY RELIEF PROJECT.—In this section, the term “emergency relief project” means a project carried out under the emergency relief program under section 125 of title 23, United States Code.
Deadline.	(b) IMPROVING THE EMERGENCY RELIEF PROGRAM.—Not later than 90 days after the date of enactment of this Act, the Secretary shall—
Revision.	(1) revise the emergency relief manual of the Federal Highway Administration—
	(A) to include and reflect the definition of the term “resilience” (as defined in section 101(a) of title 23, United States Code);
Procedures.	(B) to identify procedures that States may use to incorporate resilience into emergency relief projects; and
	(C) to encourage the use of Complete Streets design principles and consideration of access for moderate- and low-income families impacted by a declared disaster;
	(2) develop best practices for improving the use of resilience in—
	(A) the emergency relief program under section 125 of title 23, United States Code; and
	(B) emergency relief efforts;
	(3) provide to division offices of the Federal Highway Administration and State departments of transportation information on the best practices developed under paragraph (2); and
	(4) develop and implement a process to track—
	(A) the consideration of resilience as part of the emergency relief program under section 125 of title 23, United States Code; and
	(B) the costs of emergency relief projects.
	SEC. 11520. STUDY ON STORMWATER BEST MANAGEMENT PRACTICES.
Deadline. Contracts.	(a) STUDY.—Not later than 180 days after the date of enactment of this Act, the Secretary and the Administrator of the Environment Protection Agency shall offer to enter into an agreement with the Transportation Research Board of the National Academy of Sciences to conduct a study—
Estimate.	(1) to estimate pollutant loads from stormwater runoff from highways and pedestrian facilities eligible for assistance under title 23, United States Code, to inform the development of appropriate total maximum daily load (as defined in section 130.2 of title 40, Code of Federal Regulations (or successor regulations)) requirements;
Recommendations. Regulations. Determination.	(2) to provide recommendations regarding the evaluation and selection by State departments of transportation of potential stormwater management and total maximum daily load compliance strategies within a watershed, including environmental restoration and pollution abatement carried out under

section 328 of title 23, United States Code (including any revisions to law (including regulations) that the Transportation Research Board determines to be appropriate); and

(3) to examine the potential for the Secretary to assist State departments of transportation in carrying out and communicating stormwater management practices for highways and pedestrian facilities that are eligible for assistance under title 23, United States Code, through information-sharing agreements, database assistance, or an administrative platform to provide the information described in paragraphs (1) and (2) to entities issued permits under the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.).

Examination.

(b) REQUIREMENTS.—If the Transportation Research Board enters into an agreement under subsection (a), in conducting the study under that subsection, the Transportation Research Board shall—

(1) review and supplement, as appropriate, the methodologies examined and recommended in the report of the National Academies of Sciences, Engineering, and Medicine entitled “Approaches for Determining and Complying with TMDL Requirements Related to Roadway Stormwater Runoff” and dated 2019;

Review.

(2) consult with—

Consultation.

(A) the Secretary;

(B) the Administrator of the Environmental Protection Agency;

(C) the Secretary of the Army, acting through the Chief of Engineers; and

(D) State departments of transportation; and

(3) solicit input from—

(A) stakeholders with experience in implementing stormwater management practices for projects; and

(B) educational and technical stormwater management groups.

(c) REPORT.—If the Transportation Research Board enters into an agreement under subsection (a), not later than 18 months after the date of enactment of this Act, the Transportation Research Board shall submit to the Secretary, the Committee on Environment and Public Works of the Senate, and the Committee on Transportation and Infrastructure of the House of Representatives a report describing the results of the study.

SEC. 11521. STORMWATER BEST MANAGEMENT PRACTICES REPORTS. 23 USC 109 note.

(a) DEFINITIONS.—In this section:

(1) ADMINISTRATOR.—The term “Administrator” means the Administrator of the Federal Highway Administration.

(2) BEST MANAGEMENT PRACTICES REPORT.—The term “best management practices report” means—

(A) the 2014 report sponsored by the Administrator entitled “Determining the State of the Practice in Data Collection and Performance Measurement of Stormwater Best Management Practices”; and

(B) the 1997 report sponsored by the Administrator entitled “Stormwater Best Management Practices in an Ultra-Urban Setting: Selection and Monitoring”.

(b) REISSUANCE.—Not later than 1 year after the date of enactment of this Act, the Administrator shall update and reissue each

Update.

best management practices report to reflect new information and advancements in stormwater management.

(c) **UPDATES.**—Not less frequently than once every 5 years after the date on which the Administrator reissues a best management practices report described in subsection (b), the Administrator shall update and reissue the best management practices report until the earlier of the date on which—

(1) the best management practices report is withdrawn; or

(2) the contents of the best management practices report are incorporated (including by reference) into applicable regulations of the Administrator.

23 USC 329 note.

SEC. 11522. INVASIVE PLANT ELIMINATION PROGRAM.

(a) **DEFINITIONS.**—In this section:

(1) **INVASIVE PLANT.**—The term “invasive plant” means a nonnative plant, tree, grass, or weed species, including, at a minimum, cheatgrass, *Ventenata dubia*, medusahead, bulbous bluegrass, Japanese brome, rattail fescue, Japanese honeysuckle, phragmites, autumn olive, Bradford pear, wild parsnip, sericea lespedeza, spotted knapweed, garlic mustard, and palmer amaranth.

(2) **PROGRAM.**—The term “program” means the grant program established under subsection (b).

(3) **TRANSPORTATION CORRIDOR.**—The term “transportation corridor” means a road, highway, railroad, or other surface transportation route.

Grants.

(b) **ESTABLISHMENT.**—The Secretary shall carry out a program to provide grants to States to eliminate or control existing invasive plants or prevent introduction of or encroachment by new invasive plants along and in areas adjacent to transportation corridor rights-of-way.

(c) **APPLICATION.**—To be eligible to receive a grant under the program, a State shall submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require.

(d) **ELIGIBLE ACTIVITIES.**—

(1) **IN GENERAL.**—Subject to this subsection, a State that receives a grant under the program may use the grant funds to carry out activities to eliminate or control existing invasive plants or prevent introduction of or encroachment by new invasive plants along and in areas adjacent to transportation corridor rights-of-way.

(2) **PRIORITIZATION OF PROJECTS.**—In carrying out the program, the Secretary shall give priority to projects that utilize revegetation with native plants and wildflowers, including those that are pollinator-friendly.

(3) **PROHIBITION ON CERTAIN USES OF FUNDS.**—Amounts provided to a State under the program may not be used for costs relating to mowing a transportation corridor right-of-way or the adjacent area unless—

(A) mowing is identified as the best means of treatment according to best management practices; or

(B) mowing is used in conjunction with another treatment.

(4) LIMITATION.—Not more than 10 percent of the amounts provided to a State under the program may be used for the purchase of equipment.

(5) ADMINISTRATIVE AND INDIRECT COSTS.—Not more than 5 percent of the amounts provided to a State under the program may be used for the administrative and other indirect costs (such as full time employee salaries, rent, insurance, subscriptions, utilities, and office supplies) of carrying out eligible activities.

(e) REQUIREMENTS.—

(1) COORDINATION.—In carrying out eligible activities with a grant under the program, a State shall coordinate with—

(A) units of local government, political subdivisions of the State, and Tribal authorities that are carrying out eligible activities in the areas to be treated;

(B) local regulatory authorities, in the case of a treatment along or adjacent to a railroad right-of-way; and

(C) with respect to the most effective roadside control methods, State and Federal land management agencies and any relevant Tribal authorities.

(2) ANNUAL REPORT.—Not later than 1 year after the date on which a State receives a grant under the program, and annually thereafter, that State shall provide to the Secretary an annual report on the treatments carried out using funds from the grant.

(f) FEDERAL SHARE.—

(1) IN GENERAL.—The Federal share of the cost of an eligible activity carried out using funds from a grant under the program shall be—

(A) in the case of a project that utilizes revegetation with native plants and wildflowers, including those that are pollinator-friendly, 75 percent; and

(B) in the case of any other project not described in subparagraph (A), 50 percent.

(2) CERTAIN FUNDS COUNTED TOWARD NON-FEDERAL SHARE.—A State may include amounts expended by the State or a unit of local government in the State to address current invasive plant populations and prevent future infestation along or in areas adjacent to transportation corridor rights-of-way in calculating the non-Federal share required under the program.

(g) FUNDING.—There is authorized to be appropriated to carry out the program \$50,000,000 for each of fiscal years 2022 through 2026.

SEC. 11523. OVER-THE-ROAD BUS TOLLING EQUITY.

Section 129(a) of title 23, United States Code, is amended—

(1) in paragraph (3)(B)(i), by inserting “, together with the results of the audit under paragraph (9)(C),” after “the audits”; and

(2) in paragraph (9)—

(A) by striking “An over-the-road” and inserting the following:

“(A) IN GENERAL.—An over-the-road”;

(B) in subparagraph (A) (as so designated), by striking “public transportation buses” and inserting “public transportation vehicles”; and

(C) by adding at the end the following:

“(B) REPORTS.—

“(i) IN GENERAL.—Not later than 90 days after the date of enactment of this subparagraph, a public authority that operates a toll facility shall report to the Secretary any rates, terms, or conditions for access to the toll facility by public transportation vehicles that differ from the rates, terms, or conditions applicable to over-the-road buses.

“(ii) UPDATES.—A public authority that operates a toll facility shall report to the Secretary any change to the rates, terms, or conditions for access to the toll facility by public transportation vehicles that differ from the rates, terms, or conditions applicable to over-the-road buses by not later than 30 days after the date on which the change takes effect.

“(iii) PUBLICATION.—The Secretary shall publish information reported to the Secretary under clauses (i) and (ii) on a publicly accessible internet website.

“(C) ANNUAL AUDIT.—

“(i) IN GENERAL.—A public authority (as defined in section 101(a)) with jurisdiction over a toll facility shall—

“(I) conduct or have an independent auditor conduct an annual audit of toll facility records to verify compliance with this paragraph; and

“(II) report the results of the audit, together with the results of the audit under paragraph (3)(B), to the Secretary.

“(ii) RECORDS.—After providing reasonable notice, a public authority described in clause (i) shall make all records of the public authority pertaining to the toll facility available for audit by the Secretary.

“(iii) NONCOMPLIANCE.—If the Secretary determines that a public authority described in clause (i) has not complied with this paragraph, the Secretary may require the public authority to discontinue collecting tolls until an agreement with the Secretary is reached to achieve compliance.”.

Public
information.
Web posting.

Reports.

Notice.

Determination.

SEC. 11524. BRIDGE TERMINOLOGY.

(a) CONDITION OF NHS BRIDGES.—Section 119(f)(2) of title 23, United States Code, is amended by striking “structurally deficient” each place it appears and inserting “in poor condition”.

(b) NATIONAL BRIDGE AND TUNNEL INVENTORIES.—Section 144(b)(5) of title 23, United States Code, is amended by striking “structurally deficient bridge” and inserting “bridge classified as in poor condition”.

(c) TRIBAL TRANSPORTATION FACILITY BRIDGES.—Section 202(d) of title 23, United States Code, is amended—

(1) in paragraph (1), by striking “deficient bridges eligible for the tribal transportation program” and inserting “bridges eligible for the tribal transportation program classified as in poor condition, having low load capacity, or needing geometric improvements”; and

(2) in paragraph (3)(C), by striking “structurally deficient or functionally obsolete” and inserting “classified as in poor

condition, having a low load capacity, or needing geometric improvements”.

SEC. 11525. TECHNICAL CORRECTIONS.

(a) Section 101(b)(1) of title 23, United States Code, is amended by inserting “Highways” after “and Defense”.

(b) Section 104(f)(3) of title 23, United States Code, is amended—

(1) in the paragraph heading, by striking “FEDERAL HIGHWAY ADMINISTRATION” and inserting “AN OPERATING ADMINISTRATION OF THE DEPARTMENT OF TRANSPORTATION”; and

(2) in subparagraph (A), by striking “the Federal Highway Administration” and inserting “an operating administration of the Department of Transportation”.

(c) Section 108(c)(3)(F) of title 23, United States Code, is amended—

(1) by inserting “of 1969 (42 U.S.C. 4321 et seq.)” after “Policy Act”; and

(2) by striking “this Act” and inserting “this title”.

(d) Section 112(b)(2) of title 23, United States Code, is amended by striking “(F) (F) Subparagraphs” and inserting the following: “(F) EXCLUSION.—Subparagraphs”.

(e) Section 115(c) of title 23, United States Code, is amended by striking “section 135(f)” and inserting “section 135(g)”.

(f) Section 130(g) of title 23, United States Code, is amended—

(1) in the third sentence—

(A) by striking “and Transportation,” and inserting “and Transportation”; and

(B) by striking “thereafter,,” and inserting “thereafter,”;

and

(2) in the fifth sentence, by striking “railroad highway” and inserting “railway-highway”.

(g) Section 135(g) of title 23, United States Code, is amended—

(1) in paragraph (3), by striking “operators),,” and inserting “operators),”; and

(2) in paragraph (6)(B), by striking “5310, 5311, 5316, and 5317” and inserting “5310 and 5311”.

(h) Section 139 of title 23, United States Code (as amended by section 11301), is amended—

(1) in subsection (b)(1), by inserting “(42 U.S.C. 4321 et seq.)” after “of 1969”;

(2) in subsection (c), by inserting “(42 U.S.C. 4321 et seq.)” after “of 1969” each place it appears; and

(3) in subsection (k)(2), by inserting “(42 U.S.C. 4321 et seq.)” after “of 1969”.

(i) Section 140(a) of title 23, United States Code, is amended, in the third sentence, by inserting a comma after “Secretary”.

(j) Section 148(i)(2)(D) of title 23, United States Code, is amended by striking “safety safety” and inserting “safety”.

(k) Section 166(a)(1) of title 23, United States Code, is amended by striking the paragraph designation and heading and all that follows through “A public authority” and inserting the following:

“(1) AUTHORITY OF PUBLIC AUTHORITIES.—A public authority”.

(l) Section 201(c)(6)(A)(ii) of title 23, United States Code, is amended by striking “(25 U.S.C. 450 et seq.)” and inserting “(25 U.S.C. 5301 et seq.)”.

(m) Section 202 of title 23, United States Code, is amended—

(1) by striking “(25 U.S.C. 450 et seq.)” each place it appears and inserting “(25 U.S.C. 5301 et seq.)”;

(2) in subsection (a)(10)(B), by striking “(25 U.S.C. 450e(b))” and inserting “(25 U.S.C. 5307(b))”; and

(3) in subsection (b)(5), in the matter preceding subparagraph (A), by inserting “the” after “agreement under”.

(n) Section 206(d)(2)(G) of title 23, United States Code, is amended by striking “use of recreational trails” and inserting “uses of recreational trails”.

(o) Section 207 of title 23, United States Code, is amended—

(1) in subsection (g)—

(A) by striking “(25 U.S.C. 450j–1)” and inserting “(25 U.S.C. 5325)”;

(B) by striking “(25 U.S.C. 450j–1(f))” and inserting “(25 U.S.C. 5325(f))”;

(2) in subsection (l)—

(A) in paragraph (1), by striking “(25 U.S.C. 458aaa–5)” and inserting “(25 U.S.C. 5386)”;

(B) in paragraph (2), by striking “(25 U.S.C. 458aaa–6)” and inserting “(25 U.S.C. 5387)”;

(C) in paragraph (3), by striking “(25 U.S.C. 458aaa–7)” and inserting “(25 U.S.C. 5388)”;

(D) in paragraph (4), by striking “(25 U.S.C. 458aaa–9)” and inserting “(25 U.S.C. 5390)”;

(E) in paragraph (5), by striking “(25 U.S.C. 458aaa–10)” and inserting “(25 U.S.C. 5391)”;

(F) in paragraph (6), by striking “(25 U.S.C. 458aaa–11)” and inserting “(25 U.S.C. 5392)”;

(G) in paragraph (7), by striking “(25 U.S.C. 458aaa–14)” and inserting “(25 U.S.C. 5395)”;

(H) in paragraph (8), by striking “(25 U.S.C. 458aaa–15)” and inserting “(25 U.S.C. 5396)”;

(I) in paragraph (9), by striking “(25 U.S.C. 458aaa–17)” and inserting “(25 U.S.C. 5398)”;

(3) in subsection (m)(2)—

(A) by striking “505” and inserting “501”; and

(B) by striking “(25 U.S.C. 450b; 458aaa)” and inserting “(25 U.S.C. 5304; 5381)”.

(p) Section 217(d) of title 23, United States Code, is amended by striking “104(b)(3)” and inserting “104(b)(4)”.

(q) Section 323(d) of title 23, United States Code, is amended in the matter preceding paragraph (1), in the second sentence, by inserting “(42 U.S.C. 4321 et seq.)” after “of 1969”.

Repeal.

(r) Section 325 of title 23, United States Code, is repealed.

(s) Section 504(g)(6) of title 23, United States Code, is amended by striking “make grants or to” and inserting “make grants to”.

23 USC
prec. 301.

(t) The analysis for chapter 3 of title 23, United States Code, is amended by striking the item relating to section 325.

SEC. 11526. WORKING GROUP ON COVERED RESOURCES.

(a) DEFINITIONS.—In this section:

(1) COVERED RESOURCE.—The term “covered resource” means a common variety material used in transportation infrastructure construction and maintenance, including stone, sand, and gravel.

(2) STATE.—The term “State” means each of the several States, the District of Columbia, and each territory or possession of the United States.

(3) WORKING GROUP.—The term “Working Group” means the working group established under subsection (b).

(b) ESTABLISHMENT.—Not later than 120 days after the date of enactment of this Act, the Secretary shall establish a working group to conduct a study on access to covered resources for infrastructure projects. Deadline.
Study.

(c) MEMBERSHIP.—

(1) APPOINTMENT.—The Secretary shall appoint to the Working Group individuals with knowledge and expertise in the production and transportation of covered resources.

(2) REPRESENTATION.—The Working Group shall include not less than 1 representative of each of the following:

(A) State departments of transportation.

(B) State agencies associated with covered resources protection.

(C) State planning and geologic survey and mapping agencies.

(D) Commercial motor vehicle operators, including small business operators and operators who transport covered resources.

(E) Covered resources producers.

(F) Construction contractors.

(G) Labor organizations.

(H) Metropolitan planning organizations and regional planning organizations.

(I) Indian Tribes, including Tribal elected leadership or Tribal transportation officials.

(J) Any other stakeholders that the Secretary determines appropriate.

(3) TERMINATION.—The Working Group shall terminate 180 days after the date on which the Secretary receives the report under subsection (f)(1).

(d) DUTIES.—In carrying out the study required under subsection (b), the Working Group shall analyze—

(1) the use of covered resources in transportation projects funded with Federal dollars;

(2) how the proximity of covered resources to such projects affects the cost and environmental impact of those projects;

(3) whether and how State, Tribal, and local transportation and planning agencies consider covered resources when developing transportation projects; and

(4) any challenges for transportation project sponsors regarding access and proximity to covered resources.

(e) CONSULTATION.—In carrying out the study required under subsection (b), the Working Group shall consult with, as appropriate—

(1) chief executive officers of States;

(2) State, Tribal, and local transportation and planning agencies;

(3) other relevant State, Tribal, and local agencies, including State agencies associated with covered resources protection;

(4) members of the public with industry experience with respect to covered resources;

Summaries.
Recommendations.

(5) other Federal entities that provide funding for transportation projects; and

(6) any other stakeholder the Working Group determines appropriate.

(f) REPORTS.—

(1) WORKING GROUP REPORT.—Not later than 2 years after the date on which the Working Group is established, the Working Group shall submit to the Secretary a report that includes—

(A) the findings of the study required under subsection (b), including a summary of comments received during the consultation process under subsection (e); and

(B) any recommendations to preserve access to and reduce the costs and environmental impacts of covered resources for infrastructure projects.

(2) DEPARTMENTAL REPORT.—Not later than 90 days after the date on which the Secretary receives the report under paragraph (1), the Secretary shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate a summary of the findings under the report and any recommendations, as appropriate.

SEC. 11527. BLOOD TRANSPORT VEHICLES.

Section 166(b) of title 23, United States Code, is amended by adding at the end the following:

“(6) BLOOD TRANSPORT VEHICLES.—The public authority may allow blood transport vehicles that are transporting blood between a collection point and a hospital or storage center to use the HOV facility if the public authority establishes requirements for clearly identifying such vehicles.”.

SEC. 11528. POLLINATOR-FRIENDLY PRACTICES ON ROADSIDES AND HIGHWAY RIGHTS-OF-WAY.

(a) IN GENERAL.—Chapter 3 of title 23, United States Code (as amended by section 11309(a)), is amended by adding at the end the following:

23 USC 332.

“§ 332. Pollinator-friendly practices on roadsides and highway rights-of-way

Grants.

“(a) IN GENERAL.—The Secretary shall establish a program to provide grants to eligible entities to carry out activities to benefit pollinators on roadsides and highway rights-of-way, including the planting and seeding of native, locally-appropriate grasses and wildflowers, including milkweed.

“(b) ELIGIBLE ENTITIES.—An entity eligible to receive a grant under this section is—

“(1) a State department of transportation;

“(2) an Indian tribe; or

“(3) a Federal land management agency.

“(c) APPLICATION.—To be eligible to receive a grant under this section, an eligible entity shall submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require, including a pollinator-friendly practices plan described in subsection (d).

“(d) POLLINATOR-FRIENDLY PRACTICES PLAN.—

“(1) IN GENERAL.—An eligible entity shall include in the application under subsection (c) a plan that describes the pollinator-friendly practices that the eligible entity has implemented or plans to implement, including—

“(A) practices relating to mowing strategies that promote early successional vegetation and limit disturbance during periods of highest use by target pollinator species on roadsides and highway rights-of-way, such as—

“(i) reducing the mowing swath outside of the State-designated safety zone;

“(ii) increasing the mowing height;

“(iii) reducing the mowing frequency;

“(iv) refraining from mowing monarch and other pollinator habitat during periods in which monarchs or other pollinators are present;

“(v) use of a flushing bar and cutting at reduced speeds to reduce pollinator deaths due to mowing; or

“(vi) reducing raking along roadsides and highway rights-of-way;

“(B) implementation of an integrated vegetation management plan that includes approaches such as mechanical tree and brush removal, targeted and judicious use of herbicides, and mowing, to address weed issues on roadsides and highway rights-of-way;

“(C) planting or seeding of native, locally-appropriate grasses and wildflowers, including milkweed, on roadsides and highway rights-of-way to enhance pollinator habitat, including larval host plants;

“(D) removing nonnative grasses from planting and seeding mixes, except for use as nurse or cover crops;

“(E) obtaining expert training or assistance on pollinator-friendly practices, including—

“(i) native plant identification;

“(ii) establishment and management of locally-appropriate native plants that benefit pollinators;

“(iii) land management practices that benefit pollinators; and

“(iv) pollinator-focused integrated vegetation management; or

“(F) any other pollinator-friendly practices the Secretary determines to be appropriate. Determination.

“(2) COORDINATION.—In developing a plan under paragraph (1), an eligible entity that is a State department of transportation or a Federal land management agency shall coordinate with applicable State agencies, including State agencies with jurisdiction over agriculture and fish and wildlife.

“(3) CONSULTATION.—In developing a plan under paragraph (1)—

“(A) an eligible entity that is a State department of transportation or a Federal land management agency shall consult with affected or interested Indian tribes; and

“(B) any eligible entity may consult with nonprofit organizations, institutions of higher education, metropolitan planning organizations, and any other relevant entities.

“(e) AWARD OF GRANTS.—

Determination.

“(1) IN GENERAL.—The Secretary shall provide a grant to each eligible entity that submits an application under subsection (c), including a plan under subsection (d), that the Secretary determines to be satisfactory.

“(2) AMOUNT OF GRANTS.—The amount of a grant under this section—

“(A) shall be based on the number of pollinator-friendly practices the eligible entity has implemented or plans to implement; and

“(B) shall not exceed \$150,000.

“(f) USE OF FUNDS.—An eligible entity that receives a grant under this section shall use the funds for the implementation, improvement, or further development of the plan under subsection (d).

“(g) FEDERAL SHARE.—The Federal share of the cost of an activity carried out with a grant under this section shall be 100 percent.

“(h) BEST PRACTICES.—The Secretary shall develop and make available to eligible entities best practices for, and a priority ranking of, pollinator-friendly practices on roadsides and highway rights-of-way.

“(i) TECHNICAL ASSISTANCE.—On request of an eligible entity that receives a grant under this section, the Secretary shall provide technical assistance with the implementation, improvement, or further development of a plan under subsection (d).

“(j) ADMINISTRATIVE COSTS.—For each fiscal year, the Secretary may use not more than 2 percent of the amounts made available to carry out this section for the administrative costs of carrying out this section.

“(k) REPORT.—Not later than 1 year after the date on which the first grant is provided under this section, the Secretary shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report on the implementation of the program under this section.

Time periods.

“(l) AUTHORIZATION OF APPROPRIATIONS.—

“(1) IN GENERAL.—There is authorized to be appropriated to carry out this section \$2,000,000 for each of fiscal years 2022 through 2026.

“(2) AVAILABILITY.—Amounts made available under this section shall remain available for a period of 3 years after the last day of the fiscal year for which the funds are authorized.”.

23 USC
prec. 301.

(b) CLERICAL AMENDMENT.—The analysis for chapter 3 of title 23, United States Code (as amended by section 11309(b)), is amended by adding at the end the following:

“332. Pollinator-friendly practices on roadsides and highway rights-of-way.”.

23 USC 217 note.

SEC. 11529. ACTIVE TRANSPORTATION INFRASTRUCTURE INVESTMENT PROGRAM.

Grants.

(a) IN GENERAL.—Subject to the availability of appropriations, the Secretary shall carry out an active transportation infrastructure investment program to make grants, on a competitive basis, to eligible organizations to construct eligible projects to provide safe and connected active transportation facilities in an active transportation network or active transportation spine.

(b) APPLICATION.—

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

(2) ELIGIBLE PROJECTS PARTIALLY ON FEDERAL LAND.—With respect to an application for an eligible project that is located in part on Federal land, an eligible organization shall enter into a cooperative agreement with the appropriate Federal agency with jurisdiction over such land to submit an application described in paragraph (1). Contracts.

(c) APPLICATION CONSIDERATIONS.—In making a grant for construction of an active transportation network or active transportation spine under this section, the Secretary shall consider the following:

(1) Whether the eligible organization submitted a plan for an eligible project for the development of walking and bicycling infrastructure that is likely to provide substantial additional opportunities for walking and bicycling, including effective plans— Plans.

(A) to create an active transportation network connecting destinations within or between communities, including schools, workplaces, residences, businesses, recreation areas, and other community areas, or create an active transportation spine connecting two or more communities, metropolitan regions, or States; and

(B) to integrate active transportation facilities with transit services, where available, to improve access to public transportation.

(2) Whether the eligible organization demonstrates broad community support through—

(A) the use of public input in the development of transportation plans; and

(B) the commitment of community leaders to the success and timely implementation of an eligible project.

(3) Whether the eligible organization provides evidence of commitment to traffic safety, regulations, financial incentives, or community design policies that facilitate significant increases in walking and bicycling.

(4) The extent to which the eligible organization demonstrates commitment of State, local, or eligible Federal matching funds, and land or in-kind contributions, in addition to the local match required under subsection (f)(1), unless the applicant qualifies for an exception under subsection (f)(2).

(5) The extent to which the eligible organization demonstrates that the grant will address existing disparities in bicyclist and pedestrian fatality rates based on race or income level or provide access to jobs and services for low-income communities and disadvantaged communities.

(6) Whether the eligible organization demonstrates how investment in active transportation will advance safety for pedestrians and cyclists, accessibility to jobs and key destinations, economic competitiveness, environmental protection, and quality of life.

(d) USE OF FUNDS.—

(1) IN GENERAL.—Of the amounts made available to carry out this section and subject to paragraphs (2) and (3), the Secretary shall obligate—

(A) not less than 30 percent to eligible projects that construct active transportation networks that connect people with public transportation, businesses, workplaces, schools, residences, recreation areas, and other community activity centers; and

(B) not less than 30 percent to eligible projects that construct active transportation spines.

(2) PLANNING AND DESIGN GRANTS.—Each fiscal year, the Secretary shall set aside not less than \$3,000,000 of the funds made available to carry out this section to provide planning grants for eligible organizations to develop plans for active transportation networks and active transportation spines.

(3) ADMINISTRATIVE COSTS.—Each fiscal year, the Secretary shall set aside not more than \$2,000,000 of the funds made available to carry out this section to cover the costs of administration, research, technical assistance, communications, and training activities under the program.

(4) LIMITATION ON STATUTORY CONSTRUCTION.—Nothing in this subsection prohibits an eligible organization from receiving research or other funds under title 23 or 49, United States Code.

(e) GRANT TIMING.—

(1) REQUEST FOR APPLICATION.—Not later than 30 days after funds are made available to carry out this section for a fiscal year, the Secretary shall publish in the Federal Register a request for applications for grants under this section for that fiscal year.

(2) SELECTION OF GRANT RECIPIENTS.—Not later than 150 days after funds are made available to carry out this section for a fiscal year, the Secretary shall select grant recipients of grants under this section for that fiscal year.

(f) FEDERAL SHARE.—

(1) IN GENERAL.—Except as provided in paragraph (2), the Federal share of the cost of an eligible project carried out using a grant under this section shall not exceed 80 percent of the total project cost.

(2) EXCEPTION FOR DISADVANTAGED COMMUNITIES.—For eligible projects serving communities with a poverty rate of over 40 percent based on the majority of census tracts served by the eligible project, the Secretary may increase the Federal share of the cost of the eligible project up to 100 percent of the total project cost.

(g) ASSISTANCE TO INDIAN TRIBES.—In carrying out this section, the Secretary may enter into grant agreements, self-determination contracts, and self-governance compacts under the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5301 et seq.) with Indian tribes that are eligible organizations, and such agreements, contracts, and compacts shall be administered in accordance with that Act.

(h) REPORTS.—

(1) INTERIM REPORT.—Not later than September 30, 2024, the Secretary shall submit to Congress a report containing the information described in paragraph (3).

(2) FINAL REPORT.—Not later than September 30, 2026, the Secretary shall submit to Congress a report containing the information described in paragraph (3).

Deadlines.
Federal Register,
publication.

Contracts.

(3) REPORT INFORMATION.—A report submitted under this subsection shall contain the following, with respect to the period covered by the applicable report:

- (A) A list of grants made under this section. List.
- (B) Best practices of eligible organizations that receive grants under this section in implementing eligible projects.
- (C) Impediments experienced by eligible organizations that receive grants under this section in developing and shifting to active transportation.

(i) RULE REQUIRED.—Not later than 1 year after the date of enactment of this Act, the Secretary shall issue a final rule that encourages the use of the programmatic categorical exclusion, expedited procurement techniques, and other best practices to facilitate productive and timely expenditures for eligible projects that are small, low-impact, and constructed within an existing built environment. Deadline.

(j) AUTHORIZATION OF APPROPRIATIONS.—

Time period.

(1) IN GENERAL.—There is authorized to be appropriated to the Secretary to carry out this section \$200,000,000 for each of fiscal years 2022 through 2026.

(2) AVAILABILITY.—The amounts made available to carry out this section shall remain available until expended.

(k) TREATMENT OF PROJECTS.—Notwithstanding any other provision of law, a project assisted under this section shall be treated as a project on a Federal-aid highway under chapter 1 of title 23, United States Code.

(l) DEFINITIONS.—In this section:

(1) ACTIVE TRANSPORTATION.—The term “active transportation” means mobility options powered primarily by human energy, including bicycling and walking.

(2) ACTIVE TRANSPORTATION NETWORK.—The term “active transportation network” means facilities built for active transportation, including sidewalks, bikeways, and pedestrian and bicycle trails, that connect between destinations within a community or metropolitan region.

(3) ACTIVE TRANSPORTATION SPINE.—The term “active transportation spine” means facilities built for active transportation, including sidewalks, bikeways, and pedestrian and bicycle trails that connect between communities, metropolitan regions, or States.

(4) COMMUNITY.—The term “community” means a geographic area that is socioeconomically interdependent and may include rural, suburban, and urban jurisdictions.

(5) ELIGIBLE ORGANIZATION.—The term “eligible organization” means—

- (A) a local or regional governmental organization, including a metropolitan planning organization or regional planning organization or council;
- (B) a multicounty special district;
- (C) a State;
- (D) a multistate group of governments; or
- (E) an Indian tribe.

(6) ELIGIBLE PROJECT.—The term “eligible project” means an active transportation project or group of projects—

- (A) within or between a community or group of communities, at least one of which falls within the jurisdiction

of an eligible organization, which has submitted an application under this section; and

(B) that has—

(i) a total cost of not less than \$15,000,000; or

(ii) with respect to planning and design grants, planning and design costs of not less than \$100,000.

(7) INDIAN TRIBE.—The term “Indian tribe” has the meaning given the term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5304).

(8) TOTAL PROJECT COST.—The term “total project cost” means the sum total of all costs incurred in the development of an eligible project that are approved by the Secretary as reasonable and necessary, including—

(A) the cost of acquiring real property;

(B) the cost of site preparation, demolition, and development;

(C) expenses related to the issuance of bonds or notes;

(D) fees in connection with the planning, execution, and financing of the eligible project;

(E) the cost of studies, surveys, plans, permits, insurance, interest, financing, tax, and assessments;

(F) the cost of construction, rehabilitation, reconstruction, and equipping the eligible project;

(G) the cost of land improvements;

(H) contractor fees;

(I) the cost of training and education related to the safety of users of any bicycle or pedestrian network or spine constructed as part of an eligible project; and

(J) any other cost that the Secretary determines is necessary and reasonable.

SEC. 11530. HIGHWAY COST ALLOCATION STUDY.

Deadline.
Coordination.
Determination.

(a) IN GENERAL.—Not later than 4 years after the date of enactment of this Act, the Secretary, in coordination with State departments of transportation, shall carry out a highway cost allocation study to determine the direct costs of highway use by various types of users.

Examination.

(b) INCLUSIONS.—The study under subsection (a) shall include an examination of—

(1) the Federal costs occasioned in the design, construction, rehabilitation, and maintenance of Federal-aid highways by—

(A) the use of vehicles of different dimensions, weights, number of axles, and other specifications; and

(B) the frequency of those vehicles in the traffic stream;

Determination.

(2) the safety-, emissions-, congestion-, and noise-related costs of highway use by various types of users, and other costs as determined by the Secretary; and

(3) the proportionate share of the costs described in paragraph (1) that are attributable to each class of highway users.

(c) REQUIREMENTS.—In carrying out the study under subsection (a), the Secretary shall—

(1) ensure that the study examines only direct costs of highway use;

(2) capture the various driving conditions in different geographic areas of the United States;

(3) to the maximum extent practicable, distinguish between costs directly occasioned by a highway user class and costs occasioned by all highway user classes; and

(4) compare the costs occasioned by various highway user classes with the user fee revenue contributed to the Highway Trust Fund by those highway user classes.

(d) REPORTS.—

(1) INTERIM REPORTS.—Not less frequently than annually during the period during which the Secretary is carrying out the study under subsection (a), the Secretary shall submit to Congress an interim report on the progress of the study.

(2) FINAL REPORT.—On completion of the study under subsection (a), the Secretary shall submit to Congress a final report on the results of the study, including the recommendations under subsection (e).

Recommendations.

(e) RECOMMENDATIONS.—On completion of the study under subsection (a), the Secretary, in coordination with the Secretary of the Treasury, shall develop recommendations for a set of revenue options to fully cover the costs occasioned by highway users, including recommendations for—

Coordination.

- (1) changes to existing revenue streams; and
- (2) new revenue streams based on user fees.

TITLE II—TRANSPORTATION INFRASTRUCTURE FINANCE AND INNOVATION

SEC. 12001. TRANSPORTATION INFRASTRUCTURE FINANCE AND INNOVATION ACT OF 1998 AMENDMENTS.

(a) DEFINITIONS.—Section 601(a) of title 23, United States Code, is amended—

(1) in subparagraph (E) of paragraph (10), by striking “3 years” and inserting “5 years”; and

(2) in paragraph (12)—

(A) by striking subparagraph (E) and inserting the following:

“(E) a project to improve or construct public infrastructure—

“(i) that—

“(I) is located within walking distance of, and accessible to, a fixed guideway transit facility, passenger rail station, intercity bus station, or intermodal facility, including a transportation, public utility, or capital project described in section 5302(3)(G)(v) of title 49, and related infrastructure; or

“(II) is a project for economic development, including commercial and residential development, and related infrastructure and activities—

“(aa) that incorporates private investment;

“(bb) that is physically or functionally related to a passenger rail station or multimodal station that includes rail service;

Deadline.

“(cc) for which the project sponsor has a high probability of commencing the contracting process for construction by not later than 90 days after the date on which credit assistance under the TIFIA program is provided for the project; and

“(dd) that has a high probability of reducing the need for financial assistance under any other Federal program for the relevant passenger rail station or service by increasing ridership, tenant lease payments, or other activities that generate revenue exceeding costs; and

Deadline.

“(ii) for which, by not later than September 30, 2026, the Secretary has—

“(I) received a letter of interest; and

Determination.

“(II) determined that the project is eligible for assistance;”;

(B) in subparagraph (F), by striking the period at the end and inserting a semicolon; and

(C) by adding at the end the following:

Deadline.

“(G) an eligible airport-related project (as defined in section 40117(a) of title 49) for which, not later than September 30, 2025, the Secretary has—

“(i) received a letter of interest; and

Determination.

“(ii) determined that the project is eligible for assistance; and

“(H) a project for the acquisition of plant and wildlife habitat pursuant to a conservation plan that—

“(i) has been approved by the Secretary of the Interior pursuant to section 10 of the Endangered Species Act of 1973 (16 U.S.C. 1539); and

“(ii) in the judgment of the Secretary, would mitigate the environmental impacts of transportation infrastructure projects otherwise eligible for assistance under this title.”.

(b) ELIGIBILITY.—Section 602(a)(2) of title 23, United States Code, is amended—

(1) in subparagraph (A)(iv)—

(A) by striking “a rating” and inserting “an investment-grade rating”; and

(B) by striking “\$75,000,000” and inserting “\$150,000,000”; and

(2) in subparagraph (B)—

(A) by striking “the senior debt” and inserting “senior debt”; and

(B) by striking “credit instrument is for an amount less than \$75,000,000” and inserting “total amount of other senior debt and the Federal credit instrument is less than \$150,000,000”.

(c) FEDERAL REQUIREMENTS.—Section 602(c)(1) of title 23, United States Code, is amended in the matter preceding subparagraph (A) by striking “and the requirements of section 5333(a) of title 49 for rail projects,” and inserting “the requirements of section 5333(a) of title 49 for rail projects, and the requirements of sections 47112(b) and 50101 of title 49 for airport-related projects,”.

(d) PROCESSING TIMELINES.—Section 602(d) of title 23, United States Code, is amended—

(1) by redesignating paragraphs (1) and (2) as paragraphs (2) and (3), respectively;

(2) in paragraph (3) (as so redesignated), by striking “paragraph (1)” and inserting “paragraph (2)”; and

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

“(1) PROCESSING TIMELINES.—Except in the case of an application described in subsection (a)(8) and to the maximum extent practicable, the Secretary shall provide an applicant with a specific estimate of the timeline for the approval or disapproval of the application of the applicant, which, to the maximum extent practicable, the Secretary shall endeavor to complete by not later than 150 days after the date on which the applicant submits a letter of interest to the Secretary.”.

Estimate.
Deadline.

(e) MATURITY DATE OF CERTAIN SECURED LOANS.—Section 603(b)(5) of title 23, United States Code, is amended—

(1) in subparagraph (A), in the matter preceding clause (i), by striking “subparagraph (B)” and inserting “subparagraphs (B) and (C)”; and

(2) by adding at the end the following:

“(C) LONG LIVED ASSETS.—In the case of a capital asset with an estimated life of more than 50 years, the final maturity date of the secured loan shall be the lesser of—

“(i) 75 years after the date of substantial completion of the project; or

“(ii) 75 percent of the estimated useful life of the capital asset.”.

(f) SECURED LOANS.—Section 603(c)(4)(A) of title 23, United States Code, is amended—

(1) by striking “Any excess” and inserting the following:

“(i) IN GENERAL.—Except as provided in clause (ii), any excess”; and

(2) by adding at the end the following:

“(ii) CERTAIN APPLICANTS.—In the case of a secured loan or other secured Federal credit instrument provided after the date of enactment of the Surface Transportation Reauthorization Act of 2021, if the obligor is a governmental entity, agency, or instrumentality, the obligor shall not be required to prepay the secured loan or other secured Federal credit instrument with any excess revenues described in clause (i) if the obligor enters into an agreement to use those excess revenues only for purposes authorized under this title or title 49.”.

Contracts.

(g) TECHNICAL AMENDMENT.—Section 602(e) of title 23, United States Code, is amended by striking “section 601(a)(1)(A)” and inserting “section 601(a)(2)(A)”.

(h) STREAMLINED APPLICATION PROCESS.—Section 603(f) of title 23, United States Code, is amended by adding at the end the following:

“(3) ADDITIONAL TERMS FOR EXPEDITED DECISIONS.—

“(A) IN GENERAL.—Not later than 120 days after the date of enactment of this paragraph, the Secretary shall implement an expedited decision timeline for public agency borrowers seeking secured loans that meet—

Deadline.
Timeline.

“(i) the terms under paragraph (2); and

“(ii) the additional criteria described in subparagraph (B).

“(B) ADDITIONAL CRITERIA.—The additional criteria referred to in subparagraph (A)(ii) are the following:

“(i) The secured loan is made on terms and conditions that substantially conform to the conventional terms and conditions established by the National Surface Transportation Innovative Finance Bureau.

“(ii) The secured loan is rated in the A category or higher.

“(iii) The TIFIA program share of eligible project costs is 33 percent or less.

Deadline.

“(iv) The applicant demonstrates a reasonable expectation that the contracting process for the project can commence by not later than 90 days after the date on which a Federal credit instrument is obligated for the project under the TIFIA program.

“(v) The project has received a categorical exclusion, a finding of no significant impact, or a record of decision under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

Deadline.

“(C) WRITTEN NOTICE.—The Secretary shall provide to an applicant seeking a secured loan under the expedited decision process under this paragraph a written notice informing the applicant whether the Secretary has approved or disapproved the application by not later than 180 days after the date on which the Secretary submits to the applicant a letter indicating that the National Surface Transportation Innovative Finance Bureau has commenced the creditworthiness review of the project.”.

(i) FUNDING.—

(1) IN GENERAL.—Section 608(a) of title 23, United States Code, is amended—

(A) by redesignating paragraphs (4) and (5) as paragraphs (5) and (6), respectively;

(B) by inserting after paragraph (3) the following:

“(4) LIMITATION FOR CERTAIN PROJECTS.—

“(A) TRANSIT-ORIENTED DEVELOPMENT PROJECTS.—For each fiscal year, the Secretary may use to carry out projects described in section 601(a)(12)(E) not more than 15 percent of the amounts made available to carry out the TIFIA program for that fiscal year.

“(B) AIRPORT-RELATED PROJECTS.—The Secretary may use to carry out projects described in section 601(a)(12)(G)—

“(i) for each fiscal year, not more than 15 percent of the amounts made available to carry out the TIFIA program under the Surface Transportation Reauthorization Act of 2021 for that fiscal year; and

Time period.

“(ii) for the period of fiscal years 2022 through 2026, not more than 15 percent of the unobligated carryover balances (as of October 1, 2021).”; and

(C) by striking paragraph (6) (as so redesignated) and inserting the following:

“(6) ADMINISTRATIVE COSTS.—Of the amounts made available to carry out the TIFIA program, the Secretary may use

not more than \$10,000,000 for each of fiscal years 2022 through 2026 for the administration of the TIFIA program.”

(2) CONFORMING AMENDMENT.—Section 605(f)(1) of title 23, United States Code, is amended by striking “section 608(a)(5)” and inserting “section 608(a)(6)”.

(j) STATUS REPORTS.—Section 609 of title 23, United States Code, is amended by adding at the end the following:

“(c) STATUS REPORTS.—

“(1) IN GENERAL.—The Secretary shall publish on the website for the TIFIA program—

Web postings.
Time periods.

“(A) on a monthly basis, a current status report on all submitted letters of interest and applications received for assistance under the TIFIA program; and

“(B) on a quarterly basis, a current status report on all approved applications for assistance under the TIFIA program.

“(2) INCLUSIONS.—Each monthly and quarterly status report under paragraph (1) shall include, at a minimum, with respect to each project included in the status report—

“(A) the name of the party submitting the letter of interest or application;

“(B) the name of the project;

“(C) the date on which the letter of interest or application was received;

“(D) the estimated project eligible costs;

Cost estimate.

“(E) the type of credit assistance sought; and

“(F) the anticipated fiscal year and quarter for closing of the credit assistance.”.

(k) STATE INFRASTRUCTURE BANK PROGRAM.—Section 610 of title 23, United States Code, is amended—

(1) in subsection (d)—

(A) in paragraph (1)(A), by striking “fiscal years 2016 through 2020” and inserting “fiscal years 2022 through 2026”;

(B) in paragraph (2), by striking “fiscal years 2016 through 2020” and inserting “fiscal years 2022 through 2026”; and

(C) in paragraph (3), by striking “fiscal years 2016 through 2020” and inserting “fiscal years 2022 through 2026”; and

(2) in subsection (k), by striking “fiscal years 2016 through 2020” and inserting “fiscal years 2022 through 2026”.

(l) REPORT.—Not later than September 30, 2025, the Secretary shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report on the impact of the amendment relating to airport-related projects under subsection (a)(2)(C) and subsection (i)(1)(B), including—

(1) information on the use of TIFIA program (as defined in section 601(a) of title 23, United States Code) funds for eligible airport-related projects (as defined in section 40117(a) of title 49, United States Code); and

(2) recommendations for modifications to the TIFIA program.

Recommendations.

SEC. 12002. FEDERAL REQUIREMENTS FOR TIFIA ELIGIBILITY AND PROJECT SELECTION.

(a) **IN GENERAL.**—Section 602(c) of title 23, United States Code, is amended by adding at the end the following:

“(3) **PAYMENT AND PERFORMANCE SECURITY.**—

“(A) **IN GENERAL.**—The Secretary shall ensure that the design and construction of a project carried out with assistance under the TIFIA program shall have appropriate payment and performance security, regardless of whether the obligor is a State, local government, agency or instrumentality of a State or local government, public authority, or private party.

“(B) **WRITTEN DETERMINATION.**—If payment and performance security is required to be furnished by applicable State or local statute or regulation, the Secretary may accept such payment and performance security requirements applicable to the obligor if the Federal interest with respect to Federal funds and other project risk related to design and construction is adequately protected.

“(C) **NO DETERMINATION OR APPLICABLE REQUIREMENTS.**—If there are no payment and performance security requirements applicable to the obligor, the security under section 3131(b) of title 40 or an equivalent State or local requirement, as determined by the Secretary, shall be required.”.

23 USC 602 note.

(b) **APPLICABILITY.**—The amendments made by this section shall apply with respect to any agreement for credit assistance entered into on or after the date of enactment of this Act.

TITLE III—RESEARCH, TECHNOLOGY, AND EDUCATION

23 USC 503 note.

SEC. 13001. STRATEGIC INNOVATION FOR REVENUE COLLECTION.

(a) **IN GENERAL.**—The Secretary shall establish a program to test the feasibility of a road usage fee and other user-based alternative revenue mechanisms (referred to in this section as “user-based alternative revenue mechanisms”) to help maintain the long-term solvency of the Highway Trust Fund, through pilot projects at the State, local, and regional level.

(b) **GRANTS.**—

(1) **IN GENERAL.**—The Secretary shall provide grants to eligible entities to carry out pilot projects under this section.

(2) **APPLICATIONS.**—To be eligible for a grant under this section, an eligible entity shall submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require.

(3) **OBJECTIVES.**—The Secretary shall ensure that, in the aggregate, the pilot projects carried out using funds provided under this section meet the following objectives:

(A) To test the design, acceptance, equity, and implementation of user-based alternative revenue mechanisms, including among—

(i) differing income groups; and

(ii) rural and urban drivers, as applicable.

(B) To provide recommendations regarding adoption and implementation of user-based alternative revenue mechanisms. Recommendations.

(C) To quantify and minimize the administrative costs of any potential user-based alternative revenue mechanisms.

(D) To test a variety of solutions, including the use of independent and private third-party vendors, for the collection of data and fees from user-based alternative revenue mechanisms, including the reliability and security of those solutions and vendors.

(E) To test solutions to ensure the privacy and security of data collected for the purpose of implementing a user-based alternative revenue mechanism.

(F) To conduct public education and outreach to increase public awareness regarding the need for user-based alternative revenue mechanisms for surface transportation programs.

(G) To evaluate the ease of compliance and enforcement of a variety of implementation approaches for different users of the surface transportation system. Evaluation.

(H) To ensure, to the greatest extent practicable, the use of innovation.

(I) To consider, to the greatest extent practicable, the potential for revenue collection along a network of alternative fueling stations.

(J) To evaluate the impacts of the imposition of a user-based alternative revenue mechanism on— Evaluation.

(i) transportation revenues;

(ii) personal mobility, driving patterns, congestion, and transportation costs; and

(iii) freight movement and costs.

(K) To evaluate options for the integration of a user-based alternative revenue mechanism with— Evaluation.

(i) nationwide transportation revenue collections and regulations;

(ii) toll revenue collection platforms;

(iii) transportation network company fees; and

(iv) any other relevant transportation revenue mechanisms.

(4) **ELIGIBLE ENTITY.**—An entity eligible to apply for a grant under this section is—

(A) a State or a group of States;

(B) a local government or a group of local governments;

or

(C) a metropolitan planning organization (as defined in section 134(b) of title 23, United States Code) or a group of metropolitan planning organizations.

(5) **USE OF FUNDS.**—An eligible entity that receives a grant under this section shall use the grant to carry out a pilot project to address 1 or more of the objectives described in paragraph (3).

(6) **CONSIDERATION.**—The Secretary shall consider geographic diversity in awarding grants under this subsection.

(7) **FEDERAL SHARE.**—The Federal share of the cost of a pilot project carried out under this section may not exceed—

(A) 80 percent of the total cost of a project carried out by an eligible entity that has not otherwise received a grant under this section; and

(B) 70 percent of the total cost of a project carried out by an eligible entity that has received at least 1 grant under this section.

(c) **LIMITATION ON REVENUE COLLECTED.**—Any revenue collected through a user-based alternative revenue mechanism established using funds provided under this section shall not be considered a toll under section 301 of title 23, United States Code.

Coordination.

(d) **RECOMMENDATIONS AND REPORT.**—Not later than 3 years after the date of enactment of this Act, the Secretary, in coordination with the Secretary of the Treasury and the Federal System Funding Alternative Advisory Board established under section 13002(g)(1), shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report that—

Summaries.

(1) summarizes the results of the pilot projects under this section and the national pilot program under section 13002; and

(2) provides recommendations, if applicable, to enable potential implementation of a nationwide user-based alternative revenue mechanism.

(e) **FUNDING.**—

(1) **IN GENERAL.**—Of the funds made available to carry out section 503(b) of title 23, United States Code, for each of fiscal years 2022 through 2026 \$15,000,000 shall be used for pilot projects under this section.

Effective date.
Determination.
Transfer
authority.

(2) **FLEXIBILITY.**—If, by August 1 of each fiscal year, the Secretary determines that there are not enough grant applications to meet the requirements of this section for that fiscal year, the Secretary shall transfer to the national pilot program under section 13002 or to the highway research and development program under section 503(b) of title 23, United States Code—

(A) any funds reserved for a fiscal year under paragraph (1) that the Secretary has not yet awarded under this section; and

(B) an amount of obligation limitation equal to the amount of funds that the Secretary transfers under subparagraph (A).

(f) **REPEAL.**—

(1) **IN GENERAL.**—Section 6020 of the FAST Act (23 U.S.C. 503 note; Public Law 114–94) is repealed.

(2) **CLERICAL AMENDMENT.**—The table of contents in section 1(b) of the FAST Act (Public Law 114–94; 129 Stat. 1312) is amended by striking the item relating to section 6020.

23 USC 503 note.

SEC. 13002. NATIONAL MOTOR VEHICLE PER-MILE USER FEE PILOT.

(a) **DEFINITIONS.**—In this section:

(1) **ADVISORY BOARD.**—The term “advisory board” means the Federal System Funding Alternative Advisory Board established under subsection (g)(1).

(2) **COMMERCIAL VEHICLE.**—The term “commercial vehicle” has the meaning given the term commercial motor vehicle in section 31101 of title 49, United States Code.

(3) **HIGHWAY TRUST FUND.**—The term “Highway Trust Fund” means the Highway Trust Fund established under section 9503 of the Internal Revenue Code of 1986.

(4) **LIGHT TRUCK.**—The term “light truck” has the meaning given the term in section 523.2 of title 49, Code of Federal Regulations (or successor regulations).

(5) **MEDIUM- AND HEAVY-DUTY TRUCK.**—The term “medium- and heavy-duty truck” has the meaning given the term “commercial medium- and heavy-duty on-highway vehicle” in section 32901(a) of title 49, United States Code.

(6) **PASSENGER MOTOR VEHICLE.**—The term “passenger motor vehicle” has the meaning given the term in section 32101 of title 49, United States Code.

(7) **PER-MILE USER FEE.**—The term “per-mile user fee” means a revenue mechanism that—

(A) is applied to road users operating motor vehicles on the surface transportation system; and

(B) is based on the number of vehicle miles traveled by an individual road user.

(8) **PILOT PROGRAM.**—The term “pilot program” means the pilot program established under subsection (b)(1).

(9) **VOLUNTEER PARTICIPANT.**—The term “volunteer participant” means—

(A) an owner or lessee of a private, personal motor vehicle who volunteers to participate in the pilot program;

(B) a commercial vehicle operator who volunteers to participate in the pilot program; or

(C) an owner of a motor vehicle fleet who volunteers to participate in the pilot program.

(b) **ESTABLISHMENT.**—

(1) **IN GENERAL.**—The Secretary, in coordination with the Secretary of the Treasury, and consistent with the recommendations of the advisory board, shall establish a pilot program to demonstrate a national motor vehicle per-mile user fee—

Coordination.

(A) to restore and maintain the long-term solvency of the Highway Trust Fund; and

(B) to improve and maintain the surface transportation system.

(2) **OBJECTIVES.**—The objectives of the pilot program are—

(A) to test the design, acceptance, implementation, and financial sustainability of a national motor vehicle per-mile user fee;

(B) to address the need for additional revenue for surface transportation infrastructure and a national motor vehicle per-mile user fee; and

(C) to provide recommendations relating to the adoption and implementation of a national motor vehicle per-mile user fee.

Recommendations.

(c) **PARAMETERS.**—In carrying out the pilot program, the Secretary, in coordination with the Secretary of the Treasury, shall—

Coordination.

(1) provide different methods that volunteer participants can choose from to track motor vehicle miles traveled;

(2) solicit volunteer participants from all 50 States, the District of Columbia, and the Commonwealth of Puerto Rico;

District of
Columbia.
Puerto Rico.

(3) ensure an equitable geographic distribution by population among volunteer participants;

(4) include commercial vehicles and passenger motor vehicles; and

(5) use components of and, where appropriate, coordinate with—

(A) the States that received a grant under section 6020 of the FAST Act (23 U.S.C. 503 note; Public Law 114–94) (as in effect on the day before the date of enactment of this Act); and

(B) eligible entities that received a grant under section 13001.

(d) METHODS.—

Coordination.

(1) TOOLS.—In selecting the methods described in subsection (c)(1), the Secretary shall coordinate with entities that voluntarily provide to the Secretary for use under the pilot program any of the following vehicle-miles-traveled collection tools:

(A) Third-party on-board diagnostic (OBD-II) devices.

(B) Smart phone applications.

(C) Telemetric data collected by automakers.

(D) Motor vehicle data obtained by car insurance companies.

(E) Data from the States that received a grant under section 6020 of the FAST Act (23 U.S.C. 503 note; Public Law 114–94) (as in effect on the day before the date of enactment of this Act).

(F) Motor vehicle data obtained from fueling stations.

(G) Any other method that the Secretary considers appropriate.

(2) COORDINATION.—

Determination.

(A) SELECTION.—The Secretary shall determine which collection tools under paragraph (1) are selected for the pilot program.

(B) VOLUNTEER PARTICIPANTS.—In a manner that the Secretary considers appropriate, the Secretary shall enable each volunteer participant to choose 1 of the selected collection tools under paragraph (1).

(e) MOTOR VEHICLE PER-MILE USER FEES.—For the purposes of the pilot program, the Secretary of the Treasury shall establish, on an annual basis, per-mile user fees for passenger motor vehicles, light trucks, and medium- and heavy-duty trucks, which amount may vary between vehicle types and weight classes to reflect estimated impacts on infrastructure, safety, congestion, the environment, or other related social impacts.

Coordination.

(f) VOLUNTEER PARTICIPANTS.—The Secretary, in coordination with the Secretary of the Treasury, shall—

(1)(A) ensure, to the extent practicable, that the greatest number of volunteer participants participate in the pilot program; and

(B) ensure that such volunteer participants represent geographically diverse regions of the United States, including from urban and rural areas; and

(2) issue policies relating to the protection of volunteer participants, including policies that—

(A) protect the privacy of volunteer participants; and

(B) secure the data provided by volunteer participants.

(g) FEDERAL SYSTEM FUNDING ALTERNATIVE ADVISORY BOARD.—

(1) IN GENERAL.—Not later than 90 days after the date of enactment of this Act, the Secretary shall establish an advisory board, to be known as the “Federal System Funding Alternative Advisory Board”, to assist with—

Deadline.
Establishment.

(A) providing the Secretary with recommendations related to the structure, scope, and methodology for developing and implementing the pilot program;

Recommendations.

(B) carrying out the public awareness campaign under subsection (h); and

(C) developing the report under subsection (n).

(2) MEMBERSHIP.—The advisory board shall include, at a minimum, the following representatives and entities, to be appointed by the Secretary:

Appointments.

(A) State departments of transportation.

(B) Any public or nonprofit entity that led a surface transportation system funding alternatives pilot project under section 6020 of the FAST Act (23 U.S.C. 503 note; Public Law 114–94) (as in effect on the day before the date of enactment of this Act).

(C) Representatives of the trucking industry, including owner-operator independent drivers.

(D) Data security experts with expertise in personal privacy.

(E) Academic experts on surface transportation systems.

(F) Consumer advocates, including privacy experts.

(G) Advocacy groups focused on equity.

(H) Owners of motor vehicle fleets.

(I) Owners and operators of toll facilities.

(J) Tribal groups or representatives.

(K) Any other representatives or entities, as determined appropriate by the Secretary.

Determination.

(3) RECOMMENDATIONS.—Not later than 1 year after the date on which the advisory board is established under paragraph (1), the advisory board shall provide the Secretary with the recommendations described in subparagraph (A) of that paragraph, which the Secretary shall use in implementing the pilot program.

Deadline.

(h) PUBLIC AWARENESS CAMPAIGN.—

(1) IN GENERAL.—The Secretary, with guidance from the advisory board, may carry out a public awareness campaign to increase public awareness regarding a national motor vehicle per-mile user fee, including distributing information—

(A) related to the pilot program;

(B) from the State surface transportation system funding alternatives pilot program under section 6020 of the FAST Act (23 U.S.C. 503 note; Public Law 114–94) (as in effect on the day before the date of enactment of this Act); and

(C) related to consumer privacy.

(2) CONSIDERATIONS.—In carrying out the public awareness campaign under this subsection, the Secretary shall consider issues unique to each State.

(i) REVENUE COLLECTION.—The Secretary of the Treasury, in coordination with the Secretary, shall establish a mechanism to collect motor vehicle per-mile user fees established under subsection (e) from volunteer participants, which—

Coordination.

- (1) may be adjusted as needed to address technical challenges; and
- (2) may allow independent and private third-party vendors to collect the motor vehicle per-mile user fees and forward such fees to the Treasury.
- Contracts. (j) AGREEMENT.—The Secretary may enter into an agreement with a volunteer participant containing such terms and conditions as the Secretary considers necessary for participation in the pilot program.
- (k) LIMITATION.—Any revenue collected through the mechanism established under subsection (i) shall not be considered a toll under section 301 of title 23, United States Code.
- (l) HIGHWAY TRUST FUND.—The Secretary of the Treasury shall ensure that any revenue collected under subsection (i) is deposited into the Highway Trust Fund.
- Deadlines.
Time period.
Consultation.
Estimates. (m) PAYMENT.—Not more than 60 days after the end of each calendar quarter in which a volunteer participant has participated in the pilot program, the Secretary of the Treasury, in consultation with the Secretary of Transportation, shall estimate an amount of payment for each volunteer based on the vehicle miles submitted by the volunteer for the calendar quarter and issue such payment to such volunteer participant.
- Analysis. (n) REPORT TO CONGRESS.—Not later than 1 year after the date on which volunteer participants begin participating in the pilot program, and each year thereafter for the duration of the pilot program, the Secretary and the Secretary of the Treasury shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report that includes an analysis of—
- (1) whether the objectives described in subsection (b)(2) were achieved;
- (2) how volunteer participant protections in subsection (f)(2) were complied with;
- Estimates. (3) whether motor vehicle per-mile user fees can maintain the long-term solvency of the Highway Trust Fund and improve and maintain the surface transportation system, which shall include estimates of administrative costs related to collecting such motor vehicle per mile user fees;
- (4) how the privacy of volunteers was maintained; and
- (5) equity impacts of the pilot program, including the impacts of the pilot program on low-income commuters.
- (o) FUNDING.—
- Time period. (1) IN GENERAL.—Of the funds made available to carry out section 503(b) of title 23, United States Code, for each of fiscal years 2022 through 2026 \$10,000,000 shall be used to carry out the pilot program under this section.
- (2) EXCESS FUNDS.—Any excess funds remaining after carrying out the pilot program under this section shall be available to make grants for pilot projects under section 13001.

SEC. 13003. PERFORMANCE MANAGEMENT DATA SUPPORT PROGRAM.

Section 6028(c) of the FAST Act (23 U.S.C. 150 note; Public Law 114–94) is amended by striking “fiscal years 2016 through 2020” and inserting “fiscal years 2022 through 2026”.

SEC. 13004. DATA INTEGRATION PILOT PROGRAM.

23 USC 503 note.

(a) **ESTABLISHMENT.**—The Secretary shall establish a pilot program—

(1) to provide research and develop models that integrate, in near-real-time, data from multiple sources, including geolocated—

(A) weather conditions;

(B) roadway conditions;

(C) incidents, work zones, and other nonrecurring events related to emergency planning; and

(D) information from emergency responders; and

(2) to facilitate data integration between the Department, the National Weather Service, and other sources of data that provide real-time data with respect to roadway conditions during or as a result of severe weather events, including, at a minimum—

(A) winter weather;

(B) heavy rainfall; and

(C) tropical weather events.

(b) **REQUIREMENTS.**—In carrying out subsection (a)(1), the Secretary shall—

(1) address the safety, resiliency, and vulnerability of the transportation system to disasters; and

(2) develop tools for decisionmakers and other end-users who could use or benefit from the integrated data described in that subsection to improve public safety and mobility.

(c) **TREATMENT.**—Except as otherwise provided in this section, the Secretary shall carry out activities under the pilot program under this section as if—

(1) those activities were authorized under chapter 5 of title 23, United States Code; and

(2) the funds made available to carry out the pilot program were made available under that chapter.

(d) **AUTHORIZATION OF APPROPRIATIONS.**—There is authorized to be appropriated to carry out this section \$2,500,000 for each of fiscal years 2022 through 2026, to remain available until expended.

Time period.

SEC. 13005. EMERGING TECHNOLOGY RESEARCH PILOT PROGRAM.

23 USC 503 note.

(a) **ESTABLISHMENT.**—The Secretary shall establish a pilot program to conduct emerging technology research in accordance with this section.

(b) **ACTIVITIES.**—The pilot program under this section shall include—

(1) research and development activities relating to leveraging advanced and additive manufacturing technologies to increase the structural integrity and cost-effectiveness of surface transportation infrastructure; and

(2) research and development activities (including laboratory and test track supported accelerated pavement testing research regarding the impacts of connected, autonomous, and platooned vehicles on pavement and infrastructure performance)—

(A) to reduce the impact of automated and connected driving systems and advanced driver-assistance systems on pavement and infrastructure performance; and

(B) to improve transportation infrastructure design in anticipation of increased usage of automated driving systems and advanced driver-assistance systems.

(c) TREATMENT.—Except as otherwise provided in this section, the Secretary shall carry out activities under the pilot program under this section as if—

(1) those activities were authorized under chapter 5 of title 23, United States Code; and

(2) the funds made available to carry out the pilot program were made available under that chapter.

Time period.

(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section \$5,000,000 for each of fiscal years 2022 through 2026, to remain available until expended.

SEC. 13006. RESEARCH AND TECHNOLOGY DEVELOPMENT AND DEPLOYMENT.

(a) IN GENERAL.—Section 503 of title 23, United States Code, is amended—

(1) in subsection (a)(2), by striking “section 508” and inserting “section 6503 of title 49”;

(2) in subsection (b)—

(A) in paragraph (1)—

(i) in subparagraph (C), by striking “and” at the end;

(ii) in subparagraph (D), by striking the period at the end and inserting a semicolon; and

(iii) by adding at the end the following:

“(E) engage with public and private entities to spur advancement of emerging transformative innovations through accelerated market readiness; and

Consultation.

“(F) consult frequently with public and private entities on new transportation technologies.”;

(B) in paragraph (2)(C)—

(i) by redesignating clauses (x) through (xv) as clauses (xi) through (xvi), respectively; and

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

“(x) safety measures to reduce the number of wild-life-vehicle collisions.”;

(C) in paragraph (3)—

(i) in subparagraph (B)(viii), by inserting “, including weather,” after “events”; and

(ii) in subparagraph (C)—

(I) in clause (xv), by inserting “extreme weather events and” after “withstand”;

(II) in clause (xviii), by striking “and” at the end;

(III) in clause (xix), by striking the period at the end and inserting “; and”; and

(IV) by adding at the end the following:

Studies.

“(xx) studies on the deployment and revenue potential of the deployment of energy and broadband infrastructure in highway rights-of-way, including potential adverse impacts of the use or nonuse of those rights-of-way.”;

(D) in paragraph (6)—

- (i) in subparagraph (A), by striking “and” at the end;
- (ii) in subparagraph (B), by striking the period at the end and inserting “; and”; and
- (iii) by adding at the end the following:
 - “(C) to support research on non-market-ready technologies in consultation with public and private entities.”; Consultation.
- (E) in paragraph (7)(B)—
 - (i) in the matter preceding clause (i), by inserting “innovations by leading” after “support”;
 - (ii) in clause (iii), by striking “and” at the end;
 - (iii) in clause (iv), by striking the period at the end and inserting “; and”; and
 - (iv) by adding at the end the following:
 - “(v) the evaluation of information from accelerated market readiness efforts, including non-market-ready technologies, in consultation with other offices of the Federal Highway Administration, the National Highway Traffic Safety Administration, and other key partners.”; Evaluation.
- (F) in paragraph (8)(A), by striking “future highway” and all that follows through “needs.” and inserting the following: “current conditions and future needs of highways, bridges, and tunnels of the United States, including—
 - “(i) the conditions and performance of the highway network for freight movement;
 - “(ii) intelligent transportation systems;
 - “(iii) resilience needs; and
 - “(iv) the backlog of current highway, bridge, and tunnel needs.”; and
- (G) by adding at the end the following:
 - “(9) ANALYSIS TOOLS.—The Secretary may develop interactive modeling tools and databases that—
 - “(A) track the full condition of highway assets, including interchanges, and the reconstruction history of those assets;
 - “(B) can be used to assess transportation options;
 - “(C) allow for the monitoring and modeling of network-level traffic flows on highways; and
 - “(D) further Federal and State understanding of the importance of national and regional connectivity and the need for long-distance and interregional passenger and freight travel by highway and other surface transportation modes.”; and
- (3) in subsection (c)—
 - (A) in paragraph (1)—
 - (i) in the matter preceding subparagraph (A), by inserting “use of rights-of-way permissible under applicable law,” after “structures,”;
 - (ii) in subparagraph (D), by striking “and” at the end;
 - (iii) in subparagraph (E), by striking the period at the end and inserting “; and”; and
 - (iv) by adding at the end the following:
 - “(F) disseminating and evaluating information from accelerated market readiness efforts, including non-market-ready technologies, to public and private entities.”; Evaluation.

(B) in paragraph (2)—

(i) in subparagraph (B)(iii), by striking “improved tools and methods to accelerate the adoption” and inserting “and deploy improved tools and methods to accelerate the adoption of early-stage and proven innovative practices and technologies and, as the Secretary determines to be appropriate, support continued implementation”; and

(ii) by adding at the end the following:

“(D) REPORT.—Not later than 2 years after the date of enactment of this subparagraph and every 2 years thereafter, the Secretary shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives and make publicly available on an internet website a report that describes—

“(i) the activities the Secretary has undertaken to carry out the program established under paragraph (1); and

“(ii) how and to what extent the Secretary has worked to disseminate non-market-ready technologies to public and private entities.”;

(C) in paragraph (3)—

(i) by redesignating subparagraphs (C) and (D) as subparagraphs (D) and (E), respectively;

(ii) by inserting after subparagraph (B) the following:

“(C) HIGH-FRICTION SURFACE TREATMENT APPLICATION STUDY.—

“(i) DEFINITION OF INSTITUTION.—In this subparagraph, the term ‘institution’ means a private sector entity, public agency, research university or other research institution, or organization representing transportation and technology leaders or other transportation stakeholders that, as determined by the Secretary, is capable of working with State highway agencies, the Federal Highway Administration, and the highway construction industry to develop and evaluate new products, design technologies, and construction methods that quickly lead to pavement improvements.

“(ii) STUDY.—The Secretary shall seek to enter into an agreement with an institution to carry out a study on the use of natural and synthetic calcined bauxite as a high-friction surface treatment application on pavement.

“(iii) REPORT.—Not later than 18 months after the date of enactment of the Surface Transportation Reauthorization Act of 2021, the Secretary shall submit a report on the results of the study under clause (ii) to—

“(I) the Committee on Environment and Public Works of the Senate;

“(II) the Committee on Transportation and Infrastructure of the House of Representatives;

“(III) the Federal Highway Administration; and

Public
information.
Web posting.

Contracts.

“(IV) the American Association of State Highway and Transportation Officials.”;

(iii) in subparagraph (D) (as so redesignated), by striking “fiscal years 2016 through 2020” and inserting “fiscal years 2022 through 2026”; and

(iv) in subparagraph (E) (as so redesignated)—

(I) in clause (i), by striking “annually” and inserting “once every 3 years”; and

(II) in clause (ii)—

(aa) in subclause (III), by striking “and” at the end;

(bb) in subclause (IV), by striking the period at the end and inserting a semicolon; and

(cc) by adding at the end the following:
“(V) pavement monitoring and data collection practices;

“(VI) pavement durability and resilience;

“(VII) stormwater management;

“(VIII) impacts on vehicle efficiency;

“(IX) the energy efficiency of the production of paving materials and the ability of paving materials to enhance the environment and promote sustainability; and

“(X) integration of renewable energy in pavement designs.”; and

(D) by adding at the end the following:

“(5) ACCELERATED IMPLEMENTATION AND DEPLOYMENT OF ADVANCED DIGITAL CONSTRUCTION MANAGEMENT SYSTEMS.—

“(A) IN GENERAL.—The Secretary shall establish and implement a program under the technology and innovation deployment program established under paragraph (1) to promote, implement, deploy, demonstrate, showcase, support, and document the application of advanced digital construction management systems, practices, performance, and benefits.

“(B) GOALS.—The goals of the accelerated implementation and deployment of advanced digital construction management systems program established under subparagraph (A) shall include—

“(i) accelerated State adoption of advanced digital construction management systems applied throughout the construction lifecycle (including through the design and engineering, construction, and operations phases) that—

“(I) maximize interoperability with other systems, products, tools, or applications;

“(II) boost productivity;

“(III) manage complexity;

“(IV) reduce project delays and cost overruns; and

“(V) enhance safety and quality;

“(ii) more timely and productive information-sharing among stakeholders through reduced reliance on paper to manage construction processes and deliverables such as blueprints, design drawings,

procurement and supply-chain orders, equipment logs, daily progress reports, and punch lists;

“(iii) deployment of digital management systems that enable and leverage the use of digital technologies on construction sites by contractors, such as state-of-the-art automated and connected machinery and optimized routing software that allows construction workers to perform tasks faster, safer, more accurately, and with minimal supervision;

“(iv) the development and deployment of best practices for use in digital construction management;

“(v) increased technology adoption and deployment by States and units of local government that enables project sponsors—

“(I) to integrate the adoption of digital management systems and technologies in contracts; and

“(II) to weigh the cost of digitization and technology in setting project budgets;

“(vi) technology training and workforce development to build the capabilities of project managers and sponsors that enables States and units of local government—

“(I) to better manage projects using advanced construction management technologies; and

“(II) to properly measure and reward technology adoption across projects of the State or unit of local government;

“(vii) development of guidance to assist States in updating regulations of the State to allow project sponsors and contractors—

“(I) to report data relating to the project in digital formats; and

“(II) to fully capture the efficiencies and benefits of advanced digital construction management systems and related technologies;

“(viii) reduction in the environmental footprint of construction projects using advanced digital construction management systems resulting from elimination of congestion through more efficient projects; and

“(ix) enhanced worker and pedestrian safety resulting from increased transparency.

Time period.

“(C) FUNDING.—For each of fiscal years 2022 through 2026, the Secretary shall obligate from funds made available to carry out this subsection \$20,000,000 to accelerate the deployment and implementation of advanced digital construction management systems.

“(D) PUBLICATION.—

Public
information.
Web posting.
Reports.

“(i) IN GENERAL.—Not less frequently than annually, the Secretary shall issue and make available to the public on a website a report on—

“(I) progress made in the implementation of advanced digital management systems by States; and

“(II) the costs and benefits of the deployment of new technology and innovations that substantially and directly resulted from the program established under this paragraph.

“(ii) INCLUSIONS.—The report under clause (i) may include an analysis of—

“(I) Federal, State, and local cost savings;

“(II) project delivery time improvements;

“(III) congestion impacts; and

“(IV) safety improvements for roadway users and construction workers.”.

(b) ADVANCED TRANSPORTATION TECHNOLOGIES AND INNOVATIVE MOBILITY DEPLOYMENT.—Section 503(c)(4) of title 23, United States Code, is amended—

(1) in the heading, by inserting “AND INNOVATIVE MOBILITY” before “DEPLOYMENT”;

(2) by striking subparagraph (A) and inserting the following:

“(A) IN GENERAL.—The Secretary shall provide grants to eligible entities to deploy, install, and operate advanced transportation technologies to improve safety, mobility, efficiency, system performance, intermodal connectivity, and infrastructure return on investment.”;

(3) in subparagraph (B)—

(A) in clause (i), by striking “the enhanced use” and inserting “optimization”;

(B) in clause (v)—

(i) by striking “transit,” and inserting “work zone, weather, transit, paratransit,”; and

(ii) by striking “and accessible transportation” and inserting “, accessible, and integrated transportation and transportation services”;

(C) by redesignating clauses (i) through (viii) as clauses (iii), (iv), (v), (vi), (vii), (ix), (x), and (xi), respectively;

(D) by inserting before clause (iii) (as so redesignated) the following:

“(i) improve the mobility of people and goods;

“(ii) improve the durability and extend the life of transportation infrastructure;”;

(E) in clause (iv) (as so redesignated), by striking “deliver” and inserting “protect the environment and deliver”;

(F) by inserting after clause (vii) (as so redesignated) the following:

“(viii) facilitate account-based payments for transportation access and services and integrate payment systems across modes;”;

(G) in clause (x) (as so redesignated), by striking “or” at the end;

(H) in clause (xi) (as so redesignated)—

(i) by inserting “vehicle-to-pedestrian,” after “vehicle-to-infrastructure,”; and

(ii) by striking the period at the end and inserting “, or”; and

(I) by adding at the end the following:

“(xii) incentivize travelers—

- “(I) to share trips during periods in which travel demand exceeds system capacity; or
 - “(II) to shift trips to periods in which travel demand does not exceed system capacity.”;
 - (4) in subparagraph (C)—
 - (A) in clause (i), by striking “Not later” and all that follows through “thereafter” and inserting “Each fiscal year for which funding is made available for activities under this paragraph”; and
 - (B) in clause (ii)—
 - (i) in subclause (I), by inserting “mobility,” after “safety,”; and
 - (ii) in subclause (II)—
 - (I) in item (bb), by striking “and” at the end;
 - (II) in item (cc), by striking the period at the end and inserting “; and”; and
 - (III) by adding at the end the following:
 - “(dd) facilitating payment for transportation services.”;
 - (5) in subparagraph (D)—
 - (A) in clause (i), by striking “Not later” and all that follows through “thereafter” and inserting “Each fiscal year for which funding is made available for activities under this paragraph”; and
 - (B) in clause (ii)—
 - (i) by striking “In awarding” and inserting the following:
 - “(I) IN GENERAL.—Subject to subclause (II), in awarding”; and
 - (ii) by adding at the end the following:
 - “(II) RURAL SET-ASIDE.—Not less than 20 percent of the amounts made available to carry out this paragraph shall be reserved for projects serving rural areas.”;
 - (6) in subparagraph (E)—
 - (A) by redesignating clauses (iii) through (ix) as clauses (iv), (v), (vi), (vii), (viii), (xi), and (xiv), respectively;
 - (B) by inserting after clause (ii) the following:
 - “(iii) advanced transportation technologies to improve emergency evacuation and response by Federal, State, and local authorities.”;
 - (C) by inserting after clause (viii) (as so redesignated) the following:
 - “(ix) integrated corridor management systems;
 - “(x) advanced parking reservation or variable pricing systems.”;
 - (D) in clause (xi) (as so redesignated)—
 - (i) by inserting “; toll collection,” after “pricing”; and
 - (ii) by striking “or” at the end;
 - (E) by inserting after clause (xi) (as so redesignated) the following:
 - “(xii) technology that enhances high occupancy vehicle toll lanes, cordon pricing, or congestion pricing;
 - “(xiii) integration of transportation service payment systems.”;
 - (F) in clause (xiv) (as so redesignated)—

(i) by striking “and access” and inserting “, access, and on-demand transportation service”;

(ii) by inserting “and other shared-use mobility applications” after “ridesharing”; and

(iii) by striking the period at the end and inserting a semicolon; and

(G) by adding at the end the following:

“(xv) retrofitting dedicated short-range communications (DSRC) technology deployed as part of an existing pilot program to cellular vehicle-to-everything (C-V2X) technology, subject to the condition that the retrofitted technology operates only within the existing spectrum allocations for connected vehicle systems; or

“(xvi) advanced transportation technologies, in accordance with the research areas described in section 6503 of title 49.”;

(7) in subparagraph (F)(ii)(IV), by striking “efficiency and multimodal system performance” and inserting “mobility, efficiency, multimodal system performance, and payment system performance”;

(8) in subparagraph (G)—

(A) by redesignating clauses (vi) through (viii) as clauses (vii) through (ix), respectively; and

(B) by inserting after clause (v) the following:

“(vi) improved integration of payment systems.”;

(9) in subparagraph (I)(i), by striking “fiscal years 2016 through 2020” and inserting “fiscal years 2022 through 2026”;

(10) in subparagraph (J), by striking “50” and inserting “80”; and

(11) in subparagraph (N)—

(A) in the matter preceding clause (i), by striking “, the following definitions apply”;

(B) in clause (i), by striking “representing a population of over 200,000”; and

(C) in clause (iii), in the matter preceding subclause (I), by striking “a any” and inserting “any”.

(c) CENTER OF EXCELLENCE ON NEW MOBILITY AND AUTOMATED VEHICLES.—Section 503(c) of title 23, United States Code (as amended by subsection (a)(3)(D)), is amended by adding at the end the following:

“(6) CENTER OF EXCELLENCE.—

“(A) DEFINITIONS.—In this paragraph:

“(i) HIGHLY AUTOMATED VEHICLE.—The term ‘highly automated vehicle’ means a motor vehicle that—

“(I) has a taxable gross weight (as defined in section 41.4482(b)–1 of title 26, Code of Federal Regulations (or successor regulations)) of 10,000 pounds or less; and

“(II) is equipped with a Level 3, Level 4, or Level 5 automated driving system (as defined in the SAE International Recommended Practice numbered J3016 and dated June 15, 2018 (or a subsequent standard adopted by the Secretary)).

“(ii) NEW MOBILITY.—The term ‘new mobility’ includes shared services such as—

“(I) docked and dockless bicycles;

- “**(II)** docked and dockless electric scooters; and
 “**(III)** transportation network companies.
- Deadline. “**(B)** ESTABLISHMENT.—Not later than 1 year after the date of enactment of the Surface Transportation Reauthorization Act of 2021, the Secretary shall establish a Center of Excellence to collect, conduct, and fund research on the impacts of new mobility and highly automated vehicles on land use, urban design, transportation, real estate, equity, and municipal budgets.
- “**(C)** REPORT.—Not later than 1 year after the date on which the Center of Excellence is established, the Secretary shall submit a report that describes the results of the research regarding the impacts of new mobility and highly automated vehicles to the Committees on Environment and Public Works and Commerce, Science, and Transportation of the Senate and the Committees on Transportation and Infrastructure and Energy and Commerce of the House of Representatives.
- “**(D)** PARTNERSHIPS.—In establishing the Center of Excellence under subparagraph (B), the Secretary shall enter into appropriate partnerships with any institution of higher education (as defined in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001)) or public or private research entity.”.
- Reports. (d) ACCELERATED IMPLEMENTATION AND DEPLOYMENT OF ADVANCED DIGITAL CONSTRUCTION MANAGEMENT SYSTEMS.—Not later than 1 year after the date of enactment of this Act, the Secretary shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report that includes—
- (1) a description of—
 - (A) the current status of the use of advanced digital construction management systems in each State; and
 - (B) the progress of each State toward accelerating the adoption of advanced digital construction management systems; and
 - (2) an analysis of the savings in project delivery time and project costs that can be achieved through the use of advanced digital construction management systems.
- Analysis. (e) OPEN CHALLENGE AND RESEARCH PROPOSAL PILOT PROGRAM.—
- 23 USC 503 note. (1) IN GENERAL.—The Secretary shall establish an open challenge and research proposal pilot program under which eligible entities may propose open highway challenges and research proposals that are linked to identified or potential research needs.
- (2) REQUIREMENTS.—A research proposal submitted to the Secretary by an eligible entity shall address—
- (A) a research need identified by the Secretary or the Administrator of the Federal Highway Administration; or
 - (B) an issue or challenge that the Secretary determines to be important.
- (3) ELIGIBLE ENTITIES.—An entity eligible to submit a research proposal under the pilot program under paragraph (1) is—
- (A) a State;

(B) a unit of local government;

(C) a university transportation center under section 5505 of title 49, United States Code;

(D) a private nonprofit organization;

(E) a private sector organization working in collaboration with an entity described in subparagraphs (A) through (D); and

(F) any other individual or entity that the Secretary determines to be appropriate.

(4) PROJECT REVIEW.—The Secretary shall—

(A) review each research proposal submitted under the pilot program under paragraph (1); and

(B) provide to the eligible entity a written notice that— Notice.

(i) if the research proposal is not selected—

(I) notifies the eligible entity that the research proposal has not been selected for funding;

(II) provides an explanation as to why the research proposal was not selected, including if the research proposal does not cover an area of need; and

(III) if applicable, recommend that the research proposal be submitted to another research program and provide guidance and direction to the eligible entity and the proposed research program office; and Recommendations.

(ii) if the research proposal is selected, notifies the eligible entity that the research proposal has been selected for funding. Notification.

(5) FEDERAL SHARE.—

(A) IN GENERAL.—The Federal share of the cost of an activity carried out under this subsection shall not exceed 80 percent.

(B) NON-FEDERAL SHARE.—All costs directly incurred by the non-Federal partners, including personnel, travel, facility, and hardware development costs, shall be credited toward the non-Federal share of the cost of an activity carried out under this subsection.

(f) CONFORMING AMENDMENT.—Section 167 of title 23, United States Code, is amended—

(1) by striking subsection (h); and

(2) by redesignating subsections (i) through (l) as subsections (h) through (k), respectively.

SEC. 13007. WORKFORCE DEVELOPMENT, TRAINING, AND EDUCATION.

(a) SURFACE TRANSPORTATION WORKFORCE DEVELOPMENT, TRAINING, AND EDUCATION.—Section 504(e) of title 23, United States Code, is amended—

(1) in paragraph (1)—

(A) by redesignating subparagraphs (D) through (G) as subparagraphs (E), (F), (H), and (I), respectively;

(B) by inserting after subparagraph (C) the following:

“(D) pre-apprenticeships, apprenticeships, and career opportunities for on-the-job training;”;

(C) in subparagraph (E) (as so redesignated), by striking “or community college” and inserting “, college, community college, or vocational school”; and

(D) by inserting after subparagraph (F) (as so redesignated) the following:

“(G) activities associated with workforce training and employment services, such as targeted outreach and partnerships with industry, economic development organizations, workforce development boards, and labor organizations;”;

(2) in paragraph (2), by striking “paragraph (1)(G)” and inserting “paragraph (1)(I)”; and

(3) in paragraph (3)—

(A) by striking the period at the end and inserting a semicolon;

(B) by striking “including activities” and inserting the following: “including—

“(A) activities”; and

(C) by adding at the end the following:

“(B) activities that address current workforce gaps, such as work on construction projects, of State and local transportation agencies;

“(C) activities to develop a robust surface transportation workforce with new skills resulting from emerging transportation technologies; and

“(D) activities to attract new sources of job-creating investment.”.

(b) TRANSPORTATION EDUCATION AND TRAINING DEVELOPMENT AND DEPLOYMENT PROGRAM.—Section 504(f) of title 23, United States Code, is amended—

(1) in the subsection heading, by striking “DEVELOPMENT” and inserting “AND TRAINING DEVELOPMENT AND DEPLOYMENT”;

(2) by striking paragraph (1) and inserting the following:

“(1) ESTABLISHMENT.—The Secretary shall establish a program to make grants to educational institutions or State departments of transportation, in partnership with industry and relevant Federal departments and agencies—

“(A) to develop, test, and review new curricula and education programs to train individuals at all levels of the transportation workforce; or

“(B) to implement the new curricula and education programs to provide for hands-on career opportunities to meet current and future needs.”;

(3) in paragraph (2)—

(A) in the matter preceding subparagraph (A), by striking “shall” and inserting “may”;

(B) in subparagraph (A), by inserting “current or future” after “specific”; and

(C) in subparagraph (E)—

(i) by striking “in nontraditional departments”;

(ii) by inserting “construction,” after “such as”;

and

(iii) by inserting “or emerging” after “industrial”;

(4) by redesignating paragraph (3) as paragraph (4); and

(5) by inserting after paragraph (2) the following:

“(3) REPORTING.—The Secretary shall establish minimum reporting requirements for grant recipients under this subsection, which may include, with respect to a program carried out with a grant under this subsection—

Grants.

“(A) the percentage or number of program participants that are employed during the second quarter after exiting the program;

“(B) the percentage or number of program participants that are employed during the fourth quarter after exiting the program;

“(C) the median earnings of program participants that are employed during the second quarter after exiting the program;

“(D) the percentage or number of program participants that obtain a recognized postsecondary credential or a secondary school diploma (or a recognized equivalent) during participation in the program or by not later than 1 year after exiting the program; and

“(E) the percentage or number of program participants that, during a program year—

“(i) are in an education or training program that leads to a recognized postsecondary credential or employment; and

“(ii) are achieving measurable skill gains toward such a credential or employment.”.

(c) USE OF FUNDS.—Section 504 of title 23, United States Code, is amended by adding at the end the following:

“(i) USE OF FUNDS.—The Secretary may use funds made available to carry out this section to carry out activities related to workforce development and technical assistance and training if—

“(1) the activities are authorized by another provision of this title; and

“(2) the activities are for entities other than employees of the Secretary, such as States, units of local government, Federal land management agencies, and Tribal governments.”.

SEC. 13008. WILDLIFE-VEHICLE COLLISION RESEARCH.

(a) GENERAL AUTHORITIES AND REQUIREMENTS REGARDING WILDLIFE AND HABITAT.—Section 515(h)(2) of title 23, United States Code, is amended—

(1) in subparagraph (K), by striking “and” at the end;

(2) by redesignating subparagraphs (D), (E), (F), (G), (H), (I), (J), (K), and (L) as subparagraphs (E), (F), (G), (H), (I), (K), (L), (M), and (O), respectively;

(3) by inserting after subparagraph (C) the following:

“(D) a representative from a State, local, or regional wildlife, land use, or resource management agency;”;

(4) by inserting after subparagraph (I) (as so redesignated) the following:

“(J) an academic researcher who is a biological or ecological scientist with expertise in transportation issues;”;

and

(5) by inserting after subparagraph (M) (as so redesignated) the following:

“(N) a representative from a public interest group concerned with the impact of the transportation system on terrestrial and aquatic species and the habitat of those species; and”.

(b) ANIMAL DETECTION SYSTEMS RESEARCH AND DEVELOPMENT.—Section 516(b)(6) of title 23, United States Code, is amended

by inserting “, including animal detection systems to reduce the number of wildlife-vehicle collisions” after “systems”.

SEC. 13009. TRANSPORTATION RESILIENCE AND ADAPTATION CENTERS OF EXCELLENCE.

(a) IN GENERAL.—Chapter 5 of title 23, United States Code, is amended by adding at the end the following:

23 USC 520.

“§ 520. Transportation Resilience and Adaptation Centers of Excellence

“(a) DEFINITION OF CENTER OF EXCELLENCE.—In this section, the term ‘Center of Excellence’ means a Center of Excellence for Resilience and Adaptation designated under subsection (b).

Grants.

“(b) DESIGNATION.—The Secretary shall designate 10 regional Centers of Excellence for Resilience and Adaptation and 1 national Center of Excellence for Resilience and Adaptation, which shall serve as a coordinator for the regional Centers, to receive grants to advance research and development that improves the resilience of regions of the United States to natural disasters and extreme weather by promoting the resilience of surface transportation infrastructure and infrastructure dependent on surface transportation.

“(c) ELIGIBILITY.—An entity eligible to be designated as a Center of Excellence is—

“(1) an institution of higher education (as defined in section 102 of the Higher Education Act of 1965 (20 U.S.C. 1002)); or

“(2) a consortium of nonprofit organizations led by an institution of higher education.

Proposal.

“(d) APPLICATION.—To be eligible to be designated as a Center of Excellence, an eligible entity shall submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require, including a proposal that includes a description of the activities to be carried out with a grant under this section.

“(e) SELECTION.—

“(1) REGIONAL CENTERS OF EXCELLENCE.—The Secretary shall designate 1 regional Center of Excellence in each of the 10 Federal regions that comprise the Standard Federal Regions established by the Office of Management and Budget in the document entitled ‘Standard Federal Regions’ and dated April 1974 (circular A–105).

“(2) NATIONAL CENTER OF EXCELLENCE.—The Secretary shall designate 1 national Center of Excellence to coordinate the activities of all 10 regional Centers of Excellence to minimize duplication and promote coordination and dissemination of research among the Centers.

“(3) CRITERIA.—In selecting eligible entities to designate as a Center of Excellence, the Secretary shall consider—

“(A) the past experience and performance of the eligible entity in carrying out activities described in subsection (g);

“(B) the merits of the proposal of an eligible entity and the extent to which the proposal would—

“(i) advance the state of practice in resilience planning and identify innovative resilience solutions for transportation assets and systems;

“(ii) support activities carried out under the PROTECT program under section 176;

“(iii) support and build on work being carried out by another Federal agency relating to resilience;

“(iv) inform transportation decisionmaking at all levels of government;

“(v) engage local, regional, Tribal, State, and national stakeholders, including, if applicable, stakeholders representing transportation, transit, urban, and land use planning, natural resources, environmental protection, hazard mitigation, and emergency management; and

“(vi) engage community groups and other stakeholders that will be affected by transportation decisions, including underserved, economically disadvantaged, rural, and predominantly minority communities; and

“(C) the local, regional, Tribal, State, and national impacts of the proposal of the eligible entity.

“(f) GRANTS.—Subject to the availability of appropriations, the Secretary shall provide to each Center of Excellence a grant of not less than \$5,000,000 for each of fiscal years 2022 through 2031 to carry out the activities described in subsection (g).

Time period.

“(g) ACTIVITIES.—In carrying out this section, the Secretary shall ensure that a Center of Excellence uses the funds from a grant under subsection (f) to promote resilient transportation infrastructure, including through—

“(1) supporting climate vulnerability assessments informed by climate change science, including national climate assessments produced by the United States Global Change Research Program under section 106 of the Global Change Research Act of 1990 (15 U.S.C. 2936), relevant feasibility analyses of resilient transportation improvements, and transportation resilience planning;

“(2) development of new design, operations, and maintenance standards for transportation infrastructure that can inform Federal and State decisionmaking;

“(3) research and development of new materials and technologies that could be integrated into existing and new transportation infrastructure;

“(4) development, refinement, and piloting of new and emerging resilience improvements and strategies, including natural infrastructure approaches and relocation;

“(5) development of and investment in new approaches for facilitating meaningful engagement in transportation decisionmaking by local, Tribal, regional, or national stakeholders and communities;

“(6) technical capacity building to facilitate the ability of local, regional, Tribal, State, and national stakeholders—

“(A) to assess the vulnerability of transportation infrastructure assets and systems;

Assessment.

“(B) to develop community response strategies;

“(C) to meaningfully engage with community stakeholders; and

“(D) to develop strategies and improvements for enhancing transportation infrastructure resilience under

Strategies.

	current conditions and a range of potential future conditions;
	“(7) workforce development and training;
Assessments.	“(8) development and dissemination of data, tools, techniques, assessments, and information that informs Federal, State, Tribal, and local government decisionmaking, policies, planning, and investments;
	“(9) education and outreach regarding transportation infrastructure resilience; and
	“(10) technology transfer and commercialization.
	“(h) FEDERAL SHARE.—The Federal share of the cost of an activity under this section, including the costs of establishing and operating a Center of Excellence, shall be 50 percent.”.
23 USC prec. 501.	(b) CLERICAL AMENDMENT.—The analysis for chapter 5 of title 23, United States Code, is amended by adding at the end the following:
	“520. Transportation Resilience and Adaptation Centers of Excellence.”.
23 USC 134 note.	SEC. 13010. TRANSPORTATION ACCESS PILOT PROGRAM.
	(a) DEFINITIONS.—In this section:
	(1) METROPOLITAN PLANNING ORGANIZATION.—The term “metropolitan planning organization” has the meaning given the term in section 134(b) of title 23, United States Code.
	(2) STATE.—The term “State” has the meaning given the term in section 101(a) of title 23, United States Code.
	(3) SURFACE TRANSPORTATION MODES.—The term “surface transportation modes” means—
	(A) driving;
	(B) public transportation;
	(C) walking;
	(D) cycling; and
	(E) a combination of any of the modes of transportation described in subparagraphs (A) through (D).
	(4) PILOT PROGRAM.—The term “pilot program” means the transportation pilot program established under subsection (b).
	(5) REGIONAL TRANSPORTATION PLANNING ORGANIZATION.—The term “regional transportation planning organization” has the meaning given the term in section 134(b) of title 23, United States Code.
Deadline.	(b) ESTABLISHMENT.—Not later than 1 year after the date of enactment of this Act, the Secretary shall establish a transportation pilot program.
Contracts. Data.	(c) PURPOSE.—The purpose of the pilot program is to develop or procure an accessibility data set and make that data set available to each eligible entity selected to participate in the pilot program—
	(1) to improve the transportation planning of those eligible entities by—
	(A) measuring the level of access by surface transportation modes to important destinations, which may include—
	(i) jobs;
	(ii) health care facilities;
	(iii) child care services;
	(iv) educational and workforce training facilities;
	(v) housing;
	(vi) food sources;

- (vii) points within the supply chain for freight commodities;
 - (viii) domestic or international markets; and
 - (ix) connections between surface transportation modes; and
- (B) disaggregating the level of access by surface transportation modes by a variety of—
 - (i) population categories, which may include—
 - (I) low-income populations;
 - (II) minority populations;
 - (III) age;
 - (IV) disability; and
 - (V) geographical location; or
 - (ii) freight commodities, which may include—
 - (I) agricultural commodities;
 - (II) raw materials;
 - (III) finished products; and
 - (IV) energy commodities; and
- (2) to assess the change in accessibility that would result from new transportation investments.
- (d) ELIGIBLE ENTITIES.—An entity eligible to participate in the pilot program is—
 - (1) a State;
 - (2) a metropolitan planning organization; or
 - (3) a regional transportation planning organization.
- (e) APPLICATION.—To be eligible to participate in the pilot program, an eligible entity shall submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require, including information relating to—
 - (1) previous experience of the eligible entity measuring transportation access or other performance management experience, if applicable;
 - (2) the types of important destinations to which the eligible entity intends to measure access;
 - (3) the types of data disaggregation the eligible entity intends to pursue;
 - (4) a general description of the methodology the eligible entity intends to apply; and
 - (5) if the applicant does not intend the pilot program to apply to the full area under the jurisdiction of the applicant, a description of the geographic area in which the applicant intends the pilot program to apply.
- (f) SELECTION.—
 - (1) IN GENERAL.—The Secretary shall seek to achieve diversity of participants in the pilot program by selecting a range of eligible entities that shall include—
 - (A) States;
 - (B) metropolitan planning organizations that serve an area with a population of 200,000 people or fewer;
 - (C) metropolitan planning organizations that serve an area with a population of over 200,000 people; and
 - (D) regional transportation planning organizations.
 - (2) INCLUSIONS.—The Secretary shall seek to ensure that, among the eligible entities selected under paragraph (1), there is—
 - (A) a range of capacity and previous experience with measuring transportation access; and

- (B) a variety of proposed methodologies and focus areas for measuring level of access.
- (g) DUTIES.—For each eligible entity participating in the pilot program, the Secretary shall—
- (1) develop or acquire an accessibility data set described in subsection (c); and
 - (2) submit the data set to the eligible entity.
- (h) METHODOLOGY.—In calculating the measures for the data set under the pilot program, the Secretary shall ensure that methodology is open source.
- (i) AVAILABILITY.—The Secretary shall make an accessibility data set under the pilot program available to—
- (1) units of local government within the jurisdiction of the eligible entity participating in the pilot program; and
 - (2) researchers.
- (j) REPORT.—Not later than 2 years after the date of enactment of this Act, and every 2 years thereafter, the Secretary shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report on the results of the pilot program, including the feasibility of developing and providing periodic accessibility data sets for all States, regions, and localities.
- (k) TRANSPORTATION SYSTEM ACCESS.—
- (1) IN GENERAL.—The Secretary shall establish consistent measures that States, metropolitan planning organizations, and regional transportation planning organizations may choose to adopt to assess the level of safe and convenient access by surface transportation modes to important destinations as described in subsection (c)(1)(A).
 - (2) SAVINGS PROVISION.—Nothing in this section provides the Secretary the authority—
 - (A) to establish a performance measure or require States or metropolitan planning organizations to set a performance target for access as described in paragraph (1); or
 - (B) to establish any other Federal requirement.
- (l) FUNDING.—The Secretary shall carry out the pilot program using amounts made available to the Secretary for administrative expenses to carry out programs under the authority of the Secretary.
- (m) SUNSET.—The pilot program shall terminate on the date that is 8 years after the date on which the pilot program is implemented.

TITLE IV—INDIAN AFFAIRS

23 USC 202 note. **SEC. 14001. DEFINITION OF SECRETARY.**

In this title, the term “Secretary” means the Secretary of the Interior.

23 USC 202 note. **SEC. 14002. ENVIRONMENTAL REVIEWS FOR CERTAIN TRIBAL TRANSPORTATION FACILITIES.**

- (a) DEFINITION OF TRIBAL TRANSPORTATION SAFETY PROJECT.—
- (1) IN GENERAL.—In this section, the term “tribal transportation safety project” means a project described in paragraph (2) that is eligible for funding under section 202 of title 23, United States Code.

(2) PROJECT DESCRIBED.—A project described in this paragraph is a project that corrects or improves a hazardous road location or feature or addresses a highway safety problem through 1 or more of the activities described in any of the clauses under section 148(a)(4)(B) of title 23, United States Code.

(b) REVIEWS OF TRIBAL TRANSPORTATION SAFETY PROJECTS.—

(1) IN GENERAL.—The Secretary or the Secretary of Transportation, as applicable, or the head of another Federal agency responsible for a decision related to a tribal transportation safety project shall complete any approval or decision for the review of the tribal transportation safety project required under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) or any other applicable Federal law on an expeditious basis using the shortest existing applicable process.

(2) REVIEW OF APPLICATIONS.—Not later than 45 days after the date of receipt of a complete application by an Indian tribe for approval of a tribal transportation safety project, the Secretary or the Secretary of Transportation, as applicable, shall—

(A) take final action on the application; or

(B) provide the Indian tribe a schedule for completion of the review described in paragraph (1), including the identification of any other Federal agency that has jurisdiction with respect to the project.

(3) DECISIONS UNDER OTHER FEDERAL LAWS.—In any case in which a decision under any other Federal law relating to a tribal transportation safety project (including the issuance or denial of a permit or license) is required, not later than 45 days after the Secretary or the Secretary of Transportation, as applicable, has made all decisions of the lead agency under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) with respect to the project, the head of the Federal agency responsible for the decision shall—

(A) make the applicable decision; or

(B) provide the Indian tribe a schedule for making the decision.

(4) EXTENSIONS.—The Secretary or the Secretary of Transportation, as applicable, or the head of the Federal agency may extend the period under paragraph (2) or (3), as applicable, by an additional 30 days by providing the Indian tribe notice of the extension, including a statement of the need for the extension.

(5) NOTIFICATION AND EXPLANATION.—In any case in which a required action is not completed by the deadline under paragraph (2), (3), or (4), as applicable, the Secretary, the Secretary of Transportation, or the head of a Federal agency, as applicable, shall—

(A) notify the Committees on Indian Affairs and Environment and Public Works of the Senate and the Committee on Natural Resources of the House of Representatives of the failure to comply with the deadline; and

(B) provide to the Committees described in subparagraph (A) a detailed explanation of the reasons for the failure to comply with the deadline.

Contracts.
23 USC 202 note.

SEC. 14003. PROGRAMMATIC AGREEMENTS FOR TRIBAL CATEGORICAL EXCLUSIONS.

Procedures.
Reviews.

(a) IN GENERAL.—The Secretary and the Secretary of Transportation shall enter into programmatic agreements with Indian tribes that establish efficient administrative procedures for carrying out environmental reviews for projects eligible for assistance under section 202 of title 23, United States Code.

(b) INCLUSIONS.—A programmatic agreement under subsection (a)—

Determination.

(1) may include an agreement that allows an Indian tribe to determine, on behalf of the Secretary and the Secretary of Transportation, whether a project is categorically excluded from the preparation of an environmental assessment or environmental impact statement under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.); and

(2) shall—

Requirements.

(A) require that the Indian tribe maintain adequate capability in terms of personnel and other resources to carry out applicable agency responsibilities pursuant to section 1507.2 of title 40, Code of Federal Regulations (or successor regulations);

Determinations.

(B) set forth the responsibilities of the Indian tribe for making categorical exclusion determinations, documenting the determinations, and achieving acceptable quality control and quality assurance;

(C) allow—

(i) the Secretary and the Secretary of Transportation to monitor compliance of the Indian tribe with the terms of the agreement; and

(ii) the Indian tribe to execute any needed corrective action;

(D) contain stipulations for amendments, termination, and public availability of the agreement once the agreement has been executed; and

Time period.
Review.

(E) have a term of not more than 5 years, with an option for renewal based on a review by the Secretary and the Secretary of Transportation of the performance of the Indian tribe.

SEC. 14004. USE OF CERTAIN TRIBAL TRANSPORTATION FUNDS.

Section 202(d) of title 23, United States Code, is amended by striking paragraph (2) and inserting the following:

“(2) USE OF FUNDS.—Funds made available to carry out this subsection shall be used—

“(A) to carry out any planning, design, engineering, preconstruction, construction, and inspection of new or replacement tribal transportation facility bridges;

“(B) to replace, rehabilitate, seismically retrofit, paint, apply calcium magnesium acetate, sodium acetate/formate, or other environmentally acceptable, minimally corrosive anti-icing and deicing composition; or

“(C) to implement any countermeasure for tribal transportation facility bridges classified as in poor condition, having a low load capacity, or needing geometric improvements, including multiple-pipe culverts.”.

SEC. 14005. BUREAU OF INDIAN AFFAIRS ROAD MAINTENANCE PROGRAM.

There are authorized to be appropriated to the Director of the Bureau of Indian Affairs to carry out the road maintenance program of the Bureau—

- (1) \$50,000,000 for fiscal year 2022;
- (2) \$52,000,000 for fiscal year 2023;
- (3) \$54,000,000 for fiscal year 2024;
- (4) \$56,000,000 for fiscal year 2025; and
- (5) \$58,000,000 for fiscal year 2026.

SEC. 14006. STUDY OF ROAD MAINTENANCE ON INDIAN LAND.

23 USC 202 note.

(a) DEFINITIONS.—In this section:

(1) INDIAN LAND.—The term “Indian land” has the meaning given the term “Indian lands” in section 3 of the Native American Business Development, Trade Promotion, and Tourism Act of 2000 (25 U.S.C. 4302).

(2) INDIAN TRIBE.—The term “Indian tribe” has the meaning given the term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5304).

(3) ROAD.—The term “road” means a road managed in whole or in part by the Bureau of Indian Affairs.

(4) SECRETARY.—The term “Secretary” means the Secretary, acting through the Assistant Secretary for Indian Affairs.

(b) STUDY.—Not later than 2 years after the date of enactment of this Act, the Secretary, in consultation with the Secretary of Transportation, shall carry out a study to evaluate—

Deadline.
Consultation.
Evaluation.

(1) the long-term viability and useful life of existing roads on Indian land;

(2) any steps necessary to achieve the goal of addressing the deferred maintenance backlog of existing roads on Indian land;

(3) programmatic reforms and performance enhancements necessary to achieve the goal of restructuring and streamlining road maintenance programs on existing or future roads located on Indian land; and

(4) recommendations on how to implement efforts to coordinate with States, counties, municipalities, and other units of local government to maintain roads on Indian land.

Recommendations.

(c) TRIBAL CONSULTATION AND INPUT.—Before beginning the study under subsection (b), the Secretary shall—

(1) consult with any Indian tribes that have jurisdiction over roads eligible for funding under the road maintenance program of the Bureau of Indian Affairs; and

(2) solicit and consider the input, comments, and recommendations of the Indian tribes described in paragraph (1).

Consultation.

(d) REPORT.—On completion of the study under subsection (b), the Secretary, in consultation with the Secretary of Transportation, shall submit to the Committees on Indian Affairs and Environment and Public Works of the Senate and the Committees on Natural Resources and Transportation and Infrastructure of the House of Representatives a report on the results and findings of the study.

(e) STATUS REPORT.—Not later than 2 years after the date of enactment of this Act, and not less frequently than every 2 years thereafter, the Secretary, in consultation with the Secretary of Transportation, shall submit to the Committees on Indian Affairs

Consultation.

and Environment and Public Works of the Senate and the Committees on Natural Resources and Transportation and Infrastructure of the House of Representatives a report that includes a description of—

(1) the progress made toward addressing the deferred maintenance needs of the roads on Indian land, including a list of projects funded during the fiscal period covered by the report;

(2) the outstanding needs of the roads that have been provided funding to address the deferred maintenance needs;

(3) the remaining needs of any of the projects referred to in paragraph (1);

(4) how the goals described in subsection (b) have been met, including—

Assessment.

(A) an identification and assessment of any deficiencies or shortfalls in meeting the goals; and

Plan.

(B) a plan to address the deficiencies or shortfalls in meeting the goals; and

Recommendations.
Determination.

(5) any other issues or recommendations provided by an Indian tribe under the consultation and input process under subsection (c) that the Secretary determines to be appropriate.

Transfer
authority.
23 USC 202 note.

SEC. 14007. MAINTENANCE OF CERTAIN INDIAN RESERVATION ROADS.

The Commissioner of U.S. Customs and Border Protection may transfer funds to the Director of the Bureau of Indian Affairs to maintain, repair, or reconstruct roads under the jurisdiction of the Director, subject to the condition that the Commissioner and the Director shall mutually agree that the primary user of the subject road is U.S. Customs and Border Protection.

SEC. 14008. TRIBAL TRANSPORTATION SAFETY NEEDS.

23 USC 202 note.

(a) **DEFINITIONS.**—In this section:

(1) **ALASKA NATIVE.**—The term “Alaska Native” has the meaning given the term “Native” in section 3 of the Alaska Native Claims Settlement Act (43 U.S.C. 1602).

(2) **ALASKA NATIVE VILLAGE.**—The term “Alaska Native village” has the meaning given the term “Native village” in section 3 of the Alaska Native Claims Settlement Act (43 U.S.C. 1602).

(3) **INDIAN TRIBE.**—The term “Indian tribe” has the meaning given the term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5304).

Deadline.
Consultation.

(b) **BEST PRACTICES, STANDARDIZED CRASH REPORT FORM.**—

(1) **IN GENERAL.**—Not later than 1 year after the date of enactment of this Act, the Secretary of Transportation, in consultation with the Secretary, Indian tribes, Alaska Native villages, and State departments of transportation shall develop—

(A) best practices for the compiling, analysis, and sharing of motor vehicle crash data for crashes occurring on Indian reservations and in Alaska Native communities; and

(B) a standardized form for use by Indian tribes and Alaska Native communities to carry out those best practices.

(2) **PURPOSE.**—The purpose of the best practices and standardized form developed under paragraph (1) shall be to improve the quality and quantity of crash data available to

and used by the Federal Highway Administration, State departments of transportation, Indian tribes, and Alaska Native villages.

(3) **REPORT.**—On completion of the development of the best practices and standardized form under paragraph (1), the Secretary of Transportation shall submit to the Committees on Indian Affairs and Environment and Public Works of the Senate and the Committees on Natural Resources and Transportation and Infrastructure of the House of Representatives a report describing the best practices and standardized form.

(c) **USE OF IMARS.**—The Director of the Bureau of Indian Affairs shall require all law enforcement offices of the Bureau, for the purpose of reporting motor vehicle crash data for crashes occurring on Indian reservations and in Alaska Native communities—

Requirements.

(1) to use the crash report form of the applicable State; and

(2) to upload the information on that form to the Incident Management Analysis and Reporting System (IMARS) of the Department of the Interior.

(d) **TRIBAL TRANSPORTATION PROGRAM SAFETY FUNDING.**—Section 202(e)(1) of title 23, United States Code, is amended by striking “2 percent” and inserting “4 percent”.

SEC. 14009. OFFICE OF TRIBAL GOVERNMENT AFFAIRS.

Section 102 of title 49, United States Code, is amended—

(1) in subsection (e)(1)—

(A) in the matter preceding subparagraph (A), by striking “6 Assistant” and inserting “7 Assistant”;

(B) in subparagraph (C), by striking “and” after the semicolon;

(C) by redesignating subparagraph (D) as subparagraph (E); and

(D) by inserting after subparagraph (C) the following:
“(D) an Assistant Secretary for Tribal Government Affairs, who shall be appointed by the President; and”;

and

(2) in subsection (f), by striking the subsection designation and heading and all that follows through the end of paragraph (1) and inserting the following:

“(f) **OFFICE OF TRIBAL GOVERNMENT AFFAIRS.**—

“(1) **ESTABLISHMENT.**—There is established in the Department an Office of Tribal Government Affairs, under the Assistant Secretary for Tribal Government Affairs—

“(A) to oversee the tribal self-governance program under section 207 of title 23;

“(B) to plan, coordinate, and implement policies and programs serving Indian Tribes and Tribal organizations;

“(C) to coordinate Tribal transportation programs and activities in all offices and administrations of the Department; and

“(D) to be a participant in any negotiated rulemakings relating to, or having an impact on, projects, programs, or funding associated with the Tribal transportation program under section 202 of title 23.”.

Surface
Transportation
Investment Act
of 2021.

DIVISION B—SURFACE TRANSPORTATION INVESTMENT ACT OF 2021

49 USC 101 note. **SEC. 20001. SHORT TITLE.**

This division may be cited as the “Surface Transportation Investment Act of 2021”.

49 USC 101 note. **SEC. 20002. DEFINITIONS.**

In this division:

(1) **DEPARTMENT.**—The term “Department” means the Department of Transportation.

(2) **SECRETARY.**—The term “Secretary” means the Secretary of Transportation.

TITLE I—MULTIMODAL AND FREIGHT TRANSPORTATION

Subtitle A—Multimodal Freight Policy

SEC. 21101. OFFICE OF MULTIMODAL FREIGHT INFRASTRUCTURE AND POLICY.

(a) **IN GENERAL.**—Chapter 1 of title 49, United States Code, is amended by adding at the end the following:

49 USC 118. **“§ 118. Office of Multimodal Freight Infrastructure and Policy**

“(a) **DEFINITIONS.**—In this section:

“(1) **DEPARTMENT.**—The term ‘Department’ means the Department of Transportation.

“(2) **FREIGHT OFFICE.**—The term ‘Freight Office’ means the Office of Multimodal Freight Infrastructure and Policy established under subsection (b).

“(3) **SECRETARY.**—The term ‘Secretary’ means the Secretary of Transportation.

“(b) **ESTABLISHMENT.**—The Secretary shall establish within the Department an Office of Multimodal Freight Infrastructure and Policy.

“(c) **PURPOSES.**—The purposes of the Freight Office shall be—

“(1) to carry out the national multimodal freight policy described in section 70101;

“(2) to administer and oversee certain multimodal freight grant programs within the Department in accordance with subsection (d);

“(3) to promote and facilitate the sharing of information between the private and public sectors with respect to freight issues;

“(4) to conduct research on improving multimodal freight mobility, and to oversee the freight research activities of the various agencies within the Department;

“(5) to assist cities and States in developing freight mobility and supply chain expertise;

“(6) to liaise and coordinate with other Federal departments and agencies; and

“(7) to carry out other duties, as prescribed by the Secretary.

“(d) ADMINISTRATION OF POLICIES AND PROGRAMS.—The Freight Office shall—

“(1) develop and manage—

“(A) the national freight strategic plan described in section 70102; and

“(B) the National Multimodal Freight Network established under section 70103;

“(2)(A) oversee the development and updating of the State freight plans described in section 70202; and

“(B) provide guidance or best practices relating to the development and updating of State freight plans under that section;

“(3)(A) administer multimodal freight grant programs, including multimodal freight grants established under section 117 of title 23; and

“(B) establish procedures for analyzing and evaluating applications for grants under those programs; Procedures.

“(4) assist States in the establishment of—

“(A) State freight advisory committees under section 70201; and

“(B) multi-State freight mobility compacts under section 70204; and

“(5) provide to the Bureau of Transportation Statistics input regarding freight data and planning tools.

“(e) ASSISTANT SECRETARY.—

“(1) IN GENERAL.—The Freight Office shall be headed by an Assistant Secretary for Multimodal Freight, who shall—

“(A) be appointed by the President, by and with the advice and consent of the Senate; and Appointment.
President.

“(B) have professional standing and demonstrated knowledge in the field of freight transportation.

“(2) DUTIES.—The Assistant Secretary shall—

“(A) report to the Under Secretary of Transportation for Policy;

“(B) be responsible for the management and oversight of the activities, decisions, operations, and personnel of the Freight Office;

“(C) work with the modal administrations of the Department to encourage multimodal collaboration; and

“(D) carry out such additional duties as the Secretary may prescribe.

“(f) CONSOLIDATION AND ELIMINATION OF DUPLICATIVE OFFICES.— Determinations.

“(1) CONSOLIDATION OF OFFICES AND OFFICE FUNCTIONS.—The Secretary may consolidate into the Freight Office any office or office function within the Department that the Secretary determines has duties, responsibilities, resources, or expertise that support the purposes of the Freight Office.

“(2) ELIMINATION OF OFFICES.—The Secretary may eliminate any office within the Department if the Secretary determines that—

“(A) the purposes of the office are duplicative of the purposes of the Freight Office;

“(B) the office or the functions of the office have been substantially consolidated with the Freight Office pursuant to paragraph (1);

“(C) the elimination of the office will not adversely affect the requirements of the Secretary under any Federal law; and

“(D) the elimination of the office will improve the efficiency and effectiveness of the programs and functions conducted by the office.

“(g) STAFFING AND BUDGETARY RESOURCES.—

“(1) IN GENERAL.—The Secretary shall ensure that the Freight Office is adequately staffed and funded.

“(2) STAFFING.—

Determination.

“(A) TRANSFER OF POSITIONS TO FREIGHT OFFICE.—Subject to subparagraph (B), the Secretary may transfer to the Freight Office any position within any other office of the Department if the Secretary determines that the position is necessary to carry out the purposes of the Freight Office.

Coordination.

“(B) REQUIREMENT.—If the Secretary transfers a position to the Freight Office pursuant to subparagraph (A), the Secretary, in coordination with the appropriate modal administration of the Department, shall ensure that the transfer of the position does not adversely affect the requirements of the modal administration under any Federal law.

“(3) BUDGETARY RESOURCES.—

“(A) TRANSFER OF FUNDS FROM CONSOLIDATED OR ELIMINATED OFFICES.—

“(i) IN GENERAL.—To carry out the purposes of the Freight Office, the Secretary may transfer to the Freight Office from any office or office function that is consolidated or eliminated under subsection (f) any funds allocated for the consolidated or eliminated office or office function.

“(ii) RETRANSFER.—Any portion of any funds or limitations of obligations transferred to the Freight Office pursuant to clause (i) may be transferred back to, and merged with, the original account.

“(B) TRANSFER OF FUNDS ALLOCATED FOR ADMINISTRATIVE COSTS.—

“(i) IN GENERAL.—The Secretary may transfer to the Freight Office any funds allocated for the administrative costs of the programs referred to in subsection (d)(3).

“(ii) RETRANSFER.—Any portion of any funds or limitations of obligations transferred to the Freight Office pursuant to clause (i) may be transferred back to, and merged with, the original account.

“(h) WEBSITE.—

Public
information.

“(1) DESCRIPTION OF FREIGHT OFFICE.—The Secretary shall make publicly available on the website of the Department a description of the Freight Office, including a description of—

“(A) the programs managed or made available by the Freight Office; and

Requirements.

“(B) the eligibility requirements for those programs.

“(2) CLEARINGHOUSE.—The Secretary may establish a clearinghouse for tools, templates, guidance, and best practices on a page of the website of the Department that supports the purposes of this section.

“(i) NOTIFICATION TO CONGRESS.—Not later than 1 year after the date of enactment of this section, and not less frequently than once every 180 days thereafter until the date on which the Secretary determines that the requirements of this section have been met, the Secretary shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a notification that—

Deadline.
Time period.
Determination.

“(1) describes—

“(A) the programs and activities administered or overseen by the Freight Office; and

“(B) the status of those programs and activities;

“(2) identifies—

“(A) the number of employees working in the Freight Office as of the date of the notification;

“(B) the total number of employees expected to join the Freight Office to support the programs and activities described in paragraph (1); and

“(C) the total number of positions that, as a result of the consolidation of offices under this section, were—

“(i) eliminated; or

“(ii) transferred, assigned, or joined to the Freight Office;

“(3)(A) indicates whether the Secretary has consolidated into the Freight Office any office or office function pursuant to subsection (f)(1); and

“(B) if the Secretary has consolidated such an office or function, describes the rationale for the consolidation;

“(4)(A) indicates whether the Secretary has eliminated any office pursuant to subsection (f)(2); and

“(B) if the Secretary has eliminated such an office, describes the rationale for the elimination;

“(5) describes any other actions carried out by the Secretary to implement this section; and

“(6) describes any recommendations of the Secretary for legislation that may be needed to further implement this section.

Recommendations.

“(j) SAVINGS PROVISIONS.—

“(1) EFFECT ON OTHER LAW.—Except as otherwise provided in this section, nothing in this section alters or affects any law (including regulations) with respect to a program referred to in subsection (d).

“(2) EFFECT ON RESPONSIBILITIES OF OTHER AGENCIES.—Except as otherwise provided in this section, nothing in this section abrogates the responsibilities of any agency, operating administration, or office within the Department that is otherwise charged by law (including regulations) with any aspect of program administration, oversight, or project approval or implementation with respect to a program or project subject to the responsibilities of the Freight Office under this section.

“(3) EFFECT ON PENDING APPLICATIONS.—Nothing in this section affects any pending application under a program referred to in subsection (d) that was received by the Secretary

on or before the date of enactment of the Surface Transportation Investment Act of 2021.

“(k) AUTHORIZATION OF APPROPRIATIONS.—

“(1) IN GENERAL.—There are authorized to be appropriated to the Secretary such sums as are necessary to carry out this section.

“(2) CERTAIN ACTIVITIES.—Authorizations under subsections (f) and (g) are subject to appropriations.”.

(b) GAO REVIEW.—The Comptroller General of the United States shall—

(1) conduct a review of the activities carried out by the Secretary pursuant to section 118 of title 49, United States Code; and

Recommendations.

(2) develop recommendations regarding additional activities—

(A) to improve the consolidation of duplicative functions within the Department; and

(B) to promote increased staff efficiency for program management within the Department.

49 USC
prec. 101.

(c) CLERICAL AMENDMENT.—The analysis for chapter 1 of title 49, United States Code, is amended by inserting after the item relating to section 117 the following:

“118. Office of Multimodal Freight Infrastructure and Policy.”.

(d) CONFORMING AMENDMENTS.—

(1) Section 70101(c) of title 49, United States Code, is amended, in the matter preceding paragraph (1), by striking “Under Secretary of Transportation for Policy” and inserting “Assistant Secretary for Multimodal Freight”.

(2) Section 70102 of title 49, United States Code, is amended—

(A) in subsection (a), in the matter preceding paragraph (1), by striking “Not later” and all that follows through “the Under Secretary of Transportation for Policy” and inserting “The Assistant Secretary for Multimodal Freight (referred to in this section as the ‘Assistant Secretary’)”;

(B) in subsection (b)(4), in the matter preceding subparagraph (A), by striking “Under Secretary” and inserting “Assistant Secretary”;

(C) in subsection (c), by striking “Under Secretary” and inserting “Assistant Secretary”; and

(D) in subsection (d), in the matter preceding paragraph (1), by striking “Under Secretary” and inserting “Assistant Secretary”.

(3) Section 70103 of title 49, United States Code, is amended—

(A) in subsection (a), in the matter preceding paragraph (1), by striking “Under Secretary of Transportation for Policy” and inserting “Assistant Secretary for Multimodal Freight (referred to in this section as the ‘Assistant Secretary’)”;

(B) by striking subsection (b);

(C) by redesignating subsections (c) and (d) as subsections (b) and (c), respectively;

(D) in subsection (b) (as so redesignated)—

(i) in the subsection heading, by striking “FINAL NETWORK” and inserting “DESIGNATION OF NATIONAL MULTIMODAL FREIGHT NETWORK”;

(ii) in paragraph (1), in the matter preceding subparagraph (A), by striking “Not later” and all that follows through “Under Secretary” and inserting “The Assistant Secretary”;

(iii) in paragraph (2), in the matter preceding subparagraph (A), by striking “Under Secretary” and inserting “Assistant Secretary”; and

(iv) in paragraph (3), in the matter preceding subparagraph (A), by striking “Under Secretary” and inserting “Assistant Secretary”; and
(E) in subsection (c) (as so redesignated)—

(i) by striking “subsection (c)” each place it appears and inserting “subsection (b)”; and

(ii) by striking “Under Secretary” and inserting “Assistant Secretary”.

(4) Section 116(d)(1) of title 49, United States Code, is amended by striking subparagraph (D).

SEC. 21102. UPDATES TO NATIONAL FREIGHT PLAN.

Section 70102(b) of title 49, United States Code, is amended—

(1) in paragraph (10), by striking “and” at the end;

(2) in paragraph (11), by striking the period at the end and inserting a semicolon; and

(3) by adding at the end the following:

“(12) best practices for reducing environmental impacts of freight movement (including reducing local air pollution from freight movement, stormwater runoff, and wildlife habitat loss resulting from freight facilities, freight vehicles, or freight activity);

Strategies.

“(13) possible strategies to increase the resilience of the freight system, including the ability to anticipate, prepare for, or adapt to conditions, or withstand, respond to, or recover rapidly from disruptions, including extreme weather and natural disasters;

“(14) strategies to promote United States economic growth and international competitiveness;

“(15) consideration of any potential unique impacts of the national freight system on rural and other underserved and historically disadvantaged communities;

“(16) strategies for decarbonizing freight movement, as appropriate; and

“(17) consideration of the impacts of e-commerce on the national multimodal freight system.”.

SEC. 21103. STATE COLLABORATION WITH NATIONAL MULTIMODAL FREIGHT NETWORK.

Subsection (b) of section 70103 of title 49, United States Code (as redesignated by section 21101(d)(3)(C)), is amended—

(1) in paragraph (3), by striking subparagraph (C) and inserting the following:

“(C) provide to the States an opportunity to submit proposed designations from the States in accordance with paragraph (4).”; and

(2) in paragraph (4)—

(A) in subparagraph (C)(i), by striking “20 percent” and inserting “30 percent”; and

(B) by adding at the end the following:

Determination.

“(E) CONDITION FOR ACCEPTANCE.—The Secretary shall accept from a State a designation under subparagraph (D) only if the Secretary determines that the designation meets the applicable requirements of subparagraph (A).”.

SEC. 21104. IMPROVING STATE FREIGHT PLANS.

(a) IN GENERAL.—Section 70202 of title 49, United States Code, is amended—

(1) in subsection (b)—

(A) in paragraph (9), by striking “and” at the end;

(B) by redesignating paragraph (10) as paragraph (17);

and

(C) by inserting after paragraph (9) the following:

Assessment.

“(10) the most recent commercial motor vehicle parking facilities assessment conducted by the State under subsection (f);

“(11) the most recent supply chain cargo flows in the State, expressed by mode of transportation;

Inventory.

“(12) an inventory of commercial ports in the State;

Recommendations.

“(13) if applicable, consideration of the findings or recommendations made by any multi-State freight compact to which the State is a party under section 70204;

“(14) the impacts of e-commerce on freight infrastructure in the State;

“(15) considerations of military freight;

Strategies.

“(16) strategies and goals to decrease—

“(A) the severity of impacts of extreme weather and natural disasters on freight mobility;

“(B) the impacts of freight movement on local air pollution;

“(C) the impacts of freight movement on flooding and stormwater runoff; and

“(D) the impacts of freight movement on wildlife habitat loss; and”; and

(2) by adding at the end the following:

Consultation.

“(f) COMMERCIAL MOTOR VEHICLE PARKING FACILITIES ASSESSMENTS.—As part of the development or updating, as applicable, of a State freight plan under this section, each State that receives funding under section 167 of title 23, in consultation with relevant State motor carrier safety personnel, shall conduct an assessment of—

“(1) the capability of the State, together with the private sector in the State, to provide adequate parking facilities and rest facilities for commercial motor vehicles engaged in interstate transportation;

“(2) the volume of commercial motor vehicle traffic in the State; and

“(3) whether there exist any areas within the State with a shortage of adequate commercial motor vehicle parking facilities, including an analysis (economic or otherwise, as the State determines to be appropriate) of the underlying causes of such a shortage.

Requirement.

“(g) PRIORITY.—Each State freight plan under this section shall include a requirement that the State, in carrying out activities under the State freight plan—

“(1) enhance reliability or redundancy of freight transportation; or

“(2) incorporate the ability to rapidly restore access and reliability with respect to freight transportation.

“(h) APPROVAL.—

“(1) IN GENERAL.—The Secretary of Transportation shall approve a State freight plan described in subsection (a) if the plan achieves compliance with the requirements of this section.

Compliance.

“(2) SAVINGS PROVISION.—Nothing in this subsection establishes new procedural requirements for the approval of a State freight plan described in subsection (a).”.

(b) STUDIES.—For the purpose of facilitating the integration of intelligent transportation systems into the freight transportation network powered by electricity, the Secretary, acting through the Assistant Secretary for Multimodal Freight, shall conduct a study relating to—

(1) preparing to supply power to applicable electrical freight infrastructure; and

(2) safely integrating freight into intelligent transportation systems.

(c) ALIGNMENT OF TRANSPORTATION PLANNING.—Section 70202 of title 49, United States Code, is amended—

(1) in subsection (d), by striking “5-year” and inserting “8-year”; and

(2) in subsection (e)(1), by striking “5 years” and inserting “4 years”.

SEC. 21105. IMPLEMENTATION OF NATIONAL MULTIMODAL FREIGHT NETWORK.

Not later than 30 days after the date of enactment of this Act, the Secretary shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report that—

Reports.

(1) describes the status of the designation of the final National Multimodal Freight Network required under section 70103 of title 49, United States Code;

(2) explains the reasons why the designation of the network referred to in paragraph (1) has not been finalized, if applicable; and

(3) estimates the date by which that network will be designated.

Estimate.

SEC. 21106. MULTI-STATE FREIGHT CORRIDOR PLANNING.

(a) IN GENERAL.—Chapter 702 of title 49, United States Code, is amended—

(1) by redesignating section 70204 as section 70206; and

(2) by inserting after section 70203 the following:

“§ 70204. Multi-State freight corridor planning

49 USC 70204.

“(a) CONSENT TO MULTI-STATE FREIGHT MOBILITY COMPACTS.—Congress recognizes the right of States, cities, regional planning organizations, federally recognized Indian Tribes, and local public authorities (including public port authorities) that are regionally linked with an interest in a specific nationally or regionally significant multi-State freight corridor to enter into multi-State compacts to promote the improved mobility of goods, including—

“(1) identifying projects along the corridor that benefit multiple States;

“(2) assembling rights-of-way; and

“(3) performing capital improvements.

“(b) FINANCING.—A multi-State freight compact established by entities under subsection (a) may provide that, in order to carry out the compact, the relevant States or other entities may—

“(1) accept contributions from a unit of State or local government;

“(2) use any Federal or State funds made available for freight mobility infrastructure planning or construction, including applying for grants;

“(3) subject to such terms and conditions as the States consider to be advisable—

“(A) borrow money on a short-term basis; and

“(B) issue—

“(i) notes for borrowing under subparagraph (A); and

“(ii) bonds; and

“(4) obtain financing by other means permitted under applicable Federal or State law.

“(c) ADVISORY COMMITTEES.—

“(1) IN GENERAL.—A multi-State freight compact under this section may establish a multi-State freight corridor advisory committee, which shall include representatives of State departments of transportation and other public and private sector entities with an interest in freight mobility, such as—

“(A) ports;

“(B) freight railroads;

“(C) shippers;

“(D) carriers;

“(E) freight-related associations;

“(F) third-party logistics providers;

“(G) the freight industry workforce;

“(H) environmental organizations;

“(I) community organizations; and

“(J) units of local government.

“(2) ACTIVITIES.—An advisory committee established under paragraph (1) may—

“(A) advise the parties to the applicable multi-State freight compact with respect to freight-related priorities, issues, projects, and funding needs that impact multi-State—

“(i) freight mobility; and

“(ii) supply chains;

“(B) serve as a forum for States, Indian Tribes, and other public entities to discuss decisions affecting freight mobility;

“(C) communicate and coordinate multi-State freight priorities with other organizations;

“(D) promote the sharing of information between the private and public sectors with respect to freight issues; and

“(E) provide information for consideration in the development of State freight plans under section 70202.

“(d) GRANTS.—

“(1) ESTABLISHMENT.—The Secretary of Transportation (referred to in this section as the ‘Secretary’) shall establish a program under which the Secretary shall provide grants

to multi-State freight compacts, or States seeking to form a multi-State freight compact, that seek to improve a route or corridor that is a part of the National Multimodal Freight Network established under section 70103.

“(2) NEW COMPACTS.—

Time periods.

“(A) IN GENERAL.—To incentivize the establishment of multi-State freight compacts, the Secretary may award a grant for operations costs in an amount of not more than \$2,000,000 to—

“(i) a multi-State freight compact established under subsection (a) during the 2-year period beginning on the date of establishment of the multi-State freight compact; or

“(ii) States seeking to form a multi-State freight compact described in that subsection.

“(B) ELIGIBILITY.—

“(i) NEW MULTI-STATE FREIGHT COMPACTS.—A multi-State freight compact shall be eligible for a grant under this paragraph only during the initial 2 years of operation of the compact.

“(ii) STATES SEEKING TO FORM A COMPACT.—States seeking to form a multi-State freight compact shall be eligible for a grant under this paragraph during—

“(I) the 2-year period beginning on the date on which an application for a grant under this paragraph with respect to the proposed compact is submitted to the Secretary; or

“(II) if the compact is formed before the date on which a grant under this paragraph is awarded in accordance with subclause (I), the initial 2 years of operation of the compact.

“(C) REQUIREMENTS.—To be eligible to receive a grant under this paragraph, a multi-State freight compact or the applicable States seeking to form a multi-State freight compact shall—

“(i) submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require;

“(ii) provide a non-Federal match equal to not less than 25 percent of the operating costs of the multi-State freight compact; and

“(iii) commit to establishing a multi-State freight corridor advisory committee under subsection (c)(1) during the initial 2-year period of operation of the compact.

“(3) EXISTING COMPACTS.—

“(A) IN GENERAL.—The Secretary may award a grant to multi-State freight compacts that are not eligible to receive a grant under paragraph (2) for operations costs in an amount of not more than \$1,000,000.

“(B) REQUIREMENTS.—To be eligible to receive a grant under this paragraph, a multi-State freight compact shall—

“(i) submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require;

“(ii) provide a non-Federal match of not less than 50 percent of the operating costs of the compact; and

“(iii) demonstrate that the compact has established a multi-State freight corridor advisory committee under subsection (c)(1).

“(4) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary \$5,000,000 for each fiscal year to carry out this subsection.”.

49 USC
prec. 70201.

(b) CLERICAL AMENDMENT.—The analysis for chapter 702 of title 49, United States Code, is amended by striking the item relating to section 70204 and inserting the following:

“70204. Multi-State freight corridor planning.

“70206. Savings provision.”.

SEC. 21107. STATE FREIGHT ADVISORY COMMITTEES.

Section 70201 of title 49, United States Code, is amended—

(1) in subsection (a), by striking “representatives of ports, freight railroads,” and all that follows through the period at the end and inserting the following: “representatives of—

“(1) ports, if applicable;

“(2) freight railroads, if applicable;

“(3) shippers;

“(4) carriers;

“(5) freight-related associations;

“(6) third-party logistics providers;

“(7) the freight industry workforce;

“(8) the transportation department of the State;

“(9) metropolitan planning organizations;

“(10) local governments;

“(11) the environmental protection department of the State, if applicable;

“(12) the air resources board of the State, if applicable;

“(13) economic development agencies of the State; and

“(14) not-for-profit organizations or community organizations.”;

(2) in subsection (b)(5), by striking “70202.” and inserting “70202, including by providing advice regarding the development of the freight investment plan.”;

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

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

“(b) QUALIFICATIONS.—Each member of a freight advisory committee established under subsection (a) shall have qualifications sufficient to serve on a freight advisory committee, including, as applicable—

“(1) general business and financial experience;

“(2) experience or qualifications in the areas of freight transportation and logistics;

“(3) experience in transportation planning;

“(4) experience representing employees of the freight industry;

“(5) experience representing a State, local government, or metropolitan planning organization; or

“(6) experience representing the views of a community group or not-for-profit organization.”.

Subtitle B—Multimodal Investment

SEC. 21201. NATIONAL INFRASTRUCTURE PROJECT ASSISTANCE.

Subtitle III of title 49, United States Code, is amended by adding at the end the following: 49 USC prec. 6701.

“CHAPTER 67—MULTIMODAL INFRASTRUCTURE INVESTMENTS

“6701. National infrastructure project assistance.

“6702. Local and regional project assistance.

“§ 6701. National infrastructure project assistance

Grants.
49 USC 6701.

“(a) DEFINITIONS.—In this section:

“(1) DEPARTMENT.—The term ‘Department’ means the Department of Transportation.

“(2) ELIGIBLE ENTITY.—The term ‘eligible entity’ means—

“(A) a State or a group of States;

“(B) a metropolitan planning organization;

“(C) a unit of local government;

“(D) a political subdivision of a State;

“(E) a special purpose district or public authority with a transportation function, including a port authority;

“(F) a Tribal government or a consortium of Tribal governments;

“(G) a partnership between Amtrak and 1 or more entities described in subparagraphs (A) through (F); and

“(H) a group of entities described in any of subparagraphs (A) through (G).

“(3) PROGRAM.—The term ‘program’ means the program established by subsection (b).

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

“(5) STATE.—The term ‘State’ means—

“(A) any of the several States;

“(B) the District of Columbia;

“(C) the Commonwealth of Puerto Rico;

“(D) the Commonwealth of the Northern Mariana Islands;

“(E) the United States Virgin Islands;

“(F) Guam;

“(G) American Samoa; and

“(H) any other territory or possession of the United States.

“(b) ESTABLISHMENT.—There is established a program under which the Secretary shall provide to eligible entities grants, on a competitive basis pursuant to single-year or multiyear grant agreements, for projects described in subsection (d).

“(c) APPLICATIONS.—

“(1) IN GENERAL.—To be eligible for a grant under the program, an eligible entity shall submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary determines to be appropriate.

Determination.

“(2) PLAN FOR DATA COLLECTION.—An application under paragraph (1) shall include a plan for data collection and analysis described in subsection (g).

“(d) ELIGIBLE PROJECTS.—The Secretary may provide a grant under the program only for a project—

“(1) that is—

“(A) a highway or bridge project carried out on—

“(i) the National Multimodal Freight Network established under section 70103;

“(ii) the National Highway Freight Network established under section 167 of title 23; or

“(iii) the National Highway System (as defined in section 101(a) of title 23);

“(B) a freight intermodal (including public ports) or freight rail project that provides a public benefit;

“(C) a railway-highway grade separation or elimination project;

“(D) an intercity passenger rail project;

“(E) a public transportation project that is—

“(i) eligible for assistance under chapter 53; and

“(ii) part of a project described in any of subparagraphs (A) through (D); or

“(F) a grouping, combination, or program of inter-related, connected, or dependent projects of any of the projects described in subparagraphs (A) through (E); and

“(2) the eligible project costs of which are—

“(A) reasonably anticipated to equal or exceed \$500,000,000; or

“(B) for any project funded by the set-aside under subsection (m)(2)—

“(i) more than \$100,000,000; but

“(ii) less than \$500,000,000.

“(e) GEOGRAPHICAL DISTRIBUTION.—In providing grants under this section, the Secretary shall ensure among grant recipients—

“(1) geographical diversity; and

“(2) a balance between rural and urban communities.

“(f) PROJECT EVALUATION AND SELECTION.—

“(1) REQUIREMENTS.—The Secretary may select a project described in subsection (d) to receive a grant under the program only if the Secretary determines that—

“(A) the project is likely to generate national or regional economic, mobility, or safety benefits;

“(B) the project is in need of significant Federal funding;

“(C) the project will be cost-effective;

“(D) with respect to related non-Federal financial commitments, 1 or more stable and dependable sources of funding and financing are available—

“(i) to construct, operate, and maintain the project; and

“(ii) to cover cost increases; and

“(E) the applicant has, or will have, sufficient legal, financial, and technical capacity to carry out the project.

“(2) EVALUATION CRITERIA.—In awarding a grant under the program, the Secretary shall evaluate—

“(A) the extent to which a project supports achieving a state of good repair for each existing asset to be improved by the project;

“(B) the level of benefits a project is expected to generate, including—

Determination.

“(i) the costs avoided by the prevention of closure or reduced use of the asset to be improved by the project;

“(ii) reductions in maintenance costs over the life of the applicable asset;

“(iii) safety benefits, including the reduction of serious injuries and fatalities and related costs;

“(iv) improved person or freight throughput, including improved mobility and reliability; and

“(v) environmental benefits and health impacts, such as—

“(I) reductions in greenhouse gas emissions;

“(II) air quality benefits;

“(III) preventing stormwater runoff that would be a detriment to aquatic species; and

“(IV) improved infrastructure resilience;

“(C) the benefits of the project, as compared to the costs of the project;

“(D) the number of persons or volume of freight, as applicable, supported by the project; and

“(E) national and regional economic benefits of the project, including with respect to short- and long-term job access, growth, or creation.

“(3) ADDITIONAL CONSIDERATIONS.—In selecting projects to receive grants under the program, the Secretary shall take into consideration—

“(A) contributions to geographical diversity among grant recipients, including a balance between the needs of rural and urban communities;

“(B) whether multiple States would benefit from a project;

“(C) whether, and the degree to which, a project uses—

“(i) construction materials or approaches that have—

“(I) demonstrated reductions in greenhouse gas emissions; or

“(II) reduced the need for maintenance of other projects; or

“(ii) technologies that will allow for future connectivity and automation;

“(D) whether a project would benefit—

“(i) a historically disadvantaged community or population; or

“(ii) an area of persistent poverty;

“(E) whether a project benefits users of multiple modes of transportation, including—

“(i) pedestrians;

“(ii) bicyclists; and

“(iii) users of nonvehicular rail and public transportation, including intercity and commuter rail; and

“(F) whether a project improves connectivity between modes of transportation moving persons or goods nationally or regionally.

“(4) RATINGS.—

“(A) IN GENERAL.—In evaluating applications for a grant under the program, the Secretary shall assign the project proposed in the application a rating described in

Evaluation.

Determinations.

subparagraph (B), based on the information contained in the applicable notice published under paragraph (5).

“(B) RATINGS.—

“(i) HIGHLY RECOMMENDED.—The Secretary shall assign a rating of ‘highly recommended’ to projects that, in the determination of the Secretary—

“(I) are exemplary projects of national or regional significance; and

“(II) would provide significant public benefit, as determined based on the applicable criteria described in this subsection, if funded under the program.

“(ii) RECOMMENDED.—The Secretary shall assign a rating of ‘recommended’ to projects that, in the determination of the Secretary—

“(I) are of national or regional significance; and

“(II) would provide public benefit, as determined based on the applicable criteria described in this subsection, if funded under the program.

“(iii) NOT RECOMMENDED.—The Secretary shall assign a rating of ‘not recommended’ to projects that, in the determination of the Secretary, should not receive a grant under the program, based on the applicable criteria described in this subsection.

“(C) TECHNICAL ASSISTANCE.—

“(i) IN GENERAL.—On request of an eligible entity that submitted an application under subsection (c) for a project that is not selected to receive a grant under the program, the Secretary shall provide to the eligible entity technical assistance and briefings relating to the project.

“(ii) TREATMENT.—Technical assistance provided under this subparagraph shall not be considered a guarantee of future selection of the applicable project under the program.

Deadline.
Public
information.
Web posting.
Notice.

“(5) PUBLICATION OF PROJECT EVALUATION AND SELECTION CRITERIA.—Not later than 90 days after the date of enactment of this chapter, the Secretary shall publish and make publicly available on the website of the Department a notice that contains a detailed explanation of—

“(A) the method by which the Secretary will determine whether a project satisfies the applicable requirements described in paragraph (1);

“(B) any additional ratings the Secretary may assign to determine the means by which a project addresses the selection criteria and additional considerations described in paragraphs (2) and (3); and

“(C) the means by which the project requirements and ratings referred to in subparagraphs (A) and (B) will be used to assign an overall rating for the project under paragraph (4).

“(6) PROJECT SELECTION PRIORITY.—In awarding grants under the program, the Secretary shall give priority to projects to which the Secretary has assigned a rating of ‘highly recommended’ under paragraph (4)(B)(i).

“(g) DATA COLLECTION AND ANALYSIS.—

“(1) PLAN.—

“(A) IN GENERAL.—An eligible entity seeking a grant under the program shall submit to the Secretary, together with the grant application, a plan for the collection and analysis of data to identify in accordance with the framework established under paragraph (2)—

“(i) the impacts of the project; and

“(ii) the accuracy of any forecast prepared during the development phase of the project and included in the grant application.

“(B) CONTENTS.—A plan under subparagraph (A) shall include—

“(i) an approach to measuring—

“(I) the criteria described in subsection (f)(2); and

“(II) if applicable, the additional requirements described in subsection (f)(3);

“(ii) an approach for analyzing the consistency of predicted project characteristics with actual outcomes; and

“(iii) any other elements that the Secretary determines to be necessary.

Determination.

“(2) FRAMEWORK.—The Secretary may publish a standardized framework for the contents of the plans under paragraph (1), which may include, as appropriate—

Publication.

“(A) standardized forecasting and measurement approaches;

“(B) data storage system requirements; and

“(C) any other requirements the Secretary determines to be necessary to carry out this section.

Data.
Requirements.
Determination.

“(3) MULTIYEAR GRANT AGREEMENTS.—The Secretary shall require an eligible entity, as a condition of receiving funding pursuant to a multiyear grant agreement under the program, to collect additional data to measure the impacts of the project and to accurately track improvements made by the project, in accordance with a plan described in paragraph (1).

“(4) REPORTS.—

“(A) PROJECT BASELINE.—Before the date of completion of a project for which a grant is provided under the program, the eligible entity carrying out the project shall submit to the Secretary a report providing baseline data for the purpose of analyzing the long-term impact of the project in accordance with the framework established under paragraph (2).

“(B) UPDATED REPORT.—Not later than 6 years after the date of completion of a project for which a grant is provided under the program, the eligible entity carrying out the project shall submit to the Secretary a report that compares the baseline data included in the report under subparagraph (A) to project data collected during the period—

Time period.

“(i) beginning on the date that is 5 years after the date of completion of the project; and

“(ii) ending on the date on which the updated report is submitted.

“(h) ELIGIBLE PROJECT COSTS.—

“(1) IN GENERAL.—An eligible entity may use a grant provided under the program for—

“(A) development-phase activities and costs, including planning, feasibility analysis, revenue forecasting, alternatives analysis, data collection and analysis, environmental review and activities to support environmental review, preliminary engineering and design work, and other preconstruction activities, including the preparation of a data collection and post-construction analysis plan under subsection (g); and

“(B) construction, reconstruction, rehabilitation, acquisition of real property (including land relating to the project and improvements to that land), environmental mitigation (including projects to replace or rehabilitate culverts or reduce stormwater runoff for the purpose of improving habitat for aquatic species), construction contingencies, acquisition of equipment, protection, and operational improvements directly relating to the project.

Certification.

“(2) INTEREST AND OTHER FINANCING COSTS.—The interest and other financing costs of carrying out any part of a project under a multiyear grant agreement within a reasonable period of time shall be considered to be an eligible project cost only if the applicable eligible entity certifies to the Secretary that the eligible entity has demonstrated reasonable diligence in seeking the most favorable financing terms.

“(i) COST SHARING.—

“(1) IN GENERAL.—The total amount awarded for a project under the program may not exceed 60 percent of the total eligible project costs described in subsection (h).

“(2) MAXIMUM FEDERAL INVOLVEMENT.—

“(A) IN GENERAL.—Subject to subparagraph (B), Federal assistance other than a grant awarded under the program may be provided for a project for which a grant is awarded under the program.

“(B) LIMITATION.—The total amount of Federal assistance provided for a project for which a grant is awarded under the program shall not exceed 80 percent of the total cost of the project.

“(C) NON-FEDERAL SHARE.—Secured loans or financing provided under section 603 of title 23 or section 22402 of this title and repaid with local funds or revenues shall be considered to be part of the local share of the cost of a project.

“(3) APPLICATION TO MULTIYEAR AGREEMENTS.—Notwithstanding any other provision of this title, in any case in which amounts are provided under the program pursuant to a multiyear agreement, the disbursed Federal share of the cost of the project may exceed the limitations described in paragraphs (1) and (2)(B) for 1 or more years if the total amount of the Federal share of the cost of the project, once completed, does not exceed those limitations.

“(j) GRANT AGREEMENTS.—

“(1) IN GENERAL.—A project for which an eligible entity receives a multiyear grant under the program shall be carried out in accordance with this subsection.

“(2) TERMS.—A multiyear grant agreement under this subsection shall—

“(A) establish the terms of Federal participation in the applicable project;

“(B) establish the maximum amount of Federal financial assistance for the project;

“(C) establish a schedule of anticipated Federal obligations for the project that provides for obligation of the full grant amount;

“(D) describe the period of time for completing the project, regardless of whether that period extends beyond the period of an authorization; and

“(E) facilitate timely and efficient management of the applicable project by the eligible entity carrying out the project, in accordance with applicable law.

“(3) SPECIAL RULES.—

“(A) IN GENERAL.—A multiyear grant agreement under this subsection—

“(i) shall provide for the obligation of an amount of available budget authority specified in law;

“(ii) may include a commitment, contingent on amounts to be specified in law in advance for commitments under this paragraph, to obligate an additional amount from future available budget authority specified in law; and

“(iii) shall provide that any funds disbursed under the program for the project before the completion of any review required under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) may only cover costs associated with development-phase activities described in subsection (h)(1)(A).

“(B) CONTINGENT COMMITMENT.—A contingent commitment under this paragraph is not an obligation of the Federal Government, including for purposes of section 1501 of title 31.

“(4) SINGLE-YEAR GRANTS.—The Secretary may only provide to an eligible entity a full grant under the program in a single year if all reviews required under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) with respect to the applicable project have been completed before the receipt of any program funds.

“(k) CONGRESSIONAL NOTIFICATION.—

“(1) IN GENERAL.—Not later than 30 days before the date on which the Secretary publishes the selection of projects to receive grants under the program, the Secretary shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a written notice that includes—

“(A) a list of all project applications reviewed by the Secretary as part of the selection process; List.

“(B) the rating assigned to each project under subsection (f)(4);

“(C) an evaluation and justification with respect to each project for which the Secretary will— Evaluation.

“(i) provide a grant under the program; and

“(ii) enter into a multiyear grant agreement under the program;

- “(D) a description of the means by which the Secretary anticipates allocating among selected projects the amounts made available to the Secretary to carry out the program; and
- Time period. “(E) anticipated funding levels required for the 3 fiscal years beginning after the date of submission of the notice for projects selected for grants under the program, based on information available to the Secretary as of that date.
- “(2) CONGRESSIONAL DISAPPROVAL.—The Secretary may not provide a grant or any other obligation or commitment to fund a project under the program if a joint resolution is enacted disapproving funding for the project before the last day of the 30-day period described in paragraph (1).
- “(1) REPORTS.—
- Web posting. “(1) TRANSPARENCY.—Not later than 60 days after the date on which the grants are announced under the program, the Secretary shall publish on the website of the Department a report that includes—
- List. “(A) a list of all project applications reviewed by the Secretary as part of the selection process under the program;
- “(B) the rating assigned to each project under subsection (f)(4); and
- “(C) a description of each project for which a grant has been provided under the program.
- “(2) COMPTROLLER GENERAL.—
- “(A) ASSESSMENT.—The Comptroller General of the United States shall conduct an assessment of the administrative establishment, solicitation, selection, and justification process with respect to the funding of grants under the program.
- “(B) REPORT.—Not later than 18 months after the date on which the initial grants are awarded for projects under the program, the Comptroller General shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report that describes, as applicable—
- “(i) the adequacy and fairness of the process by which the projects were selected; and
- “(ii) the justification and criteria used for the selection of the projects.
- Time period. “(m) AUTHORIZATION OF APPROPRIATIONS.—
- “(1) IN GENERAL.—There is authorized to be appropriated to the Secretary to carry out the program \$2,000,000,000 for each of fiscal years 2022 through 2026.
- “(2) OTHER PROJECTS.—Of the amounts made available under paragraph (1), 50 percent shall be set aside for projects that have a project cost of—
- “(A) more than \$100,000,000; but
- “(B) less than \$500,000,000.
- “(3) ADMINISTRATIVE EXPENSES.—Of the amounts made available to carry out the program for each fiscal year, the Secretary may reserve not more than 2 percent for the costs of—
- “(A) administering and overseeing the program; and

“(B) hiring personnel for the program, including personnel dedicated to processing permitting and environmental review issues.

“(4) TRANSFER OF AUTHORITY.—The Secretary may transfer any portion of the amounts reserved under paragraph (3) for a fiscal year to the Administrator of any of the Federal Highway Administration, the Federal Transit Administration, the Federal Railroad Administration, or the Maritime Administration to award and oversee grants in accordance with this section.

“(n) ADDITIONAL REQUIREMENTS.—

“(1) IN GENERAL.—Each project that receives a grant under this chapter shall achieve compliance with the applicable requirements of—

“(A) subchapter IV of chapter 31 of title 40;

“(B) title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d et seq.); and

“(C) the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

“(2) MODAL REQUIREMENTS.—The Secretary shall, with respect to a project funded by a grant under this section, apply—

“(A) the requirements of title 23 to a highway, road, or bridge project;

“(B) the requirements of chapter 53 to a transit project; and

“(C) the requirements of section 22905 to a rail project.

“(3) MULTIMODAL PROJECTS.—

“(A) IN GENERAL.—Except as otherwise provided in this paragraph, if an eligible project is a multimodal project, the Secretary shall—

“(i) determine the predominant modal component of the project; and

“(ii) apply the applicable requirements described in paragraph (2) of the predominant modal component to the project.

“(B) EXCEPTIONS.—

“(i) PASSENGER OR FREIGHT RAIL COMPONENT.—The requirements of section 22905 shall apply to any passenger or freight rail component of a project.

“(ii) PUBLIC TRANSPORTATION COMPONENT.—The requirements of section 5333 shall apply to any public transportation component of a project.”.

SEC. 21202. LOCAL AND REGIONAL PROJECT ASSISTANCE.

(a) IN GENERAL.—Chapter 67 of subtitle III of title 49, United States Code (as added by section 21201), is amended by adding at the end the following:

“§ 6702. Local and regional project assistance

49 USC 6702.

“(a) DEFINITIONS.—In this section:

“(1) AREA OF PERSISTENT POVERTY.—The term ‘area of persistent poverty’ means—

“(A) any county (or equivalent jurisdiction) in which, during the 30-year period ending on the date of enactment of this chapter, 20 percent or more of the population continually lived in poverty, as measured by—

“(i) the 1990 decennial census;

- “(ii) the 2000 decennial census; and
 - “(iii) the most recent annual small area income and poverty estimate of the Bureau of the Census;
 - “(B) any census tract with a poverty rate of not less than 20 percent, as measured by the 5-year data series available from the American Community Survey of the Bureau of the Census for the period of 2014 through 2018; and
 - “(C) any territory or possession of the United States.
- “(2) ELIGIBLE ENTITY.—The term ‘eligible entity’ means—
- “(A) a State;
 - “(B) the District of Columbia;
 - “(C) any territory or possession of the United States;
 - “(D) a unit of local government;
 - “(E) a public agency or publicly chartered authority established by 1 or more States;
 - “(F) a special purpose district or public authority with a transportation function, including a port authority;
 - “(G) a federally recognized Indian Tribe or a consortium of such Indian Tribes;
 - “(H) a transit agency; and
 - “(I) a multi-State or multijurisdictional group of entities described in any of subparagraphs (A) through (H).
- “(3) ELIGIBLE PROJECT.—The term ‘eligible project’ means—
- “(A) a highway or bridge project eligible for assistance under title 23;
 - “(B) a public transportation project eligible for assistance under chapter 53;
 - “(C) a passenger rail or freight rail transportation project eligible for assistance under this title;
 - “(D) a port infrastructure investment, including—
 - “(i) inland port infrastructure; and
 - “(ii) a land port-of-entry;
 - “(E) the surface transportation components of an airport project eligible for assistance under part B of subtitle VII;
 - “(F) a project for investment in a surface transportation facility located on Tribal land, the title or maintenance responsibility of which is vested in the Federal Government;
 - “(G) a project to replace or rehabilitate a culvert or prevent stormwater runoff for the purpose of improving habitat for aquatic species that will advance the goal of the program described in subsection (b)(2); and
 - “(H) any other surface transportation infrastructure project that the Secretary considers to be necessary to advance the goal of the program.
- “(4) PROGRAM.—The term ‘program’ means the Local and Regional Project Assistance Program established under subsection (b)(1).
- “(5) RURAL AREA.—The term ‘rural area’ means an area that is located outside of an urbanized area.
- “(6) SECRETARY.—The term ‘Secretary’ means the Secretary of Transportation.
- “(7) URBANIZED AREA.—The term ‘urbanized area’ means an area with a population of more than 200,000 residents, based on the most recent decennial census.

“(b) ESTABLISHMENT.—

“(1) IN GENERAL.—The Secretary shall establish and carry out a program, to be known as the ‘Local and Regional Project Assistance Program’, to provide for capital investments in surface transportation infrastructure.

“(2) GOAL.—The goal of the program shall be to fund eligible projects that will have a significant local or regional impact and improve transportation infrastructure.

“(c) GRANTS.—

“(1) IN GENERAL.—In carrying out the program, the Secretary may make grants to eligible entities, on a competitive basis, in accordance with this section.

“(2) AMOUNT.—Except as otherwise provided in this section, each grant made under the program shall be in an amount equal to—

“(A) not less than \$5,000,000 for an urbanized area;

“(B) not less than \$1,000,000 for a rural area; and

“(C) not more than \$25,000,000.

“(3) LIMITATION.—Not more than 15 percent of the funds made available to carry out the program for a fiscal year may be awarded to eligible projects in a single State during that fiscal year.

“(d) SELECTION OF ELIGIBLE PROJECTS.—

“(1) NOTICE OF FUNDING OPPORTUNITY.—Not later than 60 days after the date on which funds are made available to carry out the program, the Secretary shall publish a notice of funding opportunity for the funds.

Deadline.

“(2) APPLICATIONS.—To be eligible to receive a grant under the program, an eligible entity shall submit to the Secretary an application—

“(A) in such form and containing such information as the Secretary considers to be appropriate; and

“(B) by such date as the Secretary may establish, subject to the condition that the date shall be not later than 90 days after the date on which the Secretary issues the solicitation under paragraph (1).

Deadline.

“(3) PRIMARY SELECTION CRITERIA.—In awarding grants under the program, the Secretary shall evaluate the extent to which a project—

Evaluation.

“(A) improves safety;

“(B) improves environmental sustainability;

“(C) improves the quality of life of rural areas or urbanized areas;

“(D) increases economic competitiveness and opportunity, including increasing tourism opportunities;

“(E) contributes to a state of good repair; and

“(F) improves mobility and community connectivity.

“(4) ADDITIONAL SELECTION CRITERIA.—In selecting projects to receive grants under the program, the Secretary shall take into consideration the extent to which—

“(A) the project sponsors collaborated with other public and private entities;

“(B) the project adopts innovative technologies or techniques, including—

“(i) innovative technology;

“(ii) innovative project delivery techniques; and

“(iii) innovative project financing;

- “(C) the project has demonstrated readiness; and
“(D) the project is cost effective.
- “(5) TRANSPARENCY.—
Evaluation. “(A) IN GENERAL.—The Secretary, shall evaluate, through a methodology that is discernible and transparent to the public, the means by which each application submitted under paragraph (2) addresses the criteria under paragraphs (3) and (4) or otherwise established by the Secretary.
“(B) PUBLICATION.—The methodology under subparagraph (A) shall be published by the Secretary as part of the notice of funding opportunity under the program.
- Deadline. “(6) AWARDS.—Not later than 270 days after the date on which amounts are made available to provide grants under the program for a fiscal year, the Secretary shall announce the selection by the Secretary of eligible projects to receive the grants in accordance with this section.
- Briefings. “(7) TECHNICAL ASSISTANCE.—
“(A) IN GENERAL.—On request of an eligible entity that submitted an application under paragraph (2) for a project that is not selected to receive a grant under the program, the Secretary shall provide to the eligible entity technical assistance and briefings relating to the project.
“(B) TREATMENT.—Technical assistance provided under this paragraph shall not be considered a guarantee of future selection of the applicable project under the program.
- “(e) FEDERAL SHARE.—
“(1) IN GENERAL.—Except as provided in paragraph (2), the Federal share of the cost of an eligible project carried out using a grant provided under the program shall not exceed 80 percent.
“(2) EXCEPTION.—The Federal share of the cost of an eligible project carried out in a rural area, a historically disadvantaged community, or an area of persistent poverty using a grant under this subsection may exceed 80 percent, at the discretion of the Secretary.
“(3) TREATMENT OF OTHER FEDERAL FUNDS.—Amounts provided under any of the following programs shall be considered to be a part of the non-Federal share for purposes of this subsection:
“(A) The tribal transportation program under section 202 of title 23.
“(B) The Federal lands transportation program under section 203 of title 23.
“(C) The TIFIA program (as defined in section 601(a) of title 23).
“(D) The Railroad Rehabilitation and Improvement Financing Program under chapter 224.
- “(f) OTHER CONSIDERATIONS.—
“(1) IN GENERAL.—Of the total amount made available to carry out the program for each fiscal year—
“(A) not more than 50 percent shall be allocated for eligible projects located in rural areas; and
“(B) not more than 50 percent shall be allocated for eligible projects located in urbanized areas.
“(2) HISTORICALLY DISADVANTAGED COMMUNITIES AND AREAS OF PERSISTENT POVERTY.—Of the total amount made

available to carry out the program for each fiscal year, not less than 1 percent shall be awarded for projects in historically disadvantaged communities or areas of persistent poverty.

“(3) MULTIMODAL AND GEOGRAPHICAL CONSIDERATIONS.—

In selecting projects to receive grants under the program, the Secretary shall take into consideration geographical and modal diversity.

“(g) PROJECT PLANNING.—Of the amounts made available to carry out the program for each fiscal year, not less than 5 percent shall be made available for the planning, preparation, or design of eligible projects.

“(h) TRANSFER OF AUTHORITY.—Of the amounts made available to carry out the program for each fiscal year, the Secretary may transfer not more than 2 percent for a fiscal year to the Administrator of any of the Federal Highway Administration, the Federal Transit Administration, the Federal Railroad Administration, or the Maritime Administration to award and oversee grants and credit assistance in accordance with this section.

“(i) CREDIT PROGRAM COSTS.—

“(1) IN GENERAL.—Subject to paragraph (2), at the request of an eligible entity, the Secretary may use a grant provided to the eligible entity under the program to pay the subsidy or credit risk premium, and the administrative costs, of an eligible project that is eligible for Federal credit assistance under—

“(A) chapter 224; or

“(B) chapter 6 of title 23.

“(2) LIMITATION.—Not more than 20 percent of the funds made available to carry out the program for a fiscal year may be used to carry out paragraph (1).

“(j) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section \$1,500,000,000 for each of fiscal years 2022 through 2026, to remain available for a period of 3 fiscal years following the fiscal year for which the amounts are appropriated. Time period.

“(k) REPORTS.—

“(1) ANNUAL REPORT.—The Secretary shall make available on the website of the Department of Transportation at the end of each fiscal year an annual report that describes each eligible project for which a grant was provided under the program during that fiscal year. Web posting.

“(2) COMPTROLLER GENERAL.—Not later than 1 year after the date on which the initial grants are awarded for eligible projects under the program, the Comptroller General of the United States shall— Deadline.

“(A) review the administration of the program, including— Review.

“(i) the solicitation process; and

“(ii) the selection process, including—

“(I) the adequacy and fairness of the process; and

“(II) the selection criteria; and

“(B) submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report describing the findings of the review Recommendations.

under subparagraph (A), including recommendations for improving the administration of the program, if any.”.

Reports. (b) STUDY.—Not later than 1 year after the date of enactment of this Act, the Comptroller General of the United States shall conduct, and submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report describing the results of, a study of how changes to Federal share matching requirements and selection criteria, such as using State population data in Department discretionary programs, may impact the allocations made to States.

49 USC prec. 5101. (c) CLERICAL AMENDMENT.—The analysis for subtitle III of title 49, United States Code, is amended by adding at the end the following:

“CHAPTER 67—MULTIMODAL INFRASTRUCTURE INVESTMENTS

“6701. National infrastructure project assistance.
“6702. Local and regional project assistance.”.

SEC. 21203. NATIONAL CULVERT REMOVAL, REPLACEMENT, AND RESTORATION GRANT PROGRAM.

(a) IN GENERAL.—Chapter 67 of title 49, United States Code (as amended by section 21202(a)), is amended by adding at the end the following:

49 USC 6703. **“§ 6703. National culvert removal, replacement, and restoration grant program**

“(a) DEFINITIONS.—In this section:

“(1) DIRECTOR.—The term ‘Director’ means the Director of the United States Fish and Wildlife Service.

“(2) INDIAN TRIBE.—The term ‘Indian Tribe’ has the meaning given the term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5304).

“(3) PROGRAM.—The term ‘program’ means the annual competitive grant program established under subsection (b).

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

“(5) UNDERSECRETARY.—The term ‘Undersecretary’ means the Undersecretary of Commerce for Oceans and Atmosphere.

Consultation. Fish and fishing. (b) ESTABLISHMENT.—The Secretary, in consultation with the Undersecretary, shall establish an annual competitive grant program to award grants to eligible entities for projects for the replacement, removal, and repair of culverts or weirs that—

“(1) would meaningfully improve or restore fish passage for anadromous fish; and

“(2) with respect to weirs, may include—

“(A) infrastructure to facilitate fish passage around or over the weir; and

“(B) weir improvements.

“(c) ELIGIBLE ENTITIES.—An entity eligible to receive a grant under the program is—

“(1) a State;

“(2) a unit of local government; or

“(3) an Indian Tribe.

Consultation. Determination. Criteria. (d) GRANT SELECTION PROCESS.—The Secretary, in consultation with the Undersecretary and the Director, shall establish a process for determining criteria for awarding grants under the program, subject to subsection (e).

“(e) **PRIORITIZATION.**—The Secretary, in consultation with the Undersecretary and the Director, shall establish procedures to prioritize awarding grants under the program to—

Consultation.
Procedures.

“(1) projects that would improve fish passage for—

Fish and fishing.

“(A) anadromous fish stocks listed as an endangered species or a threatened species under section 4 of the Endangered Species Act of 1973 (16 U.S.C. 1533);

“(B) anadromous fish stocks identified by the Undersecretary or the Director that could reasonably become listed as an endangered species or a threatened species under that section;

“(C) anadromous fish stocks identified by the Undersecretary or the Director as prey for endangered species, threatened species, or protected species, including Southern resident orcas (*Orcinus orcas*); or

“(D) anadromous fish stocks identified by the Undersecretary or the Director as climate resilient stocks; and

“(2) projects that would open up more than 200 meters of upstream habitat before the end of the natural habitat.

“(f) **FEDERAL SHARE.**—The Federal share of the cost of a project carried out with a grant to a State or a unit of local government under the program shall be not more than 80 percent.

“(g) **TECHNICAL ASSISTANCE.**—The Secretary, in consultation with the Undersecretary and the Director, shall develop a process to provide technical assistance to Indian Tribes and underserved communities to assist in the project design and grant process and procedures.

Consultation.

“(h) **ADMINISTRATIVE EXPENSES.**—Of the amounts made available for each fiscal year to carry out the program, the Secretary, the Undersecretary, and the Director may use not more than 2 percent to pay the administrative expenses necessary to carry out this section.

“(i) **AUTHORIZATION OF APPROPRIATIONS.**—There is authorized to be appropriated to carry out the program \$800,000,000 for each of fiscal years 2022 through 2026.”.

Time period.

(b) **CLERICAL AMENDMENT.**—The analysis for chapter 67 of title 49, United States Code (as added by section 21202(c)), is amended by adding at the end the following:

49 USC
prec. 6701.

“6703. National culvert removal, replacement, and restoration grant program.”.

SEC. 21204. NATIONAL MULTIMODAL COOPERATIVE FREIGHT RESEARCH PROGRAM.

(a) **IN GENERAL.**—Chapter 702 of title 49, United States Code (as amended by section 21106(a)), is amended by inserting after section 70204 the following:

“§ 70205. National multimodal cooperative freight research program

49 USC 70205.

“(a) **ESTABLISHMENT.**—Not later than 1 year after the date of enactment of this section, the Secretary of Transportation (referred to in this section as the ‘Secretary’) shall establish and support a national cooperative freight transportation research program.

Deadline.

“(b) **ADMINISTRATION BY NATIONAL ACADEMY OF SCIENCES.**—

“(1) **IN GENERAL.**—The Secretary shall enter into an agreement with the National Academy of Sciences to support and

Contracts.

	carry out administrative and management activities under the program established under subsection (a). “(2) ADVISORY COMMITTEE.—To assist the National Academy of Sciences in carrying out this subsection, the National Academy shall establish an advisory committee, the members of which represent a cross-section of multimodal freight stakeholders, including— “(A) the Department of Transportation and other relevant Federal departments and agencies; “(B) State (including the District of Columbia) departments of transportation; “(C) units of local government, including public port authorities; “(D) nonprofit entities; “(E) institutions of higher education; “(F) labor organizations representing employees in freight industries; and “(G) private sector entities representing various transportation modes. “(c) ACTIVITIES.— “(1) NATIONAL RESEARCH AGENDA.— “(A) IN GENERAL.—The advisory committee established under subsection (b)(2), in consultation with interested parties, shall recommend a national research agenda for the program in accordance with subsection (d), which shall include a multiyear strategic plan. “(B) ACTION BY INTERESTED PARTIES.—For purposes of subparagraph (A), an interested party may— “(i) submit to the advisory committee research proposals; “(ii) participate in merit reviews of research proposals and peer reviews of research products; and “(iii) receive research results. “(2) RESEARCH CONTRACTS AND GRANTS.— “(A) IN GENERAL.—The National Academy of Sciences may award research contracts and grants under the program established under subsection (a) through— “(i) open competition; and “(ii) merit review, conducted on a regular basis. “(B) EVALUATION.— “(i) PEER REVIEW.—A contract or grant for research under subparagraph (A) may allow peer review of the research results. “(ii) PROGRAMMATIC EVALUATIONS.—The National Academy of Sciences may conduct periodic programmatic evaluations on a regular basis of a contract or grant for research under subparagraph (A). “(C) DISSEMINATION OF FINDINGS.—The National Academy of Sciences shall disseminate the findings of any research conducted under this paragraph to relevant researchers, practitioners, and decisionmakers through— “(i) conferences and seminars; “(ii) field demonstrations; “(iii) workshops; “(iv) training programs; “(v) presentations; “(vi) testimony to government officials;
Establishment.	
Consultation. Recommendations. Strategic plan.	
Proposals.	
Reviews.	
Reviews.	

- “(vii) publicly accessible websites;
- “(viii) publications for the general public; and
- “(ix) other appropriate means.

“(3) REPORT.—Not later than 1 year after the date of establishment of the program under subsection (a), and annually thereafter, the Secretary shall make available on a public website a report that describes the ongoing research and findings under the program.

Public
information.
Web posting.

“(d) AREAS FOR RESEARCH.—The national research agenda under subsection (c)(1) shall consider research in the following areas:

“(1) Improving the efficiency and resiliency of freight movement, including—

“(A) improving the connections between rural areas and domestic and foreign markets;

“(B) maximizing infrastructure utility, including improving urban curb-use efficiency;

“(C) quantifying the national impact of blocked railroad crossings;

“(D) improved techniques for estimating and quantifying public benefits derived from freight transportation projects; and

“(E) low-cost methods to reduce congestion at bottlenecks.

“(2) Adapting to future trends in freight, including—

“(A) considering the impacts of e-commerce;

“(B) automation; and

“(C) zero-emissions transportation.

“(3) Workforce considerations in freight, including—

“(A) diversifying the freight transportation industry workforce; and

“(B) creating and transitioning a workforce capable of designing, deploying, and operating emerging technologies.

“(e) FEDERAL SHARE.—

“(1) IN GENERAL.—The Federal share of the cost of an activity carried out under this section shall be up to 100 percent.

“(2) USE OF NON-FEDERAL FUNDS.—In addition to using funds made available to carry out this section, the National Academy of Sciences may seek and accept additional funding from public and private entities capable of accepting funding from the Department of Transportation, States, units of local government, nonprofit entities, and the private sector.

“(f) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary \$3,750,000 for each fiscal year to carry out the program established under subsection (a), to remain available until expended.

“(g) SUNSET.—The program established under subsection (a) shall terminate 5 years after the date of enactment of this section.”.

(b) CLERICAL AMENDMENT.—The analysis for chapter 702 of title 49, United States Code (as amended by section 21106(b)), is amended by inserting after the item relating to section 70204 the following:

49 USC
prec. 70201.

“70205. National multimodal cooperative freight research program.”.

SEC. 21205. RURAL AND TRIBAL INFRASTRUCTURE ADVANCEMENT.

49 USC 116 note.

(a) **DEFINITIONS.**—In this section:

(1) **BUILD AMERICA BUREAU.**—The term “Build America Bureau” means the National Surface Transportation and Innovative Finance Bureau established under section 116 of title 49, United States Code.

(2) **ELIGIBLE ENTITY.**—The term “eligible entity” means—

(A) a unit of local government or political subdivision that is located outside of an urbanized area with a population of more than 150,000 residents, as determined by the Bureau of the Census;

(B) a State seeking to advance a project located in an area described in subparagraph (A);

(C) a federally recognized Indian Tribe; and

(D) the Department of Hawaiian Home Lands.

(3) **ELIGIBLE PROGRAM.**—The term “eligible program” means any program described in—

(A) subparagraph (A) or (B) of section 116(d)(1) of title 49, United States Code;

(B) section 118(d)(3)(A) of that title (as added by section 21101(a)); or

(C) chapter 67 of that title (as added by section 21201).

(4) **PILOT PROGRAM.**—The term “pilot program” means the Rural and Tribal Assistance Pilot Program established under subsection (b)(1).

(b) **ESTABLISHMENT.**—

(1) **IN GENERAL.**—The Secretary shall establish within the Build America Bureau a pilot program, to be known as the “Rural and Tribal Assistance Pilot Program”, to provide to eligible entities the assistance and information described in paragraph (2).

(2) **ASSISTANCE AND INFORMATION.**—In carrying out the pilot program, the Secretary may provide to an eligible entity the following:

(A) Financial, technical, and legal assistance to evaluate potential projects reasonably expected to be eligible to receive funding or financing assistance under an eligible program.

(B) Assistance with development-phase activities, including—

(i) project planning;

(ii) feasibility studies;

(iii) revenue forecasting and funding and financing options analyses;

(iv) environmental review;

(v) preliminary engineering and design work;

(vi) economic assessments and cost-benefit analyses;

(vii) public benefit studies;

(viii) statutory and regulatory framework analyses;

(ix) value for money studies;

(x) evaluations of costs to sustain the project;

(xi) evaluating opportunities for private financing and project bundling; and

(xii) any other activity determined to be appropriate by the Secretary.

(C) Information regarding innovative financing best practices and case studies, if the eligible entity is interested in using innovative financing methods.

(c) ASSISTANCE FROM EXPERT FIRMS.—The Secretary may retain the services of expert firms, including counsel, in the field of municipal and project finance to assist in providing financial, technical, and legal assistance to eligible entities under the pilot program.

(d) WEBSITE.—

(1) DESCRIPTION OF PILOT PROGRAM.—

(A) IN GENERAL.—The Secretary shall make publicly available on the website of the Department a description of the pilot program, including—

Public
information.

(i) the resources available to eligible entities under the pilot program; and

(ii) the application process established under paragraph (2)(A).

(B) CLEARINGHOUSE.—The Secretary may establish a clearinghouse for tools, templates, and best practices on the page of the website of the Department that contains the information described in subparagraph (A).

(2) APPLICATIONS.—

(A) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Secretary shall establish a process by which an eligible entity may submit to the Secretary an application under the pilot program, in such form and containing such information as the Secretary may require.

Deadline.

(B) ONLINE PORTAL.—The Secretary shall develop and make available to the public an online portal through which the Secretary may receive applications under subparagraph (A), on a rolling basis.

Public
information.

(C) APPROVAL.—

Deadlines.
Notice.

(i) IN GENERAL.—Not later than 60 days after the date on which the Secretary receives a complete application under subparagraph (A), the Secretary shall provide to each eligible entity that submitted the application a notice describing whether the application is approved or disapproved.

(ii) ADDITIONAL WRITTEN NOTIFICATION.—

(I) IN GENERAL.—Not later than 30 days after the date on which the Secretary provides to an eligible entity a notification under clause (i), the Secretary shall provide to the eligible entity an additional written notification of the approval or disapproval of the application.

(II) DISAPPROVED APPLICATIONS.—If the application of an eligible entity is disapproved under this subparagraph, the additional written notification provided to the eligible entity under subclause (I) shall include an offer for a written or telephonic debrief by the Secretary that will provide an explanation of, and guidance regarding, the reasons why the application was disapproved.

Briefing.

(iii) INSUFFICIENT APPLICATIONS.—The Secretary shall not approve an application under this subparagraph if the application fails to meet the applicable criteria established under this section.

Web postings.
Reports.

(3) **DASHBOARD.**—The Secretary shall publish on the website of the Department a monthly report that includes, for each application received under the pilot program—

(A) the type of eligible entity that submitted the application;

(B) the location of each potential project described in the application;

(C) a brief description of the assistance requested;

(D) the date on which the Secretary received the application; and

(E) the date on which the Secretary provided the notice of approval or disapproval under paragraph (2)(C)(i).

(e) **EXPERTS.**—An eligible entity that receives assistance under the pilot program may retain the services of an expert for any phase of a project carried out using the assistance, including project development, regardless of whether the expert is retained by the Secretary under subsection (c).

(f) **FUNDING.**—

(1) **IN GENERAL.**—For each of fiscal years 2022 through 2026, the Secretary may use to carry out the pilot program, including to retain the services of expert firms under subsection (c), any amount made available to the Secretary to provide credit assistance under an eligible program that is not otherwise obligated, subject to paragraph (2).

(2) **LIMITATION.**—The amount used under paragraph (1) to carry out the pilot program shall be not more than—

(A) \$1,600,000 for fiscal year 2022;

(B) \$1,800,000 for fiscal year 2023;

(C) \$2,000,000 for fiscal year 2024;

(D) \$2,200,000 for fiscal year 2025; and

(E) \$2,400,000 for fiscal year 2026.

(3) **GEOGRAPHICAL DISTRIBUTION.**—Not more than 20 percent of the funds made available to carry out the pilot program for a fiscal year may be used for projects in a single State during that fiscal year.

(g) **SUNSET.**—The pilot program shall terminate on the date that is 5 years after the date of enactment of this Act.

(h) **NONAPPLICABILITY.**—Nothing in this section limits the ability of the Build America Bureau or the Secretary to establish or carry out any other assistance program under title 23 or title 49, United States Code.

(i) **ADMINISTRATION BY BUILD AMERICA BUREAU.**—Section 116(d)(1) of title 49, United States Code (as amended by section 21101(d)(4)), is amended by adding at the end the following:

“(D) The Rural and Tribal Assistance Pilot Program established under section 21205(b)(1) of the Surface Transportation Investment Act of 2021.”.

Subtitle C—Railroad Rehabilitation and Improvement Financing Reforms

SEC. 21301. RRIF CODIFICATION AND REFORMS.

(a) **CODIFICATION OF TITLE V OF THE RAILROAD REVITALIZATION AND REGULATORY REFORM ACT OF 1976.**—Part B of subtitle V of title 49, United States Code, is amended—

(1) by inserting after chapter 223 the following chapter analysis: 49 USC prec. 22401.

“CHAPTER 224—RAILROAD REHABILITATION AND IMPROVEMENT FINANCING

“Sec.

“22401. Definitions.

“22402. Direct loans and loan guarantees.

“22403. Administration of direct loans and loan guarantees.

“22404. Employee protection.

“22405. Substantive criteria and standards.

“22406. Authorization of appropriations.”;

(2) by inserting after the chapter analysis the following section headings:

“§ 22401. Definitions

49 USC 22401.

“§ 22402. Direct loans and loan guarantees

49 USC 22402.

“§ 22403. Administration of direct loans and loan guarantees

49 USC 22403.

“§ 22404. Employee protection”;

49 USC 22404.

(3) by inserting after the section heading for section 22401, as added by paragraph (2), the text of section 501 of the Railroad Revitalization and Regulatory Reform Act of 1976 (45 U.S.C. 821);

(4) by inserting after the section heading for section 22402, as added by paragraph (2), the text of section 502 of the Railroad Revitalization and Regulatory Reform Act of 1976 (45 U.S.C. 822);

(5) by inserting after the section heading for section 22403, as added by paragraph (2), the text of section 503 of the Railroad Revitalization and Regulatory Reform Act of 1976 (45 U.S.C. 823); and

(6) by inserting after the section heading for section 22404, as added by paragraph (2), the text of section 504 of the Railroad Revitalization and Regulatory Reform Act of 1976 (45 U.S.C. 836).

(b) CONFORMING REPEALS.—

(1) REPEALS.—

(A) Sections 501, 502, 503, and 504 of the Railroad Revitalization and Regulatory Reform Act of 1976 (45 U.S.C. 821, 822, 823, and 836) are repealed.

(B) Section 9003(j) of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (45 U.S.C. 822 note) is repealed.

(2) SAVINGS PROVISION.—The repeals under paragraph (1) shall not affect the rights and duties that matured under the repealed sections, the penalties that were incurred under such sections, or any proceeding authorized under any such section that commenced before the date of enactment of this Act. 45 USC 821 note.

(c) DEFINITIONS.—

(1) HEADINGS.—Section 22401 of title 49, United States Code, as added by subsection (a)(2), and amended by subsection (a)(3), is further amended—

(A) in paragraph (1)—

(i) by striking “(1)(A) The” and inserting the following:

“(1) COST.—

“(A) The”; and

(ii) by indenting subparagraphs (B) through (F) appropriately; and

(B) in each of paragraphs (2) through (14), by inserting a paragraph heading, the text of which is comprised of the term defined in the paragraph.

(2) OTHER TECHNICAL AMENDMENTS.—Section 22401 of title 49, United States Code, as added by subsection (a)(2), and amended by subsection (a)(3) and paragraph (1) of this subsection, is further amended—

(A) in the matter preceding paragraph (1), by striking “For purposes of this title:” and inserting “In this chapter:”;

(B) in paragraph (11), by striking “under this title” and inserting “under this chapter”;

(C) by amending paragraph (12) to read as follows:

“(12) RAILROAD.—The term ‘railroad’ includes—

“(A) any railroad or railroad carrier (as such terms are defined in section 20102); and

“(B) any rail carrier (as defined in section 24102).”;

(D) by redesignating paragraph (14) as paragraph (15); and

(E) by inserting after paragraph (13) the following:

“(14) SECRETARY.—The term ‘Secretary’ means the Secretary of Transportation.”.

(d) DIRECT LOANS AND LOAN GUARANTEES.—Section 22402 of title 49, United States Code, as added by subsection (a)(2), and amended by subsection (a)(4), is further amended—

(1) in subsection (a)—

(A) in paragraph (2), by inserting “entities implementing” before “interstate compacts”;

(B) in paragraph (5)—

(i) by inserting “entities participating in” before “joint ventures”; and

(ii) by striking “and” at the end; and

(C) by striking paragraph (6) and inserting the following:

“(6) limited option freight shippers that own or operate a plant or other facility, solely for the purpose of constructing a rail connection between a plant or facility and a railroad; and

“(7) private entities with controlling ownership in 1 or more freight railroads other than Class I carriers.”;

(2) in subsection (b)—

(A) by amending paragraph (1) to read as follows:

“(1) IN GENERAL.—Direct loans and loan guarantees authorized under this section shall be used—

“(A) to acquire, improve, or rehabilitate intermodal or rail equipment or facilities, including track, components of track, cuts and fills, stations, tunnels, bridges, yards, buildings, and shops, and to finance costs related to those activities, including pre-construction costs;

“(B) to develop or establish new intermodal or railroad facilities;

“(C) to develop landside port infrastructure for seaports serviced by rail;

“(D) to refinance outstanding debt incurred for the purposes described in subparagraph (A), (B), or (C);

“(E) to reimburse planning, permitting, and design expenses relating to activities described in subparagraph (A), (B), or (C); or

Reimbursement.

“(F) to finance economic development, including commercial and residential development, and related infrastructure and activities, that—

“(i) incorporates private investment of greater than 20 percent of total project costs;

“(ii) is physically connected to, or is within $\frac{1}{2}$ mile of, a fixed guideway transit station, an intercity bus station, a passenger rail station, or a multimodal station, provided that the location includes service by a railroad;

“(iii) demonstrates the ability of the applicant to commence the contracting process for construction not later than 90 days after the date on which the direct loan or loan guarantee is obligated for the project under this chapter; and

Deadline.

“(iv) demonstrates the ability to generate new revenue for the relevant passenger rail station or service by increasing ridership, increasing tenant lease payments, or carrying out other activities that generate revenue exceeding costs.”; and

(B) by striking paragraph (3);

(3) in subsection (c)—

(A) in paragraph (1), by striking “of title 49, United States Code”; and

(B) in paragraph (5), by striking “title 49, United States Code,” and inserting “this title”;

(4) in subsection (e), by amending paragraph (1) to read as follows:

“(1) DIRECT LOANS.—The interest rate on a direct loan under this section shall be not less than the yield on United States Treasury securities of a similar maturity to the maturity of the secured loan on the date of execution of the loan agreement.”;

(5) in subsection (f)—

(A) in paragraph (3)—

(i) in the matter preceding subparagraph (A)—

(I) by striking “An applicant may propose and” and inserting “Upon receipt of a proposal from an applicant under this section,”; and

(II) by striking “tangible asset” and inserting “collateral described in paragraph (6)”;

(ii) in subparagraph (B)(ii), by inserting “, including operating or tenant charges, facility rents, or other fees paid by transportation service providers or operators for access to, or the use of, infrastructure, including rail lines, bridges, tunnels, yards, or stations” after “user fees”;

(iii) in subparagraph (C), by striking “\$75,000,000” and inserting “\$150,000,000”; and

(iv) by adding at the end the following:

“(D) Revenue from projected freight or passenger demand for the project based on regionally developed economic forecasts, including projections of any modal diversion resulting from the project.”; and

- (B) by adding at the end the following:
- Deadline. “(5) COHORTS OF LOANS.—Subject to the availability of funds appropriated by Congress under section 22406(a)(2), for any direct loan issued before the date of enactment of the Fixing America’s Surface Transportation Act (Public Law 114–94) pursuant to sections 501 through 504 of the Railroad Revitalization and Regulatory Reform Act of 1976 (Public Law 94–210), the Secretary shall repay the credit risk premiums of such loan, with interest accrued thereon, not later than—
- “(A) 60 days after the date of enactment of the Surface Transportation Investment Act of 2021 if the borrower has satisfied all obligations attached to such loan; or
- “(B) if the borrower has not yet satisfied all obligations attached to such loan, 60 days after the date on which all obligations attached to such loan have been satisfied.
- “(6) COLLATERAL.—
- Evaluations. “(A) TYPES OF COLLATERAL.—An applicant or infrastructure partner may propose tangible and intangible assets as collateral, exclusive of goodwill. The Secretary, after evaluating each such asset—
- “(i) shall accept a net liquidation value of collateral; and
- “(ii) shall consider and may accept—
- “(I) the market value of collateral; or
- “(II) in the case of a blanket pledge or assignment of an entire operating asset or basket of assets as collateral, the market value of assets, or, the market value of the going concern, considering—
- “(aa) inclusion in the pledge of all the assets necessary for independent operational utility of the collateral, including tangible assets such as real property, track and structure, motive power, equipment and rolling stock, stations, systems and maintenance facilities and intangible assets such as long-term shipping agreements, easements, leases and access rights such as for trackage and haulage;
- “(bb) interchange commitments; and
- “(cc) the value of the asset as determined through the cost or market approaches, or the market value of the going concern, with the latter considering discounted cash flows for a period not to exceed the term of the direct loan or loan guarantee.
- “(B) APPRAISAL STANDARDS.—In evaluating appraisals of collateral under subparagraph (A), the Secretary shall consider—
- “(i) adherence to the substance and principles of the Uniform Standards of Professional Appraisal Practice, as developed by the Appraisal Standards Board of the Appraisal Foundation; and
- “(ii) the qualifications of the appraisers to value the type of collateral offered.
- “(7) REPAYMENT OF CREDIT RISK PREMIUMS.—The Secretary shall return credit risk premiums paid, and interest accrued

on such premiums, to the original source when all obligations of a loan or loan guarantee have been satisfied. This paragraph applies to any project that has been granted assistance under this section after the date of enactment of the Surface Transportation Investment Act of 2021.”;

(6) in subsection (g), by amending paragraph (1) the read as follows:

“(1) repayment of the obligation is required to be made within a term that is not longer than the shorter of—

Time period.

“(A) 75 years after the date of substantial completion of the project;

“(B) the estimated useful life of the rail equipment or facilities to be acquired, rehabilitated, improved, developed, or established, subject to an adequate determination of long-term risk; or

“(C) for projects determined to have an estimated useful life that is longer than 35 years, the period that is equal to the sum of—

“(i) 35 years; and

“(ii) the product of—

“(I) the difference between the estimated useful life and 35 years; multiplied by

“(II) 75 percent.”;

(7) in subsection (h)—

(A) in paragraph (3)—

(i) in subparagraph (A)—

(I) by striking “of title 49, United States Code”;

(II) by striking “the National Railroad Passenger Corporation” and inserting “Amtrak”; and

(III) by striking “of that title”; and

(ii) in subparagraph (B), by striking “section 504 of this Act” and inserting “section 22404”; and

(B) in paragraph (4), by striking “(b)(1)(E)” and inserting “(b)(1)(F)”;

(8) in subsection (i)—

(A) by amending paragraph (4) to read as follows:

“(4) STREAMLINED APPLICATION REVIEW PROCESS.—

Loans.

“(A) IN GENERAL.—Not later than 180 days after the date of enactment of the Surface Transportation Investment Act of 2021, the Secretary shall implement procedures and measures to economize and make available an streamlined application process or processes at the request of applicants seeking loans or loan guarantees.

Deadline.

Procedures.

“(B) CRITERIA.—Applicants seeking loans and loan guarantees under this section shall—

“(i) seek a total loan or loan guarantee value not exceeding \$150,000,000;

“(ii) meet eligible project purposes described in subparagraphs (A) and (B) of subsection (b)(1); and

“(iii) meet other criteria considered appropriate by the Secretary, in consultation with the Council on Credit and Finance of the Department of Transportation.

Consultation.

“(C) EXPEDITED CREDIT REVIEW.—The total period between the submission of an application and the approval or disapproval of an application for a direct loan or loan guarantee under this paragraph may not exceed 90 days.

Time period.

If an application review conducted under this paragraph exceeds 90 days, the Secretary shall—

Notice.
Estimate.

“(i) provide written notice to the applicant, including a justification for the delay and updated estimate of the time needed for approval or disapproval; and

Publication.

“(ii) publish the notice on the dashboard described in paragraph (5).”;

(B) in paragraph (5)—

(i) in subparagraph (E), by striking “and” at the end;

(ii) in subparagraph (F), by adding “; and” at the end; and

(iii) by adding at the end the following:

“(G) whether the project utilized the streamlined application process under paragraph (4).”; and

(C) by adding at the end the following:

“(6) CREDITWORTHINESS REVIEW STATUS.—

“(A) IN GENERAL.—The Secretary shall maintain status information related to each application for a loan or loan guarantee, which shall be provided to the applicant upon request, including—

“(i) the total value of the proposed loan or loan guarantee;

“(ii) the name of the applicant or applicants submitting the application;

“(iii) the proposed capital structure of the project to which the loan or loan guarantee would be applied, including the proposed Federal and non-Federal shares of the total project cost;

“(iv) the type of activity to receive credit assistance, including whether the project is new construction, the rehabilitation of existing rail equipment or facilities, or the refinancing an existing loan or loan guarantee;

“(v) if a deferred payment is proposed, the length of such deferment;

“(vi) the credit rating or ratings provided for the applicant;

“(vii) if other credit instruments are involved, the proposed subordination relationship and a description of such other credit instruments;

Schedule.

“(viii) a schedule for the readiness of proposed investments for financing;

“(ix) a description of any Federal permits required, including under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) and any waivers under section 5323(j) (commonly known as the ‘Buy America Act’);

“(x) other characteristics of the proposed activity to be financed, borrower, key agreements, or the nature of the credit that the Secretary considers to be fundamental to the creditworthiness review;

“(xi) the status of the application in the pre-application review and selection process;

“(xii) the cumulative amounts paid by the Secretary to outside advisors related to the application, including financial and legal advisors;

“(xiii) a description of the key rating factors used by the Secretary to determine credit risk, including—

Determination.

“(I) the factors used to determine risk for the proposed application;

“(II) an adjectival risk rating for each identified factor, ranked as either low, moderate, or high;

“(xiv) a nonbinding estimate of the credit risk premium, which may be in the form of—

Estimate.

“(I) a range, based on the assessment of risk factors described in clause (xiii); or

“(II) a justification for why the estimate of the credit risk premium cannot be determined based on available information; and

“(xv) a description of the key information the Secretary needs from the applicant to complete the credit review process and make a final determination of the credit risk premium.

“(B) REPORT UPON REQUEST.—The Secretary shall provide the information described in subparagraph (A) not later than 30 days after a request from the applicant.

“(C) EXCEPTION.—Applications processed using the streamlined application review process under paragraph (4) are not subject to the requirements under this paragraph.”;

(9) in subsection (l)(2)(A)(iii), by striking “under this title” and inserting “under this chapter”;

(10) in subsection (m)(1), by striking “under this title” and inserting “under this chapter”; and

(11) by adding at the end the following:

“(n) NON-FEDERAL SHARE.—The proceeds of a loan provided under this section may be used as the non-Federal share of project costs for any grant program administered by the Secretary if such loan is repayable from non-Federal funds.”.

(e) ADMINISTRATION OF DIRECT LOANS AND LOAN GUARANTEES.—Section 22403 of title 49, United States Code, as added by subsection (a)(2), and amended by subsection (a)(5), is further amended—

(1) in subsection (a)—

(A) by striking “The Secretary shall” and inserting the following:

“(1) IN GENERAL.—The Secretary shall”;

(B) in paragraph (1), as designated by subparagraph (A), by striking “section 502” and inserting “section 22402”;

and

(C) by adding at the end the following:

“(2) DOCUMENTATION.—An applicant meeting the size standard for small business concerns established under section 3(a)(2) of the Small Business Act (15 U.S.C. 632(a)(2)) may provide unaudited financial statements as documentation of historical financial information if such statements are accompanied by the applicant’s Federal tax returns and Internal Revenue Service tax verifications for the corresponding years.”;

(2) in subsection (d)(3), by striking “section 502(f)” and inserting “section 22402(f)”;

(3) in subsection (l)(3)(B), by striking “serving a direct loan” and inserting “servicing a direct loan”; and

(4) in each of subsections (b) through (m), as applicable—

(A) by striking “section 502” each place it appears and inserting “section 22402”; and

(B) by striking “this title” each place it appears and inserting “this chapter”.

(f) EMPLOYEE PROTECTION.—Section 22404 of title 49, United States Code, as added by subsection (a)(2), and amended by subsection (a)(6), is further amended—

(1) in subsection (a)—

(A) by striking “not otherwise protected under title V of the Regional Rail Reorganization Act of 1973 (45 U.S.C. 771 et seq.),”; and

(B) by striking “under this title” and inserting “under this chapter”;

(C) by striking “within 120 days after the date of enactment of this title” and inserting “not later than 120 days after February 5, 1976”; and

(D) by striking “within 150 days after the date of enactment of this title” and inserting “not later than 150 days after February 5, 1976”;

(2) in subsection (b)—

(A) in the matter preceding paragraph (1)—

(i) by striking “applicable financial assistance under this title” and inserting “applicable financial assistance under this chapter”; and

(ii) by striking “from financial assistance under this title” and inserting “from financial assistance under this chapter”;

(B) in paragraph (3), by striking “under this title” and inserting “under this chapter”; and

(C) in paragraph (4), by striking “to this title” and inserting “to this chapter”; and

(3) in subsection (c), by striking “to this title” and inserting “to this chapter”.

(g) SUBSTANTIVE CRITERIA AND STANDARDS.—Chapter 224 of title 49, United States Code, as added by subsection (a), and amended by subsections (c) through (f), is further amended by adding at the end the following:

49 USC 22405.

“§ 22405. Substantive criteria and standards

“The Secretary shall—

“(1) publish in the Federal Register and post on a website of the Department of Transportation the substantive criteria and standards used by the Secretary to determine whether to approve or disapprove applications submitted under section 22402; and

“(2) ensure that adequate procedures and guidelines are in place to permit the filing of complete applications not later than 30 days after the publication referred to in paragraph (1).”.

(h) AUTHORIZATION OF APPROPRIATIONS.—Chapter 224 of title 49, United States Code, as added by subsection (a), and amended by subsections (c) through (g), is further amended by adding at the end the following:

49 USC 22406.

“§ 22406. Authorization of appropriations.

“(a) AUTHORIZATION.—

Federal Register,
publication.
Web posting.
Determination.

Procedures.
Guidelines.
Deadlines.

“(1) IN GENERAL.—There is authorized to be appropriated for credit assistance under this chapter, which shall be provided at the discretion of the Secretary, \$50,000,000 for each of fiscal years 2022 through 2026. Time period.

“(2) REFUND OF PREMIUM.—There is authorized to be appropriated to the Secretary \$70,000,000 to repay the credit risk premium in accordance with section 22402(f)(5).

“(3) AVAILABILITY.—Amounts appropriated pursuant to this subsection shall remain available until expended.

“(b) USE OF FUNDS.—

“(1) IN GENERAL.—Credit assistance provided under subsection (a) may not exceed \$20,000,000 for any loan or loan guarantee.

“(2) ADMINISTRATIVE COSTS.—Not less than 3 percent of the amounts appropriated pursuant to subsection (a) in each fiscal year shall be made available to the Secretary for use in place of charges collected under section 22403(l)(1) for passenger railroads and freight railroads other than Class I carriers.

“(3) SHORT LINE SET-ASIDE.—Not less than 50 percent of the amounts appropriated pursuant to subsection (a)(1) for each fiscal year shall be set aside for freight railroads other than Class I carriers.”.

(i) CLERICAL AMENDMENT.—The analysis for title 49, United States Code, is amended by inserting after the item relating to chapter 223 the following: 49 USC prec. 20101.

“224 . Railroad rehabilitation and improvement financing 22401”.

(j) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) NATIONAL TRAILS SYSTEM ACT.—Section 8(d) of the National Trails System Act (16 U.S.C. 1247(d)) is amended by inserting “(45 U.S.C. 801 et seq.) and chapter 224 of title 49, United States Code” after “1976”.

(2) PASSENGER RAIL REFORM AND INVESTMENT ACT.—Section 11315(c) of the Passenger Rail Reform and Investment Act of 2015 (23 U.S.C. 322 note; Public Law 114–94) is amended by striking “sections 502 and 503 of the Railroad Revitalization and Regulatory Reform Act of 1976” and inserting “sections 22402 and 22403 of title 49, United States Code”.

(3) PROVISIONS CLASSIFIED IN TITLE 45, UNITED STATES CODE.—

(A) RAILROAD REVITALIZATION AND REGULATORY REFORM ACT OF 1976.—Section 101 of the Railroad Revitalization and Regulatory Reform Act of 1976 (45 U.S.C. 801) is amended—

(i) in subsection (a), in the matter preceding paragraph (1), by striking “It is the purpose of the Congress in this Act to” and inserting “The purpose of this Act and chapter 224 of title 49, United States Code, is to”; and

(ii) in subsection (b), in the matter preceding paragraph (1), by striking “It is declared to be the policy of the Congress in this Act” and inserting “The policy of this Act and chapter 224 of title 49, United States Code, is”.

(B) RAILROAD INFRASTRUCTURE FINANCING IMPROVEMENT ACT.—The Railroad Infrastructure Financing

Improvement Act (subtitle F of title XI of Public Law 114–94) is amended—

(i) in section 11607(b) (45 U.S.C. 821 note), by striking “All provisions under sections 502 through 504 of the Railroad Revitalization and Regulatory Reform Act of 1976 (45 U.S.C. 801 et seq.)” and inserting “All provisions under section 22402 through 22404 of title 49, United States Code,”; and

(ii) in section 11610(b) (45 U.S.C. 821 note), by striking “section 502(f) of the Railroad Revitalization and Regulatory Reform Act of 1976 (45 U.S.C. 822(f)), as amended by section 11607 of this Act” and inserting “section 22402(f) of title 49, United States Code”.

(C) TRANSPORTATION EQUITY ACT FOR THE 21ST CENTURY.—Section 7203(b)(2) of the Transportation Equity Act for the 21st Century (Public Law 105–178; 45 U.S.C. 821 note) is amended by striking “title V of the Railroad Revitalization and Regulatory Reform Act of 1976 (45 U.S.C. 821 et seq.)” and inserting “chapter 224 of title 49, United States Code,”.

(D) HAMM ALERT MARITIME SAFETY ACT OF 2018.—Section 212(d)(1) of Hamm Alert Maritime Safety Act of 2018 (title II of Public Law 115–265; 45 U.S.C. 822 note) is amended, in the matter preceding subparagraph (A), by striking “for purposes of section 502(f)(4) of the Railroad Revitalization and Regulatory Reform Act of 1976 (45 U.S.C. 822(f)(4))” and inserting “for purposes of section 22402 of title 49, United States Code”.

(E) MILWAUKEE RAILROAD RESTRUCTURING ACT.—Section 15(f) of the Milwaukee Railroad Restructuring Act (45 U.S.C. 914(f)) is amended by striking “Section 516 of the Railroad Revitalization and Regulatory Reform Act of 1976 (45 U.S.C. 836)” and inserting “Section 22404 of title 49, United States Code,”.

(F) ROCK ISLAND RAILROAD TRANSITION AND EMPLOYEE ASSISTANCE ACT.—Section 104(b) of the Rock Island Railroad Transition and Employee Assistance Act (45 U.S.C. 1003(b)) is amended—

(i) in paragraph (1)—

(I) by striking “title V of the Railroad Revitalization and Regulatory Reform Act of 1976 (45 U.S.C. 821 et seq.)” and inserting “chapter 224 of title 49, United States Code,”; and

(II) by striking “and section 18(b) of the Milwaukee Railroad Restructuring Act”; and

(ii) in paragraph (2), by striking “title V of the Railroad Revitalization and Regulatory Reform Act of 1976, and section 516 of such Act (45 U.S.C. 836)” and inserting “chapter 224 of title 49, United States Code, including section 22404 of such title,”.

(4) TITLE 49.—

(A) NATIONAL SURFACE TRANSPORTATION AND INNOVATIVE FINANCE BUREAU.—Section 116(d)(1)(B) of title 49, United States Code, is amended by striking “sections 501 through 503 of the Railroad Revitalization and Regulatory Reform Act of 1976 (45 U.S.C. 821–823)” and inserting “sections 22401 through 22403”.

(B) PROHIBITED DISCRIMINATION.—Section 306(b) of title 49, United States Code, is amended—

(i) by striking “chapter 221 or 249 of this title,” and inserting “chapter 221, 224, or 249 of this title, or”; and

(ii) by striking “, or title V of the Railroad Revitalization and Regulatory Reform Act of 1976 (45 U.S.C. 821 et seq.)”.

(C) PASSENGER RAIL REFORM AND INVESTMENT ACT OF 2015.—Section 11311(d) of the Passenger Rail Reform and Investment Act of 2015 (Public Law 114–94; 49 U.S.C. 20101 note) is amended by striking “, and section 502 of the Railroad Revitalization and Regulatory Reform Act of 1976 (45 U.S.C. 822)”.

(D) GRANT CONDITIONS.—Section 22905(c)(2)(B) of title 49, United States Code, is amended by striking “section 504 of the Railroad Revitalization and Regulatory Reform Act of 1976 (45 U.S.C. 836)” and inserting “section 22404”.

(E) PASSENGER RAIL INVESTMENT AND IMPROVEMENT ACT OF 2008.—Section 205(g) of the Passenger Rail Investment and Improvement Act of 2008 (division B of Public Law 110–432; 49 U.S.C. 24101 note) is amended by striking “title V of the Railroad Revitalization and Regulatory Reform Act of 1976 (45 U.S.C. 821 et seq.)” and inserting “chapter 224 of title 49, United States Code”.

(F) AMTRAK AUTHORITY.—Section 24903 of title 49, United States Code, is amended—

(i) in subsection (a)(6), by striking “and the Railroad Revitalization and Regulatory Reform Act of 1976 (45 U.S.C. 801 et seq.)” and inserting “, the Railroad Revitalization and Regulatory Reform Act of 1976 (45 U.S.C. 801 et seq.), and chapter 224 of this title”; and

(ii) in subsection (c)(2), by striking “and the Railroad Revitalization and Regulatory Reform Act of 1976 (45 U.S.C. 801 et seq.)” and inserting “, the Railroad Revitalization and Regulatory Reform Act of 1976 (45 U.S.C. 801 et seq.), and chapter 224 of this title”.

SEC. 21302. SUBSTANTIVE CRITERIA AND STANDARDS.

Not later than 180 days after the date of enactment of this Act, the Secretary shall update the publicly available credit program guide in accordance with the provisions of chapter 224 of title 49, United States Code, as added by section 21301.

Deadline.
Update.
Public
information.
49 USC 22402
note.

SEC. 21303. SEMIANNUAL REPORT ON TRANSIT-ORIENTED DEVELOPMENT ELIGIBILITY.

Not later than 6 months after the date of enactment of this Act, and every 6 months thereafter, the Secretary shall submit a report to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives that identifies—

(1) the number of applications submitted to the Department for a direct loan or loan guarantee under section 22402(b)(1)(E) of title 49, United States Code, as amended by section 21301;

(2) the number of such loans or loan guarantees that were provided to the applicants; and

49 USC 22402
note.

(3) for each such application, the reasons for providing or declining to provide the requested loan or loan guarantee.

Passenger Rail
Expansion and
Rail Safety Act of
2021.
49 USC 20101
note.

TITLE II—RAIL

SEC. 22001. SHORT TITLE.

This title may be cited as the “Passenger Rail Expansion and Rail Safety Act of 2021”.

Time periods.

Subtitle A—Authorization of Appropriations

SEC. 22101. GRANTS TO AMTRAK.

(a) NORTHEAST CORRIDOR.—There are authorized to be appropriated to the Secretary for grants to Amtrak for activities associated with the Northeast Corridor the following amounts:

- (1) For fiscal year 2022, \$1,570,000,000.
- (2) For fiscal year 2023, \$1,100,000,000.
- (3) For fiscal year 2024, \$1,200,000,000.
- (4) For fiscal year 2025, \$1,300,000,000.
- (5) For fiscal year 2026, \$1,400,000,000.

(b) NATIONAL NETWORK.—There are authorized to be appropriated to the Secretary for grants to Amtrak for activities associated with the National Network the following amounts:

- (1) For fiscal year 2022, \$2,300,000,000.
- (2) For fiscal year 2023, \$2,200,000,000.
- (3) For fiscal year 2024, \$2,450,000,000.
- (4) For fiscal year 2025, \$2,700,000,000.
- (5) For fiscal year 2026, \$3,000,000,000.

(c) OVERSIGHT.—The Secretary may withhold up to 0.5 percent from the amount appropriated for each fiscal year pursuant to subsections (a) and (b) for the costs of oversight of Amtrak.

(d) STATE-SUPPORTED ROUTE COMMITTEE.—The Secretary may withhold up to \$3,000,000 from the amount appropriated for each fiscal year pursuant to subsection (b) for use by the State-Supported Route Committee established under section 24712(a) of title 49, United States Code.

(e) NORTHEAST CORRIDOR COMMISSION.—The Secretary may withhold up to \$6,000,000 from the amount appropriated for each fiscal year pursuant to subsection (a) for use by the Northeast Corridor Commission established under section 24905(a) of title 49, United States Code.

(f) INTERSTATE RAIL COMPACTS.—The Secretary may withhold up to \$3,000,000 from the amount appropriated for each fiscal year pursuant to subsection (b) for grants authorized under section 22910 of title 49, United States Code.

(g) ACCESSIBILITY UPGRADES.—

(1) IN GENERAL.—The Secretary shall withhold \$50,000,000 from the amount appropriated for each fiscal year pursuant to subsections (a) and (b) for grants to assist Amtrak in financing capital projects to upgrade the accessibility of the national rail passenger transportation system by increasing the number of existing facilities that are compliant with the requirements under the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.) until the Secretary determines

Determination.
Compliance.

Amtrak’s existing facilities are in compliance with such requirements.

(2) SAVINGS PROVISION.—Nothing in paragraph (1) may be construed to prevent Amtrak from using additional funds appropriated pursuant to this section to carry out the activities authorized under such paragraph.

(h) CORRIDOR DEVELOPMENT.—In addition to the activities authorized under subsection (b), Amtrak may use up to 10 percent of the amounts appropriated under subsection (b) in each fiscal year to support Amtrak-operated corridors selected under section 22306 for—

- (1) planning and capital costs; and
- (2) operating assistance consistent with the Federal funding limitations under section 22908 of title 49, United States Code.

SEC. 22102. FEDERAL RAILROAD ADMINISTRATION.

(a) SAFETY AND OPERATIONS.—There are authorized to be appropriated to the Secretary for the operations of the Federal Railroad Administration and to carry out railroad safety activities the following amounts:

- (1) For fiscal year 2022, \$248,000,000.
- (2) For fiscal year 2023, \$254,000,000.
- (3) For fiscal year 2024, \$263,000,000.
- (4) For fiscal year 2025, \$271,000,000.
- (5) For fiscal year 2026, \$279,000,000.

(b) RAILROAD RESEARCH AND DEVELOPMENT.—There are authorized to be appropriated to the Secretary for the use of the Federal Railroad Administration for activities associated with railroad research and development the following amounts:

- (1) For fiscal year 2022, \$43,000,000.
- (2) For fiscal year 2023, \$44,000,000.
- (3) For fiscal year 2024, \$45,000,000.
- (4) For fiscal year 2025, \$46,000,000.
- (5) For fiscal year 2026, \$47,000,000.

(c) TRANSPORTATION TECHNOLOGY CENTER.—The Secretary may withhold up to \$3,000,000 from the amount appropriated for each fiscal year pursuant to subsection (b) for activities authorized under section 20108(d) of title 49, United States Code.

(d) RAIL RESEARCH AND DEVELOPMENT CENTER OF EXCELLENCE.—The Secretary may withhold up to 10 percent of the amount appropriated for each fiscal year under subsection (b) for grants authorized under section 20108(j) of title 49, United States Code.

SEC. 22103. CONSOLIDATED RAIL INFRASTRUCTURE AND SAFETY IMPROVEMENTS GRANTS.

(a) IN GENERAL.—There is authorized to be appropriated to the Secretary for grants under section 22907 of title 49, United States Code, \$1,000,000,000 for each of fiscal years 2022 through 2026.

(b) OVERSIGHT.—The Secretary may withhold up to 2 percent from the amount appropriated for each fiscal year pursuant to subsection (a) for the costs of project management oversight of grants authorized under title 49, United States Code.

SEC. 22104. RAILROAD CROSSING ELIMINATION PROGRAM.

(a) IN GENERAL.—There is authorized to be appropriated to the Secretary for grants under section 22909 of title 49, United

Grants.

States Code, as added by section 22305, \$500,000,000 for each of fiscal years 2022 through 2026.

(b) **PLANNING PROJECTS.**—Not less than 3 percent of the amount appropriated in each fiscal year pursuant to subsection (a) year shall be used for planning projects described in section 22909(d)(6) of title 49, United States Code.

Contracts.
Grants.

(c) **HIGHWAY-RAIL GRADE CROSSING SAFETY INFORMATION AND EDUCATION PROGRAM.**—Of the amount appropriated under subsection (a) in each fiscal year, 0.25 percent shall be used for contracts or grants to carry out a highway-rail grade crossing safety information and education program—

(1) to help prevent and reduce pedestrian, motor vehicle, and other accidents, incidents, injuries, and fatalities; and

(2) to improve awareness along railroad rights-of-way and at highway-rail grade crossings.

(d) **OVERSIGHT.**—The Secretary may withhold up to 2 percent from the amount appropriated for each fiscal year pursuant to subsection (a) for the costs of project management oversight of grants authorized under title 49, United States Code.

SEC. 22105. RESTORATION AND ENHANCEMENT GRANTS.

(a) **IN GENERAL.**—There is authorized to be appropriated to the Secretary for grants under section 22908 of title 49, United States Code, \$50,000,000 for each of fiscal years 2022 through 2026.

(b) **OVERSIGHT.**—The Secretary may withhold up to 1 percent of the amount appropriated for each fiscal year pursuant to subsection (a) for the costs of project management oversight of grants authorized under title 49, United States Code.

SEC. 22106. FEDERAL-STATE PARTNERSHIP FOR INTERCITY PASSENGER RAIL GRANTS.

(a) **IN GENERAL.**—There is authorized to be appropriated to the Secretary for grants under section 24911 of title 49, United States Code, \$1,500,000,000 for each of fiscal years 2022 through 2026.

(b) **OVERSIGHT.**—The Secretary may withhold up to 2 percent of the amount appropriated under subsection (a) for the costs of project management oversight of grants authorized under title 49, United States Code.

SEC. 22107. AMTRAK OFFICE OF INSPECTOR GENERAL.

There are authorized to be appropriated to the Office of Inspector General of Amtrak the following amounts:

- (1) For fiscal year 2022, \$26,500,000.
- (2) For fiscal year 2023, \$27,000,000.
- (3) For fiscal year 2024, \$27,500,000.
- (4) For fiscal year 2025, \$28,000,000.
- (5) For fiscal year 2026, \$28,500,000.

Subtitle B—Amtrak Reforms

SEC. 22201. AMTRAK FINDINGS, MISSION, AND GOALS.

(a) **FINDINGS.**—Section 24101(a) of title 49, United States Code, is amended—

(1) in paragraph (1), by striking “between crowded urban areas and in other areas of” and inserting “throughout”;

(2) in paragraph (4), by striking “to Amtrak to achieve a performance level sufficient to justify expending public money” and inserting “in order to meet the intercity passenger rail needs of the United States”;

(3) in paragraph (5)—

(A) by inserting “intercity passenger and” before “commuter”; and

(B) by inserting “and rural” after “major urban,” and

(4) by adding at the end the following:

“(9) Long-distance routes are valuable resources of the United States that are used by rural and urban communities.”.

(b) GOALS.—Section 24101(c) of title 49, United States Code, is amended—

(1) by amending paragraph (1) to read as follows:

“(1) use its best business judgment in acting to maximize the benefits of Federal investments, including—

“(A) offering competitive fares;

“(B) increasing revenue from the transportation of mail and express;

“(C) offering food service that meets the needs of its customers;

“(D) improving its contracts with rail carriers over whose tracks Amtrak operates;

“(E) controlling or reducing management and operating costs; and

“(F) providing economic benefits to the communities it serves;”;

(2) in paragraph (11), by striking “and” at the end;

(3) in paragraph (12), by striking the period at the end and inserting “; and”; and

(4) by adding at the end the following:

“(13) support and maintain established long-distance routes to provide value to the Nation by serving customers throughout the United States and connecting urban and rural communities.”.

(c) INCREASING REVENUES.—Section 24101(d) of title 49, United States Code, is amended to read as follows:

“(d) INCREASING REVENUES.—Amtrak is encouraged to make agreements with private sector entities and to undertake initiatives that are consistent with good business judgment and designed to generate additional revenues to advance the goals described in subsection (c).”.

SEC. 22202. COMPOSITION OF AMTRAK’S BOARD OF DIRECTORS.

(a) SELECTION; COMPOSITION; CHAIR.—Section 24302(a) of title 49, United States Code, is amended—

(1) in paragraph (1)—

(A) in subparagraph (B), by striking “President” and inserting “Chief Executive Officer”; and

(B) in subparagraph (C), by inserting “, at least 1 of whom shall be an individual with a disability (as defined in section 3 of the Americans with Disabilities Act of 1990 (42 U.S.C. 12102)) who has a demonstrated history of, or experience with, accessibility, mobility, and inclusive transportation in passenger rail or commuter rail” before the period at the end;

(2) in paragraph (2), by striking “and try to provide adequate and balanced representation of the major geographic regions of the United States served by Amtrak”;

(3) by redesignating paragraph (5) as paragraph (7); and

(4) by striking paragraph (4) and inserting the following:

“(4) Of the individuals appointed pursuant to paragraph (1)(C)—

“(A) 2 individuals shall reside in or near a location served by a regularly scheduled Amtrak service along the Northeast Corridor;

“(B) 4 individuals shall reside in or near regions of the United States that are geographically distributed outside of the Northeast Corridor, of whom—

“(i) 2 individuals shall reside in States served by a long-distance route operated by Amtrak;

“(ii) 2 individuals shall reside in States served by a State-supported route operated by Amtrak; and

“(iii) an individual who resides in a State that is served by a State-supported route and a long-distance route may be appointed to serve either position referred to in clauses (i) and (ii);

“(C) 2 individuals shall reside either—

“(i) in or near a location served by a regularly scheduled Amtrak service on the Northeast Corridor; or

“(ii) in a State served by long-distance or a State-supported route; and

“(D) each individual appointed to the Board pursuant to this paragraph may only fill 1 of the allocations set forth in subparagraphs (A) through (C).

“(5) The Board shall elect a chairperson and vice chairperson, other than the Chief Executive Officer of Amtrak, from among its membership. The vice chairperson shall act as chairperson in the absence of the chairperson.

“(6) The Board shall meet at least annually with—

“(A) representatives of Amtrak employees;

“(B) representatives of persons with disabilities; and

“(C) the general public, in an open meeting with a virtual attendance option, to discuss financial performance and service results.”.

49 USC 24302
note.

(b) **RULE OF CONSTRUCTION.**—None of the amendments made by subsection (a) may be construed as affecting the term of any director serving on the Amtrak Board of Directors under section 24302(a)(1)(C) of title 49, United States Code, as of the date of enactment of this Act.

SEC. 22203. STATION AGENTS.

Section 24312 of title 49, United States Code, is amended by adding at the end the following:

“(c) **AVAILABILITY OF STATION AGENTS.**—

Effective date.

“(1) **IN GENERAL.**—Except as provided in paragraph (2), beginning on the date that is 1 year after the date of enactment of the Passenger Rail Expansion and Rail Safety Act of 2021, Amtrak shall ensure that at least 1 Amtrak ticket agent is employed at each station building—

“(A) that Amtrak owns, or operates service through, as part of a long-distance or Northeast Corridor passenger service route;

“(B) where at least 1 Amtrak ticket agent was employed on or after October 1, 2017; and

“(C) for which an average of 40 passengers boarded or deboarded an Amtrak train per day during all of the days in fiscal year 2017 when the station was serviced by Amtrak, regardless of the number of Amtrak trains servicing the station per day.

“(2) EXCEPTION.—Paragraph (1) shall not apply to any station building in which a commuter rail ticket agent has the authority to sell Amtrak tickets.”.

SEC. 22204. INCREASING OVERSIGHT OF CHANGES TO AMTRAK LONG-DISTANCE ROUTES AND OTHER INTERCITY SERVICES.

(a) AMTRAK ANNUAL OPERATIONS REPORT.—Section 24315(a)(1) of title 49, United States Code, is amended—

(1) in subparagraph (G), by striking “and” at the end;

(2) in subparagraph (H), by adding “and” at the end; and

(3) by adding at the end the following:

“(I) any change made to a route’s or service’s frequency or station stops;”.

(b) 5-YEAR BUSINESS LINE PLANS.—Section 24320(b)(2) of title 49, United States Code, is amended—

(1) by redesignating subparagraphs (B) through (L) as subparagraphs (C) through (M), respectively; and

(2) by inserting after subparagraph (A) the following:

“(B) a detailed description of any plans to permanently change a route’s or service’s frequency or station stops for the service line;”.

SEC. 22205. IMPROVED OVERSIGHT OF AMTRAK ACCOUNTING.

Section 24317 of title 49, United States Code, is amended—

(1) in subsection (a)(2), by striking “and costs among Amtrak business lines” and inserting “, including Federal grant funds, and costs among Amtrak service lines”;

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

“(b) ACCOUNT STRUCTURE.—

“(1) IN GENERAL.—The Secretary of Transportation, in consultation with Amtrak, shall define, maintain, and periodically update an account structure and improvements to accounting methodologies, as necessary, to support the Northeast Corridor and the National Network.

“(2) NOTIFICATION OF SUBSTANTIVE CHANGES.—The Secretary shall notify the Committee on Commerce, Science, and Transportation of the Senate, the Committee on Appropriations of the Senate, the Committee on Transportation and Infrastructure of the House of Representatives, and the Committee on Appropriations of the House of Representatives regarding any substantive changes made to the account structure, including changes to—

“(A) the service lines described in section 24320(b)(1); and

“(B) the asset lines described in section 24320(c)(1).”;

(3) in subsection (c), in the matter preceding paragraph (1), by inserting “, maintaining, and updating” after “defining”;

Consultation.
Updates.

Consultation.	(4) in subsection (d), in the matter preceding paragraph (1), by inserting “, maintaining, and updating” after “defining”; (5) by amending subsection (e) to read as follows: “(e) IMPLEMENTATION AND REPORTING.— “(1) IN GENERAL.—Amtrak, in consultation with the Secretary of Transportation, shall maintain and implement any account structures and improvements defined under subsection (b) to enable Amtrak to produce sources and uses statements for each of the service lines described in section 24320(b)(1) and, as appropriate, each of the asset lines described in section 24320(c)(1), that identify sources and uses of revenues, appropriations, and transfers between accounts. “(2) UPDATED SOURCES AND USES STATEMENTS.—Not later than 30 days after the implementation of subsection (b), and monthly thereafter, Amtrak shall submit to the Secretary of Transportation updated sources and uses statements for each of the service lines and asset lines referred to in paragraph (1). The Secretary and Amtrak may agree to a different frequency of reporting.”; (6) by striking subsection (h); and (7) by redesignating subsection (i) as subsection (h).
Deadline. Time period.	
Requirements. Schedules.	SEC. 22206. IMPROVED OVERSIGHT OF AMTRAK SPENDING. (a) ALLOCATION OF COSTS AND REVENUES.—Section 24318(a) of title 49, United States Code, is amended by striking “Not later than 180 days after the date of enactment of the Passenger Rail Reform and Investment Act of 2015,”. (b) GRANT PROCESS AND REPORTING.—Section 24319 of title 49, United States Code, is amended— (1) in the section heading, by inserting “and reporting” after “process”; (2) by amending subsection (a) to read as follows: “(a) PROCEDURES FOR GRANT REQUESTS.—The Secretary of Transportation shall— “(1) establish and maintain substantive and procedural requirements, including schedules, for grant requests under this section; and “(2) report any changes to such procedures to— “(A) the Committee on Commerce, Science, and Transportation of the Senate; “(B) the Committee on Appropriations of the Senate; “(C) the Committee on Transportation and Infrastructure of the House of Representatives; and “(D) the Committee on Appropriations of the House of Representatives.”; (3) in subsection (b), by striking “grant requests” and inserting “a grant request annually, or as additionally required,”; (4) by amending subsection (c) to read as follows: “(c) CONTENTS.— “(1) IN GENERAL.—Each grant request under subsection (b) shall, as applicable— “(A) categorize and identify, by source, the Federal funds and program income that will be used for the upcoming fiscal year for each of the Northeast Corridor and National Network in 1 of the categories or subcategories set forth in paragraph (2);
Reports.	

“(B) describe the operations, services, programs, projects, and other activities to be funded within each of the categories set forth in paragraph (2), including—

“(i) the estimated scope, schedule, and budget necessary to complete each project and program; and

Estimates.

“(ii) the performance measures used to quantify expected and actual project outcomes and benefits, aggregated by fiscal year, project milestone, and any other appropriate grouping; and

“(C) describe the status of efforts to improve Amtrak’s safety culture.

“(2) GRANT CATEGORIES.—

“(A) OPERATING EXPENSES.—Each grant request to use Federal funds for operating expenses shall—

“(i) include estimated net operating costs not covered by other Amtrak revenue sources;

Cost estimates.

“(ii) specify Federal funding requested for each service line described in section 24320(b)(1); and

“(iii) be itemized by route.

“(B) DEBT SERVICE.—A grant request to use Federal funds for expenses related to debt, including payment of principle and interest, as allowed under section 205 of the Passenger Rail Investment and Improvement Act of 2008 (Public Law 110–432; 49 U.S.C. 24101 note).

“(C) CAPITAL.—A grant request to use Federal funds and program income for capital expenses shall include capital projects and programs primarily associated with—

“(i) normalized capital replacement programs, including regularly recurring work programs implemented on a systematic basis on classes of physical railroad assets, such as track, structures, electric traction and power systems, rolling stock, and communications and signal systems, to maintain and sustain the condition and performance of such assets to support continued railroad operations;

“(ii) improvement projects to support service and safety enhancements, including discrete projects implemented in accordance with a fixed scope, schedule, and budget that result in enhanced or new infrastructure, equipment, or facilities;

“(iii) backlog capital replacement projects, including discrete projects implemented in accordance with a fixed scope, schedule, and budget that primarily replace or rehabilitate major infrastructure assets, including tunnels, bridges, stations, and similar assets, to reduce the state of good repair backlog on the Amtrak network;

“(iv) strategic initiative projects, including discrete projects implemented in accordance with a fixed scope, schedule, and budget that primarily improve overall operational performance, lower costs, or otherwise improve Amtrak’s corporate efficiency; and

“(v) statutory, regulatory, or other legally mandated projects, including discrete projects implemented in accordance with a fixed scope, schedule, and budget that enable Amtrak to fulfill specific legal or regulatory mandates.

“(D) CONTINGENCY.—A grant request to use Federal funds for operating and capital expense contingency shall include—

“(i) contingency levels for specified activities and operations; and

“(ii) a process for the utilization of such contingency.

“(3) MODIFICATION OF CATEGORIES.—The Secretary of Transportation and Amtrak may jointly agree to modify the categories set forth in paragraph (2) if such modifications are necessary to improve the transparency, oversight, or delivery of projects funded through grant requests under this section.”;

(5) in subsection (d)(1)(A)—

(A) by inserting “complete” after “submits a”;

(B) by striking “shall complete” and inserting “shall finish”; and

(C) in clause (ii), by striking “incomplete or”;

(6) in subsection (e)—

(A) in paragraph (1)—

(i) by striking “and other activities to be funded by the grant” and inserting “programs, projects, and other activities to be funded by the grant, consistent with the categories required for Amtrak in a grant request under subsection (c)(1)(A)”; and

(ii) by striking “or activities” and inserting “programs, projects, and other activities”; and

(B) in paragraph (3)—

(i) by redesignating subparagraphs (A) and (B) as subparagraphs (B) and (C), respectively; and

(ii) by inserting before subparagraph (B), as redesignated, the following:

“(A) using an otherwise allowable approach to the method prescribed for a specific project or category of projects under paragraph (2) if the Secretary and Amtrak agree that a different payment method is necessary to more successfully implement and report on an operation, service, program, project, or other activity;”;

(7) by redesignating subsection (h) as subsection (j); and

(8) by inserting after subsection (g) the following:

“(h) APPLICABLE LAWS AND REGULATIONS.—

“(1) SINGLE AUDIT ACT OF 1984.—Notwithstanding section 24301(a)(3) of this title and section 7501(a)(13) of title 31, Amtrak shall be deemed a ‘non-Federal entity’ for purposes of chapter 75 of title 31.

“(2) REGULATIONS AND GUIDANCE.—The Secretary of Transportation may apply some or all of the requirements set forth in the regulations and guidance promulgated by the Secretary relating to the management, administration, cost principles, and audit requirements for Federal awards.

“(i) AMTRAK GRANT REPORTING.—The Secretary of Transportation shall determine the varying levels of detail and information that will be included in reports for operations, services, program, projects, program income, cash on hand, and other activities within each of the grant categories described in subsection (c)(2).”.

(c) CONFORMING AMENDMENTS.—

(1) REPORTS AND AUDITS.—Section 24315(b)(1) of title 49, United States Code, is amended—

Determination.

(A) in subparagraph (A), by striking “the goal of section 24902(b) of this title; and” and inserting “the goal described in section 24902(a);”;

(B) in subparagraph (B), by striking the period at the end and inserting “; and”; and

(C) by adding at the end the following:

“(C) shall incorporate the category described in section 24319(c)(2)(C).”.

(2) CLERICAL AMENDMENT.—The analysis for chapter 243 of title 49, United States Code, is amended by striking the item relating to section 24319 and inserting the following:

49 USC
prec. 24301.

“24319. Grant process and reporting.”.

SEC. 22207. INCREASING SERVICE LINE AND ASSET LINE PLAN TRANSPARENCY.

(a) IN GENERAL.—Section 24320 of title 49, United States Code, is amended—

(1) in the section heading, by striking “**business line and asset plans**” and inserting “**service line and asset line plans**”;

(2) in subsection (a)—

(A) in paragraph (1)—

(i) by striking “of each year” and inserting “, 2020, and biennially thereafter”;

(ii) by striking “5-year business line plans and 5-year asset plans” and inserting “5-year service line plans and 5-year asset line plans”; and

(iii) by adding at the end the following: “During each year in which Amtrak is not required to submit a plan under this paragraph, Amtrak shall submit to Congress updated financial sources and uses statements and forecasts with the annual report required under section 24315(b).”; and

Updates.

(B) in paragraph (2), by striking “asset plan required in” and inserting “asset line plan required under”;

(3) in subsection (b)—

(A) in the subsection heading, by striking “BUSINESS” and inserting “SERVICE”;

(B) in paragraph (1)—

(i) in the paragraph heading, by striking “BUSINESS” and inserting “SERVICE”;

(ii) by striking “business” each place such term appears and inserting “service”;

(iii) by amending subparagraph (B) to read as follows:

“(B) Amtrak State-supported train services.”;

(iv) in subparagraph (C), by striking “routes” and inserting “train services”; and

(v) by adding at the end the following:

“(E) Infrastructure access services for use of Amtrak-owned or Amtrak-controlled infrastructure and facilities.”;

(C) in paragraph (2)—

(i) in the paragraph heading, by striking “BUSINESS” and inserting “SERVICE”;

(ii) by striking “business” each place such term appears and inserting “service”;

(iii) in subparagraph (A), by striking “Strategic Plan and 5-year asset plans” and inserting “5-year asset line plans”;

(iv) in subparagraph (F) (as redesignated by section 22204(b)(1)), by striking “profit and loss” and inserting “sources and uses”;

(v) by striking subparagraph (G) (as redesignated by section 22204(b)(1));

(vi) by redesignating subparagraphs (H) through (M) (as redesignated by section 22204(b)(1)) as subparagraphs (G) through (L), respectively; and

(vii) by amending subparagraph (I) (as so redesignated) to read as follows:

“(I) financial performance for each route, if deemed applicable by the Secretary, within each service line, including descriptions of the cash operating loss or contribution;”;

(D) in paragraph (3)—

(i) in the paragraph heading, by striking “BUSINESS” and inserting “SERVICE”;

(ii) by striking “business” each place such term appears and inserting “service”;

(iii) by redesignating subparagraphs (A), (B), (C), and (D) as clauses (i), (ii), (iii), and (iv), respectively, and moving such clauses 2 ems to the right;

(iv) by inserting before clause (i), as redesignated, the following:

“(A) not later than 180 days after the date of enactment of the Passenger Rail Expansion and Rail Safety Act of 2021, submit to the Secretary, for approval, a consultation process for the development of each service line plan that requires Amtrak to—”;

(v) in subparagraph (A), as amended by clause (iv)—

(I) in clause (iii), as redesignated, by inserting “and submit the final service line plan required under subsection (a)(1) to the State-Supported Route Committee” before the semicolon at the end;

(II) in clause (iv), as redesignated, by inserting “and” after the semicolon at the end; and

(III) by adding at the end the following:

“(v) for the infrastructure access service line plan, consult with the Northeast Corridor Commission and other entities, as appropriate, and submit the final asset line plan under subsection (a)(1) to the Northeast Corridor Commission;”;

(vi) by redesignating subparagraphs (E) and (F) as subparagraphs (B) and (C), respectively;

(E) by redesignating paragraph (4) as paragraph (5);

and

(F) by inserting after paragraph (3)(C), as redesignated, the following:

“(4) 5-YEAR SERVICE LINE PLANS UPDATES.—Amtrak may modify the content to be included in the service line plans described in paragraph (1), upon the approval of the Secretary, if the Secretary determines that such modifications are necessary to improve the transparency, oversight, and delivery

Deadline.
Consultation.

Determination.

of Amtrak services and the use of Federal funds by Amtrak.”; and

(4) in subsection (c)—

(A) in the subsection heading, by inserting “LINE” after “ASSET”;

(B) in paragraph (1)—

(i) in the paragraph heading, by striking “CATEGORIES” and inserting “LINES”;

(ii) in the matter preceding subparagraph (A), by striking “asset plan for each of the following asset categories” and inserting “asset line plan for each of the following asset lines”;

(iii) by redesignating subparagraphs (A), (B), (C), and (D) as subparagraphs (B), (C), (D), and (E), respectively;

(iv) by inserting before subparagraph (B), as redesignated, the following:

“(A) Transportation, including activities and resources associated with the operation and movement of Amtrak trains, onboard services, and amenities.”;

(v) in subparagraph (B), as redesignated, by inserting “and maintenance-of-way equipment” after “facilities”; and

(vi) in subparagraph (C), as redesignated, by striking “Passenger rail equipment” and inserting “Equipment”;

(C) in paragraph (2)—

(i) in the paragraph heading, by inserting “LINE” after “ASSET”;

(ii) in the matter preceding subparagraph (A), by inserting “line” after “asset”;

(iii) in subparagraph (A), by striking “category” and inserting “line”;

(iv) in subparagraph (C)(iii)(III), by striking “and” at the end;

(v) by amending subparagraph (D) to read as follows:

“(D) annual sources and uses statements and forecasts for each asset line; and”;

(vi) by adding at the end the following:

“(E) other elements that Amtrak elects to include.”;

(D) in paragraph (3)—

(i) in the paragraph heading, by inserting “LINE” after “ASSET”;

(ii) by redesignating subparagraphs (A) and (B) as clauses (i) and (ii) and moving such clauses 2 ems to the right;

(iii) by inserting before clause (i), as redesignated, the following:

“(A) not later than 180 days after the date of enactment of the Passenger Rail Expansion and Rail Safety Act of 2021, submit to the Secretary, for approval, a consultation process for the development of each asset line plan that requires Amtrak to—”;

Deadline.
Consultation.

(iv) in subparagraph (A), as added by clause (iii)—

(I) in clause (i), as redesignated—

(aa) by striking “business” each place such term appears and inserting “service”;

(bb) by inserting “line” after “asset” each place such term appears; and

(cc) by adding “and” at the end; and

(II) in clause (ii), as redesignated—

(aa) by inserting “consult with the Secretary of Transportation in the development of asset line plans and,” before “as applicable”; and

(bb) by inserting “line” after “5-year asset”;

(v) by redesignating subparagraph (C) as subparagraph (B); and

(vi) in subparagraph (B), as redesignated, by striking “category” and inserting “line”;

(E) by redesignating paragraphs (4), (5), (6), and (7) as paragraphs (5), (6), (7), and (8), respectively;

(F) by inserting after paragraph (3) the following:

Determination.

“(4) 5-YEAR ASSET LINE PLAN UPDATES.—Amtrak may modify the content to be included in the asset line plans described in paragraph (1), on approval of the Secretary, if the Secretary determines that such modifications are necessary to improve the transparency, oversight, and delivery of Amtrak services and the use of Federal funds by Amtrak.”;

(G) in paragraph (5)(A), as redesignated, by inserting “, but shall not include corporate services (as defined pursuant to section 24317(b))” after “national assets”; and

(H) in paragraph (7), as redesignated, by striking “paragraph (4)” and inserting “paragraph (5)”.

49 USC
prec. 24301.

(b) CLERICAL AMENDMENT.—The analysis for chapter 243 of title 49, United States Code, is amended by striking the item relating to section 24320 and inserting the following:

“24320. Amtrak 5-year service line and asset line plans.”.

(c) EFFECTIVE DATES.—Section 11203(b) of the Passenger Rail Reform and Investment Act of 2015 (49 U.S.C. 24320 note) is amended—

(1) by striking “business” each place such term appears and inserting “service”; and

(2) by inserting “line” after “asset” each place such term appears.

SEC. 22208. PASSENGER EXPERIENCE ENHANCEMENT.

(a) IN GENERAL.—Section 24305(c)(4) of title 49, United States Code, is amended by striking “only if revenues from the services each year at least equal the cost of providing the services”.

(b) FOOD AND BEVERAGE SERVICE WORKING GROUP.—

(1) IN GENERAL.—Section 24321 of title 49, United States Code, is amended to read as follows:

“§ 24321. Food and beverage service

“(a) WORKING GROUP.—

Deadline.

“(1) ESTABLISHMENT.—Not later than 180 days after enactment of the Passenger Rail Expansion and Rail Safety Act of 2021, Amtrak shall establish a working group to provide recommendations to improve Amtrak’s onboard food and beverage service.

“(2) MEMBERSHIP.—The working group shall consist of individuals representing—

“(A) Amtrak;

“(B) the labor organizations representing Amtrak employees who prepare or provide on-board food and beverage service;

“(C) nonprofit organizations representing Amtrak passengers; and

“(D) States that are providing funding for State-supported routes.

“(b) REPORT.—Not later than 1 year after the establishment of the working group pursuant to subsection (a), the working group shall submit a report to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives containing recommendations for improving Amtrak’s food and beverage service, including—

Recommendations.

“(1) ways to improve the financial performance of Amtrak;

“(2) ways to increase and retain ridership;

“(3) the differing needs of passengers traveling on long-distance routes, State supported routes, and the Northeast Corridor;

“(4) Amtrak passenger survey data about the food and beverages offered on Amtrak trains;

“(5) ways to incorporate local food and beverage items on State-supported routes; and

“(6) any other issue that the working group determines to be appropriate.

“(c) IMPLEMENTATION.—Not later than 180 days after the submission of the report pursuant to subsection (b), Amtrak shall submit a plan for implementing the recommendations of the working group, and an explanation for any of the working group’s recommendations it does not agree with and does not plan on implementing to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives.

Deadline.
Plan.

“(d) SAVINGS CLAUSE.—Amtrak shall ensure that no Amtrak employee who held a position on a long-distance or Northeast Corridor route as of the date of enactment of the Passenger Rail Expansion and Rail Safety Act of 2021, is involuntarily separated because of the development and implementation of the plan required under this section.”

(2) CLERICAL AMENDMENT.—The analysis for chapter 243 of title 49, United States Code, is amended by striking the item relating to section 24321 and inserting the following:

49 USC
prec. 24301.

“24321. Food and beverage service.”

SEC. 22209. AMTRAK SMOKING POLICY.

(a) IN GENERAL.—Chapter 243 of title 49, United States Code, is amended by adding at the end the following:

“§ 24323. Prohibition on smoking on Amtrak trains

49 USC 24323.

“(a) PROHIBITION.—Beginning on the date of enactment of this section, Amtrak shall prohibit smoking, including the use of electronic cigarettes, onboard all Amtrak trains.

Effective date.

“(b) ELECTRONIC CIGARETTE DEFINED.—In this section, the term ‘electronic cigarette’ means a device that delivers nicotine or other

substances to a user of the device in the form of a vapor that is inhaled to simulate the experience of smoking.”.

49 USC
prec. 24301.

(b) CLERICAL AMENDMENT.—The analysis for chapter 243 of title 49, United States Code, is amended by adding at the end the following:

“24323. Prohibition on smoking on Amtrak trains.”.

SEC. 22210. PROTECTING AMTRAK ROUTES THROUGH RURAL COMMUNITIES.

Section 24706 of title 49, United States Code, is amended—

(1) in subsection (a), by striking “subsection (b) of this section, at least 180 days” and inserting “subsection (c), not later than 180 days”;

(2) by redesignating subsections (b) and (c) as subsections (c) and (e), respectively;

(3) by inserting after subsection (a) the following:

“(b) DISCONTINUANCE OR SUBSTANTIAL ALTERATION OF LONG-DISTANCE ROUTES.—Except as provided in subsection (c), in an emergency, or during maintenance or construction outages impacting Amtrak routes, Amtrak may not discontinue, reduce the frequency of, suspend, or substantially alter the route of rail service on any segment of any long-distance route in any fiscal year in which Amtrak receives adequate Federal funding for such route on the National Network.”; and

(4) by inserting after subsection (c), as redesignated, the following:

Deadline.

“(d) CONGRESSIONAL NOTIFICATION OF DISCONTINUANCE.—Except as provided in subsection (c), not later than 210 days before discontinuing service over a route, Amtrak shall give written notice of such discontinuance to all of the members of Congress representing any State or district in which the discontinuance would occur.”.

SEC. 22211. STATE-SUPPORTED ROUTE COMMITTEE.

(a) STATE-SUPPORTED ROUTE COMMITTEE.—Section 24712(a) of title 49, United States Code, is amended—

(1) in paragraph (1)—

(A) by striking “Not later than 180 days after the date of enactment of the Passenger Rail Reform and Investment Act of 2015, the Secretary of Transportation shall establish” and inserting “There is established”; and

(B) by inserting “current and future” before “rail operations”;

(2) by redesignating paragraphs (4), (5), and (6) as paragraphs (5), (6), and (7), respectively;

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

“(4) ABILITY TO CONDUCT CERTAIN BUSINESS.—If all of the members of 1 voting bloc described in paragraph (3) abstain from a Committee decision, agreement between the other 2 voting blocs consistent with the procedures set forth in such paragraph shall be deemed sufficient for purpose of achieving unanimous consent.”;

(4) in paragraph (5), as redesignated, in the matter preceding subparagraph (A)—

(A) by striking “convene a meeting and shall define and implement” and inserting “define and periodically update”; and

(B) by striking “not later than 180 days after the date of establishment of the Committee by the Secretary”; and

(5) in paragraph (7), as redesignated—

(A) in the paragraph heading, by striking “ALLOCATION METHODOLOGY” and inserting “METHODOLOGY POLICY”;

(B) in subparagraph (A), by striking “allocation methodology” and inserting “methodology policy”;

(C) by amending subparagraph (B) to read as follows:

“(B) REVISIONS TO COST METHODOLOGY POLICY.—

“(i) REQUIREMENT TO REVISE AND UPDATE.—Subject to rules and procedures established pursuant to clause (iii), not later than March 31, 2022, the Committee shall revise and update the cost methodology policy required and previously approved under section 209 of the Passenger Rail Investment and Improvement Act of 2008 (49 U.S.C. 20901 note). The Committee shall implement a revised cost methodology policy during fiscal year 2023. Not later than 30 days after the adoption of the revised cost methodology policy, the Committee shall submit a report documenting and explaining any changes to the cost methodology policy and plans for implementation of such policy, including a description of the improvements to the accounting information provided by Amtrak to the States, to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives. The revised cost methodology policy shall ensure that States will be responsible for costs attributable to the provision of service for their routes.

Deadline.

Time period.

Reports.
Plans.

“(ii) IMPLEMENTATION IMPACTS ON FEDERAL FUNDING.—To the extent that a revision developed pursuant to clause (i) assigns to Amtrak costs that were previously allocated to States, Amtrak shall request with specificity such additional funding in the general and legislative annual report required under section 24315 or in any appropriate subsequent Federal funding request for the fiscal year in which the revised cost methodology policy will be implemented.

“(iii) PROCEDURES FOR CHANGING METHODOLOGY.—Notwithstanding section 209(b) of the Passenger Rail Investment and Improvement Act of 2008 (49 U.S.C. 20901 note), the rules and procedures implemented pursuant to paragraph (5) shall include—

“(I) procedures for changing the cost methodology policy in accordance with clause (i); and

“(II) procedures or broad guidelines for conducting financial planning, including operating and capital forecasting, reporting, data sharing, and governance.”;

(D) in subparagraph (C)—

(i) in the matter preceding clause (i), by striking “allocation methodology” and inserting “methodology policy”;

(ii) in clause (i), by striking “and” at the end;

(iii) in clause (ii)—

- (I) by striking “allocate” and inserting “assign”; and
- (II) by striking the period and inserting “; and”; and
- (iv) by adding at the end the following:
- “(iii) promote increased efficiency in Amtrak’s operating and capital activities.”; and
- (E) by adding at the end the following:
- “(D) INDEPENDENT EVALUATION.—Not later than March 31 of each year, the Committee shall ensure that an independent entity selected by the Committee has completed an evaluation to determine whether State payments for the most recently concluded fiscal year are accurate and comply with the applicable cost allocation methodology.”.
- (b) INVOICES AND REPORTS.—Section 24712(b) of title 49, United States Code, is amended to read as follows:
- “(b) INVOICES AND REPORTS.—
- “(1) INVOICES.—Amtrak shall provide monthly invoices to the Committee and to each State that sponsors a State-supported route that identify the operating costs for such route, including fixed costs and third-party costs.
- “(2) REPORTS.—
- “(A) IN GENERAL.—The Committee shall determine the frequency and contents of—
- “(i) the financial and performance reports that Amtrak is required to provide to the Committee and the States; and
- “(ii) the planning and demand reports that the States are required to provide to the Committee and Amtrak.
- “(B) MONTHLY STATISTICAL REPORT.—
- “(i) DEVELOPMENT.—Consistent with the revisions to the policy required under subsection (a)(7)(B), the Committee shall develop a report that contains the general ledger data and operating statistics from Amtrak’s accounting systems used to calculate payments to States.
- “(ii) PROVISION OF NECESSARY DATA.—Not later than 30 days after the last day of each month, Amtrak shall provide to the States and to the Committee the necessary data to complete the report developed pursuant to clause (i) for such month.”.
- (c) DISPUTE RESOLUTION.—Section 24712(c) of title 49, United States Code, is amended—
- (1) in paragraph (1)—
- (A) by striking “(a)(4)” and inserting “(a)(5)”; and
- (B) by striking “(a)(6)” and inserting “(a)(7)”; and
- (2) in paragraph (4), by inserting “related to a State-supported route that a State sponsors that is” after “amount”.
- (d) PERFORMANCE METRICS.—Section 24712(e) of title 49, United States Code, is amended by inserting “, including incentives to increase revenue, reduce costs, finalize contracts by the beginning of the fiscal year, and require States to promptly make payments for services delivered” before the period at the end.
- (e) STATEMENT OF GOALS AND OBJECTIVES.—Section 24712(f) of title 49, United States Code, is amended—

Deadlines.
Determination.
Compliance.

Time period.

Determination.

Deadlines.

(1) in paragraph (1), by inserting “, and review and update, as necessary,” after “shall develop”;

(2) in paragraph (2), by striking “Not later than 2 years after the date of enactment of the Passenger Rail Reform and Investment Act of 2015, the Committee shall transmit the statement” and inserting “As applicable, based on updates, the Committee shall submit an updated statement”; and

(3) by adding at the end the following:

“(3) SENSE OF CONGRESS.—It is the sense of Congress that—

“(A) the Committee shall be the forum where Amtrak and the States collaborate on the planning, improvement, and development of corridor routes across the National Network; and

“(B) such collaboration should include regular consultation with interstate rail compact parties and other regional planning organizations that address passenger rail.”.

(f) OTHER REFORMS RELATED TO STATE-SUPPORTED ROUTES.—Section 24712 of title 49, United States Code, as amended by subsections (a) through (e), is further amended—

(1) by redesignating subsections (g) and (h) as subsections (k) and (l), respectively; and

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

“(g) NEW STATE-SUPPORTED ROUTES.—

“(1) CONSULTATION.—In developing a new State-supported route, Amtrak shall consult with—

“(A) the State or States and local municipalities through which such new service would operate;

“(B) commuter authorities and regional transportation authorities in the areas that would be served by the planned route;

“(C) host railroads;

“(D) the Administrator of the Federal Railroad Administration; and

“(E) other stakeholders, as appropriate.

“(2) STATE COMMITMENTS.—Notwithstanding any other provision of law, before beginning construction necessary for, or beginning operation of, a State-supported route that is initiated on or after the date of enactment of the Passenger Rail Expansion and Rail Safety Act of 2021, Amtrak shall enter into a memorandum of understanding, or otherwise secure an agreement, with each State that would be providing funding for such route for sharing—

Memorandums.

“(A) ongoing operating costs and capital costs in accordance with the cost methodology policy referred to in subsection (a)(7) then in effect; or

“(B) ongoing operating costs and capital costs in accordance with the maximum funding limitations described in section 22908(e).

“(3) APPLICATION OF TERMS.—In this subsection, the terms ‘capital costs’ and ‘operating costs’ shall apply in the same manner as such terms apply under the cost methodology policy developed pursuant to subsection (a)(7).

“(h) COST METHODOLOGY POLICY UPDATE IMPLEMENTATION REPORT.—Not later than 18 months after the updated cost methodology policy required under subsection (a)(7)(B) is implemented,

Assessment.

the Committee shall submit a report to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives that assesses the implementation of the updated policy.

“(i) IDENTIFICATION OF STATE-SUPPORTED ROUTE CHANGES.—Amtrak shall—

Deadline.
Consultation.

“(1) not later than 120 days before the submission of the general and legislative annual report required under section 24315(b), consult with the Committee and any additional States through which a State-supported route may operate regarding any proposed changes to such route; and

Update.

“(2) include in such report an update of any planned or proposed changes to State-supported routes, including the introduction of new State-supported routes, including—

“(A) the timeframe in which such changes would take effect; and

“(B) whether Amtrak has entered into commitments with the affected States pursuant subsection (g)(2).

Reports.

“(j) ECONOMIC ANALYSIS.—Not later than 3 years after the date of enactment of the Passenger Rail Expansion and Rail Safety Act of 2021, the Committee shall submit a report to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives that—

“(1) describes the role of the State-supported routes in economic development; and

Examination.

“(2) examines the impacts of the State-supported routes on local station areas, job creation, transportation efficiency, State economies, and the national economy.”.

SEC. 22212. ENHANCING CROSS BORDER SERVICE.

Consultation.
Reports.
Canada.

(a) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, Amtrak, after consultation with the Secretary, the Secretary of Homeland Security, relevant State departments of transportation, Canadian governmental agencies and entities, and owners of the relevant rail infrastructure and facilities, shall submit a report to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives regarding enhancing Amtrak passenger rail service between the United States and Canada that—

(1) identifies challenges to Amtrak operations in Canada, including delays associated with custom and immigration inspections in both the United States and Canada; and

Recommendations.

(2) includes recommendations to improve such cross border service, including the feasibility of and costs associated with a preclearance facility or facilities.

Determination.

(b) ASSISTANCE AND SUPPORT.—The Secretary, the Secretary of State, and the Secretary of Homeland Security may provide assistance and support requested by Amtrak that is necessary to carry out this section, as determined appropriate by the respective Secretary.

SEC. 22213. CREATING QUALITY JOBS.

Section 121 of the Amtrak Reform and Accountability Act of 1997 (49 U.S.C. 24312 note) is amended—

(1) by redesignating subsection (d) as subsection (f); and

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

“(d) FURLOUGHED WORK.—Amtrak may not contract out work within the classification of work performed by an employee in a bargaining unit covered by a collective bargaining agreement entered into between Amtrak and an organization representing Amtrak employees during the period such employee has been laid off and has not been recalled to perform such work.

“(e) AGREEMENT PROHIBITIONS ON CONTRACTING OUT.—This section does not—

“(1) supersede a prohibition or limitation on contracting out work covered by an agreement entered into between Amtrak and an organization representing Amtrak employees; or

“(2) prohibit Amtrak and an organization representing Amtrak employees from entering into an agreement that allows for contracting out the work of a furloughed employee that would otherwise be prohibited under subsection (d).”.

SEC. 22214. AMTRAK DAILY LONG-DISTANCE SERVICE STUDY.

Evaluations.

(a) IN GENERAL.—The Secretary shall conduct a study to evaluate the restoration of daily intercity rail passenger service along—

(1) any Amtrak long-distance routes that, as of the date of enactment of this Act, were discontinued; and

(2) any Amtrak long-distance routes that, as of the date of enactment of this Act, occur on a nondaily basis.

(b) INCLUSIONS.—The study under subsection (a) shall—

(1) evaluate all options for restoring or enhancing to daily-basis intercity rail passenger service along each Amtrak route described in that subsection;

(2) select a preferred option for restoring or enhancing the service described in paragraph (1);

(3) develop a prioritized inventory of capital projects and other actions that are required to restore or enhance the service described in paragraph (1), including cost estimates for those projects and actions;

Cost estimates.

(4) develop recommendations for methods by which Amtrak could work with local communities and organizations to develop activities and programs to continuously improve public use of intercity passenger rail service along each route; and

Recommendations.

(5) identify Federal and non-Federal funding sources required to restore or enhance the service described in paragraph (1), including—

(A) increased Federal funding for Amtrak based on applicable reductions or discontinuations in service; and

(B) options for entering into public-private partnerships to restore that service.

(c) OTHER FACTORS WHEN CONSIDERING EXPANSIONS.—In evaluating intercity passenger rail routes under this section, the Secretary may evaluate potential new Amtrak long-distance routes, including with specific attention provided to routes in service as of April 1971 but not continued by Amtrak, taking into consideration whether those new routes would—

(1) link and serve large and small communities as part of a regional rail network;

(2) advance the economic and social well-being of rural areas of the United States;

(3) provide enhanced connectivity for the national long-distance passenger rail system; and

- (4) reflect public engagement and local and regional support for restored passenger rail service.
- Determination. (d) CONSULTATION.—In conducting the study under this section, the Secretary shall consult, through working groups or other forums as the Secretary determines to be appropriate, with—
- (1) Amtrak;
 - (2) each State along a relevant route;
 - (3) regional transportation planning organizations and metropolitan planning organizations, municipalities, and communities along those relevant routes, to be selected by the Secretary;
 - (4) host railroad carriers the tracks of which may be used for a service described in subsection (a);
 - (5) organizations representing onboard Amtrak employees;
 - (6) nonprofit organizations representing Amtrak passengers;
 - (7) relevant regional passenger rail authorities and federally recognized Indian Tribes; and
 - (8) such other entities as the Secretary may select.
- (e) REPORT.—Not later than 2 years after the date of enactment of this Act, the Secretary shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report that includes—
- (1) the preferred options selected under subsection (b)(2), including the reasons for selecting each option;
 - (2) the information described in subsection (b)(3);
 - (3) the funding sources identified pursuant to subsection (b)(5);
 - (4) the estimated costs and public benefits of restoring or enhancing intercity rail passenger transportation in the region impacted for each relevant Amtrak route; and
- Cost estimates. (5) any other information the Secretary determines to be appropriate.
- Determination. (f) FUNDING.—There are authorized to be appropriated to the Secretary to conduct the study under this section and to carry out the consultations required by subsection (d)—
- (1) \$7,500,000 for fiscal year 2022; and
 - (2) \$7,500,000 for fiscal year 2023.

Subtitle C—Intercity Passenger Rail Policy

SEC. 22301. NORTHEAST CORRIDOR PLANNING.

- Section 24904 of title 49, United States Code, is amended—
- (1) by striking subsections (a) and (d);
 - (2) by redesignating subsections (b) and (c) as subsections (c) and (d), respectively;
 - (3) by inserting before subsection (c), as redesignated, the following:
- “(a) NORTHEAST CORRIDOR SERVICE DEVELOPMENT PLAN.—
- Deadline. “(1) IN GENERAL.—Not later than March 31, 2022, the Northeast Corridor Commission established under section 24905 (referred to in this section as the ‘Commission’) shall submit a service development plan to Congress.
- Strategies. “(2) CONTENTS.—The plan required under paragraph (1) shall—

“(A) identify key state-of-good-repair, capacity expansion, and capital improvement projects planned for the Northeast Corridor;

“(B) provide a coordinated and consensus-based plan covering a 15-year period; Time period.

“(C) identify service objectives and the capital investments required to meet such objectives;

“(D) provide a delivery-constrained strategy that identifies—

“(i) capital investment phasing;

“(ii) an evaluation of workforce needs; and

Evaluation.

“(iii) strategies for managing resources and mitigating construction impacts on operations; and

“(E) include a financial strategy that identifies funding needs and potential funding sources.

“(3) UPDATES.—The Commission shall update the service development plan not less frequently than once every 5 years. Time period.

“(b) NORTHEAST CORRIDOR CAPITAL INVESTMENT PLAN.—

“(1) IN GENERAL.—Not later than November 1 of each year, the Commission shall— Deadlines.

“(A) develop an annual capital investment plan for the Northeast Corridor; and

“(B) submit the capital investment plan to—

“(i) the Secretary of Transportation;

“(ii) the Committee on Commerce, Science, and Transportation of the Senate; and

“(iii) the Committee on Transportation and Infrastructure of the House of Representatives.

“(2) CONTENTS.—The plan required under paragraph (1) shall—

“(A) reflect coordination across the entire Northeast Corridor;

“(B) integrate the individual capital plans developed by Amtrak, States, and commuter authorities in accordance with the cost allocation policy developed and approved under section 24905(c);

“(C) cover a period of 5 fiscal years, beginning with the fiscal year during which the plan is submitted; Time period.

“(D) notwithstanding section 24902(b), document the projects and programs being undertaken to advance the service objectives and capital investments identified in the Northeast Corridor service development plan developed under subsection (a), and the asset condition needs identified in the Northeast Corridor asset management plans, after considering—

“(i) the benefits and costs of capital investments in the plan;

“(ii) project and program readiness;

“(iii) the operational impacts; and

“(iv) Federal and non-Federal funding availability;

“(E) categorize capital projects and programs as primarily associated with 1 of the categories listed under section 24319(c)(2)(C);

“(F) identify capital projects and programs that are associated with more than 1 category described in subparagraph (E); and

“(G) include a financial plan that identifies—

- “(i) funding sources and financing methods;
 “(ii) the status of cost sharing agreements pursuant to the cost allocation policy developed under section 24905(c);
 “(iii) the projects and programs that the Commission expects will receive Federal financial assistance; and
 “(iv) the eligible entity or entities that the Commission expects—
 “(I) to receive the Federal financial assistance referred to in clause (iii); and
 “(II) to implement each capital project.
- Requirements. “(3) REVIEW AND COORDINATION.—The Commission shall require that the information described in paragraph (2) be submitted in a timely manner to allow for a reasonable period of review by, and coordination with, affected agencies before the Commission submits the capital investment plan pursuant to paragraph (1).”;
- (4) in subsection (c), as redesignated, by striking “spent only on—” and all that follows and inserting “spent only on capital projects and programs contained in the Commission’s capital investment plan for the prior fiscal year.”; and
 (5) by amending subsection (d), as redesignated, to read as follows:
 “(d) NORTHEAST CORRIDOR CAPITAL ASSET MANAGEMENT SYSTEM.—
- Update. “(1) IN GENERAL.—Amtrak and other infrastructure owners that provide or support intercity rail passenger transportation along the Northeast Corridor shall develop an asset management system and use and update such system, as necessary, to develop submissions to the Northeast Corridor capital investment plan described in subsection (b).
 “(2) FEATURES.—The system required under paragraph (1) shall develop submissions that—
 “(A) are consistent with the transit asset management system (as defined in section 5326(a)(3)); and
 “(B) include—
 “(i) an inventory of all capital assets owned by the developer of the plan;
 “(ii) an assessment of condition of such capital assets;
 “(iii) a description of the resources and processes that will be necessary to bring or to maintain such capital assets in a state of good repair; and
 “(iv) a description of changes in the condition of such capital assets since the submission of the prior version of the plan.”.
- Inventory.
- Assessment.
- SEC. 22302. NORTHEAST CORRIDOR COMMISSION.**
 Section 24905 of title 49, United States Code, is amended—
 (1) in subsection (a)(1)(D), by inserting “authorities” after “carriers”;
 (2) in subsection (b)(3)(B)—
 (A) in clause (i)—
 (i) by inserting “, including ridership trends,” after “transportation”; and
 (ii) by striking “and” at the end;

(B) in clause (ii)—

(i) by inserting “first year of the” after “the delivery of the”; and

(ii) by striking the period at the end and inserting “; and”; and

(C) by adding at the end the following:

“(iii) progress in assessing and eliminating the state-of-good-repair backlog.”;

(3) in subsection (c)—

(A) in paragraph (1)—

(i) in the paragraph heading, by striking “DEVELOPMENT OF POLICY” and inserting “POLICY”;

(ii) in subparagraph (A), by striking “develop a standardized policy” and inserting “develop and maintain the standardized policy first approved on September 17, 2015, and update, as appropriate.”;

(iii) by amending subparagraph (B) to read as follows:

“(B) develop timetables for implementing and maintaining the policy.”;

(iv) in subparagraph (C), by striking “the policy and the timetable” and inserting “updates to the policy and timetables”; and

(v) by amending subparagraph (D) to read as follows:

“(D) support the efforts of the members of the Commission to implement the policy in accordance with the timetables developed pursuant to subparagraph (B).”;

(B) by amending paragraph (2) to read as follows:

“(2) IMPLEMENTATION.—

“(A) IN GENERAL.—In accordance with the timetables developed pursuant to paragraph (1)(B), Amtrak and commuter authorities on the Northeast Corridor shall implement the policy developed under paragraph (1) in their agreements for usage of facilities or services.

“(B) EFFECT OF FAILURE TO IMPLEMENT OR COMPLY WITH POLICY.—If the entities referred to in subparagraph (A) fail to implement the policy in accordance with paragraph (1)(D) or fail to comply with the policy thereafter, the Surface Transportation Board shall—

“(i) determine the appropriate compensation in accordance with the procedures and procedural schedule applicable to a proceeding under section 24903(c), after taking into consideration the policy developed under paragraph (1); and

Determination.

“(ii) enforce its determination on the party or parties involved.”; and

Enforcement.

(C) in paragraph (4), by striking “public authorities providing commuter rail passenger transportation” and inserting “commuter authorities”; and

(4) in subsection (d)—

(A) by striking “2016 through 2020” and inserting “2022 through 2026”; and

(B) by striking “section 11101(g) of the Passenger Rail Reform and Investment Act of 2015” and inserting “section 22101(e) of the Passenger Rail Expansion and Rail Safety Act of 2021”.

SEC. 22303. CONSOLIDATED RAIL INFRASTRUCTURE AND SAFETY IMPROVEMENTS.

(a) IN GENERAL.—Section 22907 of title 49, United States Code, is amended—

(1) in subsection (b)—

(A) in paragraph (1), by inserting “(including the District of Columbia)” after “State”;

(B) in paragraph (6), by inserting “rail carrier and intercity rail passenger transportation are” before “defined”;

(C) by redesignating paragraphs (8) through (11) as paragraphs (10) through (13), respectively; and

(D) by inserting after paragraph (7) the following:

“(8) An association representing 1 or more railroads described in paragraph (7).”;

“(9) A federally recognized Indian Tribe.”;

(2) in subsection (c)—

(A) in paragraph (3), by adding “or safety” after “congestion”;

(B) in paragraph (6), by striking “and” and inserting “or”;

(C) by redesignating paragraphs (11) and (12) as paragraphs (12) and (13), respectively;

(D) by inserting after paragraph (10) the following:

“(11) The development and implementation of measures to prevent trespassing and reduce associated injuries and fatalities.”; and

(E) by inserting after paragraph (13), as redesignated, the following:

“(14) Research, development, and testing to advance and facilitate innovative rail projects, including projects using electromagnetic guideways in an enclosure in a very low-pressure environment.

“(15) The preparation of emergency plans for communities through which hazardous materials are transported by rail.

“(16) Rehabilitating, remanufacturing, procuring, or overhauling locomotives, provided that such activities result in a significant reduction of emissions.”; and

(3) in subsection (h), by adding at the end the following:

“(4) GRADE CROSSING AND TRESPASSING PROJECTS.—Applicants may use costs incurred previously for preliminary engineering associated with highway-rail grade crossing improvement projects under subsection (c)(5) and trespassing prevention projects under subsection (c)(11) to satisfy the non-Federal share requirements.”.

(b) RULE OF CONSTRUCTION.—The amendments made by subsection (a) may not be construed to affect any grant, including any application for a grant, made under section 22907 of title 49, United States Code, before the date of enactment of this Act.

(c) TECHNICAL CORRECTION.—

(1) IN GENERAL.—Section 22907(l)(1)(A) of title 49, United States Code, is amended by inserting “, including highway construction over rail facilities as an alternative to construction or improvement of a highway-rail grade crossing,” after “under chapter 227”.

(2) APPLICABILITY.—The amendment made by paragraph (1) shall apply to amounts remaining under section 22907(l)

49 USC 22907
note.

49 USC 22907
note.

of title 49, United States Code, from appropriations for prior fiscal years.

SEC. 22304. RESTORATION AND ENHANCEMENT GRANTS.

Section 22908 of title 49, United States Code, is amended—

(1) by amending subsection (a) to read as follows:

“(a) DEFINITIONS.—In this section:

“(1) APPLICANT.—Notwithstanding section 22901(1), the term ‘applicant’ means—

“(A) a State, including the District of Columbia;

“(B) a group of States;

“(C) an entity implementing an interstate compact;

“(D) a public agency or publicly chartered authority established by 1 or more States;

“(E) a political subdivision of a State;

“(F) a federally recognized Indian Tribe;

“(G) Amtrak or another rail carrier that provides intercity rail passenger transportation;

“(H) any rail carrier in partnership with at least 1 of the entities described in subparagraphs (A) through (F); and

“(I) any combination of the entities described in subparagraphs (A) through (F).

“(2) OPERATING ASSISTANCE.—The term ‘operating assistance’, with respect to any route subject to section 209 of the Passenger Rail Investment and Improvement Act of 2008 (Public Law 110–432), means any cost allocated, or that may be allocated, to a route pursuant to the cost methodology established under such section or under section 24712.”;

(2) in subsection (c)(3), by striking “3 years” each place such term appears and inserting “6 years”;

(3) in subsection (d)—

(A) in paragraph (8), by striking “and”;

(B) in paragraph (9), by striking the period at the end and inserting “; and”; and

(C) by adding at the end the following:

“(10) for routes selected under the Corridor Identification and Development Program and operated by Amtrak.”; and

(4) in subsection (e)—

(A) in paragraph (1)—

(i) by striking “assistance”; and

(ii) by striking “3 years” and inserting “6 years (including for any such routes selected for funding before the date of enactment of the Passenger Rail Expansion and Rail Safety Act of 2021)”; and

(B) in paragraph (3), by striking subparagraphs (A), (B), and (C) and inserting the following:

“(A) 90 percent of the projected net operating costs for the first year of service;

“(B) 80 percent of the projected net operating costs for the second year of service;

“(C) 70 percent of the projected net operating costs for the third year of service;

“(D) 60 percent of the projected net operating costs for the fourth year of service;

“(E) 50 percent of the projected net operating costs for the fifth year of service; and

“(F) 30 percent of the projected net operating costs for the sixth year of service.”.

SEC. 22305. RAILROAD CROSSING ELIMINATION PROGRAM.

(a) IN GENERAL.—Chapter 229 of title 49, United States Code, is amended by adding at the end the following:

Grants.
49 USC 22909.

“§ 22909. Railroad Crossing Elimination Program

“(a) IN GENERAL.—The Secretary of Transportation, in cooperation with the Administrator of the Federal Railroad Administration, shall establish a competitive grant program (referred to in this section as the ‘Program’) under which the Secretary shall award grants to eligible recipients described in subsection (c) for highway-rail or pathway-rail grade crossing improvement projects that focus on improving the safety and mobility of people and goods.

“(b) GOALS.—The goals of the Program are—

“(1) to eliminate highway-rail grade crossings that are frequently blocked by trains;

“(2) to improve the health and safety of communities;

“(3) to reduce the impacts that freight movement and railroad operations may have on underserved communities; and

“(4) to improve the mobility of people and goods.

“(c) ELIGIBLE RECIPIENTS.—The following entities are eligible to receive a grant under this section:

“(1) A State, including the District of Columbia, Puerto Rico, and other United States territories and possessions.

“(2) A political subdivision of a State.

“(3) A federally recognized Indian Tribe.

“(4) A unit of local government or a group of local governments.

“(5) A public port authority.

“(6) A metropolitan planning organization.

“(7) A group of entities described in any of paragraphs (1) through (6).

“(d) ELIGIBLE PROJECTS.—The Secretary may award a grant under the Program for a highway-rail or pathway-rail grade crossing improvement project (including acquiring real property interests) involving—

“(1) grade separation or closure, including through the use of a bridge, embankment, tunnel, or combination thereof;

“(2) track relocation;

“(3) the improvement or installation of protective devices, signals, signs, or other measures to improve safety, provided that such activities are related to a separation or relocation project described in paragraph (1) or (2);

“(4) other means to improve the safety and mobility of people and goods at highway-rail grade crossings (including technological solutions);

“(5) a group of related projects described in paragraphs (1) through (4) that would collectively improve the mobility of people and goods; or

“(6) the planning, environmental review, and design of an eligible project described in paragraphs (1) through (5).

“(e) APPLICATION PROCESS.—

“(1) IN GENERAL.—An eligible entity seeking a grant under the Program shall submit an application to the Secretary at

such time, in such manner, and containing such information as the Secretary may require.

“(2) RAILROAD APPROVALS.—

“(A) IN GENERAL.—Except as provided in subparagraph (B), the Secretary shall require applicants to obtain the necessary approvals from any impacted rail carriers or real property owners before proceeding with the construction of a project funded by a grant under the Program.

Requirements.

“(B) EXCEPTION.—The requirement under subparagraph (A) shall not apply to planning projects described in subsection (d)(6) if the applicant agrees to work collaboratively with rail carriers and right-of-way owners.

“(f) PROJECT SELECTION CRITERIA.—

“(1) IN GENERAL.—In awarding grants under the Program, the Secretary shall evaluate the extent to which proposed projects would—

Evaluation.

“(A) improve safety at highway-rail or pathway-rail grade crossings;

“(B) grade separate, eliminate, or close highway-rail or pathway-rail grade crossings;

“(C) improve the mobility of people and goods;

“(D) reduce emissions, protect the environment, and provide community benefits, including noise reduction;

“(E) improve access to emergency services;

“(F) provide economic benefits; and

“(G) improve access to communities separated by rail crossings.

“(2) ADDITIONAL CONSIDERATIONS.—In awarding grants under the Program, the Secretary shall consider—

“(A) the degree to which the proposed project will use—

“(i) innovative technologies;

“(ii) innovative design and construction techniques;

or

“(iii) construction materials that reduce greenhouse gas emissions;

“(B) the applicant’s planned use of contracting incentives to employ local labor, to the extent permissible under Federal law;

“(C) whether the proposed project will improve the mobility of—

“(i) multiple modes of transportation, including ingress and egress from freight facilities; or

“(ii) users of nonvehicular modes of transportation, such as pedestrians, bicyclists, and public transportation;

“(D) whether the proposed project is identified in—

“(i) the freight investment plan component of a State freight plan, as required under section 70202(b)(9);

“(ii) a State rail plan prepared in accordance with chapter 227; or

“(iii) a State highway-rail grade crossing action plan, as required under section 11401(b) of the Passenger Rail Reform and Investment Act of 2015 (title XI of Public Law 114–94); and

“(E) the level of financial support provided by impacted rail carriers.

Compliance.

“(3) AWARD DISTRIBUTION.—In selecting grants for Program funds in any fiscal year, the Secretary shall comply with the following limitations:

“(A) GRANT FUNDS.—Not less than 20 percent of the grant funds available for the Program in any fiscal year shall be reserved for projects located in rural areas or on Tribal lands. The requirement under section 22907(l), which applies to this section, shall not apply to grant funds reserved specifically under this subparagraph. Not less than 5 percent of the grant funds reserved under this subparagraph shall be reserved for projects in counties with 20 or fewer residents per square mile, according to the most recent decennial census, provided that sufficient eligible applications have been submitted.

“(B) PLANNING GRANTS.—Not less than 25 percent of the grant funds set aside for planning projects in any fiscal year pursuant to section 22104(b) of the Passenger Rail Expansion and Rail Safety Act of 2021 shall be awarded for projects located in rural areas or on tribal lands.

“(C) STATE LIMITATION.—Not more than 20 percent of the grant funds available for the Program in any fiscal year may be selected for projects in any single State.

“(D) MINIMUM SIZE.—No grant awarded under this section shall be for less than \$1,000,000, except for a planning grant described in subsection (d)(6).

“(g) COST SHARE.—Except as provided in paragraph (2), the Federal share of the cost of a project carried out using a grant under the Program may not exceed 80 percent of the total cost of the project. Applicants may count costs incurred for preliminary engineering associated with highway-rail and pathway-rail grade crossing improvement projects as part of the total project costs.

Deadline.

“(h) CONGRESSIONAL NOTIFICATION.—Not later than 3 days before awarding a grant for a project under the Program, the Secretary shall submit written notification of the proposed grant to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives, which shall include—

Summary.

“(1) a summary of the project; and

“(2) the amount of the proposed grant award.

Web posting.
Public
information.
Lists.

“(i) ANNUAL REPORT.—Not later than 60 days after each round of award notifications, the Secretary shall post, on the public website of the Department of Transportation—

“(1) a list of all eligible applicants that submitted an application for funding under the Program during the current fiscal year;

“(2) a list of the grant recipients and projects that received grant funding under the Program during such fiscal year; and

“(3) a list of the proposed projects and applicants that were determined to be ineligible.

“(j) COMMUTER RAIL ELIGIBILITY AND GRANT CONDITIONS.—

“(1) IN GENERAL.—Section 22905(f) shall not apply to grants awarded under this section for commuter rail passenger transportation projects.

“(2) ADMINISTRATION OF FUNDS.—The Secretary of Transportation shall transfer amounts awarded under this section for commuter rail passenger transportation projects to

the Federal Transit Administration, which shall administer such funds in accordance with chapter 53.

“(3) PROTECTIVE ARRANGEMENTS.—

“(A) IN GENERAL.—Notwithstanding paragraph (2) and section 22905(e)(1), as a condition of receiving a grant under this section, any employee covered by the Railway Labor Act (45 U.S.C. 151 et seq.) and the Railroad Retirement Act of 1974 (45 U.S.C. 231 et seq.) who is adversely affected by actions taken in connection with the project financed in whole or in part by such grant shall be covered by employee protective arrangements required to be established under section 22905(c)(2)(B).

“(B) IMPLEMENTATION.—A grant recipient under this section, and the successors, assigns, and contractors of such grant recipient—

“(i) shall be bound by the employee protective arrangements required under subparagraph (A); and

“(ii) shall be responsible for the implementation of such arrangements and for the obligations under such arrangements, but may arrange for another entity to take initial responsibility for compliance with the conditions of such arrangement.

“(k) DEFINED TERM.—In this section, the term ‘rural area’ means any area that is not within an area designated as an urbanized area by the Bureau of the Census.”.

(b) CLERICAL AMENDMENT.—The analysis for chapter 229 of title 49, United States Code, is amended by adding at the end the following:

49 USC
prec. 22901.

“22909. Railroad Crossing Elimination Program.”.

SEC. 22306. INTERSTATE RAIL COMPACTS.

(a) IN GENERAL.—Chapter 229 of title 49, United States Code (as amended by section 22305(a)), is further amended by adding at the end the following:

“§ 22910. Interstate Rail Compacts Grant Program

49 USC 22910.

“(a) GRANTS AUTHORIZED.—The Secretary of Transportation shall establish a competitive grant program to provide financial assistance to entities implementing interstate rail compacts pursuant to section 410 of the Amtrak Reform and Accountability Act of 1997 (49 U.S.C. 24101 note) for—

“(1) costs of administration;

“(2) systems planning, including studying the impacts on freight rail operations and ridership;

“(3) promotion of intercity passenger rail operation;

“(4) preparation of applications for competitive Federal grant programs; and

“(5) operations coordination.

“(b) MAXIMUM AMOUNT.—The Secretary may not award a grant under this section in an amount exceeding \$1,000,000 per year.

“(c) SELECTION CRITERIA.—In selecting a recipient of a grant for an eligible project under this section, the Secretary shall consider—

“(1) the amount of funding received (including funding from a rail carrier (as defined in section 24102)) or other participation by State, local, and regional governments and the private sector;

“(2) the applicant’s work to foster economic development through rail service, particularly in rural communities;

“(3) whether the applicant seeks to restore service over routes formerly operated by Amtrak, including routes described in section 11304(a) of the Passenger Rail Reform and Investment Act of 2015 (title XI of division A of Public Law 114–94);

“(4) the applicant’s dedication to providing intercity passenger rail service to regions and communities that are underserved or not served by other intercity public transportation;

“(5) whether the applicant is enhancing connectivity and geographic coverage of the existing national network of intercity passenger rail service;

“(6) whether the applicant has prepared regional rail or corridor service development plans and corresponding environmental analysis; and

“(7) whether the applicant has engaged with appropriate government entities and transportation providers to identify projects necessary to enhance multimodal connections or facilitate service integration between rail service and other modes, including between intercity passenger rail service and intercity bus service or commercial air service.

“(d) NUMERICAL LIMITATION.—The Secretary may not award grants under this section for more than 10 interstate rail compacts in any fiscal year.

“(e) OPERATOR LIMITATION.—The Secretary may only award grants under this section to applicants with eligible expenses related to intercity passenger rail service to be operated by Amtrak.

Requirement.

“(f) NON-FEDERAL MATCH.—The Secretary shall require each recipient of a grant under this section to provide a non-Federal match of not less than 50 percent of the eligible expenses of carrying out the interstate rail compact under this section.

Consultation.

“(g) REPORT.—Not later than 3 years after the date of enactment of the Passenger Rail Expansion and Rail Safety Act of 2021, the Secretary, after consultation with grant recipients under this section, shall submit a report to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives that describes—

“(1) the implementation of this section;

“(2) the status of the planning efforts and coordination funded by grants awarded under this section;

“(3) the plans of grant recipients for continued implementation of the interstate rail compacts;

“(4) the status of, and data regarding, any new, restored, or enhanced rail services initiated under the interstate rail compacts; and

“(5) any legislative recommendations.”.

Recommendations.

49 USC
prec. 22901.

(b) CLERICAL AMENDMENT.—The analysis for chapter 229 of title 49, United States Code (as amended by section 22305(b)), is amended by adding at the end the following:

“22910. Interstate Rail Compacts Grant Program.”.

(c) IDENTIFICATION.—Section 410 of the Amtrak Reform and Accountability Act of 1997 (Public Law 105–134; 49 U.S.C. 24101 note) is amended—

(1) in subsection (b)(2), by striking “(except funds made available for Amtrak)”; and

(2) by adding at the end the following:

“(c) NOTIFICATION REQUIREMENT.—Any State that enters into an interstate compact pursuant to subsection (a) shall notify the Secretary of Transportation of such compact not later than 60 days after it is formed. The failure of any State to notify the Secretary under this subsection shall not affect the status of the interstate compact. Deadline.

“(d) INTERSTATE RAIL COMPACTS PROGRAM.—The Secretary of Transportation shall— Public information.

“(1) make available on a publicly accessible website a list of interstate rail compacts established under subsection (a) before the date of enactment of the Passenger Rail Expansion and Rail Safety Act of 2021 and interstate rail compacts established after such date; and List.

“(2) make information regarding interstate rail compacts available to the public, including how States may establish interstate rail compacts under subsection (a), and update such information, as necessary.”. Update.

SEC. 22307. FEDERAL-STATE PARTNERSHIP FOR INTERCITY PASSENGER RAIL GRANTS.

(a) IN GENERAL.—Section 24911 of title 49, United States Code, is amended—

(1) in the section heading, by striking “**for state of good repair**” and inserting “**for intercity passenger rail**”;

(2) in subsection (a)—

(A) in paragraph (1)—

(i) in subparagraph (F), by striking “or” at the end;

(ii) by redesignating subsection (G) as subsection (H);

(iii) by inserting after subparagraph (F), the following:

“(G) a federally recognized Indian Tribe; or”; and

(iv) in subsection (H), as redesignated, by striking “(F)” and inserting “(G)”;

(B) by striking paragraphs (2) and (5); and

(C) by redesignating paragraphs (3) and (4) as paragraphs (2) and (3), respectively;

(3) in subsection (b), by striking “with respect to qualified railroad assets” and inserting “, improve performance, or expand or establish new intercity passenger rail service, including privately operated intercity passenger rail service if an eligible applicant is involved;”;

(4) by striking subsections (c) through (e) and inserting the following:

“(c) ELIGIBLE PROJECTS.—The following capital projects, including acquisition of real property interests, are eligible to receive grants under this section:

“(1) A project to replace, rehabilitate, or repair infrastructure, equipment, or a facility used for providing intercity passenger rail service to bring such assets into a state of good repair.

“(2) A project to improve intercity passenger rail service performance, including reduced trip times, increased train frequencies, higher operating speeds, improved reliability, Determination.

expanded capacity, reduced congestion, electrification, and other improvements, as determined by the Secretary.

“(3) A project to expand or establish new intercity passenger rail service.

“(4) A group of related projects described in paragraphs (1) through (3).

“(5) The planning, environmental studies, and final design for a project or group of projects described in paragraphs (1) through (4).

“(d) PROJECT SELECTION CRITERIA.—In selecting a project for funding under this section—

“(1) for projects located on the Northeast Corridor, the Secretary shall—

“(A) make selections consistent with the Northeast Corridor Project Inventory published pursuant to subsection (e)(1), unless when necessary to address materially changed infrastructure or service conditions, changes in project sponsor capabilities or commitments, or other significant changes since the completion of the most recently issued Northeast Corridor Project Inventory; and

“(B) for projects that benefit intercity and commuter rail services, only make such selections when Amtrak and the public authorities providing commuter rail passenger transportation at the eligible project location—

“(i) are in compliance with section 24905(c)(2); and

“(ii) identify funding for the intercity passenger rail share, the commuter rail share, and the local share of the eligible project before the commencement of the project;

“(2) for projects not located on the Northeast Corridor, the Secretary shall—

“(A) give preference to eligible projects—

“(i) for which Amtrak is not the sole applicant;

“(ii) that improve the financial performance, reliability, service frequency, or address the state of good repair of an Amtrak route; and

“(iii) that are identified in, and consistent with, a corridor inventory prepared under the Corridor Identification and Development Program pursuant to section 25101; and

“(B) take into account—

“(i) the cost-benefit analysis of the proposed project, including anticipated private and public benefits relative to the costs of the proposed project, including—

“(I) effects on system and service performance, including as measured by applicable metrics set forth in part 273 of title 49, Code of Federal Regulations (or successor regulations);

“(II) effects on safety, competitiveness, reliability, trip or transit time, greenhouse gas emissions, and resilience;

“(III) anticipated positive economic and employment impacts, including development in areas near passenger stations, historic districts, or other opportunity zones;

Compliance.

“(IV) efficiencies from improved connections with other modes; and

“(V) ability to meet existing or anticipated demand;

“(ii) the degree to which the proposed project’s business plan considers potential private sector participation in the financing, construction, or operation of the proposed project;

“(iii) the applicant’s past performance in developing and delivering similar projects, and previous financial contributions;

“(iv) whether the applicant has, or will have—
“(I) the legal, financial, and technical capacity to carry out the project;

“(II) satisfactory continuing access to the equipment or facilities; and

“(III) the capability and willingness to maintain the equipment or facilities;

“(v) if applicable, the consistency of the project with planning guidance and documents set forth by the Secretary or otherwise required by law;

“(vi) whether the proposed project serves historically unconnected or underconnected communities; and

“(vii) any other relevant factors, as determined by the Secretary; and

“(3) the Secretary shall reserve—

“(A) not less than 45 percent of the amounts appropriated for grants under this section for projects not located along the Northeast Corridor, of which not less than 20 percent shall be for projects that benefit (in whole or in part) a long-distance route; and

“(B) not less than 45 percent of the amounts appropriated for grants under this section for projects listed on the Northeast Corridor project inventory published pursuant to subsection (e)(1).

“(e) LONG-TERM PLANNING.—Not later than 1 year after the date of enactment of the Passenger Rail Expansion and Rail Safety Act of 2021, and every 2 years thereafter, the Secretary shall create a predictable project pipeline that will assist Amtrak, States, and the public with long-term capital planning by publishing a Northeast Corridor project inventory that—

Deadline.
Publication.
Inventory.

“(1) identifies capital projects for Federal investment, project applicants, and proposed Federal funding levels under this section;

“(2) specifies the order in which the Secretary will provide grant funding to projects that have identified sponsors and are located along the Northeast Corridor, including a method and plan for apportioning funds to project sponsors for the 2-year period, which may be altered by the Secretary, as necessary, if recipients are not carrying out projects in accordance with the anticipated schedule;

Plan.
Time period.

“(3) takes into consideration the appropriate sequence and phasing of projects described in the Northeast Corridor capital investment plan developed pursuant to section 24904(a);

“(4) is consistent with the most recent Northeast Corridor service development plan update described in section 24904(d);

Time period.

“(5) takes into consideration the existing commitments and anticipated Federal, project applicant, sponsor, and other relevant funding levels for the next 5 fiscal years based on information currently available to the Secretary; and

Consultation.

“(6) is developed in consultation with the Northeast Corridor Commission and the owners of Northeast Corridor infrastructure and facilities.”;

(5) in subsection (f)(2), by inserting “, except as specified under paragraph (4)” after “80 percent”;

(6) in subsection (g)—

(A) in the subsection heading, by inserting “; PHASED FUNDING AGREEMENTS” after “INTENT”;

(B) in paragraph (1)—

(i) in the paragraph heading, by striking “IN GENERAL” and inserting “LETTERS OF INTENT”; and

(ii) by striking “shall, to the maximum extent practicable,” and inserting “may”;

(C) by redesignating paragraphs (2) and (3) as paragraphs (3) and (4), respectively;

(D) by inserting after paragraph (1) the following:

Contracts.

“(2) PHASED FUNDING AGREEMENTS.—

“(A) IN GENERAL.—The Secretary may enter into a phased funding agreement with an applicant if—

“(i) the project is highly rated, based on the evaluations and ratings conducted pursuant to this section and the applicable notice of funding opportunity; and

“(ii) the Federal assistance to be provided for the project under this section is more than \$80,000,000.

“(B) TERMS.—A phased funding agreement shall—

“(i) establish the terms of participation by the Federal Government in the project;

“(ii) establish the maximum amount of Federal financial assistance for the project;

“(iii) include the period of time for completing the project, even if such period extends beyond the period for which Federal financial assistance is authorized;

“(iv) make timely and efficient management of the project easier in accordance with Federal law; and

“(v) if applicable, specify when the process for complying with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) and related environmental laws will be completed for the project.

“(C) SPECIAL FINANCIAL RULES.—

“(i) IN GENERAL.—A phased funding agreement under this paragraph obligates an amount of available budget authority specified in law and may include a commitment, contingent on amounts to be specified in law in advance for commitments under this paragraph, to obligate an additional amount from future available budget authority specified in law.

“(ii) STATEMENT OF CONTINGENT COMMITMENT.—The agreement shall state that the contingent commitment is not an obligation of the Government.

“(iii) INTEREST AND OTHER FINANCING COSTS.—Interest and other financing costs of efficiently carrying out a part of the project within a reasonable time are a cost of carrying out the project under a phased

funding agreement, except that eligible costs may not be more than the cost of the most favorable financing terms reasonably available for the project at the time of borrowing. The applicant shall certify, to the satisfaction of the Secretary, that the applicant has shown reasonable diligence in seeking the most favorable financing terms.

Certification.

“(iv) FAILURE TO CARRY OUT PROJECT.—If an applicant does not carry out the project for reasons within the control of the applicant, the applicant shall repay all Federal grant funds awarded for the project from all Federal funding sources, for all project activities, facilities, and equipment, plus reasonable interest and penalty charges allowable by law or established by the Secretary in the phased funding agreement. For purposes of this clause, a process for complying with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) that results in the selection of the no build alternative is not within the applicant’s control.

“(v) CREDITING OF FUNDS RECEIVED.—Any funds received by the Government under this paragraph, except for interest and penalty charges, shall be credited to the appropriation account from which the funds were originally derived.”;

(E) in paragraph (3), as redesignated—

(i) in subparagraph (A), in the matter preceding clause (i), by inserting “a phased funding agreement under paragraph (2) or” after “issuing”; and

(ii) in subparagraph (B)(i), by inserting “the phased funding agreement or” after “a copy of”; and

(F) in paragraph (4), as redesignated—

(i) by striking “An obligation” and inserting the following:

“(B) APPROPRIATIONS REQUIRED.—An obligation”; and

(ii) by inserting before subparagraph (B), as added by clause (i), the following:

“(A) IN GENERAL.—The Secretary may enter into phased funding agreements under this subsection that contain contingent commitments to incur obligations in such amounts as the Secretary determines are appropriate.”;

Determination.

(7) in subsection (i), by striking “section 22905” and inserting “sections 22903 and 22905”; and

(8) by adding at the end the following:

“(j) ANNUAL REPORT ON PHASED FUNDING AGREEMENTS AND LETTERS OF INTENT.—Not later than the first Monday in February of each year, the Secretary shall submit a report to the Committee on Commerce, Science, and Transportation of the Senate, the Committee on Appropriations of the Senate, the Committee on Transportation and Infrastructure of the House of Representatives, and the Committee on Appropriations of the House of Representatives that includes—

“(1) a proposal for the allocation of amounts to be available to finance grants for projects under this section among applicants for such amounts;

Proposal.

Evaluations.

“(2) evaluations and ratings, as applicable, for each project that has received a phased funding agreement or a letter of intent; and

Recommendations.
Time period.

“(3) recommendations for each project that has received a phased funding agreement or a letter of intent for funding based on the evaluations and ratings, as applicable, and on existing commitments and anticipated funding levels for the next 3 fiscal years based on information currently available to the Secretary.

“(k) REGIONAL PLANNING GUIDANCE CORRIDOR PLANNING.—The Secretary may withhold up to 5 percent of the total amount made available for this section to carry out planning and development activities related to section 25101, including—

“(1) providing funding to public entities for the development of service development plans selected under the Corridor Identification and Development Program;

“(2) facilitating and providing guidance for intercity passenger rail systems planning; and

“(3) providing funding for the development and refinement of intercity passenger rail systems planning analytical tools and models.”.

49 USC
prec. 24901.

(b) CLERICAL AMENDMENT.—The analysis for chapter 249 of title 49, United States Code, is amended by striking the item relating to section 24911 and inserting the following:

“24911. Federal-State partnership for intercity passenger rail.”.

SEC. 22308. CORRIDOR IDENTIFICATION AND DEVELOPMENT PROGRAM.

(a) IN GENERAL.—Part C of subtitle V of title 49, United States Code, is amended by adding at the end the following:

49 USC
prec. 25101.

“CHAPTER 251—PASSENGER RAIL PLANNING

“Sec.

“25101. Corridor Identification and Development Program.

49 USC 25101.
Deadline.

“§ 25101. Corridor Identification and Development Program

“(a) IN GENERAL.—Not later than 180 days after the date of enactment of the Passenger Rail Expansion and Rail Safety Act of 2021, the Secretary of Transportation shall establish a program to facilitate the development of intercity passenger rail corridors. The program shall include—

“(1) a process for eligible entities described in subsection (b) to submit proposals for the development of intercity passenger rail corridors;

“(2) a process for the Secretary to review and select proposals in accordance with subsection (c);

Criteria.

“(3) criteria for determining the level of readiness for Federal financial assistance of an intercity passenger rail corridor, which shall include—

“(A) identification of a service operator which may include Amtrak or private rail carriers;

“(B) identification of a service sponsor or sponsors;

“(C) identification capital project sponsors;

“(D) engagement with the host railroads; and

“(E) other criteria as determined appropriate by the Secretary;

“(4) a process for preparing service development plans in accordance with subsection (d), including the identification of planning funds, such as funds made available under section 24911(k) and interstate rail compact grants established under section 22210;

“(5) the creation of a pipeline of intercity passenger rail corridor projects under subsection (g);

“(6) planning guidance to achieve the purposes of this section, including guidance for intercity passenger rail corridors not selected under this section; and

“(7) such other features as the Secretary considers relevant to the successful development of intercity passenger rail corridors.

“(b) ELIGIBLE ENTITIES.—The Secretary may receive proposals under this section from Amtrak, States, groups of States, entities implementing interstate compacts, regional passenger rail authorities, regional planning organizations, political subdivisions of a State, federally recognized Indian Tribes, and other public entities, as determined by the Secretary.

“(c) CORRIDOR SELECTION.—In selecting intercity passenger rail corridors pursuant to subsection (a), the Secretary shall consider—

“(1) whether the route was identified as part of a regional or interregional intercity passenger rail systems planning study;

“(2) projected ridership, revenues, capital investment, and operating funding requirements;

“(3) anticipated environmental, congestion mitigation, and other public benefits;

“(4) projected trip times and their competitiveness with other transportation modes;

“(5) anticipated positive economic and employment impacts, including development in the areas near passenger stations, historic districts, or other opportunity zones;

“(6) committed or anticipated State, regional transportation authority, or other non-Federal funding for operating and capital costs;

“(7) benefits to rural communities;

“(8) whether the corridor is included in a State’s approved State rail plan developed pursuant to chapter 227;

“(9) whether the corridor serves historically unserved or underserved and low-income communities or areas of persistent poverty;

“(10) whether the corridor would benefit or improve connectivity with existing or planned transportation services of other modes;

“(11) whether the corridor connects at least 2 of the 100 most populated metropolitan areas;

“(12) whether the corridor would enhance the regional equity and geographic diversity of intercity passenger rail service;

“(13) whether the corridor is or would be integrated into the national rail passenger transportation system and whether the corridor would create benefits for other passenger rail routes and services; and

“(14) whether a passenger rail operator, including a private rail carrier, has expressed support for the corridor.

“(d) SERVICE DEVELOPMENT PLANS.—For each corridor proposal selected for development under this section, the Secretary shall partner with the entity that submitted the proposal, relevant States, and Amtrak, as appropriate, to prepare a service development plan (or to update an existing service development plan), which shall include—

Inventory.

“(1) a detailed description of the proposed intercity passenger rail service, including train frequencies, peak and average operating speeds, and trip times;

“(2) a corridor project inventory that—

“(A) identifies the capital projects necessary to achieve the proposed intercity passenger rail service, including—

“(i) the capital projects for which Federal investment will be sought;

“(ii) the likely project applicants; and

“(iii) the proposed Federal funding levels;

“(B) specifies the order in which Federal funding will be sought for the capital projects identified under subparagraph (A), after considering the appropriate sequence and phasing of projects based on the anticipated availability of funds; and

“(C) is developed in consultation with the entities listed in subsection (e);

Schedule.

“(3) a schedule and any associated phasing of projects and related service initiation or changes;

“(4) project sponsors and other entities expected to participate in carrying out the plan;

“(5) a description of how the corridor would comply with Federal rail safety and security laws, orders, and regulations;

“(6) the locations of existing and proposed stations;

“(7) the needs for rolling stock and other equipment;

“(8) a financial plan identifying projected—

“(A) annual revenues;

“(B) annual ridership;

“(C) capital investments before service could be initiated;

“(D) capital investments required to maintain service;

“(E) annual operating and costs; and

“(F) sources of capital investment and operating financial support;

“(9) a description of how the corridor would contribute to the development of a multi-State regional network of intercity passenger rail;

“(10) an intermodal plan describing how the new or improved corridor facilitates travel connections with other passenger transportation services;

“(11) a description of the anticipated environmental benefits of the corridor; and

“(12) a description of the corridor’s impacts on highway and aviation congestion, energy consumption, land use, and economic development in the service area.

“(e) CONSULTATION.—In partnering on the preparation of a service development plan under subsection (d), the Secretary shall consult with—

“(1) Amtrak;

“(2) appropriate State and regional transportation authorities and local officials;

“(3) representatives of employee labor organizations representing railroad and other appropriate employees;

“(4) host railroads for the proposed corridor; and

“(5) other stakeholders, as determined by the Secretary.

“(f) **UPDATES.**—Every 5 years, after the initial development of the service development plan under subsection (d), if at least 40 percent of the work to implement a service development plan prepared under subsection (d) has not yet been completed, the plan’s sponsor, in consultation with the Secretary, shall determine whether such plan should be updated.

Time period.
Consultation.
Determination.

“(g) **PROJECT PIPELINE.**—Not later than 1 year after the establishment of the program under this section, and by February 1st of each year thereafter, the Secretary shall submit to the Committee on Commerce, Science, and Transportation of the Senate, the Committee on Appropriations of the Senate, and the Committee on Transportation and Infrastructure of the House of Representatives, and the Committee on Appropriations of the House of Representatives a project pipeline, in accordance with this section, that—

Deadlines.

“(1) identifies intercity passenger rail corridors selected for development under this section;

“(2) identifies capital projects for Federal investment, project applicants, and proposed Federal funding levels, as applicable, consistent with the corridor project inventory;

“(3) specifies the order in which the Secretary would provide Federal financial assistance, subject to the availability of funds, to projects that have identified sponsors, including a method and plan for apportioning funds to project sponsors for a 5-year period, which may be altered by the Secretary, as necessary, if recipients are not carrying out projects on the anticipated schedule;

Time period.

“(4) takes into consideration the appropriate sequence and phasing of projects described in the corridor project inventory;

“(5) takes into consideration the existing commitments and anticipated Federal, project applicant, sponsor, and other relevant funding levels for the next 5 fiscal years based on information currently available to the Secretary;

Time period.

“(6) is prioritized based on the level of readiness of the corridor; and

“(7) reflects consultation with Amtrak.

“(h) **DEFINITION.**—In this section, the term ‘intercity passenger rail corridor’ means—

“(1) a new intercity passenger rail route of less than 750 miles;

“(2) the enhancement of an existing intercity passenger rail route of less than 750 miles;

“(3) the restoration of service over all or portions of an intercity passenger rail route formerly operated by Amtrak; or

“(4) the increase of service frequency of a long-distance intercity passenger rail route.”.

(b) **CLERICAL AMENDMENT.**—The table of chapters for subtitle V of title 49, United States Code, is amended by inserting after the item relating to chapter 249 the following:

49 USC
prec. 20101.

“**Chapter 251. Passenger rail planning** 25101”.

49 USC 1301
note.

SEC. 22309. SURFACE TRANSPORTATION BOARD PASSENGER RAIL PROGRAM.

The Surface Transportation Board shall—

(1) establish a passenger rail program with primary responsibility for carrying out the Board’s passenger rail responsibilities; and

(2) hire up to 10 additional full-time employees to assist in carrying out the responsibilities referred to in paragraph (1).

Subtitle D—Rail Safety

SEC. 22401. RAILWAY-HIGHWAY CROSSINGS PROGRAM EVALUATION.

Deadline.
Determination.

(a) **IN GENERAL.**—Not later than 3 years after the date of enactment of this Act, the Secretary shall evaluate the requirements of the railway-highway crossings program authorized under section 130 of title 23, United States Code, to determine whether—

(1) the requirements of the program provide States sufficient flexibility to adequately address current and emerging highway-rail grade crossing safety issues;

(2) the structure of the program provides sufficient incentives and resources to States and local agencies to make changes at highway-rail grade crossings that are most effective at reducing deaths and injuries;

(3) there are appropriate tools and resources to support States in using data driven programs to determine the most cost-effective use of program funds; and

(4) any statutory changes are recommended to improve the effectiveness of the program.

Summaries.
Recommendations.

(b) **REPORT.**—Not later than 4 years after the date of enactment of this Act, the Secretary shall submit a report to the Committee on Commerce, Science, and Transportation of the Senate, the Committee on Environment and Public Works of the Senate, and the Committee on Transportation and Infrastructure of the House of Representatives that summarizes and describes the results of the evaluation conducted pursuant to subsection (a), including any recommended statutory changes.

Deadline.
49 USC 22907
note.

SEC. 22402. GRADE CROSSING ACCIDENT PREDICTION MODEL.

Not later than 2 years after the date of enactment of this Act, the Administrator of the Federal Railroad Administration shall—

Update.

(1) update the grade crossing accident prediction and severity model used by the Federal Railroad Administration to analyze accident risk at highway-rail grade crossings; and

(2) provide training on the use of the updated grade crossing accident prediction and severity model.

SEC. 22403. PERIODIC UPDATES TO HIGHWAY-RAIL CROSSING REPORTS AND PLANS.

(a) **HIGHWAY-RAIL GRADE CROSSING SAFETY.**—Section 11401 of the Fixing America’s Surface Transportation Act (Public Law 114–94; 49 U.S.C. 22907 note) is amended—

(1) by striking subsection (c); and

(2) by redesignating subsections (d) and (e) as subsections (c) and (d), respectively.

(b) **REPORTS ON HIGHWAY-RAIL GRADE CROSSING SAFETY.**—

(1) IN GENERAL.—Chapter 201 of title 49, United States Code, is amended by inserting after section 20166 the following:

“§ 20167. Reports on highway-rail grade crossing safety

49 USC 20167.

“(a) REPORT.—Not later than 4 years after the date by which States are required to submit State highway-rail grade crossing action plans under section 11401(b) of the Fixing America’s Surface Transportation Act (49 U.S.C. 22907 note), the Administrator of the Federal Railroad Administration, in consultation with the Administrator of the Federal Highway Administration, shall submit a report to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives that summarizes the State highway-rail grade crossing action plans, including—

Consultation.
Summaries.

“(1) an analysis and evaluation of each State railway-highway crossings program under section 130 of title 23, including—

Analysis.
Evaluation.

“(A) compliance with section 11401 of the Fixing America’s Surface Transportation Act and section 130(g) of title 23; and

Compliance.

“(B) the specific strategies identified by each State to improve safety at highway-rail grade crossings, including crossings with multiple accidents or incidents;

Strategies.

“(2) the progress of each State in implementing its State highway-rail grade crossings action plan;

“(3) the number of highway-rail grade crossing projects undertaken pursuant to section 130 of title 23, including the distribution of such projects by cost range, road system, nature of treatment, and subsequent accident experience at improved locations;

“(4) which States are not in compliance with their schedule of projects under section 130(d) of title 23; and

Compliance.

“(5) any recommendations for future implementation of the railway-highway crossings program under section 130 of title 23.

Recommendations.

“(b) UPDATES.—Not later than 5 years after the submission of the report required under subsection (a), the Administrator of the Federal Railroad Administration, in consultation with the Administrator of the Federal Highway Administration, shall—

Deadline.
Consultation.

“(1) update the report based on the State annual reports submitted pursuant to section 130(g) of title 23 and any other information obtained by or available to the Administrator of the Federal Railroad Administration; and

“(2) submit the updated report to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives.

“(c) DEFINITIONS.—In this section:

“(1) HIGHWAY-RAIL GRADE CROSSING.—The term ‘highway-rail grade crossing’ means a location within a State, other than a location at which 1 or more railroad tracks cross 1 or more railroad tracks at grade, at which—

“(A) a public highway, road, or street, or a private roadway, including associated sidewalks and pathways, crosses 1 or more railroad tracks, either at grade or grade-separated; or

“(B) a pathway explicitly authorized by a public authority or a railroad carrier that—

“(i) is dedicated for the use of nonvehicular traffic, including pedestrians, bicyclists, and others;

“(ii) is not associated with a public highway, road, or street, or a private roadway; and

“(iii) crosses 1 or more railroad tracks, either at grade or grade-separated.

“(2) STATE.—The term ‘State’ means a State of the United States or the District of Columbia.”.

49 USC
prec. 20101.

(2) CLERICAL AMENDMENT.—The analysis for chapter 201 of title 49, United States Code, is amended by inserting after the item relating to section 20166 the following:

“20167. Reports on highway-rail grade crossing safety.”.

(c) ANNUAL REPORT.—Section 130(g) of title 23, United States Code, is amended to read as follows:

“(g) ANNUAL REPORT.—

“(1) IN GENERAL.—Not later than August 31 of each year, each State shall submit a report to the Administrator of the Federal Highway Administration that describes—

“(A) the progress being made to implement the railway-highway crossings program authorized under this section; and

“(B) the effectiveness of the improvements made as a result of such implementation.

Assessments.

“(2) CONTENTS.—Each report submitted pursuant to paragraph (1) shall contain an assessment of—

“(A) the costs of the various treatments employed by the State to implement the railway-highway crossings program; and

“(B) the effectiveness of such treatments, as measured by the accident experience at the locations that received such treatments.

“(3) COORDINATION.—Not later than 30 days after the Federal Highway Administration’s acceptance of each report submitted pursuant to paragraph (1), the Administrator of the Federal Highway Administration shall make such report available to the Administrator of the Federal Railroad Administration.”.

49 USC 22907
note.
Time period.

SEC. 22404. BLOCKED CROSSING PORTAL.

(a) IN GENERAL.—The Administrator of the Federal Railroad Administration shall establish a 3-year blocked crossing portal, which shall include the maintenance of the portal and corresponding database to receive, store, and retrieve information regarding blocked highway-rail grade crossings.

(b) BLOCKED CROSSING PORTAL.—The Administrator of the Federal Railroad Administration shall establish a blocked crossing portal that—

(1) collects information from the public, including first responders, regarding blocked highway-rail grade crossing events;

(2) solicits the apparent cause of the blocked crossing and provides examples of common causes of blocked crossings, such as idling trains or instances when lights or gates are activated when no train is present;

(3) provides each complainant with the contact information for reporting a blocked crossing to the relevant railroad; and

(4) encourages each complainant to report the blocked crossing to the relevant railroad.

(c) COMPLAINTS.—The blocked crossing portal shall be programmed to receive complaints from the general public about blocked highway-rail grade crossings. Any complaint reported through the portal shall indicate whether the complainant also reported the blocked crossing to the relevant railroad.

(d) INFORMATION RECEIVED.—In reviewing complaints received pursuant to subsection (c), the Federal Railroad Administration shall review, to the extent practicable, the information received from the complainant to account for duplicative or erroneous reporting. Review.

(e) USE OF INFORMATION.—The information received and maintained in the blocked crossing portal database shall be used by the Federal Railroad Administration—

(1) to identify frequent and long-duration blocked highway-rail grade crossings;

(2) as a basis for conducting outreach to communities, emergency responders, and railroads;

(3) to support collaboration in the prevention of incidents at highway-rail grade crossings; and

(4) to assess the impacts of blocked crossings.

(f) SHARING INFORMATION RECEIVED.—

(1) IN GENERAL.—The Administrator of the Federal Railroad Administration shall implement and make publicly available procedures for sharing any nonaggregated information received through the blocked crossing portal with the public. Public information. Procedures.

(2) RULE OF CONSTRUCTION.—Nothing in this section may be construed to authorize the Federal Railroad Administration to make publically available sensitive security information.

(g) ADDITIONAL INFORMATION.—If the information submitted to the blocked crossing portal is insufficient to determine the locations and potential impacts of blocked highway-rail grade crossings, the Federal Railroad Administration may collect, from the general public, State and local law enforcement personnel, and others as appropriate, and on a voluntary basis, such additional information as may be necessary to make such determinations.

(h) LIMITATIONS.—Complaints, data, and other information received through the blocked crossing portal may not be used—

(1) to infer or extrapolate the rate or instances of crossings beyond the data received through the portal; or

(2) for any regulatory or enforcement purposes except those specifically described in this section.

(i) REPORTS.—

(1) ANNUAL PUBLIC REPORT.—The Administrator of the Federal Railroad Administration shall publish an annual report on a public website regarding the blocked crossing program, including the underlying causes of blocked crossings, program challenges, and other findings. Web posting.

(2) REPORT TO CONGRESS.—Not later than 1 year after the date of enactment of this Act, the Administrator of the Federal Railroad Administration shall submit a report to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives that describes—

(A) based on the information received through the blocked crossing portal, frequent and long-duration blocked

highway-rail grade crossings, including the locations, dates, durations, and impacts resulting from such occurrences;

(B) the Federal Railroad Administration’s process for verifying the accuracy of the complaints submitted to the blocked crossing portal, including whether the portal continues to be effective in collecting such information and identifying blocked crossings;

(C) the Federal Railroad Administration’s use of the data compiled by the blocked crossing portal to assess the underlying cause and overall impacts of blocked crossings;

(D) the engagement of the Federal Railroad Administration with affected parties to identify and facilitate solutions to frequent and long-duration blocked highway-rail grade crossings identified by the blocked crossing portal; and

(E) whether the blocked crossing portal continues to be an effective method to collect blocked crossing information and what changes could improve its effectiveness.

(j) SUNSET.—This section (other than subsection (k)) shall have no force or effect beginning on the date that is 3 years after the date of enactment of this Act.

(k) RULE OF CONSTRUCTION.—Nothing in this section may be construed to invalidate any authority of the Secretary with respect to blocked highway-rail grade crossings. The Secretary may continue to use any such authority after the sunset date set forth in subsection (j).

Deadlines.
49 USC 20101
note.

SEC. 22405. DATA ACCESSIBILITY.

(a) REVIEW.—Not later than 180 days after the date of enactment of this Act, the Chief Information Officer of the Department shall—

(1) conduct a review of the website of the Office of Safety Analysis of the Federal Railroad Administration; and

Recommendations.

(2) provide recommendations to the Secretary for improving the public’s usability and accessibility of the website referred to in paragraph (1).

Website.

(b) UPDATES.—Not later than 1 year after receiving recommendations from the Chief Information Officer pursuant to subsection (a)(2), the Secretary, after considering such recommendations, shall update the website of the Office of Safety Analysis of the Federal Railroad Administration to improve the usability and accessibility of the website.

Deadline.
Regulations.
Requirements.
Plans.
Compliance.
49 USC 20133
note.

SEC. 22406. EMERGENCY LIGHTING.

Not later than 1 year after the date of enactment of this Act, the Secretary shall initiate a rulemaking to require that all rail carriers providing intercity passenger rail transportation or commuter rail passenger transportation (as such terms are defined in section 24102 of title 49, United States Code), develop and implement periodic inspection plans to ensure that passenger equipment offered for revenue service complies with the requirements under part 238 of title 49, Code of Federal Regulations, including ensuring that, in the event of a loss of power, there is adequate emergency lighting available to allow passengers, crew members, and first responders—

(1) to see and orient themselves;

(2) to identify obstacles;

- (3) to safely move throughout the rail car; and
- (4) to evacuate safely.

SEC. 22407. COMPREHENSIVE RAIL SAFETY REVIEW OF AMTRAK.

(a) **COMPREHENSIVE SAFETY ASSESSMENT.**—Not later than 1 year after the date of enactment of this Act, the Secretary shall—

(1) conduct a focused review of Amtrak’s safety-related processes and procedures, compliance with safety regulations and requirements, and overall safety culture; and

(2) submit a report to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives that includes the findings and recommendations resulting from such assessment.

(b) **PLAN.**—

(1) **INITIAL PLAN.**—Not later than 6 months after the completion of the comprehensive safety assessment under subsection (a)(1), Amtrak shall submit a plan to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives for addressing the findings and recommendations raised in the comprehensive safety assessment.

(2) **ANNUAL UPDATES.**—Amtrak shall submit annual updates of its progress toward implementing the plan submitted pursuant to paragraph (1) to the committees listed in such paragraph.

Deadlines.
49 USC 24313
note.

Compliance.

Reports.
Recommendations.

SEC. 22408. COMPLETION OF HOURS OF SERVICE AND FATIGUE STUDIES.

49 USC 21109
note.

(a) **IN GENERAL.**—Not later than 90 days after the date of enactment of this Act, the Administrator of the Federal Railroad Administration shall commence the pilot programs required under subparagraphs (A) and (B) of section 21109(e)(1) of title 49, United States Code.

Deadline.

(b) **CONSULTATION.**—The Federal Railroad Administration shall consult with the class or craft of employees impacted by the pilot projects, including railroad carriers, and representatives of labor organizations representing the impacted employees when designing and conducting the pilot programs referred to in subsection (a).

(c) **REPORT.**—If the pilot programs required under section 21109(e)(1) of title 49, United States Code, have not commenced on the date that is 1 year and 120 days after the date of enactment of this Act, the Secretary, not later than 30 days after such date, submit a report to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives that describes—

(1) the status of such pilot programs;

(2) actions that the Federal Railroad Administration has taken to commence the pilot programs, including efforts to recruit participant railroads;

(3) any challenges impacting the commencement of the pilot programs; and

(4) any other details associated with the development of the pilot programs that affect progress toward meeting the mandate under such section 21109(e)(1).

SEC. 22409. POSITIVE TRAIN CONTROL STUDY.

Determination. (a) **STUDY.**—The Comptroller General of the United States shall conduct a study to determine the annual positive train control system operation and maintenance costs for public commuter railroads.

Summaries. (b) **REPORT.**—Not later than 2 years after the date of enactment of this Act, the Comptroller General of the United States shall submit a report to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives that summarizes the study conducted pursuant to subsection (a), including the estimated annual positive train control system operation and maintenance costs for public commuter railroads.

49 USC 20162
note.

SEC. 22410. OPERATING CREW MEMBER TRAINING, QUALIFICATION, AND CERTIFICATION.

Deadline. (a) **AUDITS.**—Not later than 60 days after the date of enactment of this Act, the Secretary shall initiate audits of the training, qualification, and certification programs of locomotive engineers and conductors of railroad carriers, subject to the requirements of parts 240 and 242 of title 49, Code of Federal Regulations, which audits shall—

Compliance. (1) be conducted in accordance with subsection (b);
(2) consider whether such programs are in compliance with such parts 240 and 242;

Assessment. (3) assess the type and content of training that such programs provide locomotive engineers and conductors, relevant to their respective roles, including training related to installed technology;

Determination. (4) determine whether such programs provide locomotive engineers and conductors the knowledge, skill, and ability to safely operate a locomotive or train, consistent with such parts 240 and 242;

Determination. (5) determine whether such programs reflect the current operating practices of the railroad carrier;

Assessment.
Examination. (6) assess the current practice by which railroads utilize simulator training, or any other technologies used to train and qualify locomotive engineers and conductors by examining how such technologies are used;

(7) consider international experience and practice using similar technology, as appropriate, particularly before qualifying locomotive engineers on new or unfamiliar equipment, new train control, diagnostics, or other on-board technology;

Assessment. (8) assess the current practice for familiarizing locomotive engineers and conductors with new territory and using recurrency training to expose such personnel to normal and abnormal conditions; and

(9) ensure that locomotive engineers and conductor training programs are considered separately, as appropriate, based on the unique requirements and regulations.

(b) **AUDIT SCHEDULING.**—The Secretary shall—

Time periods. (1) schedule the audits required under subsection (a) to ensure that—

(A) each Class I railroad, including the National Railroad Passenger Corporation and other intercity passenger rail providers, is audited not less frequently than once every 5 years; and

(B) a select number, as determined appropriate by the Secretary, of Class II and Class III railroads, along with other railroads providing passenger rail service that are not included in subparagraph (A), are audited annually; and

Determination.

(2) conduct the audits described in paragraph (1)(B) in accordance with the Small Business Regulatory Enforcement Fairness Act of 1996 (5 U.S.C. 601 note) and appendix C of part 209 of title 49, Code of Federal Regulations.

(c) UPDATES TO QUALIFICATION AND CERTIFICATION PROGRAM.—If the Secretary, while conducting the audits required under this section, identifies a deficiency in a railroad’s training, qualification, and certification program for locomotive engineers or conductors, the railroad shall update the program to eliminate such deficiency.

(d) CONSULTATION AND COOPERATION.—

(1) CONSULTATION.—In conducting any audit required under this section, the Secretary shall consult with the railroad and its employees, including any nonprofit employee labor organization representing the engineers or conductors of the railroad.

(2) COOPERATION.—The railroad and its employees, including any nonprofit employee labor organization representing engineers or conductors of the railroad, shall fully cooperate with any such audit, including by—

(A) providing any relevant documents requested; and

(B) making available any employees for interview without undue delay or obstruction.

(3) FAILURE TO COOPERATE.—If the Secretary determines that a railroad or any of its employees, including any nonprofit employee labor organization representing engineers or conductors of the railroad is not fully cooperating with an audit, the Secretary shall electronically notify the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives.

Determination.
Notification.

(e) REVIEW OF REGULATIONS.—The Secretary shall triennially determine whether any update to part 240 or 242 of title 49, Code of Federal Regulations, is necessary to better prepare locomotive engineers and conductors to safely operate trains by evaluating whether such regulations establish appropriate Federal standards requiring railroads—

Determination.
Evaluation.

(1) to provide locomotive engineers or conductors the knowledge and skills to safely operate trains under conditions that reflect industry practices;

(2) to adequately address locomotive engineer or conductor route situational awareness, including ensuring locomotive engineers and conductors to demonstrate knowledge on the physical characteristics of a territory under various conditions and using various resources;

(3) to provide relevant and adequate hands-on training before a locomotive engineer or conductor is certified;

(4) to adequately prepare locomotive engineers or conductors to understand relevant locomotive operating characteristics, to include instructions on functions they are required to operate on any installed technology; and

Public
information.
Web posting.
Summaries.

(5) to address any other safety issue that the Secretary determines to be appropriate for better preparing locomotive engineers or conductors.

(f) ANNUAL REPORT.—The Secretary shall publish an annual report on the public website of the Federal Railroad Administration that—

- (1) summarizes the findings of the prior year’s audits;
- (2) summarizes any updates made pursuant to subsection (c); and
- (3) excludes and confidential business information or sensitive security information.

SEC. 22411. TRANSPARENCY AND SAFETY.

Section 20103(d) of title 49, United States Code, is amended to read as follows:

“(d) NONEMERGENCY WAIVERS.—

“(1) IN GENERAL.—The Secretary of Transportation may waive, or suspend the requirement to comply with, any part of a regulation prescribed or an order issued under this chapter if such waiver or suspension is in the public interest and consistent with railroad safety.

“(2) NOTICE REQUIRED.—The Secretary shall—

“(A) provide timely public notice of any request for a waiver under this subsection or for a suspension under subpart E of part 211 of title 49, Code of Federal Regulations, or successor regulations;

Data.

“(B) make available the application for such waiver or suspension and any nonconfidential underlying data to interested parties;

Public comment.

“(C) provide the public with notice and a reasonable opportunity to comment on a proposed waiver or suspension under this subsection before making a final decision; and

Public
information.
Web posting.

“(D) publish on a publicly accessible website the reasons for granting each such waiver or suspension.

“(3) INFORMATION PROTECTION.—Nothing in this subsection may be construed to require the release of information protected by law from public disclosure.

“(4) RULEMAKING.—

Deadline.
Time period.
Review.
Analysis.
Determination.

“(A) IN GENERAL.—Not later than 1 year after the first day on which a waiver under this subsection or a suspension under subpart E of part 211 of title 49, Code of Federal Regulations, or successor regulations, has been in continuous effect for a 6-year period, the Secretary shall complete a review and analysis of such waiver or suspension to determine whether issuing a rule that is consistent with the waiver is—

“(i) in the public interest; and

“(ii) consistent with railroad safety.

“(B) FACTORS.—In conducting the review and analysis under subparagraph (A), the Secretary shall consider—

“(i) the relevant safety record under the waiver or suspension;

“(ii) the likelihood that other entities would have similar safety outcomes;

“(iii) the materials submitted in the applications, including any comments regarding such materials; and

“(iv) related rulemaking activity.

“(C) NOTICE AND COMMENT.—

“(i) IN GENERAL.—The Secretary shall publish the review and analysis required under this paragraph in the Federal Register, which shall include a summary of the data collected and all relevant underlying data, if the Secretary decides not to initiate a regulatory update under subparagraph (D).

Federal Register,
publication.
Summary.
Data.

“(ii) NOTICE OF PROPOSED RULEMAKING.—The review and analysis under this paragraph shall be included as part of the notice of proposed rulemaking if the Secretary initiates a regulatory update under subparagraph (D).

“(D) REGULATORY UPDATE.—The Secretary may initiate a rulemaking to incorporate relevant aspects of a waiver under this subsection or a suspension under subpart E of part 211 of title 49, Code of Federal Regulations, or successor regulations, into the relevant regulation, to the extent the Secretary considers appropriate.

“(5) RULE OF CONSTRUCTION.—Nothing in this subsection may be construed to delay any waiver granted pursuant to this subsection that is in the public interest and consistent with railroad safety.”.

SEC. 22412. RESEARCH AND DEVELOPMENT.

Section 20108 of title 49, United States Code, is amended by adding at the end the following:

“(d) FACILITIES.—The Secretary may erect, alter, and repair buildings and make other public improvements to carry out necessary railroad research, safety, and training activities at the Transportation Technology Center in Pueblo, Colorado.

“(e) OFFSETTING COLLECTIONS.—The Secretary may collect fees or rents from facility users to offset appropriated amounts for the cost of providing facilities or research, development, testing, training, or other services, including long-term sustainment of the on-site physical plant.

Fees.

“(f) REVOLVING FUND.—Amounts appropriated to carry out subsection (d) and all fees and rents collected pursuant to subsection (e) shall be credited to a revolving fund and remain available until expended. The Secretary may use such fees and rents for operation, maintenance, repair, or improvement of the Transportation Technology Center.

“(g) LEASES AND CONTRACTS.—Notwithstanding section 1302 of title 40, the Secretary may lease to others or enter into contracts for terms of up to 20 years, for such consideration and subject to such terms and conditions as the Secretary determines to be in the best interests of the Government of the United States, for the operation, maintenance, repair, and improvement of the Transportation Technology Center.

Time period.
Determination.

“(h) PROPERTY AND CASUALTY LOSS INSURANCE.—The Secretary may allow its lessees and contractors to purchase property and casualty loss insurance for its assets and activities at the Transportation Technology Center to mitigate the lessee’s or contractor’s risk associated with operating a facility.

“(i) ENERGY PROJECTS.—Notwithstanding section 1341 of title 31, the Secretary may enter into contracts or agreements, or commit to obligations in connection with third-party contracts or agreements, including contingent liability for the purchase of electric

Contracts.
Time period.

power in connection with such contracts or agreements, for terms not to exceed 20 years, to enable the use of the land at the Transportation Technology Center for projects to produce energy from renewable sources.”.

SEC. 22413. RAIL RESEARCH AND DEVELOPMENT CENTER OF EXCELLENCE.

Section 20108 of title 49, United States Code, as amended by section 22412, is further amended by adding at the end the following:

“(j) RAIL RESEARCH AND DEVELOPMENT CENTER OF EXCELLENCE.—

Grants.

“(1) CENTER OF EXCELLENCE.—The Secretary shall award grants to establish and maintain a center of excellence to advance research and development that improves the safety, efficiency, and reliability of passenger and freight rail transportation.

“(2) ELIGIBILITY.—An institution of higher education (as defined in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001)) or a consortium of nonprofit institutions of higher education shall be eligible to receive a grant from the center established pursuant to paragraph (1).

“(3) SELECTION CRITERIA.—In awarding a grant under this subsection, the Secretary shall—

“(A) give preference to applicants with strong past performance related to rail research, education, and workforce development activities;

“(B) consider the extent to which the applicant would involve public and private sector passenger and freight railroad operators; and

“(C) consider the regional and national impacts of the applicant’s proposal.

“(4) USE OF FUNDS.—Grant funds awarded pursuant to this subsection shall be used for basic and applied research, evaluation, education, workforce development, and training efforts related to safety, project delivery, efficiency, reliability, resiliency, and sustainability of urban commuter, intercity high-speed, and freight rail transportation, to include advances in rolling stock, advanced positive train control, human factors, rail infrastructure, shared corridors, grade crossing safety, inspection technology, remote sensing, rail systems maintenance, network resiliency, operational reliability, energy efficiency, and other advanced technologies.

“(5) FEDERAL SHARE.—The Federal share of a grant awarded under this subsection shall be 50 percent of the cost of establishing and operating the center of excellence and related research activities carried out by the grant recipient.”.

SEC. 22414. QUARTERLY REPORT ON POSITIVE TRAIN CONTROL SYSTEM PERFORMANCE.

Section 20157 of title 49, United States Code, is amended by adding at the end the following:

“(m) REPORTS ON POSITIVE TRAIN CONTROL SYSTEM PERFORMANCE.—

“(1) IN GENERAL.—Each host railroad subject to this section or subpart I of part 236 of title 49, Code of Federal Regulations, shall electronically submit to the Secretary of Transportation a Report of PTC System Performance on Form FRA F 6180.152,

which shall be submitted on or before the applicable due date set forth in paragraph (3) and contain the information described in paragraph (2), which shall be separated by the host railroad, each applicable tenant railroad, and each positive train control-governed track segment, consistent with the railroad's positive train control Implementation Plan described in subsection (a)(1).

“(2) REQUIRED INFORMATION.—Each report submitted pursuant to paragraph (1) shall include, for the applicable reporting period—

“(A) the number of positive train control system initialization failures, disaggregated by the number of initialization failures for which the source or cause was the onboard subsystem, the wayside subsystem, the communications subsystem, the back office subsystem, or a non-positive train control component;

“(B) the number of positive train control system cut outs, disaggregated by each component listed in subparagraph (A) that was the source or cause of such cut outs;

“(C) the number of positive train control system malfunctions, disaggregated by each component listed in subparagraph (A) that was the source or cause of such malfunctions;

“(D) the number of enforcements by the positive train control system;

“(E) the number of enforcements by the positive train control system in which it is reasonable to assume an accident or incident was prevented;

“(F) the number of scheduled attempts at initialization of the positive train control system;

“(G) the number of train miles governed by the positive train control system; and

“(H) a summary of any actions the host railroad and its tenant railroads are taking to reduce the frequency and rate of initialization failures, cut outs, and malfunctions, such as any actions to correct or eliminate systemic issues and specific problems.

Summary.

“(3) DUE DATES.—

“(A) IN GENERAL.—Except as provided in subparagraph (B), each host railroad shall electronically submit the report required under paragraph (1) not later than—

“(i) April 30, for the period from January 1 through March 31;

“(ii) July 31, for the period from April 1 through June 30;

“(iii) October 31, for the period from July 1 through September 30; and

“(iv) January 31, for the period from October 1 through December 31 of the prior calendar year.

“(B) FREQUENCY REDUCTION.—Beginning on the date that is 3 years after the date of enactment of the Passenger Rail Expansion and Rail Safety Act of 2021, the Secretary shall reduce the frequency with which host railroads are required to submit the report described in paragraph (1) to not less frequently than twice per year, unless the Secretary—

Effective date.

Determination.

“(i) determines that quarterly reporting is in the public interest; and

Federal Register, publication.

“(ii) publishes a justification for such determination in the Federal Register.

“(4) TENANT RAILROADS.—Each tenant railroad that operates on a host railroad’s positive train control-governed main line and is not currently subject to an exception under section 236.1006(b) of title 49, Code of Federal Regulations, shall submit the information described in paragraph (2) to each applicable host railroad on a continuous basis.

Deadline.

“(5) ENFORCEMENTS.—Any railroad operating a positive train control system classified under Federal Railroad Administration Type Approval number FRA-TA-2010-001 or FRA-TA-2013-003 shall begin submitting the metric required under paragraph (2)(D) not later than January 31, 2023.”.

SEC. 22415. SPEED LIMIT ACTION PLANS.

(a) CODIFICATION OF, AND AMENDMENT TO, SECTION 11406 OF THE FAST ACT.—Subchapter II of chapter 201 of subtitle V of title 49, United States Code, is amended by inserting after section 20168 the following:

Deadlines.
49 USC 20169.
Consultation.
Surveys.

“§ 20169. Speed limit action plans

“(a) IN GENERAL.—Not later than March 3, 2016, each railroad carrier providing intercity rail passenger transportation or commuter rail passenger transportation, in consultation with any applicable host railroad carrier, shall survey its entire system and identify each main track location where there is a reduction of more than 20 miles per hour from the approach speed to a curve, bridge, or tunnel and the maximum authorized operating speed for passenger trains at that curve, bridge, or tunnel.

“(b) ACTION PLANS.—Not later than 120 days after the date that the survey under subsection (a) is complete, a railroad carrier described in subsection (a) shall submit to the Secretary of Transportation an action plan that—

“(1) identifies each main track location where there is a reduction of more than 20 miles per hour from the approach speed to a curve, bridge, or tunnel and the maximum authorized operating speed for passenger trains at that curve, bridge, or tunnel;

“(2) describes appropriate actions to enable warning and enforcement of the maximum authorized speed for passenger trains at each location identified under paragraph (1), including—

“(A) modification to automatic train control systems, if applicable, or other signal systems;

“(B) increased crew size;

“(C) installation of signage alerting train crews of the maximum authorized speed for passenger trains in each location identified under paragraph (1);

“(D) installation of alerters;

“(E) increased crew communication; and

“(F) other practices;

“(3) contains milestones and target dates for implementing each appropriate action described under paragraph (2); and

“(4) ensures compliance with the maximum authorized speed at each location identified under paragraph (1).

Compliance.

“(c) APPROVAL.—Not later than 90 days after the date on which an action plan is submitted under subsection (b) or (d)(2), the Secretary shall approve, approve with conditions, or disapprove the action plan.

“(d) PERIODIC REVIEWS AND UPDATES.—Each railroad carrier that submits an action plan to the Secretary pursuant to subsection (b) shall—

“(1) not later than 1 year after the date of enactment of the Passenger Rail Expansion and Rail Safety Act of 2021, and annually thereafter, review such plan to ensure the effectiveness of actions taken to enable warning and enforcement of the maximum authorized speed for passenger trains at each location identified pursuant to subsection (b)(1); and

“(2) not later than 90 days before implementing any significant operational or territorial operating change, including initiating a new service or route, submit to the Secretary a revised action plan, after consultation with any applicable host railroad, that addresses such operational or territorial operating change.

Consultation.

“(e) NEW SERVICE.—If a railroad carrier providing intercity rail passenger transportation or commuter rail passenger transportation did not exist on the date of enactment of the FAST Act (Public Law 114–94; 129 Stat. 1312), such railroad carrier, in consultation with any applicable host railroad carrier, shall—

Consultation.

“(1) survey its routes pursuant to subsection (a) not later than 90 days after the date of enactment of the Passenger Rail Expansion and Rail Safety Act of 2021; and

Surveys.

“(2) develop an action plan pursuant to subsection (b) not later than 120 days after the date on which such survey is complete.

“(f) ALTERNATIVE SAFETY MEASURES.—The Secretary may exempt from the requirements under this section each segment of track for which operations are governed by a positive train control system certified under section 20157, or any other safety technology or practice that would achieve an equivalent or greater level of safety in reducing derailment risk.

“(g) PROHIBITION.—No new intercity or commuter rail passenger service may begin operation unless the railroad carrier providing such service is in compliance with the requirements under this section.

Compliance.

“(h) SAVINGS CLAUSE.—Nothing in this section may be construed to prohibit the Secretary from applying the requirements under this section to other segments of track at high risk of overspeed derailment.”.

(b) CLERICAL AMENDMENT.—The analysis for chapter 201 of subtitle V of title 49, United States Code, is amended by adding at the end the following:

49 USC
prec. 20101.

“20169. Speed limit action plans.”.

SEC. 22416. NEW PASSENGER SERVICE PRE-REVENUE SAFETY VALIDATION PLAN.

(a) IN GENERAL.—Subchapter II of chapter 201 of subtitle V of title 49, United States Code, as amended by section 22415, is further amended by adding at the end the following:

“§ 20170. Pre-revenue service safety validation plan

49 USC 20170.

“(a) PLAN SUBMISSION.—Any railroad providing new, regularly scheduled, intercity or commuter rail passenger transportation, an

Time period.
Deadline.

extension of existing service, or a renewal of service that has been discontinued for more than 180 days shall develop and submit for review a comprehensive pre-revenue service safety validation plan to the Secretary of Transportation not later than 60 days before initiating such revenue service. Such plan shall include pertinent safety milestones and a minimum period of simulated revenue service to ensure operational readiness and that all safety sensitive personnel are properly trained and qualified.

Notification.

“(b) COMPLIANCE.—After submitting a plan pursuant to subsection (a), the railroad shall adopt and comply with such plan and may not amend the plan without first notifying the Secretary of the proposed amendment. Revenue service may not begin until the railroad has completed the requirements of its plan, including the minimum simulated service period required by the plan.

“(c) RULEMAKING.—The Secretary shall promulgate regulations to carry out this section, including—

Requirement.

“(1) requiring that any identified safety deficiencies be addressed and corrected before the initiation of revenue service; and

“(2) establishing appropriate deadlines to enable the Secretary to review and approve the pre-revenue service safety validation plan to ensure that service is not unduly delayed.”.

49 USC
prec. 20101.

(b) CLERICAL AMENDMENT.—The analysis for chapter 201 of title 49, United States Code, as amended by section 22415(b), is further amended by adding at the end the following:

“20170. Pre-revenue service safety validation plan.”.

SEC. 22417. FEDERAL RAILROAD ADMINISTRATION ACCIDENT AND INCIDENT INVESTIGATIONS.

Section 20902 of title 49, United States Code, is amended—

(1) in subsection (b) by striking “subpena” and inserting “subpoena”; and

(2) by adding at the end the following:

Determination.

“(d) GATHERING INFORMATION AND TECHNICAL EXPERTISE.—

“(1) IN GENERAL.—The Secretary shall create a standard process for investigators to use during accident and incident investigations conducted under this section for determining when it is appropriate and the appropriate method for—

“(A) gathering information about an accident or incident under investigation from railroad carriers, contractors or employees of railroad carriers or representatives of employees of railroad carriers, and others, as determined relevant by the Secretary; and

Consultation.

“(B) consulting with railroad carriers, contractors or employees of railroad carriers or representatives of employees of railroad carriers, and others, as determined relevant by the Secretary, for technical expertise on the facts of the accident or incident under investigation.

“(2) CONFIDENTIALITY.—In developing the process required under paragraph (1), the Secretary shall factor in ways to maintain the confidentiality of any entity identified under paragraph (1) if—

“(A) such entity requests confidentiality;

“(B) such entity was not involved in the accident or incident; and

“(C) maintaining such entity’s confidentiality does not adversely affect an investigation of the Federal Railroad Administration.

“(3) APPLICABILITY.—This subsection shall not apply to any investigation carried out by the National Transportation Safety Board.”.

SEC. 22418. CIVIL PENALTY ENFORCEMENT AUTHORITY.

Section 21301(a) of title 49, United States Code, is amended by striking paragraph (3) and inserting the following:

“(3) The Secretary may find that a person has violated this chapter or a regulation prescribed or order, special permit, or approval issued under this chapter only after notice and an opportunity for a hearing. The Secretary shall impose a penalty under this section by giving the person written notice of the amount of the penalty. The Secretary may compromise the amount of a civil penalty by settlement agreement without issuance of an order. In determining the amount of a compromise, the Secretary shall consider—

Notices.
Hearings.

“(A) the nature, circumstances, extent, and gravity of the violation;

“(B) with respect to the violator, the degree of culpability, any history of violations, the ability to pay, and any effect on the ability to continue to do business; and

“(C) other matters that justice requires.

Determination.

“(4) The Attorney General may bring a civil action in an appropriate district court of the United States to collect a civil penalty imposed or compromise under this section and any accrued interest on the civil penalty. In the civil action, the amount and appropriateness of the civil penalty shall not be subject to review.”.

SEC. 22419. ADVANCING SAFETY AND INNOVATIVE TECHNOLOGY.

(a) IN GENERAL.—Section 26103 of title 49, United States Code, is amended to read as follows:

“§ 26103. Safety regulations and evaluation

“The Secretary—

“(1) shall promulgate such safety regulations as may be necessary for high-speed rail services;

“(2) shall, before promulgating such regulations, consult with developers of new high-speed rail technologies to develop a method for evaluating safety performance; and

Consultation.

“(3) may solicit feedback from relevant safety experts or representatives of rail employees who perform work on similar technology or who may be expected to perform work on new technology, as appropriate.”.

(b) CLERICAL AMENDMENT.—The analysis for chapter 261 of title 49, United States Code, is amended by striking the item relating to section 26103 and inserting the following:

49 USC
prec. 26101.

“26103. Safety regulations and evaluation.”.

SEC. 22420. PASSENGER RAIL VEHICLE OCCUPANT PROTECTION SYSTEMS.

49 USC 20133
note.

(a) STUDY.—The Administrator of the Federal Railroad Administration shall conduct a study of the potential installation and use in new passenger rail rolling stock of passenger rail vehicle occupant protection systems that could materially improve passenger safety.

Cost estimates.	(b) CONSIDERATIONS.—In conducting the study under subsection (a), the Administrator shall consider minimizing the risk of secondary collisions, including estimating the costs and benefits of the new requirements, through the use of— (1) occupant restraint systems; (2) air bags; (3) emergency window retention systems; and (4) interior designs, including seats, baggage restraints, and table configurations and attachments. (c) REPORT.—Not later than 2 years after the date of enactment of this Act, the Administrator shall—
Summaries.	(1) submit a report summarizing the findings of the study conducted pursuant to subsection (a) to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives; and
Web posting.	(2) publish such report on the website of the Federal Railroad Administration.
Standards.	(d) RULEMAKING.—Following the completion of the study required under subsection (a), and after considering the costs and benefits of the proposed protection systems, the Administrator may promulgate a rule that establishes standards for the use of occupant protection systems in new passenger rail rolling stock.
SEC. 22421. FEDERAL RAILROAD ADMINISTRATION REPORTING REQUIREMENTS.	
Consultations. Determinations. 49 USC 20101 note.	(a) ELIMINATION OF DUPLICATIVE OR UNNECESSARY REPORTING OR PAPERWORK REQUIREMENTS IN THE FEDERAL RAILROAD ADMINISTRATION.— (1) REVIEW.—The Administrator of the Federal Railroad Administration (referred to in this subsection as the “FRA Administrator”), in consultation with the Administrator of the Federal Transit Administration, shall conduct a review of existing reporting and paperwork requirements in the Federal Railroad Administration to determine if any such requirements are duplicative or unnecessary. (2) ELIMINATION OF CERTAIN REQUIREMENTS.—If the FRA Administrator determines, as a result of the review conducted pursuant to paragraph (1), that any reporting or paperwork requirement that is not statutorily required is duplicative or unnecessary, the FRA Administrator, after consultation with the Administrator of the Federal Transit Administration, shall terminate such requirement. (3) REPORT.—Not later than 1 year after the date of enactment of this Act, the FRA Administrator shall submit a report to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives that— (A) identifies all of the reporting or paperwork requirements that were terminated pursuant to paragraph (2); and (B) identifies any statutory reporting or paperwork requirements that are duplicative or unnecessary and should be repealed.
Time period. Update. 49 USC 20901 note.	(b) SAFETY REPORTING.—Not later than 1 year after the date of enactment of this Act, and annually thereafter for the following 4 years, the Secretary shall update Special Study Block 49 on

Form FRA F 6180.54 (Rail Equipment Accident/Incident Report) to collect, with respect to trains involved in accidents required to be reported to the Federal Railroad Administration—

- (1) the number of cars and length of the involved trains; and
- (2) the number of crew members who were aboard a controlling locomotive involved in an accident at the time of such accident.

SEC. 22422. NATIONAL ACADEMIES STUDY ON TRAINS LONGER THAN 7,500 FEET.

(a) **STUDY.**—The Secretary shall seek to enter into an agreement with the National Academies to conduct a study on the operation of freight trains that are longer than 7,500 feet.

Contracts.

(b) **ELEMENTS.**—The study conducted pursuant to subsection (a) shall—

- (1) examine any potential impacts to safety from the operation of freight trains that are longer than 7,500 feet and the mitigation of any identified risks, including—

Examination.

- (A) any potential changes in the risk of loss of communications between the end of train device and the locomotive cab, including communications over differing terrains and conditions;

- (B) any potential changes in the risk of loss of radio communications between crew members when a crew member alights from the train, including communications over differing terrains and conditions;

- (C) any potential changes in the risk of derailments, including any risks associated with in-train compressive forces and slack action or other safety risks in the operations of such trains in differing terrains and conditions;

- (D) any potential impacts associated with the deployment of multiple distributed power units in the consists of such trains; and

- (E) any potential impacts on braking and locomotive performance and track wear and tear;

- (2) evaluate any impacts on scheduling and efficiency of passenger operations and in the shipping of goods by freight as a result of longer trains;

Evaluation.

- (3) determine whether additional engineer and conductor training is required for safely operating such trains;

Determination.

- (4) assess the potential impact on the amount of time and frequency of occurrence highway-rail grade crossings are occupied; and

Assessment.

- (5) identify any potential environmental impacts, including greenhouse gas emissions, that have resulted from the operation of longer trains.

(c) **COMPARISON.**—When evaluating the potential impacts of the operation of trains longer than 7,500 feet under subsection (b), the impacts of such trains shall be compared to the impacts of trains that are shorter than 7,500 feet, after taking into account train frequency.

(d) **REPORT.**—Not later than 2 years after the date of enactment of this Act, the Secretary shall submit a report to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of

Representatives that contains the results of the study conducted by the National Academies under this section.

(e) **FUNDING.**—From the amounts appropriated for fiscal year 2021 pursuant to the authorization under section 20117(a) of title 49, United States Code, the Secretary shall expend not less than \$1,000,000 and not more than \$2,000,000 to carry out the study required under this section.

SEC. 22423. HIGH-SPEED TRAIN NOISE EMISSIONS.

(a) **IN GENERAL.**—Section 17 of the Noise Control Act of 1972 (42 U.S.C. 4916) is amended—

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

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

“(c) **HIGH-SPEED TRAIN NOISE EMISSIONS.**—

“(1) **IN GENERAL.**—The Secretary of Transportation, in consultation with the Administrator, may prescribe regulations governing railroad-related noise emission standards for trains operating on the general railroad system of transportation at speeds exceeding 160 miles per hour, including noise related to magnetic levitation systems and other new technologies not traditionally associated with railroads.

“(2) **FACTORS IN RULEMAKING.**—The regulations prescribed pursuant to paragraph (1) may—

“(A) consider variances in maximum pass-by noise with respect to the speed of the equipment;

“(B) account for current engineering best practices; and

“(C) encourage the use of noise mitigation techniques to the extent reasonable if the benefits exceed the costs.

“(3) **CONVENTIONAL-SPEED TRAINS.**—Railroad-related noise regulations prescribed under subsection (a) shall continue to govern noise emissions from the operation of trains, including locomotives and rail cars, when operating at speeds not exceeding 160 miles per hour.”.

(b) **TECHNICAL AMENDMENT.**—The second sentence of section 17(b) of the Noise Control Act of 1972 (42 U.S.C. 4916(b)) is amended by striking “the Safety Appliance Acts, the Interstate Commerce Act, and the Department of Transportation Act” and inserting “subtitle V of title 49, United States Code”.

SEC. 22424. CRITICAL INCIDENT STRESS PLANS.

The Secretary shall amend part 272 of title 49, Code of Federal Regulations, to the extent necessary to ensure that—

(1) the coverage of a critical incident stress plan under section 272.7 of such part includes employees of commuter railroads and intercity passenger railroads (as such terms are defined in section 272.9 of such part), including employees who directly interact with passengers; and

(2) an assault against an employee requiring medical attention is included in the definition of critical incident under section 272.9 of such part.

SEC. 22425. REQUIREMENTS FOR RAILROAD FREIGHT CARS PLACED INTO SERVICE IN THE UNITED STATES.

(a) **IN GENERAL.**—Subchapter II of chapter 201 of subtitle V of title 49, United States Code (as amended by section 22416(a)), is amended by adding at the end the following:

Consultation.
Regulations.

49 USC 20109
note.

“§ 20171. Requirements for railroad freight cars placed into service in the United States 49 USC 20171.

“(a) DEFINITIONS.—In this section:

“(1) COMPONENT.—The term ‘component’ means a part or subassembly of a railroad freight car.

“(2) CONTROL.—The term ‘control’ means the power, whether direct or indirect and whether or not exercised, through the ownership of a majority or a dominant minority of the total outstanding voting interest in an entity, representation on the board of directors of an entity, proxy voting on the board of directors of an entity, a special share in the entity, a contractual arrangement with the entity, a formal or informal arrangement to act in concert with an entity, or any other means, to determine, direct, make decisions, or cause decisions to be made for the entity.

“(3) COST OF SENSITIVE TECHNOLOGY.—The term ‘cost of sensitive technology’ means the aggregate cost of the sensitive technology located on a railroad freight car.

“(4) COUNTRY OF CONCERN.—The term ‘country of concern’ means a country that—

“(A) is identified by the Department of Commerce as a nonmarket economy country (as defined in section 771(18) of the Tariff Act of 1930 (19 U.S.C. 1677(18))) as of the date of enactment of the Passenger Rail Expansion and Rail Safety Act of 2021;

“(B) was identified by the United States Trade Representative in the most recent report required by section 182 of the Trade Act of 1974 (19 U.S.C. 2242) as a foreign country included on the priority watch list (as defined in subsection (g)(3) of such section); and

“(C) is subject to monitoring by the Trade Representative under section 306 of the Trade Act of 1974 (19 U.S.C. 2416).

“(5) NET COST.—The term ‘net cost’ has the meaning given such term in chapter 4 of the USMCA or any subsequent free trade agreement between the United States, Mexico, and Canada.

“(6) QUALIFIED FACILITY.—The term ‘qualified facility’ means a facility that is not owned or under the control of a state-owned enterprise.

“(7) QUALIFIED MANUFACTURER.—The term ‘qualified manufacturer’ means a railroad freight car manufacturer that is not owned or under the control of a state-owned enterprise.

“(8) RAILROAD FREIGHT CAR.—The term ‘railroad freight car’ means a car designed to carry freight or railroad personnel by rail, including—

“(A) a box car;

“(B) a refrigerator car;

“(C) a ventilator car;

“(D) an intermodal well car;

“(E) a gondola car;

“(F) a hopper car;

“(G) an auto rack car;

“(H) a flat car;

“(I) a special car;

“(J) a caboose car;

“(K) a tank car; and

“(L) a yard car.

“(9) SENSITIVE TECHNOLOGY.—The term ‘sensitive technology’ means any device embedded with electronics, software, sensors, or other connectivity, that enables the device to connect to, collect data from, or exchange data with another device, including—

“(A) onboard telematics;

“(B) remote monitoring software;

“(C) firmware;

“(D) analytics;

“(E) global positioning system satellite and cellular location tracking systems;

“(F) event status sensors;

“(G) predictive component condition and performance monitoring sensors; and

“(H) similar sensitive technologies embedded into freight railcar components and sub-assemblies.

“(10) STATE-OWNED ENTERPRISE.—The term ‘state-owned enterprise’ means—

“(A) an entity that is owned by, or under the control of, a national, provincial, or local government of a country of concern, or an agency of such government; or

“(B) an individual acting under the direction or influence of a government or agency described in subparagraph (A).

“(11) SUBSTANTIALLY TRANSFORMED.—The term ‘substantially transformed’ means a component of a railroad freight car that undergoes an applicable change in tariff classification as a result of the manufacturing process, as described in chapter 4 and related annexes of the USMCA or any subsequent free trade agreement between the United States, Mexico, and Canada.

“(12) USMCA.—The term ‘USMCA’ has the meaning given the term in section 3 of the United States-Mexico-Canada Agreement Implementation Act (19 U.S.C. 4502).

“(b) REQUIREMENTS FOR RAILROAD FREIGHT CARS.—

“(1) LIMITATION ON RAILROAD FREIGHT CARS.—A railroad freight car wholly manufactured on or after the date that is 1 year after the date of issuance of the regulations required under subsection (c)(1) may only operate on the United States general railroad system of transportation if—

“(A) the railroad freight car is manufactured, assembled, and substantially transformed, as applicable, by a qualified manufacturer in a qualified facility;

“(B) none of the sensitive technology located on the railroad freight car, including components necessary to the functionality of the sensitive technology, originates from a country of concern or is sourced from a state-owned enterprise; and

“(C) none of the content of the railroad freight car, excluding sensitive technology, originates from a country of concern or is sourced from a state-owned enterprise that has been determined by a recognized court or administrative agency of competent jurisdiction and legal authority to have violated or infringed valid United States intellectual property rights of another including such a finding

Effective date.

by a Federal district court under title 35 or the U.S. International Trade Commission under section 337 of the Tariff Act of 1930 (19 U.S.C. 1337).

“(2) LIMITATION ON RAILROAD FREIGHT CAR CONTENT.—

“(A) PERCENTAGE LIMITATION.—

“(i) INITIAL LIMITATION.—Not later than 1 year after the date of issuance of the regulations required under subsection (c)(1), a railroad freight car described in paragraph (1) may operate on the United States general railroad system of transportation only if not more than 20 percent of the content of the railroad freight car, calculated by the net cost of all components of the car and excluding the cost of sensitive technology, originates from a country of concern or is sourced from a state-owned enterprise. Deadline.

“(ii) SUBSEQUENT LIMITATION.—Effective beginning on the date that is 3 years after the date of issuance of the regulations required under subsection (c)(1), a railroad freight car described in paragraph (1) may operate on the United States general railroad system of transportation only if not more than 15 percent of the content of the railroad freight car, calculated by the net cost of all components of the car and excluding the cost of sensitive technology, originates from a country of concern or is sourced from a state-owned enterprise. Effective date.

“(B) CONFLICT.—The percentages specified in clauses (i) and (ii) of subparagraph (A), as applicable, shall apply notwithstanding any apparent conflict with provisions of chapter 4 of the USMCA. Applicability.

“(c) REGULATIONS AND PENALTIES.—

“(1) REGULATIONS REQUIRED.—Not later than 2 years after the date of enactment of the Passenger Rail Expansion and Rail Safety Act of 2021, the Secretary of Transportation shall issue such regulations as are necessary to carry out this section, including for the monitoring and sensitive technology requirements of this section. Deadline.

“(2) CERTIFICATION REQUIRED.—To be eligible to provide a railroad freight car for operation on the United States general railroad system of transportation, the manufacturer of such car shall annually certify to the Secretary of Transportation that any railroad freight cars to be so provided meet the requirements under this section.

“(3) COMPLIANCE.—

“(A) VALID CERTIFICATION REQUIRED.—At the time a railroad freight car begins operation on the United States general railroad system of transportation, the manufacturer of such railroad freight car shall have valid certification described in paragraph (2) for the year in which such car begins operation.

“(B) REGISTRATION OF NONCOMPLIANT CARS PROHIBITED.—A railroad freight car manufacturer may not register, or cause to be registered, a railroad freight car that does not comply with the requirements under this section in the Association of American Railroad’s Umler system.

“(4) CIVIL PENALTIES.—

Determination.	“(A) IN GENERAL.—Pursuant to section 21301, the Secretary of Transportation may assess a civil penalty of not less than \$100,000, but not more than \$250,000, for each violation of this section for each railroad freight car. “(B) PROHIBITION ON OPERATION FOR VIOLATIONS.—The Secretary of Transportation may prohibit a railroad freight car manufacturer with respect to which the Secretary has assessed more than 3 violations under subparagraph (A) from providing additional railroad freight cars for operation on the United States general railroad system of transportation until the Secretary determines— “(i) such manufacturer is in compliance with this section; and “(ii) all civil penalties assessed to such manufacturer pursuant to subparagraph (A) have been paid in full.”.
49 USC prec. 20101.	(b) CLERICAL AMENDMENT.—The analysis for chapter 201 of subtitle V of title 49, United States Code (as amended by section 22416(b)), is amended by adding at the end the following: “20171. Requirements for railroad freight cars placed into service in the United States.”.
49 USC 20103 note.	SEC. 22426. RAILROAD POINT OF CONTACT FOR PUBLIC SAFETY ISSUES. All railroads shall— (1) provide railroad contact information for public safety issues, including a telephone number, to the relevant Federal, State, and local oversight agencies; and (2) post the information described in paragraph (1) on a publicly accessible website.
Public information. Web posting. Deadline. 49 USC 20140 note.	SEC. 22427. CONTROLLED SUBSTANCES TESTING FOR MECHANICAL EMPLOYEES. Not later than 180 days after the date of enactment of this Act, the Secretary shall amend the regulations under part 219 of title 49, Code of Federal Regulations, to require all mechanical employees of railroads to be subject to all of the breath or body fluid testing set forth in subpart C, D, and E of such part, including random testing, reasonable suspicion testing, reasonable cause testing, pre-employment testing, return-to-duty testing, and follow-up testing.

TITLE III—MOTOR CARRIER SAFETY

Time periods.	SEC. 23001. AUTHORIZATION OF APPROPRIATIONS. (a) ADMINISTRATIVE EXPENSES.—Section 31110 of title 49, United States Code, is amended by striking subsection (a) and inserting the following: “(a) ADMINISTRATIVE EXPENSES.—There are authorized to be appropriated from the Highway Trust Fund (other than the Mass Transit Account) for the Secretary of Transportation to pay administrative expenses of the Federal Motor Carrier Safety Administration— “(1) \$360,000,000 for fiscal year 2022; “(2) \$367,500,000 for fiscal year 2023; “(3) \$375,000,000 for fiscal year 2024; “(4) \$382,500,000 for fiscal year 2025; and

“(5) \$390,000,000 for fiscal year 2026.”.

(b) FINANCIAL ASSISTANCE PROGRAMS.—Section 31104 of title 49, United States Code, is amended—

(1) by striking subsection (a) and inserting the following:

“(a) FINANCIAL ASSISTANCE PROGRAMS.—There are authorized to be appropriated from the Highway Trust Fund (other than the Mass Transit Account)—

“(1) subject to subsection (c), to carry out the motor carrier safety assistance program under section 31102 (other than the high priority program under subsection (l) of that section)—

“(A) \$390,500,000 for fiscal year 2022;

“(B) \$398,500,000 for fiscal year 2023;

“(C) \$406,500,000 for fiscal year 2024;

“(D) \$414,500,000 for fiscal year 2025; and

“(E) \$422,500,000 for fiscal year 2026;

“(2) subject to subsection (c), to carry out the high priority program under section 31102(l) (other than the commercial motor vehicle enforcement training and support grant program under paragraph (5) of that section)—

“(A) \$57,600,000 for fiscal year 2022;

“(B) \$58,800,000 for fiscal year 2023;

“(C) \$60,000,000 for fiscal year 2024;

“(D) \$61,200,000 for fiscal year 2025; and

“(E) \$62,400,000 for fiscal year 2026;

“(3) to carry out the commercial motor vehicle enforcement training and support grant program under section 31102(l)(5), \$5,000,000 for each of fiscal years 2022 through 2026;

“(4) to carry out the commercial motor vehicle operators grant program under section 31103—

“(A) \$1,100,000 for fiscal year 2022;

“(B) \$1,200,000 for fiscal year 2023;

“(C) \$1,300,000 for fiscal year 2024;

“(D) \$1,400,000 for fiscal year 2025; and

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

“(5) subject to subsection (c), to carry out the financial assistance program for commercial driver’s license implementation under section 31313—

“(A) \$41,800,000 for fiscal year 2022;

“(B) \$42,650,000 for fiscal year 2023;

“(C) \$43,500,000 for fiscal year 2024;

“(D) \$44,350,000 for fiscal year 2025; and

“(E) \$45,200,000 for fiscal year 2026.”;

(2) in subsection (b)(2)—

(A) in the third sentence, by striking “The Secretary” and inserting the following:

“(C) IN-KIND CONTRIBUTIONS.—The Secretary”;

(B) in the second sentence, by striking “The Secretary” and inserting the following:

“(B) LIMITATION.—The Secretary”;

(C) in the first sentence—

(i) by inserting “(except subsection (l)(5) of that section)” after “section 31102”; and

(ii) by striking “The Secretary” and inserting the following:

“(A) REIMBURSEMENT PERCENTAGE.—

“(i) IN GENERAL.—The Secretary”; and

Reimbursement.

(D) in subparagraph (A) (as so designated), by adding at the end the following:

“(ii) COMMERCIAL MOTOR VEHICLE ENFORCEMENT TRAINING AND SUPPORT GRANT PROGRAM.—The Secretary shall reimburse a recipient, in accordance with a financial assistance agreement made under section 31102(l)(5), an amount that is equal to 100 percent of the costs incurred by the recipient in a fiscal year in developing and implementing a training program under that section.”;

(3) in subsection (c)—

(A) in the subsection heading, by striking “PARTNER TRAINING AND”;

(B) in the first sentence—

(i) by striking “(4)” and inserting “(5)”; and

(ii) by striking “partner training and”; and

(C) by striking the second sentence; and

(4) in subsection (f)—

(A) in paragraph (1), by striking “for the next fiscal year” and inserting “for the next 2 fiscal years”;

(B) in paragraph (4), by striking “for the next fiscal year” and inserting “for the next 2 fiscal years”;

(C) by redesignating paragraphs (4) and (5) as paragraphs (5) and (6), respectively; and

(D) by inserting after paragraph (3) the following:

“(4) For grants made for carrying out section 31102(l)(5), for the fiscal year in which the Secretary approves the financial assistance agreement and for the next 4 fiscal years.”; and

(5) in subsection (i)—

(A) by striking “Amounts not expended” and inserting the following:

“(1) IN GENERAL.—Except as provided in paragraph (2), amounts not expended”; and

(B) by adding at the end the following:

“(2) MOTOR CARRIER SAFETY ASSISTANCE PROGRAM.—Amounts made available for the motor carrier safety assistance program established under section 31102 (other than amounts made available to carry out section 31102(l)) that are not expended by a recipient during the period of availability shall be released back to the Secretary for reallocation under that program.”.

(c) ENFORCEMENT DATA UPDATES.—Section 31102(h)(2)(A) of title 49, United States Code, is amended by striking “2004 and 2005” and inserting “2014 and 2015”.

SEC. 23002. MOTOR CARRIER SAFETY ADVISORY COMMITTEE.

Section 4144 of the SAFETEA-LU (49 U.S.C. 31100 note; Public Law 109–59) is amended—

(1) in subsection (b)(1), in the second sentence, by inserting “, including small business motor carriers” after “industry”; and

(2) in subsection (d), by striking “September 30, 2013” and inserting “September 30, 2025”.

SEC. 23003. COMBATING HUMAN TRAFFICKING.

Section 31102(l) of title 49, United States Code, is amended—

(1) in paragraph (2)—

- (A) in subparagraph (G)(ii), by striking “and” at the end;
- (B) by redesignating subparagraph (H) as subparagraph (J); and
- (C) by inserting after subparagraph (G) the following:
 - “(H) support, through the use of funds otherwise available for such purposes—
 - “(i) the recognition, prevention, and reporting of human trafficking, including the trafficking of human beings—
 - “(I) in a commercial motor vehicle; or
 - “(II) by any occupant, including the operator, of a commercial motor vehicle;
 - “(ii) the detection of criminal activity or any other violation of law relating to human trafficking; and
 - “(iii) enforcement of laws relating to human trafficking;
 - “(I) otherwise support the recognition, prevention, and reporting of human trafficking; and”; and
- (2) in paragraph (3)(D)—
 - (A) in clause (ii), by striking “and” at the end;
 - (B) in clause (iii), by striking the period at the end and inserting a semicolon; and
 - (C) by adding at the end the following:
 - “(iv) for the detection of, and enforcement actions taken as a result of, criminal activity (including the trafficking of human beings)—
 - “(I) in a commercial motor vehicle; or
 - “(II) by any occupant, including the operator, of a commercial motor vehicle; and
 - “(v) in addition to any funds otherwise made available for the recognition, prevention, and reporting of human trafficking, to support the recognition, prevention, and reporting of human trafficking.”.

SEC. 23004. IMMOBILIZATION GRANT PROGRAM.

Section 31102(l) of title 49, United States Code, is amended by adding at the end the following:

“(4) IMMOBILIZATION GRANT PROGRAM.—

“(A) DEFINITION OF PASSENGER-CARRYING COMMERCIAL MOTOR VEHICLE.—In this paragraph, the term ‘passenger-carrying commercial motor vehicle’ has the meaning given the term ‘commercial motor vehicle’ in section 31301.

“(B) ESTABLISHMENT.—The Secretary shall establish an immobilization grant program under which the Secretary shall provide to States discretionary grants for the immobilization or impoundment of passenger-carrying commercial motor vehicles that—

“(i) are determined to be unsafe; or

“(ii) fail inspection.

Determination.

“(C) LIST OF CRITERIA FOR IMMOBILIZATION.—The Secretary, in consultation with State commercial motor vehicle entities, shall develop a list of commercial motor vehicle safety violations and defects that the Secretary determines warrant the immediate immobilization of a passenger-carrying commercial motor vehicle.

Consultation.
Determination.

“(D) ELIGIBILITY.—A State shall be eligible to receive a grant under this paragraph only if the State has the authority to require the immobilization or impoundment of a passenger-carrying commercial motor vehicle—

“(i) with respect to which a motor vehicle safety violation included in the list developed under subparagraph (C) is determined to exist; or

“(ii) that is determined to have a defect included in that list.

“(E) USE OF FUNDS.—A grant provided under this paragraph may be used for—

“(i) the immobilization or impoundment of passenger-carrying commercial motor vehicles described in subparagraph (D);

“(ii) safety inspections of those passenger-carrying commercial motor vehicles; and

“(iii) any other activity relating to an activity described in clause (i) or (ii), as determined by the Secretary.

“(F) SECRETARY AUTHORIZATION.—The Secretary may provide to a State amounts for the costs associated with carrying out an immobilization program using funds made available under section 31104(a)(2).”.

SEC. 23005. COMMERCIAL MOTOR VEHICLE ENFORCEMENT TRAINING AND SUPPORT.

Section 31102(l) of title 49, United States Code (as amended by section 23004), is amended—

(1) in paragraph (1), by striking “(2) and (3)” and inserting “(2) through (5)”; and

(2) by adding at the end the following:

“(5) COMMERCIAL MOTOR VEHICLE ENFORCEMENT TRAINING AND SUPPORT GRANT PROGRAM.—

“(A) IN GENERAL.—The Secretary shall administer a commercial motor vehicle enforcement training and support grant program funded under section 31104(a)(3), under which the Secretary shall make discretionary grants to eligible entities described in subparagraph (C) for the purposes described in subparagraph (B).

“(B) PURPOSES.—The purposes of the grant program under subparagraph (A) are—

“(i) to train non-Federal employees who conduct commercial motor vehicle enforcement activities; and

“(ii) to develop related training materials.

“(C) ELIGIBLE ENTITIES.—An entity eligible for a discretionary grant under the program described in subparagraph (A) is a nonprofit organization that has—

“(i) expertise in conducting a training program for non-Federal employees; and

“(ii) the ability to reach and involve in a training program a target population of commercial motor vehicle safety enforcement employees.”.

SEC. 23006. STUDY OF COMMERCIAL MOTOR VEHICLE CRASH CAUSATION.

(a) DEFINITIONS.—In this section:

(1) **COMMERCIAL MOTOR VEHICLE.**—The term “commercial motor vehicle” has the meaning given the term in section 31132 of title 49, United States Code.

(2) **STUDY.**—The term “study” means the study carried out under subsection (b).

(b) **STUDY.**—The Secretary shall carry out a comprehensive study—

(1) to determine the causes of, and contributing factors to, crashes that involve a commercial motor vehicle; and Determination.

(2) to identify data requirements, data collection procedures, reports, and any other measures that can be used to improve the ability of States and the Secretary— Data.

(A) to evaluate future crashes involving commercial motor vehicles; Evaluation.

(B) to monitor crash trends and identify causes and contributing factors; and

(C) to develop effective safety improvement policies and programs.

(c) **DESIGN.**—The study shall be designed to yield information that can be used to help policy makers, regulators, and law enforcement identify activities and other measures that are likely to lead to reductions in—

(1) the frequency of crashes involving a commercial motor vehicle;

(2) the severity of crashes involving a commercial motor vehicle; and

(3) fatalities and injuries.

(d) **CONSULTATION.**—In designing and carrying out the study, the Secretary may consult with individuals or entities with expertise on—

(1) crash causation and prevention;

(2) commercial motor vehicles, commercial drivers, and motor carriers, including passenger carriers;

(3) highways and noncommercial motor vehicles and drivers;

(4) Federal and State highway and motor carrier safety programs;

(5) research methods and statistical analysis; and

(6) other relevant topics, as determined by the Secretary.

(e) **PUBLIC COMMENT.**—The Secretary shall make available for public comment information about the objectives, methodology, implementation, findings, and other aspects of the study.

(f) **REPORTS.**—As soon as practicable after the date on which the study is completed, the Secretary shall submit to Congress a report describing the results of the study and any legislative recommendations to facilitate reductions in the matters described in paragraphs (1) through (3) of subsection (c).

Recommendations.

SEC. 23007. PROMOTING WOMEN IN THE TRUCKING WORKFORCE.

(a) **FINDINGS.**—Congress finds that—

(1) women make up 47 percent of the workforce of the United States;

(2) women are significantly underrepresented in the trucking industry, holding only 24 percent of all transportation and warehousing jobs and representing only—

(A) 6.6 percent of truck drivers;

(B) 12.5 percent of all workers in truck transportation;
and

(C) 8 percent of freight firm owners;

(3) given the total number of women truck drivers, women are underrepresented in the truck-driving workforce; and

(4) women truck drivers have been shown to be 20 percent less likely than male counterparts to be involved in a crash.

(b) SENSE OF CONGRESS REGARDING WOMEN IN TRUCKING.—It is the sense of Congress that the trucking industry should explore every opportunity to encourage and support the pursuit and retention of careers in trucking by women, including through programs that support recruitment, driver training, and mentorship.

(c) DEFINITIONS.—In this section:

(1) ADMINISTRATOR.—The term “Administrator” means the Administrator of the Federal Motor Carrier Safety Administration.

(2) BOARD.—The term “Board” means the Women of Trucking Advisory Board established under subsection (d)(1).

(3) LARGE TRUCKING COMPANY.—The term “large trucking company” means a motor carrier (as defined in section 13102 of title 49, United States Code) with more than 100 power units.

(4) MID-SIZED TRUCKING COMPANY.—The term “mid-sized trucking company” means a motor carrier (as defined in section 13102 of title 49, United States Code) with not fewer than 11 power units and not more than 100 power units.

(5) POWER UNIT.—The term “power unit” means a self-propelled vehicle under the jurisdiction of the Federal Motor Carrier Safety Administration.

(6) SMALL TRUCKING COMPANY.—The term “small trucking company” means a motor carrier (as defined in section 13102 of title 49, United States Code) with not fewer than 1 power unit and not more than 10 power units.

(d) WOMEN OF TRUCKING ADVISORY BOARD.—

(1) ESTABLISHMENT.—To encourage women to enter the field of trucking, the Administrator shall establish and facilitate an advisory board, to be known as the “Women of Trucking Advisory Board”, to review and report on policies that—

(A) provide education, training, mentorship, or outreach to women in the trucking industry; and

(B) recruit, retain, or advance women in the trucking industry.

(2) MEMBERSHIP.—

(A) IN GENERAL.—The Board shall be composed of not fewer than 8 members whose backgrounds, experience, and certifications allow those members to contribute balanced points of view and diverse ideas regarding the matters described in paragraph (3)(B).

(B) APPOINTMENT.—

(i) IN GENERAL.—Not later than 270 days after the date of enactment of this Act, the Administrator shall appoint the members of the Board, of whom—

(I) not fewer than 1 shall be a representative of large trucking companies;

(II) not fewer than 1 shall be a representative of mid-sized trucking companies;

Deadline.

(III) not fewer than 1 shall be a representative of small trucking companies;

(IV) not fewer than 1 shall be a representative of nonprofit organizations in the trucking industry;

(V) not fewer than 1 shall be a representative of trucking business associations;

(VI) not fewer than 1 shall be a representative of independent owner-operators;

(VII) not fewer than 1 shall be a woman who is a professional truck driver; and

(VIII) not fewer than 1 shall be a representative of an institution of higher education or trucking trade school.

(ii) DIVERSITY.—A member of the Board appointed under any of subclauses (I) through (VIII) of clause (i) may not be appointed under any other subclause of that clause.

(C) TERMS.—Each member shall be appointed for the life of the Board.

(D) COMPENSATION.—A member of the Board shall serve without compensation.

(3) DUTIES.—

(A) IN GENERAL.—The Board shall identify—

(i) barriers and industry trends that directly or indirectly discourage women from pursuing and retaining careers in trucking, including—

(I) any particular barriers and trends that impact women minority groups;

(II) any particular barriers and trends that impact women who live in rural, suburban, or urban areas; and

(III) any safety risks unique to women in the trucking industry;

(ii) ways in which the functions of trucking companies, nonprofit organizations, training and education providers, and trucking associations may be coordinated to facilitate support for women pursuing careers in trucking;

(iii) opportunities to expand existing opportunities for women in the trucking industry; and

(iv) opportunities to enhance trucking training, mentorship, education, and advancement and outreach programs that would increase the number of women in the trucking industry.

(B) REPORT.—Not later than 2 years after the date of enactment of this Act, the Board shall submit to the Administrator a report containing the findings and recommendations of the Board, including recommendations that companies, associations, institutions, other organizations, or the Administrator may adopt—

Recommendations.

(i) to address any industry trends identified under subparagraph (A)(i);

(ii) to coordinate the functions of trucking companies, nonprofit organizations, and trucking associations in a manner that facilitates support for women pursuing careers in trucking;

Coordination.

(iii)(I) to take advantage of any opportunities identified under subparagraph (A)(iii); and

(II) to create new opportunities to expand existing scholarship opportunities for women in the trucking industry; and

(iv) to enhance trucking training, mentorship, education, and outreach programs that are exclusive to women.

(4) REPORT TO CONGRESS.—

(A) IN GENERAL.—Not later than 3 years after the date of enactment of this Act, the Administrator shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report describing—

(i) the findings and recommendations of the Board under paragraph (3)(B); and

(ii) any actions taken by the Administrator to adopt the recommendations of the Board (or an explanation of the reasons for not adopting the recommendations).

(B) PUBLIC AVAILABILITY.—The Administrator shall make the report under subparagraph (A) publicly available—

Web posting.

(i) on the website of the Federal Motor Carrier Safety Administration; and

(ii) in appropriate offices of the Federal Motor Carrier Safety Administration.

(5) TERMINATION.—The Board shall terminate on submission of the report to Congress under paragraph (4).

49 USC 31142 note.

SEC. 23008. STATE INSPECTION OF PASSENGER-CARRYING COMMERCIAL MOTOR VEHICLES.

Deadline.

(a) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary shall solicit additional comment on the advance notice of proposed rulemaking entitled “State Inspection Programs for Passenger-Carrier Vehicles” (81 Fed. Reg. 24769 (April 27, 2016)).

(b) FINAL RULE.—

Determination.

(1) IN GENERAL.—After reviewing all comments received in response to the solicitation under subsection (a), if the Secretary determines that data and information exist to support moving forward with a final rulemaking action, the Secretary shall issue a final rule relating to the advance notice of proposed rulemaking described in that subsection.

(2) CONSIDERATIONS.—In determining whether to issue a final rule under paragraph (1), the Secretary shall consider the impact of continuing to allow self-inspection as a means to satisfy periodic inspection requirements on the safety of passenger carrier operations.

SEC. 23009. TRUCK LEASING TASK FORCE.

Deadline.
Consultation.

(a) ESTABLISHMENT.—Not later than 180 days after the date of enactment of this Act, the Secretary, in consultation with the Secretary of Labor, shall establish a task force, to be known as the “Truck Leasing Task Force” (referred to in this section as the “Task Force”).

(b) MEMBERSHIP.—

(1) IN GENERAL.—The Secretary shall select not more than 10 individuals to serve as members of the Task Force, including at least 1 representative from each of the following:

(A) Labor organizations.

(B) Motor carriers that provide lease-purchase agreements to owner-operators.

(C) Consumer protection groups.

(D) Members of the legal profession who specialize in consumer finance issues, including experience with lease-purchase agreements.

(E) Owner-operators in the trucking industry with experience regarding lease-purchase agreements.

(F) Businesses that provide or are subject to lease-purchase agreements in the trucking industry.

(2) COMPENSATION.—A member of the Task Force shall serve without compensation.

(c) DUTIES.—The Task Force shall examine, at a minimum—

(1) common truck leasing arrangements available to commercial motor vehicle drivers, including lease-purchase agreements;

(2) the terms of the leasing agreements described in paragraph (1);

(3)(A) the existence of inequitable leasing agreements and terms in the motor carrier industry;

(B) whether any such inequitable terms and agreements affect the frequency of maintenance performed on vehicles subject to those agreements; and

(C) whether any such inequitable terms and agreements affect whether a vehicle is kept in a general state of good repair;

(4) specific agreements available to drayage drivers at ports relating to the Clean Truck Program or any similar program to decrease emissions from port operations;

(5) the impact of truck leasing agreements on the net compensation of commercial motor vehicle drivers, including port drayage drivers;

(6) whether truck leasing agreements properly incentivize the safe operation of vehicles, including driver compliance with the hours of service regulations and laws governing speed and safety generally;

(7) resources to assist commercial motor vehicle drivers in assessing the financial impacts of leasing agreements; and

(8)(A) the opportunity that equitable leasing agreements provide for drivers to start or expand trucking companies; and

(B) the history of motor carriers starting from single owner-operators.

(d) REPORT.—On completion of the examination under subsection (c), the Task Force shall submit to the Secretary, the Secretary of Labor, and the appropriate committees of Congress a report containing—

(1) the findings of the Task Force with respect to the matters described in subsection (c);

(2) best practices relating to—

(A) assisting a commercial motor vehicle driver in assessing the impacts of leasing agreements prior to entering into such an agreement;

	(B) assisting a commercial motor vehicle driver who has entered into a predatory lease agreement; and (C) preventing coercion and impacts on safety as described in section 31136 of title 49, United States Code; and (3) recommendations relating to changes to laws (including regulations), as applicable, at the Federal, State, or local level to promote fair leasing agreements under which a commercial motor vehicle driver, including a short haul driver, who is a party to such an agreement is able to earn a rate commensurate with other commercial motor vehicle drivers performing similar duties. (e) TERMINATION.—Not later than 30 days after the date on which the report under subsection (d) is submitted, the Task Force shall terminate.
Recommendations.	
49 USC 31136 note.	SEC. 23010. AUTOMATIC EMERGENCY BRAKING. (a) DEFINITIONS.—In this section: (1) AUTOMATIC EMERGENCY BRAKING SYSTEM.—The term “automatic emergency braking system” means a system on a commercial motor vehicle that, based on a predefined distance and closing rate with respect to an obstacle in the path of the commercial motor vehicle— (A) alerts the driver of the obstacle; and (B) if necessary to avoid or mitigate a collision with the obstacle, automatically applies the brakes of the commercial motor vehicle. (2) COMMERCIAL MOTOR VEHICLE.—The term “commercial motor vehicle” has the meaning given the term in section 31101 of title 49, United States Code. (b) FEDERAL MOTOR VEHICLE SAFETY STANDARD.— (1) IN GENERAL.—Not later than 2 years after the date of enactment of this Act, the Secretary shall— (A) prescribe a motor vehicle safety standard under section 30111 of title 49, United States Code, that requires any commercial motor vehicle subject to section 571.136 of title 49, Code of Federal Regulations (relating to Federal Motor Vehicle Safety Standard Number 136) (or a successor regulation) that is manufactured after the effective date of the standard prescribed under this subparagraph to be equipped with an automatic emergency braking system; and (B) as part of the standard under subparagraph (A), establish performance requirements for automatic emergency braking systems. (2) CONSIDERATIONS.—Prior to prescribing the motor vehicle safety standard under paragraph (1)(A), the Secretary shall— (A) conduct a review of automatic emergency braking systems in use in applicable commercial motor vehicles and address any identified deficiencies with respect to those automatic emergency braking systems in the rulemaking proceeding to prescribe the standard, if practicable; and (B) consult with representatives of commercial motor vehicle drivers regarding the experiences of drivers with automatic emergency braking systems in use in applicable commercial motor vehicles, including any malfunctions or
Deadline.	
Review.	
Consultation.	

unwarranted activations of those automatic emergency braking systems.

(c) **FEDERAL MOTOR CARRIER SAFETY REGULATION.**—Not later than 1 year after the date of enactment of this Act, the Secretary shall prescribe a regulation under section 31136 of title 49, United States Code, that requires that an automatic emergency braking system installed in a commercial motor vehicle manufactured after the effective date of the standard prescribed under subsection (b)(1)(A) that is in operation on or after that date and is subject to section 571.136 of title 49, Code of Federal Regulations (relating to Federal Motor Vehicle Safety Standard Number 136) (or a successor regulation) be used at any time during which the commercial motor vehicle is in operation. Deadline.

(d) **REPORT ON AUTOMATIC EMERGENCY BRAKING IN OTHER COMMERCIAL MOTOR VEHICLES.**—

(1) **STUDY.**—Not later than 2 years after the date of enactment of this Act, the Secretary shall complete a study on equipping a variety of commercial motor vehicles not subject to section 571.136 of title 49, Code of Federal Regulations (relating to Federal Motor Vehicle Safety Standard Number 136) (or a successor regulation) as of that date of enactment with automatic emergency braking systems to avoid or mitigate a collision with an obstacle in the path of the commercial motor vehicle, including an assessment of the feasibility, benefits, and costs associated with installing automatic emergency braking systems on a variety of newly manufactured commercial motor vehicles with a gross vehicle weight rating greater than 10,001 pounds. Deadline.
Assessment.

(2) **INDEPENDENT RESEARCH.**—If the Secretary enters into a contract with a third party to perform research relating to the study required under paragraph (1), the Secretary shall ensure that the third party does not have any financial or contractual ties to, or relationships with— Contracts.

(A) a motor carrier that transports passengers or property for compensation;

(B) the motor carrier industry; or

(C) an entity producing or supplying automatic emergency braking systems.

(3) **PUBLIC COMMENT.**—Not later than 90 days after the date on which the study under paragraph (1) is completed, the Secretary shall— Deadline.

(A) issue a notice in the Federal Register containing the findings of the study; and

(B) provide an opportunity for public comment. Notice.
Federal Register,
publication.

(4) **REPORT TO CONGRESS.**—Not later than 90 days after the conclusion of the public comment period under paragraph (3)(B), the Secretary shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committees on Transportation and Infrastructure and Energy and Commerce of the House of Representatives a report that includes—

(A) the results of the study under paragraph (1);

(B) a summary of any comments received under paragraph (3)(B); and Summary.

(C) a determination as to whether the Secretary intends to develop performance requirements for automatic emergency braking systems for applicable commercial Determination.

Deadline.
Determinations.

motor vehicles, including any analysis that led to that determination.

(5) RULEMAKING.—Not later than 2 years after the date on which the study under paragraph (1) is completed, the Secretary shall—

(A) determine whether a motor vehicle safety standard relating to equipping the commercial motor vehicles described in that paragraph with automatic emergency braking systems would meet the requirements and considerations described in subsections (a) and (b) of section 30111 of title 49, United States Code; and

(B) if the Secretary determines that a motor vehicle safety standard described in subparagraph (A) would meet the requirements and considerations described in that subparagraph, initiate a rulemaking to prescribe such a motor vehicle safety standard.

49 USC 39111
note.

SEC. 23011. UNDERRIDE PROTECTION.

(a) DEFINITIONS.—In this section:

(1) COMMITTEE.—The term “Committee” means the Advisory Committee on Underride Protection established under subsection (d)(1).

(2) MOTOR CARRIER.—The term “motor carrier” has the meaning given the term in section 13102 of title 49, United States Code.

(3) PASSENGER MOTOR VEHICLE.—The term “passenger motor vehicle” has the meaning given the term in section 32101 of title 49, United States Code.

(4) UNDERRIDE CRASH.—The term “underride crash” means a crash in which a trailer or semitrailer intrudes into the passenger compartment of a passenger motor vehicle.

(b) REAR UNDERRIDE GUARDS.—

(1) TRAILERS AND SEMITRAILERS.—

Deadline.
Regulations.
Requirement.

(A) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary shall promulgate such regulations as are necessary to revise sections 571.223 and 571.224 of title 49, Code of Federal Regulations (relating to Federal Motor Vehicle Safety Standard Numbers 223 and 224, respectively), to require trailers and semitrailers manufactured after the date on which those regulations are promulgated to be equipped with rear impact guards that are designed to prevent passenger compartment intrusion from a trailer or semitrailer when a passenger motor vehicle traveling at 35 miles per hour makes—

(i) an impact in which the passenger motor vehicle impacts the center of the rear of the trailer or semitrailer;

(ii) an impact in which 50 percent of the width of the passenger motor vehicle overlaps the rear of the trailer or semitrailer; and

Determination.

(iii) an impact in which 30 percent of the width of the passenger motor vehicle overlaps the rear of the trailer or semitrailer, if the Secretary determines that a revision of sections 571.223 and 571.224 of title 49, Code of Federal Regulations (relating to Federal Motor Vehicle Safety Standard Numbers 223 and 224,

respectively) to address such an impact would meet the requirements and considerations described in subsections (a) and (b) of section 30111 of title 49, United States Code.

(B) EFFECTIVE DATE.—The regulations promulgated under subparagraph (A) shall require full compliance with each Federal Motor Vehicle Safety Standard revised pursuant to those regulations not later than 2 years after the date on which those regulations are promulgated.

Compliance.
Deadline.

(2) ADDITIONAL RESEARCH.—The Secretary shall conduct additional research on the design and development of rear impact guards that can—

(A) prevent underride crashes in cases in which the passenger motor vehicle is traveling at speeds of up to 65 miles per hour; and

(B) protect passengers in passenger motor vehicles against severe injury in crashes in which the passenger motor vehicle is traveling at speeds of up to 65 miles per hour.

(3) REVIEW OF STANDARDS.—Not later than 5 years after the date on which the regulations under paragraph (1)(A) are promulgated, the Secretary shall—

Deadline.

(A) review the Federal Motor Vehicle Safety Standards revised pursuant to those regulations and any other requirements of those regulations relating to rear underride guards on trailers or semitrailers to evaluate the need for changes in response to advancements in technology; and

(B) update those Federal Motor Vehicle Safety Standards and those regulations accordingly.

Update.

(4) INSPECTIONS.—

(A) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary shall promulgate such regulations as are necessary to revise the regulations relating to minimum periodic inspection standards under appendix G to subchapter B of chapter III of title 49, Code of Federal Regulations, and the regulations relating to driver vehicle inspection reports under section 396.11 of that title to include requirements relating to rear impact guards and rear end protection that are consistent with the requirements described in section 393.86 of that title.

Deadline.
Regulations.

(B) CONSIDERATIONS.—In revising the regulations described in subparagraph (A), the Secretary shall consider it to be a defect or a deficiency if a rear impact guard is missing an, or has a corroded or compromised, element that affects the structural integrity and protective feature of the rear impact guard.

(c) SIDE UNDERRIDE GUARDS.—

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

Deadline.

(A) complete additional research on side underride guards to better understand the overall effectiveness of side underride guards;

(B) assess the feasibility, benefits, and costs of, and any impacts on intermodal equipment, freight mobility (including port operations), and freight capacity associated

Assessment.

	with, installing side underride guards on newly manufactured trailers and semitrailers with a gross vehicle weight rating of 10,000 pounds or more;
	(C) consider the unique structural and operational aspects of—
	(i) intermodal chassis (as defined in section 340.2 of title 46, Code of Federal Regulations; and
	(ii) pole trailers (as defined in section 390.5 of title 49, Code of Federal Regulations; and
Standards.	(D) if warranted, develop performance standards for side underride guards.
Contracts.	(2) INDEPENDENT RESEARCH.—If the Secretary enters into a contract with a third party to perform the research required under paragraph (1)(A), the Secretary shall ensure that the third party does not have any financial or contractual ties to, or relationships with—
	(A) a motor carrier that transports passengers or property for compensation;
	(B) the motor carrier industry; or
	(C) an entity producing or supplying underride guards.
Deadline.	(3) PUBLICATION OF ASSESSMENT.—Not later than 90 days after completion of the assessment required under paragraph (1)(B), the Secretary shall—
Notice. Federal Register, publication. Public comment.	(A) issue a notice in the Federal Register containing the findings of the assessment; and
	(B) provide an opportunity for public comment.
	(4) REPORT TO CONGRESS.—Not later than 90 days after the conclusion of the public comment period under paragraph (3)(B), the Secretary shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report that includes—
	(A) the results of the assessment under paragraph (1)(B);
Summary.	(B) a summary of any comments received by the Secretary under paragraph (3)(B); and
Determination. Analysis.	(C) a determination as to whether the Secretary intends to develop performance requirements for side underride guards, including any analysis that led to that determination.
	(d) ADVISORY COMMITTEE ON UNDERRIDE PROTECTION.—
Recommendations.	(1) ESTABLISHMENT.—The Secretary shall establish an Advisory Committee on Underride Protection to provide advice and recommendations to the Secretary on safety regulations to reduce underride crashes and fatalities relating to underride crashes.
	(2) MEMBERSHIP.—
Appointments.	(A) IN GENERAL.—The Committee shall be composed of not more than 20 members, appointed by the Secretary, who—
	(i) are not employees of the Department; and
	(ii) are qualified to serve on the Committee because of their expertise, training, or experience.
	(B) REPRESENTATION.—The Committee shall include 2 representatives of each of the following:
	(i) Truck and trailer manufacturers.

(ii) Motor carriers, including independent owner-operators.

(iii) Law enforcement.

(iv) Motor vehicle engineers.

(v) Motor vehicle crash investigators.

(vi) Truck safety organizations.

(vii) The insurance industry.

(viii) Emergency medical service providers.

(ix) Families of underride crash victims.

(x) Labor organizations.

(3) COMPENSATION.—Members of the Committee shall serve without compensation.

(4) MEETINGS.—The Committee shall meet not less frequently than annually. Time period.

(5) SUPPORT.—On request of the Committee, the Secretary shall provide information, administrative services, and supplies necessary for the Committee to carry out the duties of the Committee.

(6) REPORT.—The Committee shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a biennial report that—

(A) describes the advice and recommendations made to the Secretary; and Recommendations.

(B) includes an assessment of progress made by the Secretary in advancing safety regulations relating to underride crashes. Assessment.

(e) DATA COLLECTION.—Not later than 1 year after the date of enactment of this Act, the Secretary shall implement the recommendations described in the report of the Government Accountability Office entitled “Truck Underride Guards: Improved Data Collection, Inspections, and Research Needed”, published on March 14, 2019, and numbered GAO–19–264. Deadline.

SEC. 23012. PROVIDERS OF RECREATIONAL ACTIVITIES.

Section 13506(b) of title 49, United States Code, is amended—

(1) in paragraph (2), by striking “or” at the end;

(2) in paragraph (3), by striking the period at the end and inserting “; or”; and

(3) by adding at the end the following:

“(4) transportation by a motor vehicle designed or used to transport not fewer than 9, and not more than 15, passengers (including the driver), whether operated alone or with a trailer attached for the transport of recreational equipment, if—

“(A) the motor vehicle is operated by a person that provides recreational activities;

“(B) the transportation is provided within a 150 air-mile radius of the location at which passengers initially boarded the motor vehicle at the outset of the trip; and

“(C) in the case of a motor vehicle transporting passengers over a route between a place in a State and a place in another State, the person operating the motor vehicle is lawfully providing transportation of passengers over the entire route in accordance with applicable State law.”.

49 USC 14104
note.

SEC. 23013. AMENDMENTS TO REGULATIONS RELATING TO TRANSPORTATION OF HOUSEHOLD GOODS IN INTERSTATE COMMERCE.

(a) **DEFINITIONS.**—In this section:

(1) **ADMINISTRATION.**—The term “Administration” means the Federal Motor Carrier Safety Administration.

(2) **COVERED CARRIER.**—The term “covered carrier” means a motor carrier that is—

(A) engaged in the interstate transportation of household goods; and

(B) subject to the requirements of part 375 of title 49, Code of Federal Regulations (as in effect on the effective date of any amendments made pursuant to the notice of proposed rulemaking issued under subsection (b)).

Deadline.
Notice.
Determination.

(b) **AMENDMENTS TO REGULATIONS.**—Not later than 1 year after the date of enactment of this Act, the Secretary shall issue a notice of proposed rulemaking to amend, as the Secretary determines to be appropriate, regulations relating to the interstate transportation of household goods.

Recommendations.
Requirements.

(c) **CONSIDERATIONS.**—In issuing the notice of proposed rulemaking under subsection (b), the Secretary shall consider amending the following provisions of title 49, Code of Federal Regulations, in accordance with the following recommendations:

Web postings.

(1) Section 375.207(b) to require each covered carrier to include on the website of the covered carrier a link—

(A) to the publication of the Administration entitled “Ready to Move—Tips for a Successful Interstate Move” and numbered ESA–03–005 on the website of the Administration; or

Records.

(B) to a copy of the publication referred to in subparagraph (A) on the website of the covered carrier.

Web posting.
Records.

(2) Subsections (a) and (b)(1) of section 375.213 to require each covered carrier to provide to each individual shipper, together with any written estimate provided to the shipper, a copy of the publication described in appendix A of part 375 of that title, entitled “Your Rights and Responsibilities When You Move” and numbered ESA–03–006 (or a successor publication), in the form of a written copy or a hyperlink on the website of the covered carrier to the location on the website of the Administration containing that publication.

Repeal.

(3) Section 375.213 to repeal subsection (e) of that section.

Surveys.

(4) Section 375.401(a) to require each covered carrier—

(A) to conduct a visual survey of the household goods to be transported by the covered carrier—

(i) in person; or

(ii) virtually, using—

(I) a remote camera; or

(II) another appropriate technology;

(B) to offer a visual survey described in subparagraph

(A) for all household goods shipments, regardless of the distance between—

(i) the location of the household goods; and

(ii) the location of the agent of the covered carrier

preparing the estimate; and

Records.

(C) to provide to each shipper a copy of the publication of the Administration entitled “Ready to Move—Tips for a Successful Interstate Move” and numbered ESA–03–005

on receipt from the shipper of a request to schedule, or a waiver of, a visual survey offered under subparagraph (B).

(5) Sections 375.401(b)(1), 375.403(a)(6)(ii), and 375.405(b)(7)(ii), and subpart D of appendix A of part 375, to require that, in any case in which a shipper tenders any additional item or requests any additional service prior to loading a shipment, the affected covered carrier shall—

(A) prepare a new estimate; and

(B) maintain a record of the date, time, and manner in which the new estimate was accepted by the shipper.

Estimate.
Records.

(6) Section 375.501(a), to establish that a covered carrier is not required to provide to a shipper an order for service if the covered carrier elects to provide the information described in paragraphs (1) through (15) of that section in a bill of lading that is presented to the shipper before the covered carrier receives the shipment.

(7) Subpart H of part 375, to replace the replace the terms “freight bill” and “expense bill” with the term “invoice”.

SEC. 23014. IMPROVING FEDERAL-STATE MOTOR CARRIER SAFETY ENFORCEMENT COORDINATION.

49 USC 31144
note.

(a) DEFINITIONS.—In this section:

(1) COVERED STATE.—The term “covered State” means a State that receives Federal funds under the motor carrier safety assistance program established under section 31102 of title 49, United States Code.

(2) IMMINENT HAZARD.—The term “imminent hazard” has the same meaning as in section 521 of title 49, United States Code.

(b) REVIEW AND ENFORCEMENT OF STATE OUT-OF-SERVICE ORDERS.—As soon as practicable after the date of enactment of this Act, the Secretary shall publish in the Federal Register a process under which the Secretary shall review each out-of-service order issued by a covered State in accordance with section 31144(d) of title 49, United States Code, by not later than 30 days after the date on which the out-of-service order is submitted to the Secretary by the covered State.

Federal Register,
publication.
Deadline.

(c) REVIEW AND ENFORCEMENT OF STATE IMMINENT HAZARD DETERMINATIONS.—

(1) IN GENERAL.—As soon as practicable after the date of enactment of this Act, the Secretary shall publish in the Federal Register a process under which the Secretary shall review imminent hazard determinations made by covered States.

Federal Register,
publication.

(2) ENFORCEMENT.—On reviewing an imminent hazard determination under paragraph (1), the Secretary shall pursue enforcement under section 521 of title 49, United States Code, as the Secretary determines to be appropriate.

SEC. 23015. LIMOUSINE RESEARCH.

Deadlines.
49 USC 30111
note.

(a) DEFINITIONS.—In this section:

(1) LIMOUSINE.—The term “limousine” means a motor vehicle—

(A) that has a seating capacity of 9 or more persons (including the driver);

(B) with a gross vehicle weight rating greater than 10,000 pounds but not greater than 26,000 pounds;

(C) that the Secretary has determined by regulation has physical characteristics resembling—

- (i) a passenger car;
- (ii) a multipurpose passenger vehicle; or
- (iii) a truck with a gross vehicle weight rating of 10,000 pounds or less; and

(D) that is not a taxi, nonemergency medical, or para-transit motor vehicle.

(2) LIMOUSINE OPERATOR.—The term “limousine operator” means a person who owns or leases, and uses, a limousine to transport passengers for compensation.

(3) MOTOR VEHICLE SAFETY STANDARD.—The term “motor vehicle safety standard” has the meaning given the term in section 30102(a) of title 49, United States Code.

(4) STATE.—The term “State” has the meaning given such term in section 30102(a) of title 49, United States Code.

(b) CRASHWORTHINESS.—

(1) RESEARCH.—Not later than 4 years after the date of enactment of this Act, the Secretary shall complete research into the development of motor vehicle safety standards for side impact protection, roof crush resistance, and air bag systems for the protection of occupants in limousines with alternative seating positions, including perimeter seating arrangements.

(2) RULEMAKING OR REPORT.—

(A) CRASHWORTHINESS STANDARDS.—

(i) IN GENERAL.—Subject to clause (ii), not later than 2 years after the date on which the research under paragraph (1) is completed, the Secretary shall prescribe, for the protection of occupants in limousines with alternative seating positions, a final motor vehicle safety standard for each of the following:

(I) Side impact protection.

(II) Roof crush resistance.

(III) Air bag systems.

Determination.

(ii) REQUIREMENTS AND CONSIDERATIONS.—The Secretary may only prescribe a motor vehicle safety standard described in clause (i) if the Secretary determines that the standard meets the requirements and considerations described in subsections (a) and (b) of section 30111 of title 49, United States Code.

Determination.
Federal Register,
publication.

(B) REPORT.—If the Secretary determines that a motor vehicle safety standard described in subparagraph (A)(i) would not meet the requirements and considerations described in subsections (a) and (b) of section 30111 of title 49, United States Code, the Secretary shall publish in the Federal Register and submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Energy and Commerce of the House of Representatives a report describing the reasons for not prescribing the standard.

(c) EVACUATION.—

(1) RESEARCH.—Not later than 2 years after the date of enactment of this Act, the Secretary shall complete research into safety features and standards that aid evacuation in the event that an exit in the passenger compartment of a limousine is blocked.

(2) RULEMAKING OR REPORT.—

(A) LIMOUSINE EVACUATION.—

(i) IN GENERAL.—Subject to clause (ii), not later than 2 years after the date on which the research under paragraph (1) is completed, the Secretary shall prescribe a final motor vehicle safety standard based on the results of that research.

(ii) REQUIREMENTS AND CONSIDERATIONS.—The Secretary may only prescribe a motor vehicle safety standard described in clause (i) if the Secretary determines that the standard meets the requirements and considerations described in subsections (a) and (b) of section 30111 of title 49, United States Code.

Determination.

(B) REPORT.—If the Secretary determines that a standard described in subparagraph (A)(i) would not meet the requirements and considerations described in subsections (a) and (b) of section 30111 of title 49, United States Code, the Secretary shall publish in the Federal Register and submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Energy and Commerce of the House of Representatives a report describing the reasons for not prescribing the standard.

Determination.
Federal Register,
publication.

(d) LIMOUSINE INSPECTION DISCLOSURE.—

(1) IN GENERAL.—A limousine operator may not introduce a limousine into interstate commerce unless the limousine operator has prominently disclosed in a clear and conspicuous notice, including on the website of the operator if the operator has a website, the following:

Notice.
Web posting.

(A) The date of the most recent inspection of the limousine required under State or Federal law, if applicable.

(B) The results of the inspection, if applicable.

(C) Any corrective action taken by the limousine operator to ensure the limousine passed inspection, if applicable.

(2) FEDERAL TRADE COMMISSION ENFORCEMENT.—

(A) IN GENERAL.—The Federal Trade Commission shall enforce this subsection in the same manner, by the same means, and with the same jurisdiction, powers, and duties as though all applicable terms and provisions of the Federal Trade Commission Act (15 U.S.C. 41 et seq.) were incorporated into and made a part of this subsection.

(B) TREATMENT.—Any person who violates this subsection shall be subject to the penalties and entitled to the privileges and immunities provided in the Federal Trade Commission Act (15 U.S.C. 41 et seq.).

(3) SAVINGS PROVISION.—Nothing in this subsection limits the authority of the Federal Trade Commission under any other provision of law.

(4) EFFECTIVE DATE.—This subsection shall take effect on the date that is 180 days after the date of enactment of this Act.

SEC. 23016. NATIONAL CONSUMER COMPLAINT DATABASE.

(a) IN GENERAL.—Not later than 18 months after the date of enactment of this Act, the Comptroller General of the United States shall submit to the Committee on Commerce, Science, and

Reports.

Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report on the National Consumer Complaint Database of the Federal Motor Carrier Safety Administration.

Reviews.

(b) CONTENTS.—The report under subsection (a) shall include—

(1) a review of the process and effectiveness of efforts to review and follow-up on complaints submitted to the National Consumer Complaint Database;

(2) an identification of the top 5 complaint categories;

(3) an identification of—

(A) the process that the Federal Motor Carrier Safety Administration uses to determine which entities to take enforcement actions against; and

(B) the top categories of enforcement actions taken by the Federal Motor Carrier Safety Administration;

Time period.
Determination.

(4) a review of the use of the National Consumer Complaint Database website over the 5-year period ending on December 31, 2020, including information obtained by conducting interviews with drivers, customers of movers of household goods, brokers, motor carriers, including small business motor carriers, and other users of the website to determine the usability of the website;

(5) a review of efforts taken by the Federal Motor Carrier Safety Administration to raise awareness of the National Consumer Complaint Database; and

Recommendations.

(6) recommendations, as appropriate, including with respect to methods—

(A) for improving the usability of the National Consumer Complaint Database website;

(B) for improving the review of complaints;

(C) for using data collected through the National Consumer Complaint Database to identify bad actors;

(D) to improve confidence and transparency in the complaint process; and

(E) for improving stakeholder awareness of and participation in the National Consumer Complaint Database and the complaint system, including improved communication about the purpose of the National Consumer Complaint Database.

Reports.
Analysis.

SEC. 23017. ELECTRONIC LOGGING DEVICE OVERSIGHT.

Not later than 180 days after the date of enactment of this Act, the Secretary shall submit to Congress a report analyzing the cost and effectiveness of electronic logging devices and detailing the processes—

(1) used by the Federal Motor Carrier Safety Administration—

Review.

(A) to review electronic logging device logs; and

(B) to protect proprietary information and personally identifiable information obtained from electronic logging device logs; and

(2) through which an operator may challenge or appeal a violation notice issued by the Federal Motor Carrier Safety Administration relating to an electronic logging device.

SEC. 23018. TRANSPORTATION OF AGRICULTURAL COMMODITIES AND FARM SUPPLIES.

Section 229(a)(1) of the Motor Carrier Safety Improvement Act of 1999 (49 U.S.C. 31136 note; Public Law 106–159) is amended—

- (1) in subparagraph (B), by striking “or” at the end;
- (2) in subparagraph (C), by striking the period at the end and inserting “; or”; and
- (3) by adding at the end the following:

“(D) drivers transporting livestock (as defined in section 602 of the Emergency Livestock Feed Assistance Act of 1988 (7 U.S.C. 1471) including insects) within a 150 air-mile radius from the final destination of the livestock.”.

SEC. 23019. MODIFICATION OF RESTRICTIONS ON CERTAIN COMMERCIAL DRIVER’S LICENSES.

Time period.
49 USC 31305
note.

The Administrator of the Federal Motor Carrier Safety Administration shall revise section 383.3(f)(3)(ii) of title 49, Code of Federal Regulations (or a successor regulation), to provide that a restricted commercial driver’s license issued to an employee in a farm-related service industry shall be limited to the applicable seasonal periods defined by the State issuing the restricted commercial driver’s license, subject to the condition that the total number of days in any calendar year during which the restricted commercial driver’s license is valid does not exceed 210.

SEC. 23020. REPORT ON HUMAN TRAFFICKING VIOLATIONS INVOLVING COMMERCIAL MOTOR VEHICLES.

Coordination.
Recommendations.
Assessment.
49 USC 31102
note.

Not later than 3 years after the date of enactment of this Act, and every 3 years thereafter, the Secretary, acting through the Department of Transportation Advisory Committee on Human Trafficking established under section 5(a) of the Combating Human Trafficking in Commercial Vehicles Act (Public Law 115–99; 131 Stat. 2243), shall coordinate with the Attorney General to prepare and submit to Congress a report relating to human trafficking violations involving commercial motor vehicles, which shall include recommendations for countering human trafficking, including an assessment of previous best practices by transportation stakeholders.

SEC. 23021. BROKER GUIDANCE RELATING TO FEDERAL MOTOR CARRIER SAFETY REGULATIONS.

49 USC 13301
note.

(a) **IN GENERAL.**—Not later than 1 year after the date of enactment of this Act, the Secretary shall issue guidance to clarify the definitions of the terms “broker” and “bona fide agents” in section 371.2 of title 49, Code of Federal Regulations.

Deadline.

(b) **CONSIDERATIONS.**—In issuing guidance under subsection (a), the Secretary shall take into consideration—

- (1) the extent to which technology has changed the nature of freight brokerage;
- (2) the role of bona fide agents; and
- (3) other aspects of the freight transportation industry.

(c) **DISPATCH SERVICES.**—In issuing guidance under subsection (a), the Secretary shall, at a minimum—

Examinations.

- (1) examine the role of a dispatch service in the transportation industry;
- (2) examine the extent to which dispatch services could be considered brokers or bona fide agents; and

(3) clarify the level of financial penalties for unauthorized brokerage activities under section 14916 of title 49, United States Code, applicable to a dispatch service.

49 USC 31315
note.

SEC. 23022. APPRENTICESHIP PILOT PROGRAM.

(a) DEFINITIONS.—In this section:

(1) APPRENTICE.—The term “apprentice” means an individual who—

(A) is under the age of 21; and

(B) holds a commercial driver’s license.

(2) COMMERCIAL DRIVER’S LICENSE.—The term “commercial driver’s license” has the meaning given the term in section 31301 of title 49, United States Code.

(3) COMMERCIAL MOTOR VEHICLE.—The term “commercial motor vehicle” has the meaning given the term in section 390.5 of title 49, Code of Federal Regulations (as in effect on the date of enactment of this Act).

(4) DRIVING TIME.—The term “driving time” has the meaning given the term in section 395.2 of title 49, Code of Federal Regulations (as in effect on the date of enactment of this Act).

(5) EXPERIENCED DRIVER.—The term “experienced driver” means an individual who—

(A) is not younger than 26 years of age;

(B) has held a commercial driver’s license for the 2-year period ending on the date on which the individual serves as an experienced driver under subsection (b)(2)(C)(ii);

(C) during the 2-year period ending on the date on which the individual serves as an experienced driver under subsection (b)(2)(C)(ii), has had no—

(i) preventable accidents reportable to the Department; or

(ii) pointed moving violations; and

(D) has a minimum of 5 years of experience driving a commercial motor vehicle in interstate commerce.

(6) ON-DUTY TIME.—The term “on-duty time” has the meaning given the term in section 395.2 of title 49, Code of Federal Regulations (as in effect on the date of enactment of this Act).

(7) POINTED MOVING VIOLATION.—The term “pointed moving violation” means a violation that results in points being added to the license of a driver, or a similar comparable violation, as determined by the Secretary.

(b) PILOT PROGRAM.—

Deadline.

(1) IN GENERAL.—Not later than 60 days after the date of enactment of this Act, the Secretary shall establish, in accordance with section 31315(c) of title 49, United States Code, a pilot program allowing employers to establish the apprenticeship programs described in paragraph (2).

Requirements.

(2) DESCRIPTION OF APPRENTICESHIP PROGRAM.—An apprenticeship program referred to in paragraph (1) is a program that consists of the following requirements:

(A) 120-HOUR PROBATIONARY PERIOD.—

(i) IN GENERAL.—The apprentice shall complete 120 hours of on-duty time, of which not less than

80 hours shall be driving time in a commercial motor vehicle.

(ii) PERFORMANCE BENCHMARKS.—To complete the 120-hour probationary period under clause (i), the employer of an apprentice shall determine that the apprentice is competent in each of the following areas: Determination.

(I) Interstate, city traffic, rural 2-lane, and evening driving.

(II) Safety awareness.

(III) Speed and space management.

(IV) Lane control.

(V) Mirror scanning.

(VI) Right and left turns.

(VII) Logging and complying with rules relating to hours of service.

(B) 280-HOUR PROBATIONARY PERIOD.—

(i) IN GENERAL.—After completing the 120-hour probationary period under subparagraph (A), an apprentice shall complete 280 hours of on-duty time, of which not less than 160 hours shall be driving time in a commercial motor vehicle.

(ii) PERFORMANCE BENCHMARKS.—To complete the 280-hour probationary period under clause (i), the employer of an apprentice shall determine that the apprentice is competent in each of the following areas: Determination.

(I) Backing and maneuvering in close quarters.

(II) Pretrip inspections.

(III) Fueling procedures.

(IV) Weighing loads, weight distribution, and sliding tandems.

(V) Coupling and uncoupling procedures.

(VI) Trip planning, truck routes, map reading, navigation, and permits.

(C) RESTRICTIONS FOR PROBATIONARY PERIODS.—During the 120-hour probationary period under subparagraph (A) and the 280-hour probationary period under subparagraph (B)—

(i) an apprentice may only drive a commercial motor vehicle that has—

(I) an automatic manual or automatic transmission;

(II) an active braking collision mitigation system;

(III) a forward-facing video event capture system; and

(IV) a governed speed of 65 miles per hour—

(aa) at the pedal; and

(bb) under adaptive cruise control; and

(ii) an apprentice shall be accompanied in the passenger seat of the commercial motor vehicle by an experienced driver.

(D) RECORDS RETENTION.—The employer of an apprentice shall maintain records, in a manner required by the Secretary, relating to the satisfaction of the performance benchmarks described in subparagraphs (A)(ii) and (B)(ii) by the apprentice.

(E) **REPORTABLE INCIDENTS.**—If an apprentice is involved in a preventable accident reportable to the Department or a pointed moving violation while driving a commercial motor vehicle as part of an apprenticeship program described in this paragraph, the apprentice shall undergo remediation and additional training until the apprentice can demonstrate, to the satisfaction of the employer, competence in each of the performance benchmarks described in subparagraphs (A)(ii) and (B)(ii).

Time period.

(F) **COMPLETION OF PROGRAM.**—An apprentice shall be considered to have completed an apprenticeship program on the date on which the apprentice completes the 280-hour probationary period under subparagraph (B).

(G) **MINIMUM REQUIREMENTS.**—

(i) **IN GENERAL.**—Nothing in this section prevents an employer from imposing any additional requirement on an apprentice participating in an apprenticeship program established under this section.

(ii) **TECHNOLOGIES.**—Nothing in this section prevents an employer from requiring or installing in a commercial motor vehicle any technology in addition to the technologies described in subparagraph (C)(i).

(3) **APPRENTICES.**—An apprentice may—

(A) drive a commercial motor vehicle in interstate commerce while participating in the 120-hour probationary period under paragraph (2)(A) or the 280-hour probationary period under paragraph (2)(B) pursuant to an apprenticeship program established by an employer in accordance with this section; and

Determination.

(B) drive a commercial motor vehicle in interstate commerce after the apprentice completes an apprenticeship program described in paragraph (2), unless the Secretary determines there exists a safety concern.

(4) **LIMITATION.**—The Secretary may not allow more than 3,000 apprentices at any 1 time to participate in the pilot program established under paragraph (1).

(c) **TERMINATION.**—Effective beginning on the date that is 3 years after the date of establishment of the pilot program under subsection (b)(1)—

Determination.

(1) the pilot program shall terminate; and

(2) any driver under the age of 21 who has completed an apprenticeship program described in subsection (b)(2) may drive a commercial motor vehicle in interstate commerce, unless the Secretary determines there exists a safety concern.

(d) **NO EFFECT ON LICENSE REQUIREMENT.**—Nothing in this section exempts an apprentice from any requirement to hold a commercial driver's license in order to operate a commercial motor vehicle.

Analysis.

(e) **DATA COLLECTION.**—The Secretary shall collect and analyze—

(1) data relating to any incident in which an apprentice participating in the pilot program established under subsection (b)(1) is involved;

(2) data relating to any incident in which a driver under the age of 21 operating a commercial motor vehicle in intrastate commerce is involved; and

(3) such other data relating to the safety of apprentices aged 18 to 20 years operating in interstate commerce as the Secretary determines to be necessary. Determination.

(f) LIMITATION.—A driver under the age of 21 participating in the pilot program under this section may not—

(1) transport—

(A) a passenger; or

(B) hazardous cargo; or

(2) operate a commercial motor vehicle—

(A) in special configuration; or

(B) with a gross vehicle weight rating of more than 80,000 pounds.

(g) REPORT TO CONGRESS.—Not later than 120 days after the date of conclusion of the pilot program under subsection (b), the Secretary shall submit to Congress a report including—

(1) the findings and conclusions resulting from the pilot program, including with respect to technologies or training provided by commercial motor carriers for apprentices as part of the pilot program to successfully improve safety;

(2) an analysis of the safety record of apprentices participating in the pilot program, as compared to other commercial motor vehicle drivers; Analysis.

(3) the number of drivers that discontinued participation in the apprenticeship program before completion;

(4) a comparison of the safety records of participating drivers before, during, and after the probationary periods under subparagraphs (A) and (B) of subsection (b)(2);

(5) a comparison, for each participating driver, of average on-duty time, driving time, and time spent away from home terminal before, during, and after the probationary periods referred to in paragraph (4); and

(6) a recommendation, based on the data collected, regarding whether the level of safety achieved by the pilot program is equivalent to, or greater than, the level of safety for equivalent commercial motor vehicle drivers aged 21 years or older. Recommendations.

(h) RULE OF CONSTRUCTION.—Nothing in this section affects the authority of the Secretary under section 31315 of title 49, United States Code, with respect to the pilot program established under subsection (b)(1), including the authority to revoke participation in, and terminate, the pilot program under paragraphs (3) and (4) of subsection (c) of that section.

(i) DRIVER COMPENSATION STUDY.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary, acting through the Administrator of the Federal Motor Carrier Safety Administration, shall offer to enter into a contract with the Transportation Research Board under which the Transportation Research Board shall conduct a study of the impacts of various methods of driver compensation on safety and driver retention, including— Deadline. Contracts.

(A) hourly pay;

(B) payment for detention time; and

(C) other payment methods used in the industry as of the date on which the study is conducted.

(2) CONSULTATION.—In conducting the study under paragraph (1), the Transportation Research Board shall consult with—

(A) labor organizations representing commercial motor vehicle drivers;

(B) representatives of the motor carrier industry, including owner-operators; and

Determination.

(C) such other stakeholders as the Transportation Research Board determines to be relevant.

49 USC 30127
note.

SEC. 23023. LIMOUSINE COMPLIANCE WITH FEDERAL SAFETY STANDARDS.

(a) LIMOUSINE STANDARDS.—

Deadline.
Regulations.

(1) SAFETY BELT AND SEATING SYSTEM STANDARDS FOR LIMOUSINES.—Not later than 2 years after the date of enactment of this Act, the Secretary shall prescribe a final rule that—

(A) amends Federal Motor Vehicle Safety Standard Numbers 208, 209, and 210 to require to be installed in limousines on each designated seating position, including on side-facing seats—

(i) an occupant restraint system consisting of integrated lap-shoulder belts; or

(ii) an occupant restraint system consisting of a lap belt, if an occupant restraint system described in clause (i) does not meet the need for motor vehicle safety; and

(B) amends Federal Motor Vehicle Safety Standard Number 207 to require limousines to meet standards for seats (including side-facing seats), seat attachment assemblies, and seat installation to minimize the possibility of failure by forces acting on the seats, attachment assemblies, and installations as a result of motor vehicle impact.

Assessment.

(2) REPORT ON RETROFIT ASSESSMENT FOR LIMOUSINES.—

Not later than 2 years after the date of enactment of this Act, the Secretary shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Energy and Commerce of the House of Representatives a report that assesses the feasibility, benefits, and costs with respect to the application of any requirement established under paragraph (1) to a limousine introduced into interstate commerce before the date on which the requirement takes effect.

Applicability.

(b) MODIFICATIONS OF CERTAIN VEHICLES.—The final rule prescribed under subsection (a)(1) and any standards prescribed under subsection (b) or (c) of section 23015 shall apply to a person modifying a passenger motor vehicle (as defined in section 32101 of title 49, United States Code) that has already been purchased by the first purchaser (as defined in section 30102(b) of that title) by increasing the wheelbase of the vehicle to make the vehicle a limousine.

(c) APPLICATION.—The requirements of this section apply notwithstanding section 30112(b)(1) of title 49, United States Code.

TITLE IV—HIGHWAY AND MOTOR VEHICLE SAFETY

Subtitle A—Highway Traffic Safety

SEC. 24101. AUTHORIZATION OF APPROPRIATIONS.

Time period.

(a) IN GENERAL.—The following amounts are authorized to be appropriated out of the Highway Trust Fund (other than the Mass Transit Account):

(1) HIGHWAY SAFETY PROGRAMS.—To carry out section 402 of title 23, United States Code—

- (A) \$363,400,000 for fiscal year 2022;
- (B) \$370,900,000 for fiscal year 2023;
- (C) \$378,400,000 for fiscal year 2024;
- (D) \$385,900,000 for fiscal year 2025; and
- (E) \$393,400,000 for fiscal year 2026.

(2) HIGHWAY SAFETY RESEARCH AND DEVELOPMENT.—To carry out section 403 of title 23, United States Code—

- (A) \$186,000,000 for fiscal year 2022;
- (B) \$190,000,000 for fiscal year 2023;
- (C) \$194,000,000 for fiscal year 2024;
- (D) \$198,000,000 for fiscal year 2025; and
- (E) \$202,000,000 for fiscal year 2026.

(3) HIGH-VISIBILITY ENFORCEMENT PROGRAM.—To carry out section 404 of title 23, United States Code—

- (A) \$36,400,000 for fiscal year 2022;
- (B) \$38,300,000 for fiscal year 2023;
- (C) \$40,300,000 for fiscal year 2024;
- (D) \$42,300,000 for fiscal year 2025; and
- (E) \$44,300,000 for fiscal year 2026.

(4) NATIONAL PRIORITY SAFETY PROGRAMS.—To carry out section 405 of title 23, United States Code—

- (A) \$336,500,000 for fiscal year 2022;
- (B) \$346,500,000 for fiscal year 2023;
- (C) \$353,500,000 for fiscal year 2024;
- (D) \$360,500,000 for fiscal year 2025; and
- (E) \$367,500,000 for fiscal year 2026.

(5) ADMINISTRATIVE EXPENSES.—For administrative and related operating expenses of the National Highway Traffic Safety Administration in carrying out chapter 4 of title 23, United States Code, and this title—

- (A) \$38,000,000 for fiscal year 2022;
- (B) \$39,520,000 for fiscal year 2023;
- (C) \$41,100,800 for fiscal year 2024;
- (D) \$42,744,832 for fiscal year 2025; and
- (E) \$44,454,625 for fiscal year 2026.

(6) NATIONAL DRIVER REGISTER.—For the National Highway Traffic Safety Administration to carry out chapter 303 of title 49, United States Code—

- (A) \$6,800,000 for fiscal year 2022;
- (B) \$7,000,000 for fiscal year 2023;
- (C) \$7,200,000 for fiscal year 2024;
- (D) \$7,400,000 for fiscal year 2025; and
- (E) \$7,600,000 for fiscal year 2026.

23 USC 401 note.

(b) PROHIBITION ON OTHER USES.—Except as otherwise provided in chapter 4 of title 23, and chapter 303 of title 49, United States Code, the amounts made available under subsection (a) or any other provision of law from the Highway Trust Fund (other than the Mass Transit Account) for a program under those chapters—

(1) shall only be used to carry out that program; and

(2) may not be used by a State or local government for construction purposes.

Apportionment.
Time period.

(c) APPLICABILITY OF TITLE 23.—Except as otherwise provided in chapter 4 of title 23, and chapter 303 of title 49, United States Code, the amounts made available under subsection (a) for fiscal years 2022 through 2026 shall be available for obligation in the same manner as if those funds were apportioned under chapter 1 of title 23, United States Code.

(d) HIGHWAY SAFETY GENERAL REQUIREMENTS.—

(1) IN GENERAL.—Chapter 4 of title 23, United States Code, is amended—

(A) by redesignating sections 409 and 412 and sections 407 and 408, respectively; and

(B) by inserting after section 405 the following:

23 USC 406.

“§ 406. General requirements for Federal assistance

“(a) DEFINITION OF FUNDED PROJECT.—In this section, the term ‘funded project’ means a project funded, in whole or in part, by a grant provided under section 402 or 405.

“(b) REGULATORY AUTHORITY.—Each funded project shall be carried out in accordance with applicable regulations promulgated by the Secretary.

“(c) STATE MATCHING REQUIREMENTS.—If a grant provided under this chapter requires any State to share in the cost of a funded project, the aggregate of the expenditures made by the State (including any political subdivision of the State) for highway safety activities during a fiscal year, exclusive of Federal funds, for carrying out the funded project (other than expenditures for planning or administration) shall be credited toward the non-Federal share of the cost of any other funded project (other than planning and administration) during that fiscal year, regardless of whether those expenditures were made in connection with the project.

“(d) GRANT APPLICATION AND DEADLINE.—

“(1) APPLICATIONS.—To be eligible to receive a grant under this chapter, a State shall submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require.

“(2) DEADLINE.—The Secretary shall establish a single deadline for the submission of applications under paragraph (1) to enable the provision of grants under this chapter early in each applicable fiscal year beginning after the date of submission.

Deadline.

“(e) DISTRIBUTION OF FUNDS TO STATES.—Not later than 60 days after the later of the start of a fiscal year or the date of enactment of any appropriations Act making funds available to carry out this chapter for that fiscal year, the Secretary shall distribute to each State the portion of those funds to which the State is entitled for the applicable fiscal year.”.

(2) CLERICAL AMENDMENT.—The analysis for chapter 4 of title 23, United States Code, is amended by striking the items relating to sections 406 through 412 and inserting the following:

23 USC
prec. 401.

“406. General requirements for Federal assistance.

“407. Discovery and admission as evidence of certain reports and surveys.

“408. Agency accountability.”.

SEC. 24102. HIGHWAY SAFETY PROGRAMS.

(a) IN GENERAL.—Section 402 of title 23, United States Code, is amended—

(1) by striking “accidents” each place it appears and inserting “crashes”;

(2) by striking “accident” each place it appears and inserting “crash”;

(3) in subsection (a)—

(A) in paragraph (1), by striking “shall have” and all that follows through the period at the end and inserting the following: “shall have in effect a highway safety program that—

“(i) is designed to reduce—

“(I) traffic crashes; and

“(II) deaths, injuries, and property damage resulting from those crashes;

“(ii) includes—

“(I) an approved, current, triennial highway safety plan in accordance with subsection (k); and

“(II) an approved grant application under subsection (l) for the fiscal year;

“(iii) demonstrates compliance with the applicable administrative requirements of subsection (b)(1); and

“(iv) is approved by the Secretary.”;

(B) in paragraph (2)(A)—

(i) in clause (ii), by striking “occupant protection devices (including the use of safety belts and child restraint systems)” and inserting “safety belts”;

(ii) in clause (vii), by striking “and” at the end;

(iii) by redesignating clauses (iii) through (viii) as clauses (iv) through (ix), respectively;

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

“(iii) to encourage more widespread and proper use of child restraints, with an emphasis on underserved populations;”; and

(v) by adding at the end the following:

“(x) to reduce crashes caused by driver misuse or misunderstanding of new vehicle technology;

“(xi) to increase vehicle recall awareness;

“(xii) to provide to the public information relating to the risks of child heatstroke death when left unattended in a motor vehicle after the motor is deactivated by the operator;

“(xiii) to reduce injuries and deaths resulting from the failure by drivers of motor vehicles to move to another traffic lane or reduce the speed of the vehicle when law enforcement, fire service, emergency medical services, or other emergency or first responder vehicles are stopped or parked on or next to a roadway with emergency lights activated; and

“(xiv) to prevent crashes, injuries, and deaths caused by unsecured vehicle loads;” and

(C) by adding at the end the following:

“(3) ADDITIONAL CONSIDERATIONS.—A State that has legalized medicinal or recreational marijuana shall take into consideration implementing programs in addition to the programs described in paragraph (2)(A)—

“(A) to educate drivers regarding the risks associated with marijuana-impaired driving; and

“(B) to reduce injuries and deaths resulting from individuals driving motor vehicles while impaired by marijuana.”;

(4) in subsection (b)(1)—

(A) in the matter preceding subparagraph (A), by striking “may” and inserting “shall”;

(B) by striking subparagraph (B) and inserting the following:

“(B) provide for a comprehensive, data-driven traffic safety program that results from meaningful public participation and engagement from affected communities, particularly those most significantly impacted by traffic crashes resulting in injuries and fatalities;”;

(C) in subparagraph (C), by striking “authorized in accordance with subparagraph (B)”;

(D) in subparagraph (D), by striking “with disabilities, including those in wheelchairs” and inserting “, including those with disabilities and those in wheelchairs”;

(E) by striking subparagraph (E) and inserting the following:

“(E) as part of a comprehensive program, support—

“(i) data-driven traffic safety enforcement programs that foster effective community collaboration to increase public safety; and

“(ii) data collection and analysis to ensure transparency, identify disparities in traffic enforcement, and inform traffic enforcement policies, procedures, and activities; and”;

(F) in subparagraph (F)—

(i) in clause (i), by striking “national law enforcement mobilizations and high-visibility” and inserting “national, high-visibility”;

(ii) in clause (iv), by striking “and” after the semicolon at the end;

(iii) in clause (v), by striking the period at the end and inserting “; and”; and

(iv) by adding at the end the following:

“(vi) unless the State highway safety program is developed by American Samoa, Guam, the Commonwealth of the Northern Mariana Islands, or the United States Virgin Islands, participation in the Fatality Analysis Reporting System.”;

(5) in subsection (c)—

(A) in paragraph (1)—

(i) by striking the paragraph designation and heading and all that follows through “Funds authorized” and inserting the following:

“(1) USE FOR STATE ACTIVITIES.—

“(A) IN GENERAL.—The funds authorized”; and

(ii) by adding at the end the following:

“(B) NEIGHBORING STATES.—A State, acting in cooperation with any neighboring State, may use funds provided under this section for a highway safety program that may confer a benefit on the neighboring State.”;

(B) by striking paragraphs (2) and (3) and inserting the following:

“(2) APPORTIONMENT TO STATES.—

“(A) DEFINITION OF PUBLIC ROAD.—In this paragraph, the term ‘public road’ means any road that is—

“(i) subject to the jurisdiction of, and maintained by, a public authority; and

“(ii) held open to public travel.

“(B) APPORTIONMENT.—

“(i) IN GENERAL.—Except for the amounts identified in section 403(f) and the amounts subject to subparagraph (C), of the funds made available under this section—

“(I) 75 percent shall be apportioned to each State based on the ratio that, as determined by the most recent decennial census—

“(aa) the population of the State; bears to

“(bb) the total population of all States; and

“(II) 25 percent shall be apportioned to each State based on the ratio that, subject to clause (ii)—

“(aa) the public road mileage in each State; bears to

“(bb) the total public road mileage in all States.

“(ii) CALCULATION.—For purposes of clause (i)(II), public road mileage shall be—

“(I) determined as of the end of the calendar year preceding the year during which the funds are apportioned;

“(II) certified by the Governor of the State; Certification.

and

“(III) subject to approval by the Secretary.

“(C) MINIMUM APPORTIONMENTS.—The annual apportionment under this section to—

“(i) each State shall be not less than $\frac{3}{4}$ of 1 percent of the total apportionment;

“(ii) the Secretary of the Interior shall be not less than 2 percent of the total apportionment; and

“(iii) the United States Virgin Islands, Guam, Territories.
American Samoa, and the Commonwealth of the Northern Mariana Islands shall be not less than $\frac{1}{4}$ of 1 percent of the total apportionment.

“(D) PENALTY.—

“(i) IN GENERAL.—The funds apportioned under this section to a State that does not have approved or in effect a highway safety program described in subsection (a)(1) shall be reduced by an amount equal to not less than 20 percent of the amount that would

otherwise be apportioned to the State under this section, until the date on which the Secretary, as applicable—

“(I) approves such a highway safety program;

or

“(II) determines that the State is implementing such a program.

“(ii) FACTOR FOR CONSIDERATION.—In determining the amount of the reduction in funds apportioned to a State under this subparagraph, the Secretary shall take into consideration the gravity of the failure by the State to secure approval, or to implement, a highway safety program described in subsection (a)(1).

“(E) LIMITATIONS.—

“(i) IN GENERAL.—A highway safety program approved by the Secretary shall not include any requirement that a State shall implement such a program by adopting or enforcing any law, rule, or regulation based on a guideline promulgated by the Secretary under this section requiring any motorcycle operator aged 18 years or older, or a motorcycle passenger aged 18 years or older, to wear a safety helmet when operating or riding a motorcycle on the streets and highways of that State.

“(ii) EFFECT OF GUIDELINES.—Nothing in this section requires a State highway safety program to require compliance with every uniform guideline, or with every element of every uniform guideline, in every State.

“(3) REAPPORTIONMENT.—

“(A) IN GENERAL.—The Secretary shall promptly apportion to a State any funds withheld from the State under paragraph (2)(D) if the Secretary makes an approval or determination, as applicable, described in that paragraph by not later than July 31 of the fiscal year for which the funds were withheld.

“(B) CONTINUING STATE FAILURE.—If the Secretary determines that a State fails to correct a failure to have approved or in effect a highway safety program described in subsection (a)(1) by the date described in subparagraph (A), the Secretary shall reapportion the funds withheld from that State under paragraph (2)(D) for the fiscal year to the other States in accordance with the formula described in paragraph (2)(B) by not later than the last day of the fiscal year.”; and

(C) in paragraph (4)—

(i) by striking subparagraph (C);

(ii) by redesignating subparagraphs (A) and (B) as subparagraphs (B) and (A), respectively, and moving the subparagraphs so as to appear in alphabetical order; and

(iii) by adding at the end the following:

“(C) SPECIAL RULE FOR SCHOOL AND WORK ZONES.—Notwithstanding subparagraph (B), a State may expend funds apportioned to the State under this section to carry out a program to purchase, operate, or maintain an automated traffic enforcement system in a work zone or school zone.

Determination.

Approval.
Determination.
Deadline.

Determination.

“(D) AUTOMATED TRAFFIC ENFORCEMENT SYSTEM GUIDELINES.—An automated traffic enforcement system installed pursuant to subparagraph (C) shall comply with such guidelines applicable to speed enforcement camera systems and red light camera systems as are established by the Secretary.”;

Compliance.

(6) in subsection (k)—

(A) by striking the subsection designation and heading and all that follows through “thereafter” in paragraph (1) and inserting the following:

“(k) TRIENNIAL HIGHWAY SAFETY PLAN.—

“(1) IN GENERAL.—For fiscal year 2024, and not less frequently than once every 3 fiscal years thereafter”;

(B) in paragraph (1), by striking “for that fiscal year, to develop and submit to the Secretary for approval a highway safety plan” and inserting “for the 3 fiscal years covered by the plan, to develop and submit to the Secretary for approval a triennial highway safety plan”;

(C) by striking paragraph (2) and inserting the following:

“(2) TIMING.—Each State shall submit to the Secretary a triennial highway safety plan by not later than July 1 of the fiscal year preceding the first fiscal year covered by the plan.”;

Deadline.

(D) in paragraph (3), by inserting “triennial” before “highway”;

(E) in paragraph (4)—

(i) in the matter preceding subparagraph (A)—

(I) by striking “State highway safety plans” and inserting “Each State triennial highway safety plan”; and

(II) by inserting “, with respect to the 3 fiscal years covered by the plan, based on the information available on the date of submission under paragraph (2)” after “include”;

(ii) in subparagraph (A)(ii), by striking “annual performance targets” and inserting “performance targets that demonstrate constant or improved performance”;

(iii) by striking subparagraph (B) and inserting the following:

“(B) a countermeasure strategy for programming funds under this section for projects that will allow the State to meet the performance targets described in subparagraph (A), including a description—

“(i) that demonstrates the link between the effectiveness of each proposed countermeasure strategy and those performance targets; and

“(ii) of the manner in which each countermeasure strategy is informed by uniform guidelines issued by the Secretary.”;

(iv) in subparagraph (D)—

(I) by striking “, State, local, or private”; and

(II) by inserting “and” after the semicolon at the end;

(v) in subparagraph (E)—

(I) by striking “for the fiscal year preceding the fiscal year to which the plan applies,”; and

(II) by striking “performance targets set forth in the previous year’s highway safety plan; and” and inserting “performance targets set forth in the most recently submitted highway safety plan.”; and

(vi) by striking subparagraph (F);

(F) by striking paragraph (5) and inserting the following:

“(5) PERFORMANCE MEASURES.—The Secretary shall develop minimum performance measures under paragraph (4)(A) in consultation with the Governors Highway Safety Association.”; and

(G) in paragraph (6)—

(i) in the paragraph heading, by inserting “TRIENNIAL” before “HIGHWAY”;

(ii) by redesignating subparagraphs (B) through (E) as subparagraphs (C) through (F), respectively;

(iii) in each of subparagraphs (C) through (F) (as so redesignated), by inserting “triennial” before “highway” each place it appears; and

(iv) by striking subparagraph (A) and inserting the following:

“(A) IN GENERAL.—Except as provided in subparagraph (B), the Secretary shall review and approve or disapprove a triennial highway safety plan of a State by not later than 60 days after the date on which the plan is received by the Secretary.

Review.
Deadline.

Determinations.

“(B) ADDITIONAL INFORMATION.—

“(i) IN GENERAL.—The Secretary may request a State to submit to the Secretary such additional information as the Secretary determines to be necessary for review of the triennial highway safety plan of the State.

“(ii) EXTENSION OF DEADLINE.—On providing to a State a request for additional information under clause (i), the Secretary may extend the deadline to approve or disapprove the triennial highway safety plan of the State under subparagraph (A) for not more than an additional 90 days, as the Secretary determines to be necessary to accommodate that request, subject to clause (iii).

Deadline.

“(iii) TIMING.—Any additional information requested under clause (i) shall be submitted to the Secretary by not later than 7 business days after the date of receipt by the State of the request.”;

(7) by inserting after subsection (k) the following:

“(1) ANNUAL GRANT APPLICATION AND REPORTING REQUIREMENTS.—

“(1) ANNUAL GRANT APPLICATION.—

Determination.

“(A) IN GENERAL.—To be eligible to receive grant funds under this chapter for a fiscal year, each State shall submit to the Secretary an annual grant application that, as determined by the Secretary—

“(i) demonstrates alignment with the approved triennial highway safety plan of the State; and

“(ii) complies with the requirements under this subsection. Compliance.

“(B) TIMING.—The deadline for submission of annual grant applications under this paragraph shall be determined by the Secretary in accordance with section 406(d)(2). Determination.

“(C) CONTENTS.—An annual grant application under this paragraph shall include, at a minimum—

“(i) such updates, as necessary, to any analysis included in the triennial highway safety plan of the State; Updates. Analysis.

“(ii) an identification of each project and subrecipient to be funded by the State using the grants during the upcoming grant year, subject to the condition that the State shall separately submit, on a date other than the date of submission of the annual grant application, a description of any projects or subrecipients to be funded, as that information becomes available;

“(iii) a description of the means by which the strategy of the State to use grant funds was adjusted and informed by the previous report of the State under paragraph (2); and

“(iv) an application for any additional grants available to the State under this chapter.

“(D) REVIEW.—The Secretary shall review and approve or disapprove an annual grant application under this paragraph by not later than 60 days after the date of submission of the application. Deadline.

“(2) REPORTING REQUIREMENTS.—Not later than 120 days after the end of each fiscal year for which a grant is provided to a State under this chapter, the State shall submit to the Secretary an annual report that includes—

“(A) an assessment of the progress made by the State in achieving the performance targets identified in the triennial highway safety plan of the State, based on the most currently available Fatality Analysis Reporting System data; and Assessment.

“(B)(i) a description of the extent to which progress made in achieving those performance targets is aligned with the triennial highway safety plan of the State; and

“(ii) if applicable, any plans of the State to adjust a strategy for programming funds to achieve the performance targets.”;

(8) in subsection (m)(1), by striking “a State’s highway safety plan” and inserting “the applicable triennial highway safety plan of the State”; and

(9) by striking subsection (n) and inserting the following: “(n) PUBLIC TRANSPARENCY.—

“(1) IN GENERAL.—The Secretary shall publicly release on a Department of Transportation website, by not later than 45 calendar days after the applicable date of availability— Website. Deadline.

“(A) each triennial highway safety plan approved by the Secretary under subsection (k);

“(B) each State performance target under subsection (k); and

Evaluation.

“(C) an evaluation of State achievement of applicable performance targets under subsection (k).

“(2) STATE HIGHWAY SAFETY PLAN WEBSITE.—

“(A) IN GENERAL.—In carrying out paragraph (1), the Secretary shall establish a public website that is easily accessible, navigable, and searchable for the information required under that paragraph, in order to foster greater transparency in approved State highway safety programs.

“(B) CONTENTS.—The website established under subparagraph (A) shall—

“(i) include the applicable triennial highway safety plan, and the annual report, of each State submitted to, and approved by, the Secretary under subsection (k); and

“(ii) provide a means for the public to search the website for State highway safety program content required under subsection (k), including—

“(I) performance measures required by the Secretary;

“(II) progress made toward meeting the applicable performance targets during the preceding program year;

“(III) program areas and expenditures; and

“(IV) a description of any sources of funds, other than funds provided under this section, that the State proposes to use to carry out the triennial highway safety plan of the State.”.

23 USC 402 note.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect with respect to any grant application or State highway safety plan submitted under chapter 4 of title 23, United States Code, for fiscal year 2024 or thereafter.

SEC. 24103. HIGHWAY SAFETY RESEARCH AND DEVELOPMENT.

Section 403 of title 23, United States Code, is amended—

(1) by striking “accident” each place it appears and inserting “crash”;

(2) in subsection (b)(1), in the matter preceding subparagraph (A), by inserting “, training, education,” after “demonstration projects”;

(3) in subsection (f)(1)—

(A) by striking “\$2,500,000” and inserting “\$3,500,000”; and

(B) by striking “subsection 402(c) in each fiscal year ending before October 1, 2015, and \$443,989 of the total amount available for apportionment to the States for highway safety programs under section 402(c) in the period beginning on October 1, 2015, and ending on December 4, 2015,” and inserting “section 402(c) in each fiscal year”;

(4) in subsection (h)—

(A) in paragraph (2), by striking “2017 through 2021 not more than \$26,560,000” to conduct the research described in paragraph (1)” and inserting “2022 through 2025, not more than \$45,000,000 to conduct the research described in paragraph (2)”;

(B) in paragraph (5)(A), by striking “section 30102(a)(6)” and inserting “section 30102(a)”; and

(C) by redesignating paragraphs (1), (2), (3), (4), and (5) as paragraphs (2), (3), (4), (5), and (1), respectively, and moving the paragraphs so as to appear in numerical order; and

(5) by adding at the end the following:

“(k) CHILD SAFETY CAMPAIGN.—

“(1) IN GENERAL.—The Secretary shall carry out an education campaign to reduce the incidence of vehicular heatstroke of children left in passenger motor vehicles (as defined in section 30102(a) of title 49).

“(2) ADVERTISING.—The Secretary may use, or authorize the use of, funds made available to carry out this section to pay for the development, production, and use of broadcast and print media advertising and Internet-based outreach for the education campaign under paragraph (1).

“(3) COORDINATION.—In carrying out the education campaign under paragraph (1), the Secretary shall coordinate with—

“(A) interested State and local governments;

“(B) private industry; and

“(C) other parties, as determined by the Secretary.

“(l) DEVELOPMENT OF STATE PROCESSES FOR INFORMING CONSUMERS OF RECALLS.—

“(1) DEFINITIONS.—In this subsection:

“(A) MOTOR VEHICLE.—The term ‘motor vehicle’ has the meaning given the term in section 30102(a) of title 49.

“(B) OPEN RECALL.—The term ‘open recall’ means a motor vehicle recall—

“(i) for which a notification by a manufacturer has been provided under section 30119 of title 49; and

“(ii) that has not been remedied under section 30120 of that title.

“(C) PROGRAM.—The term ‘program’ means the program established under paragraph (2)(A).

“(D) REGISTRATION.—The term ‘registration’ means the process for registering a motor vehicle in a State (including registration renewal).

“(E) STATE.—The term ‘State’ has the meaning given the term in section 101(a).

“(2) GRANTS.—

“(A) ESTABLISHMENT OF PROGRAM.—Not later than 2 years after the date of enactment of this subsection, the Secretary shall establish a program under which the Secretary shall provide grants to States for use in developing and implementing State processes for informing each applicable owner and lessee of a motor vehicle of any open recall on the motor vehicle at the time of registration of the motor vehicle in the State, in accordance with this paragraph. Deadline.

“(B) ELIGIBILITY.—To be eligible to receive a grant under the program, a State shall—

“(i) submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require; and

“(ii) agree—

Notification.

“(I) to notify each owner or lessee of a motor vehicle presented for registration in the State of any open recall on that motor vehicle; and

“(II) to provide to each owner or lessee of a motor vehicle presented for registration, at no cost—

“(aa) the open recall information for the motor vehicle; and

“(bb) such other information as the Secretary may require.

“(C) FACTORS FOR CONSIDERATION.—In selecting grant recipients under the program, the Secretary shall take into consideration the methodology of a State for—

“(i) identifying open recalls on a motor vehicle;

“(ii) informing each owner and lessee of a motor vehicle of an open recall; and

“(iii) measuring performance in—

“(I) informing owners and lessees of open recalls; and

“(II) remediating open recalls.

“(D) PERFORMANCE PERIOD.—A grant provided under the program shall require a performance period of 2 years.

Evaluation.

“(E) REPORT.—Not later than 90 days after the date of completion of the performance period under subparagraph (D), each State that receives a grant under the program shall submit to the Secretary a report that contains such information as the Secretary considers to be necessary to evaluate the extent to which open recalls have been remedied in the State.

“(F) NO REGULATIONS REQUIRED.—Notwithstanding any other provision of law, the Secretary shall not be required to issue any regulations to carry out the program.

“(3) PAPERWORK REDUCTION ACT.—Chapter 35 of title 44 (commonly known as the ‘Paperwork Reduction Act’) shall not apply to information collected under the program.

“(4) FUNDING.—

Time period.

“(A) IN GENERAL.—For each of fiscal years 2022 through 2026, the Secretary shall obligate from funds made available to carry out this section \$1,500,000 to carry out the program.

“(B) REALLOCATION.—To ensure, to the maximum extent practicable, that all amounts described in subparagraph (A) are obligated each fiscal year, the Secretary, before the last day of any fiscal year, may reallocate any of those amounts remaining available to increase the amounts made available to carry out any other activities authorized under this section.

“(m) INNOVATIVE HIGHWAY SAFETY COUNTERMEASURES.—

Evaluation.

“(1) IN GENERAL.—In conducting research under this section, the Secretary shall evaluate the effectiveness of innovative behavioral traffic safety countermeasures, other than traffic enforcement, that are considered promising or likely to be effective for the purpose of enriching revisions to the document entitled ‘Countermeasures That Work: A Highway Safety Countermeasure Guide for State Highway Safety Offices, Ninth Edition’ and numbered DOT HS 812 478 (or any successor document).

“(2) TREATMENT.—The research described in paragraph (1) shall be in addition to any other research carried out under this section.”.

SEC. 24104. HIGH-VISIBILITY ENFORCEMENT PROGRAMS.

Section 404(a) of title 23, United States Code, is amended by striking “each of fiscal years 2016 through 2020” and inserting “each of fiscal years 2022 through 2026”.

SEC. 24105. NATIONAL PRIORITY SAFETY PROGRAMS.

(a) IN GENERAL.—Section 405 of title 23, United States Code, is amended—

(1) in subsection (a)—

(A) by striking paragraphs (6) and (9);

(B) by redesignating paragraphs (1) through (5) as paragraphs (2) through (6), respectively;

(C) by striking the subsection designation and heading and all that follows through “the following:” in the matter preceding paragraph (2) (as so redesignated) and inserting the following:

“(a) PROGRAM AUTHORITY.—

“(1) IN GENERAL.—Subject to the requirements of this section, the Secretary shall—

“(A) manage programs to address national priorities for reducing highway deaths and injuries; and

“(B) allocate funds for the purpose described in subparagraph (A) in accordance with this subsection.”;

(D) in paragraph (4) (as so redesignated), by striking “52.5 percent” and inserting “53 percent”;

(E) in paragraph (7)—

(i) by striking “5 percent” and inserting “7 percent”;

and

(ii) by striking “subsection (h)” and inserting “subsection (g)”;

(F) by redesignating paragraphs (8) and (10) as paragraphs (10) and (11), respectively;

(G) by inserting after paragraph (7) the following:

“(8) PREVENTING ROADSIDE DEATHS.—In each fiscal year, 1 percent of the funds provided under this section shall be allocated among States that meet requirements with respect to preventing roadside deaths under subsection (h). Time periods. Allocation.

“(9) DRIVER OFFICER SAFETY EDUCATION.—In each fiscal year, 1.5 percent of the funds provided under this section shall be allocated among States that meet requirements with respect to driver and officer safety education under subsection (i).”; Time periods.

and

(H) in paragraph (10) (as so redesignated)—

(i) by striking “(1) through (7)” and inserting “(2) through (9)”;

(ii) by striking “(b) through (h)” and inserting “(b) through (i)”;

(2) in subsection (b)—

(A) in paragraph (1), by striking “of Transportation”;

(B) in paragraph (3)(B)(ii)(VI)(aa), by striking “3-year” and inserting “5-year”; and

(C) in paragraph (4)—

(i) in subparagraph (A), by striking clause (v) and inserting the following:

“(v) implement programs—

“(I) to recruit and train nationally certified child passenger safety technicians among police officers, fire and other first responders, emergency medical personnel, and other individuals or organizations serving low-income and underserved populations;

“(II) to educate parents and caregivers in low-income and underserved populations regarding the importance of proper use and correct installation of child restraints on every trip in a motor vehicle; and

“(III) to purchase and distribute child restraints to low-income and underserved populations; and”;

(ii) by striking subparagraph (B) and inserting the following:

“(B) REQUIREMENTS.—Each State that is eligible to receive funds—

“(i) under paragraph (3)(A) shall use—

“(I) not more than 90 percent of those funds to carry out a project or activity eligible for funding under section 402; and

“(II) not less than 10 percent of those funds to carry out subparagraph (A)(v); and

“(ii) under paragraph (3)(B) shall use not less than 10 percent of those funds to carry out the activities described in subparagraph (A)(v).”;

(3) in subsection (c)—

(A) in paragraph (1)—

(i) in the matter preceding subparagraph (A), by striking “of Transportation”; and

(ii) in subparagraph (D), by striking “States; and” and inserting “States, including the National EMS Information System;”;

(B) in paragraph (3)—

(i) by striking the paragraph designation and heading and all that follows through “has a functioning” in subparagraph (A) and inserting the following:

“(3) ELIGIBILITY.—A State shall not be eligible to receive a grant under this subsection for a fiscal year unless the State—

Certification.

“(A) has certified to the Secretary that the State—

“(i) has a functioning”;

(ii) in subparagraph (B)—

(I) by adding “and” after the semicolon at the end; and

(II) by redesignating the subparagraph as clause (ii) of subparagraph (A) and indenting the clause appropriately;

(iii) in subparagraph (C)—

(I) by adding “and” after the semicolon at the end; and

(II) by redesignating the subparagraph as clause (iii) of subparagraph (A) and indenting the clause appropriately;

(iv) by redesignating subparagraph (D) as subparagraph (B);

(v) in clause (vi) of subparagraph (B) (as so redesignated), by striking “; and” and inserting a period; and

(vi) by striking subparagraph (E);

(C) by striking paragraph (4) and inserting the following:

“(4) USE OF GRANT AMOUNTS.—A State may use a grant received under this subsection to make data program improvements to core highway safety databases relating to quantifiable, measurable progress in any significant data program attribute described in paragraph (3)(B), including through—

“(A) software or applications to identify, collect, and report data to State and local government agencies, and enter data into State core highway safety databases, including crash, citation or adjudication, driver, emergency medical services or injury surveillance system, roadway, and vehicle data;

“(B) purchasing equipment to improve a process by which data are identified, collated, and reported to State and local government agencies, including technology for use by law enforcement for near-real time, electronic reporting of crash data;

“(C) improving the compatibility and interoperability of the core highway safety databases of the State with national data systems and data systems of other States, including the National EMS Information System;

“(D) enhancing the ability of a State and the Secretary to observe and analyze local, State, and national trends in crash occurrences, rates, outcomes, and circumstances;

“(E) supporting traffic records improvement training and expenditures for law enforcement, emergency medical, judicial, prosecutorial, and traffic records professionals;

“(F) hiring traffic records professionals for the purpose of improving traffic information systems (including a State Fatal Accident Reporting System (FARS) liaison);

“(G) adoption of the Model Minimum Uniform Crash Criteria, or providing to the public information regarding why any of those criteria will not be used, if applicable;

“(H) supporting reporting criteria relating to emerging topics, including—

“(i) impaired driving as a result of drug, alcohol, or polysubstance consumption; and

“(ii) advanced technologies present on motor vehicles; and

“(I) conducting research relating to State traffic safety information systems, including developing programs to improve core highway safety databases and processes by which data are identified, collected, reported to State and local government agencies, and entered into State core safety databases.”; and

(D) by adding at the end the following:

“(6) TECHNICAL ASSISTANCE.—

“(A) IN GENERAL.—The Secretary shall provide technical assistance to States, regardless of whether a State receives a grant under this subsection, with respect to

improving the timeliness, accuracy, completeness, uniformity, integration, and public accessibility of State safety data that are needed to identify priorities for Federal, State, and local highway and traffic safety programs, including on adoption by a State of the Model Minimum Uniform Crash Criteria.

“(B) FUNDS.—The Secretary may use not more than 3 percent of the amounts available under this subsection to carry out subparagraph (A).”;

(4) in subsection (d)—

(A) in paragraph (4)—

(i) in subparagraph (B)—

(I) by striking clause (iii) and inserting the following:

“(iii) court support of impaired driving prevention efforts, including—

“(I) hiring criminal justice professionals, including law enforcement officers, prosecutors, traffic safety resource prosecutors, judges, judicial outreach liaisons, and probation officers;

“(II) training and education of those professionals to assist the professionals in preventing impaired driving and handling impaired driving cases, including by providing compensation to a law enforcement officer to carry out safety grant activities to replace a law enforcement officer who is receiving drug recognition expert training or participating as an instructor in that drug recognition expert training; and

“(III) establishing driving while intoxicated courts;”;

(II) by striking clause (v) and inserting the following:

“(v) improving blood alcohol and drug concentration screening and testing, detection of potentially impairing drugs (including through the use of oral fluid as a specimen), and reporting relating to testing and detection;”;

(III) in clause (vi), by striking “conducting standardized field sobriety training, advanced roadside impaired driving evaluation training, and” and inserting “conducting initial and continuing standardized field sobriety training, advanced roadside impaired driving evaluation training, law enforcement phlebotomy training, and”;

(IV) in clause (ix), by striking “and” at the end;

(V) in clause (x), by striking the period at the end and inserting “; and”; and

(VI) by adding at the end the following:

“(xi) testing and implementing programs, and purchasing technologies, to better identify, monitor, or treat impaired drivers, including—

“(I) oral fluid-screening technologies;

“(II) electronic warrant programs;

“(III) equipment to increase the scope, quantity, quality, and timeliness of forensic toxicology chemical testing;

“(IV) case management software to support the management of impaired driving offenders; and

“(V) technology to monitor impaired-driving offenders, and equipment and related expenditures used in connection with impaired-driving enforcement in accordance with criteria established by the National Highway Traffic Safety Administration.”; and

(ii) in subparagraph (C)—

(I) in the second sentence, by striking “Medium-range” and inserting the following:

“(ii) MEDIUM-RANGE AND HIGH-RANGE STATES.—

Subject to clause (iii), medium-range”;

(II) in the first sentence, by striking “Low-range” and inserting the following:

“(i) LOW-RANGE STATES.—Subject to clause (iii), low-range”; and

(III) by adding at the end the following:

“(iii) REPORTING AND IMPAIRED DRIVING MEASURES.—A State may use grant funds for any expenditure relating to—

“(I) increasing the timely and accurate reporting to Federal, State, and local databases of—

“(aa) crash information, including electronic crash reporting systems that allow accurate real- or near-real-time uploading of crash information; and

“(bb) impaired driving criminal justice information; or

“(II) researching or evaluating impaired driving countermeasures.”;

(B) in paragraph (6)—

(i) by striking subparagraph (A) and inserting the following:

“(A) GRANTS TO STATES WITH ALCOHOL-IGNITION INTERLOCK LAWS.—The Secretary shall make a separate grant under this subsection to each State that—

Time periods.

“(i) adopts, and is enforcing, a mandatory alcohol-ignition interlock law for all individuals convicted of driving under the influence of alcohol or of driving while intoxicated;

“(ii) does not allow an individual convicted of driving under the influence of alcohol or of driving while intoxicated to receive any driving privilege or driver’s license unless the individual installs on each motor vehicle registered, owned, or leased for operation by the individual an ignition interlock for a period of not less than 180 days; or

“(iii) has in effect, and is enforcing—

“(I) a State law requiring for any individual who is convicted of, or the driving privilege of whom is revoked or denied for, refusing to submit to a chemical or other appropriate test for the

purpose of determining the presence or concentration of any intoxicating substance, a State law requiring a period of not less than 180 days of ignition interlock installation on each motor vehicle to be operated by the individual; and

“(II) a compliance-based removal program, under which an individual convicted of driving under the influence of alcohol or of driving while intoxicated shall—

“(aa) satisfy a period of not less than 180 days of ignition interlock installation on each motor vehicle to be operated by the individual; and

“(bb) have completed a minimum consecutive period of not less than 40 percent of the required period of ignition interlock installation immediately preceding the date of release of the individual, without a confirmed violation.”; and

(ii) in subparagraph (D), by striking “2009” and inserting “2022”; and

(C) in paragraph (7)(A), in the matter preceding clause (i), by inserting “or local” after “authorizes a State”;

(5) in subsection (e)—

(A) by striking paragraphs (6) and (8);

(B) by redesignating paragraphs (1), (2), (3), (4), (5), (7), and (9) as paragraphs (2), (4), (6), (7), (8), (9), and (1), respectively, and moving the paragraphs so as to appear in numerical order;

(C) in paragraph (1) (as so redesignated)—

(i) in the matter preceding subparagraph (A), by striking “, the following definitions apply”;

(ii) by striking subparagraph (B) and inserting the following:

Definition.

“(B) PERSONAL WIRELESS COMMUNICATIONS DEVICE.—

“(i) IN GENERAL.—The term ‘personal wireless communications device’ means—

“(I) a device through which personal wireless services (as defined in section 332(c)(7)(C) of the Communications Act of 1934 (47 U.S.C. 332(c)(7)(C))) are transmitted; and

“(II) a mobile telephone or other portable electronic communication device with which a user engages in a call or writes, sends, or reads a text message using at least 1 hand.

“(ii) EXCLUSION.—The term ‘personal wireless communications device’ does not include a global navigation satellite system receiver used for positioning, emergency notification, or navigation purposes.”; and

Definitions.

(iii) by striking subparagraph (E) and inserting the following:

“(E) TEXT.—The term ‘text’ means—

“(i) to read from, or manually to enter data into, a personal wireless communications device, including

for the purpose of SMS texting, emailing, instant messaging, or any other form of electronic data retrieval or electronic data communication; and

“(ii) manually to enter, send, or retrieve a text message to communicate with another individual or device.

“(F) TEXT MESSAGE.—

“(i) IN GENERAL.—The term ‘text message’ means—

“(I) a text-based message;

“(II) an instant message;

“(III) an electronic message; and

“(IV) email.

“(ii) EXCLUSIONS.—The term ‘text message’ does not include—

“(I) an emergency, traffic, or weather alert;

or

“(II) a message relating to the operation or navigation of a motor vehicle.”;

(D) by striking paragraph (2) (as so redesignated) and inserting the following:

“(2) GRANT PROGRAM.—The Secretary shall provide a grant under this subsection to any State that includes distracted driving awareness as part of the driver’s license examination of the State.

“(3) ALLOCATION.—

“(A) IN GENERAL.—For each fiscal year, not less than 50 percent of the amounts made available to carry out this subsection shall be allocated to States, based on the proportion that—

“(i) the apportionment of the State under section 402 for fiscal year 2009; bears to

“(ii) the apportionment of all States under section 402 for that fiscal year.

“(B) GRANTS FOR STATES WITH DISTRACTED DRIVING LAWS.—

“(i) IN GENERAL.—In addition to the allocations under subparagraph (A), for each fiscal year, not more than 50 percent of the amounts made available to carry out this subsection shall be allocated to States that enact and enforce a law that meets the requirements of paragraph (4), (5), or (6)—

“(I) based on the proportion that—

“(aa) the apportionment of the State under section 402 for fiscal year 2009; bears to

“(bb) the apportionment of all States under section 402 for that fiscal year; and

“(II) subject to clauses (ii), (iii), and (iv), as applicable.

“(ii) PRIMARY LAWS.—Subject to clause (iv), in the case of a State that enacts and enforces a law that meets the requirements of paragraph (4), (5), or (6) as a primary offense, the allocation to the State under this subparagraph shall be 100 percent of the amount calculated to be allocated to the State under clause (i)(I).

“(iii) SECONDARY LAWS.—Subject to clause (iv), in the case of a State that enacts and enforces a law

that meets the requirements of paragraph (4), (5), or (6) as a secondary enforcement action, the allocation to the State under this subparagraph shall be an amount equal to 50 percent of the amount calculated to be allocated to the State under clause (i)(I).

“(iv) TEXTING WHILE DRIVING.—Notwithstanding clauses (ii) and (iii), the allocation under this subparagraph to a State that enacts and enforces a law that prohibits a driver from viewing a personal wireless communications device (except for purposes of navigation) shall be 25 percent of the amount calculated to be allocated to the State under clause (i)(I).”;

(E) in paragraph (4) (as so redesignated)—

(i) in the matter preceding subparagraph (A), by striking “set forth in this” and inserting “of this”;

(ii) by striking subparagraph (B);

(iii) by redesignating subparagraphs (C) and (D) as subparagraphs (B) and (C), respectively;

(iv) in subparagraph (B) (as so redesignated), by striking “minimum”; and

(v) in subparagraph (C) (as so redesignated), by striking “text through a personal wireless communication device” and inserting “use a personal wireless communications device for texting”;

(F) by inserting after paragraph (4) (as so redesignated) the following:

“(5) PROHIBITION ON HANDHELD PHONE USE WHILE DRIVING.—A State law meets the requirements of this paragraph if the law—

“(A) prohibits a driver from holding a personal wireless communications device while driving;

“(B) establishes a fine for a violation of that law; and

“(C) does not provide for an exemption that specifically allows a driver to use a personal wireless communications device for texting while stopped in traffic.”;

(G) in paragraph (6) (as so redesignated)—

(i) in the matter preceding subparagraph (A), by striking “set forth in this” and inserting “of this”;

(ii) in subparagraph (A)(ii), by striking “set forth in subsection (g)(2)(B)”;

(iii) by striking subparagraphs (B) and (D);

(iv) by redesignating subparagraph (C) as subparagraph (B);

(v) in subparagraph (B) (as so redesignated), by striking “minimum”; and

(vi) by adding at the end the following:

“(C) does not provide for—

“(i) an exemption that specifically allows a driver to use a personal wireless communications device for texting while stopped in traffic; or

“(ii) an exemption described in paragraph (7)(E).”;

and

(H) in paragraph (7) (as so redesignated)—

(i) in the matter preceding subparagraph (A), by striking “set forth in paragraph (2) or (3)” and inserting “of paragraph (4), (5), or (6)”;

(ii) by striking subparagraph (A) and inserting the following:

“(A) a driver who uses a personal wireless communications device during an emergency to contact emergency services to prevent injury to persons or property;”;

(iii) in subparagraph (C), by striking “and” at the end;

(iv) by redesignating subparagraph (D) as subparagraph (F); and

(v) by inserting after subparagraph (C) the following:

“(D) a driver who uses a personal wireless communications device for navigation;

“(E) except for a law described in paragraph (6), the use of a personal wireless communications device—

“(i) in a hands-free manner;

“(ii) with a hands-free accessory; or

“(iii) with the activation or deactivation of a feature or function of the personal wireless communications device with the motion of a single swipe or tap of the finger of the driver; and”;

(6) in subsection (f)(3)—

(A) in subparagraph (A)(i), by striking “accident” and inserting “crash”;

(B) by redesignating subparagraphs (C) through (F) as subparagraphs (D) through (G), respectively;

(C) by inserting after subparagraph (B) the following:

“(C) HELMET LAW.—A State law requiring the use of a helmet for each motorcycle rider under the age of 18.”; and

(D) in subparagraph (F) (as so redesignated), in the subparagraph heading, by striking “ACCIDENTS” and inserting “CRASHES”;

(7) by striking subsection (g);

(8) by redesignating subsection (h) as subsection (g);

(9) in subsection (g) (as so redesignated)—

(A) by redesignating paragraphs (1) through (5) as paragraphs (2) through (6), respectively;

(B) by inserting before paragraph (2) (as so redesignated) the following:

“(1) DEFINITION OF NONMOTORIZED ROAD USER.—In this subsection, the term ‘nonmotorized road user’ means—

“(A) a pedestrian;

“(B) an individual using a nonmotorized mode of transportation, including a bicycle, a scooter, or a personal conveyance; and

“(C) an individual using a low-speed or low-horsepower motorized vehicle, including an electric bicycle, electric scooter, personal mobility assistance device, personal transporter, or all-terrain vehicle.”;

(C) in paragraph (2) (as so redesignated), by striking “pedestrian and bicycle fatalities and injuries that result from crashes involving a motor vehicle” and inserting “nonmotorized road user fatalities involving a motor vehicle in transit on a trafficway”;

(D) in paragraph (4) (as so redesignated), by striking “pedestrian and bicycle” and inserting “nonmotorized road user”; and

(E) by striking paragraph (5) (as so redesignated) and inserting the following:

“(5) USE OF GRANT AMOUNTS.—Grant funds received by a State under this subsection may be used for the safety of nonmotorized road users, including—

“(A) training of law enforcement officials relating to nonmotorized road user safety, State laws applicable to nonmotorized road user safety, and infrastructure designed to improve nonmotorized road user safety;

“(B) carrying out a program to support enforcement mobilizations and campaigns designed to enforce State traffic laws applicable to nonmotorized road user safety;

“(C) public education and awareness programs designed to inform motorists and nonmotorized road users regarding—

“(i) nonmotorized road user safety, including information relating to nonmotorized mobility and the importance of speed management to the safety of nonmotorized road users;

“(ii) the value of the use of nonmotorized road user safety equipment, including lighting, conspicuity equipment, mirrors, helmets, and other protective equipment, and compliance with any State or local laws requiring the use of that equipment;

“(iii) State traffic laws applicable to nonmotorized road user safety, including the responsibilities of motorists with respect to nonmotorized road users; and

“(iv) infrastructure designed to improve nonmotorized road user safety; and

Data.

“(D) the collection of data, and the establishment and maintenance of data systems, relating to nonmotorized road user traffic fatalities.”; and

(10) by adding at the end the following:

“(h) PREVENTING ROADSIDE DEATHS.—

“(1) IN GENERAL.—The Secretary shall provide grants to States to prevent death and injury from crashes involving motor vehicles striking other vehicles and individuals stopped at the roadside.

“(2) FEDERAL SHARE.—The Federal share of the cost of carrying out an activity funded through a grant under this subsection may not exceed 80 percent.

Plan.

“(3) ELIGIBILITY.—A State shall receive a grant under this subsection in a fiscal year if the State submits to the Secretary a plan that describes the method by which the State will use grant funds in accordance with paragraph (4).

“(4) USE OF FUNDS.—Amounts received by a State under this subsection shall be used by the State—

“(A) to purchase and deploy digital alert technology that—

“(i) is capable of receiving alerts regarding nearby first responders; and

“(ii) in the case of a motor vehicle that is used for emergency response activities, is capable of sending

alerts to civilian drivers to protect first responders on the scene and en route;

“(B) to educate the public regarding the safety of vehicles and individuals stopped at the roadside in the State through public information campaigns for the purpose of reducing roadside deaths and injury;

“(C) for law enforcement costs relating to enforcing State laws to protect the safety of vehicles and individuals stopped at the roadside;

“(D) for programs to identify, collect, and report to State and local government agencies data relating to crashes involving vehicles and individuals stopped at the roadside; and

“(E) to pilot and incentivize measures, including optical visibility measures, to increase the visibility of stopped and disabled vehicles.

“(5) GRANT AMOUNT.—The allocation of grant funds to a State under this subsection for a fiscal year shall be in proportion to the apportionment of that State under section 402 for fiscal year 2022.

“(i) DRIVER AND OFFICER SAFETY EDUCATION.—

“(1) DEFINITION OF PEACE OFFICER.—In this subsection, the term ‘peace officer’ includes any individual—

“(A) who is an elected, appointed, or employed agent of a government entity;

“(B) who has the authority—

“(i) to carry firearms; and

“(ii) to make warrantless arrests; and

“(C) whose duties involve the enforcement of criminal laws of the United States.

“(2) GRANTS.—Subject to the requirements of this subsection, the Secretary shall provide grants to—

“(A) States that enact or adopt a law or program described in paragraph (4); and

“(B) qualifying States under paragraph (7).

“(3) FEDERAL SHARE.—The Federal share of the cost of carrying out an activity funded through a grant under this subsection may not exceed 80 percent.

“(4) DESCRIPTION OF LAW OR PROGRAM.—A law or program referred to in paragraph (2)(A) is a law or program that requires 1 or more of the following:

“(A) DRIVER EDUCATION AND DRIVING SAFETY COURSES.—The inclusion, in driver education and driver safety courses provided to individuals by educational and motor vehicle agencies of the State, of instruction and testing relating to law enforcement practices during traffic stops, including information relating to—

“(i) the role of law enforcement and the duties and responsibilities of peace officers;

“(ii) the legal rights of individuals concerning interactions with peace officers;

“(iii) best practices for civilians and peace officers during those interactions;

“(iv) the consequences for failure of an individual or officer to comply with the law or program; and

“(v) how and where to file a complaint against, or a compliment relating to, a peace officer.

“(B) PEACE OFFICER TRAINING PROGRAMS.—Development and implementation of a training program, including instruction and testing materials, for peace officers and reserve law enforcement officers (other than officers who have received training in a civilian course described in subparagraph (A)) with respect to proper interaction with civilians during traffic stops.

“(5) USE OF FUNDS.—A State may use a grant provided under this subsection for—

“(A) the production of educational materials and training of staff for driver education and driving safety courses and peace officer training described in paragraph (4); and

“(B) the implementation of a law or program described in paragraph (4).

“(6) GRANT AMOUNT.—The allocation of grant funds to a State under this subsection for a fiscal year shall be in proportion to the apportionment of that State under section 402 for fiscal year 2022.

“(7) SPECIAL RULE FOR CERTAIN STATES.—

“(A) DEFINITION OF QUALIFYING STATE.—In this paragraph, the term ‘qualifying State’ means a State that—

“(i) has received a grant under this subsection for a period of not more than 5 years; and

“(ii) as determined by the Secretary—

“(I) has not fully enacted or adopted a law or program described in paragraph (4); but

“(II)(aa) has taken meaningful steps toward the full implementation of such a law or program; and

“(bb) has established a timetable for the implementation of such a law or program.

“(B) WITHHOLDING.—The Secretary shall—

“(i) withhold 50 percent of the amount that each qualifying State would otherwise receive under this subsection if the qualifying State were a State described in paragraph (2)(A); and

“(ii) direct any amounts withheld under clause (i) for distribution among the States that are enforcing and carrying out a law or program described in paragraph (4).”.

(b) TECHNICAL AMENDMENT.—Section 4010(2) of the FAST Act (23 U.S.C. 405 note; Public Law 114–94) is amended by inserting “all” before “deficiencies”.

23 USC 405 note.

(c) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect with respect to any grant application or State highway safety plan submitted under chapter 4 of title 23, United States Code, for fiscal year 2024 or thereafter.

SEC. 24106. MULTIPLE SUBSTANCE-IMPAIRED DRIVING PREVENTION.

(a) IMPAIRED DRIVING COUNTERMEASURES.—Section 154(c)(1) of title 23, United States Code, is amended by striking “alcohol-impaired” each place it appears and inserting “impaired”.

(b) COMPTROLLER GENERAL STUDY OF NATIONAL DUI REPORTING.—

(1) IN GENERAL.—The Comptroller General of the United States shall conduct a study of the reporting of impaired driving

arrest and citation data into Federal databases and the interstate sharing of information relating to impaired driving-related convictions and license suspensions to facilitate the widespread identification of repeat impaired driving offenders.

(2) INCLUSIONS.—The study conducted under paragraph (1) shall include a detailed assessment of—

Assessment.
Data.

(A) the extent to which State and local criminal justice agencies are reporting impaired driving arrest and citation data to Federal databases;

(B) barriers—

(i) at the Federal, State, and local levels, to the reporting of impaired driving arrest and citation data to Federal databases; and

(ii) to the use of those databases by criminal justice agencies;

(C) Federal, State, and local resources available to improve the reporting and sharing of impaired driving data; and

(D) any options or recommendations for actions that Federal agencies or Congress could take to further improve the reporting and sharing of impaired driving data.

Recommendations.

(3) REPORT.—Not later than 1 year after the date of enactment of this Act, the Comptroller General shall submit to the appropriate committees of Congress a report describing the results of the study conducted under this subsection.

SEC. 24107. MINIMUM PENALTIES FOR REPEAT OFFENDERS FOR DRIVING WHILE INTOXICATED OR DRIVING UNDER THE INFLUENCE.

Section 164(b)(1) of title 23, United States Code, is amended—

(1) in subparagraph (A), by striking “alcohol-impaired” and inserting “alcohol- or multiple substance-impaired”; and

(2) in subparagraph (B)—

(A) by striking “intoxicated or driving” and inserting “intoxicated, driving while multiple substance-impaired, or driving”; and

(B) by striking “alcohol-impaired” and inserting “alcohol- or multiple substance-impaired”.

SEC. 24108. CRASH DATA.

23 USC 405 note.

(a) IN GENERAL.—Not later than 3 years after the date of enactment of this Act, the Secretary shall revise the crash data collection system to include the collection of crash report data elements that distinguish individual personal conveyance vehicles, such as electric scooters and bicycles, from other vehicles involved in a crash.

Deadline.

(b) COORDINATION.—In carrying out subsection (a), the Secretary may coordinate with States to update the Model Minimum Uniform Crash Criteria to provide guidance to States regarding the collection of information and data elements for the crash data collection system.

(c) VULNERABLE ROAD USERS.—

(1) UPDATE.—Based on the information contained in the vulnerable road user safety assessments required by subsection (f) of section 32302 of title 49, United States Code (as added by section 24213(b)(2)), the Secretary shall modify existing

crash data collection systems to include the collection of additional crash report data elements relating to vulnerable road user safety.

Coordination.

(2) INJURY HEALTH DATA.—The Secretary shall coordinate with the Director of the Centers for Disease Control and Prevention to develop and implement a plan for States to combine highway crash data and injury health data to produce a national database of pedestrian injuries and fatalities, disaggregated by demographic characteristics.

(d) STATE ELECTRONIC DATA COLLECTION.—

(1) DEFINITIONS.—In this subsection:

(A) ELECTRONIC DATA TRANSFER.—The term “electronic data transfer” means a protocol for automated electronic transfer of State crash data to the National Highway Traffic Safety Administration.

(B) STATE.—The term “State” means—

- (i) each of the 50 States;
- (ii) the District of Columbia;
- (iii) the Commonwealth of Puerto Rico;
- (iv) the United States Virgin Islands;
- (v) Guam;
- (vi) American Samoa;
- (vii) the Commonwealth of the Northern Mariana Islands; and
- (viii) the Secretary of the Interior, acting on behalf of an Indian Tribe.

(2) ESTABLISHMENT OF PROGRAM.—The Secretary shall establish a program under which the Secretary shall—

Grants.

(A) provide grants for the modernization of State data collection systems to enable full electronic data transfer under paragraph (3); and

(B) upgrade the National Highway Traffic Safety Administration system to manage and support State electronic data transfers relating to crashes under paragraph (4).

(3) STATE GRANTS.—

(A) IN GENERAL.—The Secretary shall provide grants to States to upgrade and standardize State crash data systems to enable electronic data collection, intrastate data sharing, and electronic data transfers to the National Highway Traffic Safety Administration to increase the accuracy, timeliness, and accessibility of the data, including data relating to fatalities involving vulnerable road users.

Plan.
Deadline.

(B) ELIGIBILITY.—A State shall be eligible to receive a grant under this paragraph if the State submits to the Secretary an application, at such time, in such manner, and containing such information as the Secretary may require, that includes a plan to implement full electronic data transfer to the National Highway Traffic Safety Administration by not later than 5 years after the date on which the grant is provided.

(C) USE OF FUNDS.—A grant provided under this paragraph may be used for the costs of—

- (i) equipment to upgrade a statewide crash data repository;
- (ii) adoption of electronic crash reporting by law enforcement agencies; and

(iii) increasing alignment of State crash data with the latest Model Minimum Uniform Crash Criteria.

(D) FEDERAL SHARE.—The Federal share of the cost of a project funded with a grant under this paragraph may be up to 80 percent.

(4) NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION SYSTEM UPGRADE.—The Secretary shall manage and support State electronic data transfers relating to vehicle crashes by—

(A) increasing the capacity of the National Highway Traffic Safety Administration system; and

(B) making State crash data accessible to the public.

Public
information.

(e) CRASH INVESTIGATION SAMPLING SYSTEM.—The Secretary may use funds made available to carry out this section to enhance the collection of crash data by upgrading the Crash Investigation Sampling System to include—

(1) additional program sites;

(2) an expanded scope that includes all crash types; and

(3) on-scene investigation protocols.

(f) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary to carry out this section \$150,000,000 for each of fiscal years 2022 through 2026, to remain available for a period of 3 fiscal years following the fiscal year for which the amounts are appropriated.

Time periods.

SEC. 24109. REVIEW OF MOVE OVER OR SLOW DOWN LAW PUBLIC AWARENESS.

(a) DEFINITION OF MOVE OVER OR SLOW DOWN LAW.—In this section, the term “Move Over or Slow Down Law” means any Federal or State law intended to ensure first responder and motorist safety by requiring motorists to change lanes or slow down when approaching an authorized emergency vehicle that is stopped or parked on or next to a roadway with emergency lights activated.

(b) STUDY.—

(1) IN GENERAL.—The Comptroller General of the United States shall carry out a study of the efficacy of Move Over or Slow Down Laws and related public awareness campaigns.

(2) INCLUSIONS.—The study under paragraph (1) shall include—

(A) a review of each Federal and State Move Over or Slow Down Law, including—

Review.

(i) penalties associated with the Move Over or Slow Down Laws;

(ii) the level of enforcement of Move Over or Slow Down Laws; and

(iii) the applicable class of vehicles that triggers Move Over or Slow Down Laws.

(B) an identification and description of each Federal and State public awareness campaign relating to Move Over or Slow Down Laws; and

(C) a description of the role of the Department in supporting State efforts with respect to Move Over or Slow Down Laws, such as conducting research, collecting data, or supporting public awareness or education efforts.

(c) REPORT.—On completion of the study under subsection (b), the Comptroller General shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report that describes—

Recommendations.

- (1) the findings of the study; and
- (2) any recommendations to improve public awareness campaigns, research, or education efforts relating to the issues described in subsection (b)(2).

SEC. 24110. REVIEW OF LAWS, SAFETY MEASURES, AND TECHNOLOGIES RELATING TO SCHOOL BUSES.

Reports.

(a) REVIEW OF ILLEGAL PASSING LAWS.—

(1) IN GENERAL.—Not later than 2 years after the date of enactment of this Act, the Secretary shall prepare a report that—

- (A) identifies and describes all illegal passing laws in each State relating to school buses, including—
 - (i) the level of enforcement of those laws;
 - (ii) the penalties associated with those laws;
 - (iii) any issues relating to the enforcement of those laws; and
 - (iv) the effectiveness of those laws;
- (B) reviews existing State laws that may inhibit the effectiveness of safety countermeasures in school bus loading zones, such as—

- (i) laws that require the face of a driver to be visible in an image captured by a camera if enforcement action is to be taken based on that image;
 - (ii) laws that may reduce stop-arm camera effectiveness;
 - (iii) the need for a law enforcement officer to witness an event for enforcement action to be taken; and
 - (iv) the lack of primary enforcement for texting and driving offenses;

- (C) identifies the methods used by each State to review, document, and report to law enforcement school bus stop-arm violations; and
- (D) identifies best practices relating to the most effective approaches to address the illegal passing of school buses.

Public information.
Web posting.
23 USC 402 note.
Deadline.

(2) PUBLICATION.—The report under paragraph (1) shall be made publicly available on the website of the Department.

(b) PUBLIC SAFETY MESSAGING CAMPAIGN.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary shall establish and implement a public safety messaging campaign that uses public safety media messages, posters, digital media messages, and other media messages distributed to States, State departments of motor vehicles, schools, and other public outlets—

- (A) to highlight the importance of addressing the illegal passing of school buses; and
- (B) to educate students and the public regarding the safe loading and unloading of schools buses.

(2) CONSULTATION.—In carrying out paragraph (1), the Secretary shall consult with—

(A) representatives of the school bus industry from the public and private sectors; and

(B) States.

(3) UPDATES.—The Secretary shall periodically update the materials used in the campaign under paragraph (1).

(c) REVIEW OF TECHNOLOGIES.—

(1) IN GENERAL.—Not later than 2 years after the date of enactment of this Act, the Secretary shall review and evaluate the effectiveness of various technologies for enhancing school bus safety, including technologies such as—

Reports.
Evaluation.

(A) cameras;

(B) audible warning systems; and

(C) enhanced lighting.

(2) INCLUSIONS.—The review under paragraph (1)—

(A) shall include—

Assessments.

(i) an assessment of—

(I) the costs of acquiring and operating new equipment;

(II) the potential impact of that equipment on overall school bus ridership; and

(III) motion-activated detection systems capable of—

(aa) detecting pedestrians, cyclists, and other road users located near the exterior of the school bus; and

(bb) alerting the operator of the school bus of those road users;

(ii) an assessment of the impact of advanced technologies designed to improve loading zone safety; and

(iii) an assessment of the effectiveness of school bus lighting systems at clearly communicating to surrounding drivers the appropriate actions those drivers should take; and

(B) may include an evaluation of any technological solutions that may enhance school bus safety outside the school bus loading zone.

Evaluation.

(3) CONSULTATION.—In carrying out the review under paragraph (1), the Secretary shall consult with—

(A) manufacturers of school buses;

(B) manufacturers of various technologies that may enhance school bus safety; and

(C) representatives of the school bus industry from the public and private sectors.

(4) PUBLICATION.—The Secretary shall make the findings of the review under paragraph (1) publicly available on the website of the Department.

Public
information.
Web posting.

(d) REVIEW OF DRIVER EDUCATION MATERIALS.—

(1) IN GENERAL.—Not later than 2 years after the date of enactment of this Act, the Secretary shall—

Deadline.

(A) review driver manuals, handbooks, and other materials in all States to determine whether and the means by which illegal passing of school buses is addressed in those driver materials, including in—

(i) testing for noncommercial driver's licenses; and

(ii) road tests; and

Recommendations.

(B) make recommendations on methods by which States can improve education regarding the illegal passing of school buses, particularly for new drivers.

(2) CONSULTATION.—In carrying out paragraph (1), the Secretary shall consult with—

(A) representatives of the school bus industry from the public and private sectors;

(B) States;

(C) State motor vehicle administrators or senior State executives responsible for driver licensing; and

(D) other appropriate motor vehicle experts.

Public information.
Web posting.

(3) PUBLICATION.—The Secretary shall make the findings of the review under paragraph (1) publicly available on the website of the Department.

(e) REVIEW OF OTHER SAFETY ISSUES.—

Research and development.
Reports.

(1) IN GENERAL.—Not later than 2 years after the date of enactment of this Act, the Secretary shall research and prepare a report describing any relationship between the illegal passing of school buses and other safety issues, including issues such as—

(A) distracted driving;

(B) poor visibility, such as morning darkness;

(C) illumination and reach of vehicle headlights;

(D) speed limits; and

(E) characteristics associated with school bus stops, including the characteristics of school bus stops in rural areas.

Public information.
Web posting.

(2) PUBLICATION.—The Secretary shall make the report under paragraph (1) publicly available on the website of the Department.

SEC. 24111. MOTORCYCLIST ADVISORY COUNCIL.

(a) IN GENERAL.—Subchapter III of chapter 3 of title 49, United States Code, is amended by adding at the end the following:

49 USC 355.

“§ 355. Motorcyclist Advisory Council

Deadline.

“(a) ESTABLISHMENT.—Not later than 90 days after the date of enactment of this section, the Secretary of Transportation (referred to in this section as the ‘Secretary’) shall establish a council, to be known as the ‘Motorcyclist Advisory Council’ (referred to in this section as the ‘Council’).

“(b) MEMBERSHIP.—

Appointments.

“(1) IN GENERAL.—The Council shall be comprised of 13 members, to be appointed by the Secretary, of whom—

“(A) 5 shall be representatives of units of State or local government with expertise relating to highway engineering and safety issues, including—

“(i) motorcycle and motorcyclist safety;

“(ii) barrier and road design, construction, and maintenance; or

“(iii) intelligent transportation systems;

“(B) 1 shall be a motorcyclist who serves as a State or local—

“(i) traffic and safety engineer;

“(ii) design engineer; or

“(iii) other transportation department official;

“(C) 1 shall be a representative of a national association of State transportation officials;

“(D) 1 shall be a representative of a national motorcyclist association;

“(E) 1 shall be a representative of a national motorcyclist foundation;

“(F) 1 shall be a representative of a national motorcycle manufacturing association;

“(G) 1 shall be a representative of a motorcycle manufacturing company headquartered in the United States;

“(H) 1 shall be a roadway safety data expert with expertise relating to crash testing and analysis; and

“(I) 1 shall be a member of a national safety organization that represents the traffic safety systems industry.

“(2) TERM.—

“(A) IN GENERAL.—Subject to subparagraphs (B) and (C), each member shall serve on the Council for a single term of 2 years.

“(B) ADDITIONAL TERM.—If a successor is not appointed for a member of the Council before the expiration of the term of service of the member, the member may serve on the Council for a second term of not longer than 2 years.

“(C) APPOINTMENT OF REPLACEMENTS.—If a member of the Council resigns before the expiration of the 2-year term of service of the member—

“(i) the Secretary may appoint a replacement for the member, who shall serve the remaining portion of the term; and

“(ii) the resigning member may continue to serve after resignation until the date on which a successor is appointed.

“(3) VACANCIES.—A vacancy on the Council shall be filled in the manner in which the original appointment was made.

“(4) COMPENSATION.—A member of the Council shall serve without compensation.

“(c) DUTIES.—

“(1) ADVISING.—The Council shall advise the Secretary, the Administrator of the National Highway Traffic Safety Administration, and the Administrator of the Federal Highway Administration regarding transportation safety issues of concern to motorcyclists, including—

“(A) motorcycle and motorcyclist safety;

“(B) barrier and road design, construction, and maintenance practices; and

“(C) the architecture and implementation of intelligent transportation system technologies.

“(2) BIENNIAL REPORT.—Not later than October 31 of the calendar year following the calendar year in which the Council is established, and not less frequently than once every 2 years thereafter, the Council shall submit to the Secretary a report containing recommendations of the Council regarding the issues described in paragraph (1).

“(d) DUTIES OF SECRETARY.—

“(1) COUNCIL RECOMMENDATIONS.—

Recommendations.

Determination.

“(A) IN GENERAL.—The Secretary shall determine whether to accept or reject a recommendation contained in a report of the Council under subsection (c)(2).

“(B) INCLUSION IN REVIEW.—

“(i) IN GENERAL.—The Secretary shall indicate in each review under paragraph (2) whether the Secretary accepts or rejects each recommendation of the Council covered by the review.

“(ii) EXCEPTION.—The Secretary may indicate in a review under paragraph (2) that a recommendation of the Council is under consideration, subject to the condition that a recommendation so under consideration shall be accepted or rejected by the Secretary in the subsequent review of the Secretary under paragraph (2).

“(2) REVIEW.—

Deadline.

“(A) IN GENERAL.—Not later than 60 days after the date on which the Secretary receives a report from the Council under subsection (c)(2), the Secretary shall submit a review describing the response of the Secretary to the recommendations of the Council contained in the Council report to—

“(i) the Committee on Commerce, Science, and Transportation of the Senate;

“(ii) the Committee on Environment and Public Works of the Senate;

“(iii) the Subcommittee on Transportation, Housing and Urban Development, and Related Agencies of the Committee on Appropriations of the Senate;

“(iv) the Committee on Transportation and Infrastructure of the House of Representatives; and

“(v) the Subcommittee on Transportation, Housing and Urban Development, and Related Agencies of the Committee on Appropriations of the House of Representatives.

“(B) CONTENTS.—A review of the Secretary under this paragraph shall include a description of—

“(i) each recommendation contained in the Council report covered by the review; and

“(ii)(I) each recommendation of the Council that was categorized under paragraph (1)(B)(ii) as being under consideration by the Secretary in the preceding review submitted under this paragraph; and

“(II) for each such recommendation, whether the recommendation—

“(aa) is accepted or rejected by the Secretary;

or

“(bb) remains under consideration by the Secretary.

“(3) ADMINISTRATIVE AND TECHNICAL SUPPORT.—The Secretary shall provide to the Council such administrative support, staff, and technical assistance as the Secretary determines to be necessary to carry out the duties of the Council under this section.

“(e) TERMINATION.—The Council shall terminate on the date that is 6 years after the date on which the Council is established under subsection (a).”.

(b) **CLERICAL AMENDMENT.**—The analysis for subchapter III of chapter 3 of title 49, United States Code, is amended by inserting after the item relating to section 354 the following: 49 USC prec. 301.

“355. Motorcyclist Advisory Council.”.

(c) **CONFORMING AMENDMENTS.**—

(1) Section 1426 of the FAST Act (23 U.S.C. 101 note; Public Law 114–94) is repealed. Repeal.

(2) The table of contents for the FAST Act (Public Law 114–94; 129 Stat. 1313) is amended by striking the item relating to section 1426.

SEC. 24112. SAFE STREETS AND ROADS FOR ALL GRANT PROGRAM. 23 USC 402 note.

(a) **DEFINITIONS.**—In this section:

(1) **COMPREHENSIVE SAFETY ACTION PLAN.**—The term “comprehensive safety action plan” means a plan aimed at preventing transportation-related fatalities and serious injuries in a locality, commonly referred to as a “Vision Zero” or “Toward Zero Deaths” plan, that may include—

(A) a goal and timeline for eliminating fatalities and serious injuries;

(B) an analysis of the location and severity of vehicle-involved crashes in a locality;

(C) an analysis of community input, gathered through public outreach and education;

(D) a data-driven approach to identify projects or strategies to prevent fatalities and serious injuries in a locality, such as those involving—

(i) education and community outreach;

(ii) effective methods to enforce traffic laws and regulations;

(iii) new vehicle or other transportation-related technologies; and

(iv) roadway planning and design; and

(E) mechanisms for evaluating the outcomes and effectiveness of the comprehensive safety action plan, including the means by which that effectiveness will be reported to residents in a locality.

(2) **ELIGIBLE ENTITY.**—The term “eligible entity” means—

(A) a metropolitan planning organization;

(B) a political subdivision of a State;

(C) a federally recognized Tribal government; and

(D) a multijurisdictional group of entities described in any of subparagraphs (A) through (C).

(3) **ELIGIBLE PROJECT.**—The term “eligible project” means a project—

(A) to develop a comprehensive safety action plan;

(B) to conduct planning, design, and development activities for projects and strategies identified in a comprehensive safety action plan; or

(C) to carry out projects and strategies identified in a comprehensive safety action plan.

(4) **PROGRAM.**—The term “program” means the Safe Streets and Roads for All program established under subsection (b).

(b) **ESTABLISHMENT.**—The Secretary shall establish and carry out a program, to be known as the Safe Streets and Roads for All program, that supports local initiatives to prevent death and

serious injury on roads and streets, commonly referred to as “Vision Zero” or “Toward Zero Deaths” initiatives.

(c) GRANTS.—

(1) IN GENERAL.—In carrying out the program, the Secretary may make grants to eligible entities, on a competitive basis, in accordance with this section.

(2) LIMITATIONS.—

(A) IN GENERAL.—Not more than 15 percent of the funds made available to carry out the program for a fiscal year may be awarded to eligible projects in a single State during that fiscal year.

(B) PLANNING GRANTS.—Of the total amount made available to carry out the program for each fiscal year, not less than 40 percent shall be awarded to eligible projects described in subsection (a)(3)(A).

(d) SELECTION OF ELIGIBLE PROJECTS.—

(1) SOLICITATION.—Not later than 180 days after the date on which amounts are made available to provide grants under the program for a fiscal year, the Secretary shall solicit from eligible entities grant applications for eligible projects in accordance with this section.

(2) APPLICATIONS.—

(A) IN GENERAL.—To be eligible to receive a grant under the program, an eligible entity shall submit to the Secretary an application in such form and containing such information as the Secretary considers to be appropriate.

(B) REQUIREMENT.—An application for a grant under this paragraph shall include mechanisms for evaluating the success of applicable eligible projects and strategies.

(3) CONSIDERATIONS.—In awarding a grant under the program, the Secretary shall take into consideration the extent to which an eligible entity, and each eligible project proposed to be carried out by the eligible entity, as applicable—

(A) is likely to significantly reduce or eliminate transportation-related fatalities and serious injuries involving various road users, including pedestrians, bicyclists, public transportation users, motorists, and commercial operators, within the timeframe proposed by the eligible entity;

(B) demonstrates engagement with a variety of public and private stakeholders;

(C) seeks to adopt innovative technologies or strategies to promote safety;

(D) employs low-cost, high-impact strategies that can improve safety over a wider geographical area;

(E) ensures, or will ensure, equitable investment in the safety needs of underserved communities in preventing transportation-related fatalities and injuries;

(F) includes evidence-based projects or strategies; and

(G) achieves such other conditions as the Secretary considers to be necessary.

(4) TRANSPARENCY.—

(A) IN GENERAL.—The Secretary shall evaluate, through a methodology that is discernible and transparent to the public, the means by, and extent to, which each application under the program addresses any applicable merit criteria established by the Secretary.

Deadline.

Evaluation.

(B) PUBLICATION.—The methodology under subparagraph (A) shall be published by the Secretary as part of the notice of funding opportunity under the program.

(e) FEDERAL SHARE.—The Federal share of the cost of an eligible project carried out using a grant provided under the program shall not exceed 80 percent.

(f) FUNDING.—

(1) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section \$200,000,000 for each of fiscal years 2022 through 2026, to remain available for a period of 3 fiscal years following the fiscal year for which the amounts are appropriated.

Time periods.

(2) ADMINISTRATIVE EXPENSES.—Of the amounts made available to carry out the program for a fiscal year, the Secretary may retain not more than 2 percent for the administrative expenses of the program.

(3) AVAILABILITY TO ELIGIBLE ENTITIES.—Amounts made available under a grant under the program shall remain available for use by the applicable eligible entity until the date that is 5 years after the date on which the grant is provided.

Time period.

(g) DATA SUBMISSION.—

(1) IN GENERAL.—As a condition of receiving a grant under this program, an eligible entity shall submit to the Secretary, on a regular basis as established by the Secretary, data, information, or analyses collected or conducted in accordance with subsection (d)(3).

(2) FORM.—The data, information, and analyses under paragraph (1) shall be submitted in such form such manner as may be prescribed by the Secretary.

(h) REPORTS.—Not later than 120 days after the end of the period of performance for a grant under the program, the eligible entity shall submit to the Secretary a report that describes—

(1) the costs of each eligible project carried out using the grant;

(2) the outcomes and benefits that each such eligible project has generated, as—

(A) identified in the grant application of the eligible entity; and

(B) measured by data, to the maximum extent practicable; and

(3) the lessons learned and any recommendations relating to future projects or strategies to prevent death and serious injury on roads and streets.

(i) BEST PRACTICES.—Based on the information submitted by eligible entities under subsection (g), the Secretary shall—

(1) periodically post on a publicly available website best practices and lessons learned for preventing transportation-related fatalities and serious injuries pursuant to strategies or interventions implemented under the program; and

(2) evaluate and incorporate, as appropriate, the effectiveness of strategies and interventions implemented under the program for the purpose of enriching revisions to the document entitled “Countermeasures That Work: A Highway Safety Countermeasure Guide for State Highway Safety Offices, Ninth Edition” and numbered DOT HS 812 478 (or any successor document).

Deadlines.

SEC. 24113. IMPLEMENTATION OF GAO RECOMMENDATIONS.

47 USC 942 note.

(a) NEXT GENERATION 911.—

(1) **IN GENERAL.**—Not later than 1 year after the date of enactment of this Act, the Secretary shall implement the recommendations of the Comptroller General of the United States contained in the report entitled “Next Generation 911: National 911 Program Could Strengthen Efforts to Assist States”, numbered GAO–18–252, and dated January 1, 2018, by requiring that the Administrator of the National Highway Traffic Safety Administration, in collaboration with the appropriate Federal agencies, shall determine the roles and responsibilities of the Federal agencies participating in the initiative entitled “National NG911 Roadmap initiative” to carry out the national-level tasks with respect which each agency has jurisdiction.

(2) **IMPLEMENTATION PLAN.**—The Administrator of the National Highway Traffic Safety Administration shall develop an implementation plan to support the completion of national-level tasks under the National NG911 Roadmap initiative.

23 USC 402 note.

(b) PEDESTRIAN AND CYCLISTS INFORMATION AND ENHANCED PERFORMANCE MANAGEMENT.—

(1) **IN GENERAL.**—Not later than 2 years after the date of enactment of this Act, the Secretary shall implement the recommendations of the Comptroller General of the United States contained in the report entitled “Pedestrians and Cyclists: Better Information to States and Enhanced Performance Management Could Help DOT Improve Safety”, numbered GAO–21–405, and dated May 20, 2021, by—

(A) carrying out measures to collect information relating to the range of countermeasures implemented by States;

Analysis.

(B) analyzing that information to help advance knowledge regarding the effectiveness of those countermeasures; and

(C) sharing with States any results.

(2) **PERFORMANCE MANAGEMENT PRACTICES.**—The Administrator of the National Highway Traffic Safety Administration shall use performance management practices to guide pedestrian and cyclist safety activities by—

(A) developing performance measures for the Administration and program offices responsible for implementing pedestrian and cyclist safety activities to demonstrate the means by which those activities contribute to safety goals; and

(B) using performance information to make any necessary changes to advance pedestrian and cyclist safety efforts.

Subtitle B—Vehicle Safety

Time period.

SEC. 24201. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Secretary to carry out chapter 301, and part C of subtitle VI, of title 49, United States Code—

(1) \$200,294,333 for fiscal year 2022;

(2) \$204,300,219 for fiscal year 2023;

- (3) \$208,386,224 for fiscal year 2024;
- (4) \$212,553,948 for fiscal year 2025; and
- (5) \$216,805,027 for fiscal year 2026.

SEC. 24202. RECALL COMPLETION.

(a) **REPORTS ON RECALL CAMPAIGNS.**—Section 30118 of title 49, United States Code, is amended by adding at the end the following:

“(f) **REPORTS ON NOTIFICATION CAMPAIGNS.**—

“(1) **IN GENERAL.**—Each manufacturer that is conducting a campaign under subsection (b) or (c) or any other provision of law (including regulations) to notify manufacturers, distributors, owners, purchasers, or dealers of a defect or noncompliance shall submit to the Administrator of the National Highway Traffic Safety Administration—

“(A) by the applicable date described in section 573.7(d) of title 49, Code of Federal Regulations (or a successor regulation), a quarterly report describing the campaign for each of 8 consecutive quarters, beginning with the quarter in which the campaign was initiated; and

“(B) an annual report for each of the 3 years beginning after the date of completion of the last quarter for which a quarterly report is submitted under subparagraph (A).

Time periods.

“(2) **REQUIREMENTS.**—Except as otherwise provided in this subsection, each report under this subsection shall comply with the requirements of section 573.7 of title 49, Code of Federal Regulations (or a successor regulation).”.

Compliance.

(b) **RECALL COMPLETION RATES.**—Section 30120 of title 49, United States Code, is amended by adding at the end the following:

“(k) **RECALL COMPLETION RATES.**—

“(1) **IN GENERAL.**—The Administrator of the National Highway Traffic Safety Administration shall publish an annual list of recall completion rates for each recall campaign for which 8 quarterly reports have been submitted under subsection (f) of section 30118 as of the date of publication of the list.

Publication.
List.

“(2) **REQUIREMENTS.**—The annual list under paragraph (1) shall include—

“(A) for each applicable campaign—

“(i) the total number of vehicles subject to recall; and

“(ii) the percentage of vehicles that have been remedied; and

“(B) for each manufacturer submitting an applicable quarterly report under section 30118(f)—

“(i) the total number of recalls issued by the manufacturer during the year covered by the list;

“(ii) the estimated number of vehicles of the manufacturer subject to recall during the year covered by the list; and

“(iii) the percentage of vehicles that have been remedied.”.

SEC. 24203. RECALL ENGAGEMENT.

(a) **RECALL REPAIR.**—Not later than 2 years after the date of enactment of this Act, the Comptroller General of the United States shall—

Deadline.

- (1) conduct a study to determine—

Study.
Determination.

	(A) the reasons why vehicle owners do not have repairs performed for vehicles subject to open recalls; and
	(B) whether engagement by third parties, including State and local governments, insurance companies, or other entities, could increase the rate at which vehicle owners have repairs performed for vehicles subject to open recalls; and
Reports. Recommendations.	(2) submit to Congress a report describing the results of the study under paragraph (1), including any recommendations for increasing the rate of repair for vehicles subject to open recalls.
Deadline.	(b) RIDESHARING.—Not later than 18 months after the date of enactment of this Act, the Comptroller General shall—
Study. Determination.	(1) conduct a study to determine the number of passenger motor vehicles in each State that—
	(A) are used by transportation network companies for for-hire purposes, such as ridesharing; and
	(B) have 1 or more open recalls; and
Reports.	(2) submit to Congress a report describing the results of the study under paragraph (1).
	(c) NHTSA STUDY AND REPORT.—Not later than 3 years after the date of enactment of this Act, the Administrator of the National Highway Traffic Safety Administration shall—
	(1) conduct a study to determine the ways in which vehicle recall notices could—
	(A) more effectively reach vehicle owners;
	(B) be made easier for all consumers to understand; and
	(C) incentivize vehicle owners to complete the repairs described in the recall notices; and
Recommendations.	(2) submit to Congress a report describing the results of the study under paragraph (1), including any recommendations for—
	(A) increasing the rate of repair for vehicles subject to open recalls; or
	(B) any regulatory or statutory legislative changes that would facilitate an increased rate of repair.
Regulations. 49 USC 30111 note. Deadlines.	SEC. 24204. MOTOR VEHICLE SEAT BACK SAFETY STANDARDS.
	(a) IN GENERAL.—Not later than 2 years after the date of enactment of this Act, subject to subsection (b), the Secretary shall issue an advanced notice of proposed rulemaking to update section 571.207 of title 49, Code of Federal Regulations.
Determination.	(b) COMPLIANCE DATE.—If the Secretary determines that a final rule is appropriate consistent with the considerations described in section 30111(b) of title 49, United States Code, in issuing a final rule pursuant to subsection (a), the Secretary shall establish a date for required compliance with the final rule of not later than 2 motor vehicle model years after the model year during which the effective date of the final rule occurs.
49 USC 30111 note.	SEC. 24205. AUTOMATIC SHUTOFF.
	(a) DEFINITIONS.—In this section:
	(1) KEY.—The term “key” has the meaning given the term in section 571.114 of title 49, Code of Federal Regulations (or a successor regulation).

(2) MANUFACTURER.—The term “manufacturer” has the meaning given the term in section 30102(a) of title 49, United States Code.

(3) MOTOR VEHICLE.—

(A) IN GENERAL.—The term “motor vehicle” has the meaning given the term in section 30102(a) of title 49, United States Code.

(B) EXCLUSIONS.—The term “motor vehicle” does not include—

(i) a motorcycle or trailer (as those terms are defined in section 571.3 of title 49, Code of Federal Regulations (or a successor regulation));

(ii) any motor vehicle with a gross vehicle weight rating of more than 10,000 pounds;

(iii) a battery electric vehicle; or

(iv) a motor vehicle that requires extended periods with the engine in idle to operate in service mode or to operate equipment, such as an emergency vehicle (including a police vehicle, an ambulance, or a tow vehicle) and a commercial-use vehicle (including a refrigeration vehicle).

(b) AUTOMATIC SHUTOFF SYSTEMS FOR MOTOR VEHICLES.—

(1) FINAL RULE.—

(A) IN GENERAL.—Not later than 2 years after the date of enactment of this Act, the Secretary shall issue a final rule amending section 571.114 of title 49, Code of Federal Regulations, to require manufacturers to install in each motor vehicle that is equipped with a keyless ignition device and an internal combustion engine a device or system to automatically shutoff the motor vehicle after the motor vehicle has idled for the period described in subparagraph (B).

Deadline.

(B) DESCRIPTION OF PERIOD.—

(i) IN GENERAL.—The period referred to in subparagraph (A) is the period designated by the Secretary as necessary to prevent, to the maximum extent practicable, carbon monoxide poisoning.

(ii) DIFFERENT PERIODS.—The Secretary may designate different periods under clause (i) for different types of motor vehicles, depending on the rate at which the motor vehicle emits carbon monoxide, if—

(I) the Secretary determines a different period is necessary for a type of motor vehicle for purposes of section 30111 of title 49, United States Code; and

Determination.

(II) requiring a different period for a type of motor vehicle is consistent with the prevention of carbon monoxide poisoning.

(2) DEADLINE.—Unless the Secretary finds good cause to phase-in or delay implementation, the rule issued pursuant to paragraph (1) shall take effect on September 1 of the first calendar year beginning after the date on which the Secretary issues the rule.

Effective date.

(c) PREVENTING MOTOR VEHICLES FROM ROLLING AWAY.—

(1) REQUIREMENT.—The Secretary shall conduct a study of the regulations contained in part 571 of title 49, Code of Federal Regulations, to evaluate the potential consequences

Study.
Evaluation.

and benefits of the installation by manufacturers of technology to prevent movement of motor vehicles equipped with keyless ignition devices and automatic transmissions when—

(A) the transmission of the motor vehicle is not in the park setting;

(B) the motor vehicle does not exceed the speed determined by the Secretary under paragraph (2);

(C) the seat belt of the operator of the motor vehicle is unbuckled;

(D) the service brake of the motor vehicle is not engaged; and

(E) the door for the operator of the motor vehicle is open.

Recommendations.

(2) REVIEW AND REPORT.—The Secretary shall—

(A) provide a recommended maximum speed at which a motor vehicle may be safely locked in place under the conditions described in subparagraphs (A), (C), (D), and (E) of paragraph (1) to prevent vehicle rollaways; and

(B) not later than 1 year after the date of completion of the study under paragraph (1), submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report—

(i) describing the findings of the study; and

(ii) providing additional recommendations, if any.

SEC. 24206. PETITIONS BY INTERESTED PERSONS FOR STANDARDS AND ENFORCEMENT.

Section 30162 of title 49, United States Code, is amended—

(1) in subsection (b), by striking “The petition” and inserting “A petition under this section”;

(2) in subsection (c), by striking “the petition” and inserting “a petition under this section”; and

(3) in subsection (d)—

(A) in the third sentence, by striking “If a petition” and inserting the following:

“(3) DENIAL.—If a petition under this section”;

(B) in the second sentence, by striking “If a petition is granted” and inserting the following:

“(2) APPROVAL.—If a petition under this section is approved”; and

(C) in the first sentence, by striking “The Secretary shall grant or deny a petition” and inserting the following:

Determination.

“(1) IN GENERAL.—The Secretary shall determine whether to approve or deny a petition under this section by”.

SEC. 24207. CHILD SAFETY SEAT ACCESSIBILITY STUDY.

Coordination.

(a) IN GENERAL.—The Secretary, in coordination with other relevant Federal departments and agencies, including the Secretary of Agriculture, the Secretary of Education, and the Secretary of Health and Human Services, shall conduct a study to review the status of motor vehicle child safety seat accessibility for low-income families and underserved populations.

(b) ADDRESSING NEEDS.—In conducting the study under subsection (a), the Secretary shall—

Examination.

(1) examine the impact of Federal funding provided under section 405 of title 23, United States Code; and

(2) develop a plan for addressing any needs identified in the study, including by working with social service providers.

Plan.

SEC. 24208. CRASH AVOIDANCE TECHNOLOGY.

(a) IN GENERAL.—Subchapter II of chapter 301 of title 49, United States Code, is amended by adding at the end the following:

“§ 30129. Crash avoidance technology

49 USC 30129.

“(a) IN GENERAL.—The Secretary of Transportation shall promulgate a rule—

Regulations.

“(1) to establish minimum performance standards with respect to crash avoidance technology; and

“(2) to require that all passenger motor vehicles manufactured for sale in the United States on or after the compliance date described in subsection (b) shall be equipped with—

Requirement.

“(A) a forward collision warning and automatic emergency braking system that—

“(i) alerts the driver if—

“(I) the distance to a vehicle ahead or an object in the path of travel ahead is closing too quickly; and

“(II) a collision is imminent; and

“(ii) automatically applies the brakes if the driver fails to do so; and

“(B) a lane departure warning and lane-keeping assist system that—

“(i) warns the driver to maintain the lane of travel; and

“(ii) corrects the course of travel if the driver fails to do so.

“(b) COMPLIANCE DATE.—The Secretary of Transportation shall determine the appropriate effective date, and any phasing-in of requirements, of the final rule promulgated pursuant to subsection (a).”.

Determination.

(b) CLERICAL AMENDMENT.—The analysis for subchapter II of chapter 301 of title 49, United States Code, is amended by adding at the end the following:

49 USC
prec. 30101.

“30129. Crash avoidance technology.”.

SEC. 24209. REDUCTION OF DRIVER DISTRACTION.

49 USC 30111

(a) IN GENERAL.—Not later than 3 years after the date of enactment of this Act, the Secretary shall conduct research regarding the installation and use on motor vehicles of driver monitoring systems to minimize or eliminate—

note.
Deadline.
Research and
development.

(1) driver distraction;

(2) driver disengagement;

(3) automation complacency by drivers; and

(4) foreseeable misuse of advanced driver-assist systems.

(b) REPORT.—Not later than 180 days after the date of completion of the research under subsection (a), the Secretary shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Energy and Commerce of the House of Representatives a detailed report describing the findings of the research.

(c) RULEMAKING.—

Determinations.

(1) IN GENERAL.—If, based on the research completed under subsection (a), the Secretary determines that—

Deadline.

(A) 1 or more rulemakings are necessary to ensure safety, in accordance with the section 30111 of title 49, United States Code, the Secretary shall initiate the rulemakings by not later than 2 years after the date of submission of the report under subsection (b); and

(B) an additional rulemaking is not necessary, or an additional rulemaking cannot meet the applicable requirements and considerations described in subsections (a) and (b) of section 30111 of title 49, United States Code, the Secretary shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Energy and Commerce of the House of Representatives a report describing the reasons for not prescribing additional Federal motor vehicle safety standards regarding the research conducted under subsection (a).

(2) **PRIVACY.**—A rule issued pursuant to paragraph (1) shall incorporate appropriate privacy and data security safeguards, as determined by the Secretary.

49 USC 308 note. **SEC. 24210. RULEMAKING REPORT.**

(a) **DEFINITION OF COVERED RULEMAKING.**—In this section, the term “covered rulemaking” means a regulation or rulemaking that—

(1) has not been finalized by the date on which the relevant notification is submitted under subsection (b); and

(2) relates to—

(A) section 30120A of title 49, United States Code;

(B) section 30166(o) of title 49, United States Code;

(C) section 30172 of title 49, United States Code;

(D) section 32302(c) of title 49, United States Code;

(E) a defect reporting requirement under section 32302(d) of title 49, United States Code;

(F) subsections (b) and (c) of section 32304A of title 49, United States Code;

(G) the tire pressure monitoring standards required under section 24115 of the FAST Act (49 U.S.C. 30123 note; Public Law 114–94);

(H) the amendment made by section 24402 of the FAST Act (129 Stat. 1720; Public Law 114–94) to section 30120(g)(1) of title 49, United States Code;

(I) the records retention rule required under section 24403 of the FAST Act (49 U.S.C. 30117 note; Public Law 114–94);

(J) the amendments made by section 24405 of the FAST Act (Public Law 114–94; 129 Stat. 1721) to section 30114 of title 49, United States Code;

(K) a defect and noncompliance notification required under—

(i) section 24104 of the FAST Act (49 U.S.C. 30119 note; Public Law 114–94); or

(ii) section 31301 of MAP–21 (49 U.S.C. 30166 note; Public Law 112–141);

(L) a side impact or frontal impact test procedure for child restraint systems under section 31501 of MAP–21 (49 U.S.C. 30127 note; Public Law 112–141);

(M) an upgrade to child restraint anchorage system usability requirements required under section 31502 of MAP–21 (49 U.S.C. 30127 note; Public Law 112–141);

(N) the rear seat belt reminder system required under section 31503 of MAP–21 (49 U.S.C. 30127 note; Public Law 112–141);

(O) a motorcoach rulemaking required under section 32703 of MAP–21 (49 U.S.C. 31136 note; Public Law 112–141); or

(P) any rulemaking required under this Act.

(b) NOTIFICATION.—Not later than 180 days after the date of enactment of this Act, and not less frequently than biannually thereafter until the applicable covered rulemaking is complete, the Secretary shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Energy and Commerce of the House of Representatives a written notification that includes, with respect to each covered rulemaking—

(1) for a covered rulemaking with a statutory deadline for completion—

(A) an explanation of why the deadline was not met; and

(B) an expected date of completion of the covered rulemaking; and

(2) for a covered rulemaking without a statutory deadline for completion, an expected date of completion of the covered rulemaking.

(c) ADDITIONAL CONTENTS.—A notification under subsection (b) shall include, for each applicable covered rulemaking—

(1) an updated timeline;

(2) a list of factors causing delays in the completion of the covered rulemaking; and

(3) any other details associated with the status of the covered rulemaking.

SEC. 24211. GLOBAL HARMONIZATION.

49 USC 30101
note.

The Secretary shall cooperate, to the maximum extent practicable, with foreign governments, nongovernmental stakeholder groups, the motor vehicle industry, and consumer groups with respect to global harmonization of vehicle regulations as a means for improving motor vehicle safety.

SEC. 24212. HEADLAMPS.

49 USC 30111
note.

(a) DEFINITIONS.—In this section:

(1) ADAPTIVE DRIVING BEAM HEADLAMP.—The term “adaptive driving beam headlamp” means a headlamp (as defined in Standard 108) that meets the performance requirements specified in SAE International Standard J3069, published on June 30, 2016.

(2) STANDARD 108.—The term “Standard 108” means Federal Motor Vehicle Safety Standard Number 108, contained in section 571.108 of title 49, Code of Federal Regulations (as in effect on the date of enactment of this Act).

(b) RULEMAKING.—Not later than 2 years after the date of enactment of this Act, the Secretary shall issue a final rule amending Standard 108—

(1) to include performance-based standards for vehicle headlamp systems—

(A) to ensure that headlights are correctly aimed on the road; and

(B) requiring those systems to be tested on-vehicle to account for headlight height and lighting performance; and

(2) to allow for the use on vehicles of adaptive driving beam headlamp systems.

(c) PERIODIC REVIEW.—Nothing in this section precludes the Secretary from—

(1) reviewing Standard 108, as amended pursuant to subsection (b); and

(2) revising Standard 108 to reflect an updated version of SAE International Standard J3069, as the Secretary determines to be—

(A) appropriate; and

(B) in accordance with section 30111 of title 49, United States Code.

SEC. 24213. NEW CAR ASSESSMENT PROGRAM.

Deadline.
49 USC 32302
note.

(a) UPDATES.—Not later than 1 year after the date of enactment of this Act, the Secretary shall finalize the proceeding for which comments were requested in the notice entitled “New Car Assessment Program” (80 Fed. Reg. 78522 (December 16, 2015)) to update the passenger motor vehicle information required under section 32302(a) of title 49, United States Code.

(b) INFORMATION PROGRAM.—Section 32302 of title 49, United States Code, is amended—

(1) in subsection (a), in the matter preceding paragraph (1), by inserting “(referred to in this section as the ‘Secretary’)” after “of Transportation”; and

(2) by adding at the end the following:

“(e) ADVANCED CRASH-AVOIDANCE TECHNOLOGIES.—

Deadline.
Publication.
Public comment.

“(1) NOTICE.—Not later than 1 year after the date of enactment of this subsection, the Secretary shall publish a notice, for purposes of public review and comment, to establish, distinct from crashworthiness information, a means for providing to consumers information relating to advanced crash-avoidance technologies, in accordance with subsection (a).

Determinations.

“(2) INCLUSIONS.—The notice under paragraph (1) shall include—

“(A) an appropriate methodology for—

“(i) determining which advanced crash-avoidance technologies shall be included in the information;

“(ii) developing performance test criteria for use by manufacturers in evaluating advanced crash-avoidance technologies;

“(iii) determining a distinct rating involving each advanced crash-avoidance technology to be included; and

Updates.

“(iv) updating overall vehicle ratings to incorporate advanced crash-avoidance technology ratings; and

Analyses.

“(B) such other information and analyses as the Secretary determines to be necessary to implement the rating of advanced crash-avoidance technologies.

“(3) REPORT.—Not later than 18 months after the date of enactment of this subsection, the Secretary shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Energy and Commerce of the House of Representatives a report that describes a plan

for implementing an advanced crash-avoidance technology information and rating system, in accordance with subsection (a).

“(f) VULNERABLE ROAD USER SAFETY.—

“(1) NOTICE.—Not later than 1 year after the date of enactment of this subsection, the Secretary shall publish a notice, for purposes of public review and comment, to establish a means for providing to consumers information relating to pedestrian, bicyclist, or other vulnerable road user safety technologies, in accordance with subsection (a).

Deadline.
Publication.
Public comment.

“(2) INCLUSIONS.—The notice under paragraph (1) shall include—

Determinations.

“(A) an appropriate methodology for—

“(i) determining which technologies shall be included in the information;

“(ii) developing performance test criteria for use by manufacturers in evaluating the extent to which automated pedestrian safety systems in light vehicles attempt to prevent and mitigate, to the best extent possible, pedestrian injury;

“(iii) determining a distinct rating involving each technology to be included; and

“(iv) updating overall vehicle ratings to incorporate vulnerable road user safety technology ratings; and

Updates.

“(B) such other information and analyses as the Secretary determines to be necessary to implement the rating of vulnerable road user safety technologies.

Analyses.

“(3) REPORT.—Not later than 18 months after the date of enactment of this subsection, the Secretary shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Energy and Commerce of the House of Representatives a report that describes a plan for implementing an information and rating system for vulnerable road user safety technologies, in accordance with subsection (a).”.

(c) ROADMAP.—

(1) IN GENERAL.—Chapter 323 of title 49, United States Code, is amended by adding at the end the following:

“§ 32310. New Car Assessment Program roadmap

49 USC 32310.

“(a) ESTABLISHMENT.—Not later than 1 year after the date of enactment of this section, and not less frequently than once every 4 years thereafter, the Secretary of Transportation (referred to in this section as the ‘Secretary’) shall establish a roadmap for the implementation of the New Car Assessment Program of the National Highway Traffic Safety Administration.

Deadlines.

“(b) REQUIREMENTS.—A roadmap under subsection (a) shall—

“(1) cover a term of 10 years, consisting of—

Time periods.

“(A) a mid-term component covering the initial 5 years of the term; and

“(B) a long-term component covering the final 5 years of the term; and

“(2) be in accordance with—

“(A) section 306 of title 5;

“(B) section 1115 of title 31;

“(C) section 24401 of the FAST Act (49 U.S.C. 105 note; Public Law 114–94); and

- “(D) any other relevant plans of the National Highway Traffic Safety Administration.
- Plan. “(c) CONTENTS.—A roadmap under subsection (a) shall include—
- “(1) a plan for any changes to the New Car Assessment Program of the National Highway Traffic Safety Administration, including—
- “(A) descriptions of actions to be carried out to update the passenger motor vehicle information developed under section 32302(a), including the development of test procedures, test devices, test fixtures, and safety performance metrics, which shall, as applicable, incorporate—
- “(i) objective criteria for evaluating safety technologies; and
- “(ii) reasonable time periods for compliance with new or updated tests;
- “(B) key milestones, including the anticipated start of an action, completion of an action, and effective date of an update; and
- “(C) descriptions of the means by which an update will improve the passenger motor vehicle information developed under section 32302(a);
- “(2) an identification and prioritization of safety opportunities and technologies—
- “(A) with respect to the mid-term component of the roadmap under subsection (b)(1)(A)—
- “(i) that are practicable; and
- “(ii) for which objective rating tests, evaluation criteria, and other consumer data exist for a market-based, consumer information approach; and
- “(B) with respect to the long-term component of the roadmap under subsection (b)(1)(B), exist or are in development;
- “(3) an identification of—
- “(A) any safety opportunity or technology that—
- “(i) is identified through the activities carried out pursuant to subsection (d) or (e); and
- “(ii) is not included in the roadmap under paragraph (2);
- “(B) the reasons why such a safety opportunity or technology is not included in the roadmap; and
- “(C) any developments or information that would be necessary for the Secretary to consider including such a safety opportunity or technology in a future roadmap; and
- “(4) consideration of the benefits of consistency with other rating systems used—
- “(A) within the United States; and
- “(B) internationally.
- Public comments. “(d) CONSIDERATIONS.—Before finalizing a roadmap under this section, the Secretary shall—
- Review. “(1) make the roadmap available for public comment;
- “(2) review any public comments received under paragraph (1); and
- “(3) incorporate in the roadmap under this section those comments, as the Secretary determines to be appropriate.
- “(e) STAKEHOLDER ENGAGEMENT.—Not less frequently than annually, the Secretary shall engage stakeholders that represent a diversity of technical backgrounds and viewpoints—

“(1) to identify—

“(A) safety opportunities or technologies in development that could be included in future roadmaps; and

“(B) opportunities to benefit from collaboration or harmonization with third-party safety rating programs;

“(2) to assist with long-term planning;

“(3) to provide an interim update of the status and development of the following roadmap to be established under subsection (a); and

“(4) to collect feedback or other information that the Secretary determines to be relevant to enhancing the New Car Assessment Program of the National Highway Traffic Safety Administration.”.

(2) CLERICAL AMENDMENT.—The analysis for chapter 323 of title 49, United States Code, is amended by adding at the end the following:

49 USC
prec. 32301.

“32310. New Car Assessment Program roadmap.”.

SEC. 24214. HOOD AND BUMPER STANDARDS.

(a) NOTICE.—Not later than 2 years after the date of enactment of this Act, the Secretary shall issue a notice, for purposes of public review and comment, regarding potential updates to hood and bumper standards for motor vehicles (as defined in section 30102(a) of title 49, United States Code).

49 USC 32502
note.
Deadline.
Public comment.

(b) INCLUSIONS.—The notice under subsection (a) shall include information relating to—

(1) the incorporation or consideration of advanced crash-avoidance technology in existing motor vehicle standards;

(2) the incorporation or consideration of standards or technologies to reduce the number of injuries and fatalities suffered by pedestrians, bicyclists, or other vulnerable road users;

(3) the development of performance test criteria for use by manufacturers in evaluating advanced crash-avoidance technology, including technology relating to vulnerable road user safety;

(4) potential harmonization with global standards, including United Nations Economic Commission for Europe Regulation Number 42; and

(5) such other information and analyses as the Secretary determines to be necessary.

(c) REPORT.—Not later than 2 years after the date of enactment of this Act, the Secretary shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Energy and Commerce of the House of Representatives a report that describes—

(1) the current status of hood and bumper standards;

(2) relevant advanced crash-avoidance technology;

(3) actions needed to be carried out to develop performance test criteria; and

(4) if applicable, a plan for incorporating advanced crash-avoidance technology, including technology relating to vulnerable road user safety, in existing standards.

SEC. 24215. EMERGENCY MEDICAL SERVICES AND 9–1–1.

Section 158(a) of the National Telecommunications and Information Administration Organization Act (47 U.S.C. 942(a)) is amended by striking paragraph (4).

SEC. 24216. EARLY WARNING REPORTING.

(a) **IN GENERAL.**—Section 30166(m)(3) of title 49, United States Code, is amended by adding at the end the following:

“(D) **SETTLEMENTS.**—Notwithstanding any order entered in a civil action restricting the disclosure of information, a manufacturer of a motor vehicle or motor vehicle equipment shall comply with the requirements of this subsection and any regulations promulgated pursuant to this subsection.”

(b) **STUDY AND REPORT.**—Not later than 18 months after the date of enactment of this Act, the Administrator of the National Highway Traffic Safety Administration shall—

(1) conduct a study—

Evaluation.

(A) to evaluate the early warning reporting data submitted under section 30166(m) of title 49, United States Code (including regulations); and

(B) to identify improvements, if any, that would enhance the use by the National Highway Traffic Administration of early warning reporting data to enhance safety; and

Recommendations.

(2) submit to the Committee on the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Energy and Commerce of the House of Representatives a report describing the results of the study under paragraph (1), including any recommendations for regulatory or legislative action.

49 USC 32302
note.
Deadline.
Consultation.
Public
information.

SEC. 24217. IMPROVED VEHICLE SAFETY DATABASES.

Not later than 3 years after the date of enactment of this Act, after consultation with frequent users of publicly available databases, the Secretary shall improve public accessibility to information relating to the publicly accessible vehicle safety databases of the National Highway Traffic Safety Administration by revising the publicly accessible vehicle safety databases—

(1) to improve organization and functionality, including design features such as drop-down menus;

(2) to allow data from applicable publicly accessible vehicle safety databases to be searched, sorted, aggregated, and downloaded in a manner that—

(A) is consistent with the public interest; and

(B) facilitates easy use by consumers;

(3) to provide greater consistency in presentation of vehicle safety issues;

(4) to improve searchability regarding specific vehicles and issues, which may include the standardization of commonly used search terms; and

(5) to ensure nonconfidential documents and materials relating to information created or obtained by the National Highway Traffic Safety Administration are made publicly available in a manner that is—

(A) timely; and

(B) searchable in databases by any element that the Secretary determines to be in the public interest.

SEC. 24218. NATIONAL DRIVER REGISTER ADVISORY COMMITTEE REPEAL.

(a) IN GENERAL.—Section 30306 of title 49, United States Code, is repealed.

(b) CLERICAL AMENDMENT.—The analysis for chapter 303 of title 49, United States Code, is amended by striking the item relating to section 30306.

49 USC
prec. 30301.

SEC. 24219. RESEARCH ON CONNECTED VEHICLE TECHNOLOGY.

The Administrator of the National Highway Traffic Safety Administration, in collaboration with the head of the Intelligent Transportation Systems Joint Program Office and the Administrator of the Federal Highway Administration, shall—

Deadlines.
23 USC 503 note.

(1) not later than 180 days after the date of enactment of this Act, expand vehicle-to-pedestrian research efforts focused on incorporating bicyclists and other vulnerable road users into the safe deployment of connected vehicle systems; and

(2) not later than 2 years after the date of enactment of this Act, submit to Congress and make publicly available a report describing the findings of the research efforts described in paragraph (1), including an analysis of the extent to which applications supporting vulnerable road users can be accommodated within existing spectrum allocations for connected vehicle systems.

Public
information.
Analysis.

SEC. 24220. ADVANCED IMPAIRED DRIVING TECHNOLOGY.

49 USC 30111
note.

(a) FINDINGS.—Congress finds that—

(1) alcohol-impaired driving fatalities represent approximately $\frac{1}{3}$ of all highway fatalities in the United States each year;

(2) in 2019, there were 10,142 alcohol-impaired driving fatalities in the United States involving drivers with a blood alcohol concentration level of .08 or higher, and 68 percent of the crashes that resulted in those fatalities involved a driver with a blood alcohol concentration level of .15 or higher;

(3) the estimated economic cost for alcohol-impaired driving in 2010 was \$44,000,000,000;

(4) according to the Insurance Institute for Highway Safety, advanced drunk and impaired driving prevention technology can prevent more than 9,400 alcohol-impaired driving fatalities annually; and

(5) to ensure the prevention of alcohol-impaired driving fatalities, advanced drunk and impaired driving prevention technology must be standard equipment in all new passenger motor vehicles.

(b) DEFINITIONS.—In this section:

(1) ADVANCED DRUNK AND IMPAIRED DRIVING PREVENTION TECHNOLOGY.—The term “advanced drunk and impaired driving prevention technology” means a system that—

(A) can—

(i) passively monitor the performance of a driver of a motor vehicle to accurately identify whether that driver may be impaired; and

(ii) prevent or limit motor vehicle operation if an impairment is detected;

(B) can—

(i) passively and accurately detect whether the blood alcohol concentration of a driver of a motor vehicle is equal to or greater than the blood alcohol concentration described in section 163(a) of title 23, United States Code; and

(ii) prevent or limit motor vehicle operation if a blood alcohol concentration above the legal limit is detected; or

(C) is a combination of systems described in subparagraphs (A) and (B).

(2) NEW.—The term “new”, with respect to a passenger motor vehicle, means that the passenger motor vehicle—

(A) is a new vehicle (as defined in section 37.3 of title 49, Code of Federal Regulations (or a successor regulation)); and

(B) has not been purchased for purposes other than resale.

(3) PASSENGER MOTOR VEHICLE.—The term “passenger motor vehicle” has the meaning given the term in section 32101 of title 49, United States Code.

(4) SECRETARY.—The term “Secretary” means the Secretary of Transportation, acting through the Administrator of the National Highway Traffic Safety Administration.

Deadline. (c) ADVANCED DRUNK AND IMPAIRED DRIVING PREVENTION TECHNOLOGY SAFETY STANDARD.—Subject to subsection (e) and not later than 3 years after the date of enactment of this Act, the Secretary shall issue a final rule prescribing a Federal motor vehicle safety standard under section 30111 of title 49, United States Code, that requires passenger motor vehicles manufactured after the effective date of that standard to be equipped with advanced drunk and impaired driving prevention technology.

Compliance. (d) REQUIREMENT.—To allow sufficient time for manufacturer Time period. compliance, the compliance date of the rule issued under subsection (c) shall be not earlier than 2 years and not more than 3 years after the date on which that rule is issued.

Determinations. (e) TIMING.—If the Secretary determines that the Federal motor vehicle safety standard required under subsection (c) cannot meet the requirements and considerations described in subsections (a) and (b) of section 30111 of title 49, United States Code, by the applicable date, the Secretary—

Extension. (1) may extend the time period to such date as the Sec- Deadline. retary determines to be necessary, but not later than the date that is 3 years after the date described in subsection (c);

Reports. (2) shall, not later than the date described in subsection (c) and not less frequently than annually thereafter until the date on which the rule under that subsection is issued, submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Energy and Commerce of the House of Representatives a report describing, as of the date of submission of the report—

(A) the reasons for not prescribing a Federal motor vehicle safety standard under section 30111 of title 49, United States Code, that requires advanced drunk and impaired driving prevention technology in all new passenger motor vehicles;

(B) the deployment of advanced drunk and impaired driving prevention technology in vehicles;

(C) any information relating to the ability of vehicle manufacturers to include advanced drunk and impaired driving prevention technology in new passenger motor vehicles; and

(D) an anticipated timeline for prescribing the Federal motor vehicle safety standard described in subsection (c); and

(3) if the Federal motor vehicle safety standard required by subsection (c) has not been finalized by the date that is 10 years after the date of enactment of this Act, shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Energy and Commerce of the House of Representative a report describing—

(A) the reasons why the Federal motor vehicle safety standard has not been finalized;

(B) the barriers to finalizing the Federal motor vehicle safety standard; and

(C) recommendations to Congress to facilitate the Federal motor vehicle safety standard.

Timeline.

Deadline.
Reports.

Recommendations.

SEC. 24221. GAO REPORT ON CRASH DUMMIES.

(a) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Comptroller General of the United States shall conduct a study and submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Energy and Commerce of the House of Representatives a report that—

(1) examines—

(A) the processes used by the National Highway Traffic Safety Administration (referred to in this section as the “Administration”) for studying and deploying crash test dummies;

(B)(i) the types of crash test dummies used by the Administration as of the date of enactment of this Act;

(ii) the seating positions in which those crash test dummies are tested; and

(iii) whether the seating position affects disparities in motor vehicle safety outcomes based on demographic characteristics, including sex, and, if so, how the seating position affects those disparities;

(C) the biofidelic crash test dummies that are available in the global and domestic marketplace that reflect the physical and demographic characteristics of the driving public in the United States, including—

(i) females;

(ii) the elderly;

(iii) young adults;

(iv) children; and

(v) individuals of differing body weights;

(D) how the Administration determines whether to study and deploy new biofidelic crash test dummies, including the biofidelic crash test dummies examined under subparagraph (C), and the timelines by which the Administration conducts the work of making those determinations and studying and deploying new biofidelic crash test dummies;

Examination.

- (E) challenges the Administration faces in studying and deploying new crash test dummies; and
- (F) how the practices of the Administration with respect to crash test dummies compare to other programs that test vehicles and report results to the public, including the European New Car Assessment Programme;
- Evaluation. (2) evaluates potential improvements to the processes described in paragraph (1) that could reduce disparities in motor vehicle safety outcomes based on demographic characteristics, including sex;
- Analyses. (3) analyzes the potential use of computer simulation techniques, as a supplement to physical crash tests, to conduct virtual simulations of vehicle crash tests in order to evaluate predicted motor vehicle safety outcomes based on the different physical and demographic characteristics of motor vehicle occupants; and
- Assessments. Recommendations. (4) includes, as applicable, any assessments or recommendations relating to crash test dummies that are relevant to reducing disparities in motor vehicle safety outcomes based on demographic characteristics, including sex.
- (b) INTERIM REPORT FROM THE ADMINISTRATION.—Not later than 90 days after the date of enactment of this Act, the Administrator of the Administration shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Energy and Commerce of the House of Representatives a report that—
- (1) identifies—
- (A) the types of crash test dummies used by the Administration as of the date of enactment of this Act with respect to—
- (i) the New Car Assessment Program of the Administration; and
- (ii) testing relating to Federal Motor Vehicle Safety Standards;
- (B) how each type of crash test dummy identified under subparagraph (A) is tested with respect to seating position; and
- (C) any crash test dummies that the Administration is actively evaluating for future use—
- (i) in the New Car Assessment Program of the Administration; or
- (ii) for testing relating to Federal Motor Vehicle Safety Standards;
- (2) explains—
- (A) the plans of the Administration, including the expected timelines, for putting any crash test dummies identified under paragraph (1)(C) to use as described in that paragraph;
- (B) any challenges to putting those crash test dummies to use; and
- (C) the potential use of computer simulation techniques, as a supplement to physical crash tests, to conduct virtual simulations of vehicle crash tests in order to evaluate predicted motor vehicle safety outcomes based on the different physical and demographic characteristics of motor vehicle occupants; and

(3) provides policy recommendations for reducing disparities in motor vehicle safety testing and outcomes based on demographic characteristics, including sex. Recommendations.

SEC. 24222. CHILD SAFETY.

(a) AMENDMENT.—

(1) IN GENERAL.—Chapter 323 of title 49, United States Code, is amended by adding after section 32304A the following:

“§ 32304B. Child safety

49 USC 32304B.

“(a) DEFINITIONS.—In this section:

“(1) PASSENGER MOTOR VEHICLE.—The term ‘passenger motor vehicle’ has the meaning given that term in section 32101.

“(2) REAR-DESIGNATED SEATING POSITION.—The term ‘rear-designated seating position’ means designated seating positions that are rearward of the front seat.

“(3) SECRETARY.—The term ‘Secretary’ means the Secretary of Transportation.

“(b) RULEMAKING.—Not later than 2 years after the date of enactment of this section, the Secretary shall issue a final rule requiring all new passenger motor vehicles weighing less than 10,000 pounds gross vehicle weight to be equipped with a system to alert the operator to check rear-designated seating positions after the vehicle engine or motor is deactivated by the operator. Deadline.

“(c) MEANS.—The alert required under subsection (b)—

“(1) shall include a distinct auditory and visual alert, which may be combined with a haptic alert; and

“(2) shall be activated when the vehicle motor is deactivated by the operator.

“(d) PHASE-IN.—The rule issued pursuant to subsection (b) shall require full compliance with the rule beginning on September 1st of the first calendar year that begins 2 years after the date on which the final rule is issued.”. Effective date.

(2) CLERICAL AMENDMENT.—The analysis for chapter 323 of title 49, United States Code, is amended by inserting after the item relating to section 32304A the following:

49 USC
prec. 32301.

“32304B. Child safety.”.

(b) AWARENESS OF CHILDREN IN MOTOR VEHICLES.—Section 402 of title 23, United States Code (as amended by section 24102(a)(9)), is amended by adding at the end the following:

“(o) UNATTENDED PASSENGERS.—

“(1) IN GENERAL.—Each State shall use a portion of the amounts received by the State under this section to carry out a program to educate the public regarding the risks of leaving a child or unattended passenger in a vehicle after the vehicle motor is deactivated by the operator.

“(2) PROGRAM PLACEMENT.—Nothing in this subsection requires a State to carry out a program described in paragraph (1) through the State transportation or highway safety office.”.

(c) STUDY AND REPORT.—

(1) STUDY.—

(A) IN GENERAL.—The Secretary shall conduct a study on—

(i) the potential retrofitting of existing passenger motor vehicles with 1 or more technologies that may address the problem of children left in rear-designated

seating positions of motor vehicles after deactivation of the motor vehicles by an operator; and

(ii) the potential benefits and burdens, logistical or economic, associated with widespread use of those technologies.

(B) ELEMENTS.—In carrying out the study under subparagraph (A), the Secretary shall—

Survey.
Evaluation.

(i) survey and evaluate a variety of methods used by current and emerging aftermarket technologies or products to reduce the risk of children being left in rear-designated seating positions after deactivation of a motor vehicle; and

Recommendations.

(ii) provide recommendations—

(I) for manufacturers of the technologies and products described in clause (i) to carry out a functional safety performance evaluation to ensure that the technologies and products perform as designed by the manufacturer under a variety of real-world conditions; and

(II) for consumers on methods to select an appropriate technology or product described in clause (i) in order to retrofit existing vehicles.

(2) REPORT BY SECRETARY.—Not later than 180 days after the date on which the Secretary issues the final rule required by section 32304B(b) of title 49, United States Code (as added by subsection (a)(1)), the Secretary shall submit a report describing the results of the study carried out under paragraph (1) to—

(A) the Committee on Commerce, Science, and Transportation of the Senate; and

(B) the Committee on Energy and Commerce of the House of Representatives.

TITLE V—RESEARCH AND INNOVATION

SEC. 25001. INTELLIGENT TRANSPORTATION SYSTEMS PROGRAM ADVISORY COMMITTEE.

Section 515(h) of title 23, United States Code, is amended—

(1) in paragraph (1), by inserting “(referred to in this subsection as the ‘Advisory Committee’)” after “an Advisory Committee”;

(2) in paragraph (2)—

(A) in the matter preceding subparagraph (A), by striking “20 members” and inserting “25 members”;

(B) in subparagraph (O) (as redesignated by section 13008(a)(2))—

(i) by striking “utilities,”; and

(ii) by striking the period at the end and inserting a semicolon;

(C) by redesignating subparagraphs (F), (G), (H), (I), (J), (K), (L), (M), (N), and (O) (as added or redesignated by section 13008(a)) as subparagraphs (H), (J), (K), (L), (M), (N), (O), (S), (T), and (U), respectively;

(D) by inserting after subparagraph (E) (as redesignated by section 13008(a)(2)) the following:

“(F) a representative of a national transit association;

“(G) a representative of a national, State, or local transportation agency or association;”;

(E) by inserting after subparagraph (H) (as redesignated by subparagraph (C)) the following:

“(I) a private sector developer of intelligent transportation system technologies, which may include emerging vehicle technologies;”;

(F) by inserting after subparagraph (O) (as so redesignated) the following:

“(P) a representative of a labor organization;

“(Q) a representative of a mobility-providing entity;

“(R) an expert in traffic management;”;

(G) by adding at the end the following:

“(V) an expert in cybersecurity; and

“(W) an automobile manufacturer.”;

(3) in paragraph (3)—

(A) in subparagraph (A), by striking “section 508” and inserting “section 6503 of title 49”; and

(B) in subparagraph (B)—

(i) in the matter preceding clause (i), by inserting “programs and” before “research”; and

(ii) in clause (iii), by striking “research and” and inserting “programs, research, and”;

(4) by redesignating paragraphs (3) through (5) as paragraphs (5) through (7); and

(5) by inserting after paragraph (2) the following:

“(3) **TERM.**—

“(A) **IN GENERAL.**—The term of a member of the Advisory Committee shall be 3 years.

“(B) **RENEWAL.**—On expiration of the term of a member of the Advisory Committee, the member—

“(i) may be reappointed; or

“(ii) if the member is not reappointed under clause

(i), may serve until a new member is appointed.

“(4) **MEETINGS.**—The Advisory Committee—

“(A) shall convene not less frequently than twice each year; and

“(B) may convene with the use of remote video conference technology.”.

SEC. 25002. SMART COMMUNITY RESOURCE CENTER.

23 USC 502 note.

(a) **DEFINITIONS.**—In this section:

(1) **RESOURCE CENTER.**—The term “resource center” means the Smart Community Resource Center established under subsection (b).

(2) **SMART COMMUNITY.**—The term “smart community” means a community that uses innovative technologies, data, analytics, and other means to improve the community and address local challenges.

(b) **ESTABLISHMENT.**—The Secretary shall work with the modal administrations of the Department and with such other Federal agencies and departments as the Secretary determines to be appropriate to make available to the public on an Internet website a resource center, to be known as the “Smart Community Resource Center”, that includes a compilation of resources or links to resources for States and local communities to use in developing and implementing—

Public
information.
Web posting.

- (1) intelligent transportation system programs; or
- (2) smart community transportation programs.
- (c) INCLUSIONS.—The resource center shall include links to—
 - (1) existing programs and resources for intelligent transportation system or smart community transportation programs, including technical assistance, education, training, funding, and examples of intelligent transportation systems or smart community transportation programs implemented by States and local communities, available from—
 - (A) the Department;
 - (B) other Federal agencies; and
 - (C) non-Federal sources;
 - (2) existing reports or databases with the results of intelligent transportation system or smart community transportation programs;
 - (3) any best practices developed or lessons learned from intelligent transportation system or smart community transportation programs; and
 - (4) such other resources as the Secretary determines to be appropriate.
- (d) DEADLINE.—The Secretary shall establish the resource center by the date that is 1 year after the date of enactment of this Act.
- (e) UPDATES.—The Secretary shall ensure that the resource center is updated on a regular basis.

49 USC 6302
note.
Determination.

SEC. 25003. FEDERAL SUPPORT FOR LOCAL DECISIONMAKING.

(a) LOCAL OUTREACH.—To determine the data analysis tools needed to assist local communities in making infrastructure decisions, the Director of the Bureau of Transportation Statistics shall perform outreach to planning and infrastructure decision-making officials in units of local government and other units of government, including a geographically diverse group of individuals from—

- (1) States;
- (2) political subdivisions of States;
- (3) cities;
- (4) metropolitan planning organizations;
- (5) regional transportation planning organizations; and
- (6) federally recognized Indian Tribes.

Reviews
Updates.
Deadline.

(b) WORK PLAN.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, based on the outreach performed under subsection (a), the Director of the Bureau of Transportation Statistics shall submit to the Secretary a work plan for reviewing and updating existing data analysis tools and developing any additional data analysis tools needed to assist local communities with making infrastructure investment decisions.

(2) CONTENTS.—Based on the needs identified pursuant to the outreach performed under subsection (a), the work plan submitted under paragraph (1) shall include—

- (A) a description of the data analysis tools identified that would benefit infrastructure decision-making by local governments and address the goals described in subsection (c);

(B) a review of the datasets that local governments need to effectively use the data analysis tools described in subparagraph (A);

(C) an identification of existing or proposed data analysis tools that use publicly available data;

(D) the estimated cost of obtaining each dataset described in subparagraph (B); Cost estimate.

(E) the estimated cost to develop the data analysis tools described in subparagraph (A); Cost estimate.

(F) a prioritization for the development of data analysis tools described in subparagraph (A); and

(G) a determination as to whether it would be appropriate for the Federal Government to develop the data analysis tools described in subparagraph (A). Determination.

(c) GOALS.—

(1) IN GENERAL.—A data analysis tool created pursuant to the work plan submitted under subsection (b)(1) shall be developed to help inform local communities in making infrastructure investments.

(2) SPECIFIC ISSUES.—A data analysis tool created pursuant to the work plan submitted under subsection (b)(1) shall be intended to help units of local government and other units of government address 1 or more of the following:

(A) Improving maintenance of existing assets.

(B) Rebuilding infrastructure to a state of good repair.

(C) Creating economic development through infrastructure development.

(D) Establishing freight plans and infrastructure that connects the community to supply chains.

(E) Increasing options for communities that lack access to affordable transportation to improve access to jobs, affordable housing, schools, medical services, foods and other essential community services.

(F) Reducing congestion.

(G) Improving community resilience to extreme weather events.

(H) Any other subject, as the Director determines to be necessary.

(d) IMPLEMENTATION.—Subject to the availability of appropriations, the Secretary shall develop data analysis tools and purchase datasets as prioritized in the work plan.

(e) COORDINATION.—The Director of the Bureau of Transportation Statistics may utilize existing working groups or advisory committees to perform the local outreach required under subsection (a).

SEC. 25004. BUREAU OF TRANSPORTATION STATISTICS.

(a) FUNDING.—In addition to amounts made available from the Highway Trust Fund, there is authorized to be appropriated to the Secretary for use by the Bureau of Transportation Statistics for data collection and analysis activities \$10,000,000 for each of fiscal years 2022 through 2026. Time period.

(b) AMENDMENT.—Section 6302(b)(3)(B)(vi) of title 49, United States Code, is amended—

(1) by striking subclause (V);

(2) by redesignating subclauses (VI) through (XI) as subclauses (VII) through (XII), respectively; and

(3) by adding after subclause (IV) the following:

“(V) employment in the transportation sector;
 “(VI) the effects of the transportation system,
 including advanced technologies and automation,
 on global and domestic economic competitiveness;”.

23 USC 502 note. **SEC. 25005. STRENGTHENING MOBILITY AND REVOLUTIONIZING TRANSPORTATION GRANT PROGRAM.**

(a) **DEFINITIONS.**—In this section:

(1) **ELIGIBLE ENTITY.**—The term “eligible entity” means—

- (A) a State;
- (B) a political subdivision of a State;
- (C) a Tribal government;
- (D) a public transit agency or authority;
- (E) a public toll authority;
- (F) a metropolitan planning organization; and
- (G) a group of 2 or more eligible entities described in any of subparagraphs (A) through (F) applying through a single lead applicant.

(2) **ELIGIBLE PROJECT.**—The term “eligible project” means a project described in subsection (e).

(3) **LARGE COMMUNITY.**—The term “large community” means a community with a population of not less than 400,000 individuals, as determined under the most recent annual estimate of the Bureau of the Census.

(4) **MIDSIZED COMMUNITY.**—The term “midsized community” means any community that is not a large community or a rural community.

(5) **REGIONAL PARTNERSHIP.**—The term “regional partnership” means a partnership composed of 2 or more eligible entities located in jurisdictions with a combined population that is equal to or greater than the population of any midsized community.

(6) **RURAL COMMUNITY.**—The term “rural community” means a community that is located in an area that is outside of an urbanized area (as defined in section 5302 of title 49, United States Code).

(7) **SMART GRANT.**—The term “SMART grant” means a grant provided to an eligible entity under the Strengthening Mobility and Revolutionizing Transportation Grant Program established under subsection (b).

(b) **ESTABLISHMENT OF PROGRAM.**—The Secretary shall establish a program, to be known as the “Strengthening Mobility and Revolutionizing Transportation Grant Program”, under which the Secretary shall provide grants to eligible entities to conduct demonstration projects focused on advanced smart city or community technologies and systems in a variety of communities to improve transportation efficiency and safety.

Determination.

(c) **DISTRIBUTION.**—In determining the projects for which to provide a SMART grant, the Secretary shall consider contributions to geographical diversity among grant recipients, including the need for balancing the needs of rural communities, midsized communities, and large communities, consistent with the requirements of subparagraphs (A) through (C) of subsection (g)(1).

(d) **APPLICATIONS.**—

(1) **IN GENERAL.**—An eligible entity may submit to the Secretary an application for a SMART grant at such time,

in such manner, and containing such information as the Secretary may require.

(2) TRANSPARENCY.—The Secretary shall include, in any notice of funding availability relating to SMART grants, a full description of the method by which applications under paragraph (1) will be evaluated.

(3) SELECTION CRITERIA.—

(A) IN GENERAL.—The Secretary shall evaluate applications for SMART grants based on—

Evaluation.

(i) the extent to which the eligible entity or applicable beneficiary community—

(I) has a public transportation system or other transit options capable of integration with other systems to improve mobility and efficiency;

(II) has a population density and transportation needs conducive to demonstrating proposed strategies;

(III) has continuity of committed leadership and the functional capacity to carry out the proposed project;

(IV) is committed to open data sharing with the public; and

(V) is likely to successfully implement the proposed eligible project, including through technical and financial commitments from the public and private sectors; and

(ii) the extent to which a proposed eligible project will use advanced data, technology, and applications to provide significant benefits to a local area, a State, a region, or the United States, including the extent to which the proposed eligible project will—

(I) reduce congestion and delays for commerce and the traveling public;

(II) improve the safety and integration of transportation facilities and systems for pedestrians, bicyclists, and the broader traveling public;

(III) improve access to jobs, education, and essential services, including health care;

(IV) connect or expand access for underserved or disadvantaged populations and reduce transportation costs;

(V) contribute to medium- and long-term economic competitiveness;

(VI) improve the reliability of existing transportation facilities and systems;

(VII) promote connectivity between and among connected vehicles, roadway infrastructure, pedestrians, bicyclists, the public, and transportation systems

(VIII) incentivize private sector investments or partnerships, including by working with mobile and fixed telecommunication service providers, to the extent practicable;

(IX) improve energy efficiency or reduce pollution;

(X) increase the resiliency of the transportation system; and

(XI) improve emergency response.

(B) PRIORITY.—In providing SMART grants, the Secretary shall give priority to applications for eligible projects that would—

(i) demonstrate smart city or community technologies in repeatable ways that can rapidly be scaled;

(ii) encourage public and private sharing of data and best practices;

(iii) encourage private-sector innovation by promoting industry-driven technology standards, open platforms, technology-neutral requirements, and interoperability;

(iv) promote a skilled workforce that is inclusive of minority or disadvantaged groups;

(v) allow for the measurement and validation of the cost savings and performance improvements associated with the installation and use of smart city or community technologies and practices;

(vi) encourage the adoption of smart city or community technologies by communities;

(vii) promote industry practices regarding cybersecurity; and

(viii) safeguard individual privacy.

(4) TECHNICAL ASSISTANCE.—On request of an eligible entity that submitted an application under paragraph (1) with respect to a project that is not selected for a SMART grant, the Secretary shall provide to the eligible entity technical assistance and briefings relating to the project.

(e) USE OF GRANT FUNDS.—

(1) ELIGIBLE PROJECTS.—

(A) IN GENERAL.—A SMART grant may be used to carry out a project that demonstrates at least 1 of the following:

(i) COORDINATED AUTOMATION.—The use of automated transportation and autonomous vehicles, while working to minimize the impact on the accessibility of any other user group or mode of travel.

(ii) CONNECTED VEHICLES.—Vehicles that send and receive information regarding vehicle movements in the network and use vehicle-to-vehicle and vehicle-to-everything communications to provide advanced and reliable connectivity.

(iii) INTELLIGENT, SENSOR-BASED INFRASTRUCTURE.—The deployment and use of a collective intelligent infrastructure that allows sensors to collect and report real-time data to inform everyday transportation-related operations and performance.

(iv) SYSTEMS INTEGRATION.—The integration of intelligent transportation systems with other existing systems and other advanced transportation technologies.

(v) COMMERCE DELIVERY AND LOGISTICS.—Innovative data and technological solutions supporting efficient goods movement, such as connected vehicle probe data, road weather data, or global positioning data to improve on-time pickup and delivery, improved travel time reliability, reduced fuel consumption and

emissions, and reduced labor and vehicle maintenance costs.

(vi) **LEVERAGING USE OF INNOVATIVE AVIATION TECHNOLOGY.**—Leveraging the use of innovative aviation technologies, such as unmanned aircraft systems, to support transportation safety and efficiencies, including traffic monitoring and infrastructure inspection.

(vii) **SMART GRID.**—Development of a programmable and efficient energy transmission and distribution system to support the adoption or expansion of energy capture, electric vehicle deployment, or freight or commercial fleet fuel efficiency.

(viii) **SMART TECHNOLOGY TRAFFIC SIGNALS.**—Improving the active management and functioning of traffic signals, including through—

(I) the use of automated traffic signal performance measures;

(II) implementing strategies, activities, and projects that support active management of traffic signal operations, including through optimization of corridor timing, improved vehicle, pedestrian, and bicycle detection at traffic signals, or the use of connected vehicle technologies;

(III) replacing outdated traffic signals; or

(IV) for an eligible entity serving a population of less than 500,000, paying the costs of temporary staffing hours dedicated to updating traffic signal technology.

(2) **ELIGIBLE PROJECT COSTS.**—A SMART grant may be used for—

(A) development phase activities, including—

(i) planning;

(ii) feasibility analyses;

(iii) revenue forecasting;

(iv) environmental review;

(v) permitting;

(vi) preliminary engineering and design work;

(vii) systems development or information technology work; and

(viii) acquisition of real property (including land and improvements to land relating to an eligible project); and

(B) construction phase activities, including—

(i) construction;

(ii) reconstruction;

(iii) rehabilitation;

(iv) replacement;

(v) environmental mitigation;

(vi) construction contingencies; and

(vii) acquisition of equipment, including vehicles.

(3) **PROHIBITED USES.**—A SMART grant shall not be used—
(A) to reimburse any preaward costs or application preparation costs of the SMART grant application;

(B) for any traffic or parking enforcement activity;
or

(C) to purchase or lease a license plate reader.

(f) REPORTS.—

(1) ELIGIBLE ENTITIES.—Not later than 2 years after the date on which an eligible entity receives a SMART grant, and annually thereafter until the date on which the SMART grant is expended, the eligible entity shall submit to the Secretary an implementation report that describes—

(A) the deployment and operational costs of each eligible project carried out by the eligible entity, as compared to the benefits and savings from the eligible project; and

(B) the means by which each eligible project carried out by the eligible entity has met the original expectation, as projected in the SMART grant application, including—

Data.

(i) data describing the means by which the eligible project met the specific goals for the project, such as—

(I) reducing traffic-related fatalities and injuries;

(II) reducing traffic congestion or improving travel-time reliability;

(III) providing the public with access to real-time integrated traffic, transit, and multimodal transportation information to make informed travel decisions; or

(IV) reducing barriers or improving access to jobs, education, or various essential services;

(ii) the effectiveness of providing to the public real-time integrated traffic, transit, and multimodal transportation information to make informed travel decisions; and

(iii) lessons learned and recommendations for future deployment strategies to optimize transportation efficiency and multimodal system performance.

(2) GAO.—Not later than 4 years after the date of enactment of this Act, the Comptroller General of the United States shall conduct, and submit to the Committee on Commerce, Science, and Transportation of the Senate, the Committee on Energy and Commerce of the House of Representatives, and the Committee on Transportation and Infrastructure of the House of Representatives a report describing the results of, a review of the SMART grant program under this section.

(3) SECRETARY.—

(A) REPORT TO CONGRESS.—Not later than 2 years after the date on which the initial SMART grants are provided under this section, the Secretary shall submit to the Committee on Commerce, Science, and Transportation of the Senate, the Committee on Energy and Commerce of the House of Representatives, and the Committee on Transportation and Infrastructure of the House of Representatives a report that—

(i) describes each eligible entity that received a SMART grant;

(ii) identifies the amount of each SMART grant provided;

(iii) summarizes the intended uses of each SMART grant;

(iv) describes the effectiveness of eligible entities in meeting the goals described in the SMART grant

application of the eligible entity, including an assessment or measurement of the realized improvements or benefits resulting from each SMART grant; and

(v) describes lessons learned and recommendations for future deployment strategies to optimize transportation efficiency and multimodal system performance. (B) BEST PRACTICES.—The Secretary shall—

(i) develop and regularly update best practices based on, among other information, the data, lessons learned, and feedback from eligible entities that received SMART grants;

(ii) publish the best practices under clause (i) on a publicly available website; and

(iii) update the best practices published on the website under clause (ii) regularly.

Public
information.
Web posting.
Updates.

(g) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There is authorized to be appropriated to the Secretary \$100,000,000 for each of the first 5 fiscal years beginning after the date of enactment of this Act, of which—

Time period.

(A) not more than 40 percent shall be used to provide SMART grants for eligible projects that primarily benefit large communities;

(B) not more than 30 percent shall be provided for eligible projects that primarily benefit mid-sized communities; and

(C) not more than 30 percent shall be used to provide SMART grants for eligible projects that primarily benefit rural communities or regional partnerships.

(2) ADMINISTRATIVE COSTS.—Of the amounts made available under paragraph (1) for each fiscal year, not more than 2 percent shall be used for administrative costs of the Secretary in carrying out this section.

(3) LIMITATION.—An eligible entity may not use more than 3 percent of the amount of a SMART grant for each fiscal year to achieve compliance with applicable planning and reporting requirements.

(4) AVAILABILITY.—The amounts made available for a fiscal year pursuant to this subsection shall be available for obligation during the 2-fiscal-year period beginning on the first day of the fiscal year for which the amounts were appropriated.

Time period.

SEC. 25006. ELECTRIC VEHICLE WORKING GROUP.

23 USC 151 note.

(a) DEFINITIONS.—In this section:

(1) SECRETARIES.—The term “Secretaries” means—

(A) the Secretary; and

(B) the Secretary of Energy.

(2) WORKING GROUP.—The term “working group” means the electric vehicle working group established under subsection (b)(1).

(b) ESTABLISHMENT.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretaries shall jointly establish an electric vehicle working group to make recommendations regarding the development, adoption, and integration of light-, medium-, and heavy-duty electric vehicles into the transportation and energy systems of the United States.

Deadline.
Recommendations.

(2) MEMBERSHIP.—

(A) IN GENERAL.—The working group shall be composed of—

(i) the Secretaries (or designees), who shall be cochair of the working group; and

Appointments.

(ii) not more than 25 members, to be appointed by the Secretaries, of whom—

(I) not more than 6 shall be Federal stakeholders as described in subparagraph (B); and

(II) not more than 19 shall be non-Federal stakeholders as described in subparagraph (C).

(B) FEDERAL STAKEHOLDERS.—The working group—

(i) shall include not fewer than 1 representative of each of—

(I) the Department;

(II) the Department of Energy;

(III) the Environmental Protection Agency;

(IV) the Council on Environmental Quality;

and

(V) the General Services Administration; and

(ii) may include a representative of any other Federal agency the Secretaries consider to be appropriate.

(C) NON-FEDERAL STAKEHOLDERS.—

(i) IN GENERAL.—Subject to clause (ii), the working group—

(I) shall include not fewer than 1 representative of each of—

(aa) a manufacturer of light-duty electric vehicles or the relevant components of light-duty electric vehicles;

(bb) a manufacturer of medium- and heavy-duty vehicles or the relevant components of medium- and heavy-duty electric vehicles;

(cc) a manufacturer of electric vehicle batteries;

(dd) an owner, operator, or manufacturer of electric vehicle charging equipment;

(ee) the public utility industry;

(ff) a public utility regulator or association of public utility regulators;

(gg) the transportation fueling distribution industry;

(hh) the energy provider industry;

(ii) the automotive dealing industry;

(jj) the for-hire passenger transportation industry;

(kk) an organization representing units of local government;

(ll) an organization representing regional transportation or planning agencies;

(mm) an organization representing State departments of transportation;

(nn) an organization representing State departments of energy or State energy planners;

(oo) the intelligent transportation systems and technologies industry;
(pp) labor organizations representing workers in transportation manufacturing, construction, or operations;
(qq) the trucking industry;
(rr) Tribal governments; and
(ss) the property development industry;

and

(II) may include a representative of any other non-Federal stakeholder that the Secretaries consider to be appropriate.

(ii) REQUIREMENT.—The stakeholders selected under clause (i) shall, in the aggregate—

(I) consist of individuals with a balance of backgrounds, experiences, and viewpoints; and

(II) include individuals that represent geographically diverse regions of the United States, including individuals representing the perspectives of rural, urban, and suburban areas.

(D) COMPENSATION.—A member of the working group shall serve without compensation.

(3) MEETINGS.—

(A) IN GENERAL.—The working group shall meet not less frequently than once every 120 days. Time period.

(B) REMOTE PARTICIPATION.—A member of the working group may participate in a meeting of the working group via teleconference or similar means.

(4) COORDINATION.—In carrying out the duties of the working group, the working group shall coordinate and consult with any existing Federal interagency working groups on fleet conversion or other similar matters relating to electric vehicles.

(c) REPORTS AND STRATEGY ON ELECTRIC VEHICLE ADOPTION.—

(1) WORKING GROUP REPORTS.—The working group shall complete by each of the deadlines described in paragraph (2) a report describing the status of electric vehicle adoption including—

(A) a description of the barriers and opportunities to scaling up electric vehicle adoption throughout the United States, including recommendations for issues relating to—

(i) consumer behavior;

(ii) charging infrastructure needs, including standardization and cybersecurity;

(iii) manufacturing and battery costs, including the raw material shortages for batteries and electric motor magnets;

(iv) the adoption of electric vehicles for low- and moderate-income individuals and underserved communities, including charging infrastructure access and vehicle purchase financing;

(v) business models for charging personal electric vehicles outside the home, including wired and wireless charging;

(vi) charging infrastructure permitting and regulatory issues;

(vii) the connections between housing and transportation costs and emissions;

(viii) freight transportation, including local, port and drayage, regional, and long-haul trucking;

(ix) intercity passenger travel;

(x) the process by which governments collect a user fee for the contribution of electric vehicles to funding roadway improvements;

(xi) State- and local-level policies, incentives, and zoning efforts;

(xii) the installation of highway corridor signage;

(xiii) secondary markets and recycling for batteries;

(xiv) grid capacity and integration;

(xv) energy storage; and

(xvi) specific regional or local issues that may not appear to apply throughout the United States, but may hamper nationwide adoption or coordination of electric vehicles;

(B) examples of successful public and private models and demonstration projects that encourage electric vehicle adoption;

Analysis.

(C) an analysis of current efforts to overcome the barriers described in subparagraph (A);

Analysis.
Cost estimates.

(D) an analysis of the estimated costs and benefits of any recommendations of the working group; and

(E) any other topics, as determined by the working group.

(2) DEADLINES.—A report under paragraph (1) shall be submitted to the Secretaries, the Committees on Commerce, Science, and Transportation and Appropriations of the Senate and the Committees on Transportation and Infrastructure and Appropriations of the House of Representatives—

(A) in the case of the first report, by not later than 18 months after the date on which the working group is established under subsection (b)(1);

(B) in the case of the second report, by not later than 2 years after the date on which the first report is required to be submitted under subparagraph (A); and

(C) in the case of the third report, by not later than 2 years after the date on which the second report is required to be submitted under subparagraph (B).

(3) STRATEGY.—

Update.

(A) IN GENERAL.—Based on the reports submitted by the working group under paragraph (1), the Secretaries shall jointly develop, maintain, and update a strategy that describes the means by which the Federal Government, States, units of local government, and industry can—

(i) establish quantitative targets for transportation electrification;

(ii) overcome the barriers described in paragraph (1)(A);

(iii) identify areas of opportunity in research and development to improve battery manufacturing, mineral mining, recycling costs, material recovery, fire risks, and battery performance for electric vehicles;

(iv) enhance Federal interagency coordination to promote electric vehicle adoption;

(v) prepare the workforce for the adoption of electric vehicles, including through collaboration with labor unions, educational institutions, and relevant manufacturers;

(vi) expand electric vehicle and charging infrastructure;

(vii) expand knowledge of the benefits of electric vehicles among the general public;

(viii) maintain the global competitiveness of the United States in the electric vehicle and charging infrastructure markets;

(ix) provide clarity in regulations to improve national uniformity with respect to electric vehicles; and

(x) ensure the sustainable integration of electric vehicles into the national electric grid.

(B) NOTICE AND COMMENT.—In carrying out subparagraph (A), the Secretaries shall provide public notice and opportunity for comment on the strategy described in that subparagraph.

(4) INFORMATION.—

(A) IN GENERAL.—The Secretaries may enter into an agreement with the Transportation Research Board of the National Academies of Sciences, Engineering, and Medicine to provide, track, or report data, information, or research to assist the working group in carrying out paragraph (1).

Contracts.

(B) USE OF EXISTING INFORMATION.—In developing a report under paragraph (1) or a strategy under paragraph (3), the Secretaries and the working group shall take into consideration existing Federal, State, local, private sector, and academic data and information relating to electric vehicles and, to the maximum extent practicable, coordinate with the entities that publish that information—

(i) to prevent duplication of efforts by the Federal Government; and

(ii) to leverage existing information and complementary efforts.

(d) COORDINATION.—To the maximum extent practicable, the Secretaries and the working group shall carry out this section using all available existing resources, websites, and databases of Federal agencies, such as—

(1) the Alternative Fuels Data Center;

(2) the Energy Efficient Mobility Systems program; and

(3) the Clean Cities Coalition Network.

(e) TERMINATION.—The working group shall terminate on submission of the third report required under subsection (c)(2)(C).

SEC. 25007. RISK AND SYSTEM RESILIENCE.

49 USC 301 note.

(a) IN GENERAL.—The Secretary, in consultation with appropriate Federal, State, and local agencies, shall develop a process for quantifying annual risk in order to increase system resilience with respect to the surface transportation system of the United States by measuring—

Consultation.

(1) resilience to threat probabilities by type of hazard and geographical location;

(2) resilience to asset vulnerabilities with respect to each applicable threat; and

(3) anticipated consequences from each applicable threat to each asset.

(b) USE BY STATE, REGIONAL, TRIBAL, AND LOCAL ENTITIES.—

(1) IN GENERAL.—The Secretary shall provide the process developed under subsection (a) to State departments of transportation, metropolitan planning organizations, Indian Tribes, local governments, and other relevant entities.

(2) GUIDANCE AND TECHNICAL ASSISTANCE.—The Secretary shall provide to the entities described in paragraph (1) guidance and technical assistance on the use of the process referred to in that paragraph.

(c) RESEARCH.—

(1) IN GENERAL.—The Secretary shall—

(A) identify and support fundamental research to develop a framework and quantitative models to support compilation of information for risk-based analysis of transportation assets by standardizing the basis for quantifying annual risk and increasing system resilience; and

(B) build on existing resilience research, including studies conducted by—

(i) the Transportation Research Board of the National Academies of Sciences, Engineering, and Medicine; and

(ii) the National Institute of Standards and Technology.

(2) USE OF EXISTING FACILITIES.—In carrying out paragraph (1), the Secretary shall use existing research facilities available to the Secretary, including the Turner–Fairbank Highway Research Center and University Transportation Centers established under section 5505 of title 49, United States Code.

SEC. 25008. COORDINATION ON EMERGING TRANSPORTATION TECHNOLOGY.

(a) IN GENERAL.—Subchapter I of chapter 3 of title 49, United States Code, is amended by adding at the end the following:

49 USC 313.

“§ 313. Nontraditional and Emerging Transportation Technology Council

Deadline.

“(a) ESTABLISHMENT.—Not later than 180 days after the date of enactment of this section, the Secretary of Transportation (referred to in this section as the ‘Secretary’) shall establish a council, to be known as the ‘Nontraditional and Emerging Transportation Technology Council’ (referred to in this section as the ‘Council’), to address coordination on emerging technology issues across all modes of transportation.

“(b) MEMBERSHIP.—

“(1) IN GENERAL.—The Council shall be composed of—

“(A) the Secretary, who shall serve as an ex officio member of the Council;

“(B) the Deputy Secretary of Transportation;

“(C) the Under Secretary of Transportation for Policy;

“(D) the Assistant Secretary for Research and Technology of the Department of Transportation;

“(E) the Assistant Secretary for Budget and Programs of the Department of Transportation;

“(F) the General Counsel of the Department of Transportation;

“(G) the Chief Information Officer of the Department of Transportation;

“(H) the Administrator of the Federal Aviation Administration;

“(I) the Administrator of the Federal Highway Administration;

“(J) the Administrator of the Federal Motor Carrier Safety Administration;

“(K) the Administrator of the Federal Railroad Administration;

“(L) the Administrator of the Federal Transit Administration;

“(M) the Administrator of the Maritime Administration;

“(N) the Administrator of the National Highway Traffic Safety Administration;

“(O) the Administrator of the Pipeline and Hazardous Materials Safety Administration; and

“(P) any other official of the Department of Transportation, as determined by the Secretary.

“(2) CHAIR AND VICE CHAIR.—

“(A) CHAIR.—The Deputy Secretary of Transportation (or a designee) shall serve as Chair of the Council.

“(B) VICE CHAIR.—The Under Secretary of Transportation for Policy (or a designee) shall serve as Vice Chair of the Council.

“(c) DUTIES.—The Council shall—

“(1) identify and resolve jurisdictional and regulatory gaps or inconsistencies associated with nontraditional and emerging transportation technologies, modes, or projects pending or brought before the Department of Transportation to reduce, to the maximum extent practicable, impediments to the prompt and safe deployment of new and innovative transportation technology, including with respect to—

“(A) safety oversight;

“(B) environmental review; and

“(C) funding and financing issues;

“(2) coordinate the response of the Department of Transportation to nontraditional and emerging transportation technology projects;

“(3) engage with stakeholders in nontraditional and emerging transportation technology projects; and

“(4) develop and establish Department of Transportation-wide processes, solutions, and best practices for identifying and managing nontraditional and emerging transportation technology projects.

“(d) BEST PRACTICES.—Not later than 1 year after the date of enactment of this section, the Council shall—

“(1) publish initial guidelines to achieve the purposes described in subsection (c)(4); and

“(2) promote each modal administration within the Department of Transportation to further test and support the advancement of nontraditional and emerging transportation technologies not specifically considered by the Council.

Deadline.

Publication.
Guidelines.

Time period.	“(e) SUPPORT.—The Office of the Secretary shall provide support for the Council. “(f) MEETINGS.—The Council shall meet not less frequently than 4 times per year, at the call of the Chair. “(g) LEAD MODAL ADMINISTRATION.—For each nontraditional or emerging transportation technology, mode, or project associated with a jurisdictional or regulatory gap or inconsistency identified under subsection (c)(1), the Chair of the Council shall— “(1) designate a lead modal administration of the Department of Transportation for review of the technology, mode, or project; and “(2) arrange for the detailing of staff between modal administrations or offices of the Department of Transportation as needed to maximize the sharing of experience and expertise. “(h) TRANSPARENCY.—Not later than 1 year after the date of establishment of the Council, and not less frequently than annually thereafter until December 31, 2026, the Council shall post on a publicly accessible website a report describing the activities of the Council during the preceding calendar year.”.
Time period. Public information. Web posting. Reports.	(b) CLERICAL AMENDMENT.—The analysis for subchapter I of chapter 3 of title 49, United States Code, is amended by adding at the end the following:

“313. Nontraditional and Emerging Transportation Technology Council.”.

SEC. 25009. INTERAGENCY INFRASTRUCTURE PERMITTING IMPROVEMENT CENTER.

(a) IN GENERAL.—Section 102 of title 49, United States Code (as amended by section 14009), is amended—

(1) in subsection (a), by inserting “(referred to in this section as the ‘Department’)” after “Transportation”;

(2) in subsection (b), in the first sentence, by inserting “(referred to in this section as the ‘Secretary’)” after “Transportation”;

(3) by redesignating subsection (h) as subsection (i); and

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

“(h) INTERAGENCY INFRASTRUCTURE PERMITTING IMPROVEMENT CENTER.—

“(1) DEFINITIONS.—In this subsection:

“(A) CENTER.—The term ‘Center’ means the Interagency Infrastructure Permitting Improvement Center established by paragraph (2).

“(B) PROJECT.—The term ‘project’ means a project authorized or funded under—

“(i) this title; or

“(ii) title 14, 23, 46, or 51.

“(2) ESTABLISHMENT.—There is established within the Office of the Secretary a center, to be known as the ‘Interagency Infrastructure Permitting Improvement Center’.

“(3) PURPOSES.—The purposes of the Center shall be—

“(A) to implement reforms to improve interagency coordination and expedite projects relating to the permitting and environmental review of major transportation infrastructure projects, including—

“(i) developing and deploying information technology tools to track project schedules and metrics; and

- “(ii) improving the transparency and accountability of the permitting process;
 - “(B)(i) to identify appropriate methods to assess environmental impacts; and
 - “(ii) to develop innovative methods for reasonable mitigation;
 - “(C) to reduce uncertainty and delays with respect to environmental reviews and permitting; and
 - “(D) to reduce costs and risks to taxpayers in project delivery.
- “(4) EXECUTIVE DIRECTOR.—The Center shall be headed by an Executive Director, who shall—
- “(A) report to the Under Secretary of Transportation for Policy;
 - “(B) be responsible for the management and oversight of the daily activities, decisions, operations, and personnel of the Center; and
 - “(C) carry out such additional duties as the Secretary may prescribe.
- “(5) DUTIES.—The Center shall carry out the following duties:
- “(A) Coordinate and support implementation of priority reform actions for Federal agency permitting and reviews.
 - “(B) Support modernization efforts at the operating administrations within the Department and interagency pilot programs relating to innovative approaches to the permitting and review of transportation infrastructure projects.
 - “(C) Provide technical assistance and training to Department staff on policy changes, innovative approaches to project delivery, and other topics, as appropriate.
 - “(D) Identify, develop, and track metrics for timeliness of permit reviews, permit decisions, and project outcomes.
 - “(E) Administer and expand the use of online transparency tools providing for—
 - “(i) tracking and reporting of metrics;
 - “(ii) development and posting of schedules for permit reviews and permit decisions;
 - “(iii) the sharing of best practices relating to efficient project permitting and reviews; and
 - “(iv) the visual display of relevant geospatial data to support the permitting process.
 - “(F) Submit to the Secretary reports describing progress made toward achieving—
 - “(i) greater efficiency in permitting decisions and review of infrastructure projects; and
 - “(ii) better outcomes for communities and the environment.
- “(6) INNOVATIVE BEST PRACTICES.—
- “(A) IN GENERAL.—The Center shall work with the operating administrations within the Department, eligible entities, and other public and private interests to develop and promote best practices for innovative project delivery.
 - “(B) ACTIVITIES.—The Center shall support the Department and operating administrations in conducting environmental reviews and permitting, together with project sponsor technical assistance activities, by—

“(i) carrying out activities that are appropriate and consistent with the goals and policies of the Department to improve the delivery timelines for projects;

“(ii) serving as the Department liaison to—

“(I) the Council on Environmental Quality; and

“(II) the Federal Permitting Improvement Steering Council established by section 41002(a) of the Fixing America’s Surface Transportation Act (42 U.S.C. 4370m–1(a));

“(iii) supporting the National Surface Transportation and Innovative Finance Bureau (referred to in this paragraph as the ‘Bureau’) in implementing activities to improve delivery timelines, as described in section 116(f), for projects carried out under the programs described in section 116(d)(1) for which the Bureau administers the application process;

“(iv) leading activities to improve delivery timelines for projects carried out under programs not administered by the Bureau by—

“(I) coordinating efforts to improve the efficiency and effectiveness of the environmental review and permitting process;

“(II) providing technical assistance and training to field and headquarters staff of Federal agencies with respect to policy changes and innovative approaches to the delivery of projects; and

“(III) identifying, developing, and tracking metrics for permit reviews and decisions by Federal agencies for projects under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

“(C) NEPA COMPLIANCE ASSISTANCE.—

“(i) IN GENERAL.—Subject to clause (ii), at the request of an entity that is carrying out a project, the Center, in coordination with the appropriate operating administrations within the Department, shall provide technical assistance relating to compliance with the applicable requirements of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) and applicable Federal authorizations.

“(ii) ASSISTANCE FROM THE BUREAU.—For projects carried out under the programs described in section 116(d)(1) for which the Bureau administers the application process, the Bureau, on request of the entity carrying out the project, shall provide the technical assistance described in clause (i).”.

(b) CONFORMING AMENDMENT.—Section 116(f)(2) of title 49, United States Code, is amended—

(1) by striking subparagraph (A); and

(2) by redesignating subparagraphs (B) through (D) and subparagraphs (A) through (C), respectively.

49 USC 102 note. **SEC. 25010. RURAL OPPORTUNITIES TO USE TRANSPORTATION FOR ECONOMIC SUCCESS INITIATIVE.**

(a) DEFINITIONS.—In this section:

(1) **BUILD AMERICA BUREAU.**—The term “Build America Bureau” means the National Surface Transportation and Innovative Finance Bureau established under section 116 of title 49, United States Code.

(2) **INDIAN TRIBE.**—The term “Indian Tribe” has the meaning given the term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5304).

(3) **ROUTES COUNCIL.**—The term “ROUTES Council” means the Rural Opportunities to Use Transportation for Economic Success Council established by subsection (c)(1).

(4) **ROUTES OFFICE.**—The term “ROUTES Office” means the Rural Opportunities to Use Transportation for Economic Success Office established by subsection (b)(1).

(b) **ROUTES OFFICE.**—

(1) **IN GENERAL.**—The Secretary shall establish within the Department the Rural Opportunities to Use Transportation for Economic Success Office—

(A) to improve analysis of projects from rural areas, Indian Tribes, and historically disadvantaged communities in rural areas applying for Department discretionary grants, including ensuring that project costs, local resources, and the larger benefits to the people and the economy of the United States are appropriately considered; and

(B) to provide rural communities, Indian Tribes, and historically disadvantaged communities in rural areas with technical assistance for meeting the transportation infrastructure investment needs of the United States in a financially sustainable manner.

(2) **OBJECTIVES.**—The ROUTES Office shall—

(A) collect input from knowledgeable entities and the public on—

(i) the benefits of rural and Tribal transportation projects;

(ii) the technical and financial assistance required for constructing and operating transportation infrastructure and services within rural areas and on the land of Indian Tribes;

(iii) barriers and opportunities to funding transportation projects in rural areas and on the land of Indian Tribes; and

(iv) unique transportation barriers and challenges faced by Indian Tribes and historically disadvantaged communities in rural areas;

(B) evaluate data on transportation challenges faced by rural communities and Indian Tribes and determine methods to align the discretionary funding and financing opportunities of the Department with the needs of those communities for meeting national transportation goals;

(C) provide education and technical assistance to rural communities and Indian Tribes about applicable Department discretionary grants, develop effective methods to evaluate projects in those communities in discretionary grant programs, and communicate those methods through program guidance;

(D) carry out research and utilize innovative approaches to resolve the transportation challenges faced by rural areas and Indian Tribes; and

(E) perform such other duties as determined by the Secretary.

(c) ROUTES COUNCIL.—

(1) IN GENERAL.—The Secretary shall establish a Rural Opportunities to Use Transportation for Economic Success Council—

(A) to organize, guide, and lead the ROUTES Office; and

(B) to coordinate rural-related and Tribal-related funding programs and assistance among the modal administrations of the Department, the offices of the Department, and other Federal agencies, as appropriate—

(i) to ensure that the unique transportation needs and attributes of rural areas and Indian Tribes are fully addressed during the development and implementation of programs, policies, and activities of the Department;

(ii) to increase coordination of programs, policies, and activities of the Department in a manner that improves and expands transportation infrastructure in order to further economic development in, and the quality of life of, rural areas and Indian Tribes; and

(iii) to provide rural areas and Indian Tribes with proactive outreach—

(I) to improve access to discretionary funding and financing programs; and

(II) to facilitate timely resolution of environmental reviews for complex or high-priority projects.

(2) MEMBERSHIP.—

(A) IN GENERAL.—The ROUTES Council shall be composed of the following officers of the Department, or their designees:

(i) The Deputy Secretary of Transportation.

(ii) The Under Secretary of Transportation for Policy.

(iii) The General Counsel.

(iv) The Chief Financial Officer and Assistant Secretary for Budget and Programs.

(v) The Assistant Secretary for Research and Technology.

(vi) The Assistant Secretary for Multimodal Freight.

(vii) The Administrators of—

(I) the Federal Aviation Administration;

(II) the Federal Highway Administration;

(III) the Federal Railroad Administration; and

(IV) the Federal Transit Administration.

(viii) The Executive Director of the Build America Bureau.

(ix) The Assistant Secretary for Governmental Affairs.

(x) The Assistant Secretary for Transportation Policy.

(xi) The Deputy Assistant Secretary for Tribal Government Affairs.

(B) CHAIR.—The Deputy Secretary of Transportation shall be the Chair of the ROUTES Council.

(C) ADDITIONAL MEMBERS.—The Secretary or the Chair of the ROUTES Council may designate additional members to serve on the ROUTES Council.

(3) ADDITIONAL MODAL INPUT.—To address issues related to safety and transport of commodities produced in or by, or transported through, as applicable, rural areas, Indian Tribes, or the land of Indian Tribes, the ROUTES Council shall consult with the Administrators (or their designees) of—

Consultation.

(A) the Maritime Administration;

(B) the Great Lakes St. Lawrence Seaway Development Corporation; and

(C) the National Highway Traffic Safety Administration.

(4) DUTIES.—Members of the ROUTES Council shall—

(A) participate in all meetings and relevant ROUTES Council activities and be prepared to share information relevant to rural and Tribal transportation infrastructure projects and issues;

(B) provide guidance and leadership on rural and Tribal transportation infrastructure issues and represent the work of the ROUTES Council and the Department on those issues to external stakeholders; and

(C) recommend initiatives for the consideration of the Chair of the ROUTES Council to establish and staff any resulting activities or working groups.

(5) MEETINGS.—The ROUTES Council shall meet bimonthly.

(6) ADDITIONAL STAFFING.—The Secretary shall ensure that the ROUTES Council and ROUTES Office have adequate staff support to carry out the duties of the ROUTES Council and the ROUTES Office, respectively, under this section.

(7) WORK PRODUCTS AND DELIVERABLES.—The ROUTES Council may develop work products or deliverables to meet the goals of the ROUTES Council, including—

Reports.

(A) an annual report to Congress describing ROUTES Council activities for the past year and expected activities for the coming year;

(B) any recommendations to enhance the effectiveness of Department discretionary grant programs regarding rural and Tribal infrastructure issues; and

Recommendations.

(C) other guides and reports for relevant groups and the public.

SEC. 25011. SAFETY DATA INITIATIVE.

49 USC 301 note.

(a) DEFINITION OF ELIGIBLE ENTITY.—In this section, the term “eligible entity” means—

(1) a State;

(2) a unit of local government;

(3) a transit agency or authority;

(4) a metropolitan planning organization;

(5) any other subdivision of a State or local government;

(6) an institution of higher education; and

(7) a multi-State or multijurisdictional group.

(b) SAFETY DATA INITIATIVE.—

(1) ESTABLISHMENT.—The Secretary shall establish an initiative, to be known as the “Safety Data Initiative”, to promote the use of data integration, data visualization, and advanced analytics for surface transportation safety through the development of innovative practices and products for use by Federal, State, and local entities.

(2) ACTIVITIES.—

(A) APPLIED RESEARCH.—

(i) IN GENERAL.—The Secretary shall support and carry out applied research to develop practices and products that will encourage the integration and use of traditional and new sources of safety data and safety information to improve policy and decisionmaking at the Federal, State, and local government levels.

(ii) METHODOLOGY.—In carrying out clause (i), the Secretary may—

(I) carry out demonstration programs;

(II) award grants and provide incentives to eligible entities;

(III) enter into partnerships with—

(aa) eligible entities;

(bb) private sector entities; and

(cc) National Laboratories; and

(IV) use any other tools, strategies, or methods that will result in the effective use of data and information for safety purposes.

(B) TOOLS AND PRACTICES.—In carrying out subparagraph (A), the Secretary, to the maximum extent practicable, shall—

(i) develop safety analysis tools for State and local governments, with a particular focus on State and local governments with limited capacity to perform safety analysis;

(ii)(I) identify innovative State and local government practices;

(II) incubate those practices for further development; and

(III) replicate those practices nationwide; and

(iii) transfer to State and local governments the results of the applied research carried out under that subparagraph.

(C) DATA SHARING.—

(i) IN GENERAL.—To inform the creation of information useful for safety policy and decisionmaking, the Secretary shall—

(I) encourage the sharing of data between and among Federal, State, and local transportation agencies; and

(II) leverage data from private sector entities.

(ii) GOALS.—The goals of the data-sharing activities under clause (i) shall include—

(I) the creation of data ecosystems to reduce barriers to the efficient integration and analysis of relevant datasets for use by safety professionals; and

(II) the establishment of procedures adequate to ensure sufficient security, privacy, and confidentiality as needed to promote the sharing of sensitive or proprietary data.

(iii) MANAGEMENT OF DATA ECOSYSTEMS.—A data ecosystem described in clause (ii)(I) may be managed by—

(I) the Director of the Bureau of Transportation Statistics;

(II) 1 or more trusted third parties, as determined by the Secretary; or

(III) 1 or more other entities or partnerships capable of securing, managing, and analyzing sensitive or proprietary data.

(3) PLAN.—

(A) IN GENERAL.—The Safety Data Initiative shall be carried out pursuant to a plan to be jointly established by—

(i) the Under Secretary of Transportation for Policy;

(ii) the Chief Information Officer of the Department;

(iii) the Administrator of the National Highway Traffic Safety Administration;

(iv) the Administrator of the Federal Highway Administration;

(v) the Administrator of the Federal Motor Carrier Safety Administration;

(vi) the Administrator of the Federal Transit Administration; and

(vii) the Administrator of the Federal Railroad Administration.

(B) REQUIREMENT.—The plan established under subparagraph (A) shall include details regarding the means by which tools and innovations developed by projects carried out under the Safety Data Initiative will be transferred to the appropriate program of the Department for further implementation.

(C) DEADLINE.—Not later than 1 year after the date of enactment of this Act, the Secretary shall direct the officials described in clauses (i) through (vii) of subparagraph (A) to establish, by a date determined by the Secretary, the plan referred to in that subparagraph.

Determination.

(4) TERMINATION.—The Safety Data Initiative shall terminate on the later of—

(A) the date that is 1 year after the date of enactment of this Act; and

(B) the date on which the Secretary makes the direction to officials described in paragraph (3)(C).

SEC. 25012. ADVANCED TRANSPORTATION RESEARCH.

(a) IN GENERAL.—Chapter 1 of title 49, United States Code (as amended by section 21101(a)), is amended by adding at the end the following:

“§ 119. Advanced Research Projects Agency–Infrastructure

49 USC 119.

“(a) DEFINITIONS.—In this section:

“(1) ARPA–I.—The term ‘ARPA–I’ means the Advanced Research Projects Agency–Infrastructure established by subsection (b).

“(2) DEPARTMENT.—The term ‘Department’ means the Department of Transportation.

“(3) DIRECTOR.—The term ‘Director’ means the Director of ARPA–I appointed under subsection (d).

“(4) ELIGIBLE ENTITY.—The term ‘eligible entity’ means—

“(A) a unit of State or local government;

“(B) an institution of higher education;

“(C) a commercial entity;

“(D) a research foundation;

“(E) a trade or industry research collaborative;

“(F) a federally funded research and development center;

“(G) a research facility owned or funded by the Department;

“(H) a collaborative that includes relevant international entities; and

“(I) a consortia of 2 or more entities described in any of subparagraphs (A) through (H).

“(5) INFRASTRUCTURE.—

“(A) IN GENERAL.—The term ‘infrastructure’ means any transportation method or facility that facilitates the transit of goods or people within the United States (including territories).

“(B) INCLUSIONS.—The term ‘infrastructure’ includes—

“(i) roads;

“(ii) highways;

“(iii) bridges;

“(iv) airports;

“(v) rail lines;

“(vi) harbors; and

“(vii) pipelines.

“(6) SECRETARY.—The term ‘Secretary’ means the Secretary of Transportation.

“(b) ESTABLISHMENT.—There is established within the Department an agency, to be known as the ‘Advanced Research Projects Agency–Infrastructure’, to support the development of science and technology solutions—

“(1) to overcome long-term challenges; and

“(2) to advance the state of the art for United States transportation infrastructure.

“(c) GOALS.—

“(1) IN GENERAL.—The goals of ARPA–I shall be—

“(A) to advance the transportation infrastructure of the United States by developing innovative science and technology solutions that—

“(i) lower the long-term costs of infrastructure development, including costs of planning, construction, and maintenance;

“(ii) reduce the lifecycle impacts of transportation infrastructure on the environment, including through the reduction of greenhouse gas emissions;

“(iii) contribute significantly to improving the safe, secure, and efficient movement of goods and people; and

“(iv) promote the resilience of infrastructure from physical and cyber threats; and

“(B) to ensure that the United States is a global leader in developing and deploying advanced transportation infrastructure technologies and materials.

“(2) RESEARCH PROJECTS.—ARPA–I shall achieve the goals described in paragraph (1) by providing assistance under this section for infrastructure research projects that—

“(A) advance novel, early-stage research with practicable application to transportation infrastructure;

“(B) translate techniques, processes, and technologies, from the conceptual phase to prototype, testing, or demonstration;

“(C) develop advanced manufacturing processes and technologies for the domestic manufacturing of novel transportation-related technologies; and

“(D) accelerate transformational technological advances in areas in which industry entities are unlikely to carry out projects due to technical and financial uncertainty.

“(d) DIRECTOR.—

“(1) APPOINTMENT.—ARPA–I shall be headed by a Director, who shall be appointed by the President, by and with the advice and consent of the Senate. President.

“(2) QUALIFICATIONS.—The Director shall be an individual who, by reason of professional background and experience, is especially qualified to advise the Secretary regarding, and manage research programs addressing, matters relating to the development of science and technology solutions to advance United States transportation infrastructure.

“(3) RELATIONSHIP TO SECRETARY.—The Director shall—

“(A) be located within the Office of the Assistant Secretary for Research and Technology; and

“(B) report to the Secretary.

“(4) RELATIONSHIP TO OTHER PROGRAMS.—No other program within the Department shall report to the Director.

“(5) RESPONSIBILITIES.—The responsibilities of the Director shall include—

“(A) approving new programs within ARPA–I;

“(B) developing funding criteria, and assessing the success of programs, to achieve the goals described in subsection (c)(1) through the establishment of technical milestones;

“(C) administering available funding by providing to eligible entities assistance to achieve the goals described in subsection (c)(1);

“(D) terminating programs carried out under this section that are not achieving the goals of the programs; and

“(E) establishing a process through which eligible entities can submit to ARPA–I unsolicited research proposals for assistance under this section in accordance with subsection (f).

“(e) PERSONNEL.—

“(1) IN GENERAL.—The Director shall establish and maintain within ARPA–I a staff with sufficient qualifications and expertise to enable ARPA–I to carry out the responsibilities

under this section, in conjunction with other operations of the Department.

“(2) PROGRAM DIRECTORS.—

“(A) IN GENERAL.—The Director shall designate employees to serve as program directors for ARPA-I.

“(B) RESPONSIBILITIES.—Each program director shall be responsible for—

“(i) establishing research and development goals for the applicable program, including by convening workshops and conferring with outside experts;

“(ii) publicizing the goals of the applicable program;

“(iii) soliciting applications for specific areas of particular promise, especially in areas that the private sector or the Federal Government are not likely to carry out absent assistance from ARPA-I;

“(iv) establishing research collaborations for carrying out the applicable program;

“(v) selecting on the basis of merit each project to be supported under the applicable program, taking into consideration—

“(I) the novelty and scientific and technical merit of proposed projects;

“(II) the demonstrated capabilities of eligible entities to successfully carry out proposed projects;

“(III) the extent to which an eligible entity took into consideration future commercial applications of a proposed project, including the feasibility of partnering with 1 or more commercial entities; and

“(IV) such other criteria as the Director may establish;

“(vi) identifying innovative cost-sharing arrangements for projects carried out or funded by ARPA-I;

“(vii) monitoring the progress of projects supported under the applicable program;

“(viii) identifying mechanisms for commercial application of successful technology development projects, including through establishment of partnerships between eligible entities and commercial entities; and

“(ix) as applicable, recommending—

“(I) program restructuring; or

“(II) termination of applicable research partnerships or projects.

“(C) TERM OF SERVICE.—A program director—

“(i) shall serve for a term of 3 years; and

“(ii) may be reappointed for any subsequent term of service.

“(3) HIRING AND MANAGEMENT.—

“(A) IN GENERAL.—The Director may—

“(i) make appointments of scientific, engineering, and professional personnel, without regard to the civil service laws;

“(ii) fix the basic pay of such personnel at such rate as the Director may determine, but not to exceed

level II of the Executive Schedule, without regard to the civil service laws; and

“(iii) pay an employee appointed under this subparagraph payments in addition to basic pay, subject to the condition that the total amount of those additional payments for any 12-month period shall not exceed the least of—

“(I) \$25,000;

“(II) an amount equal to 25 percent of the annual rate of basic pay of the employee; and

“(III) the amount of the applicable limitation for a calendar year under section 5307(a)(1) of title 5.

“(B) PRIVATE RECRUITING FIRMS.—The Director may enter into a contract with a private recruiting firm for the hiring of qualified technical staff to carry out this section. Contracts.

“(C) ADDITIONAL STAFF.—The Director may use all authorities available to the Secretary to hire administrative, financial, and clerical staff, as the Director determines to be necessary to carry out this section.

“(f) RESEARCH PROPOSALS.—

“(1) IN GENERAL.—An eligible entity may submit to the Director an unsolicited research proposal at such time, in such manner, and containing such information as the Director may require, including a description of—

“(A) the extent of current and prior efforts with respect to the project proposed to be carried out using the assistance, if applicable; and

“(B) any current or prior investments in the technology area for which funding is requested, including as described in subsection (c)(2)(D).

“(2) REVIEW.—The Director—

“(A) shall review each unsolicited research proposal submitted under paragraph (1), taking into consideration—

“(i) the novelty and scientific and technical merit of the research proposal;

“(ii) the demonstrated capabilities of the applicant to successfully carry out the research proposal;

“(iii) the extent to which the applicant took into consideration future commercial applications of the proposed research project, including the feasibility of partnering with 1 or more commercial entities; and

“(iv) such other criteria as the Director may establish;

“(B) may approve a research proposal if the Director determines that the research— Determination.

“(i) is in accordance with—

“(I) the goals described in subsection (c)(1); or

“(II) an applicable transportation research and development strategic plan developed under section 6503; and

“(ii) would not duplicate any other Federal research being conducted or funded by another Federal agency; and

Notices.

“(C)(i) if funding is denied for the research proposal, shall provide to the eligible entity that submitted the proposal a written notice of the denial that, as applicable—

“(I) explains why the research proposal was not selected, including whether the research proposal fails to cover an area of need; and

Recommendation.

“(II) recommends that the research proposal be submitted to another research program; or

“(ii) if the research proposal is approved for funding, shall provide to the eligible entity that submitted the proposal—

“(I) a written notice of the approval; and

“(II) assistance in accordance with subsection (g) for the proposed research.

“(g) FORMS OF ASSISTANCE.—On approval of a research proposal of an eligible entity, the Director may provide to the eligible entity assistance in the form of—

“(1) a grant;

“(2) a contract;

“(3) a cooperative agreement;

“(4) a cash prize; or

“(5) another, similar form of funding.

“(h) REPORTS AND ROADMAPS.—

“(1) ANNUAL REPORTS.—For each fiscal year, the Director shall provide to the Secretary, for inclusion in the budget request submitted by the Secretary to the President under section 1108 of title 31 for the fiscal year, a report that, with respect to the preceding fiscal year, describes—

“(A) the projects that received assistance from ARPA—I, including—

“(i) each such project that was funded as a result of an unsolicited research proposal; and

“(ii) each such project that examines topics or technologies closely related to other activities funded by the Department, including an analysis of whether the Director achieved compliance with subsection (i)(1) in supporting the project; and

“(B) the instances of, and reasons for, the provision of assistance under this section for any projects being carried out by industry entities.

Time period.

“(2) STRATEGIC VISION ROADMAP.—Not later than October 1, 2022, and not less frequently than once every 4 years thereafter, the Director shall submit to the relevant authorizing and appropriations committees of Congress a roadmap describing the strategic vision that ARPA—I will use to guide the selection of future projects for technology investment during the 4 fiscal-year period beginning on the date of submission of the report.

“(i) COORDINATION AND NONDUPLICATION.—The Director shall ensure that—

“(1) the activities of ARPA—I are coordinated with, and do not duplicate the efforts of, programs and laboratories within—

“(A) the Department; and

“(B) other relevant research agencies; and

“(2) no funding is provided by ARPA—I for a project, unless the eligible entity proposing the project—

“(A) demonstrates sufficient attempts to secure private financing; or

“(B) indicates that the project is not independently commercially viable.

“(j) FEDERAL DEMONSTRATION OF TECHNOLOGIES.—The Director shall seek opportunities to partner with purchasing and procurement programs of Federal agencies to demonstrate technologies resulting from activities funded through ARPA–I.

“(k) PARTNERSHIPS.—The Director shall seek opportunities to enter into contracts or partnerships with minority-serving institutions (as described in any of paragraphs (1) through (7) of section 371(a) of the Higher Education Act of 1965 (20 U.S.C. 1067q(a)))—

Contracts.

“(1) to accomplish the goals of ARPA–I;

“(2) to develop institutional capacity in advanced transportation infrastructure technologies and materials;

“(3) to engage underserved populations in developing, demonstrating, and deploying those technologies and materials; and

“(4) to otherwise address the needs of ARPA–I.

“(l) UNIVERSITY TRANSPORTATION CENTERS.—The Director may—

“(1) partner with university transportation centers under section 5505 to accomplish the goals, and address the needs, of ARPA–I; and

“(2) sponsor and select for funding, in accordance with section 5505, competitively selected university transportation center grants, in addition to the assistance provided under section 5505, to address targeted technology and material goals of ARPA–I.

“(m) ADVICE.—

“(1) ADVISORY COMMITTEES.—The Director may seek advice regarding any aspect of ARPA–I from—

“(A) an existing advisory committee, office, or other group within the Department; and

“(B) a new advisory committee organized to support the programs of ARPA–I by providing advice and assistance regarding—

“(i) specific program tasks; or

“(ii) the overall direction of ARPA–I.

“(2) ADDITIONAL SOURCES.—In carrying out this section, the Director may seek advice and review from—

“(A) the President’s Council of Advisors on Science and Technology;

“(B) the Advanced Research Projects Agency–Energy; and

“(C) any professional or scientific organization with expertise relating to specific processes or technologies under development by ARPA–I.

“(n) EVALUATION.—

“(1) IN GENERAL.—Not later than December 27, 2024, the Secretary may enter into an arrangement with the National Academy of Sciences under which the National Academy shall conduct an evaluation of the achievement by ARPA–I of the goals described in subsection (c)(1).

Deadline.
Contracts.

“(2) INCLUSIONS.—The evaluation under paragraph (1) may include—

Recommendations.

“(A) a recommendation regarding whether ARPA-I should be continued;

“(B) a recommendation regarding whether ARPA-I, or the Department generally, should continue to allow entities to submit unsolicited research proposals; and

“(C) a description of—

“(i) the lessons learned from the operation of ARPA-I; and

“(ii) the manner in which those lessons may apply to the operation of other programs of the Department.

“(3) AVAILABILITY.—On completion of the evaluation under paragraph (1), the evaluation shall be made available to—

“(A) Congress; and

“(B) the public.

Public
information.

“(o) PROTECTION OF INFORMATION.—

“(1) IN GENERAL.—Each type of information described in paragraph (2) that is collected by ARPA-I from eligible entities shall be considered to be—

“(A) commercial and financial information obtained from a person;

“(B) privileged or confidential; and

“(C) not subject to disclosure under section 552(b)(4) of title 5.

“(2) DESCRIPTION OF TYPES OF INFORMATION.—The types of information referred to in paragraph (1) are—

“(A) information relating to plans for commercialization of technologies developed using assistance provided under this section, including business plans, technology-to-market plans, market studies, and cost and performance models;

“(B) information relating to investments provided to an eligible entity from a third party (such as a venture capital firm, a hedge fund, and a private equity firm), including any percentage of ownership of an eligible entity provided in return for such an investment;

“(C) information relating to additional financial support that the eligible entity—

“(i) plans to invest, or has invested, in the technology developed using assistance provided under this section; or

“(ii) is seeking from a third party; and

“(D) information relating to revenue from the licensing or sale of a new product or service resulting from research conducted using assistance provided under this section.

“(p) EFFECT ON EXISTING AUTHORITIES.—The authority provided by this section—

“(1) shall be in addition to any existing authority provided to the Secretary; and

“(2) shall not supersede or modify any other existing authority.

“(q) FUNDING.—

“(1) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary such sums as are necessary to carry out this section.

“(2) SEPARATE BUDGET AND APPROPRIATION.—

“(A) BUDGET REQUEST.—The budget request for ARPA-I shall be separate from the budget request of the remainder of the Department.

“(B) APPROPRIATIONS.—The funding appropriated for ARPA–I shall be separate and distinct from the funding appropriated for the remainder of the Department.

“(3) ALLOCATION.—Of the amounts made available for a fiscal year under paragraph (1)—

“(A) not less than 5 percent shall be used for technology transfer and outreach activities—

“(i) in accordance with the goal described in subsection (c)(2)(D); and

“(ii) within the responsibilities of the program directors described in subsection (e)(2)(B)(viii); and

“(B) none may be used for the construction of any new building or facility during the 5-year period beginning on the date of enactment of the Surface Transportation Investment Act of 2021.”.

Time period.

(b) CLERICAL AMENDMENT.—The analysis for chapter 1 of title 49, United States Code (as amended by section 21101(c)), is amended by adding at the end the following:

49 USC
prec. 101.

“119. Advanced Research Projects Agency–Infrastructure.”.

SEC. 25013. OPEN RESEARCH INITIATIVE.

(a) IN GENERAL.—Subchapter I of chapter 55 of title 49, United States Code, is amended by adding at the end the following:

“§ 5506. Advanced transportation research initiative

49 USC 5506.

“(a) DEFINITION OF ELIGIBLE ENTITY.—In this section, the term ‘eligible entity’ means—

“(1) a State agency;

“(2) a local government agency;

“(3) an institution of higher education (as defined in section 102 of the Higher Education Act of 1965 (20 U.S.C. 1002)), including a university transportation center established under section 5505;

“(4) a nonprofit organization, including a nonprofit research organization; and

“(5) a private sector organization working in collaboration with an entity described in any of paragraphs (1) through (4).

“(b) PILOT PROGRAM.—The Secretary of Transportation (referred to in this section as the ‘Secretary’) shall establish an advanced transportation research pilot program under which the Secretary—

“(1) shall establish a process for eligible entities to submit to the Secretary unsolicited research proposals; and

“(2) may enter into arrangements with 1 or more eligible entities to fund research proposed under paragraph (1), in accordance with this section.

“(c) ELIGIBLE RESEARCH.—The Secretary may enter into an arrangement with an eligible entity under this section to fund research that—

“(1) addresses—

“(A) a research need identified by—

“(i) the Secretary; or

“(ii) the Administrator of a modal administration of the Department of Transportation; or

“(B) an issue that the Secretary determines to be important; and

“(2) is not duplicative of—

- “(A) any other Federal research project; or
 “(B) any project for which funding is provided by another Federal agency.
- “(d) PROJECT REVIEW.—The Secretary shall—
 “(1) review each research proposal submitted under the pilot program established under subsection (b); and
 Notices. “(2)(A) if funding is denied for the research proposal—
 “(i) provide to the eligible entity that submitted the proposal a written notice of the denial that, as applicable—
 “(I) explains why the research proposal was not selected, including whether the research proposal fails to cover an area of need; and
 Recommendation. “(II) recommends that the research proposal be submitted to another research program; and
 “(ii) if the Secretary recommends that the research proposal be submitted to another research program under clause (i)(II), provide guidance and direction to—
 “(I) the eligible entity; and
 “(II) the proposed research program office; or
 “(B) if the research proposal is selected for funding—
 “(i) provide to the eligible entity that submitted the proposal a written notice of the selection; and
 Contracts. “(ii) seek to enter into an arrangement with the eligible entity to provide funding for the proposed research.
- “(e) COORDINATION.—
 “(1) IN GENERAL.—The Secretary shall ensure that the activities carried out under subsection (c) are coordinated with, and do not duplicate the efforts of, programs of the Department of Transportation and other Federal agencies.
 “(2) INTRAAGENCY COORDINATION.—The Secretary shall coordinate the research carried out under this section with—
 “(A) the research, education, and technology transfer activities carried out by grant recipients under section 5505; and
 “(B) the research, development, demonstration, and commercial application activities of other relevant programs of the Department of Transportation, including all modal administrations of the Department.
 “(3) INTERAGENCY COLLABORATION.—The Secretary shall coordinate, as appropriate, regarding fundamental research with the potential for application in the transportation sector with—
 “(A) the Director of the Office of Science and Technology Policy;
 “(B) the Director of the National Science Foundation;
 “(C) the Secretary of Energy;
 “(D) the Director of the National Institute of Standards and Technology;
 “(E) the Secretary of Homeland Security;
 “(F) the Administrator of the National Oceanic and Atmospheric Administration;
 “(G) the Secretary of Defense; and
 “(H) the heads of other appropriate Federal agencies, as determined by the Secretary.

“(f) REVIEW, EVALUATION, AND REPORT.—Not less frequently than biennially, in accordance with the plan developed under section 6503, the Secretary shall—

“(1) review and evaluate the pilot program established under subsection (b), including the research carried out under that pilot program; and

“(2) make public on a website of the Department of Transportation a report describing the review and evaluation under paragraph (1).

Public
information.
Web posting.

“(g) FEDERAL SHARE.—

“(1) IN GENERAL.—The Federal share of the cost of an activity carried out under this section shall not exceed 80 percent.

“(2) NON-FEDERAL SHARE.—All costs directly incurred by the non-Federal partners (including personnel, travel, facility, and hardware development costs) shall be credited toward the non-Federal share of the cost of an activity carried out under this section.

“(h) LIMITATION ON CERTAIN EXPENSES.—Of any amounts made available to carry out this section for a fiscal year, the Secretary may use not more than 1.5 percent for coordination, evaluation, and oversight activities under this section.

“(i) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary to carry out this section \$50,000,000 for each of fiscal years 2022 through 2026.”

Time period.

(b) CLERICAL AMENDMENT.—The analysis for subchapter I of chapter 55 of title 49, United States Code, is amended by adding at the end the following:

49 USC
prec. 5501.

“5506. Advanced transportation research initiative.”

SEC. 25014. TRANSPORTATION RESEARCH AND DEVELOPMENT 5-YEAR STRATEGIC PLAN.

Section 6503 of title 49, United States Code, is amended—

(1) in subsection (a), by striking “The Secretary” and inserting “Not later than 180 days after the date of publication of the Department of Transportation Strategic Plan and not less frequently than once every 5 years thereafter, the Secretary”;

Deadline.

(2) in subsection (b), in the matter preceding paragraph (1), by striking “The strategic” and inserting “Each strategic”;

(3) in subsection (c)—

(A) in the matter preceding paragraph (1), by striking “The strategic” and inserting “Each strategic”; and

(B) in paragraph (1)—

(i) in subparagraph (E), by striking “and” at the end;

(ii) in subparagraph (F), by adding “and” after the semicolon at the end; and

(iii) by adding at the end the following:

“(G) reducing transportation cybersecurity risks;”;

(4) in subsection (d)—

(A) in the matter preceding paragraph (1), by striking “the strategic” and inserting “each strategic”; and

(B) in paragraph (4), by striking “2016” and inserting “2021, and not less frequently than once every 5 years thereafter”; and

(5) by striking subsection (e).

SEC. 25015. RESEARCH PLANNING MODIFICATIONS.

(a) ANNUAL MODAL RESEARCH PLANS.—Section 6501 of title 49, United States Code, is amended—

(1) in subsection (a)—

(A) by striking paragraph (1) and inserting the following:

Deadline.

“(1) IN GENERAL.—Not later than June 1 of each year, the head of each modal administration and joint program office of the Department of Transportation shall prepare and submit to the Assistant Secretary for Research and Technology of the Department of Transportation (referred to in this chapter as the ‘Assistant Secretary’)—

“(A) a comprehensive annual modal research plan for the following fiscal year; and

“(B) a detailed outlook for the fiscal year thereafter.”;

(B) in paragraph (2), by inserting “prepared or” before “submitted”;

(C) by redesignating paragraph (2) as paragraph (3); and

(D) by inserting after paragraph (1) the following:

“(2) REQUIREMENTS.—Each plan under paragraph (1) shall include—

“(A) a general description of the strategic goals of the Department that are addressed by the research programs being carried out by the Assistant Secretary or modal administration, as applicable;

“(B) a description of each proposed research program, as described in the budget request submitted by the Secretary of Transportation to the President under section 1108 of title 31 for the following fiscal year, including—

“(i) the major objectives of the program; and

“(ii) the requested amount of funding for each program and area;

List.

“(C) a list of activities the Assistant Secretary or modal administration plans to carry out under the research programs described in subparagraph (B);

Assessment.

“(D) an assessment of the potential impact of the research programs described in subparagraph (B), including—

“(i) potential outputs, outcomes, and impacts on technologies and practices used by entities subject to the jurisdiction of the modal administration;

“(ii) potential effects on applicable regulations of the modal administration, including the modification or modernization of those regulations;

“(iii) potential economic or societal impacts; and

“(iv) progress made toward achieving strategic goals of—

“(I) the applicable modal administration; or

“(II) the Department of Transportation;

“(E) a description of potential partnerships to be established to conduct the research program, including partnerships with—

“(i) institutions of higher education; and

“(ii) private sector entities; and

“(F) such other requirements as the Assistant Secretary considers to be necessary.”;

(2) in subsection (b)—

(A) in paragraph (1)—

(i) in the matter preceding subparagraph (A), by inserting “by the head of a modal administration or joint program office” after “submitted”; and

(ii) in subparagraph (B), by striking clause (ii) and inserting the following:

“(ii) request that the plan and outlook be—

“(I) revised in accordance with such suggestions as the Assistant Secretary shall include to ensure conformity with the criteria described in paragraph (2); and

“(II) resubmitted to the Assistant Secretary for approval.”;

(B) by redesignating paragraphs (2) and (3) as paragraphs (3) and (4), respectively; and

(C) by inserting after paragraph (1) the following:

“(2) CRITERIA.—In conducting a review under paragraph (1)(A), the Assistant Secretary shall, with respect to the modal research plan that is the subject of the review—

“(A) take into consideration whether—

“(i) the plan contains research objectives that are consistent with the strategic research and policy objectives of the Department of Transportation included in the strategic plan required under section 6503; and

“(ii) the research programs described in the plan have the potential to benefit the safety, mobility, and efficiency of the United States transportation system;

“(B) identify and evaluate any potential opportunities for collaboration between or among modal administrations with respect to particular research programs described in the plan;

“(C) identify and evaluate whether other modal administrations may be better suited to carry out the research programs described in the plan;

“(D) assess whether any projects described in the plan are—

“(i) duplicative across modal administrations; or

“(ii) unnecessary; and

“(E) take into consideration such other criteria as the Assistant Secretary determines to be necessary.”; and

(D) by adding at the end the following:

“(5) SAVINGS CLAUSE.—Nothing in this subsection limits the ability of the head of a modal administration to comply with applicable law.”; and

(3) in subsection (c), in the matter preceding paragraph (1), by striking “subsection (b)(3)” and inserting “subsection (b)(4).

(b) CONSOLIDATED RESEARCH DATABASE.—Section 6502(a) of title 49, United States Code, is amended by striking the subsection designation and heading and all that follows through subparagraph (B) of paragraph (2) and inserting the following:

“(a) RESEARCH ABSTRACT DATABASE.—

“(1) SUBMISSION.—Not later than September 1 of each year, the head of each modal administration and joint program office of the Department of Transportation shall submit to the Assistant Secretary, for review and public posting, a description

Plan.

Assessment.

Deadline.
Review.
Public
information.

of each proposed research project to be carried out during the following fiscal year, including—

“(A) proposed funding for any new projects; and

“(B) proposed additional funding for any existing projects.

Public
information.
Web posting.

“(2) PUBLICATION.—Not less frequently than annually, after receiving the descriptions under paragraph (1), the Assistant Secretary shall publish on a public website a comprehensive database including a description of all research projects conducted by the Department of Transportation, including research funded through university transportation centers under section 5505.

“(3) CONTENTS.—The database published under paragraph (2) shall—

“(A) be delimited by research project; and

“(B) include a description of, with respect to each research project—

“(i) research objectives;

“(ii) the progress made with respect to the project, including whether the project is ongoing or complete;

“(iii) any outcomes of the project, including potential implications for policy, regulations, or guidance issued by a modal administration or the Department of Transportation;

“(iv) any findings of the project;

“(v) the amount of funds allocated for the project; and

“(vi) such other information as the Assistant Secretary determines to be necessary to address Departmental priorities and statutory mandates;”.

SEC. 25016. INCORPORATION OF DEPARTMENT OF TRANSPORTATION RESEARCH.

(a) IN GENERAL.—Chapter 65 of title 49, United States Code, is amended by adding at the end the following:

49 USC 6504.

“§ 6504. Incorporation of Department of Transportation research

Deadline.
Time period.

“(a) REVIEW.—Not later than December 31, 2021, and not less frequently than once every 5 years thereafter, in concurrence with the applicable strategic plan under section 6503, the Secretary of Transportation shall—

“(1) conduct a review of research conducted by the Department of Transportation; and

“(2) to the maximum extent practicable and appropriate, identify modifications to laws, regulations, guidance, and other policy documents to incorporate any innovations resulting from the research described in paragraph (1) that have the potential to improve the safety or efficiency of the United States transportation system.

“(b) REQUIREMENTS.—In conducting a review under subsection (a), the Secretary of Transportation shall—

“(1) identify any innovative practices, materials, or technologies that have demonstrable benefits to the transportation system;

“(2) determine whether the practices, materials, or technologies described in paragraph (1) require any statutory or regulatory modifications for adoption; and

Determination.

“(3)(A) if modifications are determined to be required under paragraph (2), develop—

“(i) a proposal for those modifications; and

Proposal.

“(ii) a description of the manner in which any such regulatory modifications would be—

“(I) incorporated into the Unified Regulatory Agenda; or

“(II) adopted into existing regulations as soon as practicable; or

“(B) if modifications are determined not to be required under paragraph (2), develop a description of the means by which the practices, materials, or technologies described in paragraph (1) will otherwise be incorporated into Department of Transportation or modal administration policy or guidance, including as part of the Technology Transfer Program of the Office of the Assistant Secretary for Research and Technology.

“(c) REPORT.—On completion of each review under subsection (a), the Secretary of Transportation shall submit to the appropriate committees of Congress a report describing, with respect to the period covered by the report—

“(1) each new practice, material, or technology identified under subsection (b)(1); and

“(2) any statutory or regulatory modification for the adoption of such a practice, material, or technology that—

“(A) is determined to be required under subsection (b)(2); or

“(B) was otherwise made during that period.”.

(b) CLERICAL AMENDMENT.—The analysis for chapter 65 of title 49, United States Code, is amended by adding at the end the following:

49 USC
prec. 6501.

“6504. Incorporation of Department of Transportation research.”.

SEC. 25017. UNIVERSITY TRANSPORTATION CENTERS PROGRAM.

Section 5505 of title 49, United States Code, is amended—

(1) in subsection (a)—

(A) in paragraph (1), by inserting “of Transportation, acting through the Assistant Secretary for Research and Technology (referred to in this section as the ‘Secretary’),” after “The Secretary”; and

(B) in paragraph (2)—

(i) in subparagraph (B), by inserting “multimodal” after “critical”; and

(ii) in subparagraph (C), by inserting “with respect to the matters described in subparagraphs (A) through (G) of section 6503(c)(1)” after “transportation leaders”;

(2) in subsection (b)—

(A) in paragraph (2)(A), by striking “for each of the transportation centers described under paragraphs (2), (3), and (4) of subsection (c)” and inserting “as a lead institution under this section, except as provided in subparagraph (B)”;

(B) in paragraph (4)—

(i) in subparagraph (A), by striking “identified in chapter 65” and inserting “described in subparagraphs (A) through (G) of section 6503(c)(1)”; and

(ii) in subparagraph (B), in the matter preceding clause (i), by striking “the Assistant Secretary” and all that follows through “modal administrations” and inserting “the heads of the modal administrations of the Department of Transportation,”; and

(C) in paragraph (5)(B), in the matter preceding clause (i), by striking “submit” and all that follows through “of the Senate” and inserting “make available to the public on a website of the Department of Transportation”;

(3) in subsection (c)(3)(E)—

(A) by inserting “, including the cybersecurity implications of technologies relating to connected vehicles, connected infrastructure, and autonomous vehicles” after “autonomous vehicles”; and

(B) by striking “The Secretary” and inserting the following:

“(i) IN GENERAL.—A regional university transportation center receiving a grant under this paragraph shall carry out research focusing on 1 or more of the matters described in subparagraphs (A) through (G) of section 6503(c)(1).

“(ii) FOCUSED OBJECTIVES.—The Secretary”; and

(4) in subsection (d)—

(A) in paragraph (2)—

(i) in the paragraph heading, by striking “ANNUAL REVIEW” and inserting “REVIEW”;

(ii) in the matter preceding subparagraph (A), by striking “annually” and inserting “biennially”; and

(iii) in subparagraph (B), by striking “submit” and all that follows through “of the Senate” and inserting “make available to the public on a website of the Department of Transportation”; and

(B) in paragraph (3), by striking “2016 through 2020” and inserting “2022 through 2026”.

SEC. 25018. NATIONAL TRAVEL AND TOURISM INFRASTRUCTURE STRATEGIC PLAN.

(a) IN GENERAL.—Section 1431(e) of the FAST Act (49 U.S.C. 301 note; Public Law 114–94) is amended—

(1) by redesignating paragraphs (1) through (7) as subparagraphs (A) through (G), respectively, and indenting appropriately;

(2) in the matter preceding subparagraph (A) (as so redesignated)—

(A) by striking “Not later than 3 years after the date of enactment of this Act” and inserting “Not later than 180 days after the date of enactment of the Surface Transportation Investment Act of 2021”; and

(B) by striking “plan that includes” and inserting the following: “plan—

“(1) to develop an immediate-term and long-term strategy, including policy recommendations across all modes of transportation, for the Department and other agencies to use infrastructure investments to revive the travel and tourism industry

Research and
development.

Recommendations.

and the overall travel and tourism economy in the wake of the Coronavirus Disease 2019 (COVID–19) pandemic; and

“(2) that includes”; and

(3) in paragraph (2) (as so redesignated)—

(A) in subparagraph (A) (as so redesignated), by inserting “, including consideration of the impacts of the COVID–19 pandemic” after “network”;

(B) in subparagraph (D) (as so redesignated), by inserting “of regional significance” after “corridors”;

(C) in subparagraph (F) (as so redesignated), by striking “and” at the end;

(D) in subparagraph (G) (as so redesignated), by striking the period at the end and inserting “; and”; and

(E) by adding at the end the following:

“(H) an identification of possible infrastructure investments that create recovery opportunities for small, underserved, minority, and rural businesses in the travel and tourism industry, including efforts to preserve and protect the scenic, but often less-traveled, roads that promote tourism and economic development throughout the United States.”.

(b) CHIEF TRAVEL AND TOURISM OFFICER.—Section 102 of title 49, United States Code, is amended by striking subsection (i) (as redesignated by section 25009(a)(3)) and inserting the following:

“(i) CHIEF TRAVEL AND TOURISM OFFICER.—

“(1) ESTABLISHMENT.—There is established in the Office of the Secretary of Transportation a position, to be known as the ‘Chief Travel and Tourism Officer’.

“(2) DUTIES.—The Chief Travel and Tourism Officer shall collaborate with the Assistant Secretary for Aviation and International Affairs to carry out—

“(A) the National Travel and Tourism Infrastructure Strategic Plan under section 1431(e) of Public Law 114–94 (49 U.S.C. 301 note); and

“(B) other travel- and tourism-related matters involving the Department of Transportation.”.

SEC. 25019. LOCAL HIRING PREFERENCE FOR CONSTRUCTION JOBS. 23 USC 114 note.

(a) AUTHORIZATION.—

(1) IN GENERAL.—A recipient or subrecipient of a grant provided by the Secretary under title 23 or 49, United States Code, may implement a local or other geographical or economic hiring preference relating to the use of labor for construction of a project funded by the grant, including prehire agreements, subject to any applicable State and local laws, policies, and procedures.

(2) TREATMENT.—The use of a local or other geographical or economic hiring preference pursuant to paragraph (1) in any bid for a contract for the construction of a project funded by a grant described in paragraph (1) shall not be considered to unduly limit competition.

(b) WORKFORCE DIVERSITY REPORT.—Not later than 1 year after the date of enactment of this Act, the Secretary shall submit to Congress a report describing methods—

(1) to ensure preapprenticeship programs are established and implemented to meet the needs of employers in transportation and transportation infrastructure construction industries, including with respect to the formal connection of the preapprenticeship programs to registered apprenticeship programs;

(2) to address barriers to employment (within the meaning of the Workforce Innovation and Opportunity Act (29 U.S.C. 3101 et seq.)) in transportation and transportation infrastructure construction industries for—

(A) individuals who are former offenders (as defined in section 3 of the Workforce Innovation and Opportunity Act (29 U.S.C. 3102));

(B) individuals with a disability (as defined in section 3 of the Americans with Disabilities Act of 1990 (42 U.S.C. 12102)); and

(C) individuals that represent populations that are traditionally underrepresented in the workforce; and

(3) to encourage a recipient or subrecipient implementing a local or other geographical or economic hiring preference pursuant to subsection (a)(1) to establish, in coordination with nonprofit organizations that represent employees, outreach and support programs that increase diversity within the workforce, including expanded participation from individuals described in subparagraphs (A) through (C) of paragraph (2).

Deadline.
Web posting.

(c) **MODEL PLAN.**—Not later than 1 year after the date of submission of the report under subsection (b), the Secretary shall establish, and publish on the website of the Department, a model plan for use by States, units of local government, and private sector entities to address the issues described in that subsection.

SEC. 25020. TRANSPORTATION WORKFORCE DEVELOPMENT.

Contracts.

(a) **ASSESSMENT.**—The Secretary shall enter into an arrangement with the National Academy of Sciences under which the National Academy shall develop and submit to the Secretary a workforce needs assessment that—

(1) addresses—

(A) the education and recruitment of technical workers for the intelligent transportation technologies and systems industry;

(B) the development of a workforce skilled in various types of intelligent transportation technologies, components, infrastructure, and equipment, including with respect to—

(i) installation;

(ii) maintenance;

(iii) manufacturing;

(iv) operations, including data analysis and review;

and

(v) cybersecurity; and

(C) barriers to employment in the intelligent transportation technologies and systems industry for—

(i) individuals who are former offenders (as defined in section 3 of the Workforce Innovation and Opportunity Act (29 U.S.C. 3102));

(ii) individuals with a disability (as defined in section 3 of the Americans with Disabilities Act of 1990 (42 U.S.C. 12102)); and

(iii) individuals that represent populations that are traditionally underrepresented in the workforce; and

(2) includes recommendations relating to the issues described in paragraph (1). Recommendations.

(b) WORKING GROUP.—

(1) ESTABLISHMENT.—The Secretary shall establish a working group, to be composed of—

(A) the Secretary of Energy;

(B) the Secretary of Labor; and

(C) the heads of such other Federal agencies as the Secretary determines to be necessary.

(2) IMPLEMENTATION PLAN.—

(A) IN GENERAL.—The working group established under paragraph (1) shall develop an intelligent transportation technologies and systems industry workforce development implantation plan.

(B) REQUIREMENTS.—The implementation plan under subparagraph (A) shall address any issues and recommendations included in the needs assessment under subsection (a), taking into consideration a whole-of-government approach with respect to—

(i) using registered apprenticeship and preapprenticeship programs; and

(ii) re-skilling workers who may be interested in working within the intelligent transportation technologies and systems industry.

(3) SUBMISSION TO CONGRESS.—Not later than 1 year after the date of receipt of the needs assessment under subsection (a), the Secretary shall submit to Congress the implementation plan developed under paragraph (2).

(4) TERMINATION.—The working group established under paragraph (1) shall terminate on the date on which the implementation plan developed under paragraph (2) is submitted to Congress under paragraph (3).

(c) TRANSPORTATION WORKFORCE OUTREACH PROGRAM.—

(1) IN GENERAL.—Subchapter I of chapter 55 of title 49, United States Code (as amended by section 25013(a)), is amended by adding at the end the following:

“§ 5507. Transportation workforce outreach program

49 USC 5507.

“(a) IN GENERAL.—The Secretary of Transportation (referred to in this section as the ‘Secretary’) shall establish and administer a transportation workforce outreach program, under which the Secretary shall carry out a series of public service announcement campaigns during each of fiscal years 2022 through 2026.

Public information.
Time period.

“(b) PURPOSES.—The purpose of the campaigns carried out under the program under this section shall be—

“(1) to increase awareness of career opportunities in the transportation sector, including aviation pilots, safety inspectors, mechanics and technicians, air traffic controllers, flight attendants, truck and bus drivers, engineers, transit workers, railroad workers, and other transportation professionals; and

“(2) to target awareness of professional opportunities in the transportation sector to diverse segments of the population, including with respect to race, sex, ethnicity, ability (including physical and mental ability), veteran status, and socioeconomic status.

“(c) ADVERTISING.—The Secretary may use, or authorize the use of, amounts made available to carry out the program under this section for the development, production, and use of broadcast, digital, and print media advertising and outreach in carrying out a campaign under this section.

Time period.

“(d) FUNDING.—The Secretary may use to carry out this section any amounts otherwise made available to the Secretary, not to exceed \$5,000,000, for each of fiscal years 2022 through 2026.”.

49 USC
prec. 5501.

(2) CLERICAL AMENDMENT.—The analysis for subchapter I of chapter 55 of title 49, United States Code (as amended by section 25013(b)), is amended by adding at the end the following:

“5507. Transportation workforce outreach program.”.

SEC. 25021. INTERMODAL TRANSPORTATION ADVISORY BOARD REPEAL.

(a) IN GENERAL.—Section 5502 of title 49, United States Code, is repealed.

49 USC
prec. 5501.

(b) CLERICAL AMENDMENT.—The analysis for subchapter I of chapter 55 of title 49, United States Code, is amended by striking the item relating to section 5502.

49 USC 301 note.

SEC. 25022. GAO CYBERSECURITY RECOMMENDATIONS.

Deadline.
Updates.

(a) CYBERSECURITY RISK MANAGEMENT.—Not later than 3 years after the date of enactment of this Act, the Secretary shall implement the recommendation for the Department made by the Comptroller General of the United States in the report entitled “Cybersecurity: Agencies Need to Fully Establish Risk Management Programs and Address Challenges”, numbered GAO–19–384, and dated July 2019—

Strategy.

(1) by developing a cybersecurity risk management strategy for the systems and information of the Department;

(2) by updating policies to address an organization-wide risk assessment; and

(3) by updating the processes for coordination between cybersecurity risk management functions and enterprise risk management functions.

Deadline.

(b) WORK ROLES.—Not later than 3 years after the date of enactment of this Act, the Secretary shall implement the recommendation of the Comptroller General of the United States in the report entitled “Cybersecurity Workforce: Agencies Need to Accurately Categorize Positions to Effectively Identify Critical Staffing Needs”, numbered GAO–19–144, and dated March 2019, by—

Review.

(1) reviewing positions in the Department; and

(2) assigning appropriate work roles in accordance with the National Initiative for Cybersecurity Education Cybersecurity Workforce Framework.

(c) GAO REVIEW.—

Examination.

(1) REPORT.—Not later than 18 months after the date of enactment of this Act, the Comptroller General of the United States shall submit to the Committee on Commerce, Science,

and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report that examines the approach of the Department to managing cybersecurity for the systems and information of the Department.

(2) CONTENTS.—The report under paragraph (1) shall include an evaluation of—

Evaluation.

(A) the roles, responsibilities, and reporting relationships of the senior officials of the Department with respect to cybersecurity at the components of the Department;

(B) the extent to which officials of the Department—

(i) establish requirements for, share information with, provide resources to, and monitor the performance of managers with respect to cybersecurity within the components of the Department; and

(ii) hold managers accountable for cybersecurity within the components of the Department; and

(C) other aspects of cybersecurity, as the Comptroller General of the United States determines to be appropriate.

SEC. 25023. VOLPE OVERSIGHT.

49 USC 330 note.

(a) FINANCIAL MANAGEMENT.—Not later than 1 year after the date of enactment of this Act, the Secretary shall implement the recommendations of the Inspector General of the Department included in the report entitled “DOT Needs to Strengthen Its Oversight of IAAs With Volpe” and dated September 30, 2019, to improve planning, financial management, and the sharing of performance information with respect to intraagency agreements with the John A. Volpe National Transportation Systems Center (referred to in this section as the “Volpe Center”).

Deadline.

(b) GAO REVIEW.—

(1) IN GENERAL.—Not later than 2 years after the date of enactment of this Act, the Comptroller General of the United States shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report that examines the surface transportation activities at the Volpe Center.

Deadline.

(2) CONTENTS.—The report under paragraph (1) shall include an evaluation of—

Evaluation.

(A) the amount of Department funding provided to the Volpe Center, as compared to other Federal and non-Federal research partners;

(B) the process used by the Department to determine whether to work with the Volpe Center, as compared to any other Federal or non-Federal research partner;

(C) the extent to which the Department is collaborating with the Volpe Center to address research needs relating to emerging issues; and

(D) whether the operation of the Volpe Center is duplicative of other public or private sector efforts.

SEC. 25024. MODIFICATIONS TO GRANT PROGRAM.

Section 1906 of the SAFETEA-LU (23 U.S.C. 402 note; Public Law 109–59) is amended—

(1) in subsection (b)—

(A) in paragraph (1), by striking “and” at the end;

(B) in paragraph (2), by striking the period at the end and inserting “; and”; and

(C) by adding at the end the following:

“(3) developing and implementing programs, public outreach, and training to reduce the impact of traffic stops described in subsection (a)(1).”;

(2) by striking subsection (c) and inserting the following:

“(c) **MAXIMUM AMOUNT.**—The total amount provided to a State under this section in any fiscal year may not exceed—

“(1) for a State described in subsection (a)(1), 10 percent of the amount made available to carry out this section in that fiscal year; and

“(2) for a State described in subsection (a)(2), 5 percent of the amount made available to carry out this section in that fiscal year.”; and

(3) in subsection (d)—

(A) by striking “\$7,500,000 for each of fiscal years 2017 through 2020” and inserting “\$11,500,000 for each fiscal year”; and

(B) by redesignating paragraph (3) as paragraph (4); and

(C) by inserting after paragraph (2) the following:

“(3) **TECHNICAL ASSISTANCE.**—The Secretary may allocate not more than 10 percent of the amount made available to carry out this section in a fiscal year to provide technical assistance to States to carry out activities under this section.”.

SEC. 25025. DRUG-IMPAIRED DRIVING DATA COLLECTION.

Not later than 2 years after the date of enactment of this Act, the Secretary, in consultation with the heads of appropriate Federal agencies, State highway safety offices, State toxicologists, traffic safety advocates, and other interested parties, shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report that, in accordance with the document entitled “Recommendations for Toxicological Investigations of Drug-Impaired Driving and Motor Vehicle Fatalities—2017 Update” (and subsequent updates to that document)—

(1) identifies any barriers that States encounter in submitting alcohol and drug toxicology results to the Fatality Analysis Reporting System;

(2) provides recommendations on how to address the barriers identified pursuant to paragraph (1); and

(3) describes steps that the Secretary, acting through the Administrator of the National Highway Traffic Safety Administration, will take to assist States in improving—

(A) toxicology testing in cases of motor vehicle crashes; and

(B) the reporting of alcohol and drug toxicology results in cases of motor vehicle crashes.

SEC. 25026. REPORT ON MARIJUANA RESEARCH.

(a) **DEFINITION OF MARIJUANA.**—In this section, the term “marijuana” has the meaning given the term in section 4008(d) of the FAST Act (Public Law 114–94; 129 Stat. 1511).

(b) **REPORT.**—Not later than 2 years after the date of enactment of this Act, the Secretary, in consultation with the Attorney General and the Secretary of Health and Human Services, shall submit

Consultation.
Reports.

Recommendations.

Consultation.
Public
information.
Web posting.
Recommendations.

to the Committees on Commerce, Science, and Transportation and the Judiciary of the Senate and the Committees on Transportation and Infrastructure and the Judiciary of the House of Representatives, and make publicly available on the website of the Department, a report that—

(1) describes methods for, and contains recommendations with respect to—

(A) increasing and improving, for scientific researchers studying impairment while driving under the influence of marijuana, access to samples and strains of marijuana and products containing marijuana that are lawfully available to patients or consumers in a State on a retail basis;

(B) establishing a national clearinghouse to collect and distribute samples and strains of marijuana for scientific research that includes marijuana and products containing marijuana lawfully available to patients or consumers in a State on a retail basis; and

(C) facilitating, for scientific researchers located in States that have not legalized marijuana for medical or recreational use, access to samples and strains of marijuana and products containing marijuana from the clearinghouse described in subparagraph (B) for purposes of research on marijuana-impaired driving; and

(2) identifies, and contains recommendations for addressing, Federal statutory and regulatory barriers to—

(A) the conduct of scientific research on marijuana-impaired driving; and

(B) the establishment of a national clearinghouse for purposes of facilitating research on marijuana-impaired driving.

SEC. 25027. GAO STUDY ON IMPROVING THE EFFICIENCY OF TRAFFIC SYSTEMS. Reports.

Not later than 1 year after the date of enactment of this Act, the Comptroller General of the United States shall carry out, and submit to Congress a report describing the results of, a study on the potential societal benefits of improving the efficiency of traffic systems.

TITLE VI—HAZARDOUS MATERIALS

SEC. 26001. AUTHORIZATION OF APPROPRIATIONS.

Time period.

Section 5128 of title 49, United States Code, is amended to read as follows:

“§ 5128. Authorization of appropriations

“(a) IN GENERAL.—There are authorized to be appropriated to the Secretary to carry out this chapter (except sections 5107(e), 5108(g)(2), 5113, 5115, 5116, and 5119)—

“(1) \$67,000,000 for fiscal year 2022;

“(2) \$68,000,000 for fiscal year 2023;

“(3) \$69,000,000 for fiscal year 2024;

“(4) \$70,000,000 for fiscal year 2025; and

“(5) \$71,000,000 for fiscal year 2026.

“(b) **HAZARDOUS MATERIALS EMERGENCY PREPAREDNESS FUND.**—From the Hazardous Materials Preparedness Fund established under section 5116(h), the Secretary may expend, for each of fiscal years 2022 through 2026—

“(1) \$39,050,000 to carry out section 5116(a);

“(2) \$150,000 to carry out section 5116(e);

“(3) \$625,000 to publish and distribute the Emergency Response Guidebook under section 5116(h)(3); and

“(4) \$2,000,000 to carry out section 5116(i).

“(c) **HAZARDOUS MATERIALS TRAINING GRANTS.**—From the Hazardous Materials Emergency Preparedness Fund established pursuant to section 5116(h), the Secretary may expend \$5,000,000 for each of fiscal years 2022 through 2026 to carry out section 5107(e).

“(d) **COMMUNITY SAFETY GRANTS.**—Of the amounts made available under subsection (a) to carry out this chapter, the Secretary shall withhold \$4,000,000 for each of fiscal years 2022 through 2026 to carry out section 5107(i).

“(e) **CREDITS TO APPROPRIATIONS.**—

“(1) **EXPENSES.**—In addition to amounts otherwise made available to carry out this chapter, the Secretary may credit amounts received from a State, Indian tribe, or other public authority or private entity for expenses the Secretary incurs in providing training to the State, Indian tribe, authority or entity.

“(2) **AVAILABILITY OF AMOUNTS.**—Amounts made available under this section shall remain available until expended.”.

SEC. 26002. ASSISTANCE FOR LOCAL EMERGENCY RESPONSE TRAINING GRANT PROGRAM.

Section 5116 of title 49, United States Code, is amended—

(1) in subsection (j), in the second sentence of the matter preceding paragraph (1), by striking “subsection (i)” and inserting “subsections (i) and (j)”;

(2) by redesignating subsection (j) as subsection (k); and

(3) by inserting after subsection (i) the following:

“(j) **ALERT GRANT PROGRAM.**—

“(1) **ASSISTANCE FOR LOCAL EMERGENCY RESPONSE TRAINING.**—The Secretary shall establish a grant program to make grants to eligible entities described in paragraph (2)—

“(A) to develop a hazardous materials response training curriculum for emergency responders, including response activities for the transportation of crude oil, ethanol, and other flammable liquids by rail, consistent with the standards of the National Fire Protection Association; and

“(B) to make the training described in subparagraph (A) available in an electronic format.

“(2) **ELIGIBLE ENTITIES.**—An eligible entity referred to in paragraph (1) is a nonprofit organization that—

“(A) represents first responders or public officials responsible for coordinating disaster response; and

“(B) is able to provide direct or web-based training to individuals responsible for responding to accidents and incidents involving hazardous materials.

“(3) **FUNDING.**—

“(A) **IN GENERAL.**—To carry out the grant program under paragraph (1), the Secretary may use, for each fiscal year, any amounts recovered during such fiscal year from

grants awarded under this section during a prior fiscal year.

“(B) OTHER HAZARDOUS MATERIAL TRAINING ACTIVITIES.—For each fiscal year, after providing grants under paragraph (1), if funds remain available, the Secretary may use the amounts described in subparagraph (A)—

“(i) to make grants under—

“(I) subsection (a)(1)(C);

“(II) subsection (i); and

“(III) section 5107(e);

“(ii) to conduct monitoring and provide technical assistance under subsection (e);

“(iii) to publish and distribute the emergency response guide referred to in subsection (h)(3); and

“(iv) to pay administrative costs in accordance with subsection (h)(4).

“(C) OBLIGATION LIMITATION.—Notwithstanding any other provision of law, for each fiscal year, amounts described in subparagraph (A) shall not be included in the obligation limitation for the Hazardous Materials Emergency Preparedness grant program for that fiscal year.”.

SEC. 26003. REAL-TIME EMERGENCY RESPONSE INFORMATION.

Section 7302 of the FAST Act (49 U.S.C. 20103 note; Public Law 114–94) is amended—

(1) in subsection (a)—

(A) in the matter preceding paragraph (1), by striking “1 year after the date of enactment of this Act” and inserting “December 5, 2022”;

(B) in paragraph (1), by amending subparagraph (B) to read as follows:

“(B) to provide the electronic train consist information described in subparagraph (A) to authorized State and local first responders, emergency response officials, and law enforcement personnel that are involved in the response to, or investigation of, an accident, incident, or public health or safety emergency involving the rail transportation of hazardous materials;”;

(C) by striking paragraph (2);

(D) by redesignating paragraphs (3), (4), (5), (6), and (7) as paragraphs (2), (3), (4), (5), and (6), respectively; and

(E) in paragraph (3), as redesignated, by striking “paragraph (3)” and inserting “paragraph (2)”;

(2) in subsection (b)—

(A) by striking paragraphs (1) and (4); and

(B) by redesignating paragraphs (2), (3), (5), (6), and (7) as paragraphs (1), (2), (3), (4), and (5), respectively; and

(3) in subsection (c), by striking “, as described in subsection (a)(1)(B),”.

TITLE VII—GENERAL PROVISIONS

49 USC 301 note. **SEC. 27001. PERFORMANCE MEASUREMENT, TRANSPARENCY, AND ACCOUNTABILITY.**

For each grant awarded under this Act, or an amendment made by this Act, the Secretary may—

- (1) develop metrics to assess the effectiveness of the activities funded by the grant;
- (2) establish standards for the performance of the activities funded by the grant that are based on the metrics developed under paragraph (1); and
- (3) not later than the date that is 4 years after the date of the initial award of the grant and every 2 years thereafter until the date on which Federal financial assistance is discontinued for the applicable activity, conduct an assessment of the activity funded by the grant to confirm whether the performance is meeting the standards for performance established under paragraph (2).

SEC. 27002. COORDINATION REGARDING FORCED LABOR.

The Secretary shall coordinate with the Commissioner of U.S. Customs and Border Protection to ensure that no illegal products or materials produced with forced labor are procured with funding made available under this Act.

SEC. 27003. DEPARTMENT OF TRANSPORTATION SPECTRUM AUDIT.

(a) **AUDIT AND REPORT.**—Not later than 18 months after the date of enactment of this Act, the Assistant Secretary of Commerce for Communications and Information and the Secretary shall jointly—

(1) conduct an audit of the electromagnetic spectrum that is assigned or otherwise allocated to the Department as of the date of the audit; and

(2) submit to Congress, and make available to each Member of Congress upon request, a report containing the results of the audit conducted under paragraph (1).

(b) **CONTENTS OF REPORT.**—The Assistant Secretary of Commerce for Communications and Information and the Secretary shall include in the report submitted under subsection (a)(2), with respect to the electromagnetic spectrum that is assigned or otherwise allocated to the Department as of the date of the audit—

(1) each particular band of spectrum being used by the Department;

(2) a description of each purpose for which a particular band described in paragraph (1) is being used, and how much of the band is being used for that purpose;

(3) the State or other geographic area in which a particular band described in paragraph (1) is assigned or allocated for use;

(4) whether a particular band described in paragraph (1) is used exclusively by the Department or shared with another Federal entity or a non-Federal entity; and

(5) any portion of the spectrum that is not being used by the Department.

(c) **FORM OF REPORT.**—The report required under subsection (a)(2) shall be submitted in unclassified form but may include a classified annex.

SEC. 27004. STUDY AND REPORTS ON THE TRAVEL AND TOURISM ACTIVITIES OF THE DEPARTMENT.**(a) STUDY.—**

(1) **IN GENERAL.**—The Secretary shall conduct a study (referred to in this section as the “study”) on the travel and tourism activities within the Department.

(2) **REQUIREMENT.**—The study shall evaluate how the Department evaluates travel and tourism needs or criteria in considering applications for grants under the grant programs of the Department.

(b) **REPORT OF THE SECRETARY.**—Not later than 1 year after the date of enactment of this Act, the Secretary shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report on the results of the study, which shall include—

(1) an identification of how the Department currently evaluates travel and tourism needs or criteria in considering applications for grants under the grant programs of the Department;

(2) a description of any actions that the Department will take to improve the evaluation of tourism- and travel-related criteria in considering applications for grants under those grant programs; and

(3) recommendations as to any statutory or regulatory changes that may be required to enhance the consideration by the Department of travel and tourism needs or criteria in considering applications for grants under those grant programs.

Recommendations.

(c) GAO ASSESSMENT AND REPORT.—

(1) **ASSESSMENT.**—The Comptroller General of the United States shall conduct an assessment of the existing resources of the Department used to conduct travel- and tourism-related activities, including the consideration of travel and tourism needs or criteria in considering applications for grants under the grant programs of the Department, in order to identify—

(A) any resources needed by the Department; and

(B) any barriers to carrying out those activities.

(2) **REPORT.**—Not later than 18 months after the date of enactment of this Act, the Comptroller General of the United States shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report on the assessment conducted under paragraph (1), which shall include—

Assessments.

(A) recommendations for improving the evaluation and consideration by the Department of travel and tourism with respect to the discretionary grant programs of the Department;

Recommendations.

(B) an assessment of the resources needed to carry out the tourism- and travel-related activities of the Department;

(C) an assessment of any barriers to carrying out activities relating to travel and tourism; and

(D) recommendations for improving the ability of the Department to carry out activities relating to travel and

Recommendations.

tourism, which may include proposed statutory or regulatory changes that may be needed to facilitate those activities.

TITLE VIII—SPORT FISH RESTORATION AND RECREATIONAL BOATING SAFETY

SEC. 28001. SPORT FISH RESTORATION AND RECREATIONAL BOATING SAFETY.

(a) DIVISION OF ANNUAL APPROPRIATIONS.—

(1) IN GENERAL.—Section 4 of the Dingell-Johnson Sport Fish Restoration Act (16 U.S.C. 777c) is amended—

(A) in subsection (a), by striking “2021” and inserting “2026”;

(B) in subsection (b)—

(i) in paragraph (1)—

(I) in subparagraph (A), by striking “2021” and inserting “2026”; and

(II) by striking subparagraph (B) and inserting the following:

“(B) AVAILABLE AMOUNTS.—The available amount referred to in subparagraph (A) is—

“(i) for the fiscal year that includes the date of enactment of the Surface Transportation Reauthorization Act of 2021, the sum obtained by adding—

“(I) the available amount specified in this subparagraph for the preceding fiscal year; and

“(II) \$979,500; and

“(ii) for each fiscal year thereafter, the sum obtained by adding—

“(I) the available amount specified in this subparagraph for the preceding fiscal year; and

“(II) the product obtained by multiplying—

“(aa) the available amount specified in this subparagraph for the preceding fiscal year; and

“(bb) the change, relative to the preceding fiscal year, in the Consumer Price Index for All Urban Consumers published by the Department of Labor.”; and

(ii) in paragraph (2)—

(I) in subparagraph (A), by striking “2016 through 2021” and inserting “2022 through 2026”; and

(II) by striking subparagraph (B) and inserting the following:

“(B) AVAILABLE AMOUNTS.—The available amount referred to in subparagraph (A) is—

“(i) for fiscal year 2022, \$12,786,434; and

“(ii) for fiscal year 2023 and each fiscal year thereafter, the sum obtained by adding—

“(I) the available amount specified in this subparagraph for the preceding fiscal year; and

“(II) the product obtained by multiplying—

“(aa) the available amount specified in this subparagraph for the preceding fiscal year; and

“(bb) the change, relative to the preceding fiscal year, in the Consumer Price Index for All Urban Consumers published by the Department of Labor.”; and

(C) in subsection (e)(2), by striking “\$900,000” and inserting “\$1,300,000”.

(2) ADMINISTRATION.—Section 9(a) of the Dingell-Johnson Sport Fish Restoration Act (16 U.S.C. 777h(a)) is amended—

(A) by striking paragraphs (1) and (2) and inserting the following:

“(1) personnel costs of employees for the work hours of each employee spent directly administering this Act, as those hours are certified by the supervisor of the employee;”;

(B) by redesignating paragraphs (3) through (12) as paragraphs (2) through (11), respectively;

(C) in paragraph (2) (as so redesignated), by striking “paragraphs (1) and (2)” and inserting “paragraph (1)”;

(D) in paragraph (4)(B) (as so redesignated), by striking “full-time equivalent employee authorized under paragraphs (1) and (2)” and inserting “employee authorized under paragraph (1)”;

(E) in paragraph (8)(A) (as so redesignated), by striking “on a full-time basis”; and

(F) in paragraph (10) (as so redesignated)—

(i) by inserting “or part-time” after “full-time”; and

(ii) by inserting “, subject to the condition that the percentage of the relocation expenses paid with funds made available pursuant to this Act may not exceed the percentage of the work hours of the employee that are spent administering this Act” after “incurred”.

(3) OTHER ACTIVITIES.—Section 14(e) of the Dingell-Johnson Sport Fish Restoration Act (16 U.S.C. 777m(e)) is amended by adding at the end the following:

“(3) A portion, as determined by the Sport Fishing and Boating Partnership Council, of funds disbursed for the purposes described in paragraph (2) but remaining unobligated as of October 1, 2021, shall be used to study the impact of derelict vessels and identify recyclable solutions for recreational vessels.”.

(4) RECREATIONAL BOATING SAFETY.—Section 13107(c)(2) of title 46, United States Code, is amended by striking “No funds available” and inserting “On or after October 1, 2024, no funds available”.

(b) WILDLIFE RESTORATION FUND ADMINISTRATION.—

(1) ALLOCATION AND APPORTIONMENT OF AVAILABLE AMOUNTS.—Section 4(a) of the Pittman-Robertson Wildlife Restoration Act (16 U.S.C. 669c(a)) is amended—

(A) in paragraph (1), by striking subparagraph (B) and inserting the following:

“(B) AVAILABLE AMOUNTS.—The available amount referred to in subparagraph (A) is—

“(i) for the fiscal year that includes the date of enactment of the Surface Transportation Reauthorization Act of 2021, the sum obtained by adding—

“(I) the available amount specified in this subparagraph for the preceding fiscal year; and

“(II) \$979,500; and

“(ii) for each fiscal year thereafter, the sum obtained by adding—

“(I) the available amount specified in this subparagraph for the preceding fiscal year; and

“(II) the product obtained by multiplying—

“(aa) the available amount specified in this subparagraph for the preceding fiscal year; and

“(bb) the change, relative to the preceding fiscal year, in the Consumer Price Index for All Urban Consumers published by the Department of Labor.”; and

(B) in paragraph (2)—

(i) in subparagraph (A), by inserting “subsequent” before “fiscal year.”; and

(ii) by striking subparagraph (B) and inserting the following:

“(B) APPORTIONMENT OF UNOBLIGATED AMOUNTS.—

“(i) IN GENERAL.—Not later than 60 days after the end of a fiscal year, the Secretary of the Interior shall apportion among the States any of the available amount under paragraph (1) that remained available for obligation pursuant to subparagraph (A) during that fiscal year and remains unobligated at the end of that fiscal year.

“(ii) REQUIREMENT.—The available amount apportioned under clause (i) shall be apportioned on the same basis and in the same manner as other amounts made available under this Act were apportioned among the States for the fiscal year in which the amount was originally made available.”.

(2) AUTHORIZED EXPENSES FOR ADMINISTRATION.—Section 9(a) of the Pittman-Robertson Wildlife Restoration Act (16 U.S.C. 669h(a)) is amended—

(A) by striking paragraphs (1) and (2) and inserting the following:

“(1) personnel costs of employees for the work hours of each employee spent directly administering this Act, as those hours are certified by the supervisor of the employee;”;

(B) by redesignating paragraphs (3) through (12) as paragraphs (2) through (11), respectively;

(C) in paragraph (2) (as so redesignated), by striking “paragraphs (1) and (2)” and inserting “paragraph (1)”;

(D) in paragraph (4)(B) (as so redesignated), by striking “full-time equivalent employee authorized under paragraphs (1) and (2)” and inserting “employee authorized under paragraph (1)”;

(E) in paragraph (8)(A) (as so redesignated), by striking “on a full-time basis”; and

(F) in paragraph (10) (as so redesignated)—

(i) by inserting “or part-time” after “full-time”; and

Deadline.

(ii) by inserting “, subject to the condition that the percentage of the relocation expenses paid with funds made available pursuant to this Act may not exceed the percentage of the work hours of the employee that are spent administering this Act” after “incurred”.

(c) RECREATIONAL BOATING ACCESS.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Comptroller General of the United States shall submit to the Sport Fishing and Boating Partnership Council, the Committee on Natural Resources and the Committee on Transportation and Infrastructure of the House of Representatives, and the Committee on Commerce, Science, and Transportation and the Committee on Environment and Public Works of the Senate a report that, to the extent practicable, given available data, shall document—

Reports.

(A) the use of nonmotorized vessels in each State and how the increased use of nonmotorized vessels is impacting motorized and nonmotorized vessel access;

(B) user conflicts at waterway access points; and

(C) the use of—

(i) Sport Fish Restoration Program funds to improve nonmotorized access at waterway entry points and the reasons for providing that access; and

(ii) Recreational Boating Safety Program funds for nonmotorized boating safety programs.

(2) CONSULTATION.—The Comptroller General of the United States shall consult with the Sport Fishing and Boating Partnership Council and the National Boating Safety Advisory Council on study design, scope, and priorities for the report under paragraph (1).

(d) SPORT FISHING AND BOATING PARTNERSHIP COUNCIL.—

(1) IN GENERAL.—The Sport Fishing and Boating Partnership Council established by the Secretary of the Interior shall be an advisory committee of the Department of the Interior and the Department of Commerce subject to the Federal Advisory Committee Act (5 U.S.C. App.).

16 USC 1801
note.

(2) FACCA.—The Secretary of the Interior and the Secretary of Commerce shall jointly carry out the requirements of the Federal Advisory Committee Act (5 U.S.C. App.) with respect to the Sport Fishing and Boating Partnership Council described in paragraph (1).

(3) EFFECTIVE DATE.—This subsection shall take effect on January 1, 2023.

DIVISION C—TRANSIT

SEC. 30001. DEFINITIONS.

(a) IN GENERAL.—Section 5302 of title 49, United States Code, is amended—

(1) by redesignating paragraphs (1) through (24) as paragraphs (2), (3), (4), (5), (6), (7), (8), (9), (10), (11), (12), (13), (14), (15), (16), (17), (18), (19), (20), (21), (22), (23), (24), and (25), respectively; and

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

“(1) ASSAULT ON A TRANSIT WORKER.—The term ‘assault on a transit worker’ means a circumstance in which an individual knowingly, without lawful authority or permission, and with intent to endanger the safety of any individual, or with a reckless disregard for the safety of human life, interferes with, disables, or incapacitates a transit worker while the transit worker is performing the duties of the transit worker.”; and

(3) in subparagraph (G) of paragraph (4) (as so redesignated)—

(A) by redesignating clauses (iv) and (v) as clauses (v) and (vi), respectively;

(B) by inserting after clause (iii) the following:

“(iv) provides that if equipment to fuel privately owned zero-emission passenger vehicles is installed, the recipient of assistance under this chapter shall collect fees from users of the equipment in order to recover the costs of construction, maintenance, and operation of the equipment;”;

(C) in clause (vi) (as so redesignated)—

(i) in subclause (XIII), by striking “and” at the end;

(ii) in subclause (XIV), by adding “and” after the semicolon; and

(iii) by adding at the end the following:

“(XV) technology to fuel a zero-emission vehicle;”.

(b) CONFORMING AMENDMENTS.—

(1) Section 601(a)(12)(E) of title 23, United States Code, is amended by striking “section 5302(3)(G)(v)” and inserting “section 5302(4)(G)(v)”.

(2) Section 5323(e)(3) of title 49, United States Code, is amended by striking “section 5302(3)(J)” and inserting “section 5302(4)(J)”.

(3) Section 5336(e) of title 49, United States Code, is amended by striking “, as defined in section 5302(4)”.

(4) Section 28501(4) of title 49, United States Code, is amended by striking “section 5302(a)(6)” and inserting “section 5302”.

SEC. 30002. METROPOLITAN TRANSPORTATION PLANNING.

(a) IN GENERAL.—Section 5303 of title 49, United States Code, is amended—

(1) in subsection (a)(1), by inserting “and better connect housing and employment” after “urbanized areas”;

(2) in subsection (g)(3)(A), by inserting “housing,” after “economic development.”;

(3) in subsection (h)(1)(E), by inserting “, housing,” after “growth”;

(4) in subsection (i)—

(A) in paragraph (4)(B)—

(i) by redesignating clauses (iii) through (vi) as clauses (iv) through (vii), respectively; and

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

“(iii) assumed distribution of population and housing;”;

and

(B) in paragraph (6)(A), by inserting “affordable housing organizations,” after “disabled,”; and
(5) in subsection (k)—

(A) by redesignating paragraphs (4) and (5) as paragraphs (5) and (6), respectively; and

(B) by inserting after paragraph (3) the following:

“(4) HOUSING COORDINATION PROCESS.—

“(A) IN GENERAL.—Within a metropolitan planning area serving a transportation management area, the transportation planning process under this section may address the integration of housing, transportation, and economic development strategies through a process that provides for effective integration, based on a cooperatively developed and implemented strategy, of new and existing transportation facilities eligible for funding under this chapter and title 23.

“(B) COORDINATION IN INTEGRATED PLANNING PROCESS.—In carrying out the process described in subparagraph (A), a metropolitan planning organization may—

“(i) consult with—

“(I) State and local entities responsible for land use, economic development, housing, management of road networks, or public transportation; and

“(II) other appropriate public or private entities; and

“(ii) coordinate, to the extent practicable, with applicable State and local entities to align the goals of the process with the goals of any comprehensive housing affordability strategies established within the metropolitan planning area pursuant to section 105 of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12705) and plans developed under section 5A of the United States Housing Act of 1937 (42 U.S.C. 1437c–1).

“(C) HOUSING COORDINATION PLAN.—

“(i) IN GENERAL.—A metropolitan planning organization serving a transportation management area may develop a housing coordination plan that includes projects and strategies that may be considered in the metropolitan transportation plan of the metropolitan planning organization.

“(ii) CONTENTS.—A plan described in clause (i) may—

“(I) develop regional goals for the integration of housing, transportation, and economic development strategies to—

“(aa) better connect housing and employment while mitigating commuting times;

“(bb) align transportation improvements with housing needs, such as housing supply shortages, and proposed housing development;

“(cc) align planning for housing and transportation to address needs in relationship to household incomes within the metropolitan planning area;

“(dd) expand housing and economic development within the catchment areas of

Consultation.

existing transportation facilities and public transportation services when appropriate, including higher-density development, as locally determined;

“(ee) manage effects of growth of vehicle miles traveled experienced in the metropolitan planning area related to housing development and economic development;

“(ff) increase share of households with sufficient and affordable access to the transportation networks of the metropolitan planning area;

“(II) identify the location of existing and planned housing and employment, and transportation options that connect housing and employment; and

“(III) include a comparison of transportation plans to land use management plans, including zoning plans, that may affect road use, public transportation ridership and housing development.”.

(b) ADDITIONAL CONSIDERATION AND COORDINATION.—Section 5303 of title 49, United States Code, is amended—

(1) in subsection (d)—

(A) in paragraph (3), by adding at the end the following:

“(D) CONSIDERATIONS.—In designating officials or representatives under paragraph (2) for the first time, subject to the bylaws or enabling statute of the metropolitan planning organization, the metropolitan planning organization shall consider the equitable and proportional representation of the population of the metropolitan planning area.”; and

(B) in paragraph (7)—

(i) by striking “an existing metropolitan planning area” and inserting “an existing urbanized area (as defined by the Bureau of the Census)”; and

(ii) by striking “the existing metropolitan planning area” and inserting “the area”;

(2) in subsection (g)—

(A) in paragraph (1), by striking “a metropolitan area” and inserting “an urbanized area (as defined by the Bureau of the Census)”; and

(B) by adding at the end the following:

“(4) COORDINATION BETWEEN MPOS.—If more than 1 metropolitan planning organization is designated within an urbanized area (as defined by the Bureau of the Census) under subsection (d)(7), the metropolitan planning organizations designated within the area shall ensure, to the maximum extent practicable, the consistency of any data used in the planning process, including information used in forecasting travel demand.

“(5) SAVINGS CLAUSE.—Nothing in this subsection requires metropolitan planning organizations designated within a single urbanized area to jointly develop planning documents, including a unified long-range transportation plan or unified TIP.”;

(3) in subsection (i)(6), by adding at the end the following:

“(D) USE OF TECHNOLOGY.—A metropolitan planning organization may use social media and other web-based tools—

“(i) to further encourage public participation; and
“(ii) to solicit public feedback during the transportation planning process.”; and

(4) in subsection (p), by striking “section 104(b)(5)” and inserting “section 104(b)(6)”.

SEC. 30003. STATEWIDE AND NONMETROPOLITAN TRANSPORTATION PLANNING.

(a) TECHNICAL AMENDMENTS.—Section 5304 of title 49, United States Code, is amended—

(1) in subsection (e), in the matter preceding paragraph (1), by striking the quotation marks before “In”; and

(2) in subsection (i), by striking “this this” and inserting “this”.

(b) USE OF TECHNOLOGY.—Section 5304(f)(3) of title 49, United States Code, is amended by adding at the end the following:

“(C) USE OF TECHNOLOGY.—A State may use social media and other web-based tools—

“(i) to further encourage public participation; and

“(ii) to solicit public feedback during the transportation planning process.”.

SEC. 30004. PLANNING PROGRAMS.

Section 5305 of title 49, United States Code, is amended—

(1) in subsection (e)(1)(A), in the matter preceding clause (i), by striking “this section and section” and inserting “this section and sections”; and

(2) by striking subsection (f) and inserting the following:

“(f) GOVERNMENT SHARE OF COSTS.—

“(1) IN GENERAL.—Except as provided in paragraph (2), the Government share of the cost of an activity funded using amounts made available under this section may not exceed 80 percent of the cost of the activity unless the Secretary determines that it is in the interests of the Government—

“(A) not to require a State or local match; or

“(B) to allow a Government share greater than 80 percent.

“(2) CERTAIN ACTIVITIES.—

“(A) IN GENERAL.—The Government share of the cost of an activity funded using amounts made available under this section shall be not less than 90 percent for an activity that assists parts of an urbanized area or rural area with lower population density or lower average income levels compared to—

“(i) the applicable urbanized area;

“(ii) the applicable rural area;

“(iii) an adjoining urbanized area; or

“(iv) an adjoining rural area.

“(B) REPORT.—A State or metropolitan planning organization that carries out an activity described in subparagraph (A) with an increased Government share described in that subparagraph shall report to the Secretary, in a form as determined by the Secretary, how the increased Government share for transportation planning activities benefits commuting and other essential

Determination.

Determination.

travel in parts of the applicable urbanized area or rural area described in subparagraph (A) with lower population density or lower average income levels.”.

SEC. 30005. FIXED GUIDEWAY CAPITAL INVESTMENT GRANTS.

(a) **IN GENERAL.**—Section 5309 of title 49, United States Code, is amended—

(1) in subsection (a)—

(A) by striking paragraph (6);

(B) by redesignating paragraph (7) as paragraph (6); and

(C) in paragraph (6) (as so redesignated)—

(i) in subparagraph (A), by striking “\$100,000,000” and inserting “\$150,000,000”; and

(ii) in subparagraph (B), by striking “\$300,000,000” and inserting “\$400,000,000”;

(2) in subsection (c)(1)—

(A) in subparagraph (A), by striking “and” at the end;

(B) in subparagraph (B)(iii), by striking the period at the end and inserting “; and”; and

(C) by adding at the end the following:

“(C) the applicant has made progress toward meeting the performance targets in section 5326(c)(2).”;

(3) in subsection (e)(2)(A)(iii)(II), by striking “the next 5 years” and inserting “the next 10 years, without regard to any temporary measures employed by the applicant expected to increase short-term capacity within the next 10 years”;

(4) in subsection (g)—

(A) in paragraph (3)(A), by striking “exceed” and all that follows through “50 percent” and inserting “exceed 50 percent”;

(B) by redesignating paragraph (7) as paragraph (8); and

(C) by inserting after paragraph (6) the following:

“(7) **PROJECT RE-ENTRY.**—In carrying out ratings and evaluations under this subsection, the Secretary shall provide full and fair consideration to projects that seek an updated rating after a period of inactivity following an earlier rating and evaluation.”;

(5) in subsection (i), by striking paragraphs (1) through (8) and inserting the following:

“(1) **FUTURE BUNDLING.**—

“(A) **DEFINITION.**—In this paragraph, the term ‘future bundling request’ means a letter described in subparagraph (B) that requests future funding for additional projects.

“(B) **REQUEST.**—When an applicant submits a letter to the Secretary requesting entry of a project into the project development phase under subsection (d)(1)(A)(i)(I), (e)(1)(A)(i)(I), or (h)(2)(A)(i)(I), the applicant may include a description of other projects for consideration for future funding under this section. An applicant shall include in the request the amount of funding requested under this section for each additional project and the estimated capital cost of each project.

“(C) **READINESS.**—Other projects included in the request shall be ready to enter the project development phase under subsection (d)(1)(A), (e)(1)(A), or (h)(2)(A),

Time period.

within 5 years of the initial project submitted as part of the request.

“(D) PLANNING.—Projects in the future bundling request shall be included in the metropolitan transportation plan in accordance with section 5303(i).

“(E) PROJECT SPONSOR.—The applicant that submits a future bundling request shall be the project sponsor for each project included in the request.

“(F) PROGRAM AND PROJECT SHARE.—A future bundling request submitted under this paragraph shall include a proposed share of each of the request’s projects that is consistent with the requirements of subsections (k)(2)(C)(ii) or (h)(7), as applicable.

“(G) BENEFITS.—The bundling of projects under this subsection—

“(i) shall enhance, or increase the capacity of—

“(I) the total transportation system of the applicant; or

“(II) the transportation system of the region the applicant serves (which, in the case of a State whose request addresses a single region, means that region); and

“(ii) shall—

“(I) streamline procurements for the applicant; or

“(II) enable time or cost savings for the projects.

“(H) EVALUATION.—Each project submitted for consideration for funding in a future bundling request shall be subject to the applicable evaluation criteria under this section for the project type, including demonstrating the availability of local resources to recapitalize, maintain, and operate the overall existing and proposed public transportation system pursuant to subsection (f)(1)(C).

“(I) LETTER OF INTENT.—

“(i) IN GENERAL.—Upon entering into a grant agreement for the initial project for which an applicant submits a future bundling request, the Secretary may issue a letter of intent to the applicant that announces an intention to obligate, for 1 or more additional projects included in the request, an amount from future available budget authority specified in law that is not more than the amount stipulated as the financial participation of the Secretary in the additional project or projects in the future bundling. Such letter may include a condition that the project or projects must meet the evaluation criteria in this subsection before a grant agreement can be executed.

“(ii) AMOUNT.—The amount that the Secretary announces an intention to obligate for an additional project in the future bundling request through a letter of intent issued under clause (i) shall be sufficient to complete at least an operable segment of the project.

“(iii) TREATMENT.—The issuance of a letter of intent under clause (i) shall not be deemed to be an obligation under sections 1108(c), 1501, and 1502(a) of title 31 or an administrative commitment.

“(2) IMMEDIATE BUNDLING.—

“(A) DEFINITION.—In this paragraph, the term ‘immediate bundling request’ means a letter described in subparagraph (B) that requests immediate funding for multiple projects.

“(B) REQUEST.—An applicant may submit a letter to the Secretary requesting entry of multiple projects into the project development phase under subsection (d)(1)(A)(i)(I), (e)(1)(A)(i)(I), or (h)(2)(A)(i)(I), for consideration for funding under this section. An applicant shall include in the request the amount of funding requested under this section for each additional project and the estimated capital cost of each project.

“(C) READINESS.—Projects included in the request must be ready to enter the project development phase under subsection (d)(1)(A), (e)(1)(A), or (h)(2)(A) at the same time.

“(D) PLANNING.—Projects in the bundle shall be included in the metropolitan transportation plan in accordance with section 5303(i).

“(E) PROJECT SPONSOR.—The applicant that submits an immediate bundling request shall be the project sponsor for each project included in the request.

“(F) PROGRAM AND PROJECT SHARE.—An immediate bundling request submitted under this subsection shall include a proposed share of each of the request’s projects that is consistent with the requirements of subsections (k)(2)(C)(ii) or (h)(7), as applicable.

“(G) BENEFITS.—The bundling of projects under this subsection—

“(i) shall enhance, or increase the capacity of—

“(I) the total transportation system of the applicant; or

“(II) the transportation system of the region the applicant serves (which, in the case of a State whose request addresses a single region, means that region); and

“(ii) shall—

“(I) streamline procurements for the applicant; or

“(II) enable time or cost savings for the projects.

“(H) EVALUATION.—A project submitted for consideration for immediate funding in an immediate bundling request shall be subject to the applicable evaluation criteria under this section for the project type, including demonstrating the availability of local resources to recapitalize, maintain, and operate the overall existing and proposed public transportation system pursuant to subsection (f)(1)(C).

“(I) LETTER OF INTENT OR SINGLE GRANT AGREEMENT.—

“(i) IN GENERAL.—Upon entering into a grant agreement for the initial project for which an applicant submits a request, the Secretary may issue a letter of intent or single, combined grant agreement to the applicant.

“(ii) LETTER OF INTENT.—

“(I) IN GENERAL.—A letter of intent announces an intention to obligate, for 1 or more additional projects included in the request, an amount from future available budget authority specified in law that is not more than the amount stipulated as the financial participation of the Secretary in the additional project or projects. Such letter may include a condition that the project or projects must meet the evaluation criteria in this subsection before a grant agreement can be executed.

“(II) AMOUNT.—The amount that the Secretary announces an intention to obligate for an additional project in a letter of intent issued under clause (i) shall be sufficient to complete at least an operable segment of the project.

“(III) TREATMENT.—The issuance of a letter of intent under clause (i) shall not be deemed to be an obligation under sections 1108(c), 1501, and 1502(a) of title 31 or an administrative commitment.

“(3) EVALUATION CRITERIA.—When the Secretary issues rules or policy guidance under this section, the Secretary may request comment from the public regarding potential changes to the evaluation criteria for project justification and local financial commitment under subsections (d), (e), (f), and (h) for the purposes of streamlining the evaluation process for projects included in a future bundling request or an immediate bundling request, including changes to enable simultaneous evaluation of multiple projects under 1 or more evaluation criteria. Notwithstanding paragraphs (1)(H) and (2)(H), such criteria may be utilized for projects included in a future bundling request or an immediate bundling request under this subsection upon promulgation of the applicable rule or policy guidance.

“(4) GRANT AGREEMENTS.—

“(A) NEW START AND CORE CAPACITY IMPROVEMENT PROJECTS.—A new start project or core capacity improvement project in an immediate bundling request or future bundling request shall be carried out through a full funding grant agreement or expedited grant agreement pursuant to subsection (k)(2).

“(B) SMALL START.—A small start project shall be carried out through a grant agreement pursuant to subsection (h)(7).

“(C) REQUIREMENT.—A combined grant agreement described in paragraph (2)(I)(i) shall—

“(i) include only projects in an immediate future bundling request that are ready to receive a grant agreement under this section,

“(ii) be carried out through a full funding grant agreement or expedited grant agreement pursuant to subsection (k)(2) for the included projects, if a project seeking assistance under the combined grant agreement is a new start project or core capacity improvement project; and

“(iii) be carried out through a grant agreement pursuant to subsection (h)(7) for the included projects,

if the projects seeking assistance under the combined grant agreement consist entirely of small start projects.

“(D) SAVINGS PROVISION.—The use of a combined grant agreement shall not waive or amend applicable evaluation criteria under this section for projects included in the combined grant agreement.”;

(6) in subsection (k)—

(A) in paragraph (2)(E)—

(i) by striking “(E) BEFORE AND AFTER STUDY.—” and all that follows through “(I) SUBMISSION OF PLAN.—” and inserting the following: “(E) INFORMATION COLLECTION AND ANALYSIS PLAN.—

“(i) SUBMISSION OF PLAN.—”;

(ii) by redesignating subclause (II) of clause (i) (as so designated) as clause (ii), and adjusting the margin accordingly; and

(iii) in clause (ii) (as so redesignated)—

(I) by redesignating items (aa) through (dd) as subclauses (I) through (IV), respectively, and adjusting the margins accordingly; and

(II) in the matter preceding subclause (I) (as so redesignated), by striking “subclause (I)” and inserting “clause (i)”; and

(B) in paragraph (5), by striking “At least 30” and inserting “Not later than 15”;

(7) in subsection (o)—

(A) by striking paragraph (2);

(B) by redesignating paragraph (3) as paragraph (2);

and

(C) in paragraph (2) (as so redesignated)—

(i) in subparagraph (A)—

(I) in the matter preceding clause (i), by striking “of” and inserting “that”;

(II) by redesignating clauses (i) and (ii) as subclauses (I) and (II), respectively, and adjusting the margins accordingly;

(III) by inserting before subclause (I) (as so redesignated), the following:

“(i) assesses—”;

(IV) in clause (i) (as so designated)—

(aa) in subclause (I) (as so redesignated), by striking “new fixed guideway capital projects and core capacity improvement projects” and inserting “all new fixed guideway capital projects and core capacity improvement projects for grant agreements under this section and section 3005(b) of the Federal Public Transportation Act of 2015 (49 U.S.C. 5309 note; Public Law 114–94)”; and

(bb) in subclause (II) (as so redesignated), by striking “and” at the end; and

(V) by adding at the end the following:

“(ii) includes, with respect to projects that entered into revenue service since the previous biennial review—

“(I) a description and analysis of the impacts of the projects on public transportation services and public transportation ridership;

“(II) a description and analysis of the consistency of predicted and actual benefits and costs of the innovative project development and delivery methods of, or innovative financing for, the projects; and

“(III) an identification of the reasons for any differences between predicted and actual outcomes for the projects; and

“(iii) in conducting the review under clause (ii), incorporates information from the plans submitted by applicants under subsection (k)(2)(E)(i); and”; and

(ii) in subparagraph (B), by striking “each year” and inserting “the applicable year”; and

(8) by adding at the end the following:

“(r) CAPITAL INVESTMENT GRANT DASHBOARD.—

“(1) IN GENERAL.—The Secretary shall make publicly available in an easily identifiable location on the website of the Department of Transportation a dashboard containing the following information for each project seeking a grant agreement under this section:

Public
information.
Web posting.

“(A) Project name.

“(B) Project sponsor.

“(C) City or urbanized area and State in which the project will be located.

“(D) Project type.

“(E) Project mode.

“(F) Project length and number of stops, including length of exclusive bus rapid transit lanes, if applicable.

“(G) Anticipated total project cost.

“(H) Anticipated share of project costs to be sought under this section.

“(I) Date of compliance with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

“(J) Date on which the project entered the project development phase.

“(K) Date on which the project entered the engineering phase, if applicable.

“(L) Date on which a Letter of No Prejudice was requested, and date on which a Letter of No Prejudice was issued or denied, if applicable.

“(M) Date of the applicant’s most recent project ratings, including date of request for updated ratings, if applicable.

“(N) Status of the project sponsor in securing non-Federal matching funds.

“(O) Date on which a project grant agreement is anticipated to be executed.

“(2) UPDATES.—The Secretary shall update the information provided under paragraph (1) not less frequently than monthly.

“(3) PROJECT PROFILES.—The Secretary shall continue to make profiles for projects that have applied for or are receiving assistance under this section publicly available in an easily identifiable location on the website of the Department of Transportation, in the same manner as the Secretary did as of the day before the date of enactment of this subsection.”.

Public
information.
Web posting.

(b) **EXPEDITED PROJECT DELIVERY FOR CAPITAL INVESTMENT GRANTS PILOT PROGRAM.**—Section 3005(b) of the Federal Public Transportation Act of 2015 (49 U.S.C. 5309 note; Public Law 114–94) is amended—

(1) in paragraph (1)(I)—

(A) in clause (i), by striking “\$75,000,000” and inserting “\$150,000,000”; and

(B) in clause (ii), by striking “\$300,000,000” and inserting “\$400,000,000”;

(2) in paragraph (8)(D)(i), by striking “30 days” and inserting “15 days”;

(3) by striking paragraph (12); and

(4) by redesignating paragraph (13) as paragraph (12).

SEC. 30006. FORMULA GRANTS FOR RURAL AREAS.

Section 5311 of title 49, United States Code, is amended—

(1) in subsection (c)—

(A) by redesignating paragraphs (2) and (3) as paragraphs (3) and (4), respectively;

(B) by striking paragraph (1) and inserting the following:

“(1) **IN GENERAL.**—Of the amounts made available or appropriated for each fiscal year pursuant to section 5338(a)(2)(F) to carry out this section—

“(A) an amount equal to 5 percent shall be available to carry out paragraph (2); and

“(B) 3 percent shall be available to carry out paragraph (3).

“(2) **PUBLIC TRANSPORTATION ON INDIAN RESERVATIONS.**—For each fiscal year, the amounts made available under paragraph (1)(A) shall be apportioned for grants to Indian tribes for any purpose eligible under this section, under such terms and conditions as may be established by the Secretary, of which—

“(A) 20 percent shall be distributed by the Secretary on a competitive basis; and

“(B) 80 percent shall be apportioned as formula grants as provided in subsection (j).”; and

(2) in subsection (j)(1)(A), in the matter preceding clause (i), by striking “subsection (c)(1)(B)” and inserting “subsection (c)(2)(B)”.

Apportionment.

SEC. 30007. PUBLIC TRANSPORTATION INNOVATION.

(a) **IN GENERAL.**—Section 5312 of title 49, United States Code, is amended—

(1) by striking the first subsection designated as subsection (g), relating to annual reports on research, as so designated by section 3008(a)(6)(A) of the FAST Act (Public Law 114–94; 129 Stat. 1468) and inserting the following:

“(f) **ANNUAL REPORT ON RESEARCH.**—

“(1) **IN GENERAL.**—Not later than the first Monday in February of each year, the Secretary shall make available to the public on the Web site of the Department of Transportation, a report that includes—

“(A) a description of each project that received assistance under this section during the preceding fiscal year;

Public
information.
Web posting.

“(B) an evaluation of each project described in paragraph (1), including any evaluation conducted under subsection (e)(4) for the preceding fiscal year; and

Evaluation.

“(C) a strategic research roadmap proposal for allocations of amounts for assistance under this section for the current and subsequent fiscal year, including anticipated work areas, proposed demonstrations and strategic partnership opportunities;

Proposal.

“(2) UPDATES.—Not less than every 3 months, the Secretary shall update on the Web site of the Department of Transportation the information described in paragraph (1)(C) to reflect any changes to the Secretary’s plans to make assistance available under this section.

Time period.
Web posting.

“(3) LONG-TERM RESEARCH PLANS.—The Secretary is encouraged to develop long-term research plans and shall identify in the annual report under paragraph (1) and in updates under paragraph (2) allocations of amounts for assistance and notices of funding opportunities to execute long-term strategic research roadmap plans.”;

(2) in paragraph (1) of subsection (g), relating to Government share of costs, by striking the period at the end and inserting “, except that if there is substantial public interest or benefit, the Secretary may approve a greater Federal share.”; and

(3) in subsection (h)—

(A) in paragraph (2)—

(i) by striking subparagraph (A) and inserting the following:

“(A) IN GENERAL.—The Secretary shall competitively select at least 1 facility—

“(i) to conduct testing, evaluation, and analysis of low or no emission vehicle components intended for use in low or no emission vehicles; and

“(ii) to conduct directed technology research.”;

(ii) by striking subparagraph (B) and inserting the following:

“(B) TESTING, EVALUATION, AND ANALYSIS.—

“(i) IN GENERAL.—The Secretary shall enter into a contract or cooperative agreement with, or make a grant to, at least 1 institution of higher education to operate and maintain a facility to conduct testing, evaluation, and analysis of low or no emission vehicle components, and new and emerging technology components, intended for use in low or no emission vehicles.

Contracts.

“(ii) REQUIREMENTS.—An institution of higher education described in clause (i) shall have—

“(I) capacity to carry out transportation-related advanced component and vehicle evaluation;

“(II) laboratories capable of testing and evaluation; and

“(III) direct access to or a partnership with a testing facility capable of emulating real-world circumstances in order to test low or no emission vehicle components installed on the intended vehicle.”; and

(iii) by adding at the end the following:

“(H) CAPITAL EQUIPMENT AND DIRECTED RESEARCH.—A facility operated and maintained under subparagraph (A) may use funds made available under this subsection for—

“(i) acquisition of equipment and capital projects related to testing low or no emission vehicle components; or

“(ii) research related to advanced vehicle technologies that provides advancements to the entire public transportation industry.

“(I) COST SHARE.—The cost share for activities described in subparagraph (H) shall be subject to the terms in subsection (g).”; and

(B) in paragraph (3), by inserting “, as applicable” before the period at the end.

49 USC 5312
note.

(b) LOW OR NO EMISSION VEHICLE COMPONENT ASSESSMENT.—

(1) IN GENERAL.—Institutions of higher education selected to operate and maintain a facility to conduct testing, evaluation, and analysis of low or no emission vehicle components pursuant to section 5312(h) of title 49, United States Code, shall not carry out testing for a new bus model under section 5318 of that title.

(2) USE OF FUNDS.—Funds made available to institutions of higher education described in paragraph (1) for testing under section 5318 of title 49, United States Code, may be used for eligible activities under section 5312(h) of that title.

(c) ACCELERATED IMPLEMENTATION AND DEPLOYMENT OF ADVANCED DIGITAL CONSTRUCTION MANAGEMENT SYSTEMS.—Section 5312(b) of title 49, United States Code, is amended by adding at the end the following:

“(4) ACCELERATED IMPLEMENTATION AND DEPLOYMENT OF ADVANCED DIGITAL CONSTRUCTION MANAGEMENT SYSTEMS.—

“(A) IN GENERAL.—The Secretary shall establish and implement a program under this subsection to promote, implement, deploy, demonstrate, showcase, support, and document the application of advanced digital construction management systems, practices, performance, and benefits.

“(B) GOALS.—The goals of the accelerated implementation and deployment of advanced digital construction management systems program established under subparagraph (A) shall include—

“(i) accelerated adoption of advanced digital systems applied throughout the lifecycle of transportation infrastructure (including through the planning, design and engineering, construction, operations, and maintenance phases) that—

“(I) maximize interoperability with other systems, products, tools, or applications;

“(II) boost productivity;

“(III) manage complexity;

“(IV) reduce project delays and cost overruns;

“(V) enhance safety and quality; and

“(VI) reduce total costs for the entire lifecycle of transportation infrastructure assets;

“(ii) more timely and productive information-sharing among stakeholders through reduced reliance on paper to manage construction processes and

deliverables such as blueprints, design drawings, procurement and supply-chain orders, equipment logs, daily progress reports, and punch lists;

“(iii) deployment of digital management systems that enable and leverage the use of digital technologies on construction sites by contractors, such as state-of-the-art automated and connected machinery and optimized routing software that allows construction workers to perform tasks faster, safer, more accurately, and with minimal supervision;

“(iv) the development and deployment of best practices for use in digital construction management;

“(v) increased technology adoption and deployment by States, local governmental authorities, and designated recipients that enables project sponsors—

“(I) to integrate the adoption of digital management systems and technologies in contracts; and

“(II) to weigh the cost of digitization and technology in setting project budgets;

“(vi) technology training and workforce development to build the capabilities of project managers and sponsors that enables States, local governmental authorities, or designated recipients—

“(I) to better manage projects using advanced construction management technologies; and

“(II) to properly measure and reward technology adoption across projects;

“(vii) development of guidance to assist States, local governmental authorities, and designated recipients in updating regulations to allow project sponsors and contractors—

“(I) to report data relating to the project in digital formats; and

Reports.
Data.

“(II) to fully capture the efficiencies and benefits of advanced digital construction management systems and related technologies;

“(viii) reduction in the environmental footprint of construction projects using advanced digital construction management systems resulting from elimination of congestion through more efficient projects; and

“(ix) enhanced worker and pedestrian safety resulting from increased transparency.

“(C) PUBLICATION.—The reporting requirements for the accelerated implementation and deployment of advanced digital construction management systems program established under section 503(c)(5) of title 23 shall include data and analysis collected under this section.”.

SEC. 30008. BUS TESTING FACILITIES.

Section 5318 of title 49, United States Code, is amended by adding at the end the following:

“(f) CAPITAL EQUIPMENT.—A facility operated and maintained under this section may use funds made available under this section for the acquisition of equipment and capital projects related to testing new bus models.”.

SEC. 30009. TRANSIT-ORIENTED DEVELOPMENT.

Section 20005(b) of MAP–21 (49 U.S.C. 5303 note; Public Law 112–141) is amended—

- (1) in paragraph (2), in the matter preceding subparagraph (A), by inserting “or site-specific” after “comprehensive”; and
- (2) in paragraph (3)—

- (A) in subparagraph (B), by inserting “or a site-specific plan” after “comprehensive plan”;

- (B) in subparagraph (C), by inserting “or the proposed site-specific plan” after “proposed comprehensive plan”;

- (C) in subparagraph (D), by inserting “or the site-specific plan” after “comprehensive plan”; and

- (D) in subparagraph (E)(iii), by inserting “or the site-specific plan” after “comprehensive plan”.

SEC. 30010. GENERAL PROVISIONS.

Section 5323(u) of title 49, United States Code, is amended by striking paragraph (2) and inserting the following:

“(2) EXCEPTION.—For purposes of paragraph (1), the term ‘otherwise related legally or financially’ does not include—

“(A) a minority relationship or investment; or

“(B) relationship with or investment in a subsidiary, joint venture, or other entity based in a country described in paragraph (1)(B) that does not export rolling stock or components of rolling stock for use in the United States.”.

SEC. 30011. PUBLIC TRANSPORTATION EMERGENCY RELIEF PROGRAM.

Section 5324 of title 49, United States Code, is amended by adding at the end the following:

“(f) INSURANCE.—Before receiving a grant under this section following an emergency, an applicant shall—

“(1) submit to the Secretary documentation demonstrating proof of insurance required under Federal law for all structures related to the grant application; and

“(2) certify to the Secretary that the applicant has insurance required under State law for all structures related to the grant application.”.

Certification.

SEC. 30012. PUBLIC TRANSPORTATION SAFETY PROGRAM.

(a) IN GENERAL.—Section 5329 of title 49, United States Code, is amended—

- (1) in subsection (b)—

- (A) in paragraph (2)—

- (i) in subparagraph (A), by inserting “, or, in the case of a recipient receiving assistance under section 5307 that is serving an urbanized area with a population of 200,000 or more, safety performance measures, including measures related to the risk reduction program under subsection (d)(1)(I), for all modes of public transportation” after “public transportation”;

- (ii) in subparagraph (C)(ii)—

- (I) in subclause (I), by striking “and” at the end;

- (II) in subclause (II), by adding “and” at the end; and

- (III) by adding at the end the following:

- “(III) innovations in driver assistance technologies and driver protection infrastructure,

where appropriate, and a reduction in visibility impairments that contribute to pedestrian fatalities;”;

(iii) in subparagraph (D)(ii)(V), by striking “and” at the end;

(iv) in subparagraph (E), by striking the period at the end and inserting “; and”;

(v) by redesignating subparagraphs (D) and (E) as subparagraphs (E) and (F), respectively;

(vi) by inserting after subparagraph (C) the following:

“(D) in consultation with the Secretary of Health and Human Services, precautionary and reactive actions required to ensure public and personnel safety and health during an emergency (as defined in section 5324(a));”;

Consultation.

(vii) by adding at the end the following:

“(G) consideration, where appropriate, of performance-based and risk-based methodologies.”; and

(B) by adding at the end the following:

“(3) PLAN UPDATES.—The Secretary shall update the national public transportation safety plan under paragraph (1) as necessary with respect to recipients receiving assistance under section 5307 that serve an urbanized area with a population of 200,000 or more.”;

(2) in subsection (c)—

(A) by striking paragraph (2); and

(B) by striking the subsection designation and heading and all that follows through “The Secretary” in paragraph (1) and inserting the following:

“(c) PUBLIC TRANSPORTATION SAFETY CERTIFICATION TRAINING PROGRAM.—The Secretary”;

(3) in subsection (d)—

(A) in paragraph (1)—

(i) in the matter preceding subparagraph (A), by striking “Effective 1 year” and all that follows through “each recipient” and inserting “Each recipient”;

(ii) in subparagraph (A), by inserting “, or, in the case of a recipient receiving assistance under section 5307 that is serving an urbanized area with a population of 200,000 or more, the safety committee of the entity established under paragraph (5), followed by the board of directors (or equivalent entity) of the recipient approve,” after “approve”;

(iii) by redesignating subparagraphs (B) through (G) as subparagraphs (C) through (H), respectively;

(iv) by inserting after subparagraph (A) the following:

“(B) for each recipient serving an urbanized area with a population of fewer than 200,000, a requirement that the agency safety plan be developed in cooperation with frontline employee representatives;”;

(v) in subparagraph (D) (as so redesignated), by inserting “, and consistent with guidelines of the Centers for Disease Control and Prevention or a State health authority, minimize exposure to infectious diseases” after “public, personnel, and property to hazards and unsafe conditions”;

(vi) by striking subparagraph (F) (as so redesignated) and inserting the following:

“(F) performance targets based on—

“(i) the safety performance criteria and state of good repair standards established under subparagraphs (A) and (B), respectively, of subsection (b)(2); or

“(ii) in the case of a recipient receiving assistance under section 5307 that is serving an urbanized area with a population of 200,000 or more, safety performance measures established under the national public transportation safety plan, as described in subsection (b)(2)(A);”;

(vii) in subparagraph (G) (as so redesignated), by striking “and” at the end; and

(viii) by striking subparagraph (H) (as so redesignated) and inserting the following:

“(H) a comprehensive staff training program for—

“(i) the operations personnel and personnel directly responsible for safety of the recipient that includes—

“(I) the completion of a safety training program; and

“(II) continuing safety education and training;

or

“(ii) in the case of a recipient receiving assistance under section 5307 that is serving an urbanized area with a population of 200,000 or more, the operations and maintenance personnel and personnel directly responsible for safety of the recipient that includes—

“(I) the completion of a safety training program;

“(II) continuing safety education and training; and

“(III) de-escalation training; and

“(I) in the case of a recipient receiving assistance under section 5307 that is serving an urbanized area with a population of 200,000 or more, a risk reduction program for transit operations to improve safety by reducing the number and rates of accidents, injuries, and assaults on transit workers based on data submitted to the national transit database under section 5335, including—

“(i) a reduction of vehicular and pedestrian accidents involving buses that includes measures to reduce visibility impairments for bus operators that contribute to accidents, including retrofits to buses in revenue service and specifications for future procurements that reduce visibility impairments; and

“(ii) the mitigation of assaults on transit workers, including the deployment of assault mitigation infrastructure and technology on buses, including barriers to restrict the unwanted entry of individuals and objects into the workstations of bus operators when a risk analysis performed by the safety committee of the recipient established under paragraph (5) determines that such barriers or other measures would reduce assaults on transit workers and injuries to transit workers.”; and

(B) by adding at the end the following:

“(4) RISK REDUCTION PERFORMANCE TARGETS.—

“(A) IN GENERAL.—The safety committee of a recipient receiving assistance under section 5307 that is serving an urbanized area with a population of 200,000 or more established under paragraph (5) shall establish performance targets for the risk reduction program required under paragraph (1)(I) using a 3-year rolling average of the data submitted by the recipient to the national transit database under section 5335. Time period.

“(B) SAFETY SET ASIDE.—A recipient receiving assistance under section 5307 that is serving an urbanized area with a population of 200,000 or more shall allocate not less than 0.75 percent of those funds to safety-related projects eligible under section 5307.

“(C) FAILURE TO MEET PERFORMANCE TARGETS.—A recipient receiving assistance under section 5307 that is serving an urbanized area with a population of 200,000 or more that does not meet the performance targets established under subparagraph (A) shall allocate the amount made available in subparagraph (B) in the following fiscal year to projects described in subparagraph (D).

“(D) ELIGIBLE PROJECTS.—Funds set aside under subparagraph (C) shall be used for projects that are reasonably likely to assist the recipient in meeting the performance targets established in subparagraph (A), including modifications to rolling stock and de-escalation training.

“(5) SAFETY COMMITTEE.—

“(A) IN GENERAL.—For purposes of this subsection, the safety committee of a recipient shall—

“(i) be convened by a joint labor-management process;

“(ii) consist of an equal number of—

“(I) frontline employee representatives, selected by a labor organization representing the plurality of the frontline workforce employed by the recipient or, if applicable, a contractor to the recipient, to the extent frontline employees are represented by labor organizations; and

“(II) management representatives; and

“(iii) have, at a minimum, responsibility for—

“(I) identifying and recommending risk-based mitigations or strategies necessary to reduce the likelihood and severity of consequences identified through the agency’s safety risk assessment;

“(II) identifying mitigations or strategies that may be ineffective, inappropriate, or were not implemented as intended; and

“(III) identifying safety deficiencies for purposes of continuous improvement.

“(B) APPLICABILITY.—This paragraph applies only to a recipient receiving assistance under section 5307 that is serving an urbanized area with a population of 200,000 or more.”;

(4) in subsection (e)—

(A) in paragraph (4)(A)(v), by inserting “, inspection,” after “investigative”; and

(B) by adding at the end the following:

“(11) EFFECTIVENESS OF ENFORCEMENT AUTHORITIES AND PRACTICES.—The Secretary shall develop and disseminate to State safety oversight agencies the process and methodology that the Secretary will use to monitor the effectiveness of the enforcement authorities and practices of State safety oversight agencies.”; and

(5) by striking subsection (k) and inserting the following: “(k) INSPECTIONS.—

“(1) INSPECTION ACCESS.—

“(A) IN GENERAL.—A State safety oversight program shall provide the State safety oversight agency established by the program with the authority and capability to enter the facilities of each rail fixed guideway public transportation system that the State safety oversight agency oversees to inspect infrastructure, equipment, records, personnel, and data, including the data that the rail fixed guideway public transportation agency collects when identifying and evaluating safety risks.

Consultation.

“(B) POLICIES AND PROCEDURES.—A State safety oversight agency, in consultation with each rail fixed guideway public transportation agency that the State safety oversight agency oversees, shall establish policies and procedures regarding the access of the State safety oversight agency to conduct inspections of the rail fixed guideway public transportation system, including access for inspections that occur without advance notice to the rail fixed guideway public transportation agency.

“(2) DATA COLLECTION.—

“(A) IN GENERAL.—A rail fixed guideway public transportation agency shall provide the applicable State safety oversight agency with the data that the rail fixed guideway public transportation agency collects when identifying and evaluating safety risks, in accordance with subparagraph (B).

Consultation.

“(B) POLICIES AND PROCEDURES.—A State safety oversight agency, in consultation with each rail fixed guideway public transportation agency that the State safety oversight agency oversees, shall establish policies and procedures for collecting data described in subparagraph (A) from a rail fixed guideway public transportation agency, including with respect to frequency of collection, that is commensurate with the size and complexity of the rail fixed guideway public transportation system.

“(3) INCORPORATION.—Policies and procedures established under this subsection shall be incorporated into—

“(A) the State safety oversight program standard adopted by a State safety oversight agency under section 674.27 of title 49, Code of Federal Regulations (or any successor regulation); and

“(B) the public transportation agency safety plan established by a rail fixed guideway public transportation agency under subsection (d).

“(4) ASSESSMENT BY SECRETARY.—In assessing the capability of a State safety oversight agency to conduct inspections as required under paragraph (1), the Secretary shall ensure that—

“(A) the inspection practices of the State safety oversight agency are commensurate with the number, size, and complexity of the rail fixed guideway public transportation systems that the State safety oversight agency oversees;

“(B) the inspection program of the State safety oversight agency is risk-based; and

“(C) the State safety oversight agency has sufficient resources to conduct the inspections.

“(5) SPECIAL DIRECTIVE.—The Secretary shall issue a special directive to each State safety oversight agency on the development and implementation of risk-based inspection programs under this subsection.

“(6) ENFORCEMENT.—The Secretary may use any authority under this section, including any enforcement action authorized under subsection (g), to ensure the compliance of a State safety oversight agency or State safety oversight program with this subsection.”

(b) DEADLINE; EFFECTIVE DATE.—

(1) SPECIAL DIRECTIVE ON RISK-BASED INSPECTION PROGRAMS.—Not later than 1 year after the date of enactment of this Act, the Secretary of Transportation shall issue each special directive required under section 5329(k)(5) of title 49, United States Code (as added by subsection (a)). 49 USC 5329 note.

(2) INSPECTION REQUIREMENTS.—Section 5329(k) of title 49, United States Code (as amended by subsection (a)), shall apply with respect to a State safety oversight agency on and after the date that is 2 years after the date on which the Secretary of Transportation issues the special directive to the State safety oversight agency under paragraph (5) of that section 5329(k). 49 USC 5329 note.

(c) NO EFFECT ON INITIAL CERTIFICATION PROCESS.—Nothing in this section or the amendments made by this section affects the requirements for initial approval of a State safety oversight program, including the initial deadline, under section 5329(e)(3) of title 49, United States Code. 49 USC 5329 note.

SEC. 30013. ADMINISTRATIVE PROVISIONS.

Section 5334(h)(4) of title 49, United States Code, is amended—

(1) by redesignating subparagraphs (B) and (C) as subparagraphs (C) and (D), respectively; and

(2) by inserting after subparagraph (A) the following:

“(B) REIMBURSEMENT.—

“(i) FAIR MARKET VALUE OF LESS THAN \$5,000.—With respect to rolling stock and equipment with a unit fair market value of \$5,000 or less per unit and unused supplies with a total aggregate fair market value of \$5,000 or less that was purchased using Federal financial assistance under this chapter, the rolling stock, equipment, and supplies may be retained, sold, or otherwise disposed of at the end of the service life of the rolling stock, equipment, or supplies without any obligation to reimburse the Federal Transit Administration.

“(ii) FAIR MARKET VALUE OF MORE THAN \$5,000.—

“(I) IN GENERAL.—With respect to rolling stock and equipment with a unit fair market value of more than \$5,000 per unit and unused supplies

with a total aggregate fair market value of more than \$5,000 that was purchased using Federal financial assistance under this chapter, the rolling stock, equipment, and supplies may be retained or sold at the end of the service life of the rolling stock, equipment, or supplies.

“(II) REIMBURSEMENT REQUIRED.—If rolling stock, equipment, or supplies described in subclause (I) is sold, of the proceeds from the sale—

“(aa) the recipient shall retain an amount equal to the sum of—

“(AA) \$5,000; and

“(BB) of the remaining proceeds, a percentage of the amount equal to the non-Federal share expended by the recipient in making the original purchase; and

“(bb) any amounts remaining after application of item (aa) shall be returned to the Federal Transit Administration.

“(iii) ROLLING STOCK AND EQUIPMENT RETAINED.—Rolling stock, equipment, or supplies described in clause (i) or (ii) that is retained by a recipient under those clauses may be used by the recipient for other public transportation projects or programs with no obligation to reimburse the Federal Transit Administration, and no approval of the Secretary to retain that rolling stock, equipment, or supplies is required.”.

SEC. 30014. NATIONAL TRANSIT DATABASE.

Section 5335 of title 49, United States Code, is amended—

(1) in subsection (a), in the first sentence, by inserting “geographic service area coverage,” after “operating,”; and

(2) by striking subsection (c) and inserting the following:

“(c) DATA REQUIRED TO BE REPORTED.—Each recipient of a grant under this chapter shall report to the Secretary, for inclusion in the national transit database under this section—

“(1) any information relating to a transit asset inventory or condition assessment conducted by the recipient;

“(2) any data on assaults on transit workers of the recipients; and

“(3) any data on fatalities that result from an impact with a bus.”.

SEC. 30015. APPORTIONMENT OF APPROPRIATIONS FOR FORMULA GRANTS.

(a) SMALL URBANIZED AREAS.—Section 5336(h)(3) of title 49, United States Code, is amended by striking “paragraphs (1) and (2)” and all that follows through “2 percent” in subparagraph (B) and inserting “paragraphs (1) and (2), 3 percent”.

(b) FUNDING FOR STATE SAFETY OVERSIGHT PROGRAM GRANTS.—

(1) IN GENERAL.—Section 5336(h)(4) of title 49, United States Code, is amended by striking “0.5 percent” and inserting “0.75 percent”.

(2) APPLICABILITY.—The amendment made by paragraph (1) shall apply with respect to fiscal year 2022 and each fiscal year thereafter.

SEC. 30016. STATE OF GOOD REPAIR GRANTS.

Section 5337 of title 49, United States Code, is amended by adding at the end the following:

“(f) COMPETITIVE GRANTS FOR RAIL VEHICLE REPLACEMENT.—

“(1) IN GENERAL.—The Secretary may make grants under this subsection to assist State and local governmental authorities in financing capital projects for the replacement of rail rolling stock.

“(2) GRANT REQUIREMENTS.—Except as otherwise provided in this subsection, a grant under this subsection shall be subject to the same terms and conditions as a grant under subsection (b).

“(3) COMPETITIVE PROCESS.—The Secretary shall solicit grant applications and make not more than 3 new awards to eligible projects under this subsection on a competitive basis each fiscal year.

“(4) CONSIDERATION.—In awarding grants under this subsection, the Secretary shall consider—

“(A) the size of the rail system of the applicant;

“(B) the amount of funds available to the applicant under this subsection;

“(C) the age and condition of the rail rolling stock of the applicant that has exceeded or will exceed the useful service life of the rail rolling stock in the 5-year period following the grant; and

“(D) whether the applicant has identified replacement of the rail vehicles as a priority in the investment prioritization portion of the transit asset management plan of the recipient pursuant to part 625 of title 49, Code of Federal Regulations (or successor regulations).

“(5) MAXIMUM SHARE OF COMPETITIVE GRANT ASSISTANCE.—The amount of grant assistance provided by the Secretary under this subsection, as a share of eligible project costs, shall be not more than 50 percent.

“(6) GOVERNMENT SHARE OF COST.—The Government share of the cost of an eligible project carried out under this subsection shall not exceed 80 percent.

“(7) MULTI-YEAR GRANT AGREEMENTS.—

“(A) IN GENERAL.—An eligible project for which a grant is provided under this subsection may be carried out through a multi-year grant agreement in accordance with this paragraph.

“(B) REQUIREMENTS.—A multi-year grant agreement under this paragraph shall—

“(i) establish the terms of participation by the Federal Government in the project; and

“(ii) establish the maximum amount of Federal financial assistance for the project that may be provided through grant payments to be provided in not more than 3 consecutive fiscal years.

“(C) FINANCIAL RULES.—A multi-year grant agreement under this paragraph—

“(i) shall obligate an amount of available budget authority specified in law; and

“(ii) may include a commitment, contingent on amounts to be specified in law in advance for commitments under this paragraph, to obligate an additional

amount from future available budget authority specified in law.

“(D) STATEMENT OF CONTINGENT COMMITMENT.—A multi-year agreement under this paragraph shall state that the contingent commitment is not an obligation of the Federal Government.”.

SEC. 30017. AUTHORIZATIONS.

Section 5338 of title 49, United States Code, is amended to read as follows:

“§ 5338. Authorizations

Time periods.

“(a) GRANTS.—

“(1) IN GENERAL.—There shall be available from the Mass Transit Account of the Highway Trust Fund to carry out sections 5305, 5307, 5310, 5311, 5312, 5314, 5318, 5335, 5337, 5339, and 5340, section 20005(b) of the Federal Public Transportation Act of 2012 (49 U.S.C. 5303 note; Public Law 112–141), and section 3006(b) of the Federal Public Transportation Act of 2015 (49 U.S.C. 5310 note; Public Law 114–94)—

“(A) \$13,355,000,000 for fiscal year 2022;

“(B) \$13,634,000,000 for fiscal year 2023;

“(C) \$13,990,000,000 for fiscal year 2024;

“(D) \$14,279,000,000 for fiscal year 2025; and

“(E) \$14,642,000,000 for fiscal year 2026.

“(2) ALLOCATION OF FUNDS.—Of the amounts made available under paragraph (1)—

“(A) \$184,647,343 for fiscal year 2022, \$188,504,820 for fiscal year 2023, \$193,426,906 for fiscal year 2024, \$197,422,644 for fiscal year 2025, and \$202,441,512 for fiscal year 2026 shall be available to carry out section 5305;

“(B) \$13,157,184 for fiscal year 2022, \$13,432,051 for fiscal year 2023, \$13,782,778 for fiscal year 2024, \$14,067,497 for fiscal year 2025, and \$14,425,121 for fiscal year 2026 shall be available to carry out section 20005(b) of the Federal Public Transportation Act of 2012 (49 U.S.C. 5303 note; Public Law 112–141);

“(C) \$6,408,288,249 for fiscal year 2022, \$6,542,164,133 for fiscal year 2023, \$6,712,987,840 for fiscal year 2024, \$6,851,662,142 for fiscal year 2025, and \$7,025,844,743 for fiscal year 2026 shall be allocated in accordance with section 5336 to provide financial assistance for urbanized areas under section 5307;

“(D) \$371,247,094 for fiscal year 2022, \$379,002,836 for fiscal year 2023, \$388,899,052 for fiscal year 2024, \$396,932,778 for fiscal year 2025, and \$407,023,583 for fiscal year 2026 shall be available to provide financial assistance for services for the enhanced mobility of seniors and individuals with disabilities under section 5310;

“(E) \$4,605,014 for fiscal year 2022, \$4,701,218 for fiscal year 2023, \$4,823,972 for fiscal year 2024, \$4,923,624 for fiscal year 2025, and \$5,048,792 for fiscal year 2026 shall be available for the pilot program for innovative coordinated access and mobility under section 3006(b) of

the Federal Public Transportation Act of 2015 (49 U.S.C. 5310 note; Public Law 114–94);

“(F) \$875,289,555 for fiscal year 2022, \$893,575,275 for fiscal year 2023, \$916,907,591 for fiscal year 2024, \$935,848,712 for fiscal year 2025, and \$959,639,810 for fiscal year 2026 shall be available to provide financial assistance for rural areas under section 5311;

“(G) \$36,840,115 for fiscal year 2022, \$37,609,743 for fiscal year 2023, \$38,591,779 for fiscal year 2024, \$39,388,993 for fiscal year 2025, and \$40,390,337 for fiscal year 2026 shall be available to carry out section 5312, of which—

“(i) \$5,000,000 for fiscal year 2022, \$5,104,455 for fiscal year 2023, \$5,237,739 for fiscal year 2024, \$5,345,938 for fiscal year 2025, and \$5,481,842 for fiscal year 2026 shall be available to carry out section 5312(h); and

“(ii) \$6,578,592 for fiscal year 2022, \$6,716,026 for fiscal year 2023, \$6,891,389 for fiscal year 2024, \$7,033,749 for fiscal year 2025, and \$7,212,560 for fiscal year 2026 shall be available to carry out section 5312(i);

“(H) \$11,841,465 for fiscal year 2022, \$12,088,846 for fiscal year 2023, \$12,404,500 for fiscal year 2024, \$12,660,748 for fiscal year 2025, and \$12,982,608 for fiscal year 2026 shall be available to carry out section 5314, of which \$6,578,592 for fiscal year 2022, \$6,716,026 for fiscal year 2023, \$6,891,389 for fiscal year 2024, \$7,033,749 for fiscal year 2025, and \$7,212,560 for fiscal year 2026 shall be available for the national transit institute under section 5314(c);

“(I) \$5,000,000 for fiscal year 2022, \$5,104,455 for fiscal year 2023, \$5,237,739 for fiscal year 2024, \$5,345,938 for fiscal year 2025, and \$5,481,842 for fiscal year 2026 shall be available for bus testing under section 5318;

“(J) \$131,000,000 for fiscal year 2022, \$134,930,000 for fiscal year 2023, \$138,977,900 for fiscal year 2024, \$143,147,237 for fiscal year 2025, and \$147,441,654 for fiscal year 2026 shall be available to carry out section 5334;

“(K) \$5,262,874 for fiscal year 2022, \$5,372,820 for fiscal year 2023, \$5,513,111 for fiscal year 2024, \$5,626,999 for fiscal year 2025, and \$5,770,048 for fiscal year 2026 shall be available to carry out section 5335;

“(L) \$3,515,528,226 for fiscal year 2022, \$3,587,778,037 for fiscal year 2023, \$3,680,934,484 for fiscal year 2024, \$3,755,675,417 for fiscal year 2025, and \$3,850,496,668 for fiscal year 2026 shall be available to carry out section 5337, of which \$300,000,000 for each of fiscal years 2022 through 2026 shall be available to carry out section 5337(f);

“(M) \$603,992,657 for fiscal year 2022, \$616,610,699 for fiscal year 2023, \$632,711,140 for fiscal year 2024, \$645,781,441 for fiscal year 2025, and \$662,198,464 for fiscal year 2026 shall be available for the bus and buses facilities program under section 5339(a);

“(N) \$447,257,433 for fiscal year 2022, \$456,601,111 for fiscal year 2023, \$468,523,511 for fiscal year 2024,

\$478,202,088 for fiscal year 2025, and \$490,358,916 for fiscal year 2026 shall be available for buses and bus facilities competitive grants under section 5339(b) and no or low emission grants under section 5339(c), of which \$71,561,189 for fiscal year 2022, \$73,056,178 for fiscal year 2023, \$74,963,762 for fiscal year 2024, \$76,512,334 for fiscal year 2025, and \$78,457,427 for fiscal year 2026 shall be available to carry out section 5339(c); and

“(O) \$741,042,792 for fiscal year 2022, \$756,523,956 for fiscal year 2023, \$776,277,698 for fiscal year 2024, \$792,313,742 for fiscal year 2025, and \$812,455,901 for fiscal year 2026, to carry out section 5340 to provide financial assistance for urbanized areas under section 5307 and rural areas under section 5311, of which—

“(i) \$392,752,680 for fiscal year 2022, \$400,957,696 for fiscal year 2023, \$411,427,180 for fiscal year 2024, \$419,926,283 for fiscal year 2025, and \$430,601,628 for fiscal year 2026 shall be for growing States under section 5340(c); and

“(ii) \$348,290,112 for fiscal year 2022, \$355,566,259 for fiscal year 2023, \$364,850,518 for fiscal year 2024, \$372,387,459 for fiscal year 2025, and \$381,854,274 for fiscal year 2026 shall be for high density States under section 5340(d).

Appropriation
authorization.
Time period.

“(b) CAPITAL INVESTMENT GRANTS.—There are authorized to be appropriated to carry out section 5309 of this title and section 3005(b) of the Federal Public Transportation Act of 2015 (49 U.S.C. 5309 note; Public Law 114–94), \$3,000,000,000 for each of fiscal years 2022 through 2026.

“(c) OVERSIGHT.—

“(1) IN GENERAL.—Of the amounts made available to carry out this chapter for a fiscal year, the Secretary may use not more than the following amounts for the activities described in paragraph (2):

“(A) 0.5 percent of amounts made available to carry out section 5305.

“(B) 0.75 percent of amounts made available to carry out section 5307.

“(C) 1 percent of amounts made available to carry out section 5309.

“(D) 1 percent of amounts made available to carry out section 601 of the Passenger Rail Investment and Improvement Act of 2008 (Public Law 110–432; 126 Stat. 4968).

“(E) 0.5 percent of amounts made available to carry out section 5310.

“(F) 0.5 percent of amounts made available to carry out section 5311.

“(G) 1 percent of amounts made available to carry out section 5337, of which not less than 0.25 percent of amounts made available for this subparagraph shall be available to carry out section 5329.

“(H) 0.75 percent of amounts made available to carry out section 5339.

“(2) ACTIVITIES.—The activities described in this paragraph are as follows:

“(A) Activities to oversee the construction of a major capital project.

“(B) Activities to review and audit the safety and security, procurement, management, and financial compliance of a recipient or subrecipient of funds under this chapter.

“(C) Activities to provide technical assistance generally, and to provide technical assistance to correct deficiencies identified in compliance reviews and audits carried out under this section.

“(D) Activities to carry out section 5334.

“(3) GOVERNMENT SHARE OF COSTS.—The Government shall pay the entire cost of carrying out a contract under this subsection.

“(4) AVAILABILITY OF CERTAIN FUNDS.—Funds made available under paragraph (1)(C) shall be made available to the Secretary before allocating the funds appropriated to carry out any project under a full funding grant agreement.

“(d) GRANTS AS CONTRACTUAL OBLIGATIONS.—

“(1) GRANTS FINANCED FROM HIGHWAY TRUST FUND.—A grant or contract that is approved by the Secretary and financed with amounts made available from the Mass Transit Account of the Highway Trust Fund pursuant to this section is a contractual obligation of the Government to pay the Government share of the cost of the project.

“(2) GRANTS FINANCED FROM GENERAL FUND.—A grant or contract that is approved by the Secretary and financed with amounts appropriated in advance from the General Fund of the Treasury pursuant to this section is a contractual obligation of the Government to pay the Government share of the cost of the project only to the extent that amounts are appropriated for such purpose by an Act of Congress.

“(e) AVAILABILITY OF AMOUNTS.—Amounts made available by or appropriated under this section shall remain available until expended.”.

SEC. 30018. GRANTS FOR BUSES AND BUS FACILITIES.

Section 5339 of title 49, United States Code, is amended—

(1) in subsection (a)—

(A) in paragraph (5)(A)—

(i) by striking “\$90,500,000 for each of fiscal years 2016 through 2020” and inserting “\$206,000,000 each fiscal year”;

(ii) by striking “\$1,750,000” and inserting “\$4,000,000”; and

(iii) by striking “\$500,000” and inserting “\$1,000,000”; and

(B) by adding at the end the following:

“(10) MAXIMIZING USE OF FUNDS.—

“(A) IN GENERAL.—Eligible recipients and subrecipients under this subsection should, to the extent practicable, seek to utilize the procurement tools authorized under section 3019 of the FAST Act (49 U.S.C. 5325 note; Public Law 114–94).

“(B) WRITTEN EXPLANATION.—If an eligible recipient or subrecipient under this subsection purchases less than 5 buses through a standalone procurement, the eligible recipient or subrecipient shall provide to the Secretary

a written explanation regarding why the tools authorized under section 3019 of the FAST Act (49 U.S.C. 5325 note; Public Law 114–94) were not utilized.”;

(2) in subsection (b)—

(A) by striking paragraph (5) and inserting the following:

“(5) RURAL PROJECTS.—

“(A) IN GENERAL.—Subject to subparagraph (B), not less than 15 percent of the amounts made available under this subsection in a fiscal year shall be distributed to projects in rural areas.

“(B) UNUTILIZED AMOUNTS.—The Secretary may use less than 15 percent of the amounts made available under this subsection in a fiscal year for the projects described in subparagraph (A) if the Secretary cannot meet the requirement of that subparagraph due to insufficient eligible applications.”; and

(B) by adding at the end the following:

“(9) COMPETITIVE PROCESS.—The Secretary shall—

Deadline.

“(A) not later than 30 days after the date on which amounts are made available for obligation under this subsection for a full fiscal year, solicit grant applications for eligible projects on a competitive basis; and

Grants.
Deadlines.

“(B) award a grant under this subsection based on the solicitation under subparagraph (A) not later than the earlier of—

“(i) 75 days after the date on which the solicitation expires; or

“(ii) the end of the fiscal year in which the Secretary solicited the grant applications.

“(10) CONTINUED USE OF PARTNERSHIPS.—

“(A) IN GENERAL.—An eligible recipient of a grant under this subsection may submit an application in partnership with other entities, including a transit vehicle manufacturer that intends to participate in the implementation of a project under this subsection and subsection (c).

“(B) COMPETITIVE PROCUREMENT.—Projects awarded with partnerships under this subsection shall be considered to satisfy the requirement for a competitive procurement under section 5325.

“(11) MAXIMIZING USE OF FUNDS.—

“(A) IN GENERAL.—Eligible recipients under this subsection should, to the extent practicable, seek to utilize the procurement tools authorized under section 3019 of the FAST Act (49 U.S.C. 5325 note; Public Law 114–94).

“(B) WRITTEN EXPLANATION.—If an eligible recipient under this subsection purchases less than 5 buses through a standalone procurement, the eligible recipient shall provide to the Secretary a written explanation regarding why the tools authorized under section 3019 of the FAST Act (49 U.S.C. 5325 note; Public Law 114–94) were not utilized.”;

(3) in subsection (c)—

(A) in paragraph (3)—

(i) by amending subparagraph (A) to read as follows:

“(A) IN GENERAL.—A grant under this subsection shall be subject to—

“(i) with respect to eligible recipients in urbanized areas, section 5307; and

“(ii) with respect to eligible recipients in rural areas, section 5311.”; and

(ii) by adding at the end the following:

“(D) FLEET TRANSITION PLAN.—In awarding grants under this subsection or under subsection (b) for projects related to zero emission vehicles, the Secretary shall require the applicant to submit a zero emission transition plan, which, at a minimum—

“(i) demonstrates a long-term fleet management plan with a strategy for how the applicant intends to use the current application and future acquisitions;

“(ii) addresses the availability of current and future resources to meet costs;

“(iii) considers policy and legislation impacting technologies;

“(iv) includes an evaluation of existing and future facilities and their relationship to the technology transition; Evaluation.

“(v) describes the partnership of the applicant with the utility or alternative fuel provider of the applicant; and

“(vi) examines the impact of the transition on the applicant’s current workforce by identifying skill gaps, training needs, and retraining needs of the existing workers of the applicant to operate and maintain zero emission vehicles and related infrastructure and avoids the displacement of the existing workforce.”; Examination.

(B) by striking paragraph (5) and inserting the following:

“(5) CONSIDERATION.—In awarding grants under this subsection, the Secretary—

“(A) shall consider eligible projects relating to the acquisition or leasing of low or no emission buses or bus facilities that make greater reductions in energy consumption and harmful emissions, including direct carbon emissions, than comparable standard buses or other low or no emission buses; and

“(B) shall, for no less than 25 percent of the funds made available to carry out this subsection, only consider eligible projects related to the acquisition of low or no emission buses or bus facilities other than zero emission vehicles and related facilities.”; and

(C) by adding at the end the following:

“(8) CONTINUED USE OF PARTNERSHIPS.—

“(A) IN GENERAL.—A recipient of a grant under this subsection may submit an application in partnership with other entities, including a transit vehicle manufacturer, that intends to participate in the implementation of an eligible project under this subsection.

“(B) COMPETITIVE PROCUREMENT.—Eligible projects awarded with partnerships under this subsection shall be considered to satisfy the requirement for a competitive procurement under section 5325.”; and

Certification. (4) by adding at the end the following:

“(d) **WORKFORCE DEVELOPMENT TRAINING ACTIVITIES.**—5 percent of grants related to zero emissions vehicles (as defined in subsection (c)(1)) or related infrastructure under subsection (b) or (c) shall be used by recipients to fund workforce development training, as described in section 5314(b)(2) (including registered apprenticeships and other labor-management training programs) under the recipient’s plan to address the impact of the transition to zero emission vehicles on the applicant’s current workforce under subsection (c)(3)(D), unless the recipient certifies a smaller percentage is necessary to carry out that plan.”.

SEC. 30019. WASHINGTON METROPOLITAN AREA TRANSIT AUTHORITY SAFETY, ACCOUNTABILITY, AND INVESTMENT.

(a) **DEFINITIONS.**—In this section:

(1) **BOARD.**—The term “Board” means the Board of Directors of the Transit Authority.

(2) **COMPACT.**—The term “Compact” means the Washington Metropolitan Area Transit Authority Compact consented to by Congress under Public Law 89–774 (80 Stat. 1324).

(3) **COVERED RECIPIENT.**—The term “covered recipient” means—

(A)(i) the Committee on Banking, Housing, and Urban Affairs of the Senate;

(ii) the Committee on Homeland Security and Governmental Affairs of the Senate;

(iii) the Committee on Transportation and Infrastructure of the House of Representatives; and

(iv) the Committee on Oversight and Reform of the House of Representatives;

(B)(i) the Governor of Maryland;

(ii) the President of the Maryland Senate; and

(iii) the Speaker of the Maryland House of Delegates;

(C)(i) the Governor of Virginia;

(ii) the President of the Virginia Senate; and

(iii) the Speaker of the Virginia House of Delegates;

(D)(i) the Mayor of the District of Columbia; and

(ii) the Chairman of the Council of the District of Columbia; and

(E) the Chairman of the Northern Virginia Transportation Commission.

(4) **INSPECTOR GENERAL; OFFICE OF THE INSPECTOR GENERAL.**—The terms “Inspector General” and “Office of Inspector General” mean the Inspector General and the Office of Inspector General, respectively, of the Transit Authority.

(5) **TRANSIT AUTHORITY.**—The term “Transit Authority” means the Washington Metropolitan Area Transit Authority established under Article III of the Compact.

(b) **REAUTHORIZATION OF CAPITAL AND PREVENTIVE MAINTENANCE GRANTS TO WASHINGTON METROPOLITAN AREA TRANSIT AUTHORITY.**—Section 601(f) of the Passenger Rail Investment and Improvement Act of 2008 (division B of Public Law 110–432; 122 Stat. 4970) is amended by striking “an aggregate amount” and all that follows through the period at the end and inserting “\$150,000,000 for each of fiscal years 2022 through 2030.”.

(c) **FUNDS FOR WASHINGTON METROPOLITAN AREA TRANSIT AUTHORITY’S INSPECTOR GENERAL.**—Title VI of the Passenger Rail

Investment and Improvement Act of 2008 (division B of Public Law 110–432; 122 Stat. 4968) is amended by adding at the end the following:

“SEC. 602. FUNDING FOR INSPECTOR GENERAL.

“(a) DEFINITIONS.—In this section:

“(1) COMPACT.—The term ‘Compact’ means the Washington Metropolitan Area Transit Authority Compact consented to by Congress under Public Law 89–774 (80 Stat. 1324).

“(2) SECRETARY.—The term ‘Secretary’ means the Secretary of Transportation.

“(3) TRANSIT AUTHORITY.—The term ‘Transit Authority’ has the meaning given the term in section 601(a)(2).

“(b) FUNDING FOR OFFICE OF INSPECTOR GENERAL OF THE WASHINGTON METROPOLITAN AREA TRANSIT AUTHORITY.—Subject to subsection (c), of the amounts authorized to be appropriated for a fiscal year under section 601(f), the Secretary shall use \$5,000,000 for grants to the Transit Authority for use exclusively by the Office of Inspector General of the Transit Authority for the operations of the Office in accordance with Section 9 of Article III of the Compact, to remain available until expended.

“(c) MATCHING INSPECTOR GENERAL FUNDS REQUIRED FROM TRANSIT AUTHORITY.—The Secretary may not provide any amounts to the Transit Authority for a fiscal year under subsection (b) until the Transit Authority notifies the Secretary that the Transit Authority has made available \$5,000,000 in non-Federal funds for that fiscal year for use exclusively by the Office of Inspector General of the Transit Authority for the operations of the Office in accordance with Section 9 of Article III of the Compact.”.

(d) REFORMS TO OFFICE OF INSPECTOR GENERAL.—

(1) SENSE OF CONGRESS.—Congress recognizes the importance of the Transit Authority having a strong and independent Office of Inspector General, as codified in subsections (a) and (d) of Section 9 of Article III of the Compact.

(2) REFORMS.—The Secretary of Transportation may not provide any amounts to the Transit Authority under section 601(f) of the Passenger Rail Investment and Improvement Act of 2008 (division B of Public Law 110–432; 122 Stat. 4968) (as amended by subsection (b)), until the Secretary of Transportation certifies that the Board has passed a resolution that—

(A) provides that, for each fiscal year, the Office of Inspector General shall transmit a budget estimate and request to the Board specifying the aggregate amount of funds requested for the fiscal year for the operations of the Office of Inspector General;

(B) delegates to the Inspector General, to the extent possible under the Compact and in accordance with each applicable Federal law or regulation, contracting officer authority, subject to the requirement that the Inspector General exercise that authority—

(i) in accordance with Section 73 of Article XVI of the Compact, after working with the Transit Authority to amend procurement policies and procedures to give the Inspector General approving authority for exceptions to those policies and procedures; and

Certification.

Budget estimate.

(ii) only as is necessary to carry out the duties of the Office of Inspector General;

(C) delegates to the Inspector General, to the extent possible under the Compact and in accordance with each applicable Federal law or regulation—

(i) the authority to select, appoint, and employ such officers and employees as may be necessary for carrying out the duties of the Office of Inspector General, subject to the requirement that the Inspector General exercise that authority in accordance with—

(I) subsections (g) and (h) of Section 12 of Article V of the Compact; and

(II) personnel policies and procedures of the Transit Authority; and

(ii) approving authority, subject to the approval of the Board, for exceptions to policies that impact the independence of the Office of Inspector General, but those exceptions may not include the use of employee benefits and pension plans other than the employee benefits and pension plans of the Transit Authority;

(D)(i) ensures that the Inspector General obtains legal advice from a counsel reporting directly to the Inspector General; and

(ii) prohibits the counsel described in clause (i) from—

(I) providing legal advice for or on behalf of the Transit Authority;

(II) issuing a legal opinion on behalf of the Transit Authority or making a statement about a legal position of the Transit Authority; or

(III) waiving any privilege or protection from disclosure on any matter under the jurisdiction of the Transit Authority; and

(E) requires the Inspector General to—

(i) post any report containing a recommendation for corrective action to the website of the Office of Inspector General not later than 3 days after the report is submitted in final form to the Board, except that—

(I) the Inspector General shall, if required by law or otherwise appropriate, redact—

(aa) personally identifiable information;

(bb) legally privileged information;

(cc) information legally prohibited from disclosure; and

(dd) information that, in the determination of the Inspector General, would pose a security risk to the systems of the Transit Authority; and

(II) with respect to any investigative findings in a case involving administrative misconduct, whether included in a recommendation or otherwise, the Inspector General shall publish only a summary of the findings, which summary shall be redacted in accordance with the procedures set forth in subclause (I);

(ii) submit a semiannual report containing recommendations of corrective action to the Board, which

Reports.
Recommendations.

Recommendations.

Reports.
Recommendations.

the Board shall transmit not later than 30 days after receipt of the report, together with any comments the Board determines appropriate, to—

- (I) each covered recipient described in subsection (a)(3)(A); and
- (II) any other recipients that the Board determines appropriate; and
- (iii) not later than 2 years after the date of enactment of this Act and 5 years after the date of enactment of this Act, submit to each covered recipient a report that—

- (I) describes the implementation by the Transit Authority of the reforms required under, and the use by the Transit Authority of the funding authorized under—

- (aa) chapter 34 of title 33.2 of the Code of Virginia;

- (bb) section 10–205 of the Transportation Article of the Code of Maryland; and

- (cc) section 6002 of the Dedicated WMATA Funding and Tax Changes Affecting Real Property and Sales Amendment Act of 2018 (1–325.401, D.C. Official Code); and

- (II) contains—

- (aa) an assessment of the effective use of the funding described in subclause (I) to address major capital improvement projects;

- (bb) a discussion of compliance with strategic plan deadlines;

- (cc) an examination of compliance with the reform requirements under the laws described in subclause (I), including identifying any challenges to compliance or implementation; and

- (dd) recommendations to the Transit Authority to improve implementation.

(e) CAPITAL PROGRAM AND PLANNING.—

(1) CAPITAL PLANNING PROCEDURES.—The Transit Authority may not expend any amounts received under section 602(b) of the Passenger Rail Investment and Improvement Act of 2008 (division B of Public Law 110–432; 122 Stat. 4968), (as added by subsection (c)), until the General Manager of the Transit Authority certifies to the Secretary of Transportation that the Transit Authority has implemented—

(A) documented policies and procedures for the capital planning process that include—

- (i) a process that aligns projects to the strategic goals of the Transit Authority; and

- (ii) a process to develop total project costs and alternatives for all major capital projects (as defined in section 633.5 of title 49, Code of Federal Regulations (or successor regulations));

(B) a transit asset management planning process that includes —

- (i) asset inventory and condition assessment procedures; and

Inventory.

(ii) procedures to develop a data set of track, guideway, and infrastructure systems, including tunnels, bridges, and communications assets, that complies with the transit asset management regulations of the Secretary of Transportation under part 625 of title 49, Code of Federal Regulations (or successor regulations); and

(C) performance measures, aligned with the strategic goals of the Transit Authority, to assess the effectiveness and outcomes of major capital projects.

(2) ANNUAL REPORT.—As a condition of receiving amounts under section 602(b) of the Passenger Rail Investment and Improvement Act of 2008 (division B of Public Law 110–432; 122 Stat. 4968) (as added by subsection (c)), the Transit Authority shall submit an annual report detailing the Capital Improvement Program of the Transit Agency approved by the Board and compliance with the transit asset management regulations of the Secretary of Transportation under part 625 of title 49, Code of Federal Regulations (or successor regulations), to—

(A) each covered recipient; and

(B) any other recipient that the Board determines appropriate.

(f) SENSE OF CONGRESS.—It is the sense of Congress that the Transit Authority should—

(1) continue to prioritize the implementation of new technological systems that include robust cybersecurity protections; and

(2) prioritize continued integration of new wireless services and emergency communications networks, while also leveraging partnerships with mobility services to improve the competitiveness of the core business.

(g) ADDITIONAL REPORTING.—

(1) IN GENERAL.—Not later than 3 years after the date of enactment of this Act, the Comptroller General of the United States shall submit to the congressional committees described in paragraph (2) a report that—

(A) assesses whether the reforms required under subsection (d) (relating to strengthening the independence of the Office of Inspector General) have been implemented; and

(B) assesses—

(i) whether the reforms required under subsection (g) have been implemented; and

(ii) the impact of those reforms on the capital planning process of the Transit Authority.

(2) CONGRESSIONAL COMMITTEES.—The congressional committees described in this paragraph are—

(A) the Committee on Banking, Housing, and Urban Affairs of the Senate;

(B) the Committee on Homeland Security and Governmental Affairs of the Senate;

(C) the Committee on Transportation and Infrastructure of the House of Representatives; and

(D) the Committee on Oversight and Reform of the House of Representatives.

Assessments.

DIVISION D—ENERGY**SEC. 40001. DEFINITIONS.**

42 USC 18701.

In this division:

(1) DEPARTMENT.—The term “Department” means the Department of Energy.

(2) INDIAN TRIBE.—The term “Indian Tribe” has the meaning given the term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5304).

(3) SECRETARY.—The term “Secretary” means the Secretary of Energy.

TITLE I—GRID INFRASTRUCTURE AND RESILIENCY**Subtitle A—Grid Infrastructure Resilience and Reliability****SEC. 40101. PREVENTING OUTAGES AND ENHANCING THE RESILIENCE OF THE ELECTRIC GRID.**

42 USC 18711.

(a) DEFINITIONS.—In this section:

(1) DISRUPTIVE EVENT.—The term “disruptive event” means an event in which operations of the electric grid are disrupted, preventively shut off, or cannot operate safely due to extreme weather, wildfire, or a natural disaster.

(2) ELIGIBLE ENTITY.—The term “eligible entity” means—

- (A) an electric grid operator;
- (B) an electricity storage operator;
- (C) an electricity generator;
- (D) a transmission owner or operator;
- (E) a distribution provider;
- (F) a fuel supplier; and
- (G) any other relevant entity, as determined by the Secretary.

(3) NATURAL DISASTER.—The term “natural disaster” has the meaning given the term in section 602(a) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5195a(a)).

(4) POWER LINE.—The term “power line” includes a transmission line or a distribution line, as applicable.

(5) PROGRAM.—The term “program” means the program established under subsection (b).

(b) ESTABLISHMENT OF PROGRAM.—Not later than 180 days after the date of enactment of this Act, the Secretary shall establish a program under which the Secretary shall make grants to eligible entities, States, and Indian Tribes in accordance with this section.

Deadline.

(c) GRANTS TO ELIGIBLE ENTITIES.—

(1) IN GENERAL.—The Secretary may make a grant under the program to an eligible entity to carry out activities that—

(A) are supplemental to existing hardening efforts of the eligible entity planned for any given year; and

(B)(i) reduce the risk of any power lines owned or operated by the eligible entity causing a wildfire; or

(ii) increase the ability of the eligible entity to reduce the likelihood and consequences of disruptive events.

(2) APPLICATION.—

(A) IN GENERAL.—An eligible entity desiring a grant under the program shall submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require.

(B) REQUIREMENT.—As a condition of receiving a grant under the program, an eligible entity shall submit to the Secretary, as part of the application of the eligible entity submitted under subparagraph (A), a report detailing past, current, and future efforts by the eligible entity to reduce the likelihood and consequences of disruptive events.

(3) LIMITATION.—The Secretary may not award a grant to an eligible entity in an amount that is greater than the total amount that the eligible entity has spent in the previous 3 years on efforts to reduce the likelihood and consequences of disruptive events.

(4) PRIORITY.—In making grants to eligible entities under the program, the Secretary shall give priority to projects that, in the determination of the Secretary, will generate the greatest community benefit (whether rural or urban) in reducing the likelihood and consequences of disruptive events.

(5) SMALL UTILITIES SET ASIDE.—The Secretary shall ensure that not less than 30 percent of the amounts made available to eligible entities under the program are made available to eligible entities that sell not more than 4,000,000 megawatt hours of electricity per year.

(d) GRANTS TO STATES AND INDIAN TRIBES.—

(1) IN GENERAL.—The Secretary, in accordance with this subsection, may make grants under the program to States and Indian Tribes, which each State or Indian Tribe may use to award grants to eligible entities.

(2) ANNUAL APPLICATION.—

(A) IN GENERAL.—For each fiscal year, to be eligible to receive a grant under this subsection, a State or Indian Tribe shall submit to the Secretary an application that includes a plan described in subparagraph (B).

(B) PLAN REQUIRED.—A plan prepared by a State or Indian Tribe for purposes of an application described in subparagraph (A) shall—

(i) describe the criteria and methods that will be used by the State or Indian Tribe to award grants to eligible entities;

(ii) be adopted after notice and a public hearing; and

(iii) describe the proposed funding distributions and recipients of the grants to be provided by the State or Indian Tribe.

(3) DISTRIBUTION OF FUNDS.—

(A) IN GENERAL.—The Secretary shall provide grants to States and Indian Tribes under this subsection based on a formula determined by the Secretary, in accordance with subparagraph (B).

(B) REQUIREMENT.—The formula referred to in subparagraph (A) shall be based on the following factors:

(i) The total population of the State or Indian Tribe.

(ii)(I) The total area of the State or the land of the Indian Tribe; or

(II) the areas in the State or on the land of the Indian Tribe with a low ratio of electricity customers per mileage of power lines.

(iii) The probability of disruptive events in the State or on the land of the Indian Tribe during the previous 10 years, as determined based on the number of federally declared disasters or emergencies in the State or on the land of the Indian Tribe, as applicable, including—

(I) disasters for which Fire Management Assistance Grants are provided under section 420 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5187);

(II) major disasters declared by the President under section 401 of that Act (42 U.S.C. 5170);

(III) emergencies declared by the President under section 501 of that Act (42 U.S.C. 5191); and

(IV) any other federally declared disaster or emergency in the State or on the land of the Indian Tribe.

(iv) The number and severity, measured by population and economic impacts, of disruptive events experienced by the State or Indian Tribe on or after January 1, 2011.

(v) The total amount, on a per capita basis, of public and private expenditures during the previous 10 years to carry out mitigation efforts to reduce the likelihood and consequences of disruptive events in the State or on the land of the Indian Tribe, with States or Indian Tribes with higher per capita expenditures receiving additional weight or consideration as compared to States or Indian Tribes with lower per capita expenditures.

(C) ANNUAL UPDATE OF DATA USED IN DISTRIBUTION OF FUNDS.—Beginning 1 year after the date of enactment of this Act, the Secretary shall annually update—

Effective date.

(i) all data relating to the factors described in subparagraph (B); and

(ii) all other data used in distributing grants to States and Indian Tribes under this subsection.

(4) OVERSIGHT.—The Secretary shall ensure that each grant provided to a State or Indian Tribe under the program is allocated, pursuant to the applicable plan of the State or Indian Tribe, to eligible entities for projects within the State or on the land of the Indian Tribe.

(5) PRIORITY.—In making grants to eligible entities using funds made available to the applicable State or Indian Tribe under the program, the State or Indian Tribe shall give priority to projects that, in the determination of the State or Indian Tribe, will generate the greatest community benefit (whether rural or urban) in reducing the likelihood and consequences of disruptive events.

(6) **SMALL UTILITIES SET ASIDE.**—A State or Indian Tribe receiving a grant under the program shall ensure that, of the amounts made available to eligible entities from funds made available to the State or Indian Tribe under the program, the percentage made available to eligible entities that sell not more than 4,000,000 megawatt hours of electricity per year is not less than the percentage of all customers in the State or Indian Tribe that are served by those eligible entities.

(7) **TECHNICAL ASSISTANCE AND ADMINISTRATIVE EXPENSES.**—Of the amounts made available to a State or Indian Tribe under the program each fiscal year, the State or Indian Tribe may use not more than 5 percent for—

(A) providing technical assistance under subsection (g)(1)(A); and

(B) administrative expenses associated with the program.

(8) **MATCHING REQUIREMENT.**—Each State and Indian Tribe shall be required to match 15 percent of the amount of each grant provided to the State or Indian Tribe under the program.

(e) **USE OF GRANTS.**—

(1) **IN GENERAL.**—A grant awarded to an eligible entity under the program may be used for activities, technologies, equipment, and hardening measures to reduce the likelihood and consequences of disruptive events, including—

(A) weatherization technologies and equipment;

(B) fire-resistant technologies and fire prevention systems;

(C) monitoring and control technologies;

(D) the undergrounding of electrical equipment;

(E) utility pole management;

(F) the relocation of power lines or the reconductoring of power lines with low-sag, advanced conductors;

(G) vegetation and fuel-load management;

(H) the use or construction of distributed energy resources for enhancing system adaptive capacity during disruptive events, including—

(i) microgrids; and

(ii) battery-storage subcomponents;

(I) adaptive protection technologies;

(J) advanced modeling technologies;

(K) hardening of power lines, facilities, substations, of other systems; and

(L) the replacement of old overhead conductors and underground cables.

(2) **PROHIBITIONS AND LIMITATIONS.**—

(A) **IN GENERAL.**—A grant awarded to an eligible entity under the program may not be used for—

(i) construction of a new—

(I) electric generating facility; or

(II) large-scale battery-storage facility that is not used for enhancing system adaptive capacity during disruptive events; or

(ii) cybersecurity.

(B) **CERTAIN INVESTMENTS ELIGIBLE FOR RECOVERY.**—

(i) **IN GENERAL.**—An eligible entity may not seek cost recovery for the portion of the cost of any system,

technology, or equipment that is funded through a grant awarded under the program.

(ii) SAVINGS PROVISION.—Nothing in this subparagraph prohibits an eligible entity from recovering through traditional or incentive-based ratemaking any portion of an investment in a system, technology, or equipment that is not funded by a grant awarded under the program.

(C) APPLICATION LIMITATIONS.—An eligible entity may not submit an application for a grant provided by the Secretary under subsection (c) and a grant provided by a State or Indian Tribe pursuant to subsection (d) during the same application cycle.

(f) DISTRIBUTION OF FUNDING.—Of the amounts made available to carry out the program for a fiscal year, the Secretary shall ensure that—

(1) 50 percent is used to award grants to eligible entities under subsection (c); and

(2) 50 percent is used to make grants to States and Indian Tribes under subsection (d).

(g) TECHNICAL AND OTHER ASSISTANCE.—

(1) IN GENERAL.—The Secretary, States, and Indian Tribes may—

(A) provide technical assistance and facilitate the distribution and sharing of information to reduce the likelihood and consequences of disruptive events; and

(B) promulgate consumer-facing information and resources to inform the public of best practices and resources relating to reducing the likelihood and consequences of disruptive events.

(2) USE OF FUNDS BY THE SECRETARY.—Of the amounts made available to the Secretary to carry out the program each fiscal year, the Secretary may use not more than 5 percent for—

(A) providing technical assistance under paragraph (1)(A); and

(B) administrative expenses associated with the program.

(h) MATCHING REQUIREMENT.—

(1) IN GENERAL.—Except as provided in paragraph (2), an eligible entity that receives a grant under this section shall be required to match 100 percent of the amount of the grant.

(2) EXCEPTION FOR SMALL UTILITIES.—An eligible entity that sells not more than 4,000,000 megawatt hours of electricity per year shall be required to match $\frac{1}{3}$ of the amount of the grant.

(i) BIENNIAL REPORT TO CONGRESS.—

(1) IN GENERAL.—Not later than 2 years after the date of enactment of this Act, and every 2 years thereafter through 2026, the Secretary shall submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Energy and Commerce of the House of Representatives a report describing the program.

(2) REQUIREMENTS.—The report under paragraph (1) shall include information and data on—

(A) the costs of the projects for which grants are awarded to eligible entities;

(B) the types of activities, technologies, equipment, and hardening measures funded by those grants; and

(C) the extent to which the ability of the power grid to withstand disruptive events has increased.

Time period.

(j) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary to carry out the program \$5,000,000,000 for the period of fiscal years 2022 through 2026.

SEC. 40102. HAZARD MITIGATION USING DISASTER ASSISTANCE.

Section 404(f)(12) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170c(f)(12)) is amended—

(1) by inserting “and wildfire” after “windstorm”;

(2) by striking “including replacing” and inserting the following: “including—

“(A) replacing”;

(3) in subparagraph (A) (as so designated)—

(A) by inserting “, wildfire,” after “extreme wind”; and

(B) by adding “and” after the semicolon at the end;

and

(4) by adding at the end the following:

“(B) the installation of fire-resistant wires and infrastructure and the undergrounding of wires;”.

42 USC 18712.

SEC. 40103. ELECTRIC GRID RELIABILITY AND RESILIENCE RESEARCH, DEVELOPMENT, AND DEMONSTRATION.

(a) DEFINITION OF FEDERAL FINANCIAL ASSISTANCE.—In this section, the term “Federal financial assistance” has the meaning given the term in section 200.1 of title 2, Code of Federal Regulations.

(b) ENERGY INFRASTRUCTURE FEDERAL FINANCIAL ASSISTANCE PROGRAM.—

(1) DEFINITIONS.—In this subsection:

(A) ELIGIBLE ENTITY.—The term “eligible entity” means each of—

(i) a State;

(ii) a combination of 2 or more States;

(iii) an Indian Tribe;

(iv) a unit of local government; and

(v) a public utility commission.

(B) PROGRAM.—The term “program” means the competitive Federal financial assistance program established under paragraph (2).

(2) ESTABLISHMENT.—Not later than 180 days after the date of enactment of this Act, the Secretary shall establish a program, to be known as the “Program Upgrading Our Electric Grid and Ensuring Reliability and Resiliency”, to provide, on a competitive basis, Federal financial assistance to eligible entities to carry out the purpose described in paragraph (3).

(3) PURPOSE.—The purpose of the program is to coordinate and collaborate with electric sector owners and operators—

(A) to demonstrate innovative approaches to transmission, storage, and distribution infrastructure to harden and enhance resilience and reliability; and

(B) to demonstrate new approaches to enhance regional grid resilience, implemented through States by public and rural electric cooperative entities on a cost-shared basis.

(4) APPLICATIONS.—To be eligible to receive Federal financial assistance under the program, an eligible entity shall

submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require, including a description of—

- (A) how the Federal financial assistance would be used;
- (B) the expected beneficiaries, and
- (C) in the case of a proposal from an eligible entity described in paragraph (1)(A)(ii), how the proposal would improve regional energy infrastructure.

(5) **SELECTION.**—The Secretary shall select eligible entities to receive Federal financial assistance under the program on a competitive basis.

(6) **COST SHARE.**—Section 988 of the Energy Policy Act of 2005 (42 U.S.C. 16352) shall apply to Federal financial assistance provided under the program.

(7) **AUTHORIZATION OF APPROPRIATIONS.**—There is authorized to be appropriated to the Secretary to carry out this subsection, \$5,000,000,000 for the period of fiscal years 2022 through 2026.

Time period.

(c) **ENERGY IMPROVEMENT IN RURAL OR REMOTE AREAS.**—

(1) **DEFINITION OF RURAL OR REMOTE AREA.**—In this subsection, the term “rural or remote area” means a city, town, or unincorporated area that has a population of not more than 10,000 inhabitants.

(2) **REQUIRED ACTIVITIES.**—The Secretary shall carry out activities to improve in rural or remote areas of the United States—

- (A) the resilience, safety, reliability, and availability of energy; and
- (B) environmental protection from adverse impacts of energy generation.

(3) **FEDERAL FINANCIAL ASSISTANCE.**—The Secretary, in consultation with the Secretary of the Interior, may provide Federal financial assistance to rural or remote areas for the purpose of—

- (A) overall cost-effectiveness of energy generation, transmission, or distribution systems;
- (B) siting or upgrading transmission and distribution lines;
- (C) reducing greenhouse gas emissions from energy generation by rural or remote areas;
- (D) providing or modernizing electric generation facilities;
- (E) developing microgrids; and
- (F) increasing energy efficiency.

(4) **AUTHORIZATION OF APPROPRIATIONS.**—There is authorized to be appropriated to the Secretary to carry out this subsection, \$1,000,000,000 for the period of fiscal years 2022 through 2026.

Time period.

(d) **ENERGY INFRASTRUCTURE RESILIENCE FRAMEWORK.**—

(1) **IN GENERAL.**—The Secretary, in collaboration with the Secretary of Homeland Security, the Federal Energy Regulatory Commission, the North American Electric Reliability Corporation, and interested energy infrastructure stakeholders, shall develop common analytical frameworks, tools, metrics, and data to assess the resilience, reliability, safety, and security of energy infrastructure in the United States, including by developing

and storing an inventory of easily transported high-voltage recovery transformers and other required equipment.

(2) ASSESSMENT AND REPORT.—

(A) ASSESSMENT.—The Secretary shall carry out an assessment of—

(i) with respect to the inventory of high-voltage recovery transformers, new transformers, and other equipment proposed to be developed and stored under paragraph (1)—

(I) the policies, technical specifications, and logistical and program structures necessary to mitigate the risks associated with the loss of high-voltage recovery transformers;

(II) the technical specifications for high-voltage recovery transformers;

(III) where inventory of high-voltage recovery transformers should be stored;

(IV) the quantity of high-voltage recovery transformers necessary for the inventory;

(V) how the stored inventory of high-voltage recovery transformers would be secured and maintained;

(VI) how the high-voltage recovery transformers may be transported;

(VII) opportunities for developing new flexible advanced transformer designs; and

(VIII) whether new Federal regulations or cost-sharing requirements are necessary to carry out the storage of high-voltage recovery transformers; and

(ii) any efforts carried out by industry as of the date of the assessment—

(I) to share transformers and equipment;

(II) to develop plans for next generation transformers; and

(III) to plan for surge and long-term manufacturing of, and long-term standardization of, transformer designs.

(B) PROTECTION OF INFORMATION.—Information that is provided to, generated by, or collected by the Secretary under subparagraph (A) shall be considered to be critical electric infrastructure information under section 215A of the Federal Power Act (16 U.S.C. 824o–1).

(C) REPORT.—Not later than 180 days after the date of enactment of this Act, the Secretary shall submit to Congress a report describing the results of the assessment carried out under subparagraph (A).

SEC. 40104. UTILITY DEMAND RESPONSE.

(a) CONSIDERATION OF DEMAND-RESPONSE STANDARD.—

(1) IN GENERAL.—Section 111(d) of the Public Utility Regulatory Policies Act of 1978 (16 U.S.C. 2621(d)) is amended by adding at the end the following:

“(20) DEMAND-RESPONSE PRACTICES.—

“(A) IN GENERAL.—Each electric utility shall promote the use of demand-response and demand flexibility practices by commercial, residential, and industrial consumers

to reduce electricity consumption during periods of unusually high demand.

“(B) RATE RECOVERY.—

“(i) IN GENERAL.—Each State regulatory authority shall consider establishing rate mechanisms allowing an electric utility with respect to which the State regulatory authority has ratemaking authority to timely recover the costs of promoting demand-response and demand flexibility practices in accordance with subparagraph (A).

“(ii) NONREGULATED ELECTRIC UTILITIES.—A non-regulated electric utility may establish rate mechanisms for the timely recovery of the costs of promoting demand-response and demand flexibility practices in accordance with subparagraph (A).”.

(2) COMPLIANCE.—

(A) TIME LIMITATIONS.—Section 112(b) of the Public Utility Regulatory Policies Act of 1978 (16 U.S.C. 2622(b)) is amended by adding at the end the following:

“(7)(A) Not later than 1 year after the date of enactment of this paragraph, each State regulatory authority (with respect to each electric utility for which the State has ratemaking authority) and each nonregulated electric utility shall commence consideration under section 111, or set a hearing date for consideration, with respect to the standard established by paragraph (20) of section 111(d). Deadline.

“(B) Not later than 2 years after the date of enactment of this paragraph, each State regulatory authority (with respect to each electric utility for which the State has ratemaking authority), and each nonregulated electric utility shall complete the consideration and make the determination under section 111 with respect to the standard established by paragraph (20) of section 111(d).” Deadline.

(B) FAILURE TO COMPLY.—

(i) IN GENERAL.—Section 112(c) of the Public Utility Regulatory Policies Act of 1978 (16 U.S.C. 2622(c)) is amended—

(I) by striking “such paragraph (14)” and all that follows through “paragraphs (16)” and inserting “such paragraph (14). In the case of the standard established by paragraph (15) of section 111(d), the reference contained in this subsection to the date of enactment of this Act shall be deemed to be a reference to the date of enactment of that paragraph (15). In the case of the standards established by paragraphs (16)”;

(II) by adding at the end the following: “In the case of the standard established by paragraph (20) of section 111(d), the reference contained in this subsection to the date of enactment of this Act shall be deemed to be a reference to the date of enactment of that paragraph (20).”.

(ii) TECHNICAL CORRECTION.—Paragraph (2) of section 1254(b) of the Energy Policy Act of 2005 (Public Law 109–58; 119 Stat. 971) is repealed and the amendment made by that paragraph (as in effect on the day before the date of enactment of this Act) is void,

16 USC 2622 and note.

and section 112(d) of the Public Utility Regulatory Policies Act of 1978 (16 U.S.C. 2622(d)) shall be in effect as if that amendment had not been enacted.

(C) PRIOR STATE ACTIONS.—

(i) IN GENERAL.—Section 112 of the Public Utility Regulatory Policies Act of 1978 (16 U.S.C. 2622) is amended by adding at the end the following:

“(g) PRIOR STATE ACTIONS.—Subsections (b) and (c) shall not apply to the standard established by paragraph (20) of section 111(d) in the case of any electric utility in a State if, before the date of enactment of this subsection—

“(1) the State has implemented for the electric utility the standard (or a comparable standard);

“(2) the State regulatory authority for the State or the relevant nonregulated electric utility has conducted a proceeding to consider implementation of the standard (or a comparable standard) for the electric utility; or

“(3) the State legislature has voted on the implementation of the standard (or a comparable standard) for the electric utility.”.

(ii) CROSS-REFERENCE.—Section 124 of the Public Utility Regulatory Policies Act of 1978 (16 U.S.C. 2634) is amended—

(I) by striking “this subsection” each place it appears and inserting “this section”; and

(II) by adding at the end the following: “In the case of the standard established by paragraph (20) of section 111(d), the reference contained in this section to the date of enactment of this Act shall be deemed to be a reference to the date of enactment of that paragraph (20).”.

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

(1) in paragraph (16), by striking “and” at the end;

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

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

“(17) programs that promote the installation and use of demand-response technology and demand-response practices; and”.

(c) FEDERAL ENERGY MANAGEMENT PROGRAM.—Section 543(i) of the National Energy Conservation Policy Act (42 U.S.C. 8253(i)) is amended—

(1) in paragraph (1)—

(A) in subparagraph (A), by striking “and” at the end;

(B) in subparagraph (B), by striking the period at the end and inserting “; and”; and

(C) by adding at the end the following:

“(C) to reduce energy consumption during periods of unusually high electricity or natural gas demand.”; and

(2) in paragraph (3)(A)—

(A) in clause (v), by striking “and” at the end;

(B) in clause (vi), by striking the period at the end and inserting “; and”; and

(C) by adding at the end the following:

“(vii) promote the installation of demand-response technology and the use of demand-response practices in Federal buildings.”.

(d) COMPONENTS OF ZERO-NET-ENERGY COMMERCIAL BUILDINGS INITIATIVE.—Section 422(d)(3) of the Energy Independence and Security Act of 2007 (42 U.S.C. 17082(d)) is amended by inserting “(including demand-response technologies, practices, and policies)” after “policies”.

SEC. 40105. SITING OF INTERSTATE ELECTRIC TRANSMISSION FACILITIES.

(a) DESIGNATION OF NATIONAL INTEREST ELECTRIC TRANSMISSION CORRIDORS.—Section 216(a) of the Federal Power Act (16 U.S.C. 824p(a)) is amended—

(1) in paragraph (1)—

(A) by inserting “and Indian Tribes” after “affected States”; and

(B) by inserting “capacity constraints and” before “congestion”;

(2) in paragraph (2)—

(A) by striking “After” and inserting “Not less frequently than once every 3 years, the Secretary, after”; and

(B) by striking “affected States” and all that follows through the period at the end and inserting the following: “affected States and Indian Tribes), shall issue a report, based on the study under paragraph (1) or other information relating to electric transmission capacity constraints and congestion, which may designate as a national interest electric transmission corridor any geographic area that—

“(i) is experiencing electric energy transmission capacity constraints or congestion that adversely affects consumers; or

“(ii) is expected to experience such energy transmission capacity constraints or congestion.”;

(3) in paragraph (3)—

(A) by striking “The Secretary shall conduct the study and issue the report in consultation” and inserting “Not less frequently than once every 3 years, the Secretary, in conducting the study under paragraph (1) and issuing the report under paragraph (2), shall consult”; and

(4) in paragraph (4)—

(A) in subparagraph (C), by inserting “or energy security” after “independence”;

(B) in subparagraph (D), by striking “and” at the end;

(C) in subparagraph (E), by striking the period at the end and inserting a semicolon; and

(D) by adding at the end the following:

“(F) the designation would enhance the ability of facilities that generate or transmit firm or intermittent energy to connect to the electric grid;

“(G) the designation—

“(i) maximizes existing rights-of-way; and

“(ii) avoids and minimizes, to the maximum extent practicable, and offsets to the extent appropriate and practicable, sensitive environmental areas and cultural heritage sites; and

“(H) the designation would result in a reduction in the cost to purchase electric energy for consumers.”.

(b) CONSTRUCTION PERMIT.—Section 216(b) of the Federal Power Act (16 U.S.C. 824p(b)) is amended—

(1) in paragraph (1)—

(A) in subparagraph (A)(ii), by inserting “or inter-regional benefits” after “interstate benefits”; and

(B) by striking subparagraph (C) and inserting the following:

“(C) a State commission or other entity that has authority to approve the siting of the facilities—

“(i) has not made a determination on an application seeking approval pursuant to applicable law by the date that is 1 year after the later of—

“(I) the date on which the application was filed; and

“(II) the date on which the relevant national interest electric transmission corridor was designated by the Secretary under subsection (a);

“(ii) has conditioned its approval in such a manner that the proposed construction or modification will not significantly reduce transmission capacity constraints or congestion in interstate commerce or is not economically feasible; or

“(iii) has denied an application seeking approval pursuant to applicable law;”.

(c) RIGHTS-OF-WAY.—Section 216(e)(1) of the Federal Power Act (16 U.S.C. 824p(e)(1)) is amended by striking “modify the transmission facilities, the” and inserting “modify, and operate and maintain, the transmission facilities and, in the determination of the Commission, the permit holder has made good faith efforts to engage with landowners and other stakeholders early in the applicable permitting process, the”.

(d) INTERSTATE COMPACTS.—Section 216(i) of the Federal Power Act (16 U.S.C. 824p(i)) is amended—

(1) in paragraph (2), by striking “may” and inserting “shall”; and

(2) in paragraph (4), by striking “the members” and all that follows through the period at the end and inserting the following: “the Secretary determines that the members of the compact are in disagreement after the later of—

“(A) the date that is 1 year after the date on which the relevant application for the facility was filed; and

“(B) the date that is 1 year after the date on which the relevant national interest electric transmission corridor was designated by the Secretary under subsection (a).”.

SEC. 40106. TRANSMISSION FACILITATION PROGRAM.

(a) DEFINITIONS.—In this section:

(1) CAPACITY CONTRACT.—The term “capacity contract” means a contract entered into by the Secretary and an eligible entity under subsection (e)(1)(A) for the right to the use of the transmission capacity of an eligible project.

(2) ELIGIBLE ELECTRIC POWER TRANSMISSION LINE.—The term “eligible electric power transmission line” means an electric power transmission line that is capable of transmitting not less than—

(A) 1,000 megawatts; or

(B) in the case of a project that consists of upgrading an existing transmission line or constructing a new transmission line in an existing transmission, transportation, or telecommunications infrastructure corridor, 500 megawatts.

(3) ELIGIBLE ENTITY.—The term “eligible entity” means an entity seeking to carry out an eligible project.

(4) ELIGIBLE PROJECT.—The term “eligible project” means a project (including any related facility)—

(A) to construct a new or replace an existing eligible electric power transmission line;

(B) to increase the transmission capacity of an existing eligible electric power transmission line; or

(C) to connect an isolated microgrid to an existing transmission, transportation, or telecommunications infrastructure corridor located in Alaska, Hawaii, or a territory of the United States.

(5) FUND.—The term “Fund” means the Transmission Facilitation Fund established by subsection (d)(1).

(6) PROGRAM.—The term “program” means the Transmission Facilitation Program established by subsection (b).

(7) RELATED FACILITY.—

(A) IN GENERAL.—The term “related facility” means a facility related to an eligible project described in paragraph (4).

(B) EXCLUSIONS.—The term “related facility” does not include—

(i) facilities used primarily to generate electric energy; or

(ii) facilities used in the local distribution of electric energy.

(b) ESTABLISHMENT.—There is established a program, to be known as the “Transmission Facilitation Program”, under which the Secretary shall facilitate the construction of electric power transmission lines and related facilities in accordance with subsection (e).

(c) APPLICATIONS.—

(1) IN GENERAL.—To be eligible for assistance under this section, an eligible entity shall submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require.

(2) PROCEDURES.—The Secretary shall establish procedures for the solicitation and review of applications from eligible entities.

(d) FUNDING.—

(1) TRANSMISSION FACILITATION FUND.—There is established in the Treasury a fund, to be known as the “Transmission Facilitation Fund”, consisting of—

(A) all amounts received by the Secretary, including receipts, collections, and recoveries, from any source relating to expenses incurred by the Secretary in carrying out the program, including—

(i) costs recovered pursuant to paragraph (4);

(ii) amounts received as repayment of a loan issued to an eligible entity under subsection (e)(1)(B); and

(iii) amounts contributed by eligible entities for the purpose of carrying out an eligible project with respect to which the Secretary is participating with the eligible entity under subsection (e)(1)(C);

(B) all amounts borrowed from the Secretary of the Treasury by the Secretary for the program under paragraph (2); and

(C) any amounts appropriated to the Secretary for the program.

(2) BORROWING AUTHORITY.—The Secretary of the Treasury may, without further appropriation and without fiscal year limitation, loan to the Secretary on such terms as may be fixed by the Secretary and the Secretary of the Treasury, such sums as, in the judgment of the Secretary, are from time to time required for the purpose of carrying out the program, not to exceed, in the aggregate (including deferred interest), \$2,500,000,000 in outstanding repayable balances at any 1 time.

(3) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary to carry out the program, including for any administrative expenses of carrying out the program that are not recovered under paragraph (4), \$10,000,000 for each of fiscal years 2022 through 2026.

(4) COST RECOVERY.—

(A) IN GENERAL.—Except as provided in subparagraph (B), the cost of any facilitation activities carried out by the Secretary under subsection (e)(1) shall be collected—

(i) from eligible entities receiving the benefit of the applicable facilitation activity, on a schedule to be determined by the Secretary; or

(ii) with respect to a contracted transmission capacity under subsection (e)(1)(A) through rates charged for the use of the contracted transmission capacity.

(B) FORGIVENESS OF BALANCES.—

(i) TERMINATION OR END OF USEFUL LIFE.—If, at the end of the useful life of an eligible project or the termination of a capacity contract under subsection (f)(5), there is a remaining balance owed to the Treasury under this section, the balance shall be forgiven.

(ii) UNCONSTRUCTED PROJECTS.—Funds expended to study projects that are considered pursuant to this section but that are not constructed shall be forgiven.

(C) RECOVERY OF COSTS OF ELIGIBLE PROJECTS.—The Secretary may collect the costs of any activities carried out by the Secretary with respect to an eligible project in which the Secretary participates with an eligible entity under subsection (e)(1)(C) through rates charged to customers benefitting from the new transmission capability provided by the eligible project.

(e) FACILITATION OF ELIGIBLE PROJECTS.—

(1) IN GENERAL.—To facilitate eligible projects, the Secretary may—

(A) subject to subsections (f) and (i), enter into a capacity contract with respect to an eligible project prior to the date on which the eligible project is completed;

Time period.

(B) subject to subsections (g) and (i), issue a loan to an eligible entity for the costs of carrying out an eligible project; or

(C) subject to subsections (h) and (i), participate with an eligible entity in designing, developing, constructing, operating, maintaining, or owning an eligible project.

(2) REQUIREMENT.—The provision and receipt of assistance for an eligible project under paragraph (1) shall be subject to such terms and conditions as the Secretary determines to be appropriate—

(A) to ensure the success of the program; and

(B) to protect the interests of the United States.

(f) CAPACITY CONTRACTS.—

(1) PURPOSE.—In entering into capacity contracts under subsection (e)(1)(A), the Secretary shall seek to enter into capacity contracts that will encourage other entities to enter into contracts for the transmission capacity of the eligible project.

(2) PAYMENT.—The amount paid by the Secretary to an eligible entity under a capacity contract for the right to the use of the transmission capacity of an eligible project shall be—

(A) the fair market value for the use of the transmission capacity, as determined by the Secretary, taking into account, as the Secretary determines to be necessary, the comparable value for the use of the transmission capacity of other electric power transmission lines; and

(B) on a schedule and in such divided amounts, which may be a single amount, that the Secretary determines are likely to facilitate construction of the eligible project, taking into account standard industry practice and factors specific to each applicant, including, as applicable—

(i) potential review by a State regulatory entity of the revenue requirement of an electric utility; and

(ii) the financial model of an independent transmission developer.

(3) LIMITATIONS.—A capacity contract shall—

(A) be for a term of not more than 40 years; and

(B) be for not more than 50 percent of the total proposed transmission capacity of the applicable eligible project.

(4) TRANSMISSION MARKETING.—

(A) IN GENERAL.—If the Secretary has not terminated a capacity contract under paragraph (5) before the applicable eligible project enters into service, the Secretary may enter into 1 or more contracts with a third party to market the transmission capacity of the eligible project to which the Secretary holds rights under the capacity contract.

(B) RETURN.—Subject to subparagraph (D), the Secretary shall seek to ensure that any contract entered into under subparagraph (A) maximizes the financial return to the Federal Government.

(C) COMPETITIVE SOLICITATION.—The Secretary shall only select third parties for contracts under this paragraph through a competitive solicitation.

(D) REQUIREMENT.—The marketing of capacity pursuant to this subsection, including any marketing by a third party under subparagraph (A), shall be undertaken consistent with the requirements of the Federal Power Act (16 U.S.C. 791a et seq.).

(5) TERMINATION.—

(A) IN GENERAL.—The Secretary shall seek to terminate a capacity contract as soon as practicable after determining that sufficient transmission capacity of the eligible project has been secured by other entities to ensure the long-term financial viability of the eligible project, including through 1 or more transfers under subparagraph (B).

(B) TRANSFER.—On payment to the Secretary by a third party for transmission capacity to which the Secretary has rights under a capacity contract, the Secretary may transfer the rights to that transmission capacity to that third party.

(C) RELINQUISHMENT.—On payment to the Secretary by the applicable eligible entity for transmission capacity to which the Secretary has rights under a capacity contract, the Secretary may relinquish the rights to that transmission capacity to the eligible entity.

(D) REQUIREMENT.—A payment under subparagraph (B) or (C) shall be in an amount sufficient for the Secretary to recover any remaining costs incurred by the Secretary with respect to the quantity of transmission capacity affected by the transfer under subparagraph (B) or the relinquishment under subparagraph (C), as applicable.

(6) OTHER FEDERAL CAPACITY POSITIONS.—The existence of a capacity contract does not preclude a Federal entity, including a Federal power marketing administration, from otherwise securing transmission capacity at any time from an eligible project, to the extent that the Federal entity is authorized to secure that transmission capacity.

(7) FORM OF FINANCIAL ASSISTANCE.—Entering into a capacity contract under subsection (e)(1)(A) shall be considered a form of financial assistance described in section 1508.1(q)(1)(vii) of title 40, Code of Federal Regulations (as in effect on the date of enactment of this Act).

(8) TRANSMISSION PLANNING REGION CONSULTATION.—Prior to entering into a capacity contract under this subsection, the Secretary shall consult with the relevant transmission planning region regarding the transmission planning region's identification of needs, and the Secretary shall minimize, to the extent possible, duplication or conflict with the transmission planning region's needs determination and selection of projects that meet such needs.

(g) INTEREST RATE ON LOANS.—The rate of interest to be charged in connection with any loan made by the Secretary to an eligible entity under subsection (e)(1)(B) shall be fixed by the Secretary, taking into consideration market yields on outstanding marketable obligations of the United States of comparable maturities as of the date of the loan.

Determination.

(h) PUBLIC-PRIVATE PARTNERSHIPS.—The Secretary may participate with an eligible entity with respect to an eligible project under subsection (e)(1)(C) if the Secretary determines that the eligible project—

(1)(A) is located in an area designated as a national interest electric transmission corridor pursuant to section 216(a) of the Federal Power Act (16 U.S.C. 824p(a)); or

(B) is necessary to accommodate an actual or projected increase in demand for electric transmission capacity across more than 1 State or transmission planning region;

(2) is consistent with efficient and reliable operation of the transmission grid;

(3) will be operated in conformance with prudent utility practices;

(4) will be operated in conformance with the rules of—

(A) a Transmission Organization (as defined in section 3 of the Federal Power Act (16 U.S.C. 796)), if applicable; or

(B) a regional reliability organization; and

(5) is not duplicative of the functions of existing transmission facilities that are the subject of ongoing siting and related permitting proceedings.

(i) CERTIFICATION.—Prior to taking action to facilitate an eligible project under subparagraph (A), (B), or (C) of subsection (e)(1), the Secretary shall certify that—

(1) the eligible project is in the public interest;

(2) the eligible project is unlikely to be constructed in as timely a manner or with as much transmission capacity in the absence of facilitation under this section, including with respect to an eligible project for which a Federal investment tax credit may be allowed; and

(3) it is reasonable to expect that the proceeds from the eligible project will be adequate, as applicable—

(A) to recover the cost of a capacity contract entered into under subsection (e)(1)(A);

(B) to repay a loan provided under subsection (e)(1)(B);

or

(C) to repay any amounts borrowed from the Secretary of the Treasury under subsection (d)(2).

(j) OTHER AUTHORITIES, LIMITATIONS, AND EFFECTS.—

(1) PARTICIPATION.—The Secretary may permit other entities to participate in the financing, construction, and ownership of eligible projects facilitated under this section.

(2) OPERATIONS AND MAINTENANCE.—Facilitation by the Secretary of an eligible project under this section does not create any obligation on the part of the Secretary to operate or maintain the eligible project.

(3) FEDERAL FACILITIES.—For purposes of cost recovery under subsection (d)(4) and repayment of a loan issued under subsection (e)(1)(B), each eligible project facilitated by the Secretary under this section shall be treated as separate and distinct from—

(A) each other eligible project; and

(B) all other Federal power and transmission facilities.

(4) EFFECT ON ANCILLARY SERVICES AUTHORITY AND OBLIGATIONS.—Nothing in this section confers on the Secretary or any Federal power marketing administration any additional authority or obligation to provide ancillary services to users of transmission facilities constructed or upgraded under this section.

(5) EFFECT ON WESTERN AREA POWER ADMINISTRATION PROJECTS.—Nothing in this section affects—

(A) any pending project application before the Western Area Power Administration under section 301 of the Hoover Power Plant Act of 1984 (42 U.S.C. 16421a); or

(B) any agreement entered into by the Western Power Administration under that section.

(6) THIRD-PARTY FINANCE.—Nothing in this section precludes an eligible project facilitated under this section from being eligible as a project under section 1222 of the Energy Policy Act of 2005 (42 U.S.C. 16421).

(7) LIMITATION ON LOANS.—An eligible project may not be the subject of both—

(A) a loan under subsection (e)(1)(B); and

(B) a Federal loan under section 301 of the Hoover Power Plant Act of 1984 (42 U.S.C. 16421a).

(8) CONSIDERATIONS.—In evaluating eligible projects for possible facilitation under this section, the Secretary shall prioritize projects that, to the maximum extent practicable—

(A) use technology that enhances the capacity, efficiency, resiliency, or reliability of an electric power transmission system, including—

(i) reconductoring of an existing electric power transmission line with advanced conductors; and

(ii) hardware or software that enables dynamic line ratings, advanced power flow control, or grid topology optimization;

(B) will improve the resiliency and reliability of an electric power transmission system;

(C) facilitate interregional transfer capacity that supports strong and equitable economic growth; and

(D) contribute to national or subnational goals to lower electricity sector greenhouse gas emissions.

SEC. 40107. DEPLOYMENT OF TECHNOLOGIES TO ENHANCE GRID FLEXIBILITY.

(a) IN GENERAL.—Section 1306 of the Energy Independence and Security Act of 2007 (42 U.S.C. 17386) is amended—

(1) in subsection (b)—

(A) in the matter preceding paragraph (1), by striking “the date of enactment of this Act” and inserting “the date of enactment of the Infrastructure Investment and Jobs Act”;

(B) by redesignating paragraph (9) as paragraph (14); and

(C) by inserting after paragraph (8) the following:

“(9) In the case of data analytics that enable software to engage in Smart Grid functions, the documented purchase costs of the data analytics.

“(10) In the case of buildings, the documented expenses for devices and software, including for installation, that allow buildings to engage in demand flexibility or Smart Grid functions.

“(11) In the case of utility communications, operational fiber and wireless broadband communications networks to enable data flow between distribution system components.

“(12) In the case of advanced transmission technologies such as dynamic line rating, flow control devices, advanced conductors, network topology optimization, or other hardware, software, and associated protocols applied to existing transmission facilities that increase the operational transfer capacity of a transmission network, the documented expenditures to purchase and install those advanced transmission technologies.

“(13) In the case of extreme weather or natural disasters, the ability to redirect or shut off power to minimize blackouts and avoid further damage.”; and

(2) in subsection (d)—

(A) by redesignating paragraph (9) as paragraph (16);

and

(B) by inserting after paragraph (8) the following:

“(9) The ability to use data analytics and software-as-a-service to provide flexibility by improving the visibility of the electrical system to grid operators that can help quickly rebalance the electrical system with autonomous controls.

“(10) The ability to facilitate the aggregation or integration of distributed energy resources to serve as assets for the grid.

“(11) The ability to provide energy storage to meet fluctuating electricity demand, provide voltage support, and integrate intermittent generation sources, including vehicle-to-grid technologies.

“(12) The ability of hardware, software, and associated protocols applied to existing transmission facilities to increase the operational transfer capacity of a transmission network.

“(13) The ability to anticipate and mitigate impacts of extreme weather or natural disasters on grid resiliency.

“(14) The ability to facilitate the integration of renewable energy resources, electric vehicle charging infrastructure, and vehicle-to-grid technologies.

“(15) The ability to reliably meet increased demand from electric vehicles and the electrification of appliances and other sectors.”.

(b) **AUTHORIZATION OF APPROPRIATIONS.**—There is authorized to be appropriated to the Secretary to carry out the Smart Grid Investment Matching Grant Program established under section 1306(a) of the Energy Independence and Security Act of 2007 (42 U.S.C. 17386(a)) \$3,000,000,000 for fiscal year 2022, to remain available through September 30, 2026.

Time period.

SEC. 40108. STATE ENERGY SECURITY PLANS.

(a) **IN GENERAL.**—Part D of title III of the Energy Policy and Conservation Act (42 U.S.C. 6321 et seq.) is amended—

(1) in section 361—

42 USC 6321.

(A) by striking the section designation and heading and all that follows through “The Congress” and inserting the following:

“SEC. 361. FINDINGS; PURPOSE; DEFINITIONS.

“(a) **FINDINGS.**—Congress”;

(B) in subsection (b), by striking “(b) It is” and inserting the following:

“(b) **PURPOSE.**—It is”; and

(C) by adding at the end the following:

“(c) **DEFINITIONS.**—In this part:”;

(2) in section 366—

42 USC 6326.

42 USC 6321,
6326.

(A) in paragraph (3)(B)(i), by striking “approved under section 367, and” ; and inserting “; and”;

(B) in each of paragraphs (1) through (8), by inserting a paragraph heading, the text of which is comprised of the term defined in the paragraph; and

(C) by redesignating paragraphs (6) and (7) as paragraphs (7) and (6), respectively, and moving the paragraphs so as to appear in numerical order;

(3) by moving paragraphs (1) through (8) of section 366 (as so redesignated) so as to appear after subsection (c) of section 361 (as designated by paragraph (1)(C)); and

(4) by amending section 366 to read as follows:

“SEC. 366. STATE ENERGY SECURITY PLANS.

“(a) DEFINITIONS.—In this section:

“(1) BULK-POWER SYSTEM.—The term ‘bulk-power system’ has the meaning given the term in section 215(a) of the Federal Power Act (16 U.S.C. 824o(a)).

“(2) STATE ENERGY SECURITY PLAN.—The term ‘State energy security plan’ means a State energy security plan described in subsection (b).

“(b) FINANCIAL ASSISTANCE FOR STATE ENERGY SECURITY PLANS.—Federal financial assistance made available to a State under this part may be used for the development, implementation, review, and revision of a State energy security plan that—

“(1) assesses the existing circumstances in the State; and

“(2) proposes methods to strengthen the ability of the State, in consultation with owners and operators of energy infrastructure in the State—

“(A) to secure the energy infrastructure of the State against all physical and cybersecurity threats;

“(B)(i) to mitigate the risk of energy supply disruptions to the State; and

“(ii) to enhance the response to, and recovery from, energy disruptions; and

“(C) to ensure that the State has reliable, secure, and resilient energy infrastructure.

“(c) CONTENTS OF PLAN.—A State energy security plan shall—

“(1) address all energy sources and regulated and unregulated energy providers;

“(2) provide a State energy profile, including an assessment of energy production, transmission, distribution, and end-use;

“(3) address potential hazards to each energy sector or system, including—

“(A) physical threats and vulnerabilities; and

“(B) cybersecurity threats and vulnerabilities;

“(4) provide a risk assessment of energy infrastructure and cross-sector interdependencies;

“(5) provide a risk mitigation approach to enhance reliability and end-use resilience; and

“(6)(A) address—

“(i) multi-State and regional coordination, planning, and response; and

“(ii) coordination with Indian Tribes with respect to planning and response; and

“(B) to the extent practicable, encourage mutual assistance in cyber and physical response plans.

“(d) COORDINATION.—In developing or revising a State energy security plan, the State energy office of the State shall coordinate, to the extent practicable, with—

- “(1) the public utility or service commission of the State;
- “(2) energy providers from the private and public sectors;

and

- “(3) other entities responsible for—

- “(A) maintaining fuel or electric reliability; and
- “(B) securing energy infrastructure.

“(e) FINANCIAL ASSISTANCE.—A State is not eligible to receive Federal financial assistance under this part for any purpose for a fiscal year unless the Governor of the State submits to the Secretary, with respect to that fiscal year— Plans.

- “(1) a State energy security plan that meets the requirements of subsection (c); or

- “(2) after an annual review, carried out by the Governor, of a State energy security plan— Review.

- “(A) any necessary revisions to the State energy security plan; or

- “(B) a certification that no revisions to the State energy security plan are necessary. Certification.

“(f) TECHNICAL ASSISTANCE.—On request of the Governor of a State, the Secretary, in consultation with the Secretary of Homeland Security, may provide information, technical assistance, and other assistance in the development, implementation, or revision of a State energy security plan.

“(g) REQUIREMENT.—Each State receiving Federal financial assistance under this part shall provide reasonable assurance to the Secretary that the State has established policies and procedures designed to assure that the financial assistance will be used—

- “(1) to supplement, and not to supplant, State and local funds; and

- “(2) to the maximum extent practicable, to increase the amount of State and local funds that otherwise would be available, in the absence of the Federal financial assistance, for the implementation of a State energy security plan.

“(h) PROTECTION OF INFORMATION.—Information provided to, or collected by, the Federal Government pursuant to this section the disclosure of which the Secretary reasonably foresees could be detrimental to the physical security or cybersecurity of any electric utility or the bulk-power system—

- “(1) shall be exempt from disclosure under section 552(b)(3) of title 5, United States Code; and

- “(2) shall not be made available by any Federal agency, State, political subdivision of a State, or Tribal authority pursuant to any Federal, State, political subdivision of a State, or Tribal law, respectively, requiring public disclosure of information or records.

“(i) SUNSET.—The requirements of this section shall expire on October 31, 2025.”

(b) CLERICAL AMENDMENTS.—The table of contents of the Energy Policy and Conservation Act (Public Law 94–163; 89 Stat. 872) is amended—

- (1) by striking the item relating to section 361 and inserting the following:

“Sec. 361. Findings; purpose; definitions.”; and

(2) by striking the item relating to section 366 and inserting the following:

“Sec. 366. State energy security plans.”.

(c) CONFORMING AMENDMENTS.—

(1) Section 509(i)(3) of the Housing and Urban Development Act of 1970 (12 U.S.C. 1701z–8(i)(3)) is amended by striking “prescribed for such terms in section 366 of the Energy Policy and Conservation Act” and inserting “given the terms in section 361(c) of the Energy Policy and Conservation Act”.

(2) Section 363 of the Energy Policy and Conservation Act (42 U.S.C. 6323) is amended—

(A) by striking subsection (e); and

(B) by redesignating subsection (f) as subsection (e).

(3) Section 451(i)(3) of the Energy Conservation and Production Act (42 U.S.C. 6881(i)(3)) is amended by striking “prescribed for such terms in section 366 of the Federal Energy Policy and Conservation Act” and inserting “given the terms in section 361(c) of the Energy Policy and Conservation Act”.

SEC. 40109. STATE ENERGY PROGRAM.

(a) COLLABORATIVE TRANSMISSION SITING.—Section 362(c) of the Energy Policy and Conservation Act (42 U.S.C. 6322(c)) is amended—

(1) in paragraph (5), by striking “and” at the end;

(2) in paragraph (6), by striking the period at the end and inserting “; and”; and

(3) by adding at the end the following:

“(7) the mandatory conduct of activities to support transmission and distribution planning, including—

“(A) support for local governments and Indian Tribes;

“(B) feasibility studies for transmission line routes and alternatives;

“(C) preparation of necessary project design and permits; and

“(D) outreach to affected stakeholders.”.

(b) STATE ENERGY CONSERVATION PLANS.—Section 362(d) of the Energy Policy and Conservation Act (42 U.S.C. 6322(d)) is amended by striking paragraph (3) and inserting the following:

“(3) programs to increase transportation energy efficiency, including programs to help reduce carbon emissions in the transportation sector by 2050 and accelerate the use of alternative transportation fuels for, and the electrification of, State government vehicles, fleet vehicles, taxis and ridesharing services, mass transit, school buses, ferries, and privately owned passenger and medium- and heavy-duty vehicles;”.

(c) AUTHORIZATION OF APPROPRIATIONS FOR STATE ENERGY PROGRAM.—Section 365 of the Energy Policy and Conservation Act (42 U.S.C. 6325) is amended by striking subsection (f) and inserting the following:

“(f) AUTHORIZATION OF APPROPRIATIONS.—

“(1) IN GENERAL.—There is authorized to be appropriated to carry out this part \$500,000,000 for the period of fiscal years 2022 through 2026.

“(2) DISTRIBUTION.—Amounts made available under paragraph (1)—

Time period.

“(A) shall be distributed to the States in accordance with the applicable distribution formula in effect on January 1, 2021; and

“(B) shall not be subject to the matching requirement described in the first proviso of the matter under the heading ‘ENERGY CONSERVATION’ under the heading ‘DEPARTMENT OF ENERGY’ in title II of the Department of the Interior and Related Agencies Appropriations Act, 1985 (42 U.S.C. 6323a).”.

SEC. 40110. POWER MARKETING ADMINISTRATION TRANSMISSION BORROWING AUTHORITY. 16 USC 838m.

(a) BORROWING AUTHORITY.—

(1) IN GENERAL.—Subject to paragraph (2), for the purposes of providing funds to assist in the financing of the construction, acquisition, and replacement of the Federal Columbia River Power System and to implement the authority of the Administrator of the Bonneville Power Administration (referred to in this section as the “Administrator”) under the Pacific Northwest Electric Power Planning and Conservation Act (16 U.S.C. 839 et seq.), an additional \$10,000,000,000 in borrowing authority is made available under the Federal Columbia River Transmission System Act (16 U.S.C. 838 et seq.), to remain outstanding at any 1 time.

(2) LIMITATION.—The obligation of additional borrowing authority under paragraph (1) shall not exceed \$6,000,000,000 by fiscal year 2028.

(b) FINANCIAL PLAN.—

(1) IN GENERAL.—The Administrator shall issue an updated financial plan by the end of fiscal year 2022.

(2) REQUIREMENT.—As part of the process of issuing an updated financial plan under paragraph (1), the Administrator shall—

(A) consistent with asset management planning and sound business principles, consider projected and planned use and allocation of the borrowing authority of the Administrator across the mission responsibilities of the Bonneville Power Administration; and

(B) before issuing the final updated financial plan—

(i) engage, in a manner determined by the Administrator, with customers with respect to a draft of the updated plan; and

(ii) consider as a relevant factor any recommendations from customers regarding prioritization of asset investments.

(c) STAKEHOLDER ENGAGEMENT.—The Administrator shall—

(1) engage, in a manner determined by the Administrator, with customers and stakeholders with respect to the financial and cost management efforts of the Administrator through periodic program reviews; and

(2) to the maximum extent practicable, implement those policies that would be expected to be consistent with the lowest possible power and transmission rates consistent with sound business principles.

(d) REPAYMENT.—Any additional Treasury borrowing authority received under this section shall be fully repaid to the Treasury

in a manner consistent with the applicable self-financed Federal budget accounts.

SEC. 40111. STUDY OF CODES AND STANDARDS FOR USE OF ENERGY STORAGE SYSTEMS ACROSS SECTORS.

(a) **IN GENERAL.**—The Secretary shall conduct a study of types and commercial applications of codes and standards applied to—

- (1) stationary energy storage systems;
- (2) mobile energy storage systems; and
- (3) energy storage systems that move between stationary and mobile applications, such as electric vehicle batteries or batteries repurposed for new applications.

(b) **PURPOSES.**—The purposes of the study conducted under subsection (a) shall be—

- (1) to identify barriers, foster collaboration, and increase conformity across sectors relating to—
 - (A) use of emerging energy storage technologies; and
 - (B) use cases, such as vehicle-to-grid integration;
- (2) to identify all existing codes and standards that apply to energy storage systems;
- (3) to identify codes and standards that require revision or enhancement;
- (4) to enhance the safe implementation of energy storage systems; and
- (5) to receive formal input from stakeholders regarding—
 - (A) existing codes and standards; and
 - (B) new or revised codes and standards.

(c) **CONSULTATION.**—In conducting the study under subsection (a), the Secretary shall consult with all relevant standards-developing organizations and other entities with expertise regarding energy storage system safety.

(d) **REPORT.**—Not later than 18 months after the date of enactment of this Act, the Secretary shall submit to Congress a report describing the results of the study conducted under subsection (a).

SEC. 40112. DEMONSTRATION OF ELECTRIC VEHICLE BATTERY SECOND-LIFE APPLICATIONS FOR GRID SERVICES.

Section 3201(c) of the Energy Act of 2020 (42 U.S.C. 17232(c)) is amended—

- (1) in paragraph (1)—
 - (A) by striking the period at the end and inserting “; and”;
 - (B) by striking “including at” and inserting the following: “including—
 - “(A) at”; and
 - (C) by adding at the end the following:
 - “(B) 1 project to demonstrate second-life applications of electric vehicle batteries as aggregated energy storage installations to provide services to the electric grid, in accordance with paragraph (3).”;
- (2) by redesignating paragraphs (3) and (4) as paragraphs (4) and (5), respectively; and
- (3) by inserting after paragraph (2) the following:
 - “(3) **DEMONSTRATION OF ELECTRIC VEHICLE BATTERY SECOND-LIFE APPLICATIONS FOR GRID SERVICES.**—
 - “(A) **IN GENERAL.**—The Secretary shall enter into an agreement to carry out a project to demonstrate second-

life applications of electric vehicle batteries as aggregated energy storage installations to provide services to the electric grid.

“(B) PURPOSES.—The purposes of the project under subparagraph (A) shall be—

“(i) to demonstrate power safety and the reliability of the applications demonstrated under the program;

“(ii) to demonstrate the ability of electric vehicle batteries—

“(I) to provide ancillary services for grid stability and management; and

“(II) to reduce the peak loads of homes and businesses;

“(iii) to extend the useful life of electric vehicle batteries and the components of electric vehicle batteries prior to the collection, recycling, and reprocessing of the batteries and components; and

“(iv) to increase acceptance of, and participation in, the use of second-life applications of electric vehicle batteries by utilities.

“(C) PRIORITY.—In selecting a project to carry out under subparagraph (A), the Secretary shall give priority to projects in which the demonstration of the applicable second-life applications is paired with 1 or more facilities that could particularly benefit from increased resiliency and lower energy costs, such as a multi-family affordable housing facility, a senior care facility, and a community health center.”.

SEC. 40113. COLUMBIA BASIN POWER MANAGEMENT.

16 USC 838n.

(a) DEFINITIONS.—In this section:

(1) ACCOUNT.—The term “Account” means the account established by subsection (b)(1).

(2) ADMINISTRATOR.—The term “Administrator” means the Administrator of the Bonneville Power Administration.

(3) CANADIAN ENTITLEMENT.—The term “Canadian Entitlement” means the downstream power benefits that Canada is entitled to under Article V of the Treaty Relating to Cooperative Development of the Water Resources of the Columbia River Basin, signed at Washington January 17, 1961 (15 UST 1555; TIAS 5638).

(b) TRANSMISSION COORDINATION AND EXPANSION.—

(1) ESTABLISHMENT.—There is established in the Treasury an account for the purposes of making expenditures to increase bilateral transfers of renewable electric generation between the western United States and Canada.

(2) CRITERIA.—

(A) IN GENERAL.—The Administrator may make expenditures from the Account for activities to improve electric power system coordination by constructing electric power transmission facilities within the western United States that directly or indirectly facilitate non-carbon emitting electric power transactions between the western United States and Canada.

(B) APPLICATION.—Subparagraph (A) shall be effective after the later of—

(i) September 16, 2024; and

(ii) the date on which the Canadian entitlement value calculation is terminated or reduced to the actual electric power value to the United States, as determined by the Administrator.

(3) CONSULTATION.—The Administrator shall consult with relevant electric utilities in Canada and appropriate regional transmission planning organizations in considering the construction of transmission activities under this subsection.

(4) AUTHORIZATION.—There is authorized to be appropriated to the Account a nonreimbursable amount equal to the aggregated amount of the Canadian Entitlement during the 5-year period preceding the date of enactment of this Act.

(c) INCREASED HYDROELECTRIC CAPACITY.—

(1) IN GENERAL.—The Commissioner of Reclamation shall rehabilitate and enhance the John W. Keys III Pump Generating Plant—

(A) to replace obsolete equipment;

(B) to maintain reliability and improve efficiency in system performance and operation;

(C) to create more hydroelectric power capacity in the Pacific Northwest; and

(D) to ensure the availability of water for irrigation in the event that Columbia River water flows from British Columbia into the United States are insufficient after September 16, 2024.

(2) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated \$100,000,000, which shall be nonreimbursable, to carry out this subsection.

(d) POWER COORDINATION STUDY.—

(1) IN GENERAL.—The Administrator shall conduct a study considering the potential hydroelectric power value to the Pacific Northwest of increasing the coordination of the operation of hydroelectric and water storage facilities on rivers located in the United States and Canada.

(2) CRITERIA.—The study conducted under paragraph (1) shall analyze—

(A) projected changes to the Pacific Northwest electricity supply;

(B) potential reductions in greenhouse gas emissions;

(C) any potential need to increase transmission capacity; and

(D) any other factor the Administrator considers to be relevant for increasing bilateral coordination.

(3) COORDINATION.—In conducting the study under paragraph (1), the Administrator shall coordinate, to the extent practicable, with—

(A) the British Columbia or a crown corporation owned by British Columbia;

(B) the Assistant Secretary;

(C) the Commissioner of Reclamation; and

(D) any public utility districts that operate hydroelectric projects on the mainstem of the Columbia River.

(4) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated \$10,000,000, which shall be nonreimbursable, to carry out this subsection.

Subtitle B—Cybersecurity

SEC. 40121. ENHANCING GRID SECURITY THROUGH PUBLIC-PRIVATE PARTNERSHIPS. 42 USC 18721.

(a) DEFINITIONS.—In this section:

(1) BULK-POWER SYSTEM; ELECTRIC RELIABILITY ORGANIZATION.—The terms “bulk-power system” and “Electric Reliability Organization” has the meaning given the terms in section 215(a) of the Federal Power Act (16 U.S.C. 824o(a)).

(2) ELECTRIC UTILITY; STATE REGULATORY AUTHORITY.—The terms “electric utility” and “State regulatory authority” have the meanings given the terms in section 3 of the Federal Power Act (16 U.S.C. 796).

(b) PROGRAM TO PROMOTE AND ADVANCE PHYSICAL SECURITY AND CYBERSECURITY OF ELECTRIC UTILITIES.—

(1) ESTABLISHMENT.—The Secretary, in coordination with the Secretary of Homeland Security and in consultation with, as the Secretary determines to be appropriate, the heads of other relevant Federal agencies, State regulatory authorities, industry stakeholders, and the Electric Reliability Organization, shall carry out a program—

(A) to develop, and provide for voluntary implementation of, maturity models, self-assessments, and auditing methods for assessing the physical security and cybersecurity of electric utilities;

(B) to assist with threat assessment and cybersecurity training for electric utilities;

(C) to provide technical assistance for electric utilities subject to the program;

(D) to provide training to electric utilities to address and mitigate cybersecurity supply chain management risks;

(E) to advance, in partnership with electric utilities, the cybersecurity of third-party vendors that manufacture components of the electric grid;

(F) to increase opportunities for sharing best practices and data collection within the electric sector; and

(G) to assist, in the case of electric utilities that own defense critical electric infrastructure (as defined in section 215A(a) of the Federal Power Act (16 U.S.C. 824o–1(a))), with full engineering reviews of critical functions and operations at both the utility and defense infrastructure levels—

(i) to identify unprotected avenues for cyber-enabled sabotage that would have catastrophic effects to national security; and

(ii) to recommend and implement engineering protections to ensure continued operations of identified critical functions even in the face of constant cyber attacks and achieved perimeter access by sophisticated adversaries.

(2) SCOPE.—In carrying out the program under paragraph (1), the Secretary shall—

(A) take into consideration—

(i) the different sizes of electric utilities; and

(ii) the regions that electric utilities serve;

(B) prioritize electric utilities with fewer available resources due to size or region; and

(C) to the maximum extent practicable, use and leverage—

(i) existing Department and Department of Homeland Security programs; and

(ii) existing programs of the Federal agencies determined to be appropriate under paragraph (1).

Consultation.
Determination.

(c) REPORT ON CYBERSECURITY OF DISTRIBUTION SYSTEMS.—Not later than 1 year after the date of enactment of this Act, the Secretary, in coordination with the Secretary of Homeland Security and in consultation with, as the Secretary determines to be appropriate, the heads of other Federal agencies, State regulatory authorities, and industry stakeholders, shall submit to Congress a report that assesses—

(1) priorities, policies, procedures, and actions for enhancing the physical security and cybersecurity of electricity distribution systems, including behind-the-meter generation, storage, and load management devices, to address threats to, and vulnerabilities of, electricity distribution systems; and

(2) the implementation of the priorities, policies, procedures, and actions assessed under paragraph (1), including—

(A) an estimate of potential costs and benefits of the implementation; and

(B) an assessment of any public-private cost-sharing opportunities.

(d) PROTECTION OF INFORMATION.—Information provided to, or collected by, the Federal Government pursuant to this section the disclosure of which the Secretary reasonably foresees could be detrimental to the physical security or cybersecurity of any electric utility or the bulk-power system—

(1) shall be exempt from disclosure under section 552(b)(3) of title 5, United States Code; and

(2) shall not be made available by any Federal agency, State, political subdivision of a State, or Tribal authority pursuant to any Federal, State, political subdivision of a State, or Tribal law, respectively, requiring public disclosure of information or records.

42 USC 18722.

SEC. 40122. ENERGY CYBER SENSE PROGRAM.

(a) DEFINITIONS.—In this section:

(1) BULK-POWER SYSTEM.—The term “bulk-power system” has the meaning given the term in section 215(a) of the Federal Power Act (16 U.S.C. 824o(a)).

(2) PROGRAM.—The term “program” means the voluntary Energy Cyber Sense program established under subsection (b).

Consultation.

(b) ESTABLISHMENT.—The Secretary, in coordination with the Secretary of Homeland Security and in consultation with the heads of other relevant Federal agencies, shall establish a voluntary Energy Cyber Sense program to test the cybersecurity of products and technologies intended for use in the energy sector, including in the bulk-power system.

(c) PROGRAM REQUIREMENTS.—In carrying out subsection (b), the Secretary, in coordination with the Secretary of Homeland Security and in consultation with the heads of other relevant Federal agencies, shall—

(1) establish a testing process under the program to test the cybersecurity of products and technologies intended for

use in the energy sector, including products relating to industrial control systems and operational technologies, such as supervisory control and data acquisition systems;

(2) for products and technologies tested under the program, establish and maintain cybersecurity vulnerability reporting processes and a related database that are integrated with Federal vulnerability coordination processes;

(3) provide technical assistance to electric utilities, product manufacturers, and other energy sector stakeholders to develop solutions to mitigate identified cybersecurity vulnerabilities in products and technologies tested under the program;

(4) biennially review products and technologies tested under the program for cybersecurity vulnerabilities and provide analysis with respect to how those products and technologies respond to and mitigate cyber threats;

(5) develop guidance that is informed by analysis and testing results under the program for electric utilities and other components of the energy sector for the procurement of products and technologies;

(6) provide reasonable notice to, and solicit comments from, the public prior to establishing or revising the testing process under the program;

(7) oversee the testing of products and technologies under the program; and

(8) consider incentives to encourage the use of analysis and results of testing under the program in the design of products and technologies for use in the energy sector.

(d) **PROTECTION OF INFORMATION.**—Information provided to, or collected by, the Federal Government pursuant to this section the disclosure of which the Secretary reasonably foresees could be detrimental to the physical security or cybersecurity of any component of the energy sector, including any electric utility or the bulk-power system—

(1) shall be exempt from disclosure under section 552(b)(3) of title 5, United States Code; and

(2) shall not be made available by any Federal agency, State, political subdivision of a State, or Tribal authority pursuant to any Federal, State, political subdivision of a State, or Tribal law, respectively, requiring public disclosure of information or records.

(e) **FEDERAL GOVERNMENT LIABILITY.**—Nothing in this section authorizes the commencement of an action against the United States with respect to the testing of a product or technology under the program.

SEC. 40123. INCENTIVES FOR ADVANCED CYBERSECURITY TECHNOLOGY INVESTMENT.

Part II of the Federal Power Act is amended by inserting after section 219 (16 U.S.C. 824s) the following:

“SEC. 219A. INCENTIVES FOR CYBERSECURITY INVESTMENTS.

16 USC 824s–1.

“(a) **DEFINITIONS.**—In this section:

“(1) **ADVANCED CYBERSECURITY TECHNOLOGY.**—The term ‘advanced cybersecurity technology’ means any technology, operational capability, or service, including computer hardware, software, or a related asset, that enhances the security posture of public utilities through improvements in the ability to protect against, detect, respond to, or recover from a cybersecurity

threat (as defined in section 102 of the Cybersecurity Act of 2015 (6 U.S.C. 1501)).

“(2) ADVANCED CYBERSECURITY TECHNOLOGY INFORMATION.—The term ‘advanced cybersecurity technology information’ means information relating to advanced cybersecurity technology or proposed advanced cybersecurity technology that is generated by or provided to the Commission or another Federal agency.

Deadline.
Consultation.

“(b) STUDY.—Not later than 180 days after the date of enactment of this section, the Commission, in consultation with the Secretary of Energy, the North American Electric Reliability Corporation, the Electricity Subsector Coordinating Council, and the National Association of Regulatory Utility Commissioners, shall conduct a study to identify incentive-based, including performance-based, rate treatments for the transmission and sale of electric energy subject to the jurisdiction of the Commission that could be used to encourage—

“(1) investment by public utilities in advanced cybersecurity technology; and

“(2) participation by public utilities in cybersecurity threat information sharing programs.

Deadline.

“(c) INCENTIVE-BASED RATE TREATMENT.—Not later than 1 year after the completion of the study under subsection (b), the Commission shall establish, by rule, incentive-based, including performance-based, rate treatments for the transmission of electric energy in interstate commerce and the sale of electric energy at wholesale in interstate commerce by public utilities for the purpose of benefiting consumers by encouraging—

“(1) investments by public utilities in advanced cybersecurity technology; and

“(2) participation by public utilities in cybersecurity threat information sharing programs.

“(d) FACTORS FOR CONSIDERATION.—In issuing a rule pursuant to this section, the Commission may provide additional incentives beyond those identified in subsection (c) in any case in which the Commission determines that an investment in advanced cybersecurity technology or information sharing program costs will reduce cybersecurity risks to—

“(1) defense critical electric infrastructure (as defined in section 215A(a)) and other facilities subject to the jurisdiction of the Commission that are critical to public safety, national defense, or homeland security, as determined by the Commission in consultation with—

“(A) the Secretary of Energy;

“(B) the Secretary of Homeland Security; and

“(C) other appropriate Federal agencies; and

“(2) facilities of small or medium-sized public utilities with limited cybersecurity resources, as determined by the Commission.

“(e) RATEPAYER PROTECTION.—

“(1) IN GENERAL.—Any rate approved under a rule issued pursuant to this section, including any revisions to that rule, shall be subject to the requirements of sections 205 and 206 that all rates, charges, terms, and conditions—

“(A) shall be just and reasonable; and

“(B) shall not be unduly discriminatory or preferential.

“(2) PROHIBITION OF DUPLICATE RECOVERY.—Any rule issued pursuant to this section shall preclude rate treatments that allow unjust and unreasonable double recovery for advanced cybersecurity technology.

“(f) SINGLE-ISSUE RATE FILINGS.—The Commission shall permit public utilities to apply for incentive-based rate treatment under a rule issued under this section on a single-issue basis by submitting to the Commission a tariff schedule under section 205 that permits recovery of costs and incentives over the depreciable life of the applicable assets, without regard to changes in receipts or other costs of the public utility.

“(g) PROTECTION OF INFORMATION.—Advanced cybersecurity technology information that is provided to, generated by, or collected by the Federal Government under subsection (b), (c), or (f) shall be considered to be critical electric infrastructure information under section 215A.”.

SEC. 40124. RURAL AND MUNICIPAL UTILITY ADVANCED CYBERSECURITY GRANT AND TECHNICAL ASSISTANCE PROGRAM.

42 USC 18723.

(a) DEFINITIONS.—In this section:

(1) ADVANCED CYBERSECURITY TECHNOLOGY.—The term “advanced cybersecurity technology” means any technology, operational capability, or service, including computer hardware, software, or a related asset, that enhances the security posture of electric utilities through improvements in the ability to protect against, detect, respond to, or recover from a cybersecurity threat (as defined in section 102 of the Cybersecurity Act of 2015 (6 U.S.C. 1501)).

(2) BULK-POWER SYSTEM.—The term “bulk-power system” has the meaning given the term in section 215(a) of the Federal Power Act (16 U.S.C. 824o(a)).

(3) ELIGIBLE ENTITY.—The term “eligible entity” means—

(A) a rural electric cooperative;

(B) a utility owned by a political subdivision of a State, such as a municipally owned electric utility;

(C) a utility owned by any agency, authority, corporation, or instrumentality of 1 or more political subdivisions of a State;

(D) a not-for-profit entity that is in a partnership with not fewer than 6 entities described in subparagraph (A), (B), or (C); and

(E) an investor-owned electric utility that sells less than 4,000,000 megawatt hours of electricity per year.

(4) PROGRAM.—The term “Program” means the Rural and Municipal Utility Advanced Cybersecurity Grant and Technical Assistance Program established under subsection (b).

(b) ESTABLISHMENT.—Not later than 180 days after the date of enactment of this Act, the Secretary, in coordination with the Secretary of Homeland Security and in consultation with the Federal Energy Regulatory Commission, the North American Electric Reliability Corporation, and the Electricity Subsector Coordinating Council, shall establish a program, to be known as the “Rural and Municipal Utility Advanced Cybersecurity Grant and Technical Assistance Program”, to provide grants and technical assistance to, and enter into cooperative agreements with, eligible entities to protect against, detect, respond to, and recover from cybersecurity threats.

Deadline.
Consultation.

(c) OBJECTIVES.—The objectives of the Program shall be—

(1) to deploy advanced cybersecurity technologies for electric utility systems; and

(2) to increase the participation of eligible entities in cybersecurity threat information sharing programs.

(d) AWARDS.—

(1) IN GENERAL.—The Secretary—

(A) shall award grants and provide technical assistance under the Program to eligible entities on a competitive basis;

(B) shall develop criteria and a formula for awarding grants and providing technical assistance under the Program;

(C) may enter into cooperative agreements with eligible entities that can facilitate the objectives described in subsection (c); and

(D) shall establish a process to ensure that all eligible entities are informed about and can become aware of opportunities to receive grants or technical assistance under the Program.

(2) PRIORITY FOR GRANTS AND TECHNICAL ASSISTANCE.—In awarding grants and providing technical assistance under the Program, the Secretary shall give priority to an eligible entity that, as determined by the Secretary—

(A) has limited cybersecurity resources;

(B) owns assets critical to the reliability of the bulk-power system; or

(C) owns defense critical electric infrastructure (as defined in section 215A(a) of the Federal Power Act (16 U.S.C. 824o–1(a))).

(e) PROTECTION OF INFORMATION.—Information provided to, or collected by, the Federal Government pursuant to this section the disclosure of which the Secretary reasonably foresees could be detrimental to the physical security or cybersecurity of any electric utility or the bulk-power system—

(1) shall be exempt from disclosure under section 552(b)(3) of title 5, United States Code; and

(2) shall not be made available by any Federal agency, State, political subdivision of a State, or Tribal authority pursuant to any Federal, State, political subdivision of a State, or Tribal law, respectively, requiring public disclosure of information or records.

Time period.

(f) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary to carry out this section \$250,000,000 for the period of fiscal years 2022 through 2026.

42 USC 18724.

SEC. 40125. ENHANCED GRID SECURITY.

(a) DEFINITIONS.—In this section:

(1) ELECTRIC UTILITY.—The term “electric utility” has the meaning given the term in section 3 of the Federal Power Act (16 U.S.C. 796).

(2) E-ISAC.—The term “E-ISAC” means the Electricity Information Sharing and Analysis Center.

(b) CYBERSECURITY FOR THE ENERGY SECTOR RESEARCH, DEVELOPMENT, AND DEMONSTRATION PROGRAM.—

(1) IN GENERAL.—The Secretary, in coordination with the Secretary of Homeland Security and in consultation with, as

determined appropriate, other Federal agencies, the energy sector, the States, Indian Tribes, Tribal organizations, territories or freely associated states, and other stakeholders, shall develop and carry out a program—

(A) to develop advanced cybersecurity applications and technologies for the energy sector—

(i) to identify and mitigate vulnerabilities, including—

(I) dependencies on other critical infrastructure;

(II) impacts from weather and fuel supply;

(III) increased dependence on inverter-based technologies; and

(IV) vulnerabilities from unpatched hardware and software systems; and

(ii) to advance the security of field devices and third-party control systems, including—

(I) systems for generation, transmission, distribution, end use, and market functions;

(II) specific electric grid elements including advanced metering, demand response, distribution, generation, and electricity storage;

(III) forensic analysis of infected systems;

(IV) secure communications; and

(V) application of in-line edge security solutions;

(B) to leverage electric grid architecture as a means to assess risks to the energy sector, including by implementing an all-hazards approach to communications infrastructure, control systems architecture, and power systems architecture;

(C) to perform pilot demonstration projects with the energy sector to gain experience with new technologies;

(D) to develop workforce development curricula for energy sector-related cybersecurity; and

(E) to develop improved supply chain concepts for secure design of emerging digital components and power electronics.

(2) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary to carry out this subsection \$250,000,000 for the period of fiscal years 2022 through 2026.

Time period.

(c) ENERGY SECTOR OPERATIONAL SUPPORT FOR CYBERRESILIENCE PROGRAM.—

(1) IN GENERAL.—The Secretary may develop and carry out a program—

(A) to enhance and periodically test—

(i) the emergency response capabilities of the Department; and

(ii) the coordination of the Department with other agencies, the National Laboratories, and private industry;

(B) to expand cooperation of the Department with the intelligence community for energy sector-related threat collection and analysis;

(C) to enhance the tools of the Department and E-ISAC for monitoring the status of the energy sector;

- (D) to expand industry participation in E-ISAC; and
- (E) to provide technical assistance to small electric utilities for purposes of assessing and improving cybermaturity levels and addressing gaps identified in the assessment.
- Time period. (2) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary to carry out this subsection \$50,000,000 for the period of fiscal years 2022 through 2026.
- (d) MODELING AND ASSESSING ENERGY INFRASTRUCTURE RISK.—
- (1) IN GENERAL.—The Secretary, in coordination with the Secretary of Homeland Security, shall develop and carry out an advanced energy security program to secure energy networks, including—
- (A) electric networks;
 - (B) natural gas networks; and
 - (C) oil exploration, transmission, and delivery networks.
- (2) SECURITY AND RESILIENCY OBJECTIVE.—The objective of the program developed under paragraph (1) is to increase the functional preservation of electric grid operations or natural gas and oil operations in the face of natural and human-made threats and hazards, including electric magnetic pulse and geomagnetic disturbances.
- (3) ELIGIBLE ACTIVITIES.—In carrying out the program developed under paragraph (1), the Secretary may—
- (A) develop capabilities to identify vulnerabilities and critical components that pose major risks to grid security if destroyed or impaired;
 - (B) provide modeling at the national level to predict impacts from natural or human-made events;
 - (C) add physical security to the cybersecurity maturity model;
 - (D) conduct exercises and assessments to identify and mitigate vulnerabilities to the electric grid, including providing mitigation recommendations;
 - (E) conduct research on hardening solutions for critical components of the electric grid;
 - (F) conduct research on mitigation and recovery solutions for critical components of the electric grid; and
 - (G) provide technical assistance to States and other entities for standards and risk analysis.
- (4) SAVINGS PROVISION.—Nothing in this section authorizes new regulatory requirements.
- Time period. (5) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary to carry out this subsection \$50,000,000 for the period of fiscal years 2022 through 2026.
- 42 USC 18725. **SEC. 40126. CYBERSECURITY PLAN.**
- (a) IN GENERAL.—The Secretary may require, as the Secretary determines appropriate, a recipient of any award or other funding under this division—
- (1) to submit to the Secretary, prior to the issuance of the award or other funding, a cybersecurity plan that demonstrates the cybersecurity maturity of the recipient in the

context of the project for which that award or other funding was provided; and

(2) establish a plan for maintaining and improving cybersecurity throughout the life of the proposed solution of the project.

(b) CONTENTS OF CYBERSECURITY PLAN.—A cybersecurity plan described in subsection (a) shall, at a minimum, describe how the recipient described in that subsection—

(1) plans to maintain cybersecurity between networks, systems, devices, applications, or components—

(A) within the proposed solution of the project; and

(B) at the necessary external interfaces at the proposed solution boundaries;

(2) will perform ongoing evaluation of cybersecurity risks to address issues as the issues arise throughout the life of the proposed solution;

(3) will report known or suspected network or system compromises of the project to the Secretary; and

(4) will leverage applicable cybersecurity programs of the Department, including cyber vulnerability testing and security engineering evaluations.

(c) ADDITIONAL GUIDANCE.—Each recipient described in subsection (a) should—

(1) maximize the use of open guidance and standards, including, wherever possible—

(A) the Cybersecurity Capability Maturity Model of the Department (or a successor model); and

(B) the Framework for Improving Critical Infrastructure Cybersecurity of the National Institute of Standards and Technology; and

(2) document —

(A) any deviation from open standards; and

(B) the utilization of proprietary standards where the recipient determines that such deviation necessary.

(d) COORDINATION.—The Office of Cybersecurity, Energy Security, and Emergency Response of the Department shall review each cybersecurity plan submitted under subsection (a) to ensure integration with Department research, development, and demonstration programs.

(e) PROTECTION OF INFORMATION.—Information provided to, or collected by, the Federal Government pursuant to this section the disclosure of which the Secretary reasonably foresees could be detrimental to the physical security or cybersecurity of any electric utility or the bulk-power system—

(1) shall be exempt from disclosure under section 552(b)(3) of title 5, United States Code; and

(2) shall not be made available by any Federal agency, State, political subdivision of a State, or Tribal authority pursuant to any Federal, State, political subdivision of a State, or Tribal law, respectively, requiring public disclosure of information or records.

SEC. 40127. SAVINGS PROVISION.

42 USC 18726.

Nothing in this subtitle affects the authority, existing on the day before the date of enactment of this Act, of any other Federal department or agency, including the authority provided to the Secretary of Homeland Security and the Director of the Cybersecurity

and Infrastructure Security Agency in title XXII of the Homeland Security Act of 2002 (6 U.S.C. 651 et seq.).

TITLE II—SUPPLY CHAINS FOR CLEAN ENERGY TECHNOLOGIES

43 USC 311.

SEC. 40201. EARTH MAPPING RESOURCES INITIATIVE.

(a) **DEFINITION OF CRITICAL MINERAL.**—In this section, the term “critical mineral” has the meaning given the term in section 7002(a) of the Energy Act of 2020 (30 U.S.C. 1606(a)).

(b) **ESTABLISHMENT.**—There is established within the United States Geological Survey an initiative, to be known as the “Earth Mapping Resources Initiative” (referred to in this section as the “Initiative”).

(c) **PURPOSE.**—The purpose of the Initiative shall be to accelerate efforts to carry out the fundamental resources and mapping mission of the United States Geological Survey by—

- (1) providing integrated topographic, geologic, geochemical, and geophysical mapping;
- (2) accelerating the integration and consolidation of geospatial and resource data; and
- (3) providing interpretation of subsurface and above-ground mineral resources data.

(d) **COOPERATIVE AGREEMENTS.**—

(1) **IN GENERAL.**—In carrying out the Initiative, the Director of the United States Geological Survey may enter into cooperative agreements with State geological surveys.

(2) **EFFECT.**—Nothing in paragraph (1) precludes the Director of the United States Geological Survey from using existing contracting authorities in carrying out the Initiative.

(e) **COMPREHENSIVE MAPPING MODERNIZATION.**—

(1) **IN GENERAL.**—Not later than 10 years after the date of enactment of this Act, the Initiative shall complete an initial comprehensive national modern surface and subsurface mapping and data integration effort.

(2) **APPROACH.**—In carrying out paragraph (1) with regard to minerals, mineralization, and mineral deposits, the Initiative shall focus on the full range of minerals, using a whole ore body approach rather than a single commodity approach, to emphasize all of the recoverable critical minerals in a given surface or subsurface deposit.

(3) **PRIORITY.**—In carrying out paragraph (1) with regard to minerals, mineralization, and mineral deposits, the Initiative shall prioritize mapping and assessing critical minerals.

(4) **INCLUSIONS.**—In carrying out paragraph (1), the Initiative shall also—

(A) map and collect data for areas containing mine waste to increase understanding of above-ground critical mineral resources in previously disturbed areas; and

(B) provide for analysis of samples, including samples within the National Geological and Geophysical Data Preservation Program established under section 351(b) of the Energy Policy Act of 2005 (42 U.S.C. 15908(b)) for the occurrence of critical minerals.

Deadline.

(f) AVAILABILITY.—The Initiative shall make the geospatial data and metadata gathered by the Initiative under subsection (e)(1) electronically publicly accessible on an ongoing basis.

(g) INTEGRATION OF DATA SOURCES.—The Initiative shall integrate data sources, including data from—

(1) the National Cooperative Geologic Mapping Program established by section 4(a)(1) of the National Geologic Mapping Act of 1992 (43 U.S.C. 31c(a)(1));

(2) the National Geological and Geophysical Data Preservation Program established under section 351(b) of the Energy Policy Act of 2005 (42 U.S.C. 15908(b));

(3) the USMIN Mineral Deposit Database of the United States Geological Survey;

(4) the 3D Elevation Program established under section 5(a) of the National Landslide Preparedness Act (43 U.S.C. 3104(a)); and

(5) other relevant sources, including sources providing geothermal resources data.

(h) AUTHORIZATION OF APPROPRIATIONS.—There is authorized Time period. to be appropriated to the Secretary to carry out this section \$320,000,000 for the period of fiscal years 2022 through 2026, to remain available until expended.

SEC. 40202. NATIONAL COOPERATIVE GEOLOGIC MAPPING PROGRAM.

(a) IN GENERAL.—Section 4(d) of the National Geologic Mapping Act of 1992 (43 U.S.C. 31c(d)) is amended by adding at the end the following:

“(4) ABANDONED MINE LAND AND MINE WASTE COMPONENT.—

“(A) IN GENERAL.—The geologic mapping program shall include an abandoned mine land and mine waste geologic mapping component, the objective of which shall be to establish the geologic framework of abandoned mine land and other land containing mine waste.

“(B) MAPPING PRIORITIES.—For the component described in subparagraph (A), the priority shall be mapping abandoned mine land and other land containing mine waste where multiple critical mineral (as defined in section 7002(a) of the Energy Act of 2020 (30 U.S.C. 1606(a))) and metal commodities are anticipated to be present, rather than single mineral resources.”.

(b) AUTHORIZATION OF APPROPRIATIONS.—Section 9(a) of the National Geologic Mapping Act of 1992 (43 U.S.C. 31h(a)) is amended by striking “2023” and inserting “2031”.

SEC. 40203. NATIONAL GEOLOGICAL AND GEOPHYSICAL DATA PRESERVATION PROGRAM.

Section 351(b) of the Energy Policy Act of 2005 (42 U.S.C. 15908(b)) is amended—

(1) in paragraph (2), by striking “and” after the semicolon;

(2) in paragraph (3), by striking the period at the end and inserting “; and”; and

(3) by adding at the end the following:

“(4) to provide for preservation of samples to track geochemical signatures from critical mineral (as defined in section 7002(a) of the Energy Act of 2020 (30 U.S.C. 1606(a))) ore bodies for use in provenance tracking frameworks.”.

43 USC 50e.

SEC. 40204. USGS ENERGY AND MINERALS RESEARCH FACILITY.

(a) **ESTABLISHMENT.**—The Director of the United States Geological Survey (referred to in this section as the “Director”), shall fund, through a cooperative agreement with an academic partner, the design, construction, and tenant build-out of a facility to support energy and minerals research and appurtenant associated structures.

(b) **OWNERSHIP.**—The United States Geological Survey shall retain ownership of the facility and associated structures described in subsection (a).

(c) **AGREEMENTS.**—The Director may enter into agreements with, and to collect and expend funds or in-kind contributions from, academic, Federal, State, or other tenants over the life of the facility described in subsection (a) for the purposes of—

- (1) facility planning;
- (2) design;
- (3) maintenance;
- (4) operation; or
- (5) facility improvements.

(d) **LEASES.**—The Director may enter into a lease or other agreement with the academic partner with which the Director has entered into a cooperative agreement under subsection (a), at no cost to the Federal Government, to obtain land on which to construct the facility described in that subsection for a term of not less than 99 years.

(e) **REPORTS.**—The Director shall submit to Congress annual reports on—

- (1) the facility described in subsection (a); and
- (2) the authorities used under this section.

(f) **AUTHORIZATION OF APPROPRIATIONS.**—There is authorized to be appropriated to the Secretary of the Interior to carry out this section \$167,000,000 for fiscal year 2022, to remain available until expended.

SEC. 40205. RARE EARTH ELEMENTS DEMONSTRATION FACILITY.

Section 7001 of the Energy Act of 2020 (42 U.S.C. 13344) is amended—

(1) in subsection (b), by inserting “and annually thereafter while the facility established under subsection (c) remains in operation,” after “enactment of this Act,”;

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

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

“(c) **RARE EARTH DEMONSTRATION FACILITY.**—

“(1) **ESTABLISHMENT.**—In coordination with the research program under subsection (a)(1)(A), the Secretary shall fund, through an agreement with an academic partner, the design, construction, and build-out of a facility to demonstrate the commercial feasibility of a full-scale integrated rare earth element extraction and separation facility and refinery.

“(2) **FACILITY ACTIVITIES.**—The facility established under paragraph (1) shall—

“(A) provide environmental benefits through use of feedstock derived from acid mine drainage, mine waste, or other deleterious material;

“(B) separate mixed rare earth oxides into pure oxides of each rare earth element;

“(C) refine rare earth oxides into rare earth metals;
and

“(D) provide for separation of rare earth oxides and refining into rare earth metals at a single site.

“(3) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary to carry out this subsection \$140,000,000 for fiscal year 2022, to remain available until expended.”.

SEC. 40206. CRITICAL MINERALS SUPPLY CHAINS AND RELIABILITY. 30 USC 1607.

(a) DEFINITION OF CRITICAL MINERAL.—In this section, the term “critical mineral” has the meaning given the term in section 7002(a) of the Energy Act of 2020 (30 U.S.C. 1606(a)).

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) critical minerals are fundamental to the economy, competitiveness, and security of the United States;

(2) many critical minerals are only economic to recover when combined with the production of a host mineral;

(3) to the maximum extent practicable, the critical mineral needs of the United States should be satisfied by minerals responsibly produced and recycled in the United States; and

(4) the Federal permitting process has been identified as an impediment to mineral production and the mineral security of the United States.

(c) FEDERAL PERMITTING AND REVIEW PERFORMANCE IMPROVEMENTS.—To improve the quality and timeliness of Federal permitting and review processes with respect to critical mineral production on Federal land, the Secretary of the Interior, acting through the Director of the Bureau of Land Management, and the Secretary of Agriculture, acting through the Chief of the Forest Service (referred to in this section as the “Secretaries”), to the maximum extent practicable, shall complete the Federal permitting and review processes with maximum efficiency and effectiveness, while supporting vital economic growth, by—

(1) establishing and adhering to timelines and schedules for the consideration of, and final decisions regarding, applications, operating plans, leases, licenses, permits, and other use authorizations for critical mineral-related activities on Federal land;

(2) establishing clear, quantifiable, and temporal permitting performance goals and tracking progress against those goals;

(3) engaging in early collaboration among agencies, project sponsors, and affected stakeholders—

(A) to incorporate and address the interests of those parties; and

(B) to minimize delays;

(4) ensuring transparency and accountability by using cost-effective information technology to collect and disseminate information regarding individual projects and agency performance;

(5) engaging in early and active consultation with State, local, and Tribal governments—

(A) to avoid conflicts or duplication of effort;

(B) to resolve concerns; and

(C) to allow for concurrent, rather than sequential, reviews;

(6) providing demonstrable improvements in the performance of Federal permitting and review processes, including lower costs and more timely decisions;

(7) expanding and institutionalizing Federal permitting and review process improvements that have proven effective;

(8) developing mechanisms to better communicate priorities and resolve disputes among agencies at the national, regional, State, and local levels; and

(9) developing other practices, such as preapplication procedures.

(d) REVIEW AND REPORT.—Not later than 1 year after the date of enactment of this Act, the Secretaries shall submit to Congress a report that—

(1) identifies additional measures, including regulatory and legislative proposals, if appropriate, that would increase the timeliness of permitting activities for the exploration and development of domestic critical minerals;

(2) identifies options, including cost recovery paid by permit applicants, for ensuring adequate staffing and training of Federal entities and personnel responsible for the consideration of applications, operating plans, leases, licenses, permits, and other use authorizations for critical mineral-related activities on Federal land;

(3) quantifies the period of time typically required to complete each step associated with the development and processing of applications, operating plans, leases, licenses, permits, and other use authorizations for critical mineral-related activities on Federal land, including by—

(A) calculating the range, the mean, the median, the variance, and other statistical measures or representations of the period of time; and

(B) taking into account other aspects that affect the period of time that are outside the control of the Executive branch, such as judicial review, applicant decisions, or State and local government involvement; and

(4) describes actions carried out pursuant to subsection

(c).

Deadline.

(e) PERFORMANCE METRIC.—Not later than 90 days after the date of submission of the report under subsection (d), and after providing public notice and an opportunity to comment, the Secretaries, using as a baseline the period of time quantified under paragraph (3) of that subsection, shall develop and publish a performance metric for evaluating the progress made by the Executive branch to expedite the permitting of activities that will increase exploration for, and development of, domestic critical minerals, while maintaining environmental standards.

(f) ANNUAL REPORTS.—Not later than the date on which the President submits the first budget of the President under section 1105 of title 31, United States Code, after publication of the performance metric required under subsection (e), and annually thereafter, the Secretaries shall submit to Congress a report that—

(1) summarizes the implementation of recommendations, measures, and options identified in paragraphs (1) and (2) of subsection (d);

(2) using the performance metric developed under subsection (e), describes progress made by the Executive branch, as compared to the baseline developed pursuant to subsection

(d)(3), in expediting the permitting of activities that will increase exploration for, and development of, domestic critical minerals; and

(3) compares the United States to other countries in terms of permitting efficiency and any other criteria relevant to the globally competitive critical minerals industry.

(g) INDIVIDUAL PROJECTS.—Each year, using data contained in the reports submitted under subsection (f), the Director of the Office of Management and Budget shall prioritize inclusion of individual critical mineral projects on the website operated by the Office of Management and Budget in accordance with section 1122 of title 31, United States Code.

Data.
Public
information.
Website.

SEC. 40207. BATTERY PROCESSING AND MANUFACTURING.

42 USC 18741.

(a) DEFINITIONS.—In this section:

(1) ADVANCED BATTERY.—The term “advanced battery” means a battery that consists of a battery cell that can be integrated into a module, pack, or system to be used in energy storage applications, including electric vehicles and the electric grid.

(2) ADVANCED BATTERY COMPONENT.—

(A) IN GENERAL.—The term “advanced battery component” means a component of an advanced battery.

(B) INCLUSIONS.—The term “advanced battery component” includes materials, enhancements, enclosures, anodes, cathodes, electrolytes, cells, and other associated technologies that comprise an advanced battery.

(3) BATTERY MATERIAL.—The term “battery material” means the raw and processed form of a mineral, metal, chemical, or other material used in an advanced battery component.

(4) ELIGIBLE ENTITY.—The term “eligible entity” means an entity described in any of paragraphs (1) through (5) of section 989(b) of the Energy Policy Act of 2005 (42 U.S.C. 16353(b)).

(5) FOREIGN ENTITY OF CONCERN.—The term “foreign entity of concern” means a foreign entity that is—

(A) designated as a foreign terrorist organization by the Secretary of State under section 219(a) of the Immigration and Nationality Act (8 U.S.C. 1189(a));

(B) included on the list of specially designated nationals and blocked persons maintained by the Office of Foreign Assets Control of the Department of the Treasury (commonly known as the “SDN list”);

(C) owned by, controlled by, or subject to the jurisdiction or direction of a government of a foreign country that is a covered nation (as defined in section 2533c(d) of title 10, United States Code);

(D) alleged by the Attorney General to have been involved in activities for which a conviction was obtained under—

(i) chapter 37 of title 18, United States Code (commonly known as the “Espionage Act”);

(ii) section 951 or 1030 of title 18, United States Code;

(iii) chapter 90 of title 18, United States Code (commonly known as the “Economic Espionage Act of 1996”);

(iv) the Arms Export Control Act (22 U.S.C. 2751 et seq.);

(v) section 224, 225, 226, 227, or 236 of the Atomic Energy Act of 1954 (42 U.S.C. 2274, 2275, 2276, 2277, and 2284);

(vi) the Export Control Reform Act of 2018 (50 U.S.C. 4801 et seq.); or

(vii) the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.); or

Consultation.

(E) determined by the Secretary, in consultation with the Secretary of Defense and the Director of National Intelligence, to be engaged in unauthorized conduct that is detrimental to the national security or foreign policy of the United States.

(6) MANUFACTURING.—The term “manufacturing”, with respect to an advanced battery and an advanced battery component, means the industrial and chemical steps taken to produce that advanced battery or advanced battery component, respectively.

(7) PROCESSING.—The term “processing”, with respect to battery material, means the refining of materials, including the treating, baking, and coating processes used to convert raw products into constituent materials employed directly in advanced battery manufacturing.

(8) RECYCLING.—The term “recycling” means the recovery of materials from advanced batteries to be reused in similar applications, including the extracting, processing, and recoating of battery materials and advanced battery components.

(b) BATTERY MATERIAL PROCESSING GRANTS.—

Deadline.

(1) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Secretary shall establish within the Office of Fossil Energy a program, to be known as the “Battery Material Processing Grant Program” (referred to in this subsection as the “program”), under which the Secretary shall award grants in accordance with this subsection.

(2) PURPOSES.—The purposes of the program are—

(A) to ensure that the United States has a viable battery materials processing industry to supply the North American battery supply chain;

(B) to expand the capabilities of the United States in advanced battery manufacturing;

(C) to enhance national security by reducing the reliance of the United States on foreign competitors for critical materials and technologies; and

(D) to enhance the domestic processing capacity of minerals necessary for battery materials and advanced batteries.

(3) GRANTS.—

(A) IN GENERAL.—Under the program, the Secretary shall award grants to eligible entities—

(i) to carry out 1 or more demonstration projects in the United States for the processing of battery materials;

(ii) to construct 1 or more new commercial-scale battery material processing facilities in the United States; and

(iii) to retool, retrofit, or expand 1 or more existing battery material processing facilities located in the United States and determined qualified by the Secretary.

(B) AMOUNT LIMITATION.—The amount of a grant awarded under the program shall be not less than—

(i) \$50,000,000 for an eligible entity carrying out 1 or more projects described in subparagraph (A)(i);

(ii) \$100,000,000 for an eligible entity carrying out 1 or more projects described in subparagraph (A)(ii); and

(iii) \$50,000,000 for an eligible entity carrying out 1 or more projects described in subparagraph (A)(iii).

(C) PRIORITY; CONSIDERATION.—In awarding grants to eligible entities under the program, the Secretary shall—

(i) give priority to an eligible entity that—

(I) is located and operates in the United States;

(II) is owned by a United States entity;

(III) deploys North American-owned intellectual property and content;

(IV) represents consortia or industry partnerships; and

(V) will not use battery material supplied by or originating from a foreign entity of concern; and

(ii) take into consideration whether a project—

(I) provides workforce opportunities in low- and moderate-income communities;

(II) encourages partnership with universities and laboratories to spur innovation and drive down costs;

(III) partners with Indian Tribes; and

(IV) takes into account—

(aa) greenhouse gas emissions reductions and energy efficient battery material processing opportunities throughout the manufacturing process; and

(bb) supply chain logistics.

(4) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary to carry out the program \$3,000,000,000 for the period of fiscal years 2022 through 2026, to remain available until expended.

Time period.

(c) BATTERY MANUFACTURING AND RECYCLING GRANTS.—

(1) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Secretary shall establish within the Office of Energy Efficiency and Renewable Energy a battery manufacturing and recycling grant program (referred to in this subsection as the “program”).

Deadline.

(2) PURPOSE.—The purpose of the program is to ensure that the United States has a viable domestic manufacturing and recycling capability to support and sustain a North American battery supply chain.

(3) GRANTS.—

(A) IN GENERAL.—Under the program, the Secretary shall award grants to eligible entities—

(i) to carry out 1 or more demonstration projects for advanced battery component manufacturing, advanced battery manufacturing, and recycling;

(ii) to construct 1 or more new commercial-scale advanced battery component manufacturing, advanced battery manufacturing, or recycling facilities in the United States; and

(iii) to retool, retrofit, or expand 1 or more existing facilities located in the United States and determined qualified by the Secretary for advanced battery component manufacturing, advanced battery manufacturing, and recycling.

(B) AMOUNT LIMITATION.—The amount of a grant awarded under the program shall be not less than—

(i) \$50,000,000 for an eligible entity carrying out 1 or more projects described in subparagraph (A)(i);

(ii) \$100,000,000 for an eligible entity carrying out 1 or more projects described in subparagraph (A)(ii); and

(iii) \$50,000,000 for an eligible entity carrying out 1 or more projects described in subparagraph (A)(iii).

(C) PRIORITY; CONSIDERATION.—In awarding grants to eligible entities under the program, the Secretary shall—

(i) give priority to an eligible entity that—

(I) is located and operates in the United States;

(II) is owned by a United States entity;

(III) deploys North American-owned intellectual property and content;

(IV) represents consortia or industry partnerships; and

(V)(aa) if the eligible entity will use the grant for advanced battery component manufacturing, will not use battery material supplied by or originating from a foreign entity of concern; or

(bb) if the eligible entity will use the grant for battery recycling, will not export recovered critical materials to a foreign entity of concern; and

(ii) take into consideration whether a project—

(I) provides workforce opportunities in low- and moderate-income or rural communities;

(II) provides workforce opportunities in communities that have lost jobs due to the displacements of fossil energy jobs;

(III) encourages partnership with universities and laboratories to spur innovation and drive down costs;

(IV) partners with Indian Tribes;

(V) takes into account—

(aa) greenhouse gas emissions reductions and energy efficient battery material processing opportunities throughout the manufacturing process; and

(bb) supply chain logistics; and

(VI) utilizes feedstock produced in the United States.

(4) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary to carry out the program \$3,000,000,000 for the period of fiscal years 2022 through 2026, to remain available until expended. Time period.

(d) REPORTING REQUIREMENTS.—Not later than 1 year after the date of enactment of this Act, and annually thereafter, the Secretary shall submit to Congress a report on the grant programs established under subsections (b) and (c), including, with respect to each grant program, a description of—

- (1) the number of grant applications received;
- (2) the number of grants awarded and the amount of each award;
- (3) the purpose and status of each project carried out using a grant; and
- (4) any other information the Secretary determines necessary.

(e) LITHIUM-ION BATTERY RECYCLING PRIZE COMPETITION.—

(1) IN GENERAL.—The Secretary shall continue to carry out the Lithium-Ion Battery Recycling Prize Competition of the Department established pursuant to section 24 of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3719) (referred to in this subsection as the “competition”).

(2) AUTHORIZATION OF APPROPRIATIONS FOR PILOT PROJECTS.—

(A) IN GENERAL.—There is authorized to be appropriated to the Secretary to carry out Phase III of the competition, \$10,000,000 for fiscal year 2022, to remain available until expended.

(B) USE OF FUNDS.—The Secretary may use amounts made available under subparagraph (A)—

- (i) to increase the number of winners of Phase III of the competition;
- (ii) to increase the amount awarded to each winner of Phase III of the competition; and
- (iii) to carry out any other activity that is consistent with the goals of Phase III of the competition, as determined by the Secretary.

(f) BATTERY AND CRITICAL MINERAL RECYCLING.—

(1) DEFINITIONS.—In this subsection:

(A) ADMINISTRATOR.—The term “Administrator” means the Administrator of the Environmental Protection Agency.

(B) BATTERY.—The term “battery” means a device that—

- (i) consists of 1 or more electrochemical cells that are electrically connected; and
- (ii) is designed to store and deliver electric energy.

(C) BATTERY PRODUCER.—The term “battery producer” means, with respect to a covered battery or covered battery-containing product that is sold, offered for sale, or distributed for sale in the United States, including through retail, wholesale, business-to-business, and online sale, the following applicable entity:

(i) A person who—

- (I) manufactures the covered battery or covered battery-containing product; and

(II) sells or offers for sale the covered battery or covered battery-containing product under the brand of that person.

(ii) If there is no person described in clause (i) with respect to the covered battery or covered battery-containing product, the owner or licensee of the brand under which the covered battery or covered battery-containing product is sold, offered for sale, or distributed, regardless of whether the trademark of the brand is registered.

(iii) If there is no person described in clause (i) or (ii) with respect to the covered battery or covered battery-containing product, a person that imports the covered battery or covered battery-containing product into the United States for sale or distribution.

(D) COVERED BATTERY.—The term “covered battery” means a new or unused primary battery or rechargeable battery.

(E) COVERED BATTERY-CONTAINING PRODUCT.—The term “covered battery-containing product” means a new or unused product that contains or is packaged with a primary battery or rechargeable battery.

(F) CRITICAL MINERAL.—The term “critical mineral” has the meaning given the term in section 7002(a) of the Energy Act of 2020 (30 U.S.C. 1606(a)).

(G) PRIMARY BATTERY.—The term “primary battery” means a nonrechargeable battery that weighs not more than 4.4 pounds, including an alkaline, carbon-zinc, and lithium metal battery.

(H) RECHARGEABLE BATTERY.—

(i) IN GENERAL.—The term “rechargeable battery” means a battery that—

(I) contains 1 or more voltaic or galvanic cells that are electrically connected to produce electric energy;

(II) is designed to be recharged;

(III) weighs not more than 11 pounds; and

(IV) has a watt-hour rating of not more than 300 watt-hours.

(ii) EXCLUSIONS.—The term “rechargeable battery” does not include a battery that—

(I) contains electrolyte as a free liquid; or

(II) employs lead-acid technology, unless that battery is sealed and does not contain electrolyte as a free liquid.

(I) RECYCLING.—The term “recycling” means the series of activities—

(i) during which recyclable materials are processed into specification-grade commodities, and consumed as raw-material feedstock, in lieu of virgin materials, in the manufacturing of new products;

(ii) that may include collection, processing, and brokering; and

(iii) that result in subsequent consumption by a materials manufacturer, including for the manufacturing of new products.

(2) BATTERY RECYCLING RESEARCH, DEVELOPMENT, AND DEMONSTRATION GRANTS.—

(A) IN GENERAL.—The Secretary, in coordination with the Administrator, shall award multiyear grants to eligible entities for research, development, and demonstration projects to create innovative and practical approaches to increase the reuse and recycling of batteries, including by addressing—

- (i) recycling activities;
- (ii) the development of methods to promote the design and production of batteries that take into full account and facilitate the dismantling, reuse, recovery, and recycling of battery components and materials;
- (iii) strategies to increase consumer acceptance of, and participation in, the recycling of batteries;
- (iv) the extraction or recovery of critical minerals from batteries that are recycled;
- (v) the integration of increased quantities of recycled critical minerals in batteries and other products to develop markets for recycled battery materials and critical minerals;
- (vi) safe disposal of waste materials and components recovered during the recycling process;
- (vii) the protection of the health and safety of all persons involved in, or in proximity to, recycling and reprocessing activities, including communities located near recycling and materials reprocessing facilities;
- (viii) mitigation of environmental impacts that arise from recycling batteries, including disposal of toxic reagents and byproducts related to recycling processes;
- (ix) protection of data privacy associated with collected covered battery-containing products;
- (x) the optimization of the value of material derived from recycling batteries; and
- (xi) the cost-effectiveness and benefits of the reuse and recycling of batteries and critical minerals.

(B) ELIGIBLE ENTITIES.—The Secretary, in coordination with the Administrator, may award a grant under subparagraph (A) to—

- (i) an institution of higher education;
- (ii) a National Laboratory;
- (iii) a Federal research agency;
- (iv) a State research agency;
- (v) a nonprofit organization;
- (vi) an industrial entity;
- (vii) a manufacturing entity;
- (viii) a private battery-collection entity;
- (ix) an entity operating 1 or more battery recycling activities;
- (x) a State or municipal government entity;
- (xi) a battery producer;
- (xii) a battery retailer; or
- (xiii) a consortium of 2 or more entities described in clauses (i) through (xii).

(C) APPLICATIONS.—

(i) IN GENERAL.—To be eligible to receive a grant under subparagraph (A), an eligible entity described in subparagraph (B) shall submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require.

(ii) CONTENTS.—An application submitted under clause (i) shall describe how the project will promote collaboration among—

(I) battery producers and manufacturers;

(II) battery material and equipment manufacturers;

(III) battery recyclers, collectors, and refiners; and

(IV) retailers.

Time period.

(D) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary to carry out this paragraph \$60,000,000 for the period of fiscal years 2022 through 2026.

(3) STATE AND LOCAL PROGRAMS.—

(A) IN GENERAL.—The Secretary, in coordination with the Administrator, shall establish a program under which the Secretary shall award grants, on a competitive basis, to States and units of local government to assist in the establishment or enhancement of State battery collection, recycling, and reprocessing programs.

(B) NON-FEDERAL COST SHARE.—The non-Federal share of the cost of a project carried out using a grant under this paragraph shall be 50 percent of the cost of the project.

(C) REPORT.—Not later than 2 years after the date of enactment of this Act, and annually thereafter, the Secretary shall submit to Congress a report that describes the number of battery collection points established or enhanced, an estimate of jobs created, and the quantity of material collected as a result of the grants awarded under subparagraph (A).

Time period.

(D) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary to carry out this paragraph \$50,000,000 for the period of fiscal years 2022 through 2026.

(4) RETAILERS AS COLLECTION POINTS.—

Grants.

(A) IN GENERAL.—The Secretary shall award grants, on a competitive basis, to retailers that sell covered batteries or covered battery-containing products to establish and implement a system for the acceptance and collection of covered batteries and covered battery-containing products, as applicable, for reuse, recycling, or proper disposal.

(B) COLLECTION SYSTEM.—A system described in subparagraph (A) shall include take-back of covered batteries—

(i) at no cost to the consumer; and

(ii) on a regular, convenient, and accessible basis.

Time period.

(C) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary to carry out this paragraph \$15,000,000 for the period of fiscal years 2022 through 2026.

(5) TASK FORCE ON PRODUCER RESPONSIBILITIES.—

(A) **IN GENERAL.**—The Secretary, in coordination with the Administrator, shall convene a task force to develop an extended battery producer responsibility framework that—

(i) addresses battery recycling goals, cost structures for mandatory recycling, reporting requirements, product design, collection models, and transportation of collected materials;

(ii) provides sufficient flexibility to allow battery producers to determine cost-effective strategies for compliance with the framework; and

(iii) outlines regulatory pathways for effective recycling.

(B) **TASK FORCE MEMBERS.**—Members of the task force convened under subparagraph (A) shall include—

(i) battery producers, manufacturers, retailers, recyclers, and collectors or processors;

(ii) States and municipalities; and

(iii) other relevant stakeholders, such as environmental, energy, or consumer organizations, as determined by the Secretary.

(C) **REPORT.**—Not later than 1 year after the date on which the Secretary, in coordination with Administrator, convenes the task force under subparagraph (A), the Secretary shall submit to Congress a report that—

(i) describes the extended producer responsibility framework developed by the task force;

(ii) includes the recommendations of the task force on how best to implement a mandatory pay-in or other enforcement mechanism to ensure that battery producers and sellers are contributing to the recycling of batteries; and

(iii) suggests regulatory pathways for effective recycling.

(6) **EFFECT ON MERCURY-CONTAINING AND RECHARGEABLE BATTERY MANAGEMENT ACT.**—Nothing in this subsection, or any regulation, guideline, framework, or policy adopted or promulgated pursuant to this subsection, shall modify or otherwise affect the provisions of the Mercury-Containing and Rechargeable Battery Management Act (42 U.S.C. 14301 et seq.).

Recommendations.

SEC. 40208. ELECTRIC DRIVE VEHICLE BATTERY RECYCLING AND SECOND-LIFE APPLICATIONS PROGRAM.

Section 641 of the Energy Independence and Security Act of 2007 (42 U.S.C. 17231) is amended—

(1) by striking subsection (k) and inserting the following:

“(k) **ELECTRIC DRIVE VEHICLE BATTERY SECOND-LIFE APPLICATIONS AND RECYCLING.**—

“(1) **DEFINITIONS.**—In this subsection:

“(A) **BATTERY RECYCLING AND SECOND-LIFE APPLICATIONS PROGRAM.**—The term ‘battery recycling and second-life applications program’ means the electric drive vehicle battery recycling and second-life applications program established under paragraph (3).

“(B) **CRITICAL MATERIAL.**—The term ‘critical material’ has the meaning given the term in section 7002(a) of the Energy Act of 2020 (30 U.S.C. 1606(a)).

“(C) ECONOMICALLY DISTRESSED AREA.—The term ‘economically distressed area’ means an area described in section 301(a) of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3161(a)).

“(D) ELECTRIC DRIVE VEHICLE BATTERY.—The term ‘electric *drive* vehicle battery’ means any battery that is a motive power source for an electric drive vehicle.

“(E) ELIGIBLE ENTITY.—The term ‘eligible entity’ means an entity described in any of paragraphs (1) through (5) of section 989(b) of the Energy Policy Act of 2005 (42 U.S.C. 16353(b)).

“(2) PROGRAM.—The Secretary shall carry out a program of research, development, and demonstration of—

“(A) second-life applications for electric drive vehicle batteries that have been used to power electric drive vehicles; and

“(B) technologies and processes for final recycling and disposal of the devices described in subparagraph (A).

“(3) ELECTRIC DRIVE VEHICLE BATTERY RECYCLING AND SECOND-LIFE APPLICATIONS.—

“(A) IN GENERAL.—In carrying out the program under paragraph (2), the Secretary shall establish an electric drive vehicle battery recycling and second-life applications program under which the Secretary shall—

“(i) award grants under subparagraph (D); and

“(ii) carry out other activities in accordance with this paragraph.

“(B) PURPOSES.—The purposes of the battery recycling and second-life applications program are the following:

“(i) To improve the recycling rates and second-use adoption rates of electric drive vehicle batteries.

“(ii) To optimize the design and adaptability of electric drive vehicle batteries to make electric drive vehicle batteries more easily recyclable.

“(iii) To establish alternative supply chains for critical materials that are found in electric drive vehicle batteries.

“(iv) To reduce the cost of manufacturing, installation, purchase, operation, and maintenance of electric drive vehicle batteries.

“(v) To improve the environmental impact of electric drive vehicle battery recycling processes.

“(C) TARGETS.—In carrying out the battery recycling and second-life applications program, the Secretary shall address near-term (up to 2 years), mid-term (up to 5 years), and long-term (up to 10 years) challenges to the recycling of electric drive vehicle batteries.

“(D) GRANTS.—

“(i) IN GENERAL.—In carrying out the battery recycling and second-life applications program, the Secretary shall award multiyear grants on a competitive, merit-reviewed basis to eligible entities—

“(I) to conduct research, development, testing, and evaluation of solutions to increase the rate and productivity of electric drive vehicle battery recycling; and

“(II) for research, development, and demonstration projects to create innovative and practical approaches to increase the recycling and second-use of electric drive vehicle batteries, including by addressing—

“(aa) technology to increase the efficiency of electric drive vehicle battery recycling and maximize the recovery of critical materials for use in new products;

“(bb) expanded uses for critical materials recovered from electric drive vehicle batteries;

“(cc) product design and construction to facilitate the disassembly and recycling of electric drive vehicle batteries;

“(dd) product design and construction and other tools and techniques to extend the lifecycle of electric drive vehicle batteries, including methods to promote the safe second-use of electric drive vehicle batteries;

“(ee) strategies to increase consumer acceptance of, and participation in, the recycling of electric drive vehicle batteries;

“(ff) improvements and changes to electric drive vehicle battery chemistries that include ways to decrease processing costs for battery recycling without sacrificing front-end performance;

“(gg) second-use of electric drive vehicle batteries, including in applications outside of the automotive industry; and

“(hh) the commercialization and scale-up of electric drive vehicle battery recycling technologies.

“(ii) PRIORITY.—In awarding grants under clause (i), the Secretary shall give priority to projects that—

“(I) are located in geographically diverse regions of the United States;

“(II) include business commercialization plans that have the potential for the recycling of electric drive vehicle batteries at high volumes;

“(III) support the development of advanced manufacturing technologies that have the potential to improve the competitiveness of the United States in the international electric drive vehicle battery manufacturing sector;

“(IV) provide the greatest potential to reduce costs for consumers and promote accessibility and community implementation of demonstrated technologies;

“(V) increase disclosure and transparency of information to consumers;

“(VI) support the development or demonstration of projects in economically distressed areas; and

“(VII) support other relevant priorities, as determined to be appropriate by the Secretary.

Deadline.

“(iii) SOLICITATION.—Not later than 90 days after the date of enactment of the Infrastructure Investment and Jobs Act, and annually thereafter, the Secretary shall conduct a national solicitation for applications for grants described in clause (i).

“(iv) DISSEMINATION OF RESULTS.—The Secretary shall publish the results of the projects carried out through grants awarded under clause (i) through—

“(I) best practices relating to those grants, for use in the electric drive vehicle battery manufacturing, design, installation, refurbishing, or recycling industries;

“(II) coordination with information dissemination programs relating to general recycling of electronic devices; and

“(III) educational materials for the public, produced in conjunction with State and local governments or nonprofit organizations, on the problems and solutions relating to the recycling and second-life applications of electric drive vehicle batteries.

“(E) COORDINATION WITH OTHER PROGRAMS OF THE DEPARTMENT.—In carrying out the battery recycling and second-life applications program, the Secretary shall coordinate and leverage the resources of complementary efforts of the Department.

“(F) STUDY AND REPORT.—

“(i) STUDY.—The Secretary shall conduct a study on the viable market opportunities available for the recycling, second-use, and manufacturing of electric drive vehicle batteries in the United States.

“(ii) REPORT.—Not later than 1 year after the date of enactment of the Infrastructure Investment and Jobs Act, the Secretary shall submit to the Committee on Energy and Natural Resources of the Senate, the Committee on Science, Space, and Technology of the House of Representatives, and any other relevant committee of Congress a report containing the results of the study under clause (i), including a description of—

“(I) the ability of relevant businesses or other entities to competitively manufacture electric drive vehicle batteries and recycle electric drive vehicle batteries in the United States;

“(II) any existing electric drive vehicle battery recycling and second-use practices and plans of electric drive vehicle manufacturing companies in the United States;

“(III) any barriers to electric drive vehicle battery recycling in the United States;

“(IV) opportunities and barriers in electric drive vehicle battery supply chains in the United States and internationally, including with allies and trading partners;

“(V) opportunities for job creation in the electric drive vehicle battery recycling and manufacturing fields and the necessary skills employees must acquire for growth of those fields in the United States;

“(VI) policy recommendations for enhancing electric drive vehicle battery manufacturing and recycling in the United States; Recommendations.

“(VII) any recommendations for lowering logistics costs and creating better coordination and efficiency with respect to the removal, collection, transportation, storage, and disassembly of electric drive vehicle batteries; Recommendations.

“(VIII) any recommendations for areas of coordination with other Federal agencies to improve electric drive vehicle battery recycling rates in the United States; Recommendations.

“(IX) an aggressive 2-year target and plan, the implementation of which shall begin during the 90-day period beginning on the date on which the report is submitted, to enhance the competitiveness of electric drive vehicle battery manufacturing and recycling in the United States; and

“(X) needs for future research, development, and demonstration projects in electric drive vehicle battery manufacturing, recycling, and related areas, as determined by the Secretary.

“(G) EVALUATION.—Not later than 3 years after the date on which the report under subparagraph (F)(ii) is submitted, and every 4 years thereafter, the Secretary shall conduct, and make available to the public and the relevant committees of Congress, an independent review of the progress of the grants awarded under subparagraph (D) in meeting the recommendations and targets included in the report.”; and Deadline. Time period. Recommendations.

(2) in subsection (p), by striking paragraph (6) and inserting the following:

“(6) the electric drive vehicle battery recycling and second-life applications program under subsection (k) \$200,000,000 for the period of fiscal years 2022 through 2026.”.

SEC. 40209. ADVANCED ENERGY MANUFACTURING AND RECYCLING GRANT PROGRAM. 42 USC 18742.

(a) DEFINITIONS.—In this section:

(1) ADVANCED ENERGY PROPERTY.—The term “advanced energy property” means—

(A) property designed to be used to produce energy from the sun, water, wind, geothermal or hydrothermal (as those terms are defined in section 612 of the Energy Independence and Security Act of 2007 (42 U.S.C. 17191)) resources, enhanced geothermal systems (as defined in that section), or other renewable resources;

(B) fuel cells, microturbines, or energy storage systems and components;

(C) electric grid modernization equipment or components;

(D) property designed to capture, remove, use, or sequester carbon oxide emissions;

(E) equipment designed to refine, electrolyze, or blend any fuel, chemical, or product that is—

(i) renewable; or

(ii) low-carbon and low-emission;

(F) property designed to produce energy conservation technologies (including for residential, commercial, and industrial applications);

(G)(i) light-, medium-, or heavy-duty electric or fuel cell vehicles, electric or fuel cell locomotives, electric or fuel cell maritime vessels, or electric or fuel cell planes;

(ii) technologies, components, and materials of those vehicles, locomotives, maritime vessels, or planes; and

(iii) charging or refueling infrastructure associated with those vehicles, locomotives, maritime vessels, or planes;

(H)(i) hybrid vehicles with a gross vehicle weight rating of not less than 14,000 pounds; and

(ii) technologies, components, and materials for those vehicles; and

(I) other advanced energy property designed to reduce greenhouse gas emissions, as may be determined by the Secretary.

(2) COVERED CENSUS TRACT.—The term “covered census tract” means a census tract—

(A) in which, after December 31, 1999, a coal mine had closed;

(B) in which, after December 31, 2009, a coal-fired electricity generating unit had been retired; or

(C) that is immediately adjacent to a census tract described in subparagraph (A) or (B).

(3) ELIGIBLE ENTITY.—The term “eligible entity” means a manufacturing firm—

(A) the gross annual sales of which are less than \$100,000,000;

(B) that has fewer than 500 employees at the plant site of the manufacturing firm; and

(C) the annual energy bills of which total more than \$100,000 but less than \$2,500,000.

(4) MINORITY-OWNED.—The term “minority-owned”, with respect to an eligible entity, means an eligible entity not less than 51 percent of which is owned by 1 or more individuals who are—

(A) citizens of the United States; and

(B) Asian American, Native Hawaiian, Pacific Islander, African American, Hispanic, Puerto Rican, Native American, or Alaska Native.

(5) PROGRAM.—The term “Program” means the grant program established under subsection (b).

(6) QUALIFYING ADVANCED ENERGY PROJECT.—The term “qualifying advanced energy project” means a project that—

(A)(i) re-equips, expands, or establishes a manufacturing or recycling facility for the production or recycling, as applicable, of advanced energy property; or

(ii) re-equips an industrial or manufacturing facility with equipment designed to reduce the greenhouse gas emissions of that facility substantially below the greenhouse gas emissions under current best practices, as determined by the Secretary, through the installation of—

(I) low- or zero-carbon process heat systems;

(II) carbon capture, transport, utilization, and storage systems;

(III) technology relating to energy efficiency and reduction in waste from industrial processes; or

(IV) any other industrial technology that significantly reduces greenhouse gas emissions, as determined by the Secretary;

(B) has a reasonable expectation of commercial viability, as determined by the Secretary; and

(C) is located in a covered census tract.

(b) ESTABLISHMENT.—Not later than 180 days after the date of enactment of this Act, the Secretary shall establish a program to award grants to eligible entities to carry out qualifying advanced energy projects.

(c) APPLICATIONS.—

(1) IN GENERAL.—Each eligible entity seeking a grant under the Program shall submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require, including a description of the proposed qualifying advanced energy project to be carried out using the grant.

(2) SELECTION CRITERIA.—

(A) PROJECTS.—In selecting eligible entities to receive grants under the Program, the Secretary shall, with respect to the qualifying advanced energy projects proposed by the eligible entities, give higher priority to projects that—

(i) will provide higher net impact in avoiding or reducing anthropogenic emissions of greenhouse gases;

(ii) will result in a higher level of domestic job creation (both direct and indirect) during the lifetime of the project;

(iii) will result in a higher level of job creation in the vicinity of the project, particularly with respect to—

(I) low-income communities (as described in section 45D(e) of the Internal Revenue Code of 1986); and

(II) dislocated workers who were previously employed in manufacturing, coal power plants, or coal mining;

(iv) have higher potential for technological innovation and commercial deployment;

(v) have a lower levelized cost of—

(I) generated or stored energy; or

(II) measured reduction in energy consumption or greenhouse gas emission (based on costs of the full supply chain); and

(vi) have a shorter project time.

(B) ELIGIBLE ENTITIES.—In selecting eligible entities to receive grants under the Program, the Secretary shall give priority to eligible entities that are minority-owned.

(d) PROJECT COMPLETION AND LOCATION; RETURN OF UNOBLIGATED FUNDS.—

(1) COMPLETION; RETURN OF UNOBLIGATED FUNDS.—An eligible entity that receives a grant under the Program shall be required—

(A) to complete the qualifying advanced energy project funded by the grant not later than 3 years after the date of receipt of the grant funds; and

Deadline.

(B) to return to the Secretary any grant funds that remain unobligated at the end of that 3-year period.

(2) LOCATION.—If the Secretary determines that an eligible entity awarded a grant under the Program has carried out the applicable qualifying advanced energy project at a location that is materially different from the location specified in the application for the grant, the eligible entity shall be required to return the grant funds to the Secretary.

(e) TECHNICAL ASSISTANCE.—

Deadline.

(1) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Secretary shall provide technical assistance on a selective basis to eligible entities that are seeking a grant under the Program to enhance the impact of the qualifying advanced energy project to be carried out using the grant with respect to the selection criteria described in subsection (c)(2)(A).

(2) APPLICATIONS.—An eligible entity desiring technical assistance under paragraph (1) shall submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require.

(3) FACTORS FOR CONSIDERATION.—In selecting eligible entities for technical assistance under paragraph (1), the Secretary shall give higher priority to eligible entities that propose a qualifying advanced energy project that has greater potential for enhancement of the impact of the project with respect to the selection criteria described in subsection (c)(2)(A).

Public information.

(f) PUBLICATION OF GRANTS.—The Secretary shall make publicly available the identity of each eligible entity awarded a grant under the Program and the amount of the grant.

(g) REPORT.—Not later than 4 years after the date of enactment of this Act, the Secretary shall—

(1) review the grants awarded under the Program; and

(2) submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Energy and Commerce of the House of Representatives a report describing those grants.

Time period.

(h) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary to carry out the Program \$750,000,000 for the period of fiscal years 2022 through 2026.

42 USC 18743.

SEC. 40210. CRITICAL MINERALS MINING AND RECYCLING RESEARCH.

(a) DEFINITIONS.—In this section:

(1) CRITICAL MINERAL.—The term “critical mineral” has the meaning given the term in section 7002(a) of the Energy Act of 2020 (30 U.S.C. 1606(a)).

(2) CRITICAL MINERALS AND METALS.—The term “critical minerals and metals” includes any host mineral of a critical mineral.

(3) DIRECTOR.—The term “Director” means the Director of the Foundation.

(4) END-TO-END.—The term “end-to-end”, with respect to the integration of mining or life cycle of minerals, means the integrated approach of, or the lifecycle determined by, examining the research and developmental process from the mining of the raw minerals to its processing into useful materials, its integration into components and devices, the utilization of such devices in the end-use application to satisfy certain

performance metrics, and the recycling or disposal of such devices.

(5) **FOREIGN ENTITY OF CONCERN.**—The term “foreign entity of concern” means a foreign entity that is—

(A) designated as a foreign terrorist organization by the Secretary of State under section 219(a) of the Immigration and Nationality Act (8 U.S.C. 1189(a));

(B) included on the list of specially designated nationals and blocked persons maintained by the Office of Foreign Assets Control of the Department of the Treasury (commonly known as the SDN list);

(C) owned by, controlled by, or subject to the jurisdiction or direction of a government of a foreign country that is a covered nation (as defined in section 2533c(d) of title 10, United States Code);

(D) alleged by the Attorney General to have been involved in activities for which a conviction was obtained under—

(i) chapter 37 of title 18, United States Code (commonly known as the “Espionage Act”);

(ii) section 951 or 1030 of title 18, United States Code;

(iii) chapter 90 of title 18, United States Code (commonly known as the “Economic Espionage Act of 1996”);

(iv) the Arms Export Control Act (22 U.S.C. 2751 et seq.);

(v) section 224, 225, 226, 227, or 236 of the Atomic Energy Act of 1954 (42 U.S.C. 2274, 2275, 2276, 2277, and 2284);

(vi) the Export Control Reform Act of 2018 (50 U.S.C. 4801 et seq.); or

(vii) the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.); or

(E) determined by the Secretary of Commerce, in consultation with the Secretary of Defense and the Director of National Intelligence, to be engaged in unauthorized conduct that is detrimental to the national security or foreign policy of the United States.

(6) **FOUNDATION.**—The term “Foundation” means the National Science Foundation.

(7) **INSTITUTION OF HIGHER EDUCATION.**—The term “institution of higher education” has the meaning given the term in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001).

(8) **NATIONAL LABORATORY.**—The term “National Laboratory” has the meaning given the term in section 2 of the Energy Policy Act of 2005 (42 U.S.C. 15801).

(9) **RECYCLING.**—The term “recycling” means the process of collecting and processing spent materials and devices and turning the materials and devices into raw materials or components that can be reused either partially or completely.

(10) **SECONDARY RECOVERY.**—The term “secondary recovery” means the recovery of critical minerals and metals from discarded end-use products or from waste products produced during the metal refining and manufacturing process, including from mine waste piles, acid mine drainage sludge,

or byproducts produced through legacy mining and metallurgy activities.

(b) CRITICAL MINERALS MINING AND RECYCLING RESEARCH AND DEVELOPMENT.—

(1) IN GENERAL.—In order to support supply chain resiliency, the Secretary, in coordination with the Director, shall issue awards, on a competitive basis, to eligible entities described in paragraph (2) to support basic research that will accelerate innovation to advance critical minerals mining, recycling, and reclamation strategies and technologies for the purposes of—

(A) making better use of domestic resources; and

(B) eliminating national reliance on minerals and mineral materials that are subject to supply disruptions.

(2) ELIGIBLE ENTITIES.—Entities eligible to receive an award under paragraph (1) are the following:

(A) Institutions of higher education.

(B) National Laboratories.

(C) Nonprofit organizations.

(D) Consortia of entities described in subparagraphs

(A) through (C), including consortia that collaborate with private industry.

(3) USE OF FUNDS.—Activities funded by an award under this section may include—

(A) advancing mining research and development activities to develop new mapping and mining technologies and techniques, including advanced critical mineral extraction and production—

(i) to improve existing, or to develop new, supply chains of critical minerals; and

(ii) to yield more efficient, economical, and environmentally benign mining practices;

(B) advancing critical mineral processing research activities to improve separation, alloying, manufacturing, or recycling techniques and technologies that can decrease the energy intensity, waste, potential environmental impact, and costs of those activities;

(C) advancing research and development of critical minerals mining and recycling technologies that take into account the potential end-uses and disposal of critical minerals, in order to improve end-to-end integration of mining and technological applications;

(D) conducting long-term earth observation of reclaimed mine sites, including the study of the evolution of microbial diversity at those sites;

(E) examining the application of artificial intelligence for geological exploration of critical minerals, including what size and diversity of data sets would be required;

(F) examining the application of machine learning for detection and sorting of critical minerals, including what size and diversity of data sets would be required;

(G) conducting detailed isotope studies of critical minerals and the development of more refined geologic models; or

(H) providing training and research opportunities to undergraduate and graduate students to prepare the next generation of mining engineers and researchers.

(c) CRITICAL MINERALS INTERAGENCY SUBCOMMITTEE.—

(1) IN GENERAL.—In order to support supply chain resiliency, the Critical Minerals Subcommittee of the National Science and Technology Council (referred to in this subsection as the “Subcommittee”) shall coordinate Federal science and technology efforts to ensure secure and reliable supplies of critical minerals to the United States.

(2) PURPOSES.—The purposes of the Subcommittee shall be—

(A) to advise and assist the National Science and Technology Council, including the Committee on Homeland and National Security of the National Science and Technology Council, on United States policies, procedures, and plans relating to critical minerals, including—

(i) Federal research, development, and deployment efforts to optimize methods for extractions, concentration, separation, and purification of conventional, secondary, and unconventional sources of critical minerals, including research that prioritizes end-to-end integration of mining and recycling techniques and the end-use target for critical minerals;

(ii) efficient use and reuse of critical minerals, including recycling technologies for critical minerals and the reclamation of critical minerals from components, such as spent batteries;

(iii) addressing the technology transitions between research or lab-scale mining and recycling and commercialization of these technologies;

(iv) the critical minerals workforce of the United States; and

(v) United States private industry investments in innovation and technology transfer from federally funded science and technology;

(B) to identify emerging opportunities, stimulate international cooperation, and foster the development of secure and reliable supply chains of critical minerals, including activities relating to the reuse of critical minerals via recycling;

(C) to ensure the transparency of information and data related to critical minerals; and

(D) to provide recommendations on coordination and collaboration among the research, development, and deployment programs and activities of Federal agencies to promote a secure and reliable supply of critical minerals necessary to maintain national security, economic well-being, and industrial production.

(3) RESPONSIBILITIES.—In carrying out paragraphs (1) and (2), the Subcommittee may, taking into account the findings and recommendations of relevant advisory committees—

(A) provide recommendations on how Federal agencies may improve the topographic, geologic, and geophysical mapping of the United States and improve the discoverability, accessibility, and usability of the resulting and existing data, to the extent permitted by law and subject to appropriate limitation for purposes of privacy and security;

(B) assess the progress toward developing critical minerals recycling and reprocessing technologies;

(C) assess the end-to-end lifecycle of critical minerals, including for mining, usage, recycling, and end-use material and technology requirements;

(D) examine, and provide recommendations for, options for accessing and developing critical minerals through investment and trade with allies and partners of the United States;

(E) evaluate and provide recommendations to incentivize the development and use of advances in science and technology in the private industry;

(F) assess the need for, and make recommendations to address, the challenges the United States critical minerals supply chain workforce faces, including—

(i) aging and retiring personnel and faculty;

(ii) public perceptions about the nature of mining and mineral processing; and

(iii) foreign competition for United States talent;

(G) develop, and update as necessary, a strategic plan to guide Federal programs and activities to enhance—

(i) scientific and technical capabilities across critical mineral supply chains, including a roadmap that identifies key research and development needs and coordinates ongoing activities for source diversification, more efficient use, recycling, and substitution for critical minerals; and

(ii) cross-cutting mining science, data science techniques, materials science, manufacturing science and engineering, computational modeling, and environmental health and safety research and development; and

(H) report to the appropriate committees of Congress on activities and findings under this subsection.

(4) MANDATORY RESPONSIBILITIES.—In carrying out paragraphs (1) and (2), the Subcommittee shall, taking into account the findings and recommendations of relevant advisory committees, identify and evaluate Federal policies and regulations that restrict the mining of critical minerals.

(d) GRANT PROGRAM FOR PROCESSING OF CRITICAL MINERALS AND DEVELOPMENT OF CRITICAL MINERALS AND METALS.—

(1) ESTABLISHMENT.—The Secretary, in consultation with the Director, the Secretary of the Interior, and the Secretary of Commerce, shall establish a grant program to finance pilot projects for—

(A) the processing or recycling of critical minerals in the United States; or

(B) the development of critical minerals and metals in the United States

(2) LIMITATION ON GRANT AWARDS.—A grant awarded under paragraph (1) may not exceed \$10,000,000.

(3) ECONOMIC VIABILITY.—In awarding grants under paragraph (1), the Secretary shall give priority to projects that the Secretary determines are likely to be economically viable over the long term.

(4) SECONDARY RECOVERY.—In awarding grants under paragraph (1), the Secretary shall seek to award not less than

30 percent of the total amount of grants awarded during the fiscal year for projects relating to secondary recovery of critical minerals and metals.

(5) DOMESTIC PRIORITY.—In awarding grants for the development of critical minerals and metals under paragraph (1)(B), the Secretary shall prioritize pilot projects that will process the critical minerals and metals domestically.

(6) PROHIBITION ON PROCESSING BY FOREIGN ENTITY OF CONCERN.—In awarding grants under paragraph (1), the Secretary shall ensure that pilot projects do not export for processing any critical minerals and metals to a foreign entity of concern.

(7) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary to carry out the grant program established under paragraph (1) \$100,000,000 for each of fiscal years 2021 through 2024.

Time period.

SEC. 40211. 21ST CENTURY ENERGY WORKFORCE ADVISORY BOARD.

42 USC 18744.

(a) ESTABLISHMENT.—The Secretary shall establish a board, to be known as the “21st Century Energy Workforce Advisory Board”, to develop a strategy for the Department that, with respect to the role of the Department in the support and development of a skilled energy workforce—

(1) meets the current and future industry and labor needs of the energy sector;

(2) provides opportunities for students to become qualified for placement in traditional energy sector and emerging energy sector jobs;

(3) identifies areas in which the Department can effectively utilize the technical expertise of the Department to support the workforce activities of other Federal agencies;

(4) strengthens and engages the workforce training programs of the Department and the National Laboratories in carrying out the Equity in Energy Initiative of the Department and other Department workforce priorities;

(5) develops plans to support and retrain displaced and unemployed energy sector workers; and

(6) prioritizes education and job training for underrepresented groups, including racial and ethnic minorities, Indian Tribes, women, veterans, and socioeconomically disadvantaged individuals.

(b) MEMBERSHIP.—

(1) IN GENERAL.—The Board shall be composed of not fewer than 10 and not more than 15 members, with the initial members of the Board to be appointed by the Secretary not later than 1 year after the date of enactment of this Act.

Appointment.
Deadline.

(2) REQUIREMENT.—The Board shall include not fewer than 1 representative of a labor organization with significant energy experience who has been nominated by a national labor federation.

(3) QUALIFICATIONS.—Each individual appointed to the Board under paragraph (1) shall have expertise in—

(A) the field of economics or workforce development;

(B) relevant traditional energy industries or emerging energy industries, including energy efficiency;

(C) secondary or postsecondary education;

(D) energy workforce development or apprenticeship programs of States or units of local government;

(E) relevant organized labor organizations; or

(F) bringing underrepresented groups, including racial and ethnic minorities, women, veterans, and socioeconomically disadvantaged individuals, into the workforce.

(c) ADVISORY BOARD REVIEW AND RECOMMENDATIONS.—

(1) DETERMINATION BY BOARD.—In developing the strategy required under subsection (a), the Board shall—

(A) determine whether there are opportunities to more effectively and efficiently use the capabilities of the Department in the development of a skilled energy workforce;

(B) identify ways in which the Department could work with other relevant Federal agencies, States, units of local government, institutions of higher education, labor organizations, Indian Tribes and tribal organizations, and industry in the development of a skilled energy workforce, subject to applicable law;

(C) identify ways in which the Department and National Laboratories can—

(i) increase outreach to minority-serving institutions; and

(ii) make resources available to increase the number of skilled minorities and women trained to go into the energy and energy-related manufacturing sectors;

(iii) increase outreach to displaced and unemployed energy sector workers; and

(iv) make resources available to provide training to displaced and unemployed energy sector workers to reenter the energy workforce; and

(D)(i) identify the energy sectors in greatest need of workforce training; and

(ii) in consultation with the Secretary of Labor, develop recommendations for the skills necessary to develop a workforce trained to work in those energy sectors.

(2) REQUIRED ANALYSIS.—In developing the strategy required under subsection (a), the Board shall analyze the effectiveness of—

(A) existing Department-directed support; and

(B) existing energy workforce training programs.

(3) REPORT.—

(A) IN GENERAL.—Not later than 1 year after the date on which the Board is established under this section, and biennially thereafter until the date on which the Board is terminated under subsection (f), the Board shall submit to the Secretary a report containing, with respect to the strategy required under subsection (a)—

(i) the findings of the Board; and

(ii) the proposed energy workforce strategy of the Board.

(B) RESPONSE OF THE SECRETARY.—Not later than 90 days after the date on which a report is submitted to the Secretary under subparagraph (A), the Secretary shall—

(i) submit to the Board a response to the report that—

(I) describes whether the Secretary approves or disapproves of each recommendation of the Board under subparagraph (A); and

(II) if the Secretary approves of a recommendation, provides an implementation plan for the recommendation; and

(ii) submit to Congress—

(I) the report of the Board under subparagraph (A); and

(II) the response of the Secretary under clause (i).

(C) PUBLIC AVAILABILITY OF REPORT.—

(i) IN GENERAL.—The Board shall make each report under subparagraph (A) available to the public on the earlier of—

(I) the date on which the Board receives the response of the Secretary under subparagraph (B)(i); and

(II) the date that is 90 days after the date on which the Board submitted the report to the Secretary.

(ii) REQUIREMENT.—If the Board has received a response to a report from the Secretary under subparagraph (B)(i), the Board shall make that response publicly available with the applicable report.

(d) REPORT BY THE SECRETARY.—Not later than 180 days before the date of expiration of a term of the Board under subsection (f), the Secretary shall submit to the Committees on Energy and Natural Resources and Appropriations of the Senate and the Committees on Energy and Commerce and Appropriations of the House of Representatives a report that—

(1) describes the effectiveness and accomplishments of the Board during the applicable term;

(2) contains a determination of the Secretary as to whether the Board should be renewed; and

(3) if the Secretary determines that the Board should be renewed, any recommendations as to whether and how the scope and functions of the Board should be modified.

(e) OUTREACH TO MINORITY-SERVING INSTITUTIONS, VETERANS, AND DISPLACED AND UNEMPLOYED ENERGY WORKERS.—In developing the strategy under subsection (a), the Board shall—

(1) give special consideration to increasing outreach to minority-serving institutions, veterans, and displaced and unemployed energy workers;

(2) make resources available to—

(A) minority-serving institutions, with the objective of increasing the number of skilled minorities and women trained to go into the energy and manufacturing sectors;

(B) institutions that serve veterans, with the objective of increasing the number of veterans in the energy industry by ensuring that veterans have the credentials and training necessary to secure careers in the energy industry; and

(C) institutions that serve displaced and unemployed energy workers to increase the number of individuals trained for jobs in the energy industry;

(3) encourage the energy industry to improve the opportunities for students of minority-serving institutions, veterans, and displaced and unemployed energy workers to participate in internships, preapprenticeships, apprenticeships, and cooperative work-study programs in the energy industry; and

(4) work with the National Laboratories to increase the participation of underrepresented groups, veterans, and displaced and unemployed energy workers in internships, fellowships, training programs, and employment at the National Laboratories.

(f) TERM.—

(1) IN GENERAL.—Subject to paragraph (2), the Board shall terminate on September 30, 2026.

(2) EXTENSIONS.—The Secretary may renew the Board for 1 or more 5-year periods by submitting, not later than the date described in subsection (d), a report described in that subsection that contains a determination by the Secretary that the Board should be renewed.

TITLE III—FUELS AND TECHNOLOGY INFRASTRUCTURE INVESTMENTS

Subtitle A—Carbon Capture, Utilization, Storage, and Transportation Infrastructure

42 USC 16292
note.

SEC. 40301. FINDINGS.

Congress finds that—

(1) the industrial sector is integral to the economy of the United States—

(A) providing millions of jobs and essential products; and

(B) demonstrating global leadership in manufacturing and innovation;

(2) carbon capture and storage technologies are necessary for reducing hard-to-abate emissions from the industrial sector, which emits nearly 25 percent of carbon dioxide emissions in the United States;

(3) carbon removal and storage technologies, including direct air capture, must be deployed at large-scale in the coming decades to remove carbon dioxide directly from the atmosphere;

(4) large-scale deployment of carbon capture, removal, utilization, transport, and storage—

(A) is critical for achieving mid-century climate goals; and

(B) will drive regional economic development, technological innovation, and high-wage employment;

(5) carbon capture, removal, and utilization technologies require a backbone system of shared carbon dioxide transport and storage infrastructure to enable large-scale deployment, realize economies of scale, and create an interconnected carbon management market;

(6) carbon dioxide transport infrastructure and permanent geological storage are proven and safe technologies with existing Federal and State regulatory frameworks;

(7) carbon dioxide transport and storage infrastructure share similar barriers to deployment previously faced by other types of critical national infrastructure, such as high capital costs and chicken-and-egg challenges, that require Federal and State support, in combination with private investment, to be overcome; and

(8) each State should take into consideration, with respect to new carbon dioxide transportation infrastructure—

(A) qualifying the infrastructure as pollution control devices under applicable laws (including regulations) of the State; and

(B) establishing a waiver of ad valorem and property taxes for the infrastructure for a period of not less than 10 years.

SEC. 40302. CARBON UTILIZATION PROGRAM.

Section 969A of the Energy Policy Act of 2005 (42 U.S.C. 16298a) is amended—

(1) in subsection (a)—

(A) by redesignating paragraphs (3) and (4) as paragraphs (4) and (5), respectively; and

(B) by inserting after paragraph (2) the following:

“(3) to develop or obtain, in coordination with other applicable Federal agencies and standard-setting organizations, standards and certifications, as appropriate, to facilitate the commercialization of the products and technologies described in paragraph (2);”;

(2) in subsection (b)—

(A) by redesignating paragraph (2) as paragraph (3);

(B) by inserting after paragraph (1) the following:

“(2) GRANT PROGRAM.—

“(A) IN GENERAL.—Not later than 1 year after the date of enactment of the Infrastructure Investment and Jobs Act, the Secretary shall establish a program to provide grants to eligible entities to use in accordance with subparagraph (D).

Deadline.

“(B) ELIGIBLE ENTITIES.—To be eligible to receive a grant under this paragraph, an entity shall be—

“(i) a State;

“(ii) a unit of local government; or

“(iii) a public utility or agency.

“(C) APPLICATIONS.—Eligible entities desiring a grant under this paragraph shall submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary determines to be appropriate.

“(D) USE OF FUNDS.—An eligible entity shall use a grant received under this paragraph to procure and use commercial or industrial products that—

“(i) use or are derived from anthropogenic carbon oxides; and

“(ii) demonstrate significant net reductions in lifecycle greenhouse gas emissions compared to incumbent technologies, processes, and products.”; and

(C) in paragraph (3) (as so redesignated), by striking “paragraph (1)” and inserting “this subsection”; and
 (3) by striking subsection (d) and inserting the following:
 Time period. “(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary to carry out this section—
 “(1) \$41,000,000 for fiscal year 2022;
 “(2) \$65,250,000 for fiscal year 2023;
 “(3) \$66,562,500 for fiscal year 2024;
 “(4) \$67,940,625 for fiscal year 2025; and
 “(5) \$69,387,656 for fiscal year 2026.”.

SEC. 40303. CARBON CAPTURE TECHNOLOGY PROGRAM.

Section 962 of the Energy Policy Act of 2005 (42 U.S.C. 16292) is amended—

- (1) in subsection (b)(2)—
 - (A) in subparagraph (C), by striking “and” at the end;
 - (B) in subparagraph (D), by striking “program.” and inserting “program for carbon capture technologies; and”; and
 - (C) by adding at the end the following:
 - “(E) a front-end engineering and design program for carbon dioxide transport infrastructure necessary to enable deployment of carbon capture, utilization, and storage technologies.”; and
- (2) in subsection (d)(1)—
 - (A) in subparagraph (C), by striking “and” at the end;
 - (B) in subparagraph (D), by striking the period at the end and inserting “; and”; and
 - (C) by adding at the end the following:
 - “(E) for activities under the front-end engineering and design program described in subsection (b)(2)(E), \$100,000,000 for the period of fiscal years 2022 through 2026.”.

SEC. 40304. CARBON DIOXIDE TRANSPORTATION INFRASTRUCTURE FINANCE AND INNOVATION.

(a) IN GENERAL.—Title IX of the Energy Policy Act of 2005 (42 U.S.C. 16181 et seq.) is amended by adding at the end the following:

“Subtitle J—Carbon Dioxide Transportation Infrastructure Finance and Innovation

42 USC 16371.

“SEC. 999A. DEFINITIONS.

“In this subtitle:

“(1) CIFIA PROGRAM.—The term ‘CIFIA program’ means the carbon dioxide transportation infrastructure finance and innovation program established under section 999B(a).

“(2) COMMON CARRIER.—The term ‘common carrier’ means a transportation infrastructure operator or owner that—

“(A) publishes a publicly available tariff containing the just and reasonable rates, terms, and conditions of nondiscriminatory service; and

“(B) holds itself out to provide transportation services to the public for a fee.

“(3) CONTINGENT COMMITMENT.—The term ‘contingent commitment’ means a commitment to obligate funds from future available budget authority that is—

“(A) contingent on those funds being made available in law at a future date; and

“(B) not an obligation of the Federal Government.

“(4) ELIGIBLE PROJECT COSTS.—The term ‘eligible project costs’ means amounts substantially all of which are paid by, or for the account of, an obligor in connection with a project, including—

“(A) the cost of—

“(i) development-phase activities, including planning, feasibility analysis, revenue forecasting, environmental review, permitting, preliminary engineering and design work, and other preconstruction activities;

“(ii) construction, reconstruction, rehabilitation, replacement, and acquisition of real property (including land relating to the project and improvements to land), environmental mitigation, construction contingencies, and acquisition and installation of equipment (including labor); and

“(iii) capitalized interest necessary to meet market requirements, reasonably required reserve funds, capital issuance expenses, and other carrying costs during construction; and

“(B) transaction costs associated with financing the project, including—

“(i) the cost of legal counsel and technical consultants; and

“(ii) any subsidy amount paid in accordance with section 999B(c)(3)(B)(ii) or section 999C(b)(6)(B)(ii).

“(5) FEDERAL CREDIT INSTRUMENT.—The term ‘Federal credit instrument’ means a secured loan or loan guarantee authorized to be provided under the CIFIA program with respect to a project.

“(6) LENDER.—The term ‘lender’ means a qualified institutional buyer (as defined in section 230.144A(a) of title 17, Code of Federal Regulations (or a successor regulation), commonly known as Rule 144A(a) of the Securities and Exchange Commission and issued under the Securities Act of 1933 (15 U.S.C. 77a et seq.)), that is not a Federal qualified institutional buyer.

“(7) LETTER OF INTEREST.—The term ‘letter of interest’ means a letter submitted by a potential applicant prior to an application for credit assistance in a format prescribed by the Secretary on the website of the CIFIA program that—

“(A) describes the project and the location, purpose, and cost of the project;

“(B) outlines the proposed financial plan, including the requested credit and grant assistance and the proposed obligor;

“(C) provides a status of environmental review; and

“(D) provides information regarding satisfaction of other eligibility requirements of the CIFIA program.

“(8) LOAN GUARANTEE.—The term ‘loan guarantee’ means any guarantee or other pledge by the Secretary to pay all or part of the principal of, and interest on, a loan made to an obligor, or debt obligation issued by an obligor, in each case funded by a lender.

“(9) MASTER CREDIT AGREEMENT.—The term ‘master credit agreement’ means a conditional agreement that—

“(A) is for the purpose of extending credit assistance for—

“(i) a project of high priority under section 999B(c)(3)(A); or

“(ii) a project covered under section 999B(c)(3)(B);

“(B) does not provide for a current obligation of Federal funds; and

“(C) would—

“(i) make a contingent commitment of a Federal credit instrument or grant at a future date, subject to—

“(I) the availability of future funds being made available to carry out the CIFIA program; and

“(II) the satisfaction of all conditions for the provision of credit assistance under the CIFIA program, including section 999C(b);

“(ii) establish the maximum amounts and general terms and conditions of the Federal credit instruments or grants;

“(iii) identify the 1 or more revenue sources that will secure the repayment of the Federal credit instruments;

“(iv) provide for the obligation of funds for the Federal credit instruments or grants after all requirements have been met for the projects subject to the agreement, including—

“(I) compliance with all applicable requirements specified under the CIFIA program, including sections 999B(d) and 999C(b)(1); and

“(II) the availability of funds to carry out the CIFIA program; and

“(v) require that contingent commitments shall result in a financial close and obligation of credit or grant assistance by not later than 4 years after the date of entry into the agreement or release of the commitment, as applicable, unless otherwise extended by the Secretary.

“(10) OBLIGOR.—The term ‘obligor’ means a corporation, partnership, joint venture, trust, non-Federal governmental entity, agency, or instrumentality, or other entity that is liable for payment of the principal of, or interest on, a Federal credit instrument.

“(11) PRODUCED IN THE UNITED STATES.—The term ‘produced in the United States’, with respect to iron and steel, means that all manufacturing processes for the iron and steel, including the application of any coating, occurs within the United States.

“(12) PROJECT.—The term ‘project’ means a project for common carrier carbon dioxide transportation infrastructure or associated equipment, including pipeline, shipping, rail, or

Deadline.

other transportation infrastructure and associated equipment, that will transport or handle carbon dioxide captured from anthropogenic sources or ambient air, as the Secretary determines to be appropriate.

“(13) PROJECT OBLIGATION.—The term ‘project obligation’ means any note, bond, debenture, or other debt obligation issued by an obligor in connection with the financing of a project, other than a Federal credit instrument.

“(14) SECURED LOAN.—The term ‘secured loan’ means a direct loan to an obligor or a debt obligation issued by an obligor and purchased by the Secretary, in each case funded by the Secretary in connection with the financing of a project under section 999C.

“(15) SUBSIDY AMOUNT.—The term ‘subsidy amount’ means the amount of budget authority sufficient to cover the estimated long-term cost to the Federal Government of a Federal credit instrument—

“(A) calculated on a net present value basis; and

“(B) excluding administrative costs and any incidental effects on governmental receipts or outlays in accordance with the Federal Credit Reform Act of 1990 (2 U.S.C. 661 et seq.).

“(16) SUBSTANTIAL COMPLETION.—The term ‘substantial completion’, with respect to a project, means the date—

“(A) on which the project commences transportation of carbon dioxide; or

“(B) of a comparable event to the event described in subparagraph (A), as determined by the Secretary and specified in the project credit agreement.

“SEC. 999B. DETERMINATION OF ELIGIBILITY AND PROJECT SELECTION.

42 USC 16372.

“(a) ESTABLISHMENT OF PROGRAM.—The Secretary shall establish and carry out a carbon dioxide transportation infrastructure finance and innovation program, under which the Secretary shall provide for eligible projects in accordance with this subtitle—

“(1) a Federal credit instrument under section 999C;

“(2) a grant under section 999D; or

“(3) both a Federal credit instrument and a grant.

“(b) ELIGIBILITY.—

“(1) IN GENERAL.—A project shall be eligible to receive a Federal credit instrument or a grant under the CIFIA program if—

“(A) the entity proposing to carry out the project submits a letter of interest prior to submission of an application under paragraph (3) for the project; and

“(B) the project meets the criteria described in this subsection.

“(2) CREDITWORTHINESS.—

“(A) IN GENERAL.—Each project and obligor that receives a Federal credit instrument or a grant under the CIFIA program shall be creditworthy, such that there exists a reasonable prospect of repayment of the principal and interest on the Federal credit instrument, as determined by the Secretary under subparagraph (B).

Determination.

“(B) REASONABLE PROSPECT OF REPAYMENT.—The Secretary shall base a determination of whether there is a

reasonable prospect of repayment under subparagraph (A) on a comprehensive evaluation of whether the obligor has a reasonable prospect of repaying the Federal credit instrument for the eligible project, including evaluation of—

“(i) the strength of the contractual terms of an eligible project (if available for the applicable market segment);

“(ii) the forecast of noncontractual cash flows supported by market projections from reputable sources, as determined by the Secretary, and cash sweeps or other structural enhancements;

“(iii) the projected financial strength of the obligor—

“(I) at the time of loan close; and

“(II) throughout the loan term, including after the project is completed;

“(iv) the financial strength of the investors and strategic partners of the obligor, if applicable; and

“(v) other financial metrics and analyses that are relied on by the private lending community and nationally recognized credit rating agencies, as determined appropriate by the Secretary.

“(3) APPLICATIONS.—To be eligible for assistance under the CIFIA program, an obligor shall submit to the Secretary a project application at such time, in such manner, and containing such information as the Secretary determines to be appropriate.

“(4) ELIGIBLE PROJECT COSTS.—A project under the CIFIA program shall have eligible project costs that are reasonably anticipated to equal or exceed \$100,000,000.

“(5) REVENUE SOURCES.—The applicable Federal credit instrument shall be repayable, in whole or in part, from—

“(A) user fees;

“(B) payments owing to the obligor under a public-private partnership; or

“(C) other revenue sources that also secure or fund the project obligations.

“(6) OBLIGOR WILL BE IDENTIFIED LATER.—A State, local government, agency, or instrumentality of a State or local government, or a public authority, may submit to the Secretary an application under paragraph (3), under which a private party to a public-private partnership will be—

“(A) the obligor; and

“(B) identified at a later date through completion of a procurement and selection of the private party.

“(7) BENEFICIAL EFFECTS.—The Secretary shall determine that financial assistance for each project under the CIFIA program will—

“(A) attract public or private investment for the project;

or

“(B) enable the project to proceed at an earlier date than the project would otherwise be able to proceed or reduce the lifecycle costs (including debt service costs) of the project.

“(8) PROJECT READINESS.—To be eligible for assistance under the CIFIA program, the applicant shall demonstrate a reasonable expectation that the contracting process for

Deadline.

construction of the project can commence by not later than 90 days after the date on which a Federal credit instrument or grant is obligated for the project under the CIFIA program.

“(c) SELECTION AMONG ELIGIBLE PROJECTS.—

“(1) ESTABLISHMENT OF APPLICATION PROCESS.—The Secretary shall establish an application process under which projects that are eligible to receive assistance under subsection (b) may—

“(A) receive credit assistance on terms acceptable to the Secretary, if adequate funds are available (including any funds provided on behalf of an eligible project under paragraph (3)(B)(ii)) to cover the subsidy amount associated with the Federal credit instrument; and

“(B) receive grants under section 999D if—

“(i) adequate funds are available to cover the amount of the grant; and

“(ii) the Secretary determines that the project is eligible under subsection (b).

“(2) PRIORITY.—In selecting projects to receive credit assistance under subsection (b), the Secretary shall give priority to projects that—

“(A) are large-capacity, common carrier infrastructure;

“(B) have demonstrated demand for use of the infrastructure by associated projects that capture carbon dioxide from anthropogenic sources or ambient air;

“(C) enable geographical diversity in associated projects that capture carbon dioxide from anthropogenic sources or ambient air, with the goal of enabling projects in all major carbon dioxide-emitting regions of the United States; and

“(D) are sited within, or adjacent to, existing pipeline or other linear infrastructure corridors, in a manner that minimizes environmental disturbance and other siting concerns.

“(3) MASTER CREDIT AGREEMENTS.—

“(A) PRIORITY PROJECTS.—The Secretary may enter into a master credit agreement for a project that the Secretary determines—

“(i) will likely be eligible for credit assistance under subsection (b), on obtaining—

“(I) additional commitments from associated carbon capture projects to use the project; or

“(II) all necessary permits and approvals; and

“(ii) is a project of high priority, as determined in accordance with the criteria described in paragraph (2).

“(B) ADEQUATE FUNDING NOT AVAILABLE.—If the Secretary fully obligates funding to eligible projects for a fiscal year and adequate funding is not available to fund a Federal credit instrument, a project sponsor (including a unit of State or local government) of an eligible project may elect—

“(i)(I) to enter into a master credit agreement in lieu of the Federal credit instrument; and

“(II) to wait to execute a Federal credit instrument until the fiscal year for which additional funds are available to receive credit assistance; or

“(ii) if the lack of adequate funding is solely with respect to amounts available for the subsidy amount, to pay the subsidy amount to fund the Federal credit instrument.

“(d) FEDERAL REQUIREMENTS.—

“(1) IN GENERAL.—Nothing in this subtitle supersedes the applicability of any other requirement under Federal law (including regulations).

“(2) NEPA.—Federal credit assistance may only be provided under this subtitle for a project that has received an environmental categorical exclusion, a finding of no significant impact, or a record of decision under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

“(e) USE OF AMERICAN IRON, STEEL, AND MANUFACTURED GOODS.—

“(1) IN GENERAL.—Except as provided in paragraph (2), no Federal credit instrument or grant provided under the CIFA program shall be made available for a project unless all iron, steel, and manufactured goods used in the project are produced in the United States.

“(2) EXCEPTIONS.—Paragraph (1) shall not apply in any case or category of cases with respect to which the Secretary determines that—

“(A) the application would be inconsistent with the public interest;

“(B) iron, steel, or a relevant manufactured good is not produced in the United States in sufficient and reasonably available quantity, or of a satisfactory quality; or

“(C) the inclusion of iron, steel, or a manufactured good produced in the United States will increase the cost of the overall project by more than 25 percent.

“(3) WAIVERS.—If the Secretary receives a request for a waiver under this subsection, the Secretary shall—

“(A) make available to the public a copy of the request, together with any information available to the Secretary concerning the request—

“(i) on an informal basis; and

“(ii) by electronic means, including on the official public website of the Department;

“(B) allow for informal public comment relating to the request for not fewer than 15 days before making a determination with respect to the request; and

“(C) approve or disapprove the request by not later than the date that is 120 days after the date of receipt of the request.

“(4) APPLICABILITY.—This subsection shall be applied in accordance with any applicable obligations of the United States under international agreements.

“(f) APPLICATION PROCESSING PROCEDURES.—

“(1) NOTICE OF COMPLETE APPLICATION.—Not later than 30 days after the date of receipt of an application under this section, the Secretary shall provide to the applicant a written notice describing whether—

“(A) the application is complete; or

“(B) additional information or materials are needed to complete the application.

Public
information.

Deadline.

“(2) APPROVAL OR DENIAL OF APPLICATION.—Not later than 60 days after the date of issuance of a written notice under paragraph (1), the Secretary shall provide to the applicant a written notice informing the applicant whether the Secretary has approved or disapproved the application. Deadline.

“(g) DEVELOPMENT-PHASE ACTIVITIES.—Any Federal credit instrument provided under the CIFIA program may be used to finance up to 100 percent of the cost of development-phase activities, as described in section 999A(4)(A).

“SEC. 999C. SECURED LOANS.

42 USC 16373.

“(a) AGREEMENTS.—

“(1) IN GENERAL.—Subject to paragraph (2), the Secretary may enter into agreements with 1 or more obligors to make secured loans, the proceeds of which—

“(A) shall be used—

“(i) to finance eligible project costs of any project selected under section 999B;

“(ii) to refinance interim construction financing of eligible project costs of any project selected under section 999B; or

“(iii) to refinance long-term project obligations or Federal credit instruments, if the refinancing provides additional funding capacity for the completion, enhancement, or expansion of any project that—

“(I) is selected under section 999B; or

“(II) otherwise meets the requirements of that section; and

“(B) may be used in accordance with subsection (b)(7) to pay any fees collected by the Secretary under subparagraph (B) of that subsection.

“(2) RISK ASSESSMENT.—Before entering into an agreement under this subsection, the Secretary, in consultation with the Director of the Office of Management and Budget, shall determine an appropriate credit subsidy amount for each secured loan, taking into account all relevant factors, including the creditworthiness factors under section 999B(b)(2). Consultation.

“(b) TERMS AND LIMITATIONS.—

“(1) IN GENERAL.—A secured loan under this section with respect to a project shall be on such terms and conditions and contain such covenants, representations, warranties, and requirements (including requirements for audits) as the Secretary determines to be appropriate.

“(2) MAXIMUM AMOUNT.—The amount of a secured loan under this section shall not exceed an amount equal to 80 percent of the reasonably anticipated eligible project costs.

“(3) PAYMENT.—A secured loan under this section shall be payable, in whole or in part, from—

“(A) user fees;

“(B) payments owing to the obligor under a public-private partnership; or

“(C) other revenue sources that also secure or fund the project obligations.

“(4) INTEREST RATE.—

“(A) IN GENERAL.—Except as provided in subparagraph (B), the interest rate on a secured loan under this section shall be not less than the interest rate reflected in the

yield on United States Treasury securities of a similar maturity to the maturity of the secured loan on the date of execution of the loan agreement.

“(B) LIMITED BUYDOWNS.—

“(i) IN GENERAL.—Subject to clause (iii), the Secretary may lower the interest rate of a secured loan under this section to not lower than the interest rate described in clause (ii), if the interest rate has increased during the period—

“(I) beginning on, as applicable—

“(aa) the date on which an application acceptable to the Secretary is submitted for the applicable project; or

“(bb) the date on which the Secretary entered into a master credit agreement for the applicable project; and

“(II) ending on the date on which the Secretary executes the Federal credit instrument for the applicable project that is the subject of the secured loan.

“(ii) DESCRIPTION OF INTEREST RATE.—The interest rate referred to in clause (i) is the interest rate reflected in the yield on United States Treasury securities of a similar maturity to the maturity of the secured loan in effect, as applicable to the project that is the subject of the secured loan, on—

“(I) the date described in clause (i)(I)(aa); or

“(II) the date described in clause (i)(I)(bb).

“(iii) LIMITATION.—The interest rate of a secured loan may not be lowered pursuant to clause (i) by more than 1½ percentage points (150 basis points).

“(5) MATURITY DATE.—The final maturity date of the secured loan shall be the earlier of—

“(A) the date that is 35 years after the date of substantial completion of the project; and

“(B) if the useful life of the capital asset being financed is of a lesser period, the date that is the end of the useful life of the asset.

“(6) NONSUBORDINATION.—

“(A) IN GENERAL.—Except as provided in subparagraph (B), the secured loan shall not be subordinated to the claims of any holder of project obligations in the event of bankruptcy, insolvency, or liquidation of the obligor.

“(B) PREEXISTING INDENTURE.—

“(i) IN GENERAL.—The Secretary shall waive the requirement under subparagraph (A) for a public agency borrower that is financing ongoing capital programs and has outstanding senior bonds under a preexisting indenture, if—

“(I) the secured loan is rated in the A category or higher; and

“(II) the secured loan is secured and payable from pledged revenues not affected by project performance, such as a tax-backed revenue pledge or a system-backed pledge of project revenues.

“(ii) LIMITATION.—If the Secretary waives the nonsubordination requirement under this subparagraph—

Waiver authority.

“(I) the maximum credit subsidy amount to be paid by the Federal Government shall be not more than 10 percent of the principal amount of the secured loan; and

“(II) the obligor shall be responsible for paying the remainder of the subsidy amount, if any.

“(7) FEES.—

“(A) IN GENERAL.—The Secretary may collect a fee on or after the date of the financial close of a Federal credit instrument under this section in an amount equal to not more than \$3,000,000 to cover all or a portion of the costs to the Federal Government of providing the Federal credit instrument.

“(B) AMENDMENT TO ADD COST OF FEES TO SECURED LOAN.—If the Secretary collects a fee from an obligor under subparagraph (A) to cover all or a portion of the costs to the Federal Government of providing a secured loan, the obligor and the Secretary may amend the terms of the secured loan to add to the principal of the secured loan an amount equal to the amount of the fee collected by the Secretary.

“(8) MAXIMUM FEDERAL INVOLVEMENT.—The total Federal assistance provided for a project under the CIFIA program, including any grant provided under section 999D, shall not exceed an amount equal to 80 percent of the eligible project costs.

“(c) REPAYMENT.—

“(1) SCHEDULE.—The Secretary shall establish a repayment schedule for each secured loan under this section based on—

“(A) the projected cash flow from project revenues and other repayment sources; and

“(B) the useful life of the project.

“(2) COMMENCEMENT.—Scheduled loan repayments of principal or interest on a secured loan under this section shall commence not later than 5 years after the date of substantial completion of the project.

Deadline.

“(3) DEFERRED PAYMENTS.—

“(A) IN GENERAL.—If, at any time after the date of substantial completion of a project, the project is unable to generate sufficient revenues in excess of reasonable and necessary operating expenses to pay the scheduled loan repayments of principal and interest on the secured loan, the Secretary may, subject to subparagraph (C), allow the obligor to add unpaid principal and interest to the outstanding balance of the secured loan.

“(B) INTEREST.—Any payment deferred under subparagraph (A) shall—

“(i) continue to accrue interest in accordance with subsection (b)(4) until fully repaid; and

“(ii) be scheduled to be amortized over the remaining term of the loan.

“(C) CRITERIA.—

“(i) IN GENERAL.—Any payment deferral under subparagraph (A) shall be contingent on the project meeting criteria established by the Secretary.

“(ii) REPAYMENT STANDARDS.—The criteria established pursuant to clause (i) shall include standards for the reasonable prospect of repayment.

“(4) PREPAYMENT.—

“(A) USE OF EXCESS REVENUES.—Any excess revenues that remain after satisfying scheduled debt service requirements on the project obligations and secured loan and all deposit requirements under the terms of any trust agreement, bond resolution, or similar agreement securing project obligations may be applied annually to prepay the secured loan, without penalty.

“(B) USE OF PROCEEDS OF REFINANCING.—A secured loan may be prepaid at any time without penalty from the proceeds of refinancing from non-Federal funding sources.

“(d) SALE OF SECURED LOANS.—

“(1) IN GENERAL.—Subject to paragraph (2), as soon as practicable after substantial completion of a project and after notifying the obligor, the Secretary may sell to another entity or reoffer into the capital markets a secured loan for the project if the Secretary determines that the sale or reoffering can be made on favorable terms.

“(2) CONSENT OF OBLIGOR.—In making a sale or reoffering under paragraph (1), the Secretary may not change any original term or condition of the secured loan without the written consent of the obligor.

“(e) LOAN GUARANTEES.—

“(1) IN GENERAL.—The Secretary may provide a loan guarantee to a lender in lieu of making a secured loan under this section if the Secretary determines that the budgetary cost of the loan guarantee is substantially the same as, or less than, that of a secured loan.

“(2) TERMS.—The terms of a loan guarantee under paragraph (1) shall be consistent with the terms required under this section for a secured loan, except that the rate on the guaranteed loan and any prepayment features shall be negotiated between the obligor and the lender, with the consent of the Secretary.

42 USC 16374.

“SEC. 999D. FUTURE GROWTH GRANTS.

“(a) ESTABLISHMENT.—The Secretary may provide grants to pay a portion of the cost differential, with respect to any projected future increase in demand for carbon dioxide transportation by an infrastructure project described in subsection (b), between—

“(1) the cost of constructing the infrastructure asset with the capacity to transport an increased flow rate of carbon dioxide, as made practicable under the project; and

“(2) the cost of constructing the infrastructure asset with the capacity to transport carbon dioxide at the flow rate initially required, based on commitments for the use of the asset.

“(b) ELIGIBILITY.—To be eligible to receive a grant under this section, an entity shall—

“(1) be eligible to receive credit assistance under the CIFA program;

“(2) carry out, or propose to carry out, a project for large-capacity, common carrier infrastructure with a probable future increase in demand for carbon dioxide transportation; and

“(3) submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary determines to be appropriate.

“(c) USE OF FUNDS.—A grant provided under this section may be used only to pay the costs of any additional flow rate capacity of a carbon dioxide transportation infrastructure asset that the project sponsor demonstrates to the satisfaction of the Secretary can reasonably be expected to be used during the 20-year period beginning on the date of substantial completion of the project described in subsection (b)(2).

“(d) MAXIMUM AMOUNT.—The amount of a grant provided under this section may not exceed an amount equal to 80 percent of the cost of the additional capacity described in subsection (a).

“SEC. 999E. PROGRAM ADMINISTRATION.

42 USC 16375.

“(a) REQUIREMENT.—The Secretary shall establish a uniform system to service the Federal credit instruments provided under the CIFIA program.

“(b) FEES.—If funding sufficient to cover the costs of services of expert firms retained pursuant to subsection (d) and all or a portion of the costs to the Federal Government of servicing the Federal credit instruments is not provided in an appropriations Act for a fiscal year, the Secretary, during that fiscal year, may collect fees on or after the date of the financial close of a Federal credit instrument provided under the CIFIA program at a level that is sufficient to cover those costs.

“(c) SERVICER.—

“(1) IN GENERAL.—The Secretary may appoint a financial entity to assist the Secretary in servicing the Federal credit instruments.

“(2) DUTIES.—A servicer appointed under paragraph (1) shall act as the agent for the Secretary.

“(3) FEE.—A servicer appointed under paragraph (1) shall receive a servicing fee, subject to approval by the Secretary.

“(d) ASSISTANCE FROM EXPERT FIRMS.—The Secretary may retain the services of expert firms, including counsel, in the field of municipal and project finance to assist in the underwriting and servicing of Federal credit instruments.

“(e) EXPEDITED PROCESSING.—The Secretary shall implement procedures and measures to economize the time and cost involved in obtaining approval and the issuance of credit assistance under the CIFIA program.

“SEC. 999F. STATE AND LOCAL PERMITS.

42 USC 16376.

“The provision of credit assistance under the CIFIA program with respect to a project shall not—

“(1) relieve any recipient of the assistance of any project obligation to obtain any required State or local permit or approval with respect to the project;

“(2) limit the right of any unit of State or local government to approve or regulate any rate of return on private equity invested in the project; or

“(3) otherwise supersede any State or local law (including any regulation) applicable to the construction or operation of the project.

42 USC 16377.

“SEC. 999G. REGULATIONS.

“The Secretary may promulgate such regulations as the Secretary determines to be appropriate to carry out the CIFIA program.

42 USC 16378.

“SEC. 999H. AUTHORIZATION OF APPROPRIATIONS; CONTRACT AUTHORITY.

Time periods.

“(a) AUTHORIZATION OF APPROPRIATIONS.—

“(1) IN GENERAL.—There are authorized to be appropriated to the Secretary to carry out this subtitle—

“(A) \$600,000,000 for each of fiscal years 2022 and 2023; and

“(B) \$300,000,000 for each of fiscal years 2024 through 2026.

“(2) SPENDING AND BORROWING AUTHORITY.—Spending and borrowing authority for a fiscal year to enter into Federal credit instruments shall be promptly apportioned to the Secretary on a fiscal-year basis.

“(3) REESTIMATES.—If the subsidy amount of a Federal credit instrument is reestimated, the cost increase or decrease of the reestimate shall be borne by, or benefit, the general fund of the Treasury, consistent with section 504(f) of the Congressional Budget Act of 1974 (2 U.S.C. 661c(f)).

“(4) ADMINISTRATIVE COSTS.—Of the amounts made available to carry out the CIFIA program, the Secretary may use not more than \$9,000,000 (as indexed for United States dollar inflation from the date of enactment of the Infrastructure Investment and Jobs Act (as measured by the Consumer Price Index)) each fiscal year for the administration of the CIFIA program.

“(b) CONTRACT AUTHORITY.—

“(1) IN GENERAL.—Notwithstanding any other provision of law, execution of a term sheet by the Secretary of a Federal credit instrument that uses amounts made available under the CIFIA program shall impose on the United States a contractual obligation to fund the Federal credit investment.

“(2) AVAILABILITY.—Amounts made available to carry out the CIFIA program for a fiscal year shall be available for obligation on October 1 of the fiscal year.”.

(b) TECHNICAL AMENDMENTS.—The table of contents for the Energy Policy Act of 2005 (Public Law 109–58; 119 Stat. 600) is amended—

(1) in the item relating to section 917, by striking “Efficiency”;

(2) by striking the items relating to subtitle J of title IX (relating to ultra-deepwater and unconventional natural gas and other petroleum resources) and inserting the following:

“Subtitle J—Carbon Dioxide Transportation Infrastructure Finance and Innovation

“Sec. 999A. Definitions.

“Sec. 999B. Determination of eligibility and project selection.

“Sec. 999C. Secured loans.

“Sec. 999D. Future growth grants.

“Sec. 999E. Program administration.

“Sec. 999F. State and local permits.

“Sec. 999G. Regulations.

“Sec. 999H. Authorization of appropriations; contract authority.”; and

(3) by striking the item relating to section 969B and inserting the following:

“Sec. 969B. High efficiency turbines.”.

SEC. 40305. CARBON STORAGE VALIDATION AND TESTING.

Section 963 of the Energy Policy Act of 2005 (42 U.S.C. 16293) is amended—

(1) in subsection (a)(1)(B), by striking “over a 10-year period”;

(2) in subsection (b)—

(A) in paragraph (1), by striking “and demonstration” and inserting “demonstration, and commercialization”; and

(B) in paragraph (2)—

(i) in subparagraph (G), by striking “and” at the end;

(ii) in subparagraph (H), by striking the period at the end and inserting “; and”; and

(iii) by adding at the end the following:

“(I) evaluating the quantity, location, and timing of geologic carbon storage deployment that may be needed, and developing strategies and resources to enable the deployment.”;

(3) by redesignating subsections (e) through (g) as subsections (f) through (h), respectively;

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

“(e) LARGE-SCALE CARBON STORAGE COMMERCIALIZATION PROGRAM.—

“(1) IN GENERAL.—The Secretary shall establish a commercialization program under which the Secretary shall provide funding for the development of new or expanded commercial large-scale carbon sequestration projects and associated carbon dioxide transport infrastructure, including funding for the feasibility, site characterization, permitting, and construction stages of project development.

“(2) APPLICATIONS; SELECTION.—

“(A) IN GENERAL.—To be eligible to enter into an agreement with the Secretary for funding under paragraph (1), an entity shall submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary determines to be appropriate.

“(B) APPLICATION PROCESS.—The Secretary shall establish an application process that, to the maximum extent practicable—

“(i) is open to projects at any stage of development described in paragraph (1); and

“(ii) facilitates expeditious development of projects described in that paragraph.

“(C) PROJECT SELECTION.—In selecting projects for funding under paragraph (1), the Secretary shall give priority to—

“(i) projects with substantial carbon dioxide storage capacity; or

“(ii) projects that will store carbon dioxide from multiple carbon capture facilities.”;

(5) in subsection (f) (as so redesignated), in paragraph (1), by inserting “with respect to the research, development, demonstration program components described in subsections (b) through (d)” before “give preference”; and

(6) by striking subsection (h) (as so redesignated) and inserting the following:

Time period.

“(h) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary to carry out this section \$2,500,000,000 for the period of fiscal years 2022 through 2026.”.

Time period.
42 USC 300h–9.**SEC. 40306. SECURE GEOLOGIC STORAGE PERMITTING.**

(a) DEFINITIONS.—In this section:

(1) ADMINISTRATOR.—The term “Administrator” means the Administrator of the Environmental Protection Agency.

(2) CLASS VI WELL.—The term “Class VI well” means a well described in section 144.6(f) of title 40, Code of Federal Regulations (or successor regulations).

(b) AUTHORIZATION OF APPROPRIATIONS FOR GEOLOGIC SEQUESTRATION PERMITTING.—There is authorized to be appropriated to the Administrator for the permitting of Class VI wells by the Administrator for the injection of carbon dioxide for the purpose of geologic sequestration in accordance with the requirements of the Safe Drinking Water Act (42 U.S.C. 300f et seq.) and the final rule of the Administrator entitled “Federal Requirements Under the Underground Injection Control (UIC) Program for Carbon Dioxide (CO₂) Geologic Sequestration (GS) Wells” (75 Fed. Reg. 77230 (December 10, 2010)), \$5,000,000 for each of fiscal years 2022 through 2026.

(c) STATE PERMITTING PROGRAM GRANTS.—

(1) ESTABLISHMENT.—The Administrator shall award grants to States that, pursuant to section 1422 of the Safe Drinking Water Act (42 U.S.C. 300h–1), receive the approval of the Administrator for a State underground injection control program for permitting Class VI wells for the injection of carbon dioxide.

(2) USE OF FUNDS.—A State that receives a grant under paragraph (1) shall use the amounts received under the grant to defray the expenses of the State related to the establishment and operation of a State underground injection control program described in paragraph (1).

(3) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Administrator to carry out this subsection \$50,000,000 for the period of fiscal years 2022 through 2026.

SEC. 40307. GEOLOGIC CARBON SEQUESTRATION ON THE OUTER CONTINENTAL SHELF.

(a) DEFINITIONS.—Section 2 of the Outer Continental Shelf Lands Act (43 U.S.C. 1331) is amended—

(1) in the matter preceding subsection (a), by striking “When used in this Act—” and inserting “In this Act.”;

(2) in each subsection, by inserting a subsection heading, the text of which is comprised of the term defined in the subsection;

(3) by striking the semicolon at the end of each subsection (other than subsection (q)) and “; and” at the end of subsection (p) and inserting a period; and

(4) by adding at the end the following:

“(r) CARBON DIOXIDE STREAM.—

“(1) IN GENERAL.—The term ‘carbon dioxide stream’ means carbon dioxide that—

“(A) has been captured; and

“(B) consists overwhelmingly of—

“(i) carbon dioxide plus incidental associated substances derived from the source material or capture process; and

“(ii) any substances added to the stream for the purpose of enabling or improving the injection process.

“(2) EXCLUSIONS.—The term ‘carbon dioxide stream’ does not include additional waste or other matter added to the carbon dioxide stream for the purpose of disposal.

“(s) CARBON SEQUESTRATION.—The term ‘carbon sequestration’ means the act of storing carbon dioxide that has been removed from the atmosphere or captured through physical, chemical, or biological processes that can prevent the carbon dioxide from reaching the atmosphere.”.

(b) LEASES, EASEMENTS, OR RIGHTS-OF-WAY FOR ENERGY AND RELATED PURPOSES.—Section 8(p)(1) of the Outer Continental Shelf Lands Act (43 U.S.C. 1337(p)(1)) is amended—

(1) in subparagraph (C), by striking “or” after the semicolon;

(2) in subparagraph (D), by striking the period at the end and inserting “; or”; and

(3) by adding at the end the following:

“(E) provide for, support, or are directly related to the injection of a carbon dioxide stream into sub-seabed geologic formations for the purpose of long-term carbon sequestration.”.

(c) CLARIFICATION.—A carbon dioxide stream injected for the purpose of carbon sequestration under subparagraph (E) of section 8(p)(1) of the Outer Continental Shelf Lands Act (43 U.S.C. 1337(p)(1)) shall not be considered to be material (as defined in section 3 of the Marine Protection, Research, and Sanctuaries Act of 1972 (33 U.S.C. 1402)) for purposes of that Act (33 U.S.C. 1401 et seq.).

43 USC 1337
note.

(d) REGULATIONS.—Not later than 1 year after the date of enactment of this Act, the Secretary of the Interior shall promulgate regulations to carry out the amendments made by this section.

Deadline.
43 USC 1331
note.

SEC. 40308. CARBON REMOVAL.

(a) IN GENERAL.—Section 969D of the Energy Policy Act of 2005 (42 U.S.C. 16298d) is amended—

(1) by redesignating subsection (j) as subsection (k); and

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

“(j) REGIONAL DIRECT AIR CAPTURE HUBS.—

“(1) DEFINITIONS.—In this subsection:

“(A) ELIGIBLE PROJECT.—The term ‘eligible project’ means a direct air capture project or a component project of a regional direct air capture hub.

“(B) REGIONAL DIRECT AIR CAPTURE HUB.—The term ‘regional direct air capture hub’ means a network of direct air capture projects, potential carbon dioxide utilization off-takers, connective carbon dioxide transport infrastructure, subsurface resources, and sequestration infrastructure located within a region.

“(2) ESTABLISHMENT OF PROGRAM.—

“(A) IN GENERAL.—The Secretary shall establish a program under which the Secretary shall provide funding for eligible projects that contribute to the development of 4

regional direct air capture hubs described in subparagraph (B).

“(B) REGIONAL DIRECT AIR CAPTURE HUBS.—Each of the 4 regional direct air capture hubs developed under the program under subparagraph (A) shall be a regional direct air capture hub that—

“(i) facilitates the deployment of direct air capture projects;

“(ii) has the capacity to capture and sequester, utilize, or sequester and utilize at least 1,000,000 metric tons of carbon dioxide from the atmosphere annually from a single unit or multiple interconnected units;

“(iii) demonstrates the capture, processing, delivery, and sequestration or end-use of captured carbon; and

“(iv) could be developed into a regional or inter-regional carbon network to facilitate sequestration or carbon utilization.

“(3) SELECTION OF PROJECTS.—

“(A) SOLICITATION OF PROPOSALS.—

Deadline.

“(i) IN GENERAL.—Not later than 180 days after the date of enactment of the Infrastructure Investment and Jobs Act, the Secretary shall solicit applications for funding for eligible projects.

“(ii) ADDITIONAL SOLICITATIONS.—The Secretary shall solicit applications for funding for eligible projects on a recurring basis after the first round of applications is received under clause (i) until all amounts appropriated to carry out this subsection are expended.

Deadline.

“(B) SELECTION OF PROJECTS FOR THE DEVELOPMENT OF REGIONAL DIRECT AIR CAPTURE HUBS.—Not later than 3 years after the date of the deadline for the submission of proposals under subparagraph (A)(i), the Secretary shall select eligible projects described in paragraph (2)(A).

“(C) CRITERIA.—The Secretary shall select eligible projects under subparagraph (B) using the following criteria:

“(i) CARBON INTENSITY OF LOCAL INDUSTRY.—To the maximum extent practicable, each eligible project shall be located in a region with—

“(I) existing carbon-intensive fuel production or industrial capacity; or

Time period.

“(II) carbon-intensive fuel production or industrial capacity that has retired or closed in the preceding 10 years.

“(ii) GEOGRAPHIC DIVERSITY.—To the maximum extent practicable, eligible projects shall contribute to the development of regional direct air capture hubs located in different regions of the United States.

“(iii) CARBON POTENTIAL.—To the maximum extent practicable, eligible projects shall contribute to the development of regional direct air capture hubs located in regions with high potential for carbon sequestration or utilization.

“(iv) HUBS IN FOSSIL-PRODUCING REGIONS.—To the maximum extent practicable, eligible projects shall contribute to the development of at least 2 regional direct air capture hubs located in economically distressed communities in the regions of the United States with high levels of coal, oil, or natural gas resources.

“(v) SCALABILITY.—The Secretary shall give priority to eligible projects that, as compared to other eligible projects, will contribute to the development of regional direct air capture hubs with larger initial capacity, greater potential for expansion, and lower levelized cost per ton of carbon dioxide removed from the atmosphere.

“(vi) EMPLOYMENT.—The Secretary shall give priority to eligible projects that are likely to create opportunities for skilled training and long-term employment to the greatest number of residents of the region.

“(vii) ADDITIONAL CRITERIA.—The Secretary may take into consideration other criteria that, in the judgment of the Secretary, are necessary or appropriate to carry out this subsection.

“(D) COORDINATION.—To the maximum extent practicable, in carrying out the program under this subsection, the Secretary shall take into account and coordinate with activities of the carbon capture technology program established under section 962(b)(1), the carbon storage validation and testing program established under section 963(b)(1), and the CIFIA program established under section 999B(a) such that funding from each of the programs is leveraged to contribute toward the development of integrated regional and interregional carbon capture, removal, transport, sequestration, and utilization networks.

“(E) FUNDING OF ELIGIBLE PROJECTS.—The Secretary may make grants to, or enter into cooperative agreements or contracts with, each eligible project selected under subparagraph (B) to accelerate commercialization of, and demonstrate the removal, processing, transport, sequestration, and utilization of, carbon dioxide captured from the atmosphere.

Grants.
Contracts.

“(4) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary to carry out this subsection \$3,500,000,000 for the period of fiscal years 2022 through 2026, to remain available until expended.”.

Time period.

Subtitle B—Hydrogen Research and Development

SEC. 40311. FINDINGS; PURPOSE.

42 USC 16151
note.

(a) FINDINGS.—Congress finds that—

(1) hydrogen plays a critical part in the comprehensive energy portfolio of the United States;

(2) the use of the hydrogen resources of the United States—
(A) promotes energy security and resilience; and

(B) provides economic value and environmental benefits for diverse applications across multiple sectors of the economy; and

(3) hydrogen can be produced from a variety of domestically available clean energy sources, including—

(A) renewable energy resources, including biomass;

(B) fossil fuels with carbon capture, utilization, and storage; and

(C) nuclear power.

(b) **PURPOSE.**—The purpose of this subtitle is to accelerate research, development, demonstration, and deployment of hydrogen from clean energy sources by—

(1) providing a statutory definition for the term “clean hydrogen”;

(2) establishing a clean hydrogen strategy and roadmap for the United States;

(3) establishing a clearing house for clean hydrogen program information at the National Energy Technology Laboratory;

(4) developing a robust clean hydrogen supply chain and workforce by prioritizing clean hydrogen demonstration projects in major shale gas regions;

(5) establishing regional clean hydrogen hubs; and

(6) authorizing appropriations to carry out the Department of Energy Hydrogen Program Plan, dated November 2020, developed pursuant to title VIII of the Energy Policy Act of 2005 (42 U.S.C. 16151 et seq.).

SEC. 40312. DEFINITIONS.

Section 803 of the Energy Policy Act of 2005 (42 U.S.C. 16152) is amended—

(1) in paragraph (5), by striking the paragraph designation and heading and all that follows through “when” in the matter preceding subparagraph (A) and inserting the following:

“(5) **PORTABLE; STORAGE.**—The terms ‘portable’ and ‘storage’, when”;

(2) by redesignating paragraphs (1) through (7) as paragraphs (2) through (8), respectively; and

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

“(1) **CLEAN HYDROGEN; HYDROGEN.**—The terms ‘clean hydrogen’ and ‘hydrogen’ mean hydrogen produced in compliance with the greenhouse gas emissions standard established under section 822(a), including production from any fuel source.”.

SEC. 40313. CLEAN HYDROGEN RESEARCH AND DEVELOPMENT PROGRAM.

(a) **IN GENERAL.**—Section 805 of the Energy Policy Act of 2005 (42 U.S. 16154) is amended—

(1) in the section heading, by striking “**PROGRAMS**” and inserting “**CLEAN HYDROGEN RESEARCH AND DEVELOPMENT PROGRAM**”;

(2) in subsection (a)—

(A) by striking “research and development program” and inserting “crosscutting research and development program (referred to in this section as the ‘program’)”; and

(B) by inserting “processing,” after “production,”;

(3) by striking subsection (b) and inserting the following:
“(b) GOALS.—The goals of the program shall be—

“(1) to advance research and development to demonstrate and commercialize the use of clean hydrogen in the transportation, utility, industrial, commercial, and residential sectors; and

“(2) to demonstrate a standard of clean hydrogen production in the transportation, utility, industrial, commercial, and residential sectors by 2040.”;

(4) in subsection (c)(3), by striking “renewable fuels and biofuels” and inserting “fossil fuels with carbon capture, utilization, and sequestration, renewable fuels, biofuels, and nuclear energy”;

(5) by striking subsection (e) and inserting the following:

“(e) ACTIVITIES.—In carrying out the program, the Secretary, in partnership with the private sector, shall conduct activities to advance and support—

“(1) the establishment of a series of technology cost goals oriented toward achieving the standard of clean hydrogen production developed under section 822(a);

“(2) the production of clean hydrogen from diverse energy sources, including—

“(A) fossil fuels with carbon capture, utilization, and sequestration;

“(B) hydrogen-carrier fuels (including ethanol and methanol);

“(C) renewable energy resources, including biomass;

“(D) nuclear energy; and

“(E) any other methods the Secretary determines to be appropriate;

“(3) the use of clean hydrogen for commercial, industrial, and residential electric power generation;

“(4) the use of clean hydrogen in industrial applications, including steelmaking, cement, chemical feedstocks, and process heat;

“(5) the use of clean hydrogen for use as a fuel source for both residential and commercial comfort heating and hot water requirements;

“(6) the safe and efficient delivery of hydrogen or hydrogen-carrier fuels, including—

“(A) transmission by pipelines, including retrofitting the existing natural gas transportation infrastructure system to enable a transition to transport and deliver increasing levels of clean hydrogen, clean hydrogen blends, or clean hydrogen carriers;

“(B) tanks and other distribution methods; and

“(C) convenient and economic refueling of vehicles, locomotives, maritime vessels, or planes—

“(i) at central refueling stations; or

“(ii) through distributed onsite generation;

“(7) advanced vehicle, locomotive, maritime vessel, or plane technologies, including—

“(A) engine and emission control systems;

“(B) energy storage, electric propulsion, and hybrid systems;

“(C) automotive, locomotive, maritime vessel, or plane materials; and

	“(D) other advanced vehicle, locomotive, maritime vessel, or plane technologies; “(8) storage of hydrogen or hydrogen-carrier fuels, including the development of materials for safe and economic storage in gaseous, liquid, or solid form; “(9) the development of safe, durable, affordable, and efficient fuel cells, including fuel-flexible fuel cell power systems, improved manufacturing processes, high-temperature membranes, cost-effective fuel processing for natural gas, fuel cell stack and system reliability, low-temperature operation, and cold start capability; “(10) the ability of domestic clean hydrogen equipment manufacturers to manufacture commercially available competitive technologies in the United States; “(11) the use of clean hydrogen in the transportation sector, including in light-, medium-, and heavy-duty vehicles, rail transport, aviation, and maritime applications; and “(12) in coordination with relevant agencies, the development of appropriate, uniform codes and standards for the safe and consistent deployment and commercialization of clean hydrogen production, processing, delivery, and end-use technologies.”; and
Coordination.	(6) by adding at the end the following: “(j) TARGETS.—Not later than 180 days after the date of enactment of the Infrastructure Investment and Jobs Act, the Secretary shall establish targets for the program to address near-term (up to 2 years), mid-term (up to 7 years), and long-term (up to 15 years) challenges to the advancement of clean hydrogen systems and technologies.”.
Deadline. Time periods.	(b) CONFORMING AMENDMENT.—The table of contents for the Energy Policy Act of 2005 (Public Law 109–58; 119 Stat. 599) is amended by striking the item relating to section 805 and inserting the following: “Sec. 805. Clean hydrogen research and development program.”. SEC. 40314. ADDITIONAL CLEAN HYDROGEN PROGRAMS. Title VIII of the Energy Policy Act of 2005 (42 U.S.C. 16151 et seq.) is amended— (1) by redesignating sections 813 through 816 as sections 818 through 821, respectively; and (2) by inserting after section 812 the following:
42 USC 16162–16165.	“SEC. 813. REGIONAL CLEAN HYDROGEN HUBS. “(a) DEFINITION OF REGIONAL CLEAN HYDROGEN HUB.—In this section, the term ‘regional clean hydrogen hub’ means a network of clean hydrogen producers, potential clean hydrogen consumers, and connective infrastructure located in close proximity. “(b) ESTABLISHMENT OF PROGRAM.—The Secretary shall establish a program to support the development of at least 4 regional clean hydrogen hubs that— “(1) demonstrably aid the achievement of the clean hydrogen production standard developed under section 822(a); “(2) demonstrate the production, processing, delivery, storage, and end-use of clean hydrogen; and “(3) can be developed into a national clean hydrogen network to facilitate a clean hydrogen economy. “(c) SELECTION OF REGIONAL CLEAN HYDROGEN HUBS.—
42 USC 16161a.	

“(1) SOLICITATION OF PROPOSALS.—Not later than 180 days after the date of enactment of the Infrastructure Investment and Jobs Act, the Secretary shall solicit proposals for regional clean hydrogen hubs. Deadline.

“(2) SELECTION OF HUBS.—Not later than 1 year after the deadline for the submission of proposals under paragraph (1), the Secretary shall select at least 4 regional clean hydrogen hubs to be developed under subsection (b). Deadline.

“(3) CRITERIA.—The Secretary shall select regional clean hydrogen hubs under paragraph (2) using the following criteria:

“(A) FEEDSTOCK DIVERSITY.—To the maximum extent practicable—

“(i) at least 1 regional clean hydrogen hub shall demonstrate the production of clean hydrogen from fossil fuels;

“(ii) at least 1 regional clean hydrogen hub shall demonstrate the production of clean hydrogen from renewable energy; and

“(iii) at least 1 regional clean hydrogen hub shall demonstrate the production of clean hydrogen from nuclear energy.

“(B) END-USE DIVERSITY.—To the maximum extent practicable—

“(i) at least 1 regional clean hydrogen hub shall demonstrate the end-use of clean hydrogen in the electric power generation sector;

“(ii) at least 1 regional clean hydrogen hub shall demonstrate the end-use of clean hydrogen in the industrial sector;

“(iii) at least 1 regional clean hydrogen hub shall demonstrate the end-use of clean hydrogen in the residential and commercial heating sector; and

“(iv) at least 1 regional clean hydrogen hub shall demonstrate the end-use of clean hydrogen in the transportation sector.

“(C) GEOGRAPHIC DIVERSITY.—To the maximum extent practicable, each regional clean hydrogen hub—

“(i) shall be located in a different region of the United States; and

“(ii) shall use energy resources that are abundant in that region.

“(D) HUBS IN NATURAL GAS-PRODUCING REGIONS.—To the maximum extent practicable, at least 2 regional clean hydrogen hubs shall be located in the regions of the United States with the greatest natural gas resources.

“(E) EMPLOYMENT.—The Secretary shall give priority to regional clean hydrogen hubs that are likely to create opportunities for skilled training and long-term employment to the greatest number of residents of the region.

“(F) ADDITIONAL CRITERIA.—The Secretary may take into consideration other criteria that, in the judgment of the Secretary, are necessary or appropriate to carry out this title

“(4) FUNDING OF REGIONAL CLEAN HYDROGEN HUBS.—The Secretary may make grants to each regional clean hydrogen Grants.

	hub selected under paragraph (2) to accelerate commercialization of, and demonstrate the production, processing, delivery, storage, and end-use of, clean hydrogen.
Time period.	“(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary to carry out this section \$8,000,000,000 for the period of fiscal years 2022 through 2026.
42 USC 16161b.	“SEC. 814. NATIONAL CLEAN HYDROGEN STRATEGY AND ROADMAP.
Consultation.	“(a) DEVELOPMENT.— “(1) IN GENERAL.—In carrying out the programs established under sections 805 and 813, the Secretary, in consultation with the heads of relevant offices of the Department, shall develop a technologically and economically feasible national strategy and roadmap to facilitate widescale production, processing, delivery, storage, and use of clean hydrogen. “(2) INCLUSIONS.—The national clean hydrogen strategy and roadmap developed under paragraph (1) shall focus on— “(A) establishing a standard of hydrogen production that achieves the standard developed under section 822(a), including interim goals towards meeting that standard; “(B)(i) clean hydrogen production and use from natural gas, coal, renewable energy sources, nuclear energy, and biomass; and “(ii) identifying potential barriers, pathways, and opportunities, including Federal policy needs, to transition to a clean hydrogen economy; “(C) identifying— “(i) economic opportunities for the production, processing, transport, storage, and use of clean hydrogen that exist in the major shale natural gas-producing regions of the United States; “(ii) economic opportunities for the production, processing, transport, storage, and use of clean hydrogen that exist for merchant nuclear power plants operating in deregulated markets; and “(iii) environmental risks associated with potential deployment of clean hydrogen technologies in those regions, and ways to mitigate those risks; “(D) approaches, including substrategies, that reflect geographic diversity across the country, to advance clean hydrogen based on resources, industry sectors, environmental benefits, and economic impacts in regional economies; “(E) identifying opportunities to use, and barriers to using, existing infrastructure, including all components of the natural gas infrastructure system, the carbon dioxide pipeline infrastructure system, end-use local distribution networks, end-use power generators, LNG terminals, industrial users of natural gas, and residential and commercial consumers of natural gas, for clean hydrogen deployment; “(F) identifying the needs for and barriers and pathways to developing clean hydrogen hubs (including, where appropriate, clean hydrogen hubs coupled with carbon capture, utilization, and storage hubs) that— “(i) are regionally dispersed across the United States and can leverage natural gas to the maximum extent practicable;

“(ii) can demonstrate the efficient production, processing, delivery, and use of clean hydrogen;

“(iii) include transportation corridors and modes of transportation, including transportation of clean hydrogen by pipeline and rail and through ports; and

“(iv) where appropriate, could serve as joint clean hydrogen and carbon capture, utilization, and storage hubs;

“(G) prioritizing activities that improve the ability of the Department to develop tools to model, analyze, and optimize single-input, multiple-output integrated hybrid energy systems and multiple-input, multiple-output integrated hybrid energy systems that maximize efficiency in providing hydrogen, high-value heat, electricity, and chemical synthesis services;

“(H) identifying the appropriate points of interaction between and among Federal agencies involved in the production, processing, delivery, storage, and use of clean hydrogen and clarifying the responsibilities of those Federal agencies, and potential regulatory obstacles and recommendations for modifications, in order to support the deployment of clean hydrogen; and

“(I) identifying geographic zones or regions in which clean hydrogen technologies could efficiently and economically be introduced in order to transition existing infrastructure to rely on clean hydrogen, in support of decarbonizing all relevant sectors of the economy.

“(b) REPORTS TO CONGRESS.—

“(1) IN GENERAL.—Not later than 180 days after the date of enactment of the Infrastructure Investment and Jobs Act, the Secretary shall submit to Congress the clean hydrogen strategy and roadmap developed under subsection (a).

“(2) UPDATES.—The Secretary shall submit to Congress updates to the clean hydrogen strategy and roadmap under paragraph (1) not less frequently than once every 3 years after the date on which the Secretary initially submits the report and roadmap.

Time period.

“SEC. 815. CLEAN HYDROGEN MANUFACTURING AND RECYCLING.

42 USC 16161c.

“(a) CLEAN HYDROGEN MANUFACTURING INITIATIVE.—

“(1) IN GENERAL.—In carrying out the programs established under sections 805 and 813, the Secretary shall award multiyear grants to, and enter into contracts, cooperative agreements, or any other agreements authorized under this Act or other Federal law with, eligible entities (as determined by the Secretary) for research, development, and demonstration projects to advance new clean hydrogen production, processing, delivery, storage, and use equipment manufacturing technologies and techniques.

Grants.
Contracts.

“(2) PRIORITY.—In awarding grants or entering into contracts, cooperative agreements, or other agreements under paragraph (1), the Secretary, to the maximum extent practicable, shall give priority to clean hydrogen equipment manufacturing projects that—

“(A) increase efficiency and cost-effectiveness in—

“(i) the manufacturing process; and

“(ii) the use of resources, including existing energy infrastructure;

“(B) support domestic supply chains for materials and components;

“(C) identify and incorporate nonhazardous alternative materials for components and devices;

“(D) operate in partnership with tribal energy development organizations, Indian Tribes, Tribal organizations, Native Hawaiian community-based organizations, or territories or freely associated States; or

“(E) are located in economically distressed areas of the major natural gas-producing regions of the United States.

Deadline.
Time period.
Public
information.
Review.

“(3) EVALUATION.—Not later than 3 years after the date of enactment of the Infrastructure Investment and Jobs Act, and not less frequently than once every 4 years thereafter, the Secretary shall conduct, and make available to the public and the relevant committees of Congress, an independent review of the progress of the projects carried out through grants awarded, or contracts, cooperative agreements, or other agreements entered into, under paragraph (1).

“(b) CLEAN HYDROGEN TECHNOLOGY RECYCLING RESEARCH, DEVELOPMENT, AND DEMONSTRATION PROGRAM.—

Grants.
Contracts.

“(1) IN GENERAL.—In carrying out the programs established under sections 805 and 813, the Secretary shall award multiyear grants to, and enter into contracts, cooperative agreements, or any other agreements authorized under this Act or other Federal law with, eligible entities for research, development, and demonstration projects to create innovative and practical approaches to increase the reuse and recycling of clean hydrogen technologies, including by—

“(A) increasing the efficiency and cost-effectiveness of the recovery of raw materials from clean hydrogen technology components and systems, including enabling technologies such as electrolyzers and fuel cells;

“(B) minimizing environmental impacts from the recovery and disposal processes;

“(C) addressing any barriers to the research, development, demonstration, and commercialization of technologies and processes for the disassembly and recycling of devices used for clean hydrogen production, processing, delivery, storage, and use;

“(D) developing alternative materials, designs, manufacturing processes, and other aspects of clean hydrogen technologies;

“(E) developing alternative disassembly and resource recovery processes that enable efficient, cost-effective, and environmentally responsible disassembly of, and resource recovery from, clean hydrogen technologies; and

“(F) developing strategies to increase consumer acceptance of, and participation in, the recycling of fuel cells.

Public
information.

“(2) DISSEMINATION OF RESULTS.—The Secretary shall make available to the public and the relevant committees of Congress the results of the projects carried out through grants awarded, or contracts, cooperative agreements, or other agreements entered into, under paragraph (1), including any educational and outreach materials developed by the projects.

“(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary to carry out this section \$500,000,000 for the period of fiscal years 2022 through 2026.

Time period.

“SEC. 816. CLEAN HYDROGEN ELECTROLYSIS PROGRAM.

42 USC 16161d.

“(a) DEFINITIONS.—In this section:

“(1) ELECTROLYSIS.—The term ‘electrolysis’ means a process that uses electricity to split water into hydrogen and oxygen.

“(2) ELECTROLYZER.—The term ‘electrolyzer’ means a system that produces hydrogen using electrolysis.

“(3) PROGRAM.—The term ‘program’ means the program established under subsection (b).

“(b) ESTABLISHMENT.—Not later than 90 days after the date of enactment of the Infrastructure Investment and Jobs Act, the Secretary shall establish a research, development, demonstration, commercialization, and deployment program for purposes of commercialization to improve the efficiency, increase the durability, and reduce the cost of producing clean hydrogen using electrolyzers.

Deadline.

“(c) GOALS.—The goals of the program are—

“(1) to reduce the cost of hydrogen produced using electrolyzers to less than \$2 per kilogram of hydrogen by 2026; and

“(2) any other goals the Secretary determines are appropriate.

“(d) DEMONSTRATION PROJECTS.—In carrying out the program, the Secretary shall fund demonstration projects—

“(1) to demonstrate technologies that produce clean hydrogen using electrolyzers; and

“(2) to validate information on the cost, efficiency, durability, and feasibility of commercial deployment of the technologies described in paragraph (1).

“(e) FOCUS.—The program shall focus on research relating to, and the development, demonstration, and deployment of—

“(1) low-temperature electrolyzers, including liquid-alkaline electrolyzers, membrane-based electrolyzers, and other advanced electrolyzers, capable of converting intermittent sources of electric power to clean hydrogen with enhanced efficiency and durability;

“(2) high-temperature electrolyzers that combine electricity and heat to improve the efficiency of clean hydrogen production;

“(3) advanced reversible fuel cells that combine the functionality of an electrolyzer and a fuel cell;

“(4) new highly active, selective, and durable electrolyzer catalysts and electro-catalysts that—

“(A) greatly reduce or eliminate the need for platinum group metals; and

“(B) enable electrolysis of complex mixtures with impurities, including seawater;

“(5) modular electrolyzers for distributed energy systems and the bulk-power system (as defined in section 215(a) of the Federal Power Act (16 U.S.C. 824o(a)));

“(6) low-cost membranes or electrolytes and separation materials that are durable in the presence of impurities or seawater;

“(7) improved component design and material integration, including with respect to electrodes, porous transport layers and bipolar plates, and balance-of-system components, to allow

for scale-up and domestic manufacturing of electrolyzers at a high volume;

“(8) clean hydrogen storage technologies;

“(9) technologies that integrate hydrogen production with—

“(A) clean hydrogen compression and drying technologies;

“(B) clean hydrogen storage; and

“(C) transportation or stationary systems; and

“(10) integrated systems that combine hydrogen production with renewable power or nuclear power generation technologies, including hybrid systems with hydrogen storage.

Determinations.

“(f) GRANTS, CONTRACTS, COOPERATIVE AGREEMENTS.—

“(1) GRANTS.—In carrying out the program, the Secretary shall award grants, on a competitive basis, to eligible entities for projects that the Secretary determines would provide the greatest progress toward achieving the goal of the program described in subsection (c).

“(2) CONTRACTS AND COOPERATIVE AGREEMENTS.—In carrying out the program, the Secretary may enter into contracts and cooperative agreements with eligible entities and Federal agencies for projects that the Secretary determines would further the purpose of the program described in subsection (b).

“(3) ELIGIBILITY; APPLICATIONS.—

“(A) IN GENERAL.—The eligibility of an entity to receive a grant under paragraph (1), to enter into a contract or cooperative agreement under paragraph (2), or to receive funding for a demonstration project under subsection (d) shall be determined by the Secretary.

“(B) APPLICATIONS.—An eligible entity desiring to receive a grant under paragraph (1), to enter into a contract or cooperative agreement under paragraph (2), or to receive funding for a demonstration project under subsection (d) shall submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require.

Time period.

“(g) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary to carry out the program \$1,000,000,000 for the period of fiscal years 2022 through 2026, to remain available until expended.

42 USC 16161e.

“SEC. 817. LABORATORY MANAGEMENT.

“(a) IN GENERAL.—The National Energy Technology Laboratory, the Idaho National Laboratory, and the National Renewable Energy Laboratory shall continue to work in a crosscutting manner to carry out the programs established under sections 813 and 815.

“(b) COORDINATION; CLEARINGHOUSE.—In carrying out subsection (a), the National Energy Technology Laboratory shall—

Coordination.

“(1) coordinate with—

“(A) the Idaho National Laboratory, the National Renewable Energy Laboratory, and other National Laboratories in a cross-cutting manner;

“(B) institutions of higher education;

“(C) research institutes;

“(D) industrial researchers; and

“(E) international researchers; and

“(2) act as a clearinghouse to collect information from, and distribute information to, the National Laboratories and

other entities described in subparagraphs (B) through (E) of paragraph (1).”.

SEC. 40315. CLEAN HYDROGEN PRODUCTION QUALIFICATIONS.

(a) IN GENERAL.—The Energy Policy Act of 2005 (42 U.S.C. 16151 et seq.) (as amended by section 40314(1)) is amended by adding at the end the following:

“SEC. 822. CLEAN HYDROGEN PRODUCTION QUALIFICATIONS.

42 USC 16166.

“(a) IN GENERAL.—Not later than 180 days after the date of enactment of the Infrastructure Investment and Jobs Act, the Secretary, in consultation with the Administrator of the Environmental Protection Agency and after taking into account input from industry and other stakeholders, as determined by the Secretary, shall develop an initial standard for the carbon intensity of clean hydrogen production that shall apply to activities carried out under this title.

Deadline.
Consultation.
Determination.
Applicability.

“(b) REQUIREMENTS.—

“(1) IN GENERAL.—The standard developed under subsection (a) shall—

“(A) support clean hydrogen production from each source described in section 805(e)(2);

“(B) define the term ‘clean hydrogen’ to mean hydrogen produced with a carbon intensity equal to or less than 2 kilograms of carbon dioxide-equivalent produced at the site of production per kilogram of hydrogen produced; and

Definition.

“(C) take into consideration technological and economic feasibility.

“(2) ADJUSTMENT.—Not later than the date that is 5 years after the date on which the Secretary develops the standard under subsection (a), the Secretary, in consultation with the Administrator of the Environmental Protection Agency and after taking into account input from industry and other stakeholders, as determined by the Secretary, shall—

Deadline.
Consultation.
Determination.

“(A) determine whether the definition of clean hydrogen required under paragraph (1)(B) should be adjusted below the standard described in that paragraph; and

“(B) if the Secretary determines the adjustment described in subparagraph (A) is appropriate, carry out the adjustment.

“(c) APPLICATION.—The standard developed under subsection (a) shall apply to clean hydrogen production from renewable, fossil fuel with carbon capture, utilization, and sequestration technologies, nuclear, and other fuel sources using any applicable production technology.”.

(b) CONFORMING AMENDMENT.—The table of contents for the Energy Policy Act of 2005 (Public Law 109–58; 119 Stat. 599) is amended by striking the items relating to sections 813 through 816 and inserting the following:

“Sec. 813. Regional clean hydrogen hubs.
“Sec. 814. National clean hydrogen strategy and roadmap.
“Sec. 815. Clean hydrogen manufacturing and recycling.
“Sec. 816. Clean hydrogen electrolysis program.
“Sec. 817. Laboratory management.
“Sec. 818. Technology transfer
“Sec. 819. Miscellaneous provisions.
“Sec. 820. Cost sharing.
“Sec. 821. Savings clause.
“Sec. 822. Clean hydrogen production qualifications.”.

Subtitle C—Nuclear Energy Infrastructure

42 USC 18751.

SEC. 40321. INFRASTRUCTURE PLANNING FOR MICRO AND SMALL MODULAR NUCLEAR REACTORS.

(a) DEFINITIONS.—In this section:

(1) ADVANCED NUCLEAR REACTOR.—The term “advanced nuclear reactor” has the meaning given the term in section 951(b) of the Energy Policy Act of 2005 (42 U.S.C. 16271(b)).

(2) ISOLATED COMMUNITY.—The term “isolated community” has the meaning given the term in section 8011(a) of the Energy Act of 2020 (42 U.S.C. 17392(a)).

(3) MICRO-REACTOR.—The term “micro-reactor” means an advanced nuclear reactor that has an electric power production capacity that is not greater than 50 megawatts.

(4) NATIONAL LABORATORY.—The term “National Laboratory” has the meaning given the term in section 2 of the Energy Policy Act of 2005 (42 U.S.C. 15801).

(5) SMALL MODULAR REACTOR.—The term “small modular reactor” means an advanced nuclear reactor—

(A) with a rated capacity of less than 300 electrical megawatts; and

(B) that can be constructed and operated in combination with similar reactors at a single site.

(b) REPORT.—Not later than 180 days after the date of enactment of this Act, the Secretary shall submit to the Committee on Energy and Natural Resources of the Senate and the Committees on Energy and Commerce and Science, Space, and Technology of the House of Representatives a report that describes how the Department could enhance energy resilience and reduce carbon emissions with the use of micro-reactors and small modular reactors.

(c) ELEMENTS.—The report required by subsection (b) shall address the following:

Evaluation.
Determination.

(1) An evaluation by the Department of current resilience and carbon reduction requirements for energy for facilities of the Department to determine whether changes are needed to address—

Time period.

(A) the need to provide uninterrupted power to facilities of the Department for at least 3 days during power grid failures;

(B) the need for protection against cyber threats and electromagnetic pulses; and

(C) resilience to extreme natural events, including earthquakes, volcanic activity, tornados, hurricanes, floods, tsunamis, lahars, landslides, seiches, a large quantity of snowfall, and very low or high temperatures.

Strategy.

(2) A strategy of the Department for using nuclear energy to meet resilience and carbon reduction goals of facilities of the Department.

Strategy.

(3) A strategy to partner with private industry to develop and deploy micro-reactors and small modular reactors to remote communities in order to replace diesel generation and other fossil fuels.

Assessment.

(4) An assessment by the Department of the value associated with enhancing the resilience of a facility of the Department by transitioning to power from micro-reactors and small

modular reactors and to co-located nuclear facilities with the capability to provide dedicated power to the facility of the Department during a grid outage or failure.

(5) The plans of the Department—

Plans.

(A) for deploying a micro-reactor and a small modular reactor to produce energy for use by a facility of the Department in the United States by 2026;

(B) for deploying a small modular reactor to produce energy for use by a facility of the Department in the United States by 2029; and

(C) to include micro-reactors and small modular reactors in the planning for meeting future facility energy needs.

(d) **FINANCIAL AND TECHNICAL ASSISTANCE FOR SITING MICRO-REACTORS, SMALL MODULAR REACTORS, AND ADVANCED NUCLEAR REACTORS.**—

(1) **IN GENERAL.**—The Secretary shall offer financial and technical assistance to entities to conduct feasibility studies for the purpose of identifying suitable locations for the deployment of micro-reactors, small modular reactors, and advanced nuclear reactors in isolated communities.

(2) **REQUIREMENT.**—Prior to providing financial and technical assistance under paragraph (1), the Secretary shall conduct robust community engagement and outreach for the purpose of identifying levels of interest in isolated communities.

(3) **LIMITATION.**—The Secretary shall not disburse more than 50 percent of the amounts available for financial assistance under this subsection to the National Laboratories.

SEC. 40322. PROPERTY INTERESTS RELATING TO CERTAIN PROJECTS AND PROTECTION OF INFORMATION RELATING TO CERTAIN AGREEMENTS.

(a) **PROPERTY INTERESTS RELATING TO FEDERALLY FUNDED ADVANCED NUCLEAR REACTOR PROJECTS.**— 42 USC 18752.

(1) **DEFINITIONS.**—In this section:

(A) **ADVANCED NUCLEAR REACTOR.**—The term “advanced nuclear reactor” has the meaning given the term in section 951(b) of the Energy Policy Act of 2005 (42 U.S.C. 16271(b)).

(B) **PROPERTY INTEREST.**—

(i) **IN GENERAL.**—Except as provided in clause (ii), the term “property interest” means any interest in real property or personal property (as those terms are defined in section 200.1 of title 2, Code of Federal Regulations (as in effect on the date of enactment of this Act)).

(ii) **EXCLUSION.**—The term “property interest” does not include any interest in intellectual property developed using funding provided under a project described in paragraph (3).

(2) **ASSIGNMENT OF PROPERTY INTERESTS.**—The Secretary may assign to any entity, including the United States, fee title or any other property interest acquired by the Secretary under an agreement entered into with respect to a project described in paragraph (3).

(3) **PROJECT DESCRIBED.**—A project referred to in paragraph (2) is—

(A) a project for which funding is provided pursuant to the funding opportunity announcement of the Department numbered DE-FOA-0002271, including any project for which funding has been provided pursuant to that announcement as of the date of enactment of this Act;

(B) any other project for which funding is provided using amounts made available for the Advanced Reactor Demonstration Program of the Department under the heading “Nuclear Energy” under the heading “ENERGY PROGRAMS” in title III of division C of the Further Consolidated Appropriations Act, 2020 (Public Law 116–94; 133 Stat. 2670);

(C) any other project for which Federal funding is provided under the Advanced Reactor Demonstration Program of the Department; or

(D) a project—

(i) relating to advanced nuclear reactors; and

(ii) for which Federal funding is provided under a program focused on development and demonstration.

(4) RETROACTIVE VESTING.—The vesting of fee title or any other property interest assigned under paragraph (2) shall be retroactive to the date on which the applicable project first received Federal funding as described in any of subparagraphs (A) through (D) of paragraph (3).

Contracts.

(b) CONSIDERATIONS IN COOPERATIVE RESEARCH AND DEVELOPMENT AGREEMENTS.—

(1) IN GENERAL.—Section 12(c)(7)(B) of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3710a(c)(7)(B)) is amended—

(A) by inserting “(i)” after “(B)”;

(B) in clause (i), as so designated, by striking “The director” and inserting “Subject to clause (ii), the director”; and

(C) by adding at the end the following:

Time period.
Determination.

“(II) The agency may authorize the director to provide appropriate protections against dissemination described in clause (i) for a total period of not more than 30 years if the agency determines that the nature of the information protected against dissemination, including nuclear technology, could reasonably require an extended period of that protection to reach commercialization.”.

15 USC 3710a
note.

(2) APPLICABILITY.—

(A) DEFINITION.—In this subsection, the term “cooperative research and development agreement” has the meaning given the term in section 12(d) of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3710a(d)).

(B) RETROACTIVE EFFECT.—Clause (ii) of section 12(c)(7)(B) of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3710a(c)(7)(B)), as added by subsection (a) of this section, shall apply with respect to any cooperative research and development agreement that is in effect as of the day before the date of enactment of this Act.

(c) DEPARTMENT OF ENERGY CONTRACTS.—Section 646(g)(5) of the Department of Energy Organization Act (42 U.S.C. 7256(g)(5)) is amended—

(1) by striking “(5) The Secretary” and inserting the following:

“(5) PROTECTION FROM DISCLOSURE.—

“(A) IN GENERAL.—The Secretary”; and

(2) in subparagraph (A) (as so designated)—

(A) by striking “, for up to 5 years after the date on which the information is developed,”; and

(B) by striking “agency.” and inserting the following: “agency—

“(i) for up to 5 years after the date on which the information is developed; or

“(ii) for up to 30 years after the date on which the information is developed, if the Secretary determines that the nature of the technology under the transaction, including nuclear technology, could reasonably require an extended period of protection from disclosure to reach commercialization.

“(B) EXTENSION DURING TERM.—The Secretary may extend the period of protection from disclosure during the term of any transaction described in subparagraph (A) in accordance with that subparagraph.”.

Time periods.

Determination.

SEC. 40323. CIVIL NUCLEAR CREDIT PROGRAM.

42 USC 18753.

(a) DEFINITIONS.—In this section:

(1) CERTIFIED NUCLEAR REACTOR.—The term “certified nuclear reactor” means a nuclear reactor that—

(A) competes in a competitive electricity market; and

(B) is certified under subsection (c)(2)(A)(i) to submit a sealed bid in accordance with subsection (d).

(2) CREDIT.—The term “credit” means a credit allocated to a certified nuclear reactor under subsection (e)(2).

(b) ESTABLISHMENT OF PROGRAM.—The Secretary shall establish a civil nuclear credit program—

(1) to evaluate nuclear reactors that are projected to cease operations due to economic factors; and

(2) to allocate credits to certified nuclear reactors that are selected under paragraph (1)(B) of subsection (e) to receive credits under paragraph (2) of that subsection.

Evaluation.

Allocation.

(c) CERTIFICATION.—

(1) APPLICATION.—

(A) IN GENERAL.—In order to be certified under paragraph (2)(A)(i), the owner or operator of a nuclear reactor that is projected to cease operations due to economic factors shall submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary determines to be appropriate, including—

(i) information on the operating costs necessary to make the determination described in paragraph (2)(A)(ii)(I), including—

(I) the average projected annual operating loss in dollars per megawatt-hour, inclusive of the cost of operational and market risks, expected to be incurred by the nuclear reactor over the 4-year period for which credits would be allocated;

Time period.

- (II) any private or publicly available data with respect to current or projected bulk power market prices;
- (III) out-of-market revenue streams;
- (IV) operations and maintenance costs;
- (V) capital costs, including fuel; and
- (VI) operational and market risks;
- Estimate. (ii) an estimate of the potential incremental air pollutants that would result if the nuclear reactor were to cease operations;
- Time period. (iii) known information on the source of produced uranium and the location where the uranium is converted, enriched, and fabricated into fuel assemblies for the nuclear reactor for the 4-year period for which credits would be allocated; and
- Plan. (iv) a detailed plan to sustain operations at the conclusion of the applicable 4-year period for which credits would be allocated—
- Time period. (I) without receiving additional credits; or
- (II) with the receipt of additional credits of a lower amount than the credits allocated during that 4-year credit period.
- (B) TIMELINE.—The Secretary shall accept applications described in subparagraph (A)—
- Deadline. (i) until the date that is 120 days after the date of enactment of this Act; and
- (ii) not less frequently than every year thereafter.
- (C) PAYMENTS FROM STATE PROGRAMS.—
- Time period. (i) IN GENERAL.—The owner or operator of a nuclear reactor that receives a payment from a State zero-emission credit, a State clean energy contract, or any other State program with respect to that nuclear reactor shall be eligible to submit an application under subparagraph (A) with respect to that nuclear reactor during any application period beginning after the 120-day period beginning on the date of enactment of this Act.
- (ii) REQUIREMENT.—An application submitted by an owner or operator described in clause (i) with respect to a nuclear reactor described in that clause shall include all projected payments from State programs in determining the average projected annual operating loss described in subparagraph (A)(i)(I), unless the credits allocated to the nuclear reactor pursuant to that application will be used to reduce those payments.
- (2) DETERMINATION TO CERTIFY.—
- (A) DETERMINATION.—
- Deadline. (i) IN GENERAL.—Not later than 60 days after the applicable date under subparagraph (B) of paragraph (1), the Secretary shall determine whether to certify, in accordance with clauses (ii) and (iii), each nuclear reactor for which an application is submitted under subparagraph (A) of that paragraph.
- (ii) MINIMUM REQUIREMENTS.—To the maximum extent practicable, the Secretary shall only certify a nuclear reactor under clause (i) if—

(I) after considering the information submitted under paragraph (1)(A)(i), the Secretary determines that the nuclear reactor is projected to cease operations due to economic factors;

(II) after considering the estimate submitted under paragraph (1)(A)(ii), the Secretary determines that pollutants would increase if the nuclear reactor were to cease operations and be replaced with other types of power generation; and

(III) the Nuclear Regulatory Commission has reasonable assurance that the nuclear reactor—

(aa) will continue to be operated in accordance with the current licensing basis (as defined in section 54.3 of title 10, Code of Federal Regulations (or successor regulations) of the nuclear reactor; and

(bb) poses no significant safety hazards.

(iii) **PRIORITY.**—In determining whether to certify a nuclear reactor under clause (i), the Secretary shall give priority to a nuclear reactor that uses, to the maximum extent available, uranium that is produced, converted, enriched, and fabricated into fuel assemblies in the United States.

(B) **NOTICE.**—For each application received under paragraph (1)(A), the Secretary shall provide to the applicable owner or operator, as applicable—

(i) a notice of the certification of the applicable nuclear reactor; or

(ii) a notice that describes the reasons why the certification of the applicable nuclear reactor was denied.

(d) **BIDDING PROCESS.**—

(1) **IN GENERAL.**—Subject to paragraph (2), the Secretary shall establish a deadline by which each certified nuclear reactor shall submit to the Secretary a sealed bid that—

Deadline.

(A) describes the price per megawatt-hour of the credits desired by the certified nuclear reactor, which shall not exceed the average projected annual operating loss described in subsection (c)(1)(A)(i)(I); and

(B) includes a commitment, subject to the receipt of credits, to provide a specific number of megawatt-hours of generation during the 4-year period for which credits would be allocated.

Time period.

(2) **REQUIREMENT.**—The deadline established under paragraph (1) shall be not later than 30 days after the first date on which the Secretary has made the determination described in paragraph (2)(A)(i) of subsection (c) with respect to each application submitted under paragraph (1)(A) of that subsection.

Deadline.

(e) **ALLOCATION.**—

(1) **AUCTION.**—Notwithstanding section 169 of the Atomic Energy Act of 1954 (42 U.S.C. 2209), the Secretary shall—

(A) in consultation with the heads of applicable Federal agencies, establish a process for evaluating bids submitted under subsection (d)(1) through an auction process; and

(B) select certified nuclear reactors to be allocated credits.

Consultation.

Time period.	(2) CREDITS.—Subject to subsection (f)(2), on selection under paragraph (1), a certified nuclear reactor shall be allocated credits for a 4-year period beginning on the date of the selection. (3) REQUIREMENT.—To the maximum extent practicable, the Secretary shall use the amounts made available for credits under this section to allocate credits to as many certified nuclear reactors as possible. (f) RENEWAL.— (1) IN GENERAL.—The owner or operator of a certified nuclear reactor may seek to recertify the nuclear reactor in accordance with this section.
Termination date.	(2) LIMITATION.—Notwithstanding any other provision of this section, the Secretary may not allocate any credits after September 30, 2031. (g) ADDITIONAL REQUIREMENTS.—
Time period.	(1) AUDIT.—During the 4-year period beginning on the date on which a certified nuclear reactor first receives a credit, the Secretary shall periodically audit the certified nuclear reactor.
Regulations.	(2) RECAPTURE.—The Secretary shall, by regulation, provide for the recapture of the allocation of any credit to a certified nuclear reactor that, during the period described in paragraph (1)— (A) terminates operations; or (B) does not operate at an annual loss in the absence of an allocation of credits to the certified nuclear reactor.
Procedures.	(3) CONFIDENTIALITY.—The Secretary shall establish procedures to ensure that any confidential, private, proprietary, or privileged information that is included in a sealed bid submitted under this section is not publicly disclosed or otherwise improperly used. (h) REPORT.—Not later than January 1, 2024, the Comptroller General of the United States shall submit to Congress a report with respect to the credits allocated to certified nuclear reactors, which shall include—
Evaluation.	(1) an evaluation of the effectiveness of the credits in avoiding air pollutants while ensuring grid reliability; (2) a quantification of the ratepayer savings achieved under this section; and (3) any recommendations to renew or expand the credits.
Recommendations. Time period.	(i) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary to carry out this section \$6,000,000,000 for the period of fiscal years 2022 through 2026.

Subtitle D—Hydropower

SEC. 40331. HYDROELECTRIC PRODUCTION INCENTIVES.

Section 242 of the Energy Policy Act of 2005 (42 U.S.C. 15881) is amended—

- (1) in subsection (b)(2), by striking “before the date of the enactment of this section” and inserting “before the date of enactment of the Infrastructure Investment and Jobs Act”;
- (2) in the undesignated matter following subsection (b)(3), by striking “the date of the enactment of this section” and

inserting “the date of enactment of the Infrastructure Investment and Jobs Act”;

(3) in subsection (e)(1), in the second sentence, by striking “\$750,000” and inserting “\$1,000,000”; and

(4) by striking subsection (g) and inserting the following:

“(g) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary to carry out this section \$125,000,000 for fiscal year 2022, to remain available until expended.”.

SEC. 40332. HYDROELECTRIC EFFICIENCY IMPROVEMENT INCENTIVES.

(a) IN GENERAL.—Section 243 of the Energy Policy Act of 2005 (42 U.S.C. 15882) is amended—

(1) in the section heading, by inserting “incentives” after “improvement”;

(2) in subsection (b)—

(A) in the first sentence, by striking “10 percent” and inserting “30 percent”;

(B) in the second sentence—

(i) by striking “\$750,000” and inserting “\$5,000,000”; and

(ii) by inserting “in any 1 fiscal year” before the period at the end; and

(3) by striking subsection (c) and inserting the following:

“(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section \$75,000,000 for fiscal year 2022 to remain available until expended.”.

(b) CONFORMING AMENDMENT.—The table of contents for the Energy Policy Act of 2005 (Public Law 109–58; 119 Stat. 595) is amended by striking the item relating to section 243 and inserting the following:

“243. Hydroelectric efficiency improvement incentives.”.

SEC. 40333. MAINTAINING AND ENHANCING HYDROELECTRICITY INCENTIVES.

(a) IN GENERAL.—Subtitle C of title II of the Energy Policy Act of 2005 (Public Law 109–58; 119 Stat. 674) is amended by adding at the end the following:

“SEC. 247. MAINTAINING AND ENHANCING HYDROELECTRICITY INCENTIVES. 42 USC 15883.

“(a) DEFINITION OF QUALIFIED HYDROELECTRIC FACILITY.—In this section, the term ‘qualified hydroelectric facility’ means a hydroelectric project that—

“(1)(A) is licensed by the Federal Energy Regulatory Commission; or

“(B) is a hydroelectric project constructed, operated, or maintained pursuant to a permit or valid existing right-of-way granted prior to June 10, 1920, or a license granted pursuant to the Federal Power Act (16 U.S.C. 791a et seq.);

“(2) is placed into service before the date of enactment of this section; and

“(3)(A) is in compliance with all applicable Federal, Tribal, and State requirements; or

“(B) would be brought into compliance with the requirements described in subparagraph (A) as a result of the capital improvements carried out using an incentive payment under this section.

“(b) INCENTIVE PAYMENTS.—The Secretary shall make incentive payments to the owners or operators of qualified hydroelectric facilities for capital improvements directly related to—

“(1) improving grid resiliency, including—

“(A) adapting more quickly to changing grid conditions;

“(B) providing ancillary services (including black start capabilities, voltage support, and spinning reserves);

“(C) integrating other variable sources of electricity generation; and

“(D) managing accumulated reservoir sediments;

“(2) improving dam safety to ensure acceptable performance under all loading conditions (including static, hydrologic, and seismic conditions), including—

“(A) the maintenance or upgrade of spillways or other appurtenant structures;

“(B) dam stability improvements, including erosion repair and enhanced seepage controls; and

“(C) upgrades or replacements of floodgates or natural infrastructure restoration or protection to improve flood risk reduction; or

“(3) environmental improvements, including—

“(A) adding or improving safe and effective fish passage, including new or upgraded turbine technology, fish ladders, fishways, and all other associated technology, equipment, or other fish passage technology to a qualified hydroelectric facility;

“(B) improving the quality of the water retained or released by a qualified hydroelectric facility;

“(C) promoting downstream sediment transport processes and habitat maintenance; and

“(D) improving recreational access to the project vicinity, including roads, trails, boat ingress and egress, flows to improve recreation, and infrastructure that improves river recreation opportunity.

“(c) LIMITATIONS.—

“(1) COSTS.—Incentive payments under this section shall not exceed 30 percent of the costs of the applicable capital improvement.

“(2) MAXIMUM AMOUNT.—Not more than 1 incentive payment may be made under this section with respect to capital improvements at a single qualified hydroelectric facility in any 1 fiscal year, the amount of which shall not exceed \$5,000,000.

“(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary to carry out this section \$553,600,000 for fiscal year 2022, to remain available until expended.”.

(b) CONFORMING AMENDMENT.—The table of contents for the Energy Policy Act of 2005 (Public Law 109–58; 119 Stat. 595) is amended by inserting after the item relating to section 246 the following:

“247. Maintaining and enhancing hydroelectricity incentives.”.

SEC. 40334. PUMPED STORAGE HYDROPOWER WIND AND SOLAR INTEGRATION AND SYSTEM RELIABILITY INITIATIVE.

Section 3201 of the Energy Policy Act of 2020 (42 U.S.C. 17232) is amended—

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

42 USC 17231,
17232.

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

42 USC 17232.

“(e) PUMPED STORAGE HYDROPOWER WIND AND SOLAR INTEGRATION AND SYSTEM RELIABILITY INITIATIVE.—

“(1) DEFINITION OF ELIGIBLE ENTITY.—In this subsection, the term ‘eligible entity’ means—

“(A)(i) an electric utility, including—

“(I) a political subdivision of a State, such as a municipally owned electric utility; or

“(II) an instrumentality of a State composed of municipally owned electric utilities;

“(ii) an electric cooperative; or

“(iii) an investor-owned utility;

“(B) an Indian Tribe or Tribal organization;

“(C) a State energy office;

“(D) an institution of higher education; and

“(E) a consortium of the entities described in subparagraphs (A) through (D).

“(2) DEMONSTRATION PROJECT.—

“(A) IN GENERAL.—Not later than September 30, 2023, the Secretary shall, to the maximum extent practicable, enter into an agreement with an eligible entity to provide financial assistance to the eligible entity to carry out project design, transmission studies, power market assessments, and permitting for a pumped storage hydropower project to facilitate the long-duration storage of intermittent renewable electricity.

Deadline.
Contracts.
Assessments.

“(B) PROJECT REQUIREMENTS.—To be eligible for financial assistance under subparagraph (A), a project shall—

“(i) be designed to provide not less than 1,000 megawatts of storage capacity;

“(ii) be able to provide energy and capacity for use in more than 1 organized electricity market;

“(iii) be able to store electricity generated by intermittent renewable electricity projects located on Tribal land; and

“(iv) have received a preliminary permit from the Federal Energy Regulatory Commission.

“(C) MATCHING REQUIREMENT.—An eligible entity receiving financial assistance under subparagraph (A) shall provide matching funds equal to or greater than the amount of financial assistance provided under that subparagraph.

“(3) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this subsection \$2,000,000 for each of fiscal years 2022 through 2026.”.

Time period.

SEC. 40335. AUTHORITY FOR PUMPED STORAGE HYDROPOWER DEVELOPMENT USING MULTIPLE BUREAU OF RECLAMATION RESERVOIRS.

Section 9(c) of the Reclamation Project Act of 1939 (43 U.S.C. 485h(c)) is amended—

(1) in paragraph (1), in the fourth sentence, by striking “, including small conduit hydropower development” and inserting “and reserve to the Secretary the exclusive authority

to develop small conduit hydropower using Bureau of Reclamation facilities and pumped storage hydropower exclusively using Bureau of Reclamation reservoirs”; and

(2) in paragraph (8), by striking “has been filed with the Federal Energy Regulatory Commission as of the date of the enactment of the Bureau of Reclamation Small Conduit Hydropower Development and Rural Jobs Act” and inserting “was filed with the Federal Energy Regulatory Commission before August 9, 2013, and is still pending”.

SEC. 40336. LIMITATIONS ON ISSUANCE OF CERTAIN LEASES OF POWER PRIVILEGE.

(a) **DEFINITIONS.**—In this section:

(1) **COMMISSION.**—The term “Commission” means the Federal Energy Regulatory Commission.

(2) **DIRECTOR.**—The term “Director” means the Director of the Office of Hearings and Appeals.

(3) **OFFICE OF HEARINGS AND APPEALS.**—The term “Office of Hearings and Appeals” means the Office of Hearings and Appeals of the Department of the Interior.

(4) **PARTY.**—The term “party”, with respect to a study plan agreement, means each of the following parties to the study plan agreement:

(A) The proposed lessee.

(B) The Tribes.

(5) **PROJECT.**—The term “project” means a proposed pumped storage facility that—

(A) would use multiple Bureau of Reclamation reservoirs; and

(B) as of June 1, 2017, was subject to a preliminary permit issued by the Commission pursuant to section 4(f) of the Federal Power Act (16 U.S.C. 797(f)).

(6) **PROPOSED LESSEE.**—The term “proposed lessee” means the proposed lessee of a project.

(7) **SECRETARY.**—The term “Secretary” means the Secretary of the Interior.

(8) **STUDY PLAN.**—The term “study plan” means the plan described in subsection (d)(1).

(9) **STUDY PLAN AGREEMENT.**—The term “study plan agreement” means an agreement entered into under subsection (b)(1) and described in subsection (c).

(10) **TRIBES.**—The term “Tribes” means—

(A) the Confederated Tribes of the Colville Reservation; and

(B) the Spokane Tribe of Indians of the Spokane Reservation.

(b) **REQUIREMENT FOR ISSUANCE OF LEASES OF POWER PRIVILEGE.**—The Secretary shall not issue a lease of power privilege pursuant to section 9(c)(1) of the Reclamation Project Act of 1939 (43 U.S.C. 485h(c)(1)) (as amended by section 40335) for a project unless—

(1) the proposed lessee and the Tribes have entered into a study plan agreement; or

(2) the Secretary or the Director, as applicable, makes a final determination for—

(A) a study plan agreement under subsection (c)(2);

or

Determination.

(B) a study plan under subsection (d).

(c) STUDY PLAN AGREEMENT REQUIREMENTS.—

(1) IN GENERAL.—A study plan agreement shall—

(A) establish the deadlines for the proposed lessee to formally respond in writing to comments and study requests about the project previously submitted to the Commission;

(B) allow for the parties to submit additional comments and study requests if any aspect of the project, as proposed, differs from an aspect of the project, as described in a preapplication document provided to the Commission;

(C) except as expressly agreed to by the parties or as provided in paragraph (2) or subsection (d), require that the proposed lessee conduct each study described in—

(i) a study request about the project previously submitted to the Commission; or

(ii) any additional study request submitted in accordance with the study plan agreement;

(D) require that the proposed lessee study any potential adverse economic effects of the project on the Tribes, including effects on—

(i) annual payments to the Confederated Tribes of the Colville Reservation under section 5(b) of the Confederated Tribes of the Colville Reservation Grand Coulee Dam Settlement Act (Public Law 103–436; 108 Stat. 4579); and

(ii) annual payments to the Spokane Tribe of Indians of the Spokane Reservation authorized after the date of enactment of this Act, the amount of which derives from the annual payments described in clause (i);

(E) establish a protocol for communication and consultation between the parties;

(F) provide mechanisms for resolving disputes between the parties regarding implementation and enforcement of the study plan agreement; and

(G) contain other provisions determined to be appropriate by the parties.

(2) DISPUTES.—

(A) IN GENERAL.—If the parties cannot agree to the terms of a study plan agreement or implementation of those terms, the parties shall submit to the Director, for final determination on the terms or implementation of the study plan agreement, notice of the dispute, consistent with paragraph (1)(F), to the extent the parties have agreed to a study plan agreement.

Determination.
Notice.

(B) INCLUSION.—A dispute covered by subparagraph (A) may include the view of a proposed lessee that an additional study request submitted in accordance with paragraph (1)(B) is not reasonably calculated to assist the Secretary in evaluating the potential impacts of the project.

Evaluation.

(C) TIMING.—The Director shall issue a determination regarding a dispute under subparagraph (A) not later than 120 days after the date on which the Director receives notice of the dispute under that subparagraph.

Determination.
Deadline.

(d) STUDY PLAN.—

Deadline.

(1) IN GENERAL.—The proposed lessee shall submit to the Secretary for approval a study plan that details the proposed methodology for performing each of the studies—

(A) identified in the study plan agreement of the proposed lessee; or

(B) determined by the Director in a final determination regarding a dispute under subsection (c)(2).

(2) INITIAL DETERMINATION.—Not later than 60 days after the date on which the Secretary receives the study plan under paragraph (1), the Secretary shall make an initial determination that—

(A) approves the study plan;

(B) rejects the study plan on the grounds that the study plan—

(i) lacks sufficient detail on a proposed methodology for a study identified in the study plan agreement; or

(ii) is inconsistent with the study plan agreement;

or

(C) imposes additional study plan requirements that the Secretary determines are necessary to adequately define the potential effects of the project on—

(i) the exercise of the paramount hunting, fishing, and boating rights of the Tribes reserved pursuant to the Act of June 29, 1940 (54 Stat. 703, chapter 460; 16 U.S.C. 835d et seq.);

(ii) the annual payments described in clauses (i) and (ii) of subsection (c)(1)(D);

(iii) the Columbia Basin project (as defined in section 1 of the Act of May 27, 1937 (50 Stat. 208, chapter 269; 57 Stat. 14, chapter 14; 16 U.S.C. 835));

(iv) historic properties and cultural or spiritually significant resources; and

(v) the environment.

Deadlines.

(3) OBJECTIONS.—

(A) IN GENERAL.—Not later than 30 days after the date on which the Secretary makes an initial determination under paragraph (2), the Tribes or the proposed lessee may submit to the Director an objection to the initial determination.

(B) FINAL DETERMINATION.—Not later than 120 days after the date on which the Director receives an objection under subparagraph (A), the Director shall—

(i) hold a hearing on the record regarding the objection; and

(ii) make a final determination that establishes the study plan, including a description of studies the proposed lessee is required to perform.

(4) NO OBJECTIONS.—If no objections are submitted by the deadline described in paragraph (3)(A), the initial determination of the Secretary under paragraph (2) shall be final.

(e) CONDITIONS OF LEASE.—

(1) CONSISTENCY WITH RIGHTS OF TRIBES; PROTECTION, MITIGATION, AND ENHANCEMENT OF FISH AND WILDLIFE.—

(A) IN GENERAL.—Any lease of power privilege issued by the Secretary for a project under subsection (b) shall contain conditions—

(i) to ensure that the project is consistent with, and will not interfere with, the exercise of the paramount hunting, fishing, and boating rights of the Tribes reserved pursuant to the Act of June 29, 1940 (54 Stat. 703, chapter 460; 16 U.S.C. 835d et seq.); and

(ii) to adequately and equitably protect, mitigate damages to, and enhance fish and wildlife, including related spawning grounds and habitat, affected by the development, operation, and management of the project.

(B) RECOMMENDATIONS OF THE TRIBES.—The conditions required under subparagraph (A) shall be based on joint recommendations of the Tribes.

(C) RESOLVING INCONSISTENCIES.—

(i) IN GENERAL.—If the Secretary determines that any recommendation of the Tribes under subparagraph (B) is not reasonably calculated to ensure the project is consistent with subparagraph (A) or is inconsistent with the requirements of the Reclamation Project Act of 1939 (43 U.S.C. 485 et seq.), the Secretary shall attempt to resolve any such inconsistency with the Tribes, giving due weight to the recommendations and expertise of the Tribes.

Determination.

(ii) PUBLICATION OF FINDINGS.—If, after an attempt to resolve an inconsistency under clause (i), the Secretary does not adopt in whole or in part a recommendation of the Tribes under subparagraph (B), the Secretary shall issue each of the following findings, including a statement of the basis for each of the findings:

(I) A finding that adoption of the recommendation is inconsistent with the requirements of the Reclamation Project Act of 1939 (43 U.S.C. 485 et seq.).

(II) A finding that the conditions selected by the Secretary to be contained in the lease of power privilege under subparagraph (A) comply with the requirements of clauses (i) and (ii) of that subparagraph.

(2) ANNUAL CHARGES PAYABLE BY LICENSEE.—

(A) IN GENERAL.—Subject to subparagraph (B), any lease of power privilege issued by the Secretary for a project under subsection (b) shall contain conditions that require the lessee of the project to make direct payments to the Tribes through reasonable annual charges in an amount that recompenses the Tribes for any adverse economic effect of the project identified in a study performed pursuant to the study plan agreement for the project.

(B) AGREEMENT.—

(i) IN GENERAL.—The amount of the annual charges described in subparagraph (A) shall be established through agreement between the proposed lessee and the Tribes.

(ii) CONDITION.—The agreement under clause (i), including any modification of the agreement, shall be deemed to be a condition to the lease of power privilege

- issued by the Secretary for a project under subsection (b).
- (C) DISPUTE RESOLUTION.—
- Notice. (i) IN GENERAL.—If the proposed lessee and the Tribes cannot agree to the terms of an agreement under subparagraph (B)(i), the proposed lessee and the Tribes shall submit notice of the dispute to the Director.
- Deadline. (ii) RESOLUTION.—The Director shall resolve the dispute described in clause (i) not later than 180 days after the date on which the Director receives notice of the dispute under that clause.
- (3) ADDITIONAL CONDITIONS.—The Secretary may include in any lease of power privilege issued by the Secretary for a project under subsection (b) other conditions determined appropriate by the Secretary, on the condition that the conditions shall be consistent with the Reclamation Project Act of 1939 (43 U.S.C. 485 et seq.).
- (4) CONSULTATION.—In establishing conditions under this subsection, the Secretary shall consult with the Tribes.
- (f) DEADLINES.—The Secretary or any officer of the Office of Hearing and Appeals before whom a proceeding is pending under this section may extend any deadline or enlarge any timeframe described in this section—
- (1) at the discretion of the Secretary or the officer; or
 - (2) on a showing of good cause by any party.
- (g) JUDICIAL REVIEW.—Any final action of the Secretary or the Director made pursuant to this section shall be subject to judicial review in accordance with chapter 7 of title 5, United States Code.
- (h) EFFECT ON OTHER PROJECTS.—Nothing in this section establishes any precedent or is binding on any Bureau of Reclamation lease of power privilege, other than for a project.

Subtitle E—Miscellaneous

SEC. 40341. SOLAR ENERGY TECHNOLOGIES ON CURRENT AND FORMER MINE LAND.

Section 3004 of the Energy Act of 2020 (42 U.S.C. 16238) is amended—

(1) in subsection (a)—

(A) by redesignating paragraphs (6) through (15) as paragraphs (7) through (16), respectively; and

(B) by inserting after paragraph (5) the following:

“(6) MINE LAND.—The term ‘mine land’ means—

“(A) land subject to titles IV and V of the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1231 et seq.; 30 U.S.C. 1251 et seq.); and

“(B) land that has been claimed or patented subject to sections 2319 through 2344 of the Revised Statutes (commonly known as the ‘Mining Law of 1872’) (30 U.S.C. 22 et seq.).”;

(2) in subsection (b)(6)(B)—

(A) in the matter preceding clause (i), by inserting “, in consultation with the Secretary of the Interior and

the Administrator of the Environmental Protection Agency for purposes of clause (iv),” after “the Secretary”;

(B) in clause (iii), by striking “and” after the semicolon;

(C) by redesignating clause (iv) as clause (v); and

(D) by inserting after clause (iii) the following:

“(iv) a description of the technical and economic viability of siting solar energy technologies on current and former mine land, including necessary interconnection and transmission siting and the impact on local job creation; and”.

SEC. 40342. CLEAN ENERGY DEMONSTRATION PROGRAM ON CURRENT AND FORMER MINE LAND. 42 USC 18761.

(a) **DEFINITIONS.**—In this section:

(1) **CLEAN ENERGY PROJECT.**—The term “clean energy project” means a project that demonstrates 1 or more of the following technologies:

(A) Solar.

(B) Micro-grids.

(C) Geothermal.

(D) Direct air capture.

(E) Fossil-fueled electricity generation with carbon capture, utilization, and sequestration.

(F) Energy storage, including pumped storage hydro-power and compressed air storage.

(G) Advanced nuclear technologies.

(2) **ECONOMICALLY DISTRESSED AREA.**—The term “economically distressed area” means an area described in section 301(a) of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3161(a)).

(3) **MINE LAND.**—The term “mine land” means—

(A) land subject to titles IV and V of the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1231 et seq.; 30 U.S.C. 1251 et seq.); and

(B) land that has been claimed or patented subject to sections 2319 through 2344 of the Revised Statutes (commonly known as the “Mining Law of 1872”) (30 U.S.C. 22 et seq.).

(4) **PROGRAM.**—The term “program” means the demonstration program established under subsection (b).

(b) **ESTABLISHMENT.**—The Secretary shall establish a program to demonstrate the technical and economic viability of carrying out clean energy projects on current and former mine land.

(c) **SELECTION OF DEMONSTRATION PROJECTS.**—

(1) **IN GENERAL.**—In carrying out the program, the Secretary shall select not more than 5 clean energy projects, to be carried out in geographically diverse regions, at least 2 of which shall be solar projects.

(2) **ELIGIBILITY.**—To be eligible to be selected for participation in the program under paragraph (1), a clean energy project shall demonstrate, as determined by the Secretary, a technology on a current or former mine land site with a reasonable expectation of commercial viability.

(3) **PRIORITY.**—In selecting clean energy projects for participation in the program under paragraph (1), the Secretary shall prioritize clean energy projects that will—

(A) be carried out in a location where the greatest number of jobs can be created from the successful demonstration of the clean energy project;

(B) provide the greatest net impact in avoiding or reducing greenhouse gas emissions;

(C) provide the greatest domestic job creation (both directly and indirectly) during the implementation of the clean energy project;

(D) provide the greatest job creation and economic development in the vicinity of the clean energy project, particularly—

(i) in economically distressed areas; and

(ii) with respect to dislocated workers who were previously employed in manufacturing, coal power plants, or coal mining;

(E) have the greatest potential for technological innovation and commercial deployment;

(F) have the lowest levelized cost of generated or stored energy;

(G) have the lowest rate of greenhouse gas emissions per unit of electricity generated or stored; and

(H) have the shortest project time from permitting to completion.

Consultation.

(4) PROJECT SELECTION.—The Secretary shall solicit proposals for clean energy projects and select clean energy project finalists in consultation with the Secretary of the Interior, the Administrator of the Environmental Protection Agency, and the Secretary of Labor.

Consultation.

(5) COMPATIBILITY WITH EXISTING OPERATIONS.—Prior to selecting a clean energy project for participation in the program under paragraph (1), the Secretary shall consult with, as applicable, mining claimholders or operators or the relevant Office of Surface Mining Reclamation and Enforcement Abandoned Mine Land program office to confirm—

(A) that the proposed project is compatible with any current mining, exploration, or reclamation activities; and

(B) the valid existing rights of any mining claimholders or operators.

Determination.

(d) CONSULTATION.—The Secretary shall consult with the Director of the Office of Surface Mining Reclamation and Enforcement and the Administrator of the Environmental Protection Agency, acting through the Office of Brownfields and Land Revitalization, to determine whether it is necessary to promulgate regulations or issue guidance in order to prioritize and expedite the siting of clean energy projects on current and former mine land sites.

(e) TECHNICAL ASSISTANCE.—The Secretary shall provide technical assistance to project applicants selected for participation in the program under subsection (c) to assess the needed interconnection, transmission, and other grid components and permitting and siting necessary to interconnect, on current and former mine land where the project will be sited, any generation or storage with the electric grid.

Time period.

(f) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary to carry out this section \$500,000,000 for the period of fiscal years 2022 through 2026.

SEC. 40343. LEASES, EASEMENTS, AND RIGHTS-OF-WAY FOR ENERGY AND RELATED PURPOSES ON THE OUTER CONTINENTAL SHELF.

Section 8(p)(1)(C) of the Outer Continental Shelf Lands Act (43 U.S.C. 1337(p)(1)(C)) is amended by inserting “storage,” before “or transmission”.

TITLE IV—ENABLING ENERGY INFRA-STRUCTURE INVESTMENT AND DATA COLLECTION

Subtitle A—Department of Energy Loan Program

SEC. 40401. DEPARTMENT OF ENERGY LOAN PROGRAMS.

(a) TITLE XVII INNOVATIVE ENERGY LOAN GUARANTEE PROGRAM.—

(1) REASONABLE PROSPECT OF REPAYMENT.—Section 1702(d)(1) of the Energy Policy Act of 2005 (42 U.S.C. 16512(d)(1)) is amended—

(A) by striking the paragraph designation and heading and all that follows through “No guarantee” and inserting the following:

“(1) REQUIREMENT.—

“(A) IN GENERAL.—No guarantee”; and

(B) by adding at the end the following:

“(B) REASONABLE PROSPECT OF REPAYMENT.—The Secretary shall base a determination of whether there is reasonable prospect of repayment under subparagraph (A) on a comprehensive evaluation of whether the borrower has a reasonable prospect of repaying the guaranteed obligation for the eligible project, including, as applicable, an evaluation of—

Determination.

“(i) the strength of the contractual terms of the eligible project (if commercially reasonably available);

“(ii) the forecast of noncontractual cash flows supported by market projections from reputable sources, as determined by the Secretary;

“(iii) cash sweeps and other structure enhancements;

“(iv) the projected financial strength of the borrower—

“(I) at the time of loan close; and

“(II) throughout the loan term after the project is completed;

“(v) the financial strength of the investors and strategic partners of the borrower, if applicable; and

“(vi) other financial metrics and analyses that are relied on by the private lending community and nationally recognized credit rating agencies, as determined appropriate by the Secretary.”.

(2) LOAN GUARANTEES FOR PROJECTS THAT INCREASE THE DOMESTICALLY PRODUCED SUPPLY OF CRITICAL MINERALS.—

(A) IN GENERAL.—Section 1703(b) of the Energy Policy Act of 2005 (42 U.S.C. 16513(b)) is amended by adding at the end the following:

“(13) Projects that increase the domestically produced supply of critical minerals (as defined in section 7002(a) of the Energy Act of 2020 (30 U.S.C. 1606(a)), including through the production, processing, manufacturing, recycling, or fabrication of mineral alternatives.”.

(B) PROHIBITION ON USE OF PREVIOUSLY APPROPRIATED FUNDS.—Amounts appropriated to the Department of Energy before the date of enactment of this Act shall not be made available for the cost of loan guarantees made under paragraph (13) of section 1703(b) of the Energy Policy Act of 2005 (42 U.S.C. 16513(b)).

(C) PROHIBITION ON USE OF PREVIOUSLY AVAILABLE COMMITMENT AUTHORITY.—Amounts made available to the Department of Energy for commitments to guarantee loans under section 1703 of the Energy Policy Act of 2005 (42 U.S.C. 16513) before the date of enactment of this Act shall not be made available for commitments to guarantee loans for projects described in paragraph (13) of section 1703(b) of the Energy Policy Act of 2005 (42 U.S.C. 16513(b)).

(3) CONFLICTS OF INTEREST.—Section 1702 of the Energy Policy Act of 2005 (42 U.S.C. 16512) is amended by adding at the end the following:

Certification.

“(r) CONFLICTS OF INTEREST.—For each project selected for a guarantee under this title, the Secretary shall certify that political influence did not impact the selection of the project.”.

(b) ADVANCED TECHNOLOGY VEHICLE MANUFACTURING.—

(1) ELIGIBILITY.—Section 136(a)(1) of the Energy Independence and Security Act of 2007 (42 U.S.C. 17013(a)(1)) is amended—

(A) in subparagraph (C), by striking the period at the end and inserting a semicolon;

(B) by redesignating subparagraphs (A) through (C) as clauses (i) through (iii), respectively, and indenting appropriately;

(C) in the matter preceding clause (i) (as so redesignated), by striking “means an ultra” and inserting the following: “means—

“(A) an ultra”; and

(D) by adding at the end the following:

“(B) a medium duty vehicle or a heavy duty vehicle that exceeds 125 percent of the greenhouse gas emissions and fuel efficiency standards established by the final rule of the Environmental Protection Agency entitled ‘Greenhouse Gas Emissions and Fuel Efficiency Standards for Medium- and Heavy-Duty Engines and Vehicles—Phase 2’ (81 Fed. Reg. 73478 (October 25, 2016));

“(C) a train or locomotive;

“(D) a maritime vessel;

“(E) an aircraft; and

“(F) hyperloop technology.”.

(2) REASONABLE PROSPECT OF REPAYMENT.—Section 136(d) of the Energy Independence and Security Act of 2007 (42 U.S.C. 17013(d)) is amended—

(A) by striking paragraph (3) and inserting the following:

“(3) SELECTION OF ELIGIBLE PROJECTS.—

Determinations.

“(A) IN GENERAL.—The Secretary shall select eligible projects to receive loans under this subsection if the Secretary determines that—

“(i) the loan recipient—

“(I) has a reasonable prospect of repaying the principal and interest on the loan;

“(II) will provide sufficient information to the Secretary for the Secretary to ensure that the qualified investment is expended efficiently and effectively; and

“(III) has met such other criteria as may be established and published by the Secretary; and

“(ii) the amount of the loan (when combined with amounts available to the loan recipient from other sources) will be sufficient to carry out the project.

“(B) REASONABLE PROSPECT OF REPAYMENT.—The Secretary shall base a determination of whether there is a reasonable prospect of repayment of the principal and interest on a loan under subparagraph (A)(i)(I) on a comprehensive evaluation of whether the loan recipient has a reasonable prospect of repaying the principal and interest, including, as applicable, an evaluation of—

“(i) the strength of the contractual terms of the eligible project (if commercially reasonably available);

“(ii) the forecast of noncontractual cash flows supported by market projections from reputable sources, as determined by the Secretary;

“(iii) cash sweeps and other structure enhancements;

“(iv) the projected financial strength of the loan recipient—

“(I) at the time of loan close; and

“(II) throughout the loan term after the project is completed;

“(v) the financial strength of the investors and strategic partners of the loan recipient, if applicable; and

“(vi) other financial metrics and analyses that are relied on by the private lending community and nationally recognized credit rating agencies, as determined appropriate by the Secretary.”; and

(B) in paragraph (4)—

(i) in subparagraph (C), by striking “and” after the semicolon;

(ii) in subparagraph (D), by striking the period at the end and inserting “; and”; and

(iii) by adding at the end the following:

“(E) shall be subject to the condition that the loan is not subordinate to other financing.”.

(3) ADDITIONAL REFORMS.—Section 136 of the Energy Independence and Security Act of 2007 (42 U.S.C. 17013) is amended—

(A) in subsection (b) by striking “ultra efficient vehicle manufacturers, and component suppliers” and inserting

“ultra efficient vehicle manufacturers, advanced technology vehicle manufacturers, and component suppliers”;

(B) in subsection (h)—

(i) in the subsection heading, by striking “AUTO-MOBILE” and inserting “ADVANCED TECHNOLOGY VEHICLE”; and

(ii) in paragraph (1)(B), by striking “automobiles, or components of automobiles” and inserting “advanced technology vehicles, or components of advanced technology vehicles”;

(C) by striking subsection (i);

(D) by redesignating subsection (j) as subsection (i);

and

(E) by adding at the end the following:

“(j) COORDINATION.—In carrying out this section, the Secretary shall coordinate with relevant vehicle, bioenergy, and hydrogen and fuel cell demonstration project activities supported by the Department.

“(k) OUTREACH.—In carrying out this section, the Secretary shall—

“(1) provide assistance with the completion of applications for awards or loans under this section; and

“(2) conduct outreach, including through conferences and online programs, to disseminate information on awards and loans under this section to potential applicants.

“(l) PROHIBITION ON USE OF APPROPRIATED FUNDS.—Amounts appropriated to the Secretary before the date of enactment of this subsection shall not be available to the Secretary to provide awards under subsection (b) or loans under subsection (d) for the costs of activities that were not eligible for those awards or loans on the day before that date.

“(m) REPORT.—Not later than 2 years after the date of enactment of this subsection, and every 3 years thereafter, the Secretary shall submit to Congress a report on the status of projects supported by a loan under this section, including—

List. “(1) a list of projects receiving a loan under this section, including the loan amount and construction status of each project;

“(2) the status of the loan repayment for each project, including future repayment projections;

Data. “(3) data regarding the number of direct and indirect jobs retained, restored, or created by financed projects;

“(4) the number of new projects projected to receive a loan under this section in the next 2 years, including the projected aggregate loan amount over the next 2 years;

Evaluation. “(5) evaluation of ongoing compliance with the assurances and commitments, and of the predictions, made by applicants pursuant to paragraphs (2) and (3) of subsection (d);

“(6) the total number of applications received by the Department each year; and

“(7) any other metrics the Secretary determines appropriate.”.

(4) CONFLICTS OF INTEREST.—Section 136(d) of the Energy Independence and Security Act of 2007 (42 U.S.C. 17013(d)) is amended by adding at the end the following:

Certification. “(5) CONFLICTS OF INTEREST.—For each eligible project selected to receive a loan under this subsection, the Secretary

shall certify that political influence did not impact the selection of the eligible project.”

(c) STATE LOAN ELIGIBILITY.—

(1) DEFINITIONS.—Section 1701 of the Energy Policy Act of 2005 (42 U.S.C. 16511) is amended by adding at the end the following:

“(6) STATE.—The term ‘State’ has the meaning given the term in section 202 of the Energy Conservation and Production Act (42 U.S.C. 6802).

“(7) STATE ENERGY FINANCING INSTITUTION.—

“(A) IN GENERAL.—The term ‘State energy financing institution’ means a quasi-independent entity or an entity within a State agency or financing authority established by a State—

“(i) to provide financing support or credit enhancements, including loan guarantees and loan loss reserves, for eligible projects; and

“(ii) to create liquid markets for eligible projects, including warehousing and securitization, or take other steps to reduce financial barriers to the deployment of existing and new eligible projects.

“(B) INCLUSION.—The term ‘State energy financing institution’ includes an entity or organization established to achieve the purposes described in clauses (i) and (ii) of subparagraph (A) by an Indian Tribal entity or an Alaska Native Corporation.”

(2) TERMS AND CONDITIONS.—Section 1702 of the Energy Policy Act of 2005 (42 U.S.C. 16512) is amended—

(A) in subsection (a), by inserting “, including projects receiving financial support or credit enhancements from a State energy financing institution,” after “for projects”;

(B) in subsection (d)(1), by inserting “, including a guarantee for a project receiving financial support or credit enhancements from a State energy financing institution,” after “No guarantee”; and

(C) by adding at the end the following:

“(r) STATE ENERGY FINANCING INSTITUTIONS.—

“(1) ELIGIBILITY.—To be eligible for a guarantee under this title, a project receiving financial support or credit enhancements from a State energy financing institution—

“(A) shall meet the requirements of section 1703(a)(1);

and

“(B) shall not be required to meet the requirements of section 1703(a)(2).

“(2) PARTNERSHIPS AUTHORIZED.—In carrying out a project receiving a loan guarantee under this title, State energy financing institutions may enter into partnerships with private entities, Tribal entities, and Alaska Native corporations.

“(3) PROHIBITION ON USE OF APPROPRIATED FUNDS.—Amounts appropriated to the Department of Energy before the date of enactment of this subsection shall not be available to be used for the cost of loan guarantees for projects receiving financing support or credit enhancements under this subsection.”

(d) LOAN GUARANTEES FOR CERTAIN ALASKA NATURAL GAS TRANSPORTATION PROJECTS AND SYSTEMS.—Section 116 of the Alaska Natural Gas Pipeline Act (15 U.S.C. 720n) is amended—

- (1) in subsection (a)—
 - (A) in paragraph (1), by striking “to West Coast States”; and
 - (B) in paragraph (3), in the second sentence, by striking “to the continental United States”;
- (2) in subsection (b)(1), in the first sentence, by striking “to West Coast States”; and
- (3) in subsection (g)(4)—
 - (A) by inserting by striking “plants liquification plants and” and inserting “plants, liquification plants, and”;
 - (B) by striking “to the West Coast”; and
 - (C) by striking “to the continental United States”.

Subtitle B—Energy Information Administration

42 USC 18771.

SEC. 40411. DEFINITIONS.

In this subtitle:

- (1) **ADMINISTRATOR.**—The term “Administrator” means the Administrator of the Energy Information Administration.
- (2) **ANNUAL CRITICAL MINERALS OUTLOOK.**—The term “Annual Critical Minerals Outlook” means the Annual Critical Minerals Outlook prepared under section 7002(j)(1)(B) of the Energy Act of 2020 (30 U.S.C. 1606(j)(1)(B)).
- (3) **CRITICAL MINERAL.**—The term “critical mineral” has the meaning given the term in section 7002(a) of the Energy Act of 2020 (30 U.S.C. 1606(a)).
- (4) **HOUSEHOLD ENERGY BURDEN.**—The term “household energy burden” means the quotient obtained by dividing—
 - (A) the residential energy expenditures (as defined in section 440.3 of title 10, Code of Federal Regulations (as in effect on the date of enactment of this Act)) of the applicable household; by
 - (B) the annual income of that household.
- (5) **HOUSEHOLD WITH A HIGH ENERGY BURDEN.**—The term “household with a high energy burden” has the meaning given the term in section 440.3 of title 10, Code of Federal Regulations (as in effect on the date of enactment of this Act).
- (6) **LARGE MANUFACTURING FACILITY.**—The term “large manufacturing facility” means a manufacturing facility that—
 - (A) annually consumes more than 35,000 megawatt-hours of electricity; or
 - (B) has a peak power demand of more than 10 megawatts.
- (7) **LOAD-SERVING ENTITY.**—The term “load-serving entity” has the meaning given the term in section 217(a) of the Federal Power Act (16 U.S.C. 824q(a)).
- (8) **MISCELLANEOUS ELECTRIC LOAD.**—The term “miscellaneous electric load” means electricity that—
 - (A) is used by an appliance or device—
 - (i) within a building; or
 - (ii) to serve a building; and
 - (B) is not used for heating, ventilation, air conditioning, lighting, water heating, or refrigeration.
- (9) **REGIONAL TRANSMISSION ORGANIZATION.**—The term “Regional Transmission Organization” has the meaning given

the term in section 3 of the Federal Power Act (16 U.S.C. 796).

(10) RURAL AREA.—The term “rural area” has the meaning given the term in section 609(a) of the Public Utility Regulatory Policies Act of 1978 (7 U.S.C. 918c(a)).

SEC. 40412. DATA COLLECTION IN THE ELECTRICITY SECTOR.

42 USC 18772.

(a) DASHBOARD.—

(1) ESTABLISHMENT.—

(A) IN GENERAL.—Not later than 90 days after the date of enactment of this Act, the Administrator shall establish an online database to track the operation of the bulk power system in the contiguous 48 States (referred to in this section as the “Dashboard”). Deadline.

(B) IMPROVEMENT OF EXISTING DASHBOARD.—The Dashboard may be established through the improvement, in accordance with this subsection, of an existing dashboard of the Energy Information Administration, such as—

- (i) the U.S. Electric System Operating Data dashboard; or
- (ii) the Hourly Electric Grid Monitor.

(2) EXPANSION.—

(A) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Administrator shall expand the Dashboard to include, to the maximum extent practicable, hourly operating data collected from the electricity balancing authorities that operate the bulk power system in all of the several States, each territory of the United States, and the District of Columbia. Deadline.

(B) TYPES OF DATA.—The hourly operating data collected under subparagraph (A) may include data relating to—

- (i) total electricity demand;
- (ii) electricity demand by subregion;
- (iii) short-term electricity demand forecasts;
- (iv) total electricity generation;
- (v) net electricity generation by fuel type, including renewables;
- (vi) electricity stored and discharged;
- (vii) total net electricity interchange;
- (viii) electricity interchange with directly interconnected balancing authorities; and
- (ix) where available, the estimated marginal greenhouse gas emissions per megawatt hour of electricity generated—

- (I) within the metered boundaries of each balancing authority; and
- (II) for each pricing node.

(b) MIX OF ENERGY SOURCES.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Administrator shall establish, in accordance with section 40419 and this subsection and to the extent the Administrator determines to be appropriate, a system to harmonize the operating data on electricity generation collected under subsection (a) with— Deadline.
Determination.

(A) measurements of greenhouse gas and other pollutant emissions collected by the Environmental Protection Agency;

(B) other data collected by the Environmental Protection Agency or other relevant Federal agencies, as the Administrator determines to be appropriate; and

(C) data collected by State or regional energy credit registries.

(2) OUTCOMES.—The system established under paragraph (1) shall result in an integrated dataset that includes, for any given time—

(A) the net generation of electricity by megawatt hour within the metered boundaries of each balancing authority; and

(B) where available, the average and marginal greenhouse gas emissions by megawatt hour of electricity generated within the metered boundaries of each balancing authority.

(3) REAL-TIME DATA DISSEMINATION.—To the maximum extent practicable, the system established under paragraph (1) shall disseminate data—

(A) on a real-time basis; and

(B) through an application programming interface that is publicly accessible.

(4) COMPLEMENTARY EFFORTS.—The system established under paragraph (1) shall complement any existing data dissemination efforts of the Administrator that make use of electricity generation data, such as electricity demand by sub-region and electricity interchange with directly interconnected balancing authorities.

(c) OBSERVED CHARACTERISTICS OF BULK POWER SYSTEM RESOURCE INTEGRATION.—

Deadline.

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Administrator shall establish a system to provide to the public timely data on the integration of energy resources into the bulk power system and the electric distribution grids in the United States, and the observed effects of that integration.

(2) REQUIREMENTS.—In carrying out paragraph (1), the Administrator shall seek to improve the temporal and spatial resolution of data relating to how grid operations are changing, such as through—

(A) thermal generator cycling to accommodate intermittent generation;

(B) generation unit self-scheduling practices;

(C) renewable source curtailment;

(D) utility-scale storage;

(E) load response;

(F) aggregations of distributed energy resources at the distribution system level;

(G) power interchange between directly connected balancing authorities;

(H) expanding Regional Transmission Organization balancing authorities;

(I) improvements in real-time—

(i) accuracy of locational marginal prices; and

(ii) signals to flexible demand; and

(J) disruptions to grid operations, including disruptions caused by cyber sources, physical sources, extreme weather events, or other sources.

(d) DISTRIBUTION SYSTEM OPERATIONS.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Administrator shall establish a system to provide to the public timely data on the operations of load-serving entities in the electricity grids of the United States.

Public
information.
Deadline.

(2) REQUIREMENTS.—

(A) IN GENERAL.—In carrying out paragraph (1), the Administrator shall—

(i) not less frequently than annually, provide data on—

Deadline.

(I) the delivered generation resource mix for each load-serving entity; and

(II) the distributed energy resources operating within each service area of a load-serving entity;

(ii) harmonize the data on delivered generation resource mix described in clause (i)(I) with measurements of greenhouse gas emissions collected by the Environmental Protection Agency;

(iii) to the maximum extent practicable, disseminate the data described in clause (i)(I) and the harmonized data described in clause (ii) on a real-time basis; and

(iv) provide historical data, beginning with the earliest calendar year practicable, but not later than calendar year 2020, on the delivered generation resource mix described in clause (i)(I).

Deadline.

(B) DATA ON THE DELIVERED GENERATION RESOURCE MIX.—In collecting the data described in subparagraph (A)(i)(I), the Administrator shall—

(i) use existing voluntary industry methodologies, including reporting protocols, databases, and emissions and energy use tracking software that provide consistent, timely, and accessible carbon emissions intensity rates for delivered electricity;

(ii) consider that generation and transmission entities may provide data on behalf of load-serving entities;

(iii) to the extent that the Administrator determines necessary, and in a manner designed to protect confidential information, require each load-serving entity to submit additional information as needed to determine the delivered generation resource mix of the load-serving entity, including financial or contractual agreements for power and generation resource type attributes with respect to power owned by or retired by the load-serving entity; and

Determination.

(iv) for any portion of the generation resource mix of a load-serving entity that is otherwise unaccounted for, develop a methodology to assign to the load-serving entity a share of the otherwise unaccounted for resource mix of the relevant balancing authority.

42 USC 18773.

SEC. 40413. EXPANSION OF ENERGY CONSUMPTION SURVEYS.

Deadline.

(a) **IN GENERAL.**—Not later than 2 years after the date of enactment of this Act, the Administrator shall implement measures to expand the Manufacturing Energy Consumption Survey, the Commercial Building Energy Consumption Survey, and the Residential Energy Consumption Survey to include data on energy end use in order to facilitate the identification of—

(1) opportunities to improve energy efficiency and energy productivity;

(2) changing patterns of energy use; and

(3) opportunities to better understand and manage miscellaneous electric loads.

(b) **REQUIREMENTS.**—

(1) **IN GENERAL.**—In carrying out subsection (a), the Administrator shall—

(A) increase the scope and frequency of data collection on energy end uses and services;

(B) use new data collection methods and tools in order to obtain more comprehensive data and reduce the burden on survey respondents, including by—

(i) accessing other existing data sources; and

(ii) if feasible, developing online and real-time reporting systems;

Reports.

(C) identify and report community-level economic and environmental impacts, including with respect to—

(i) the reliability and security of the energy supply;

and

(ii) local areas with households with a high energy burden; and

(D) improve the presentation of data, including by—

(i) enabling the presentation of data in an interactive cartographic format on a national, regional, State, and local level with the functionality of viewing various economic, energy, and demographic measures on an individual basis or in combination; and

(ii) incorporating the results of the data collection, methods, and tools described in subparagraphs (A) and (B) into existing and new digital distribution methods.

(2) **MANUFACTURING ENERGY CONSUMPTION SURVEY.**—With respect to the Manufacturing Energy Consumption Survey, the Administrator shall—

(A) implement measures to provide more detailed representations of data by region;

(B) for large manufacturing facilities, break out process heat use by required process temperatures in order to facilitate the identification of opportunities for cost reductions and energy efficiency or energy productivity improvements;

(C) collect information on—

(i) energy source-switching capabilities, especially with respect to thermal processes and the efficiency of thermal processes;

(ii) the use of electricity, biofuels, hydrogen, or other alternative fuels to produce process heat; and

(iii) the use of demand response; and

(D) identify current and potential future industrial clusters in which multiple firms and facilities in a defined

geographic area share the costs and benefits of infrastructure for clean manufacturing, such as—

- (i) hydrogen generation, production, transport, use, and storage infrastructure; and
- (ii) carbon dioxide capture, transport, use, and storage infrastructure.

(3) RESIDENTIAL ENERGY CONSUMPTION SURVEY.—With respect to the Residential Energy Consumption Survey, the Administrator shall—

(A) implement measures to provide more detailed representations of data by—

- (i) geographic area, including by State (for each State);
- (ii) building type, including multi-family buildings;
- (iii) household income;
- (iv) location in a rural area; and
- (v) other demographic characteristics, as determined by the Administrator; and

(B) report measures of—

- (i) household electrical service capacity;
- (ii) access to utility demand-side management programs and bill credits;
- (iii) characteristics of the energy mix used to generate electricity in different regions; and
- (iv) the household energy burden for households—
 - (I) in different geographic areas;
 - (II) by electricity, heating, and other end-uses; and
 - (III) with different demographic characteristics that correlate with increased household energy burden, including—
 - (aa) having a low household income;
 - (bb) being a minority household;
 - (cc) residing in manufactured or multi-family housing;
 - (dd) being in a fixed or retirement income household;
 - (ee) residing in rental housing; and
 - (ff) other factors, as determined by the Administrator.

SEC. 40414. DATA COLLECTION ON ELECTRIC VEHICLE INTEGRATION WITH THE ELECTRICITY GRIDS. 42 USC 18774.

(a) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Administrator shall develop and implement measures to expand data collection with respect to electric vehicle integration with the electricity grids. Deadline.

(b) SOURCES OF DATA.—The sources of the data collected pursuant to subsection (a) may include—

- (1) host-owned or charging-network-owned electric vehicle charging stations;
- (2) aggregators of charging-network electricity demand;
- (3) electric utilities offering managed-charging programs;
- (4) individual, corporate, or public owners of electric vehicles; and
- (5) balancing authority analyses of—
 - (A) transformer loading congestion; and

(B) distribution-system congestion.

(c) CONSULTATION AND COORDINATION.—In carrying out subsection (a), the Administrator may consult and enter into agreements with other institutions having relevant data and data collection capabilities, such as—

- (1) the Secretary of Transportation;
- (2) the Secretary;
- (3) the Administrator of the Environmental Protection Agency;
- (4) States or State agencies; and
- (5) private entities.

42 USC 18775.

SEC. 40415. PLAN FOR THE MODELING AND FORECASTING OF DEMAND FOR MINERALS USED IN THE ENERGY SECTOR.

(a) PLAN.—

Deadline.
Coordination.

(1) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Administrator, in coordination with the Director of the United States Geological Survey, shall develop a plan for the modeling and forecasting of demand for energy technologies, including for energy production, transmission, or storage purposes, that use minerals that are or could be designated as critical minerals.

(2) INCLUSIONS.—The plan developed under paragraph (1) shall identify—

(A) the type and quantity of minerals consumed, delineated by energy technology;

(B) existing markets for manufactured energy-producing, energy-transmission, and energy-storing equipment; and

(C) emerging or potential markets for new energy-producing, energy-transmission, and energy-storing technologies entering commercialization.

(b) METRICS.—The plan developed under subsection (a)(1) shall produce forecasts of energy technology demand—

Time periods.

- (1) over the 1-year, 5-year, and 10-year periods beginning on the date on which development of the plan is completed;
- (2) by economic sector; and

Determination.

(3) according to any other parameters that the Administrator, in collaboration with the Secretary of the Interior, acting through the Director of the United States Geological Survey, determines are needed for the Annual Critical Minerals Outlook.

Consultation.

(c) COLLABORATION.—The Administrator shall develop the plan under subsection (a)(1) in consultation with—

(1) the Secretary with respect to the possible trajectories of emerging energy-producing and energy-storing technologies; and

(2) the Secretary of the Interior, acting through the Director of the United States Geological Survey—

(A) to ensure coordination;

(B) to avoid duplicative effort; and

(C) to align the analysis of demand with data and analysis of where the minerals are produced, refined, and subsequently processed into materials and parts that are used to build energy technologies.

SEC. 40416. EXPANSION OF INTERNATIONAL ENERGY DATA.

42 USC 18776.

(a) **IN GENERAL.**—Not later than 1 year after the date of enactment of this Act, the Administrator shall implement measures to expand and improve the international energy data resources of the Energy Information Administration in order to understand—

Deadline.

- (1) the production and use of energy in various countries;
- (2) changing patterns of energy use internationally;
- (3) the relative costs and environmental impacts of energy production and use internationally; and
- (4) plans for or construction of major energy facilities or infrastructure.

(b) **REQUIREMENTS.**—In carrying out subsection (a), the Administrator shall—

- (1) work with, and leverage the data resources of, the International Energy Agency;
- (2) include detail on energy consumption by fuel, economic sector, and end use within countries for which data are available;
- (3) collect relevant measures of energy use, including—
 - (A) cost; and
 - (B) emissions intensity; and
- (4) provide tools that allow for straightforward country-to-country comparisons of energy production and consumption across economic sectors and end uses.

SEC. 40417. PLAN FOR THE NATIONAL ENERGY MODELING SYSTEM.

Not later than 180 days after the date of enactment of this Act, the Administrator shall develop a plan to identify any need or opportunity to update or further the capabilities of the National Energy Modeling System, including with respect to—

Deadline.

- (1) treating energy demand endogenously;
- (2) increased natural gas usage and increased market penetration of renewable energy;
- (3) flexible operating modes of nuclear power plants, such as load following and frequency control;
- (4) tools to model multiple-output energy systems that provide hydrogen, high-value heat, electricity, and chemical synthesis services, including interactions of those energy systems with the electricity grids, pipeline networks, and the broader economy;
- (5) demand response and improved representation of energy storage, including long-duration storage, in capacity expansion models;
- (6) electrification, particularly with respect to the transportation, industrial, and buildings sectors;
- (7) increasing model resolution to represent all hours of the year and all electricity generators;
- (8) wholesale electricity market design and the appropriate valuation of all services that support the reliability of electricity grids, such as—
 - (A) battery storage; and
 - (B) synthetic inertia from grid-tied inverters;
- (9) economic modeling of the role of energy efficiency, demand response, electricity storage, and a variety of distributed generation technologies;
- (10) the production, transport, use, and storage of carbon dioxide, hydrogen, and hydrogen carriers;

- (11) greater flexibility in—
 - (A) the modeling of the environmental impacts of electricity systems, such as—
 - (i) emissions of greenhouse gases and other pollutants; and
 - (ii) the use of land and water resources; and
 - (B) the ability to support climate modeling, such as the climate modeling performed by the Office of Biological and Environmental Research in the Office of Science of the Department;
- (12) technologies that are in an early stage of commercial deployment and have been identified by the Secretary as candidates for large-scale demonstration projects, such as—
 - (A) carbon capture, transport, use, and storage from any source or economic sector;
 - (B) direct air capture;
 - (C) hydrogen production, including via electrolysis;
 - (D) synthetic and biogenic hydrocarbon liquid and gaseous fuels;
 - (E) supercritical carbon dioxide combustion turbines;
 - (F) industrial fuel cell and hydrogen combustion equipment; and
 - (G) industrial electric boilers;
- (13) increased and improved data sources and tools, including—
 - (A) the establishment of technology and cost baselines, including technology learning rates;
 - (B) economic and employment impacts of energy system policies and energy prices on households, as a function of household income and region; and
 - (C) the use of behavioral economics to inform demand modeling in all sectors; and
- (14) striving to migrate toward a single, consistent, and open-source modeling platform, and increasing open access to model systems, data, and outcomes, for—
 - (A) disseminating reference scenarios that can be transparently and broadly replicated; and
 - (B) promoting the development of the researcher and analyst workforce needed to continue the development and validation of improved energy system models in the future.

SEC. 40418. REPORT ON COSTS OF CARBON ABATEMENT IN THE ELECTRICITY SECTOR.

Not later than 270 days after the date of enactment of this Act, the Administrator shall submit to Congress a report on—

- (1) the potential use of levelized cost of carbon abatement or a similar metric in analyzing generators of electricity, including an identification of limitations and appropriate uses of the metric;
- (2) the feasibility and impact of incorporating levelized cost of carbon abatement in long-term forecasts—
 - (A) to compare technical approaches and understand real-time changes in fossil-fuel and nuclear dispatch;
 - (B) to compare the system-level costs of technology options to reduce emissions; and

(C) to compare the costs of policy options, including current policies, regarding valid and verifiable reductions and removals of carbon; and

(3)(A) a potential process to measure carbon dioxide emissions intensity per unit of output production for a range of—

(i) energy sources;

(ii) sectors; and

(iii) geographic regions; and

(B) a corresponding process to provide an empirical framework for reporting the status and costs of carbon dioxide reduction relative to specified goals.

SEC. 40419. HARMONIZATION OF EFFORTS AND DATA.

Not later than 1 year after the date of enactment of this Act, the Administrator shall establish a system to harmonize, to the maximum extent practicable and consistent with data integrity—

(1) the data collection efforts of the Administrator, including any data collection required under this subtitle, with the data collection efforts of—

(A) the Environmental Protection Agency, as the Administrator determines to be appropriate;

(B) other relevant Federal agencies, as the Administrator determines to be appropriate; and

(C) State or regional energy credit registries, as the Administrator determines to be appropriate;

(2) the data collected under this subtitle, including the operating data on electricity generation collected under section 40412(a), with data collected by the entities described in subparagraphs (A) through (C) of paragraph (1), including any measurements of greenhouse gas and other pollutant emissions collected by the Environmental Protection Agency, as the Administrator determines to be appropriate; and

(3) the efforts of the Administrator to identify and report relevant impacts, opportunities, and patterns with respect to energy use, including the identification of community-level economic and environmental impacts required under section 40413(b)(1)(C), with the efforts of the Environmental Protection Agency and other relevant Federal agencies, as determined by the Administrator, to identify similar impacts, opportunities, and patterns.

Deadline.
Determinations.
42 USC 18777.

Subtitle C—Miscellaneous

SEC. 40431. CONSIDERATION OF MEASURES TO PROMOTE GREATER ELECTRIFICATION OF THE TRANSPORTATION SECTOR.

(a) IN GENERAL.—Section 111(d) of the Public Utility Regulatory Policies Act of 1978 (16 U.S.C. 2621(d)) (as amended by section 40104(a)(1)) is amended by adding at the end the following:

“(21) ELECTRIC VEHICLE CHARGING PROGRAMS.—Each State shall consider measures to promote greater electrification of the transportation sector, including the establishment of rates that—

“(A) promote affordable and equitable electric vehicle charging options for residential, commercial, and public electric vehicle charging infrastructure;

“(B) improve the customer experience associated with electric vehicle charging, including by reducing charging times for light-, medium-, and heavy-duty vehicles;

“(C) accelerate third-party investment in electric vehicle charging for light-, medium-, and heavy-duty vehicles; and

“(D) appropriately recover the marginal costs of delivering electricity to electric vehicles and electric vehicle charging infrastructure.”.

(b) COMPLIANCE.—

(1) TIME LIMITATION.—Section 112(b) of the Public Utility Regulatory Policies Act of 1978 (16 U.S.C. 2622(b)) (as amended by section 40104(a)(2)(A)) is amended by adding at the end the following:

Deadlines.

“(8)(A) Not later than 1 year after the date of enactment of this paragraph, each State regulatory authority (with respect to each electric utility for which the State has ratemaking authority) and each nonregulated utility shall commence consideration under section 111, or set a hearing date for consideration, with respect to the standard established by paragraph (21) of section 111(d).

“(B) Not later than 2 years after the date of enactment of this paragraph, each State regulatory authority (with respect to each electric utility for which the State has ratemaking authority), and each nonregulated electric utility shall complete the consideration and make the determination under section 111 with respect to the standard established by paragraph (21) of section 111(d).”.

(2) FAILURE TO COMPLY.—Section 112(c) of the Public Utility Regulatory Policies Act of 1978 (16 U.S.C. 2622(c)) (as amended by section 40104(a)(2)(B)(i)) is amended by adding at the end the following: “In the case of the standard established by paragraph (21) of section 111(d), the reference contained in this subsection to the date of enactment of this Act shall be deemed to be a reference to the date of enactment of that paragraph (21).”.

(3) PRIOR STATE ACTIONS.—

(A) IN GENERAL.—Section 112 of the Public Utility Regulatory Policies Act of 1978 (16 U.S.C. 2622) (as amended by section 40104(a)(2)(C)(i)) is amended by adding at the end the following:

“(h) OTHER PRIOR STATE ACTIONS.—Subsections (b) and (c) shall not apply to the standard established by paragraph (21) of section 111(d) in the case of any electric utility in a State if, before the date of enactment of this subsection—

“(1) the State has implemented for the electric utility the standard (or a comparable standard);

“(2) the State regulatory authority for the State or the relevant nonregulated electric utility has conducted a proceeding to consider implementation of the standard (or a comparable standard) for the electric utility; or

Time period.

“(3) the State legislature has voted on the implementation of the standard (or a comparable standard) for the electric utility during the 3-year period ending on that date of enactment.”.

(B) CROSS-REFERENCE.—Section 124 of the Public Utility Regulatory Policies Act of 1978 (16 U.S.C. 2634)

(as amended by section 40104(a)(2)(C)(ii)(II)) is amended by adding at the end the following: “In the case of the standard established by paragraph (21) of section 111(d), the reference contained in this section to the date of enactment of this Act shall be deemed to be a reference to the date of enactment of that paragraph (21).”.

SEC. 40432. OFFICE OF PUBLIC PARTICIPATION.

Section 319 of the Federal Power Act (16 U.S.C. 825q–1) is amended—

(1) in subsection (a)(2)—

(A) in subparagraph (A), by striking the third sentence;

and

(B) in subparagraph (B)—

(i) by striking the third sentence and inserting the following: “The Director shall be compensated at a rate of pay not greater than the maximum rate of pay prescribed for a senior executive in the Senior Executive Service under section 5382 of title 5, United States Code.”; and

(ii) by striking the first sentence; and

(2) in subsection (b), by striking paragraph (4).

SEC. 40433. DIGITAL CLIMATE SOLUTIONS REPORT.

(a) **IN GENERAL.**—Not later than 1 year after the date of enactment of this Act, the Secretary, in consultation with appropriate Federal agencies and relevant stakeholders, shall submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Energy and Commerce of the House of Representatives a report that assesses using digital tools and platforms as climate solutions, including—

- (1) artificial intelligence and machine learning;
- (2) blockchain technologies and distributed ledgers;
- (3) crowdsourcing platforms;
- (4) the Internet of Things;
- (5) distributed computing for the grid; and
- (6) software and systems.

(b) **CONTENTS.**—The report required under subsection (a) shall include—

(1) as practicable, a full inventory and assessment of digital climate solutions;

(2) an analysis of how the private sector can utilize the digital tools and platforms included in the inventory under paragraph (1) to accelerate digital climate solutions; and

(3) a summary of opportunities to enhance the standardization of voluntary and regulatory climate disclosure protocols, including enabling the data to be disseminated through an application programming interface that is accessible to the public.

Consultation.
Assessments.

Analysis.

Summary.

SEC. 40434. STUDY AND REPORT BY THE SECRETARY OF ENERGY ON JOB LOSS AND IMPACTS ON CONSUMER ENERGY COSTS DUE TO THE REVOCATION OF THE PERMIT FOR THE KEYSTONE XL PIPELINE.

(a) **DEFINITION OF EXECUTIVE ORDER.**—In this section, the term “Executive Order” means Executive Order 13990 (86 Fed. Reg. 7037; relating to protecting public health and the environment and restoring science to tackle the climate crisis).

Estimates. Time period.	(b) STUDY AND REPORT.—The Secretary shall— (1) conduct a study to estimate— (A) the total number of jobs that were lost as a direct or indirect result of section 6 of the Executive Order over the 10-year period beginning on the date on which the Executive Order was issued; and (B) the impact on consumer energy costs that are projected to result as a direct or indirect result of section 6 of the Executive Order over the 10-year period beginning on the date on which the Executive Order was issued; and (2) not later than 90 days after the date of enactment of this Act, submit to Congress a report describing the findings of the study conducted under paragraph (1).
Reports.	SEC. 40435. STUDY ON IMPACT OF ELECTRIC VEHICLES. Not later than 120 days after the date of enactment of this Act, the Secretary shall conduct, and submit to Congress a report describing the results of, a study on the cradle to grave environmental impact of electric vehicles.
Deadline. Coordination.	SEC. 40436. STUDY ON IMPACT OF FORCED LABOR IN CHINA ON THE ELECTRIC VEHICLE SUPPLY CHAIN. Not later than 120 days after the date of enactment of this Act, the Secretary, in coordination with the Secretary of State and the Secretary of Commerce, shall study the impact of forced labor in China on the electric vehicle supply chain.

TITLE V—ENERGY EFFICIENCY AND BUILDING INFRASTRUCTURE

Subtitle A—Residential and Commercial Energy Efficiency

42 USC 18791.	SEC. 40501. DEFINITIONS. In this subtitle: (1) PRIORITY STATE.—The term “priority State” means a State that— (A) is eligible for funding under the State Energy Program; and (B)(i) is among the 15 States with the highest annual per-capita combined residential and commercial sector energy consumption, as most recently reported by the Energy Information Administration; or (ii) is among the 15 States with the highest annual per-capita energy-related carbon dioxide emissions by State, as most recently reported by the Energy Information Administration. (2) PROGRAM.—The term “program” means the program established under section 40502(a). (3) STATE.—The term “State” means a State (as defined in section 3 of the Energy Policy and Conservation Act (42 U.S.C. 6202)), acting through a State energy office. (4) STATE ENERGY PROGRAM.—The term “State Energy Program” means the State Energy Program established under

part D of title III of the Energy Policy and Conservation Act (42 U.S.C. 6321 et seq.).

SEC. 40502. ENERGY EFFICIENCY REVOLVING LOAN FUND CAPITALIZATION GRANT PROGRAM. 42 USC 18792.

(a) **IN GENERAL.**—Not later than 1 year after the date of enactment of this Act, under the State Energy Program, the Secretary shall establish a program under which the Secretary shall provide capitalization grants to States to establish a revolving loan fund under which the State shall provide loans and grants, as applicable, in accordance with this section. Deadline.

(b) **DISTRIBUTION OF FUNDS.**—

(1) **ALL STATES.**—

(A) **IN GENERAL.**—Of the amounts made available under subsection (j), the Secretary shall use 40 percent to provide capitalization grants to States that are eligible for funding under the State Energy Program, in accordance with the allocation formula established under section 420.11 of title 10, Code of Federal Regulations (or successor regulations).

(B) **REMAINING FUNDING.**—After applying the allocation formula described in subparagraph (A), the Secretary shall redistribute any unclaimed funds to the remaining States seeking capitalization grants under that subparagraph.

(2) **PRIORITY STATES.**—

(A) **IN GENERAL.**—Of the amounts made available under subsection (j), the Secretary shall use 60 percent to provide supplemental capitalization grants to priority States in accordance with an allocation formula determined by the Secretary. Determination.

(B) **REMAINING FUNDING.**—After applying the allocation formula described in subparagraph (A), the Secretary shall redistribute any unclaimed funds to the remaining priority States seeking supplemental capitalization grants under that subparagraph.

(C) **GRANT AMOUNT.**—

(i) **MAXIMUM AMOUNT.**—The amount of a supplemental capitalization grant provided to a State under this paragraph shall not exceed \$15,000,000.

(ii) **SUPPLEMENT NOT SUPPLANT.**—A supplemental capitalization grant received by a State under this paragraph shall supplement, not supplant, a capitalization grant received by that State under paragraph (1).

(c) **APPLICATIONS FOR CAPITALIZATION GRANTS.**—A State seeking a capitalization grant under the program shall submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require, including—

(1) a detailed explanation of how the grant will be used, including a plan to establish a new revolving loan fund or use an existing revolving loan fund; Plan.

(2) the need of eligible recipients for loans and grants in the State for assistance with conducting energy audits; Audits.

(3) a description of the expected benefits that building infrastructure and energy system upgrades and retrofits will have on communities in the State; and

(4) in the case of a priority State seeking a supplemental capitalization grant under subsection (b)(2), a justification for needing the supplemental funding.

(d) TIMING.—

(1) IN GENERAL.—The Secretary shall establish a timeline with dates by, or periods by the end of, which a State shall—

(A) on receipt of a capitalization grant under the program, deposit the grant funds into a revolving loan fund; and

(B) begin using the capitalization grant as described in subsection (e)(1).

Requirement.
Deadline.

(2) USE OF GRANT.—Under the timeline established under paragraph (1), a State shall be required to begin using a capitalization grant not more than 180 days after the date on which the grant is received.

(e) USE OF GRANT FUNDS.—

(1) IN GENERAL.—A State that receives a capitalization grant under the program—

Loans.

(A) shall provide loans in accordance with paragraph (2); and

(B) may provide grants in accordance with paragraph (3).

(2) LOANS.—

(A) COMMERCIAL ENERGY AUDIT.—

(i) IN GENERAL.—A State that receives a capitalization grant under the program may provide a loan to an eligible recipient described in clause (iv) to conduct a commercial energy audit.

(ii) AUDIT REQUIREMENTS.—A commercial energy audit conducted using a loan provided under clause (i) shall—

Determination.

(I) determine the overall consumption of energy of the facility of the eligible recipient;

Recommendations.

(II) identify and recommend lifecycle cost-effective opportunities to reduce the energy consumption of the facility of the eligible recipient, including through energy efficient—

(aa) lighting;

(bb) heating, ventilation, and air conditioning systems;

(cc) windows;

(dd) appliances; and

(ee) insulation and building envelopes;

Cost estimate.

(III) estimate the energy and cost savings potential of the opportunities identified in subclause (II) using software approved by the Secretary;

(IV) identify—

(aa) the period and level of peak energy demand for each building within the facility of the eligible recipient; and

(bb) the sources of energy consumption that are contributing the most to that period of peak energy demand;

Recommendation.

(V) recommend controls and management systems to reduce or redistribute peak energy consumption; and

(VI) estimate the total energy and cost savings potential for the facility of the eligible recipient if all recommended upgrades and retrofits are implemented, using software approved by the Secretary.

Cost estimate.

(iii) **ADDITIONAL AUDIT INCLUSIONS.**—A commercial energy audit conducted using a loan provided under clause (i) may recommend strategies to increase energy efficiency of the facility of the eligible recipient through use of electric systems or other high-efficiency systems utilizing fuels, including natural gas and hydrogen.

(iv) **ELIGIBLE RECIPIENTS.**—An eligible recipient under clause (i) is a business that—

(I) conducts the majority of its business in the State that provides the loan under that clause; and

(II) owns or operates—

(aa) 1 or more commercial buildings; or

(bb) commercial space within a building that serves multiple functions, such as a building for commercial and residential operations.

(B) **RESIDENTIAL ENERGY AUDITS.**—

(i) **IN GENERAL.**—A State that receives a capitalization grant under the program may provide a loan to an eligible recipient described in clause (iv) to conduct a residential energy audit.

(ii) **RESIDENTIAL ENERGY AUDIT REQUIREMENTS.**—A residential energy audit conducted using a loan under clause (i) shall—

(I) utilize the same evaluation criteria as the Home Performance Assessment used in the Energy Star program established under section 324A of the Energy Policy and Conservation Act (42 U.S.C. 6294a);

(II) recommend lifecycle cost-effective opportunities to reduce energy consumption within the residential building of the eligible recipient, including through energy efficient—

Recommendation.

(aa) lighting;

(bb) heating, ventilation, and air conditioning systems;

(cc) windows;

(dd) appliances; and

(ee) insulation and building envelopes;

(III) recommend controls and management systems to reduce or redistribute peak energy consumption;

Recommendation.

(IV) compare the energy consumption of the residential building of the eligible recipient to comparable residential buildings in the same geographic area; and

(V) provide a Home Energy Score, or equivalent score (as determined by the Secretary), for the residential building of the eligible recipient by using the Home Energy Score Tool of the Department or an equivalent scoring tool.

Determination.

(iii) **ADDITIONAL AUDIT INCLUSIONS.**—A residential energy audit conducted using a loan provided under clause (i) may recommend strategies to increase energy efficiency of the facility of the eligible recipient through use of electric systems or other high-efficiency systems utilizing fuels, including natural gas and hydrogen.

(iv) **ELIGIBLE RECIPIENTS.**—An eligible recipient under clause (i) is—

(I) an individual who owns—

(aa) a single family home;

(bb) a condominium or duplex; or

(cc) a manufactured housing unit; or

(II) a business that owns or operates a multi-family housing facility.

(C) **COMMERCIAL AND RESIDENTIAL ENERGY UPGRADES AND RETROFITS.**—

(i) **IN GENERAL.**—A State that receives a capitalization grant under the program may provide a loan to an eligible recipient described in clause (ii) to carry out upgrades or retrofits of building infrastructure and systems that—

(I) are recommended in the commercial energy audit or residential energy audit, as applicable, completed for the building or facility of the eligible recipient;

(II) satisfy at least 1 of the criteria in the Home Performance Assessment used in the Energy Star program established under section 324A of the Energy Policy and Conservation Act (42 U.S.C. 6294a);

(III) improve, with respect to the building or facility of the eligible recipient—

(aa) the physical comfort of the building or facility occupants;

(bb) the energy efficiency of the building or facility; or

(cc) the quality of the air in the building or facility; and

(IV)(aa) are lifecycle cost-effective; and

(bb)(AA) reduce the energy intensity of the building or facility of the eligible recipient; or

(BB) improve the control and management of energy usage of the building or facility to reduce demand during peak times.

(ii) **ELIGIBLE RECIPIENTS.**—An eligible recipient under clause (i) is an eligible recipient described in subparagraph (A)(iv) or (B)(iv) that—

(I) has completed a commercial energy audit described in subparagraph (A) or a residential energy audit described in subparagraph (B) using a loan provided under the applicable subparagraph; or

(II) has completed a commercial energy audit or residential energy audit that—

(aa) was not funded by a loan under this paragraph; and

(bb)(AA) meets the requirements for the applicable audit under subparagraph (A) or (B), as applicable; or

(BB) the Secretary determines is otherwise satisfactory. Determination.

(iii) LOAN TERM.—

(I) IN GENERAL.—A loan provided under this subparagraph shall be required to be fully amortized by the earlier of—

(aa) subject to subclause (II), the year in which the upgrades or retrofits carried out using the loan exceed their expected useful life; and

(bb) 15 years after those upgrades or retrofits are installed. Time period.

(II) CALCULATION.—For purposes of subclause (I)(aa), in the case of a loan being used to fund multiple upgrades or retrofits, the longest-lived upgrade or retrofit shall be used to calculate the year in which the upgrades or retrofits carried out using the loan exceed their expected useful life.

(D) REFERRAL TO QUALIFIED CONTRACTORS.—Following the completion of an audit under subparagraph (A) or (B) by an eligible recipient of a loan under the applicable subparagraph, the State may refer the eligible recipient to a qualified contractor, as determined by the State, to estimate—

(i) the upfront capital cost of each recommended upgrade; and

(ii) the total upfront capital cost of implementing all recommended upgrades.

(E) LOAN RECIPIENTS.—Each State providing loans under this paragraph shall, to the maximum extent practicable, provide loans to eligible recipients that do not have access to private capital.

(3) GRANTS AND TECHNICAL ASSISTANCE.—

(A) IN GENERAL.—A State that receives a capitalization grant under the program may use not more than 25 percent of the grant funds to provide grants or technical assistance to eligible entities described in subparagraph (B) to carry out the activities described in subparagraphs (A), (B), and (C) of paragraph (2).

(B) ELIGIBLE ENTITY.—An entity eligible for a grant or technical assistance under subparagraph (A) is—

(i) a business that—

(I) is an eligible recipient described in paragraph (2)(A)(iv); and

(II) has fewer than 500 employees; or

(ii) a low-income individual (as defined in section 3 of the Workforce Innovation and Opportunity Act (29 U.S.C. 3102)) that owns a residential building.

(4) FINAL ASSESSMENT.—A State that provides a capitalization grant under paragraph (2)(C) to an eligible recipient described in clause (ii) of that paragraph may, not later than 1 year after the date on which the upgrades or retrofits funded by the grant under that paragraph are completed, provide Deadline.

to the eligible recipient a loan or, in accordance with paragraph (3), a grant to conduct a final energy audit that assesses the total energy savings from the upgrades or retrofits.

(5) ADMINISTRATIVE EXPENSES.—A State that receives a capitalization grant under the program may use not more than 10 percent of the grant funds for administrative expenses.

(f) COORDINATION WITH EXISTING PROGRAMS.—A State receiving a capitalization grant under the program is encouraged to utilize and build on existing programs and infrastructure within the State that may aid the State in carrying out a revolving loan fund program.

(g) LEVERAGING PRIVATE CAPITAL.—A State receiving a capitalization grant under the program shall, to the maximum extent practicable, use the grant to leverage private capital.

(h) OUTREACH.—The Secretary shall engage in outreach to inform States of the availability of capitalization grants under the program.

(i) REPORT.—Each State that receives a capitalization grant under the program shall, not later than 2 years after a grant is received, submit to the Secretary a report that describes—

(1) the number of recipients to which the State has distributed—

(A) loans for—

(i) commercial energy audits under subsection (e)(2)(A);

(ii) residential energy audits under subsection (e)(2)(B);

(iii) energy upgrades and retrofits under subsection (e)(2)(C); and

(B) grants under subsection (e)(3); and

(2) the average capital cost of upgrades and retrofits across all commercial energy audits and residential energy audits that were conducted in the State using loans provided by the State under subsection (e).

(j) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary to carry out this section \$250,000,000 for fiscal year 2022, to remain available until expended.

42 USC 18793.

SEC. 40503. ENERGY AUDITOR TRAINING GRANT PROGRAM.

(a) DEFINITIONS.—In this section:

(1) COVERED CERTIFICATION.—The term “covered certification” means any of the following certifications:

(A) The American Society of Heating, Refrigerating and Air-Conditioning Engineers Building Energy Assessment Professional certification.

(B) The Association of Energy Engineers Certified Energy Auditor certification.

(C) The Building Performance Institute Home Energy Professional Energy Auditor certification.

(D) The Residential Energy Services Network Home Energy Rater certification.

(E) Any other third-party certification recognized by the Department.

(F) Any third-party certification that the Secretary determines is equivalent to the certifications described in subparagraphs (A) through (E).

(2) ELIGIBLE STATE.—The term “eligible State” means a State that—

(A) has a demonstrated need for assistance for training energy auditors; and

(B) meets any additional criteria determined necessary by the Secretary.

(b) ESTABLISHMENT.—Under the State Energy Program, the Secretary shall establish a competitive grant program under which the Secretary shall award grants to eligible States to train individuals to conduct energy audits or surveys of commercial and residential buildings.

(c) APPLICATIONS.—

(1) IN GENERAL.—A State seeking a grant under subsection (b) shall submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require, including the energy auditor training program plan described in paragraph (2).

(2) ENERGY AUDITOR TRAINING PROGRAM PLAN.—An energy auditor training program plan submitted with an application under paragraph (1) shall include—

(A)(i) a proposed training curriculum for energy audit trainees; and

(ii) an identification of the covered certification that those trainees will receive on completion of that training curriculum;

(B) the expected per-individual cost of training;

(C) a plan for connecting trainees with employment opportunities; and

(D) any additional information required by the Secretary.

(d) AMOUNT OF GRANT.—The amount of a grant awarded to an eligible State under subsection (b)—

(1) shall be determined by the Secretary, taking into account the population of the eligible State; and Determination.

(2) shall not exceed \$2,000,000 for any eligible State.

(e) USE OF FUNDS.—

(1) IN GENERAL.—An eligible State that receives a grant under subsection (b) shall use the grant funds—

(A) to cover any cost associated with individuals being trained or certified to conduct energy audits by—

(i) the State; or

(ii) a State-certified third party training program;

and

(B) subject to paragraph (2), to pay the wages of a trainee during the period in which the trainee receives training and certification.

(2) LIMITATION.—Not more than 10 percent of grant funds provided under subsection (b) to an eligible State may be used for the purpose described in paragraph (1)(B).

(f) CONSULTATION.—In carrying out this section, the Secretary shall consult with the Secretary of Labor.

(g) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary to carry out this section \$40,000,000 for the period of fiscal years 2022 through 2026. Time period.

Subtitle B—Buildings

SEC. 40511. COST-EFFECTIVE CODES IMPLEMENTATION FOR EFFICIENCY AND RESILIENCE.

(a) IN GENERAL.—Title III of the Energy Conservation and Production Act (42 U.S.C. 6831 et seq.) is amended by adding at the end the following:

42 USC 6838.

“SEC. 309. COST-EFFECTIVE CODES IMPLEMENTATION FOR EFFICIENCY AND RESILIENCE.

“(a) DEFINITIONS.—In this section:

“(1) ELIGIBLE ENTITY.—The term ‘eligible entity’ means—

“(A) a relevant State agency, as determined by the Secretary, such as a State building code agency, State energy office, or Tribal energy office; and

“(B) a partnership.

“(2) PARTNERSHIP.—The term ‘partnership’ means a partnership between an eligible entity described in paragraph (1)(A) and 1 or more of the following entities:

“(A) Local building code agencies.

“(B) Codes and standards developers.

“(C) Associations of builders and design and construction professionals.

“(D) Local and utility energy efficiency programs.

“(E) Consumer, energy efficiency, and environmental advocates.

“(F) Other entities, as determined by the Secretary.

“(3) SECRETARY.—The term ‘Secretary’ means the Secretary of Energy.

“(b) ESTABLISHMENT.—

“(1) IN GENERAL.—The Secretary shall establish within the Building Technologies Office of the Department of Energy a program under which the Secretary shall award grants on a competitive basis to eligible entities to enable sustained cost-effective implementation of updated building energy codes.

“(2) UPDATED BUILDING ENERGY CODE.—An update to a building energy code under this section, including an amendment that results in increased efficiency compared to the previously adopted building energy code, shall include any update made available after the existing building energy code, even if it is not the most recent updated code available.

“(c) CRITERIA; PRIORITY.—In awarding grants under subsection (b), the Secretary shall—

“(1) consider—

“(A) prospective energy savings and plans to measure the savings, including utilizing the Environmental Protection Agency Portfolio Manager, the Home Energy Score rating of the Office of Energy Efficiency and Renewable Energy of the Department of Energy, the Energy Star Building rating methodologies of the Environmental Protection Agency, and other methodologies determined appropriate by the Secretary;

“(B) the long-term sustainability of those measures and savings;

“(C) prospective benefits, and plans to assess the benefits, including benefits relating to—

Determination.

“(i) resilience and peak load reduction;

“(ii) occupant safety and health; and

“(iii) environmental performance;

“(D) the demonstrated capacity of the eligible entity to carry out the proposed project; and

“(E) the need of the eligible entity for assistance; and

“(2) give priority to applications from partnerships.

“(d) ELIGIBLE ACTIVITIES.—

“(1) IN GENERAL.—An eligible entity awarded a grant under this section may use the grant funds—

“(A) to create or enable State or regional partnerships to provide training and materials to—

“(i) builders, contractors and subcontractors, architects, and other design and construction professionals, relating to meeting updated building energy codes in a cost-effective manner; and

“(ii) building code officials, relating to improving implementation of and compliance with building energy codes;

“(B) to collect and disseminate quantitative data on construction and codes implementation, including code pathways, performance metrics, and technologies used; Data.

“(C) to develop and implement a plan for highly effective codes implementation, including measuring compliance; Plan.

“(D) to address various implementation needs in rural, suburban, and urban areas; and

“(E) to implement updates in energy codes for—

“(i) new residential and commercial buildings (including multifamily buildings); and

“(ii) additions and alterations to existing residential and commercial buildings (including multifamily buildings). Updates.

“(2) RELATED TOPICS.—Training and materials provided using a grant under this section may include information on the relationship between energy codes and—

“(A) cost-effective, high-performance, and zero-net-energy buildings;

“(B) improving resilience, health, and safety;

“(C) water savings and other environmental impacts; and

“(D) the economic impacts of energy codes.

“(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary to carry out this section \$225,000,000 for the period of fiscal years 2022 through 2026.”. Time period.

(b) CONFORMING AMENDMENT.—Section 303 of the Energy Conservation and Production Act (42 U.S.C. 6832) is amended, in the matter preceding paragraph (1), by striking “As used in” and inserting “Except as otherwise provided, in”.

SEC. 40512. BUILDING, TRAINING, AND ASSESSMENT CENTERS.

(a) IN GENERAL.—The Secretary shall provide grants to institutions of higher education (as defined in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001)) and Tribal Colleges or Universities (as defined in section 316(b) of that Act (20 U.S.C. 1059c(b))) to establish building training and assessment centers—

Grants.
42 USC 18801.

(1) to identify opportunities for optimizing energy efficiency and environmental performance in buildings;

(2) to promote the application of emerging concepts and technologies in commercial and institutional buildings;

(3) to train engineers, architects, building scientists, building energy permitting and enforcement officials, and building technicians in energy-efficient design and operation;

(4) to assist institutions of higher education and Tribal Colleges or Universities in training building technicians;

(5) to promote research and development for the use of alternative energy sources and distributed generation to supply heat and power for buildings, particularly energy-intensive buildings; and

Coordination.

(6) to coordinate with and assist State-accredited technical training centers, community colleges, Tribal Colleges or Universities, and local offices of the National Institute of Food and Agriculture and ensure appropriate services are provided under this section to each region of the United States.

(b) COORDINATION AND NONDUPLICATION.—

(1) IN GENERAL.—The Secretary shall coordinate the program with the industrial research and assessment centers program under section 457 of the Energy Independence and Security Act of 2007 (as added by section 40521(b)) and with other Federal programs to avoid duplication of effort.

(2) COLLOCATION.—To the maximum extent practicable, building, training, and assessment centers established under this section shall be collocated with industrial research and assessment centers (as defined in section 40531).

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary to carry out this section \$10,000,000 for fiscal year 2022, to remain available until expended.

Grants.
42 USC 18802.

SEC. 40513. CAREER SKILLS TRAINING.

(a) DEFINITION OF ELIGIBLE ENTITY.—In this section, the term “eligible entity” means a nonprofit partnership that—

(1) includes the equal participation of industry, including public or private employers, and labor organizations, including joint labor-management training programs;

(2) may include workforce investment boards, community-based organizations, qualified service and conservation corps, educational institutions, small businesses, cooperatives, State and local veterans agencies, and veterans service organizations; and

(3) demonstrates—

(A) experience in implementing and operating worker skills training and education programs;

(B) the ability to identify and involve in training programs carried out under this section, target populations of individuals who would benefit from training and be actively involved in activities relating to energy efficiency and renewable energy industries; and

(C) the ability to help individuals achieve economic self-sufficiency.

(b) ESTABLISHMENT.—The Secretary shall award grants to eligible entities to pay the Federal share of associated career skills training programs under which students concurrently receive classroom instruction and on-the-job training for the purpose of obtaining

an industry-related certification to install energy efficient buildings technologies.

(c) **FEDERAL SHARE.**—The Federal share of the cost of carrying out a career skills training program described in subsection (b) shall be 50 percent.

(d) **AUTHORIZATION OF APPROPRIATIONS.**—There is authorized to be appropriated to the Secretary to carry out this section \$10,000,000 for fiscal year 2022, to remain available until expended.

SEC. 40514. COMMERCIAL BUILDING ENERGY CONSUMPTION INFORMATION SHARING. 42 USC 18803.

(a) **DEFINITIONS.**—In this section:

(1) **ADMINISTRATOR.**—The term “Administrator” means the Administrator of the Energy Information Administration.

(2) **AGREEMENT.**—The term “Agreement” means the agreement entered into under subsection (b).

(3) **SURVEY.**—The term “Survey” means the Commercial Building Energy Consumption Survey.

(b) **AUTHORIZATION OF AGREEMENT.**—Not later than 120 days after the date of enactment of this Act, the Administrator and the Administrator of the Environmental Protection Agency shall sign, and submit to Congress, an information sharing agreement relating to commercial building energy consumption data.

Contracts.
Deadline.

(c) **CONTENT OF AGREEMENT.**—The Agreement shall—

(1) provide, to the extent permitted by law, that—

(A) the Administrator shall have access to building-specific data in the Portfolio Manager database of the Environmental Protection Agency; and

(B) the Administrator of the Environmental Protection Agency shall have access to building-specific data collected by the Survey;

(2) describe the manner in which the Administrator shall use the data described in paragraph (1) and subsection (d);

(3) describe and compare—

(A) the methodologies that the Energy Information Administration, the Environmental Protection Agency, and State and local government managers use to maximize the quality, reliability, and integrity of data collected through the Survey, the Portfolio Manager database of the Environmental Protection Agency, and State and local building energy disclosure laws (including regulations), respectively, and the manner in which those methodologies can be improved; and

(B) consistencies and variations in data for the same buildings captured in—

(i) the 2018 Survey cycle; and

(ii) each subsequent Survey cycle; and

(ii) the Portfolio Manager database of the Environmental Protection Agency; and

(4) consider whether, and the methods by which, the Administrator may collect and publish new iterations of Survey data every 3 years—

Time period.

(A) using the Survey processes of the Administrator;

or

(B) as supplemented by information in the Portfolio Manager database of the Environmental Protection Agency.

(d) DATA.—The data referred in subsection (c)(2) includes data that—

(1) is collected through the Portfolio Manager database of the Environmental Protection Agency;

(2) is required to be publicly available on the internet under State and local government building energy disclosure laws (including regulations); and

(3) includes information on private sector buildings that are not less than 250,000 square feet.

(e) PROTECTION OF INFORMATION.—In carrying out the agreement, the Administrator and the Administrator of the Environmental Protection Agency shall protect information in accordance with—

(1) section 552(b)(4) of title 5, United States Code (commonly known as the “Freedom of Information Act”);

(2) subchapter III of chapter 35 of title 44, United States Code; and

(3) any other applicable law (including regulations).

Subtitle C—Industrial Energy Efficiency

PART I—INDUSTRY

SEC. 40521. FUTURE OF INDUSTRY PROGRAM AND INDUSTRIAL RESEARCH AND ASSESSMENT CENTERS.

(a) FUTURE OF INDUSTRY PROGRAM.—

(1) IN GENERAL.—Section 452 of the Energy Independence and Security Act of 2007 (42 U.S.C. 17111) is amended—

(A) by striking the section heading and inserting the following: “future of industry program”;

(B) in subsection (a)(2)—

(i) by redesignating subparagraph (E) as subparagraph (F); and

(ii) by inserting after subparagraph (D) the following:

“(E) water and wastewater treatment facilities, including systems that treat municipal, industrial, and agricultural waste; and”;

(C) by striking subsection (e); and

(D) by redesignating subsection (f) as subsection (e).

(2) CONFORMING AMENDMENT.—Section 454(b)(2)(C) of the Energy Independence and Security Act of 2007 (42 U.S.C. 17113(b)(2)(C)) is amended by striking “energy-intensive industries” and inserting “Future of Industry”.

(b) INDUSTRIAL RESEARCH AND ASSESSMENT CENTERS.—Subtitle D of title IV of the Energy Independence and Security Act of 2007 (42 U.S.C. 17111 et seq.) is amended by adding at the end the following:

42 USC 17116.

“SEC. 457. INDUSTRIAL RESEARCH AND ASSESSMENT CENTERS.

“(a) DEFINITIONS.—In this section:

“(1) COVERED PROJECT.—The term ‘covered project’ means a project—

“(A) that has been recommended in an energy assessment described in paragraph (2)(A) conducted for an eligible entity; and

“(B) with respect to which the plant site of that eligible entity—

“(i) improves—

- “(I) energy efficiency;
- “(II) material efficiency;
- “(III) cybersecurity; or
- “(IV) productivity; or

“(ii) reduces—

- “(I) waste production;
- “(II) greenhouse gas emissions; or
- “(III) nongreenhouse gas pollution.

“(2) ELIGIBLE ENTITY.—The term ‘eligible entity’ means a small- or medium-sized manufacturer that has had an energy assessment completed by—

“(A) an industrial research and assessment center;

“(B) a Department of Energy Combined Heat and Power Technical Assistance Partnership jointly with an industrial research and assessment center; or

“(C) a third-party assessor that provides an assessment equivalent to an assessment described in subparagraph (A) or (B), as determined by the Secretary.

Determination.

“(3) ENERGY SERVICE PROVIDER.—The term ‘energy service provider’ means—

“(A) any business providing technology or services to improve the energy efficiency, water efficiency, power factor, or load management of a manufacturing site or other industrial process in an energy-intensive industry (as defined in section 452(a)); and

“(B) any utility operating under a utility energy service project.

“(4) INDUSTRIAL RESEARCH AND ASSESSMENT CENTER.—The term ‘industrial research and assessment center’ means—

“(A) an institution of higher education-based industrial research and assessment center that is funded by the Secretary under subsection (b); and

“(B) an industrial research and assessment center at a trade school, community college, or union training program that is funded by the Secretary under subsection (f).

“(5) PROGRAM.—The term ‘Program’ means the program for implementation grants established under subsection (i)(1).

“(6) SMALL- OR MEDIUM-SIZED MANUFACTURER.—The term ‘small- or medium-sized manufacturer’ means a manufacturing firm—

“(A) the gross annual sales of which are less than \$100,000,000;

“(B) that has fewer than 500 employees at the plant site of the manufacturing firm; and

“(C) the annual energy bills of which total more than \$100,000 but less than \$3,500,000.

“(b) INSTITUTION OF HIGHER EDUCATION-BASED INDUSTRIAL RESEARCH AND ASSESSMENT CENTERS.—

“(1) IN GENERAL.—The Secretary shall provide funding to institution of higher education-based industrial research and assessment centers.

“(2) PURPOSE.—The purpose of each institution of higher education-based industrial research and assessment center shall be—

“(A) to provide in-depth assessments of small- and medium-sized manufacturer plant sites to evaluate the facilities, services, and manufacturing operations of the plant sites;

“(B) to identify opportunities for optimizing energy efficiency and environmental performance, including implementation of—

“(i) smart manufacturing;

“(ii) energy management systems;

“(iii) sustainable manufacturing;

“(iv) information technology advancements for supply chain analysis, logistics, system monitoring, industrial and manufacturing processes, and other purposes; and

“(v) waste management systems;

“(C) to promote applications of emerging concepts and technologies in small- and medium-sized manufacturers (including water and wastewater treatment facilities and federally owned manufacturing facilities);

“(D) to promote research and development for the use of alternative energy sources to supply heat, power, and new feedstocks for energy-intensive industries;

Coordination.

“(E) to coordinate with appropriate Federal and State research offices;

“(F) to provide a clearinghouse for industrial process and energy efficiency technical assistance resources; and

Coordination.

“(G) to coordinate with State-accredited technical training centers and community colleges, while ensuring appropriate services to all regions of the United States.

“(c) COORDINATION.—To increase the value and capabilities of the industrial research and assessment centers, the centers shall—

“(1) coordinate with Manufacturing Extension Partnership Centers of the National Institute of Standards and Technology;

“(2) coordinate with the Federal Energy Management Program and the Building Technologies Office of the Department of Energy to provide building assessment services to manufacturers;

“(3) increase partnerships with the National Laboratories of the Department of Energy to leverage the expertise, technologies, and research and development capabilities of the National Laboratories for national industrial and manufacturing needs;

“(4) increase partnerships with energy service providers and technology providers to leverage private sector expertise and accelerate deployment of new and existing technologies and processes for energy efficiency, power factor, and load management;

“(5) identify opportunities for reducing greenhouse gas emissions and other air emissions; and

“(6) promote sustainable manufacturing practices for small- and medium-sized manufacturers.

“(d) OUTREACH.—The Secretary shall provide funding for—

“(1) outreach activities by the industrial research and assessment centers to inform small- and medium-sized manufacturers of the information, technologies, and services available; and

“(2) coordination activities by each industrial research and assessment center to leverage efforts with—

“(A) Federal, State, and Tribal efforts;

“(B) the efforts of utilities and energy service providers;

“(C) the efforts of regional energy efficiency organizations; and

“(D) the efforts of other industrial research and assessment centers.

“(e) CENTERS OF EXCELLENCE.—

“(1) ESTABLISHMENT.—The Secretary shall establish a Center of Excellence at not more than 5 of the highest-performing industrial research and assessment centers, as determined by the Secretary. Determination.

“(2) DUTIES.—A Center of Excellence shall coordinate with and advise the industrial research and assessment centers located in the region of the Center of Excellence, including—

“(A) by mentoring new directors and staff of the industrial research and assessment centers with respect to—

“(i) the availability of resources; and

“(ii) best practices for carrying out assessments, including through the participation of the staff of the Center of Excellence in assessments carried out by new industrial research and assessment centers;

“(B) by providing training to staff and students at the industrial research and assessment centers on new technologies, practices, and tools to expand the scope and impact of the assessments carried out by the centers;

“(C) by assisting the industrial research and assessment centers with specialized technical opportunities, including by providing a clearinghouse of available expertise and tools to assist the centers and clients of the centers in assessing and implementing those opportunities;

“(D) by identifying and coordinating with regional, State, local, Tribal, and utility energy efficiency programs for the purpose of facilitating efforts by industrial research and assessment centers to connect industrial facilities receiving assessments from those centers with regional, State, local, and utility energy efficiency programs that could aid the industrial facilities in implementing any recommendations resulting from the assessments;

“(E) by facilitating coordination between the industrial research and assessment centers and other Federal programs described in paragraphs (1) through (3) of subsection (c); and

“(F) by coordinating the outreach activities of the industrial research and assessment centers under subsection (d)(1).

“(3) FUNDING.—For each fiscal year, out of any amounts made available to carry out this section under subsection (j), the Secretary shall use not less than \$500,000 to support each Center of Excellence.

“(f) EXPANSION OF INDUSTRIAL RESEARCH AND ASSESSMENT CENTERS.—

“(1) IN GENERAL.—The Secretary shall provide funding to establish additional industrial research and assessment centers at trade schools, community colleges, and union training programs.

“(2) PURPOSE.—

“(A) IN GENERAL.—Subject to subparagraph (B), to the maximum extent practicable, an industrial research and assessment center established under paragraph (1) shall have the same purpose as an institution of higher education-based industrial research center that is funded by the Secretary under subsection (b)(1).

Evaluation.

“(B) CONSIDERATION OF CAPABILITIES.—In evaluating or establishing the purpose of an industrial research and assessment center established under paragraph (1), the Secretary shall take into consideration the varying capabilities of trade schools, community colleges, and union training programs.

“(g) WORKFORCE TRAINING.—

“(1) INTERNSHIPS.—The Secretary shall pay the Federal share of associated internship programs under which students work with or for industries, manufacturers, and energy service providers to implement the recommendations of industrial research and assessment centers.

Payment.

“(2) APPRENTICESHIPS.—The Secretary shall pay the Federal share of associated apprenticeship programs under which—

“(A) students work with or for industries, manufacturers, and energy service providers to implement the recommendations of industrial research and assessment centers; and

“(B) employees of facilities that have received an assessment from an industrial research and assessment center work with or for an industrial research and assessment center to gain knowledge on engineering practices and processes to improve productivity and energy savings.

“(3) FEDERAL SHARE.—The Federal share of the cost of carrying out internship programs described in paragraph (1) and apprenticeship programs described in paragraph (2) shall be 50 percent.

“(h) SMALL BUSINESS LOANS.—The Administrator of the Small Business Administration shall, to the maximum extent practicable, expedite consideration of applications from eligible small business concerns for loans under the Small Business Act (15 U.S.C. 631 et seq.) to implement recommendations developed by the industrial research and assessment centers.

“(i) IMPLEMENTATION GRANTS.—

“(1) IN GENERAL.—The Secretary shall establish a program under which the Secretary shall provide grants to eligible entities to implement covered projects.

“(2) APPLICATION.—An eligible entity seeking a grant under the Program shall submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require, including a demonstration of need for financial assistance to implement the proposed covered project.

“(3) PRIORITY.—In awarding grants under the Program, the Secretary shall give priority to eligible entities that—

“(A) have had an energy assessment completed by an industrial research and assessment center; and

“(B) propose to carry out a covered project with a greater potential for—

“(i) energy efficiency gains; or

“(ii) greenhouse gas emissions reductions.

“(4) GRANT AMOUNT.—

“(A) MAXIMUM AMOUNT.—The amount of a grant provided to an eligible entity under the Program shall not exceed \$300,000.

“(B) FEDERAL SHARE.—A grant awarded under the Program for a covered project shall be in an amount that is not more than 50 percent of the cost of the covered project.

“(C) SUPPLEMENT.—A grant received by an eligible entity under the Program shall supplement, not supplant, any private or State funds available to the eligible entity to carry out the covered project.

“(j) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary for the period of fiscal years 2022 through 2026—

Time period.

“(1) \$150,000,000 to carry out subsections (a) through (h); and

“(2) \$400,000,000 to carry out subsection (i).”

(c) CLERICAL AMENDMENT.—The table of contents of the Energy Independence and Security Act of 2007 (42 U.S.C. prec. 17001) is amended by adding at the end of the items relating to subtitle D of title IV the following:

“Sec. 457. Industrial research and assessment centers.”.

SEC. 40522. SUSTAINABLE MANUFACTURING INITIATIVE.

(a) IN GENERAL.—Part E of title III of the Energy Policy and Conservation Act (42 U.S.C. 6341 et seq.) is amended by adding at the end the following:

“SEC. 376. SUSTAINABLE MANUFACTURING INITIATIVE.

42 USC 6346.

“(a) IN GENERAL.—As part of the Office of Energy Efficiency and Renewable Energy of the Department of Energy, the Secretary, on the request of a manufacturer, shall carry out onsite technical assessments to identify opportunities for—

Assessments.

“(1) maximizing the energy efficiency of industrial processes and cross-cutting systems;

“(2) preventing pollution and minimizing waste;

“(3) improving efficient use of water in manufacturing processes;

“(4) conserving natural resources; and

“(5) achieving such other goals as the Secretary determines to be appropriate.

“(b) COORDINATION.—To implement any recommendations resulting from an onsite technical assessment carried out under subsection (a) and to accelerate the adoption of new and existing technologies and processes that improve energy efficiency, the Secretary shall coordinate with—

“(1) the Advanced Manufacturing Office of the Department of Energy;

“(2) the Building Technologies Office of the Department of Energy;

“(3) the Federal Energy Management Program of the Department of Energy; and

“(4) the private sector and other appropriate agencies, including the National Institute of Standards and Technology.

“(c) RESEARCH AND DEVELOPMENT PROGRAM FOR SUSTAINABLE MANUFACTURING AND INDUSTRIAL TECHNOLOGIES AND PROCESSES.—As part of the industrial efficiency programs of the Department of Energy, the Secretary shall carry out a joint industry-government partnership program to research, develop, and demonstrate new sustainable manufacturing and industrial technologies and processes that maximize the energy efficiency of industrial plants, reduce pollution, and conserve natural resources.”.

(b) CLERICAL AMENDMENT.—The table of contents of the Energy Policy and Conservation Act (42 U.S.C. prec. 6201) is amended by adding at the end of the items relating to part E of title III the following:

“376. Sustainable manufacturing initiative.”.

PART II—SMART MANUFACTURING

42 USC 18811.

SEC. 40531. DEFINITIONS.

In this part:

(1) ENERGY MANAGEMENT SYSTEM.—The term “energy management system” means a business management process based on standards of the American National Standards Institute that enables an organization to follow a systematic approach in achieving continual improvement of energy performance, including energy efficiency, security, use, and consumption.

(2) INDUSTRIAL RESEARCH AND ASSESSMENT CENTER.—The term “industrial research and assessment center” means a center located at an institution of higher education, a trade school, a community college, or a union training program that—

(A) receives funding from the Department;

(B) provides an in-depth assessment of small- and medium-size manufacturer plant sites to evaluate the facilities, services, and manufacturing operations of the plant site; and

(C) identifies opportunities for potential savings for small- and medium-size manufacturer plant sites from energy efficiency improvements, waste minimization, pollution prevention, and productivity improvement.

(3) INFORMATION AND COMMUNICATION TECHNOLOGY.—The term “information and communication technology” means any electronic system or equipment (including the content contained in the system or equipment) used to create, convert, communicate, or duplicate data or information, including computer hardware, firmware, software, communication protocols, networks, and data interfaces.

(4) INSTITUTION OF HIGHER EDUCATION.—The term “institution of higher education” has the meaning given the term in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a)).

(5) NORTH AMERICAN INDUSTRY CLASSIFICATION SYSTEM.—The term “North American Industry Classification System” means the standard used by Federal statistical agencies in classifying business establishments for the purpose of collecting,

analyzing, and publishing statistical data relating to the business economy of the United States.

(6) **SMALL AND MEDIUM MANUFACTURERS.**—The term “small and medium manufacturers” means manufacturing firms—

(A) classified in the North American Industry Classification System as any of sectors 31 through 33;

(B) with gross annual sales of less than \$100,000,000;

(C) with fewer than 500 employees at the plant site; and

(D) with annual energy bills totaling more than \$100,000 and less than \$3,500,000.

(7) **SMART MANUFACTURING.**—The term “smart manufacturing” means advanced technologies in information, automation, monitoring, computation, sensing, modeling, artificial intelligence, analytics, and networking that—

(A) digitally—

(i) simulate manufacturing production lines;

(ii) operate computer-controlled manufacturing equipment;

(iii) monitor and communicate production line status; and

(iv) manage and optimize energy productivity and cost throughout production;

(B) model, simulate, and optimize the energy efficiency of a factory building;

(C) monitor and optimize building energy performance;

(D) model, simulate, and optimize the design of energy efficient and sustainable products, including the use of digital prototyping and additive manufacturing to enhance product design;

(E) connect manufactured products in networks to monitor and optimize the performance of the networks, including automated network operations; and

(F) digitally connect the supply chain network.

SEC. 40532. LEVERAGING EXISTING AGENCY PROGRAMS TO ASSIST SMALL AND MEDIUM MANUFACTURERS. 42 USC 18812.

The Secretary shall expand the scope of technologies covered by the industrial research and assessment centers of the Department—

(1) to include smart manufacturing technologies and practices; and

(2) to equip the directors of the industrial research and assessment centers with the training and tools necessary to provide technical assistance in smart manufacturing technologies and practices, including energy management systems, to manufacturers.

SEC. 40533. LEVERAGING SMART MANUFACTURING INFRASTRUCTURE AT NATIONAL LABORATORIES. 42 USC 18813.

(a) **STUDY.**—

(1) **IN GENERAL.**—Not later than 180 days after the date of enactment of this Act, the Secretary shall conduct a study on how the Department can increase access to existing high-performance computing resources in the National Laboratories, particularly for small and medium manufacturers. Deadline.

(2) **INCLUSIONS.**—In identifying ways to increase access to National Laboratories under paragraph (1), the Secretary shall—

(A) focus on increasing access to the computing facilities of the National Laboratories; and

(B) ensure that—

(i) the information from the manufacturer is protected; and

(ii) the security of the National Laboratory facility is maintained.

(3) **REPORT.**—Not later than 1 year after the date of enactment of this Act, the Secretary shall submit to Congress a report describing the results of the study.

(b) **ACTIONS FOR INCREASED ACCESS.**—The Secretary shall facilitate access to the National Laboratories studied under subsection (a) for small and medium manufacturers so that small and medium manufacturers can fully use the high-performance computing resources of the National Laboratories to enhance the manufacturing competitiveness of the United States.

42 USC 18814.

SEC. 40534. STATE MANUFACTURING LEADERSHIP.

(a) **FINANCIAL ASSISTANCE AUTHORIZED.**—The Secretary may provide financial assistance on a competitive basis to States for the establishment of programs to be used as models for supporting the implementation of smart manufacturing technologies.

(b) **APPLICATIONS.**—

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

Evaluation.

(2) **CRITERIA.**—The Secretary shall evaluate an application for financial assistance under this section on the basis of merit using criteria identified by the Secretary, including—

(A) technical merit, innovation, and impact;

(B) research approach, workplan, and deliverables;

(C) academic and private sector partners; and

(D) alternate sources of funding.

(c) **REQUIREMENTS.**—

Time period.

(1) **TERM.**—The term of an award of financial assistance under this section shall not exceed 3 years.

(2) **MAXIMUM AMOUNT.**—The amount of an award of financial assistance under this section shall be not more than \$2,000,000.

(3) **MATCHING REQUIREMENT.**—Each State that receives financial assistance under this section shall contribute matching funds in an amount equal to not less than 30 percent of the amount of the financial assistance.

(d) **USE OF FUNDS.**—A State may use financial assistance provided under this section—

(1) to facilitate access to high-performance computing resources for small and medium manufacturers; and

(2) to provide assistance to small and medium manufacturers to implement smart manufacturing technologies and practices.

(e) **EVALUATION.**—The Secretary shall conduct semiannual evaluations of each award of financial assistance under this section—

(1) to determine the impact and effectiveness of programs funded with the financial assistance; and

(2) to provide guidance to States on ways to better execute the program of the State.

(f) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary to carry out this section \$50,000,000 for the period of fiscal years 2022 through 2026.

SEC. 40535. REPORT.

The Secretary annually shall submit to Congress and make publicly available a report on the progress made in advancing smart manufacturing in the United States.

Subtitle D—Schools and Nonprofits

SEC. 40541. GRANTS FOR ENERGY EFFICIENCY IMPROVEMENTS AND RENEWABLE ENERGY IMPROVEMENTS AT PUBLIC SCHOOL FACILITIES.

(a) DEFINITIONS.—In this section:

(1) ALTERNATIVE FUELED VEHICLE.—The term “alternative fueled vehicle” has the meaning given the term in section 301 of the Energy Policy Act of 1992 (42 U.S.C. 13211).

(2) ALTERNATIVE FUELED VEHICLE INFRASTRUCTURE.—The term “alternative fueled vehicle infrastructure” means infrastructure used to charge or fuel an alternative fueled vehicle.

(3) ELIGIBLE ENTITY.—The term “eligible entity” means a consortium of—

(A) 1 local educational agency; and

(B) 1 or more—

(i) schools;

(ii) nonprofit organizations that have the knowledge and capacity to partner and assist with energy improvements;

(iii) for-profit organizations that have the knowledge and capacity to partner and assist with energy improvements; or

(iv) community partners that have the knowledge and capacity to partner and assist with energy improvements.

(4) ENERGY IMPROVEMENT.—The term “energy improvement” means—

(A) any improvement, repair, or renovation to a school that results in a direct reduction in school energy costs, including improvements to the envelope, air conditioning system, ventilation system, heating system, domestic hot water heating system, compressed air system, distribution system, lighting system, power system, and controls of a building;

(B) any improvement, repair, or renovation to, or installation in, a school that—

(i) leads to an improvement in teacher and student health, including indoor air quality; and

(ii) achieves energy savings;

(C) any improvement, repair, or renovation to a school involving the installation of renewable energy technologies;

(D) the installation of alternative fueled vehicle infrastructure on school grounds for—

(i) exclusive use of school buses, school fleets, or students; or

(ii) the general public; and

(E) the purchase or lease of alternative fueled vehicles to be used by a school, including school buses, fleet vehicles, and other operational vehicles.

(5) HIGH SCHOOL.—The term “high school” has the meaning given the term in section 8101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801).

(6) LOCAL EDUCATIONAL AGENCY.—The term “local educational agency” has the meaning given the term in section 8101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801).

(7) NONPROFIT ORGANIZATION.—The term “nonprofit organization” means—

(A) an organization described in section 501(c)(3) of the Internal Revenue Code of 1986 and exempt from tax under section 501(a) of such Code; or

(B) a mutual or cooperative electric company described in section 501(c)(12) of such Code.

(8) PARTNERING LOCAL EDUCATIONAL AGENCY.—The term “partnering local educational agency”, with respect to an eligible entity, means the local educational agency participating in the consortium of the eligible entity.

(b) GRANTS.—The Secretary shall award competitive grants to eligible entities to make energy improvements in accordance with this section.

(c) APPLICATIONS.—

(1) IN GENERAL.—An eligible entity desiring a grant under this section shall submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require.

(2) CONTENTS.—The application submitted under paragraph (1) shall include each of the following:

Assessment.

(A) A needs assessment of the current condition of the school and school facilities that would receive the energy improvements if the application were approved.

Plan.

(B) A draft work plan of the intended achievements of the eligible entity at the school.

(C) A description of the energy improvements that the eligible entity would carry out at the school if the application were approved.

(D) A description of the capacity of the eligible entity to provide services and comprehensive support to make the energy improvements referred to in subparagraph (C).

Assessment.

(E) An assessment of the expected needs of the eligible entity for operation and maintenance training funds, and a plan for use of those funds, if applicable.

Assessment.

(F) An assessment of the expected energy efficiency, energy savings, and safety benefits of the energy improvements.

Cost estimate.

(G) A cost estimate of the proposed energy improvements.

(H) An identification of other resources that are available to carry out the activities for which grant funds are

requested under this section, including the availability of utility programs and public benefit funds.

(d) PRIORITY.—

(1) IN GENERAL.—In awarding grants under this section, the Secretary shall give priority to an eligible entity—

(A) that has renovation, repair, and improvement funding needs;

(B)(i) that, as determined by the Secretary, serves a high percentage of students, including students in a high school in accordance with paragraph (2), who are eligible for a free or reduced price lunch under the Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et seq.); or

Determination.

(ii) the partnering local educational agency of which is designated with a school district locale code of 41, 42, or 43, as determined by the National Center for Education Statistics in consultation with the Bureau of the Census; and

(C) that leverages private sector investment through energy-related performance contracting.

(2) HIGH SCHOOL STUDENTS.—In the case of students in a high school, the percentage of students eligible for a free or reduced price lunch described in paragraph (1)(B)(i) shall be calculated using data from the schools that feed into the high school.

(e) COMPETITIVE CRITERIA.—The competitive criteria used by the Secretary to award grants under this section shall include the following:

(1) The extent of the disparity between the fiscal capacity of the eligible entity to carry out energy improvements at school facilities and the needs of the partnering local educational agency for those energy improvements, including consideration of—

(A) the current and historic ability of the partnering local educational agency to raise funds for construction, renovation, modernization, and major repair projects for schools;

(B) the ability of the partnering local educational agency to issue bonds or receive other funds to support the current infrastructure needs of the partnering local educational agency for schools; and

(C) the bond rating of the partnering local educational agency.

(2) The likelihood that the partnering local educational agency or eligible entity will maintain, in good condition, any school and school facility that is the subject of improvements.

(3) The potential energy efficiency and safety benefits from the proposed energy improvements.

(f) USE OF GRANT AMOUNTS.—

(1) IN GENERAL.—Except as provided in this subsection, an eligible entity receiving a grant under this section shall use the grant amounts only to make the energy improvements described in the application submitted by the eligible entity under subsection (c).

(2) OPERATION AND MAINTENANCE TRAINING.—An eligible entity receiving a grant under this section may use not more

than 5 percent of the grant amounts for operation and maintenance training for energy efficiency and renewable energy improvements, such as maintenance staff and teacher training, education, and preventative maintenance training.

(3) **THIRD-PARTY INVESTIGATION AND ANALYSIS.**—An eligible entity receiving a grant under this section may use a portion of the grant amounts for a third-party investigation and analysis of the energy improvements carried out by the eligible entity, such as energy audits and existing building commissioning.

(4) **CONTINUING EDUCATION.**—An eligible entity receiving a grant under this section may use not more than 3 percent of the grant amounts to develop a continuing education curriculum relating to energy improvements.

(g) **COMPETITION IN CONTRACTING.**—If an eligible entity receiving a grant under this section uses grant funds to carry out repair or renovation through a contract, the eligible entity shall be required to ensure that the contract process—

(1) through full and open competition, ensures the maximum practicable number of qualified bidders, including small, minority, and women-owned businesses; and

(2) gives priority to businesses located in, or resources common to, the State or geographical area in which the repair or renovation under the contract will be carried out.

Publication.
Guidelines.

(h) **BEST PRACTICES.**—The Secretary shall develop and publish guidelines and best practices for activities carried out under this section.

(i) **REPORT BY ELIGIBLE ENTITY.**—An eligible entity receiving a grant under this section shall submit to the Secretary, at such time as the Secretary may require, a report describing—

(1) the use of the grant funds for energy improvements;

(2) the estimated cost savings realized by those energy improvements;

(3) the results of any third-party investigation and analysis conducted relating to those energy improvements;

(4) the use of any utility programs and public benefit funds; and

(5) the use of performance tracking for energy improvements, such as—

(A) the Energy Star program established under section 324A of the Energy Policy and Conservation Act (42 U.S.C. 6294a); or

(B) the United States Green Building Council Leadership in Energy and Environmental Design (LEED) green building rating system for existing buildings.

Time period.

(j) **AUTHORIZATION OF APPROPRIATIONS.**—There is authorized to be appropriated to the Secretary to carry out this section \$500,000,000 for the period of fiscal years 2022 through 2026.

Grants.
42 USC 18832.

SEC. 40542. ENERGY EFFICIENCY MATERIALS PILOT PROGRAM.

(a) **DEFINITIONS.**—In this section:

(1) **APPLICANT.**—The term “applicant” means a nonprofit organization that applies for a grant under this section.

(2) **ENERGY-EFFICIENCY MATERIAL.**—

(A) **IN GENERAL.**—The term “energy-efficiency material” means a material (including a product, equipment, or

system) the installation of which results in a reduction in use by a nonprofit organization of energy or fuel.

(B) INCLUSIONS.—The term “energy-efficiency material” includes—

(i) a roof or lighting system or component of the system;

(ii) a window;

(iii) a door, including a security door; and

(iv) a heating, ventilation, or air conditioning system or component of the system (including insulation and wiring and plumbing improvements needed to serve a more efficient system).

(3) NONPROFIT BUILDING.—The term “nonprofit building” means a building operated and owned by an organization that is described in section 501(c)(3) of the Internal Revenue Code of 1986 and exempt from tax under section 501(a) of such Code.

(b) ESTABLISHMENT.—Not later than 1 year after the date of enactment of this Act, the Secretary shall establish a pilot program to award grants for the purpose of providing nonprofit buildings with energy-efficiency materials. Deadline.

(c) GRANTS.—

(1) IN GENERAL.—The Secretary may award grants under the program established under subsection (b).

(2) APPLICATION.—The Secretary may award a grant under paragraph (1) if an applicant submits to the Secretary an application at such time, in such form, and containing such information as the Secretary may prescribe.

(3) CRITERIA FOR GRANT.—In determining whether to award a grant under paragraph (1), the Secretary shall apply performance-based criteria, which shall give priority to applicants based on— Determination.
Applicability.

(A) the energy savings achieved;

(B) the cost effectiveness of the use of energy-efficiency materials;

(C) an effective plan for evaluation, measurement, and verification of energy savings; and

(D) the financial need of the applicant.

(4) LIMITATION ON INDIVIDUAL GRANT AMOUNT.—Each grant awarded under this section shall not exceed \$200,000.

(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary to carry out this section \$50,000,000 for the period of fiscal years 2022 through 2026, to remain available until expended. Time period.

Subtitle E—Miscellaneous

SEC. 40551. WEATHERIZATION ASSISTANCE PROGRAM.

42 USC 6861
note.

(a) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary for the weatherization assistance program established under part A of title IV of the Energy Conservation and Production Act (42 U.S.C. 6861 et seq.) \$3,500,000,000 for fiscal year 2022, to remain available until expended.

(b) APPLICATION OF WAGE RATE REQUIREMENTS TO WEATHERIZATION ASSISTANCE PROGRAM.—With respect to work performed under the weatherization assistance program established under

part A of title IV of the Energy Conservation and Production Act (42 U.S.C. 6861 et seq.) on a project assisted in whole or in part by funding made available under subsection (a), the requirements of section 41101 shall apply only to work performed on multifamily buildings with not fewer than 5 units.

SEC. 40552. ENERGY EFFICIENCY AND CONSERVATION BLOCK GRANT PROGRAM.

(a) **USE OF FUNDS.**—Section 544 of the Energy Independence and Security Act of 2007 (42 U.S.C. 17154) is amended—

(1) in paragraph (13)(D), by striking “and” after the semicolon;

(2) by redesignating paragraph (14) as paragraph (15); and

(3) by inserting after paragraph (13) the following:

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

(b) **AUTHORIZATION OF APPROPRIATIONS.**—There is authorized to be appropriated to the Secretary for the Energy Efficiency and Conservation Block Grant Program established under section 542(a) of the Energy Independence and Security Act of 2007 (42 U.S.C. 17152(a)) \$550,000,000 for fiscal year 2022, to remain available until expended.

42 USC 18841.

SEC. 40553. SURVEY, ANALYSIS, AND REPORT ON EMPLOYMENT AND DEMOGRAPHICS IN THE ENERGY, ENERGY EFFICIENCY, AND MOTOR VEHICLE SECTORS OF THE UNITED STATES.

(a) **ENERGY JOBS COUNCIL.**—

(1) **ESTABLISHMENT.**—The Secretary shall establish a council, to be known as the “Energy Jobs Council” (referred to in this section as the “Council”).

Appointments.

(2) **MEMBERSHIP.**—The Council shall be comprised of—

(A) to be appointed by the Secretary—

(i) 1 or more representatives of the Energy Information Administration; and

(ii) 1 or more representatives of a State energy office that are serving as members of the State Energy Advisory Board established by section 365(g) of the Energy Policy and Conservation Act (42 U.S.C. 6325(g));

(B) to be appointed by the Secretary of Commerce—

(i) 1 or more representatives of the Department of Commerce; and

(ii) 1 or more representatives of the Bureau of the Census;

(C) 1 or more representatives of the Bureau of Labor Statistics, to be appointed by the Secretary of Labor; and

(D) 1 or more representatives of any other Federal agency the assistance of which is required to carry out this section, as determined by the Secretary, to be appointed by the head of the applicable agency.

(b) SURVEY AND ANALYSIS.—

(1) IN GENERAL.—The Council shall—

(A) conduct a survey of employers in the energy, energy efficiency, and motor vehicle sectors of the economy of the United States; and

(B) perform an analysis of the employment figures and demographics in those sectors, including the number of personnel in each sector who devote a substantial portion of working hours, as determined by the Secretary, to regulatory compliance matters.

(2) METHODOLOGY.—In conducting the survey and analysis under paragraph (1), the Council shall employ a methodology that—

(A) was approved in 2016 by the Office of Management and Budget for use in the document entitled “OMB Control Number 1910–5179”;

(B) uses a representative, stratified sampling of businesses in the United States; and

(C) is designed to elicit a comparable number of responses from businesses in each State and with the same North American Industry Classification System codes as were received for the 2016 and 2017 reports entitled “U.S. Energy and Employment Report”.

(3) CONSULTATION.—In conducting the survey and analysis under paragraph (1), the Council shall consult with key stakeholders, including—

(A) as the Council determines to be appropriate, the heads of relevant Federal agencies and offices, including—

(i) the Secretary of Commerce;

(ii) the Secretary of Transportation;

(iii) the Director of the Bureau of the Census;

(iv) the Commissioner of the Bureau of Labor

Statistics; and

(v) the Administrator of the Environmental Protection Agency;

(B) States;

(C) the State Energy Advisory Board established by section 365(g) of the Energy Policy and Conservation Act (42 U.S.C. 6325(g)); and

(D) energy industry trade associations.

(c) REPORT.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, and annually thereafter, the Secretary shall—

Public
information.
Web posting.

(A) make publicly available on the website of the Department a report, to be entitled the “U.S. Energy and Employment Report”, describing the employment figures and demographics in the energy, energy efficiency, and motor vehicle sectors of the United States, and the average number of hours devoted to regulatory compliance, based on the survey and analysis conducted under subsection (b); and

(B) subject to the requirements of subchapter III of chapter 35 of title 44, United States Code, make the data collected by the Council publicly available on the website of the Department.

(2) CONTENTS.—

(A) IN GENERAL.—The report under paragraph (1) shall include employment figures and demographic data for—

(i) the energy sector of the economy of the United States, including—

(I) the electric power generation and fuels sector; and

(II) the transmission, storage, and distribution sector;

(ii) the energy efficiency sector of the economy of the United States; and

(iii) the motor vehicle sector of the economy of the United States.

(B) INCLUSION.—With respect to each sector described in subparagraph (A), the report under paragraph (1) shall include employment figures and demographic data sorted by—

(i) each technology, subtechnology, and fuel type of those sectors; and

(ii) subject to the requirements of the Confidential Information Protection and Statistical Efficiency Act of 2002 (44 U.S.C. 3501 note; Public Law 107–347)—

(I) each State;

(II) each territory of the United States;

(III) the District of Columbia; and

(IV) each county (or equivalent jurisdiction) in the United States.

Appropriation
authorization.

SEC. 40554. ASSISTING FEDERAL FACILITIES WITH ENERGY CONSERVATION TECHNOLOGIES GRANT PROGRAM.

There is authorized to be appropriated to the Secretary to provide grants authorized under section 546(b) of the National Energy Conservation Policy Act (42 U.S.C. 8256(b)), \$250,000,000 for fiscal year 2022, to remain available until expended.

Appropriation
authorization.
Time period.

SEC. 40555. REBATES.

There are authorized to be appropriated to the Secretary for the period of fiscal years 2022 and 2023—

(1) \$10,000,000 for the extended product system rebate program authorized under section 1005 of the Energy Act of 2020 (42 U.S.C. 6311 note; Public Law 116–260); and

(2) \$10,000,000 for the energy efficient transformer rebate program authorized under section 1006 of the Energy Act of 2020 (42 U.S.C. 6317 note; Public Law 116–260).

42 USC 18842.

SEC. 40556. MODEL GUIDANCE FOR COMBINED HEAT AND POWER SYSTEMS AND WASTE HEAT TO POWER SYSTEMS.

(a) DEFINITIONS.—In this section:

(1) ADDITIONAL SERVICES.—The term “additional services” means the provision of supplementary power, backup or standby power, maintenance power, or interruptible power to an electric consumer by an electric utility.

(2) WASTE HEAT TO POWER SYSTEM.—The term “waste heat to power system” means a system that generates electricity through the recovery of waste energy.

(3) OTHER TERMS.—

(A) PURPA.—The terms “electric consumer”, “electric utility”, “interconnection service”, “nonregulated electric utility”, and “State regulatory authority” have the

meanings given those terms in the Public Utility Regulatory Policies Act of 1978 (16 U.S.C. 2601 et seq.), within the meaning of title I of that Act (16 U.S.C. 2611 et seq.).

(B) EPCA.—The terms “combined heat and power system” and “waste energy” have the meanings given those terms in section 371 of the Energy Policy and Conservation Act (42 U.S.C. 6341).

(b) REVIEW.—

(1) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Secretary, in consultation with the Federal Energy Regulatory Commission and other appropriate entities, shall review existing rules and procedures relating to interconnection service and additional services throughout the United States for electric generation with nameplate capacity up to 150 megawatts connecting at either distribution or transmission voltage levels to identify barriers to the deployment of combined heat and power systems and waste heat to power systems.

Deadline.
Consultation.

(2) INCLUSION.—The review under this subsection shall include a review of existing rules and procedures relating to—

(A) determining and assigning costs of interconnection service and additional services; and

Determination.

(B) ensuring adequate cost recovery by an electric utility for interconnection service and additional services.

(c) MODEL GUIDANCE.—

(1) IN GENERAL.—Not later than 18 months after the date of enactment of this Act, the Secretary, in consultation with the Federal Energy Regulatory Commission and other appropriate entities, shall issue model guidance for interconnection service and additional services for consideration by State regulatory authorities and nonregulated electric utilities to reduce the barriers identified under subsection (b)(1).

Deadline.
Consultation.

(2) CURRENT BEST PRACTICES.—The model guidance issued under this subsection shall reflect, to the maximum extent practicable, current best practices to encourage the deployment of combined heat and power systems and waste heat to power systems while ensuring the safety and reliability of the interconnected units and the distribution and transmission networks to which the units connect, including—

(A) relevant current standards developed by the Institute of Electrical and Electronic Engineers; and

(B) model codes and rules adopted by—

(i) States; or

(ii) associations of State regulatory agencies.

(3) FACTORS FOR CONSIDERATION.—In establishing the model guidance under this subsection, the Secretary shall take into consideration—

(A) the appropriateness of using standards or procedures for interconnection service that vary based on unit size, fuel type, or other relevant characteristics;

(B) the appropriateness of establishing fast-track procedures for interconnection service;

(C) the value of consistency with Federal interconnection rules established by the Federal Energy Regulatory Commission as of the date of enactment of this Act;

(D) the best practices used to model outage assumptions and contingencies to determine fees or rates for additional services;

(E) the appropriate duration, magnitude, or usage of demand charge ratchets;

(F) potential alternative arrangements with respect to the procurement of additional services, including—

(i) contracts tailored to individual electric consumers for additional services;

(ii) procurement of additional services by an electric utility from a competitive market; and

(iii) waivers of fees or rates for additional services for small electric consumers; and

(G) outcomes such as increased electric reliability, fuel diversification, enhanced power quality, and reduced electric losses that may result from increased use of combined heat and power systems and waste heat to power systems.

TITLE VI—METHANE REDUCTION INFRASTRUCTURE

SEC. 40601. ORPHANED WELL SITE PLUGGING, REMEDIATION, AND RESTORATION.

Section 349 of the Energy Policy Act of 2005 (42 U.S.C. 15907) is amended to read as follows:

“SEC. 349. ORPHANED WELL SITE PLUGGING, REMEDIATION, AND RESTORATION.

“(a) DEFINITIONS.—In this section:

“(1) FEDERAL LAND.—The term ‘Federal land’ means land administered by a land management agency within—

“(A) the Department of Agriculture; or

“(B) the Department of the Interior.

“(2) IDLED WELL.—The term ‘idled well’ means a well—

“(A) that has been nonoperational for not fewer than 4 years; and

“(B) for which there is no anticipated beneficial future use.

“(3) INDIAN TRIBE.—The term ‘Indian Tribe’ has the meaning given the term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5304).

“(4) OPERATOR.—The term ‘operator’, with respect to an oil or gas operation, means any entity, including a lessee or operating rights owner, that has provided to a relevant authority a written statement that the entity is responsible for the oil or gas operation, or any portion of the operation.

“(5) ORPHANED WELL.—The term ‘orphaned well’—

“(A) with respect to Federal land or Tribal land, means a well—

“(i)(I) that is not used for an authorized purpose, such as production, injection, or monitoring; and

“(II)(aa) for which no operator can be located;

“(bb) the operator of which is unable—

“(AA) to plug the well; and

“(BB) to remediate and reclaim the well site;

or

“(cc) that is within the National Petroleum Reserve–Alaska; and

“(B) with respect to State or private land—

“(i) has the meaning given the term by the applicable State; or

“(ii) if that State uses different terminology, has the meaning given another term used by the State to describe a well eligible for plugging, remediation, and reclamation by the State.

“(6) TRIBAL LAND.—The term ‘Tribal land’ means any land or interest in land owned by an Indian Tribe, the title to which is—

“(A) held in trust by the United States; or

“(B) subject to a restriction against alienation under Federal law.

“(b) FEDERAL PROGRAM.—

“(1) ESTABLISHMENT.—Not later than 60 days after the date of enactment of the Infrastructure Investment and Jobs Act, the Secretary shall establish a program to plug, remediate, and reclaim orphaned wells located on Federal land.

Deadline.

“(2) INCLUDED ACTIVITIES.—The program under this subsection shall—

“(A) include a method of—

“(i) identifying, characterizing, and inventorying orphaned wells and associated pipelines, facilities, and infrastructure on Federal land; and

“(ii) ranking those orphaned wells for priority in plugging, remediation, and reclamation, based on—

“(I) public health and safety;

“(II) potential environmental harm; and

“(III) other subsurface impacts or land use priorities;

“(B) distribute funding in accordance with the priorities established under subparagraph (A)(ii) for—

“(i) plugging orphaned wells;

“(ii) remediating and reclaiming well pads and facilities associated with orphaned wells;

“(iii) remediating soil and restoring native species habitat that has been degraded due to the presence of orphaned wells and associated pipelines, facilities, and infrastructure; and

“(iv) remediating land adjacent to orphaned wells and decommissioning or removing associated pipelines, facilities, and infrastructure;

“(C) provide a public accounting of the costs of plugging, remediation, and reclamation for each orphaned well;

Public information.

“(D) seek to determine the identities of potentially responsible parties associated with the orphaned well (or a surety or guarantor of such a party), to the extent such information can be ascertained, and make efforts to obtain reimbursement for expenditures to the extent practicable;

Determination.

“(E) measure or estimate and track—

“(i) emissions of methane and other gases associated with orphaned wells; and

“(ii) contamination of groundwater or surface water associated with orphaned wells; and

- “**(F)** identify and address any disproportionate burden of adverse human health or environmental effects of orphaned wells on communities of color, low-income communities, and Tribal and indigenous communities.
- “(3) **IDLED WELLS.**—The Secretary, acting through the Director of the Bureau of Land Management, shall—
- Review. “**(A)** periodically review all idled wells on Federal land; and
- “**(B)** reduce the inventory of idled wells on Federal land.
- “**(4) COOPERATION AND CONSULTATION.**—In carrying out the program under this subsection, the Secretary shall—
- “**(A)** work cooperatively with—
- “**(i)** the Secretary of Agriculture;
- “**(ii)** affected Indian Tribes; and
- “**(iii)** each State within which Federal land is located; and
- Consultation. “**(B)** consult with—
- “**(i)** the Secretary of Energy; and
- “**(ii)** the Interstate Oil and Gas Compact Commission.
- “**(c) FUNDING FOR STATE PROGRAMS.**—
- “**(1) IN GENERAL.**—The Secretary shall provide to States, in accordance with this subsection—
- “**(A)** initial grants under paragraph (3);
- “**(B)** formula grants under paragraph (4); and
- “**(C)** performance grants under paragraph (5).
- “**(2) ACTIVITIES.**—
- “**(A) IN GENERAL.**—A State may use funding provided under this subsection for any of the following purposes:
- “**(i)** To plug, remediate, and reclaim orphaned wells located on State-owned or privately owned land.
- “**(ii)** To identify and characterize undocumented orphaned wells on State and private land.
- “**(iii)** To rank orphaned wells based on factors including—
- “**(I)** public health and safety;
- “**(II)** potential environmental harm; and
- “**(III)** other land use priorities.
- “**(iv)** To make information regarding the use of funds received under this subsection available on a public website.
- “**(v)** To measure and track—
- “**(I)** emissions of methane and other gases associated with orphaned wells; and
- “**(II)** contamination of groundwater or surface water associated with orphaned wells.
- “**(vi)** To remediate soil and restore native species habitat that has been degraded due to the presence of orphaned wells and associated pipelines, facilities, and infrastructure.
- “**(vii)** To remediate land adjacent to orphaned wells and decommission or remove associated pipelines, facilities, and infrastructure.
- “**(viii)** To identify and address any disproportionate burden of adverse human health or environmental effects of orphaned wells on communities of color, low-
- Public information. Web posting.

income communities, and Tribal and indigenous communities.

“(ix) Subject to subparagraph (B), to administer a program to carry out any activities described in clauses (i) through (viii).

“(B) ADMINISTRATIVE COST LIMITATION.—

“(i) IN GENERAL.—Except as provided in clause (ii), a State shall not use more than 10 percent of the funds received under this subsection during a fiscal year for administrative costs under subparagraph (A)(ix).

“(ii) EXCEPTION.—The limitation under clause (i) shall not apply to funds used by a State as described in paragraph (3)(A)(ii).

“(3) INITIAL GRANTS.—

“(A) IN GENERAL.—Subject to the availability of appropriations, the Secretary shall distribute—

“(i) not more than \$25,000,000 to each State that submits to the Secretary, by not later than 180 days after the date of enactment of the Infrastructure Investment and Jobs Act, a request for funding under this clause, including—

“(I) an estimate of the number of jobs that will be created or saved through the activities proposed to be funded; and

“(II) a certification that—

“(aa) the State is a Member State or Associate Member State of the Interstate Oil and Gas Compact Commission;

“(bb) there are 1 or more documented orphaned wells located in the State; and

“(cc) the State will use not less than 90 percent of the funding requested under this subsection to issue new contracts, amend existing contracts, or issue grants for plugging, remediation, and reclamation work by not later than 90 days after the date of receipt of the funds; and

“(ii) not more than \$5,000,000 to each State that—

“(I) requests funding under this clause;

“(II) does not receive a grant under clause

(i); and

“(III) certifies to the Secretary that—

“(aa) the State—

“(AA) has in effect a plugging, remediation, and reclamation program for orphaned wells; or

“(BB) the capacity to initiate such a program; or

“(bb) the funds provided under this paragraph will be used to carry out any administrative actions necessary to develop an application for a formula grant under paragraph (4) or a performance grant under paragraph (5).

“(B) DISTRIBUTION.—Subject to the availability of appropriations, the Secretary shall distribute funds to a State under this paragraph by not later than the date

Deadline.

Estimate.

Certification.

Certification.

Deadline.

that is 30 days after the date on which the State submits to the Secretary the certification required under clause (i)(II) or (ii)(III) of subparagraph (A), as applicable.

Reimbursement.

“(C) DEADLINE FOR EXPENDITURE.—A State that receives funds under this paragraph shall reimburse the Secretary in an amount equal to the amount of the funds that remain unobligated on the date that is 1 year after the date of receipt of the funds.

“(D) REPORT.—Not later than 15 months after the date on which a State receives funds under this paragraph, the State shall submit to the Secretary a report that describes the means by which the State used the funds in accordance with the certification submitted by the State under subparagraph (A).

“(4) FORMULA GRANTS.—

“(A) ESTABLISHMENT.—

“(i) IN GENERAL.—The Secretary shall establish a formula for the distribution to each State described in clause (ii) of funds under this paragraph.

Deadline.
Notice.

“(ii) DESCRIPTION OF STATES.—A State referred to in clause (i) is a State that, by not later than 45 days after the date of enactment of the Infrastructure Investment and Jobs Act, submits to the Secretary a notice of the intent of the State to submit an application under subparagraph (B), including a description of the factors described in clause (iii) with respect to the State.

“(iii) FACTORS.—The formula established under clause (i) shall account for, with respect to an applicant State, the following factors:

Time period.

“(I) Job losses in the oil and gas industry in the State during the period—

“(aa) beginning on March 1, 2020; and

“(bb) ending on the date of enactment of the Infrastructure Investment and Jobs Act.

“(II) The number of documented orphaned wells located in the State, and the projected cost—

“(aa) to plug or reclaim those orphaned wells;

“(bb) to reclaim adjacent land; and

“(cc) to decommission or remove associated pipelines, facilities, and infrastructure.

Deadline.
Public
information.
Web posting.

“(iv) PUBLICATION.—Not later than 75 days after the date of enactment of the Infrastructure Investment and Jobs Act, the Secretary shall publish on a public website the amount that each State is eligible to receive under the formula under this subparagraph.

“(B) APPLICATION.—To be eligible to receive a formula grant under this paragraph, a State shall submit to the Secretary an application that includes—

“(i) a description of—

“(I) the State program for orphaned well plugging, remediation, and restoration, including legal authorities, processes used to identify and prioritize orphaned wells, procurement mechanisms, and other program elements demonstrating

the readiness of the State to carry out proposed activities using the grant;

“(II) the activities to be carried out with the grant, including an identification of the estimated health, safety, habitat, and environmental benefits of plugging, remediating, or reclaiming orphaned wells; and

“(III) the means by which the information regarding the activities of the State under this paragraph will be made available on a public website;

“(ii) an estimate of—

Estimates.

“(I) the number of orphaned wells in the State that will be plugged, remediated, or reclaimed;

“(II) the projected cost of—

“(aa) plugging, remediating, or reclaiming orphaned wells;

“(bb) remediating or reclaiming adjacent land; and

“(cc) decommissioning or removing associated pipelines, facilities, and infrastructure;

“(III) the amount of that projected cost that will be offset by the forfeiture of financial assurance instruments, the estimated salvage of well site equipment, or other proceeds from the orphaned wells and adjacent land;

“(IV) the number of jobs that will be created or saved through the activities to be funded under this paragraph; and

“(V) the amount of funds to be spent on administrative costs;

“(iii) a certification that any financial assurance instruments available to cover plugging, remediation, or reclamation costs will be used by the State; and

Certification.

“(iv) the definitions and processes used by the State to formally identify a well as—

“(I) an orphaned well; or

“(II) if the State uses different terminology, otherwise eligible for plugging, remediation, and reclamation by the State.

“(C) DISTRIBUTION.—Subject to the availability of appropriations, the Secretary shall distribute funds to a State under this paragraph by not later than the date that is 60 days after the date on which the State submits to the Secretary a completed application under subparagraph (B).

“(D) DEADLINE FOR EXPENDITURE.—A State that receives funds under this paragraph shall reimburse the Secretary in an amount equal to the amount of the funds that remain unobligated on the date that is 5 years after the date of receipt of the funds.

Reimbursement.

“(E) CONSULTATION.—In making a determination under this paragraph regarding the eligibility of a State to receive a formula grant, the Secretary shall consult with—

Determination.

“(i) the Administrator of the Environmental Protection Agency;

“(ii) the Secretary of Energy; and

	“(iii) the Interstate Oil and Gas Compact Commission.
	“(5) PERFORMANCE GRANTS.—
	“(A) ESTABLISHMENT.—The Secretary shall provide to States, in accordance with this paragraph—
	“(i) regulatory improvement grants under subparagraph (E); and
	“(ii) matching grants under subparagraph (F).
	“(B) APPLICATION.—To be eligible to receive a grant under this paragraph, a State shall submit to the Secretary an application including—
	“(i) each element described in an application for a grant under paragraph (4)(B);
	“(ii) activities carried out by the State to address orphaned wells located in the State, including—
	“(I) increasing State spending on well plugging, remediation, and reclamation; or
	“(II) improving regulation of oil and gas wells;
	and
	“(iii) the means by which the State will use funds provided under this paragraph—
	“(I) to lower unemployment in the State; and
	“(II) to improve economic conditions in economically distressed areas of the State.
Deadline.	“(C) DISTRIBUTION.—Subject to the availability of appropriations, the Secretary shall distribute funds to a State under this paragraph by not later than the date that is 60 days after the date on which the State submits to the Secretary a completed application under subparagraph (B).
Determination.	“(D) CONSULTATION.—In making a determination under this paragraph regarding the eligibility of a State to receive a grant under subparagraph (E) or (F), the Secretary shall consult with—
	“(i) the Administrator of the Environmental Protection Agency;
	“(ii) the Secretary of Energy; and
	“(iii) the Interstate Oil and Gas Compact Commission.
	“(E) REGULATORY IMPROVEMENT GRANTS.—
Time periods. Criteria.	“(i) IN GENERAL.—Beginning on the date that is 180 days after the date on which an initial grant is provided to a State under paragraph (3), the Secretary shall, subject to the availability of appropriations, provide to the State a regulatory improvement grant under this subparagraph, if the State meets, during the 10-year period ending on the date on which the State submits to the Secretary an application under subparagraph (B), 1 of the following criteria:
	“(I) The State has strengthened plugging standards and procedures designed to ensure that wells located in the State are plugged in an effective manner that protects groundwater and other natural resources, public health and safety, and the environment.
	“(II) The State has made improvements to State programs designed to reduce future

orphaned well burdens, such as financial assurance reform, alternative funding mechanisms for orphaned well programs, and reforms to programs relating to well transfer or temporary abandonment.

“(ii) LIMITATIONS.—

“(I) NUMBER.—The Secretary may issue to a State under this subparagraph not more than 1 grant for each criterion described in subclause (I) or (II) of clause (i).

“(II) MAXIMUM AMOUNT.—The amount of a single grant provided to a State under this subparagraph shall be not more than \$20,000,000.

“(iii) REIMBURSEMENT FOR FAILURE TO MAINTAIN PROTECTIONS.—A State that receives a grant under this subparagraph shall reimburse the Secretary in an amount equal to the amount of the grant in any case in which, during the 10-year period beginning on the date of receipt of the grant, the State enacts a law or regulation that, if in effect on the date of submission of the application under subparagraph (B), would have prevented the State from being eligible to receive the grant under clause (i).

Time period.

“(F) MATCHING GRANTS.—

“(i) IN GENERAL.—Beginning on the date that is 180 days after the date on which an initial grant is provided to a State under paragraph (3), the Secretary shall, subject to the availability of appropriations, provide to the State funding, in an amount equal to the difference between—

Time period.

“(I) the average annual amount expended by the State during the period of fiscal years 2010 through 2019—

Time period.

“(aa) to plug, remediate, and reclaim orphaned wells; and

“(bb) to decommission or remove associated pipelines, facilities, or infrastructure; and

“(II) the amount that the State certifies to the Secretary the State will expend, during the fiscal year in which the State will receive the grant under this subparagraph—

“(aa) to plug, remediate, and reclaim orphaned wells;

“(bb) to remediate or reclaim adjacent land; and

“(cc) to decommission or remove associated pipelines, facilities, and infrastructure.

“(ii) LIMITATIONS.—

“(I) FISCAL YEAR.—The Secretary may issue to a State under this subparagraph not more than 1 grant for each fiscal year.

“(II) TOTAL FUNDS PROVIDED.—The Secretary may provide to a State under this subparagraph a total amount equal to not more than \$30,000,000 during the period of fiscal years 2022 through 2031.

Grants.

“(d) TRIBAL ORPHANED WELL SITE PLUGGING, REMEDIATION, AND RESTORATION.—**“(1) ESTABLISHMENT.—**The Secretary shall establish a program under which the Secretary shall—**“(A)** provide to Indian Tribes grants in accordance with this subsection; or**“(B)** on request of an Indian Tribe and in lieu of a grant under subparagraph (A), administer and carry out plugging, remediation, and reclamation activities in accordance with paragraph (7).**“(2) ELIGIBLE ACTIVITIES.—****“(A) IN GENERAL.—**An Indian Tribe may use a grant received under this subsection—**“(i)** to plug, remediate, or reclaim an orphaned well on Tribal land;**“(ii)** to remediate soil and restore native species habitat that has been degraded due to the presence of an orphaned well or associated pipelines, facilities, or infrastructure on Tribal land;**“(iii)** to remediate Tribal land adjacent to orphaned wells and decommission or remove associated pipelines, facilities, and infrastructure;**“(iv)** to provide an online public accounting of the cost of plugging, remediation, and reclamation for each orphaned well site on Tribal land;**“(v)** to identify and characterize undocumented orphaned wells on Tribal land; and**“(vi)** to develop or administer a Tribal program to carry out any activities described in clauses (i) through (v).**“(B) ADMINISTRATIVE COST LIMITATION.—****“(i) IN GENERAL.—**Except as provided in clause (ii), an Indian Tribe shall not use more than 10 percent of the funds received under this subsection during a fiscal year for administrative costs under subparagraph (A)(vi).**“(ii) EXCEPTION.—**The limitation under clause (i) shall not apply to any funds used to carry out an administrative action necessary for the development of a Tribal program described in subparagraph (A)(vi).**“(3) FACTORS FOR CONSIDERATION.—**In determining whether to provide to an Indian Tribe a grant under this subsection, the Secretary shall take into consideration—**“(A)** the unemployment rate of the Indian Tribe on the date on which the Indian Tribe submits an application under paragraph (4); and**“(B)** the estimated number of orphaned wells on the Tribal land of the Indian Tribe.**“(4) APPLICATION.—**To be eligible to receive a grant under this subsection, an Indian Tribe shall submit to the Secretary an application that includes—**“(A)** a description of—**“(i)** the Tribal program for orphaned well plugging, remediation, and restoration, including legal authorities, processes used to identify and prioritize orphaned wells, procurement mechanisms, and other program elements demonstrating the readiness of the IndianPublic
information.
Web posting.

Tribe to carry out the proposed activities, or plans to develop such a program; and

“(ii) the activities to be carried out with the grant, including an identification of the estimated health, safety, habitat, and environmental benefits of plugging, remediating, or reclaiming orphaned wells and remediating or reclaiming adjacent land; and

“(B) an estimate of—

Estimates.

“(i) the number of orphaned wells that will be plugged, remediating, or reclaimed; and

“(ii) the projected cost of—

“(I) plugging, remediating, or reclaiming orphaned wells;

“(II) remediating or reclaiming adjacent land; and

“(III) decommissioning or removing associated pipelines, facilities, and infrastructure.

“(5) DISTRIBUTION.—Subject to the availability of appropriations, the Secretary shall distribute funds to an Indian Tribe under this subsection by not later than the date that is 60 days after the date on which the Indian Tribe submits to the Secretary a completed application under paragraph (4).

Deadline.

“(6) DEADLINE FOR EXPENDITURE.—An Indian Tribe that receives funds under this subsection shall reimburse the Secretary in an amount equal to the amount of the funds that remain unobligated on the date that is 5 years after the date of receipt of the funds, except for cases in which the Secretary has granted the Indian Tribe an extended deadline for completion of the eligible activities after consultation.

“(7) DELEGATION TO SECRETARY IN LIEU OF A GRANT.—

“(A) IN GENERAL.—In lieu of a grant under this subsection, an Indian Tribe may submit to the Secretary a request for the Secretary to administer and carry out plugging, remediation, and reclamation activities relating to an orphaned well on behalf of the Indian Tribe.

“(B) ADMINISTRATION.—Subject to the availability of appropriations under subsection (h)(1)(E), on submission of a request under subparagraph (A), the Secretary shall administer or carry out plugging, remediation, and reclamation activities for an orphaned well on Tribal land.

“(e) TECHNICAL ASSISTANCE.—The Secretary of Energy, in cooperation with the Secretary and the Interstate Oil and Gas Compact Commission, shall provide technical assistance to the Federal land management agencies and oil and gas producing States and Indian Tribes to support practical and economical remedies for environmental problems caused by orphaned wells on Federal land, Tribal land, and State and private land, including the sharing of best practices in the management of oil and gas well inventories to ensure the availability of funds to plug, remediate, and restore oil and gas well sites on cessation of operation.

“(f) REPORT TO CONGRESS.—Not later than 1 year after the date of enactment of the Infrastructure Investment and Jobs Act, and not less frequently than annually thereafter, the Secretary shall submit to the Committees on Appropriations and Energy and Natural Resources of the Senate and the Committees on Appropriations and Natural Resources of the House of Representatives

a report describing the program established and grants awarded under this section, including—

Inventory.

“(1) an updated inventory of wells located on Federal land, Tribal land, and State and private land that are—

“(A) orphaned wells; or

“(B) at risk of becoming orphaned wells;

“(2) an estimate of the quantities of—

“(A) methane and other gasses emitted from orphaned wells; and

“(B) emissions reduced as a result of plugging, remediating, and reclaiming orphaned wells;

“(3) the number of jobs created and saved through the plugging, remediation, and reclamation of orphaned wells; and

“(4) the acreage of habitat restored using grants awarded to plug, remediate, and reclaim orphaned wells and to remediate or reclaim adjacent land, together with a description of the purposes for which that land is likely to be used in the future.

“(g) EFFECT OF SECTION.—

“(1) NO EXPANSION OF LIABILITY.—Nothing in this section establishes or expands the responsibility or liability of any entity with respect to—

“(A) plugging any well; or

“(B) remediating or reclaiming any well site.

“(2) TRIBAL LAND.—Nothing in this section—

“(A) relieves the Secretary of any obligation under section 3 of the Act of May 11, 1938 (25 U.S.C. 396c; 52 Stat. 348, chapter 198), to plug, remediate, or reclaim an orphaned well located on Tribal land; or

“(B) absolves the United States from a responsibility to plug, remediate, or reclaim an orphaned well located on Tribal land or any other responsibility to an Indian Tribe, including any responsibility that derives from—

“(i) the trust relationship between the United States and Indian Tribes;

“(ii) any treaty, law, or Executive order; or

“(iii) any agreement between the United States and an Indian Tribe.

“(3) OWNER OR OPERATOR NOT ABSOLVED.—Nothing in this section absolves the owner or operator of an oil or gas well of any potential liability for—

“(A) reimbursement of any plugging or reclamation costs associated with the well; or

“(B) any adverse effect of the well on the environment.

“(h) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated for fiscal year 2022, to remain available until September 30, 2030:

“(1) to the Secretary—

“(A) \$250,000,000 to carry out the program under subsection (b);

“(B) \$775,000,000 to provide grants under subsection (c)(3);

“(C) \$2,000,000,000 to provide grants under subsection (c)(4);

“(D) \$1,500,000,000 to provide grants under subsection (c)(5); and

“(E) \$150,000,000 to carry out the program under subsection (d);

“(2) to the Secretary of Energy, \$30,000,000 to conduct research and development activities in cooperation with the Interstate Oil and Gas Compact Commission to assist the Federal land management agencies, States, and Indian Tribes in—

“(A) identifying and characterizing undocumented orphaned wells; and

“(B) mitigating the environmental risks of undocumented orphaned wells; and

“(3) to the Interstate Oil and Gas Compact Commission, \$2,000,000 to carry out this section.”.

TITLE VII—ABANDONED MINE LAND RECLAMATION

SEC. 40701. ABANDONED MINE RECLAMATION FUND AUTHORIZATION OF APPROPRIATIONS.

Grants.
30 USC 1231a.

(a) **IN GENERAL.**—There is authorized to be appropriated, for deposit into the Abandoned Mine Reclamation Fund established by section 401(a) of the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1231(a)) \$11,293,000,000 for fiscal year 2022, to remain available until expended.

(b) **USE OF FUNDS.**—

(1) **IN GENERAL.**—Subject to subsection (g), amounts made available under subsection (a) shall be used to provide, as expeditiously as practicable, to States and Indian Tribes described in paragraph (2) annual grants for abandoned mine land and water reclamation projects under the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1201 et seq.).

(2) **ELIGIBLE GRANT RECIPIENTS.**—Grants may be made under paragraph (1) to—

(A) States and Indian Tribes that have a State or Tribal program approved under section 405 of the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1235);

(B) States and Indian Tribes that are certified under section 411(a) of that Act (30 U.S.C. 1240a(a)); and

(C) States and Indian Tribes that are referred to in section 402(g)(8)(B) of that Act (30 U.S.C. 1232(g)(8)(B)).

(3) **CONTRACT AGGREGATION.**—In applying for grants under paragraph (1), States and Indian Tribes may aggregate bids into larger statewide or regional contracts.

(c) **COVERED ACTIVITIES.**—Grants under subsection (b)(1) shall only be used for activities described in subsections (a) and (b) of section 403 and section 410 of the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1233, 1240).

(d) **ALLOCATION.**—

(1) **IN GENERAL.**—Subject to subsection (e), the Secretary of the Interior shall allocate and distribute amounts made available for grants under subsection (b)(1) to States and Indian Tribes on an equal annual basis over a 15-year period beginning on the date of enactment of this Act, based on the number of tons of coal historically produced in the States or from the applicable Indian land before August 3, 1977, regardless of whether the State or Indian Tribe is certified under section

411(a) of the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1240a(a)).

(2) SURFACE MINING CONTROL AND RECLAMATION ACT EXCEPTION.—Section 401(f)(3)(B) of the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1231(f)(3)(B)) shall not apply to grant funds distributed under subsection (b)(1).

(3) REPORT TO CONGRESS ON ALLOCATIONS.—

(A) IN GENERAL.—Not later than 6 years after the date on which the first allocation to States and Indian Tribes is made under paragraph (1), the Secretary of the Interior shall submit to Congress a report that describes any progress made under this section in addressing outstanding reclamation needs under subsection (a) or (b) of section 403 or section 410 of the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1233, 1240).

(B) INPUT.—The Secretary of the Interior shall—

(i) prior to submitting the report under subparagraph (A), solicit the input of the States and Indian Tribes regarding the progress referred to in that subparagraph; and

(ii) include in the report submitted to Congress under that subparagraph a description of any input received under clause (i).

(4) REDISTRIBUTION OF FUNDS.—

(A) EVALUATION.—Not later than 20 years after the date of enactment of this Act, the Secretary of the Interior shall evaluate grant payments to States and Indian Tribes made under this section.

(B) UNUSED FUNDS.—On completion of the evaluation under subparagraph (A), States and Indian Tribes shall return any unused funds under this section to the Abandoned Mine Reclamation Fund.

(e) TOTAL AMOUNT OF GRANT.—The total amount of grant funding provided under subsection (b)(1) to an eligible State or Indian Tribe shall be not less than \$20,000,000, to the extent that the amount needed for reclamation projects described in that subsection on the land of the State or Indian Tribe is not less than \$20,000,000.

(f) PRIORITY.—In addition to the priorities described in section 403(a) of the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1233(a)), in providing grants under this section, priority may also be given to reclamation projects described in subsection (b)(1) that provide employment for current and former employees of the coal industry.

(g) RESERVATION.—Of the funds made available under subsection (a), \$25,000,000 shall be made available to the Secretary of the Interior to provide States and Indian Tribes with the financial and technical assistance necessary for the purpose of making amendments to the inventory maintained under section 403(c) of the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1233(c)).

SEC. 40702. ABANDONED MINE RECLAMATION FEE.

(a) AMOUNT.—Section 402(a) of the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1232(a)) is amended—

(1) by striking “28 cents” and inserting “22.4 cents”;

(2) by striking “12 cents” and inserting “9.6 cents”; and

Deadline.

(3) by striking “8 cents” and inserting “6.4 cents”.

(b) DURATION.—Section 402(b) of the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1232(b)) is amended by striking “September 30, 2021” and inserting “September 30, 2034”.

SEC. 40703. AMOUNTS DISTRIBUTED FROM ABANDONED MINE RECLAMATION FUND.

Section 401(f)(2) of the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1231(f)(2)) is amended—

(1) in subparagraph (A)—

(A) in the subparagraph heading, by striking “2022” and inserting “2035”; and

(B) in the matter preceding clause (i), by striking “2022” and inserting “2035”; and

(2) in subparagraph (B)—

(A) in the subparagraph heading, by striking “2023” and inserting “2036”; and

(B) by striking “2023” and inserting “2036”; and

(C) by striking “2022” and inserting “2035”.

SEC. 40704. ABANDONED HARDROCK MINE RECLAMATION.

(a) ESTABLISHMENT.—Not later than 90 days after the date of enactment of this Act, the Secretary of the Interior (referred to in this section as the “Secretary”) shall establish a program to inventory, assess, decommission, reclaim, respond to hazardous substance releases on, and remediate abandoned hardrock mine land based on conditions including need, public health and safety, potential environmental harm, and other land use priorities.

(b) AWARD OF GRANTS.—Subject to the availability of funds, the Secretary shall provide grants on a competitive or formula basis to States and Indian Tribes that have jurisdiction over abandoned hardrock mine land to reclaim that land.

(c) ELIGIBILITY.—Amounts made available under this section may only be used for Federal, State, Tribal, local, and private land that has been affected by past hardrock mining activities, and water resources that traverse or are contiguous to such land, including any of the following:

(1) Land and water resources that were—

(A) used for, or affected by, hardrock mining activities; and

(B) abandoned or left in an inadequate reclamation status before the date of enactment of this Act.

(2) Land for which the Secretary makes a determination that there is no continuing reclamation responsibility of a claim holder, liable party, operator, or other person that abandoned the site prior to completion of required reclamation under Federal or State law.

(d) ELIGIBLE ACTIVITIES.—

(1) IN GENERAL.—Amounts made available to carry out this section shall be used to inventory, assess, decommission, reclaim, respond to hazardous substance releases on, and remediate abandoned hardrock mine land based on the priorities described in subsection (a).

(2) EXCLUSION.—Amounts made available to carry out this section may not be used to fulfill obligations under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.) agreed to in

Inventory.
Assessment.
Grants.
30 USC 1245.

Determination.

a legal settlement or imposed by a court, whether for payment of funds or for work to be performed.

(e) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There is authorized to be appropriated to carry out this section \$3,000,000,000, to remain available until expended, of which—

(A) 50 percent shall be for grants to States and Indian Tribes under subsection (b) for eligible activities described in subsection (d)(1); and

(B) 50 percent shall be for available to the Secretary for eligible activities described in subsection (d)(1) on Federal land.

(2) TRANSFER.—The Secretary may transfer amounts made available to the Secretary under paragraph (1)(B) to the Secretary of Agriculture for activities described in subsection (a) on National Forest System land.

TITLE VIII—NATURAL RESOURCES-RELATED INFRASTRUCTURE, WILDFIRE MANAGEMENT, AND ECOSYSTEM RESTORATION

SEC. 40801. FOREST SERVICE LEGACY ROAD AND TRAIL REMEDIATION PROGRAM.

(a) ESTABLISHMENT.—Public Law 88–657 (16 U.S.C. 532 et seq.) (commonly known as the “Forest Roads and Trails Act”) is amended by adding at the end the following:

16 USC 538a.

“SEC. 8. FOREST SERVICE LEGACY ROAD AND TRAIL REMEDIATION PROGRAM.

“(a) ESTABLISHMENT.—The Secretary shall establish the Forest Service Legacy Road and Trail Remediation Program (referred to in this section as the ‘Program’).

“(b) ACTIVITIES.—In carrying out the Program, the Secretary shall, taking into account foreseeable changes in weather and hydrology—

“(1) restore passages for fish and other aquatic species by—

“(A) improving, repairing, or replacing culverts and other infrastructure; and

“(B) removing barriers, as the Secretary determines appropriate, from the passages;

“(2) decommission unauthorized user-created roads and trails that are not a National Forest System road or a National Forest System trail, if the applicable unit of the National Forest System has published—

“(A) a Motor Vehicle Use Map and the road is not identified as a National Forest System road on that Motor Vehicle Use Map; or

“(B) a map depicting the authorized trails in the applicable unit of the National Forest System and the trail is not identified as a National Forest System trail on that map;

“(3) prepare previously closed National Forest System roads for long-term storage, in accordance with subsections (c)(1) and (d), in a manner that—

“(A) prevents motor vehicle use, as appropriate to conform to route designations;

“(B) prevents the roads from damaging adjacent resources, including aquatic and wildlife resources;

“(C) reduces or eliminates the need for road maintenance; and

“(D) preserves the roads for future use;

“(4) decommission previously closed National Forest System roads and trails in accordance with subsections (c)(1) and (d);

“(5) relocate National Forest System roads and trails—

“(A) to increase resilience to extreme weather events, flooding, and other natural disasters; and

“(B) to respond to changing resource conditions and public input;

“(6) convert National Forest System roads to National Forest System trails, while allowing for continued use for motorized and nonmotorized recreation, to the extent the use is compatible with the management status of the road or trail;

“(7) decommission temporary roads—

“(A) that were constructed before the date of enactment of this section—

“(i) for emergency operations; or

“(ii) to facilitate a resource extraction project;

“(B) that were designated as a temporary road by the Secretary; and

“(C)(i) in violation of section 10(b) of the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1608(b)), on which vegetation cover has not been reestablished; or

“(ii) that have not been fully decommissioned; and

“(8) carry out projects on National Forest System roads, trails, and bridges to improve resilience to extreme weather events, flooding, or other natural disasters.

“(c) PROJECT SELECTION.—

“(1) PROJECT ELIGIBILITY.—

“(A) IN GENERAL.—The Secretary may only fund under the Program a project described in paragraph (3) or (4) of subsection (b) if the Secretary previously and separately—

“(i) solicited public comment for changing the management status of the applicable National Forest System road or trail—

“(I) to close the road or trail to access; and

“(II) to minimize impacts to natural resources;

and

“(ii) has closed the road or trail to access as described in clause (i)(I).

“(B) REQUIREMENT.—Each project carried out under the Program shall be on a National Forest System road or trail, except with respect to—

“(i) a project described in subsection (b)(2); or

“(ii) a project carried out on a watershed for which the Secretary has entered into a cooperative agreement under section 323 of the Department of the Interior

Contracts.

and Related Agencies Appropriations Act, 1999 (16 U.S.C. 1011a).

“(2) ANNUAL SELECTION OF PROJECTS FOR FUNDING.—The Secretary shall—

“(A) establish a process for annually selecting projects for funding under the Program, consistent with the requirements of this section;

“(B) solicit and consider public input regionally in the ranking of projects for funding under the Program;

“(C) give priority for funding under the Program to projects that would—

“(i) protect or improve water quality in public drinking water source areas;

“(ii) restore the habitat of a threatened, endangered, or sensitive fish or wildlife species; or

“(iii) maintain future access to the adjacent area for the public, contractors, permittees, or firefighters; and

Web posting.

“(D) publish on the website of the Forest Service—

“(i) the selection process established under subparagraph (A); and

List.

“(ii) a list that includes a description and the proposed outcome of each project funded under the Program in each fiscal year.

“(d) IMPLEMENTATION.—In implementing the Program, the Secretary shall ensure that—

“(1) the system of roads and trails on the applicable unit of the National Forest System—

“(A) is adequate to meet any increasing demands for timber, recreation, and other uses;

“(B) provides for intensive use, protection, development, and management of the land under principles of multiple use and sustained yield of products and services;

“(C) does not damage, degrade, or impair adjacent resources, including aquatic and wildlife resources, to the extent practicable;

“(D) reflects long-term funding expectations; and

“(E) is adequate for supporting emergency operations, such as evacuation routes during wildfires, floods, and other natural disasters; and

“(2) all projects funded under the Program are consistent with any applicable forest plan or travel management plan.

“(e) SAVINGS CLAUSE.—A decision to fund a project under the Program shall not affect any determination made previously or to be made in the future by the Secretary with regard to road or trail closures.”.

Time period.

(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary of Agriculture to carry out section 8 of Public Law 88–657 (commonly known as the “Forest Roads and Trails Act”) \$250,000,000 for the period of fiscal years 2022 through 2026.

SEC. 40802. STUDY AND REPORT ON FEASIBILITY OF REVEGETATING RECLAIMED MINE SITES.

(a) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary of the Interior, acting through the Director of the Office of Surface Mining Reclamation and

Enforcement, shall conduct, and submit to Congress a report describing the results of, a study on the feasibility of revegetating reclaimed mined sites.

(b) INCLUSIONS.—The report submitted under subsection (a) shall include—

(1) recommendations for how a program could be implemented through the Office of Surface Mining Reclamation and Enforcement to revegetate reclaimed mined sites;

Recommendations.

(2) identifications of reclaimed mine sites that would be suitable for inclusion in such a program, including sites on land that—

(A) is subject to title IV of the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1231 et seq.); and

(B) is not subject to that title;

(3) a description of any barriers to implementation of such a program, including whether the program would potentially interfere with the authorities contained in, or the implementation of, the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1201 et seq.), including the Abandoned Mine Reclamation Fund created by section 401 of that Act (30 U.S.C. 1231) and State reclamation programs under section 405 of that Act (30 U.S.C. 1235); and

(4) a description of the potential for job creation and workforce needs if such a program was implemented.

SEC. 40803. WILDFIRE RISK REDUCTION.

16 USC 6592.

(a) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary of the Interior and the Secretary of Agriculture, acting through the Chief of the Forest Service, for the activities described in subsection (c), \$3,369,200,000 for the period of fiscal years 2022 through 2026.

Time period.

(b) TREATMENT.—Of the Federal land or Indian forest land or rangeland that has been identified as having a very high wildfire hazard potential, the Secretary of the Interior and the Secretary of Agriculture, acting through the Chief of the Forest Service, shall, by not later than September 30, 2027, conduct restoration treatments and improve the Fire Regime Condition Class of 10,000,000 acres that are located in—

Deadline.

(1) the wildland-urban interface; or

(2) a public drinking water source area.

(c) ACTIVITIES.—Of the amounts made available under subsection (a) for the period of fiscal years 2022 through 2026—

(1) \$20,000,000 shall be made available for entering into an agreement with the Administrator of the National Oceanic and Atmospheric Administration to establish and operate a program that makes use of the Geostationary Operational Environmental Satellite Program to rapidly detect and report wildfire starts in all areas in which the Secretary of the Interior or the Secretary of Agriculture has financial responsibility for wildland fire protection and prevention, of which—

(A) \$10,000,000 shall be made available to the Secretary of the Interior; and

(B) \$10,000,000 shall be made available to the Secretary of Agriculture;

(2) \$600,000,000 shall be made available for the salaries and expenses of Federal wildland firefighters in accordance with subsection (d), of which—

(A) \$120,000,000 shall be made available to the Secretary of the Interior; and

(B) \$480,000,000 shall be made available to the Secretary of Agriculture;

(3) \$10,000,000 shall be made available to the Secretary of the Interior to acquire technology and infrastructure for each Type I and Type II incident management team to maintain interoperability with respect to the radio frequencies used by any responding agency;

(4) \$30,000,000 shall be made available to the Secretary of Agriculture to provide financial assistance to States, Indian Tribes, and units of local government to establish and operate Reverse-911 telecommunication systems;

(5) \$50,000,000 shall be made available to the Secretary of the Interior to establish and implement a pilot program to provide to local governments financial assistance for the acquisition of slip-on tanker units to establish fleets of vehicles that can be quickly converted to be operated as fire engines;

(6) \$1,200,000 shall be made available to the Secretary of Agriculture, in coordination with the Secretary of the Interior, to develop and publish, not later than 180 days after the date of enactment of this Act, and every 5 years thereafter, a map depicting at-risk communities (as defined in section 101 of the Healthy Forests Restoration Act of 2003 (16 U.S.C. 6511)), including Tribal at-risk communities;

(7) \$100,000,000 shall be made available to the Secretary of the Interior and the Secretary of Agriculture—

(A) for—

(i) preplanning fire response workshops that develop—

(I) potential operational delineations; and

(II) select potential control locations; and

(ii) workforce training for staff, non-Federal firefighters, and Native village fire crews for—

(I) wildland firefighting; and

(II) increasing the pace and scale of vegetation treatments, including training on how to prepare and implement large landscape treatments; and

(B) of which—

(i) \$50,000,000 shall be made available to the Secretary of the Interior; and

(ii) \$50,000,000 shall be made available to the Secretary of Agriculture;

(8) \$20,000,000 shall be made available to the Secretary of Agriculture to enter into an agreement with a Southwest Ecological Restoration Institute established under the Southwest Forest Health and Wildfire Prevention Act of 2004 (16 U.S.C. 6701 et seq.)—

(A) to compile and display existing data, including geographic data, for hazardous fuel reduction or wildfire prevention treatments undertaken by the Secretary of the Interior or the Secretary of Agriculture, including treatments undertaken with funding provided under this title;

Publication.
Deadline.
Time period.

Contracts.
Data.

(B) to compile and display existing data, including geographic data, for large wildfires, as defined by the National Wildfire Coordinating Group, that occur in the United States;

(C) to facilitate coordination and use of existing and future interagency fuel treatment data, including geographic data, for the purposes of—

Coordination.

(i) assessing and planning cross-boundary fuel treatments; and

Assessment.

(ii) monitoring the effects of treatments on wildfire outcomes and ecosystem restoration services, using the data compiled under subparagraphs (A) and (B);

(D) to publish a report every 5 years showing the extent to which treatments described in subparagraph (A) and previous wildfires affect the boundaries of wildfires, categorized by—

Reports.

Time period.

(i) Federal land management agency;

(ii) region of the United States; and

(iii) treatment type; and

(E) to carry out other related activities of a Southwest Ecological Restoration Institute, as authorized by the Southwest Forest Health and Wildfire Prevention Act of 2004 (16 U.S.C. 6701 et seq.);

(9) \$20,000,000 shall be available for activities conducted under the Joint Fire Science Program, of which—

(A) \$10,000,000 shall be made available to the Secretary of the Interior; and

(B) \$10,000,000 shall be made available to the Secretary of Agriculture;

(10) \$100,000,000 shall be made available to the Secretary of Agriculture for collaboration and collaboration-based activities, including facilitation, certification of collaboratives, and planning and implementing projects under the Collaborative Forest Landscape Restoration Program established under section 4003 of the Omnibus Public Land Management Act of 2009 (16 U.S.C. 7303) in accordance with subsection (e);

(11) \$500,000,000 shall be made available to the Secretary of the Interior and the Secretary of Agriculture—

(A) for—

(i) conducting mechanical thinning and timber harvesting in an ecologically appropriate manner that maximizes the retention of large trees, as appropriate for the forest type, to the extent that the trees promote fire-resilient stands; or

(ii) precommercial thinning in young growth stands for wildlife habitat benefits to provide subsistence resources; and

(B) of which—

(i) \$100,000,000 shall be made available to the Secretary of the Interior; and

(ii) \$400,000,000 shall be made available to the Secretary of Agriculture;

(12) \$500,000,000 shall be made available to the Secretary of Agriculture, in cooperation with States, to award community wildfire defense grants to at-risk communities in accordance with subsection (f);

Grants.

(13) \$500,000,000 shall be made available for planning and conducting prescribed fires and related activities, of which—

(A) \$250,000,000 shall be made available to the Secretary of the Interior; and

(B) \$250,000,000 shall be made available to the Secretary of Agriculture;

(14) \$500,000,000 shall be made available for developing or improving potential control locations, in accordance with paragraph (7)(A)(i)(II), including installing fuelbreaks (including fuelbreaks studied under subsection (i)), with a focus on shaded fuelbreaks when ecologically appropriate, of which—

(A) \$250,000,000 shall be made available to the Secretary of the Interior; and

(B) \$250,000,000 shall be made available to the Secretary of Agriculture;

Contracts.

(15) \$200,000,000 shall be made available for contracting or employing crews of laborers to modify and remove flammable vegetation on Federal land and for using materials from treatments, to the extent practicable, to produce biochar and other innovative wood products, including through the use of existing locally based organizations that engage young adults, Native youth, and veterans in service projects, such as youth and conservation corps, of which—

(A) \$100,000,000 shall be made available to the Secretary of the Interior; and

(B) \$100,000,000 shall be made available to the Secretary of Agriculture;

Deadline.

(16) \$200,000,000 shall be made available for post-fire restoration activities that are implemented not later than 3 years after the date that a wildland fire is contained, of which—

(A) \$100,000,000 shall be made available to the Secretary of the Interior; and

(B) \$100,000,000 shall be made available to the Secretary of Agriculture;

(17) \$8,000,000 shall be made available to the Secretary of Agriculture—

(A) to provide feedstock to firewood banks; and

(B) to provide financial assistance for the operation of firewood banks; and

Contracts.

(18) \$10,000,000 shall be available to the Secretary of the Interior and the Secretary of Agriculture for the procurement and placement of wildfire detection and real-time monitoring equipment, such as sensors, cameras, and other relevant equipment, in areas at risk of wildfire or post-burned areas.

(d) WILDLAND FIREFIGHTERS.—

Deadline.
Coordination.

(1) IN GENERAL.—Subject to the availability of appropriations, not later than 180 days after the date of enactment of this Act, the Secretary of the Interior and the Secretary of Agriculture shall, using the amounts made available under subsection (c)(2), coordinate with the Director of the Office of Personnel Management to develop a distinct “wildland firefighter” occupational series.

(2) HAZARDOUS DUTY DIFFERENTIAL NOT AFFECTED.—Section 5545(d)(1) of title 5, United States Code, is amended by striking “except” and all that follows through “and” at the end and inserting the following: “except—

- “(A) an employee in an occupational series covering positions for which the primary duties involve the prevention, control, suppression, or management of wildland fires, as determined by the Office; and
- “(B) in such other circumstances as the Office may by regulation prescribe; and”.
- (3) **CURRENT EMPLOYEES.**—Any individual employed as a wildland firefighter on the date on which the occupational series established under paragraph (1) takes effect may elect—
- (A) to remain in the occupational series in which the individual is employed; or
- (B) to be included in the “wildland firefighter” occupational series established under that paragraph.
- (4) **PERMANENT EMPLOYEES; INCREASE IN SALARY.**—Using the amounts made available under subsection (c)(2), beginning October 1, 2021, the Secretary of the Interior and the Secretary of Agriculture shall—
- (A) seek to convert not fewer than 1,000 seasonal wildland firefighters to wildland firefighters that—
- (i) are full-time, permanent, year-round Federal employees; and
- (ii) reduce hazardous fuels on Federal land not fewer than 800 hours per year; and
- (B) increase the base salary of a Federal wildland firefighter by the lesser of an amount that is commensurate with an increase of \$20,000 per year or an amount equal to 50 percent of the base salary, if the Secretary concerned, in coordination with the Director of the Office of Personnel Management, makes a written determination that the position of the Federal wildland firefighter is located within a specified geographic area in which it is difficult to recruit or retain a Federal wildland firefighter.
- (5) **NATIONAL WILDFIRE COORDINATING GROUP.**—Using the amounts made available under subsection (c)(2), not later than October 1, 2022, the Secretary of the Interior and the Secretary of Agriculture shall—
- (A) develop and adhere to recommendations for mitigation strategies for wildland firefighters to minimize exposure due to line-of-duty environmental hazards; and
- (B) establish programs for permanent, temporary, seasonal, and year-round wildland firefighters to recognize and address mental health needs, including post-traumatic stress disorder care.
- (e) **COLLABORATIVE FOREST LANDSCAPE RESTORATION PROGRAM.**—Subject to the availability of appropriations, not later than 180 days after the date of enactment of this Act, the Secretary of Agriculture shall, using the amounts made available under subsection (c)(10)—
- (1) solicit new project proposals under the Collaborative Forest Landscape Restoration Program established under section 4003 of the Omnibus Public Land Management Act of 2009 (16 U.S.C. 7303) (referred to in this subsection as the “Program”);
- (2) provide up to 5 years of additional funding of any proposal originally selected for funding under the Program prior to September 30, 2018—

Determination.

Regulations.

Effective date.

Coordination.
Determination.

Deadline.

Recommendations.

Deadline.

Time period.

(A) that has been approved for an extension of funding by the Secretary of Agriculture prior to the date of enactment of this Act; or

(B) that has been recommended for an extension of funding by the advisory panel established under section 4003(e) of the Omnibus Public Land Management Act of 2009 (16 U.S.C. 7303(e)) prior to the date of enactment of this Act that the Secretary of Agriculture subsequently approves; and

(3) select project proposals for funding under the Program in a manner that—

(A) gives priority to a project proposal that will treat acres that—

(i) have been identified as having very high wild-fire hazard potential; and

(ii) are located in—

(I) the wildland-urban interface; or

(II) a public drinking water source area;

(B) takes into consideration—

(i) the cost per acre of Federal land or Indian forest land or rangeland acres described in subparagraph (A) to be treated; and

(ii) the number of acres described in subparagraph

(A) to be treated;

(C) gives priority to a project proposal that is proposed by a collaborative that has successfully accomplished treatments consistent with a written plan that included a proposed schedule of completing those treatments, which is not limited to an earlier proposal funded under the Program; and

Time period.

(D) discontinues funding for a project that fails to achieve the results included in a project proposal submitted under paragraph (1) for more than 2 consecutive years.

(f) COMMUNITY WILDFIRE DEFENSE GRANT PROGRAM.—

Deadline.

(1) ESTABLISHMENT.—Subject to the availability of appropriations, not later than 180 days after the date of enactment of this Act, the Secretary of Agriculture shall, using amounts made available under subsection (c)(12), establish a program, which shall be separate from the program established under section 203 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5133), under which the Secretary of Agriculture, in cooperation with the States, shall award grants to at-risk communities, including Indian Tribes—

(A) to develop or revise a community wildfire protection plan; and

Time period.

(B) to carry out projects described in a community wildfire protection plan that is not more than 10 years old.

(2) PRIORITY.—In awarding grants under the program described in paragraph (1), the Secretary of Agriculture shall give priority to an at-risk community that is—

(A) in an area identified by the Secretary of Agriculture as having high or very high wildfire hazard potential;

(B) a low-income community; or

(C) a community impacted by a severe disaster.

(3) COMMUNITY WILDFIRE DEFENSE GRANTS.—

(A) GRANT AMOUNTS.—A grant—

(i) awarded under paragraph (1)(A) shall be for not more than \$250,000; and

(ii) awarded under paragraph (1)(B) shall be for not more than \$10,000,000.

(B) COST SHARING REQUIREMENT.—

(i) IN GENERAL.—Except as provided in clause (ii), the non-Federal cost (including the administrative cost) of carrying out a project using funds from a grant awarded under the program described in paragraph (1) shall be—

(I) not less than 10 percent for a grant awarded under paragraph (1)(A); and

(II) not less than 25 percent for a grant awarded under paragraph (1)(B).

(ii) WAIVER.—The Secretary of Agriculture may waive the cost-sharing requirement under clause (i) for a project that serves an underserved community.

(C) ELIGIBILITY.—The Secretary of Agriculture shall not award a grant under paragraph (1) to an at-risk community that is located in a county or community that—

(i) is located in the continental United States; and

(ii) has not adopted an ordinance or regulation that requires the construction of new roofs on buildings to adhere to standards that are similar to, or more stringent than—

(I) the roof construction standards established by the National Fire Protection Association; or

(II) an applicable model building code established by the International Code Council.

(g) PRIORITIES.—In carrying out projects using amounts made available under this section, the Secretary of the Interior or the Secretary of Agriculture, acting through the Chief of the Forest Service, as applicable, shall prioritize funding for projects—

(1) for which any applicable processes under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) have been completed on the date of enactment of this Act;

(2) that reduce the likelihood of experiencing uncharacteristically severe effects from a potential wildfire by focusing on areas strategically important for reducing the risks associated with wildfires;

(3) that maximize the retention of large trees, as appropriate for the forest type, to the extent that the trees promote fire-resilient stands;

(4) that do not include the establishment of permanent roads;

(5) for which funding would be committed to decommission all temporary roads constructed to carry out the project; and

(6) that fully maintain or contribute toward the restoration of the structure and composition of old growth stands consistent with the characteristics of that forest type, taking into account the contribution of the old growth stand to landscape fire adaption and watershed health, unless the old growth stand is part of a science-based ecological restoration project authorized by the Secretary concerned that meets applicable protection and old growth enhancement objectives, as determined by the Secretary concerned.

Determination.

(h) **REPORTS.**— The Secretary of the Interior and the Secretary of Agriculture, acting through the Chief of the Forest Service, shall complete and submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Natural Resources of the House of Representatives an annual report describing the number of acres of land on which projects carried out using funds made available under this section improved the Fire Regime Condition Class of the land described in subsection (b).

(i) **WILDFIRE PREVENTION STUDY.**—

Deadline.

(1) **IN GENERAL.**—Not later than 180 days after the date of enactment of this Act, the Secretary of Agriculture shall initiate a study of the construction and maintenance of a system of strategically placed fuelbreaks to control wildfires in western States.

(2) **REVIEW.**—The study under paragraph (1) shall review—

(A) a full suite of manual, chemical, and mechanical treatments; and

(B) the effectiveness of the system described in that paragraph in reducing wildfire risk and protecting communities.

Deadline.

(3) **DETERMINATION.**—Not later than 90 days after the date of completion of the study under paragraph (1), the Secretary of Agriculture shall determine whether to initiate the preparation of a programmatic environmental impact statement implementing the system described in that paragraph in appropriate locations.

(j) **MONITORING, MAINTENANCE, AND TREATMENT PLAN AND STRATEGY.**—

Deadlines.
Time period.

(1) **IN GENERAL.**—Not later than 120 days after the date of enactment of this Act, the Secretary of Agriculture and the Secretary of the Interior shall establish a 5-year monitoring, maintenance, and treatment plan that—

(A) describes activities under subsection (c) that the Secretary of Agriculture and the Secretary of the Interior will take to reduce the risk of wildfire by conducting restoration treatments and improving the Fire Regime Condition Class of 10,000,000 acres of Federal land or Tribal Forest land or rangeland that is identified as having very high wildfire hazard potential, not including annual treatments otherwise scheduled;

(B) establishes a process for prioritizing treatments in areas and communities at the highest risk of catastrophic wildfires;

(C) includes an innovative plan and process—

(i) to leverage public-private partnerships and resources, shared stewardship agreements, good neighbor agreements, and similar contracting authorities;

(ii) to prioritize projects for which any applicable processes under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) have been completed as of the date of enactment of this Act;

(iii) to streamline subsequent projects based on existing statutory or regulatory authorities; and

(iv) to develop interagency teams to increase coordination and efficiency under the National

Environmental Policy Act of 1969 (42 U.S.C. 4321);
and

(D) establishes a process for coordinating prioritization and treatment with State and local entities and affected stakeholders.

(2) STRATEGY.—Not later than 5 years after the date of enactment of this Act, the Secretary of Agriculture and the Secretary of the Interior, in coordination with State and local governments, shall publish a long-term, outcome-based monitoring, maintenance, and treatment strategy—

Coordination.
Publication.

(A) to maintain forest health improvements and wild-fire risk reduction accomplished under this section;

(B) to continue treatment at levels necessary to address the 20,000,000 acres needing priority treatment over the 10-year period beginning on the date of publication of the strategy; and

Time period.

(C) to proactively conduct treatment at a level necessary to minimize the risk of wildfire to surrounding at-risk communities.

(k) AUTHORIZED HAZARDOUS FUELS PROJECTS.—A project carried out using funding authorized under paragraphs (11)(A)(i), (13), or (14) of subsection (c) shall be considered an authorized hazardous fuel reduction project pursuant to section 102 of the Healthy Forests Restoration Act of 2003 (16 U.S.C. 6512).

SEC. 40804. ECOSYSTEM RESTORATION.

16 USC 6592a.

(a) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary of the Interior and the Secretary of Agriculture, acting through the Chief of the Forest Service, for the activities described in subsection (b), \$2,130,000,000 for the period of fiscal years 2022 through 2026.

Time period.

(b) ACTIVITIES.—Of the amounts made available under subsection (a) for the period of fiscal years 2022 through 2026—

(1) \$300,000,000 shall be made available, in accordance with subsection (c), to the Secretary of the Interior and the Secretary of Agriculture—

(A) for—

(i) entering into contracts, including stewardship contracts or agreements, the purpose of each of which shall be to restore ecological health on not fewer than 10,000 acres of Federal land, including Indian forest land or rangeland, and for salaries and expenses associated with preparing and executing those contracts; and

Contracts.

(ii) establishing a Working Capital Fund that may be accessed by the Secretary of the Interior or the Secretary of Agriculture to fund requirements of contracts described in clause (i), including cancellation and termination costs, consistent with section 604(h) of the Healthy Forests Restoration Act of 2003 (16 U.S.C. 6591c(h)), and periodic payments over the span of the contract period; and

(B) of which—

(i) \$50,000,000 shall be made available to the Secretary of the Interior to enter into contracts described in subparagraph (A)(i);

(ii) \$150,000,000 shall be made available to the Secretary of Agriculture to enter into contracts described in subparagraph (A)(i); and

(iii) \$100,000,000 shall be made available until expended to the Secretary of the Interior, notwithstanding any other provision of this Act, to establish the Working Capital Fund described in subparagraph (A)(ii);

(2) \$200,000,000 shall be made available to provide to States and Indian Tribes for implementing restoration projects on Federal land pursuant to good neighbor agreements entered into under section 8206 of the Agricultural Act of 2014 (16 U.S.C. 2113a) or agreements entered into under section 2(b) of the Tribal Forest Protection Act of 2004 (25 U.S.C. 3115a(b)), of which—

(A) \$40,000,000 shall be made available to the Secretary of the Interior; and

(B) \$160,000,000 shall be made available to the Secretary of Agriculture;

(3) \$400,000,000 shall be made available to the Secretary of Agriculture to provide financial assistance to facilities that purchase and process byproducts from ecosystem restoration projects in accordance with subsection (d);

Grants.

(4) \$400,000,000 shall be made available to the Secretary of the Interior to provide grants to States, territories of the United States, and Indian Tribes for implementing voluntary ecosystem restoration projects on private or public land, in consultation with the Secretary of Agriculture, that—

(A) prioritizes funding cross-boundary projects; and

(B) requires matching funding from the State, territory of the United States, or Indian Tribe to be eligible to receive the funding;

Grants.

(5) \$50,000,000 shall be made available to the Secretary of Agriculture to award grants to States and Indian Tribes to establish rental programs for portable skidder bridges, bridge mats, or other temporary water crossing structures, to minimize stream bed disturbance on non-Federal land and Federal land;

(6) \$200,000,000 shall be made available for invasive species detection, prevention, and eradication, including conducting research and providing resources to facilitate detection of invasive species at points of entry and awarding grants for eradication of invasive species on non-Federal land and on Federal land, of which—

(A) \$100,000,000 shall be made available to the Secretary of the Interior; and

(B) \$100,000,000 shall be made available to the Secretary of Agriculture;

(7) \$100,000,000 shall be made available to restore, prepare, or adapt recreation sites on Federal land, including Indian forest land or rangeland, in accordance with subsection (e);

(8) \$200,000,000 shall be made available to restore native vegetation and mitigate environmental hazards on mined land on Federal and non-Federal land, of which—

(A) \$100,000,000 shall be made available to the Secretary of the Interior; and

(B) \$100,000,000 shall be made available to the Secretary of Agriculture;

(9) \$200,000,000 shall be made available to establish and implement a national revegetation effort on Federal and non-Federal land, including to implement the National Seed Strategy for Rehabilitation and Restoration, of which—

(A) \$70,000,000 shall be made available to the Secretary of the Interior; and

(B) \$130,000,000 shall be made available to the Secretary of Agriculture; and

(10) \$80,000,000 shall be made available to the Secretary of Agriculture, in coordination with the Secretary of the Interior, to establish a collaborative-based, landscape-scale restoration program to restore water quality or fish passage on Federal land, including Indian forest land or rangeland, in accordance with subsection (f).

Coordination.
Water.

(c) ECOLOGICAL HEALTH RESTORATION CONTRACTS.—

(1) SUBMISSION OF LIST OF PROJECTS TO CONGRESS.—Until the date on which all of the amounts made available to carry out subsection (b)(1)(A)(i) are expended, not later than 90 days before the end of each fiscal year, the Secretary of the Interior and the Secretary of Agriculture shall submit to the Committee on Energy and Natural Resources and the Committee on Appropriations of the Senate and the Committee on Natural Resources and the Committee on Appropriations of the House of Representatives a list of projects to be funded under that subsection in the subsequent fiscal year, including—

Deadline.

(A) a detailed description of each project; and

(B) an estimate of the cost, including salaries and expenses, for the project.

Cost estimate.

(2) ALTERNATE ALLOCATION.—Appropriations Acts may provide for alternate allocation of amounts made available under subsection (b)(1), consistent with the allocations under subparagraph (B) of that subsection.

(3) LACK OF ALTERNATE ALLOCATIONS.—If Congress has not enacted legislation establishing alternate allocations described in paragraph (2) by the date on which the Act making full-year appropriations for the Department of the Interior, Environment, and Related Agencies for the applicable fiscal year is enacted into law, amounts made available under subsection (b)(1)(B) shall be allocated by the President.

President.

(d) WOOD PRODUCTS INFRASTRUCTURE.—The Secretary of Agriculture, in coordination with the Secretary of the Interior, shall—

Coordination.

(1) develop a ranking system that categorizes units of Federal land, including Indian forest land or rangeland, with regard to treating areas at risk of unnaturally severe wildfire or insect or disease infestation, as being—

(A) very low priority for ecological restoration involving vegetation removal;

(B) low priority for ecological restoration involving vegetation removal;

(C) medium priority for ecological restoration involving vegetation removal;

(D) high priority for ecological restoration involving vegetation removal; or

(E) very high priority for ecological restoration involving vegetation removal;

Determination.

(2) determine, for a unit identified under paragraph (1) as being high or very high priority for ecological restoration involving vegetation removal, if—

(A) a sawmill or other wood-processing facility exists in close proximity to, or a forest worker is seeking to conduct restoration treatment work on or in close proximity to, the unit; and

(B) the presence of a sawmill or other wood-processing facility would substantially decrease or does substantially decrease the cost of conducting ecological restoration projects involving vegetation removal;

Determination.

(3) in accordance with any conditions the Secretary of Agriculture determines to be necessary, using the amounts made available under subsection (b)(3), provide financial assistance, including a low-interest loan or a loan guarantee, to an entity seeking to establish, reopen, retrofit, expand, or improve a sawmill or other wood-processing facility in close proximity to a unit of Federal land that has been identified under paragraph (1) as high or very high priority for ecological restoration, if the presence of a sawmill or other wood-processing facility would substantially decrease or does substantially decrease the cost of conducting ecological restoration projects involving vegetation removal on the unit of Federal land, including Indian forest land or rangeland, as determined under paragraph (2)(B); and

(4) to the extent practicable, when allocating funding to units of Federal land for ecological restoration projects involving vegetation removal, give priority to a unit of Federal land that—

(A) has been identified under paragraph (1) as being high or very high priority for ecological restoration involving vegetation removal; and

(B) has a sawmill or other wood-processing facility—

(i) that, as determined under paragraph (2)—

(I) exists in close proximity to the unit; and

(II) does substantially decrease the cost of conducting ecological restoration projects involving vegetation removal on the unit; or

(ii) that has received financial assistance under paragraph (3).

(e) RECREATION SITES.—

(1) SITE RESTORATION AND IMPROVEMENTS.—Of the amounts made available under subsection (b)(7), \$45,000,000 shall be made available to the Secretary of the Interior and \$35,000,000 shall be made available the Secretary of Agriculture to restore, prepare, or adapt recreation sites on Federal land, including Indian forest land or rangeland, that have experienced or may likely experience visitation and use beyond the carrying capacity of the sites.

(2) PUBLIC USE RECREATION CABINS.—

(A) IN GENERAL.—Of the amounts made available under subsection (b)(7), \$20,000,000 shall be made available to the Secretary of Agriculture for—

(i) the operation, repair, reconstruction, and construction of public use recreation cabins on National Forest System land; and

(ii) to the extent necessary, the repair or reconstruction of historic buildings that are to be outleased under section 306121 of title 54, United States Code.

(B) INCLUSION.—Of the amount described in subparagraph (A), \$5,000,000 shall be made available to the Secretary of Agriculture for associated salaries and expenses in carrying out that subparagraph.

(C) AGREEMENTS.—The Secretary of Agriculture may enter into a lease or cooperative agreement with a State, Indian Tribe, local government, or private entity—

Contracts.

(i) to carry out the activities described in subparagraph (A); or

(ii) to manage the renting of a cabin or building described in subparagraph (A) to the public.

(3) EXCLUSION.—A project shall not be eligible for funding under this subsection if—

(A) funding for the project would be used for deferred maintenance, as defined by Federal Accounting Standards Advisory Board; and

(B) the Secretary of the Interior or the Secretary of Agriculture has identified the project for funding from the National Parks and Public Land Legacy Restoration Fund established by section 200402(a) of title 54, United States Code.

(f) COLLABORATIVE-BASED, AQUATIC-FOCUSED, LANDSCAPE-SCALE RESTORATION PROGRAM.—Subject to the availability of appropriations, not later than 180 days after the date of enactment of this Act, the Secretary of Agriculture shall, in coordination with the Secretary of the Interior and using the amounts made available under subsection (b)(10)—

Deadline.
Coordination.
Time periods.

(1) solicit collaboratively developed proposals that—

(A) are for 5-year projects to restore fish passage or water quality on Federal land and non-Federal land to the extent allowed under section 323(a) of the Department of the Interior and Related Agencies Appropriations Act, 1999 (16 U.S.C. 1011a(a)), including Indian forest land or rangeland;

(B) contain proposed accomplishments and proposed non-Federal funding; and

(C) request not more than \$5,000,000 in funding made available under subsection (b)(10);

(2) select project proposals for funding in a manner that—

(A) gives priority to a project proposal that would result in the most miles of streams being restored for the lowest amount of Federal funding; and

(B) discontinues funding for a project that fails to achieve the results included in a proposal submitted under paragraph (1) for more than 2 consecutive years; and

(3) publish a list of—

Publication.
List.

(A) all of the priority watersheds on National Forest System land;

(B) the condition of each priority watershed on the date of enactment of this Act; and

(C) the condition of each priority watershed on the date that is 5 years after the date of enactment of this Act.

SEC. 40805. GAO STUDY.

(a) **STUDY.**—Not later than 6 years after the date of enactment of this Act, the Comptroller General of the United States shall—

(1) conduct a study on the implementation of this title and the amendments made by this title, including whether this title and the amendments made by this title have—

(A) effectively reduced wildfire risk, including the extent to which the wildfire hazard on Federal land has changed; and

(B) restored ecosystems on Federal and non-Federal land; and

(2) submit to Congress a report that describes the results of the study under paragraph (1).

(b) **AUTHORIZATION OF APPROPRIATIONS.**—There is authorized to be appropriated to the Comptroller General of the United States for the activities described in subsection (a) \$800,000.

16 USC 6592b.

SEC. 40806. ESTABLISHMENT OF FUEL BREAKS IN FORESTS AND OTHER WILDLAND VEGETATION.

(a) **DEFINITION OF SECRETARY CONCERNED.**—In this section, the term “Secretary concerned” means—

(1) the Secretary of Agriculture, with respect to National Forest System land; and

(2) the Secretary of the Interior, with respect to public lands (as defined in section 103 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1702)) administered by the Bureau of Land Management.

Records.
Memorandum.

(b) **CATEGORICAL EXCLUSION ESTABLISHED.**—Forest management activities described in subsection (c) are a category of actions designated as being categorically excluded from the preparation of an environmental assessment or an environmental impact statement under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) if the categorical exclusion is documented through a supporting record and decision memorandum.

(c) **FOREST MANAGEMENT ACTIVITIES DESIGNATED FOR CATEGORICAL EXCLUSION.**—

(1) **IN GENERAL.**—The category of forest management activities designated under subsection (b) for a categorical exclusion are forest management activities described in paragraph (2) that are carried out by the Secretary concerned on public lands (as defined in section 103 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1702)) administered by the Bureau of Land Management or National Forest System land the primary purpose of which is to establish and maintain linear fuel breaks that are—

(A) up to 1,000 feet in width contiguous with or incorporating existing linear features, such as roads, water infrastructure, transmission and distribution lines, and pipelines of any length on Federal land; and

(B) intended to reduce the risk of uncharacteristic wildfire on Federal land or catastrophic wildfire for an adjacent at-risk community.

(2) **ACTIVITIES.**—Subject to paragraph (3), the forest management activities that may be carried out pursuant to the categorical exclusion established under subsection (b) are—

(A) mowing or masticating;

(B) thinning by manual and mechanical cutting;

(C) piling, yarding, and removal of slash or hazardous fuels;

(D) selling of vegetation products, including timber, firewood, biomass, slash, and fenceposts;

(E) targeted grazing;

(F) application of—

(i) pesticide;

(ii) biopesticide; or

(iii) herbicide;

(G) seeding of native species;

(H) controlled burns and broadcast burning; and

(I) burning of piles, including jackpot piles.

(3) EXCLUDED ACTIVITIES.—A forest management activity described in paragraph (2) may not be carried out pursuant to the categorical exclusion established under subsection (b) if the activity is conducted—

(A) in a component of the National Wilderness Preservation System;

(B) on Federal land on which the removal of vegetation is prohibited or restricted by Act of Congress, Presidential proclamation (including the applicable implementation plan), or regulation;

(C) in a wilderness study area; or

(D) in an area in which carrying out the activity would be inconsistent with the applicable land management plan or resource management plan.

(4) EXTRAORDINARY CIRCUMSTANCES.—The Secretary concerned shall apply the extraordinary circumstances procedures under section 220.6 of title 36, Code of Federal Regulations (or a successor regulation), in determining whether to use a categorical exclusion under subsection (b).

Applicability.
Determination.

(d) ACREAGE AND LOCATION LIMITATIONS.—Treatments of vegetation in linear fuel breaks covered by the categorical exclusion established under subsection (b)—

(1) may not contain treatment units in excess of 3,000 acres;

(2) shall be located primarily in—

(A) the wildland-urban interface or a public drinking water source area;

(B) if located outside the wildland-urban interface or a public drinking water source area, an area within Condition Class 2 or 3 in Fire Regime Group I, II, or III that contains very high wildfire hazard potential; or

(C) an insect or disease area designated by the Secretary concerned as of the date of enactment of this Act; and

(3) shall consider the best available scientific information.

(e) ROADS.—

(1) PERMANENT ROADS.—A project under this section shall not include the establishment of permanent roads.

(2) EXISTING ROADS.—The Secretary concerned may carry out necessary maintenance and repairs on existing permanent roads for the purposes of this section.

(3) TEMPORARY ROADS.—The Secretary concerned shall decommission any temporary road constructed under a project under this section not later than 3 years after the date on which the project is completed.

Deadline.

(f) **PUBLIC COLLABORATION.**—To encourage meaningful public participation during the preparation of a project under this section, the Secretary concerned shall facilitate, during the preparation of each project—

- (1) collaboration among State and local governments and Indian Tribes; and
- (2) participation of interested persons.

16 USC 6592c.

SEC. 40807. EMERGENCY ACTIONS.

(a) **DEFINITIONS.**—In this section:

(1) **AUTHORIZED EMERGENCY ACTION.**—The term “authorized emergency action” means an action carried out pursuant to an emergency situation determination issued under this section to mitigate the harm to life, property, or important natural or cultural resources on National Forest System land or adjacent land.

(2) **EMERGENCY SITUATION.**—The term “emergency situation” means a situation on National Forest System land for which immediate implementation of 1 or more authorized emergency actions is necessary to achieve 1 or more of the following results:

(A) Relief from hazards threatening human health and safety.

(B) Mitigation of threats to natural resources on National Forest System land or adjacent land.

(3) **EMERGENCY SITUATION DETERMINATION.**—The term “emergency situation determination” means a determination made by the Secretary under subsection (b)(1)(A).

(4) **LAND AND RESOURCE MANAGEMENT PLAN.**—The term “land and resource management plan” means a plan developed under section 6 of the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1604).

(5) **NATIONAL FOREST SYSTEM LAND.**—The term “National Forest System land” means land of the National Forest System (as defined in section 11(a) of the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1609(a))).

(6) **SECRETARY.**—The term “Secretary” means the Secretary of Agriculture.

(b) **AUTHORIZED EMERGENCY ACTIONS TO RESPOND TO EMERGENCY SITUATIONS.**—

(1) **DETERMINATION.**—

(A) **IN GENERAL.**—The Secretary may make a determination that an emergency situation exists with respect to National Forest System land.

(B) **REVIEW.**—An emergency situation determination shall not be subject to objection under the predecisional administrative review processes under part 218 of title 36, Code of Federal Regulations (or successor regulations).

(C) **BASIS OF DETERMINATION.**—An emergency situation determination shall be based on an examination of the relevant information.

(2) **AUTHORIZED EMERGENCY ACTIONS.**—After making an emergency situation determination with respect to National Forest System land, the Secretary may carry out authorized emergency actions on that National Forest System land in order to achieve reliefs from hazards threatening human health and safety or mitigation of threats to natural resources on

National Forest System land or adjacent land, including through—

- (A) the salvage of dead or dying trees;
- (B) the harvest of trees damaged by wind or ice;
- (C) the commercial and noncommercial sanitation harvest of trees to control insects or disease, including trees already infested with insects or disease;
- (D) the reforestation or replanting of fire-impacted areas through planting, control of competing vegetation, or other activities that enhance natural regeneration and restore forest species;
- (E) the removal of hazardous trees in close proximity to roads and trails;
- (F) the removal of hazardous fuels;
- (G) the restoration of water sources or infrastructure;
- (H) the reconstruction of existing utility lines; and
- (I) the replacement of underground cables.

(3) RELATION TO LAND AND RESOURCE MANAGEMENT PLANS.—Any authorized emergency action carried out under paragraph (2) on National Forest System land shall be conducted consistent with the applicable land and resource management plan.

(c) ENVIRONMENTAL ANALYSIS.—

(1) ENVIRONMENTAL ASSESSMENT OR ENVIRONMENTAL IMPACT STATEMENT.—If the Secretary determines that an authorized emergency action requires an environmental assessment or an environmental impact statement pursuant to section 102(2) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)), the Secretary shall study, develop, and describe—

Determination.
Study.

(A) the proposed agency action, taking into account the probable environmental consequences of the authorized emergency action and mitigating foreseeable adverse environmental effects, to the extent practicable; and

(B) the alternative of no action.

(2) PUBLIC NOTICE.—The Secretary shall provide notice of each authorized emergency action that the Secretary determines requires an environmental assessment or environmental impact statement under paragraph (1), in accordance with applicable regulations and administrative guidelines.

(3) PUBLIC COMMENT.—The Secretary shall provide an opportunity for public comment during the preparation of any environmental assessment or environmental impact statement under paragraph (1).

(4) SAVINGS CLAUSE.—Nothing in this subsection prohibits the Secretary from—

(A) making an emergency situation determination, including a determination that an emergency exists pursuant to section 218.21(a) of title 36, Code of Federal Regulations (or successor regulations); or

(B) taking an emergency action under section 220.4(b) of title 36, Code of Federal Regulations (or successor regulations).

(d) ADMINISTRATIVE REVIEW OF AUTHORIZED EMERGENCY ACTIONS.—An authorized emergency action carried out under this section shall not be subject to objection under the predecisional administrative review processes established under section 105 of

the Healthy Forests Restoration Act of 2003 (16 U.S.C. 6515) and section 428 of the Department of the Interior, Environment, and Related Agencies Appropriations Act, 2012 (16 U.S.C. 6515 note; Public Law 112–74).

(e) JUDICIAL REVIEW OF EMERGENCY ACTIONS.—A court shall not enjoin an authorized emergency action under this section if the court determines that the plaintiff is unable to demonstrate that the claim of the plaintiff is likely to succeed on the merits.

(f) NOTIFICATION AND GUIDANCE.—The Secretary shall provide notification and guidance to each local field office of the Forest Service to ensure awareness of, compliance with, and appropriate use of the authorized emergency action authority under this section.

16 USC 6592d.

SEC. 40808. JOINT CHIEFS LANDSCAPE RESTORATION PARTNERSHIP PROGRAM.

(a) DEFINITIONS.—In this section:

(1) CHIEFS.—The term “Chiefs” means the Chief of the Forest Service and the Chief of the Natural Resources Conservation Service.

(2) ELIGIBLE ACTIVITY.—The term “eligible activity” means an activity—

(A) to reduce the risk of wildfire;

(B) to protect water quality and supply; or

(C) to improve wildlife habitat for at-risk species.

(3) PROGRAM.—The term “Program” means the Joint Chiefs Landscape Restoration Partnership program established under subsection (b)(1).

(4) SECRETARY.—The term “Secretary” means the Secretary of Agriculture.

(5) WILDLAND-URBAN INTERFACE.—The term “wildland-urban interface” has the meaning given the term in section 101 of the Healthy Forests Restoration Act of 2003 (16 U.S.C. 6511).

(b) ESTABLISHMENT.—

(1) IN GENERAL.—The Secretary shall establish a Joint Chiefs Landscape Restoration Partnership program to improve the health and resilience of forest landscapes across National Forest System land and State, Tribal, and private land.

(2) ADMINISTRATION.—The Secretary shall administer the Program by coordinating eligible activities conducted on National Forest System land and State, Tribal, or private land across a forest landscape to improve the health and resilience of the forest landscape by—

(A) assisting producers and landowners in implementing eligible activities on eligible private or Tribal land using the applicable programs and authorities administered by the Chief of the Natural Resources Conservation Service under title XII of the Food Security Act of 1985 (16 U.S.C. 3801 et seq.), not including the conservation reserve program established under subchapter B of chapter 1 of subtitle D of that title (16 U.S.C. 3831 et seq.); and

(B) conducting eligible activities on National Forest System land or assisting landowners in implementing eligible activities on State, Tribal, or private land using the applicable programs and authorities administered by the Chief of the Forest Service.

Coordination.

(c) **SELECTION OF ELIGIBLE ACTIVITIES.**—The appropriate Regional Forester and State Conservationist shall jointly submit to the Chiefs on an annual basis proposals for eligible activities under the Program.

(d) **EVALUATION CRITERIA.**—In evaluating and selecting proposals submitted under subsection (c), the Chiefs shall consider—

(1) criteria including whether the proposal—

(A) reduces wildfire risk in a municipal watershed or the wildland-urban interface;

(B) was developed through a collaborative process with participation from diverse stakeholders;

(C) increases forest workforce capacity or forest business infrastructure and development;

(D) leverages existing authorities and non-Federal funding;

(E) provides measurable outcomes; or

(F) supports established State and regional priorities;

and

(2) such other criteria relating to the merits of the proposals as the Chiefs determine to be appropriate.

(e) **OUTREACH.**—The Secretary shall provide—

(1) public notice on the websites of the Forest Service and the Natural Resources Conservation Service describing—

(A) the solicitation of proposals under subsection (c);

and

(B) the criteria for selecting proposals in accordance with subsection (d); and

(2) information relating to the Program and activities funded under the Program to States, Indian Tribes, units of local government, and private landowners.

(f) **EXCLUSIONS.**—An eligible activity may not be carried out under the Program—

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

(2) in an inventoried roadless area;

(3) on any Federal land on which, by Act of Congress or Presidential proclamation, the removal of vegetation is restricted or prohibited; or

(4) in an area in which the eligible activity would be inconsistent with the applicable land and resource management plan.

(g) **ACCOUNTABILITY.**—

(1) **INITIAL REPORT.**—Not later than 1 year after the date of enactment of this Act, the Secretary shall submit to Congress a report providing recommendations to Congress relating to the Program, including a review of—

(A) funding mechanisms for the Program;

(B) staff capacity to carry out the Program;

(C) privacy laws applicable to the Program;

(D) data collection under the Program;

(E) monitoring and outcomes under the Program; and

(F) such other matters as the Secretary considers to

be appropriate.

(2) **ADDITIONAL REPORTS.**—For each of fiscal years 2022 and 2023, the Chiefs shall submit to the Committee on Agriculture, Nutrition, and Forestry and the Committee on Appropriations of the Senate and the Committee on Agriculture and

Public
information.
Web posting.
Proposals.

Criteria.

Recommendations.

the Committee on Appropriations of the House of Representatives a report describing projects for which funding is provided under the Program, including the status and outcomes of those projects.

(h) FUNDING.—

Time period.

(1) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary to carry out the Program \$90,000,000 for each of fiscal years 2022 and 2023.

(2) ADDITIONAL FUNDS.—In addition to the funds described in paragraph (1), the Secretary may obligate available funds from accounts used to carry out the existing Joint Chiefs’ Landscape Restoration Partnership prior to the date of enactment of this Act to carry out the Program.

(3) DURATION OF AVAILABILITY.—Funds made available under paragraph (1) shall remain available until expended.

(4) DISTRIBUTION OF FUNDS.—Of the funds made available under paragraph (1)—

(A) not less than 40 percent shall be allocated to carry out eligible activities through the Natural Resources Conservation Service;

(B) not less than 40 percent shall be allocated to carry out eligible activities through the Forest Service; and

(C) the remaining funds shall be allocated by the Chiefs to the Natural Resources Conservation Service or the Forest Service—

(i) to carry out eligible activities; or

(ii) for other purposes, such as technical assistance, project development, or local capacity building.

TITLE IX—WESTERN WATER INFRASTRUCTURE

Time period.
43 USC 3201.

SEC. 40901. AUTHORIZATIONS OF APPROPRIATIONS.

There are authorized to be appropriated to the Secretary of the Interior, acting through the Commissioner of Reclamation (referred to in this title as the “Secretary”), for the period of fiscal years 2022 through 2026—

(1) \$1,150,000,000 for water storage, groundwater storage, and conveyance projects in accordance with section 40902, of which \$100,000,000 shall be made available to provide grants to plan and construct small surface water and groundwater storage projects in accordance with section 40903;

(2) \$3,200,000,000 for the Aging Infrastructure Account established by subsection (d)(1) of section 9603 of the Omnibus Public Land Management Act of 2009 (43 U.S.C. 510b), to be made available for activities in accordance with that subsection, including major rehabilitation and replacement activities, as identified in the Asset Management Report of the Bureau of Reclamation dated April 2021, of which—

(A) \$100,000,000 shall be made available for Bureau of Reclamation reserved or transferred works that have suffered a critical failure, in accordance with section 40904(a); and

(B) \$100,000,000 shall be made available for the rehabilitation, reconstruction, or replacement of a dam in accordance with section 40904(b);

(3) \$1,000,000,000 for rural water projects that have been authorized by an Act of Congress before July 1, 2021, in accordance with the Reclamation Rural Water Supply Act of 2006 (43 U.S.C. 2401 et seq.);

(4) \$1,000,000,000 for water recycling and reuse projects, of which—

(A) \$550,000,000 shall be made available for water recycling and reuse projects authorized in accordance with the Reclamation Wastewater and Groundwater Study and Facilities Act (43 U.S.C. 390h et seq.) that are—

(i) authorized or approved for construction funding by an Act of Congress before the date of enactment of this Act; or

(ii) selected for funding under the competitive grant program authorized pursuant to section 1602(f) of the Reclamation Wastewater and Groundwater Study and Facilities Act (43 U.S.C. 390h(f)), with funding under this subparagraph to be provided in accordance with that section, notwithstanding section 4013 of the Water Infrastructure Improvements for the Nation Act (43 U.S.C. 390b note; Public Law 114–322), except that section 1602(g)(2) of the Reclamation Wastewater and Groundwater Study and Facilities Act (43 U.S.C. 390h(g)(2)) shall not apply to amounts made available under this subparagraph; and

(B) \$450,000,000 shall be made available for large-scale water recycling and reuse projects in accordance with section 40905;

(5) \$250,000,000 for water desalination projects and studies authorized in accordance with the Water Desalination Act of 1996 (42 U.S.C. 10301 note; Public Law 104–298) that are—

(A) authorized or approved for construction funding by an Act of Congress before July 1, 2021; or

(B) selected for funding under the program authorized pursuant to section 4(a) of the Water Desalination Act of 1996 (42 U.S.C. 10301 note; Public Law 104–298), with funding to be made available under this paragraph in accordance with that subsection, notwithstanding section 4013 of the Water Infrastructure Improvements for the Nation Act (43 U.S.C. 390b note; Public Law 114–322), except that paragraph (2)(F) of section 4(a) of the Water Desalination Act of 1996 (42 U.S.C. 10301 note; Public Law 104–298) (as redesignated by section 40908) shall not apply to amounts made available under this paragraph;

(6) \$500,000,000 for the safety of dams program, in accordance with the Reclamation Safety of Dams Act of 1978 (43 U.S.C. 506 et seq.);

(7) \$400,000,000 for WaterSMART grants in accordance with section 9504 of the Omnibus Public Land Management Act of 2009 (42 U.S.C. 10364), of which \$100,000,000 shall be made available for projects that would improve the condition of a natural feature or nature-based feature (as those terms are defined in section 9502 of the Omnibus Public Land Management Act of 2009 (42 U.S.C. 10362));

(8) subject to section 40906, \$300,000,000 for implementing the Colorado River Basin Drought Contingency Plan, consistent with the obligations of the Secretary under the Colorado River

Drought Contingency Plan Authorization Act (Public Law 116–14; 133 Stat. 850) and related agreements, of which \$50,000,000 shall be made available for use in accordance with the Drought Contingency Plan for the Upper Colorado River Basin;

(9) \$100,000,000 to provide financial assistance for watershed management projects in accordance with subtitle A of title VI of the Omnibus Public Land Management Act of 2009 (16 U.S.C. 1015 et seq.);

(10) \$250,000,000 for design, study, and construction of aquatic ecosystem restoration and protection projects in accordance with section 1109 of division FF of the Consolidated Appropriations Act, 2021 (Public Law 116–260);

(11) \$100,000,000 for multi-benefit projects to improve watershed health in accordance with section 40907; and

(12) \$50,000,000 for endangered species recovery and conservation programs in the Colorado River Basin in accordance with—

(A) Public Law 106–392 (114 Stat. 1602);

(B) the Grand Canyon Protection Act of 1992 (Public Law 102–575; 106 Stat. 4669); and

(C) subtitle E of title IX of the Omnibus Public Land Management Act of 2009 (Public Law 111–11; 123 Stat. 1327).

43 USC 3202.

SEC. 40902. WATER STORAGE, GROUNDWATER STORAGE, AND CONVEYANCE PROJECTS.

(a) ELIGIBILITY FOR FUNDING.—

(1) FEASIBILITY STUDIES.—

(A) IN GENERAL.—A feasibility study shall only be eligible for funding under section 40901(1) if—

(i) the feasibility study has been authorized by an Act of Congress before the date of enactment of this Act;

(ii) Congress has approved funding for the feasibility study in accordance with section 4007 of the Water Infrastructure Improvements for the Nation Act (43 U.S.C. 390b note; Public Law 114–322) before the date of enactment of this Act; or

(iii) the feasibility study is authorized under subparagraph (B).

(B) FEASIBILITY STUDY AUTHORIZATIONS.—The Secretary may carry out feasibility studies for the following projects:

Arizona.

(i) The Verde Reservoirs Sediment Mitigation Project in the State of Arizona.

Oregon.

(ii) The Tualatin River Basin Project in the State of Oregon.

(2) CONSTRUCTION.—A project shall only be eligible for construction funding under section 40901(1) if—

(A) an Act of Congress enacted before the date of enactment of this Act authorizes construction of the project;

(B) Congress has approved funding for construction of the project in accordance with section 4007 of the Water Infrastructure Improvements for the Nation Act (43 U.S.C. 390b note; Public Law 114–322) before the date of enactment of this Act, except for any project for which—

- (i) Congress did not approve the recommendation of the Secretary for funding under subsection (h)(2) of that section for at least 1 fiscal year before the date of enactment of this Act; or
- (ii) State funding for the project was rescinded by the State before the date of enactment of this Act; or
- (C)(i) Congress has authorized or approved funding for a feasibility study for the project in accordance with clause (i) or (ii) of paragraph (1)(A) (except that projects described in clauses (i) and (ii) of subparagraph (B) shall not be eligible); and
- (ii) on completion of the feasibility study for the project, the Secretary—
- (I) finds the project to be technically and financially feasible in accordance with the reclamation laws;
- (II) determines that sufficient non-Federal funding is available for the non-Federal cost share of the project; and
- (III)(aa) finds the project to be in the public interest; and
- (bb) recommends the project for construction.
- (b) **COST-SHARING REQUIREMENT.**—
- (1) **IN GENERAL.**—The Federal share—
- (A) for a project authorized by an Act of Congress shall be determined in accordance with that Act;
- (B) for a project approved by Congress in accordance with section 4007 of the Water Infrastructure Improvements for the Nation Act (43 U.S.C. 390b note; Public Law 114–322) (including construction resulting from a feasibility study authorized under that Act) shall be as provided in that Act; and
- (C) for a project not described in subparagraph (A) or (B)—
- (i) in the case of a federally owned project, shall not exceed 50 percent of the total cost of the project; and
- (ii) in the case of a non-Federal project, shall not exceed 25 percent of the total cost of the project.
- (2) **FEDERAL BENEFITS.**—Before funding a project under this section, the Secretary shall determine that, in return for the Federal investment in the project, at least a proportionate share of the benefits are Federal benefits.
- (3) **REIMBURSABILITY.**—The reimbursability of Federal funding of projects under this section shall be in accordance with the reclamation laws.
- (c) **ENVIRONMENTAL LAWS.**—In providing funding for a project under this section, the Secretary shall comply with all applicable environmental laws, including the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).
- SEC. 40903. SMALL WATER STORAGE AND GROUNDWATER STORAGE PROJECTS.**
- (a) **ESTABLISHMENT OF A COMPETITIVE GRANT PROGRAM FOR SMALL WATER STORAGE AND GROUNDWATER STORAGE PROJECTS.**—The Secretary shall establish a competitive grant program, under

Time period.

Recommendation.

Determination.

Determination.

Compliance.

43 USC 3203.

Alaska.
Hawaii.
Determination.

which the non-Federal project sponsor of any project in a Reclamation State, including the State of Alaska or Hawaii, determined by the Secretary to be feasible under subsection (b)(2)(B) shall be eligible to apply for funding for the planning, design, and construction of the project.

(b) ELIGIBILITY AND SELECTION.—

(1) SUBMISSION TO THE SECRETARY.—

Study.

(A) IN GENERAL.—A non-Federal project sponsor described in subsection (a) may submit to the Secretary a proposal for a project eligible to receive a grant under this section in the form of a completed feasibility study.

(B) ELIGIBLE PROJECTS.—A project shall be considered eligible for consideration for a grant under this section if the project—

(i) has water storage capacity of not less than 2,000 acre-feet and not more than 30,000 acre-feet; and

(ii)(I) increases surface water or groundwater storage; or

(II) conveys water, directly or indirectly, to or from surface water or groundwater storage.

Deadline.

(C) GUIDELINES.—Not later than 60 days after the date of enactment of this Act, the Secretary shall issue guidelines for feasibility studies for small storage projects to provide sufficient information for the formulation of the studies.

Determinations.

(2) REVIEW BY THE SECRETARY.—The Secretary shall review each feasibility study received under paragraph (1)(A) for the purpose of determining whether—

(A) the feasibility study, and the process under which the study was developed, each comply with Federal laws (including regulations) applicable to feasibility studies of small storage projects;

(B) the project is technically and financially feasible, in accordance with—

(i) the guidelines developed under paragraph (1)(C); and

(ii) the reclamation laws; and

(C) the project provides a Federal benefit, as determined by the Secretary.

Reports.

(3) SUBMISSION TO CONGRESS.—Not later than 180 days after the date of receipt of a feasibility study received under paragraph (1)(A), the Secretary shall submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Natural Resources of the House of Representatives a report that describes—

Determination.

(A) the results of the review of the study by the Secretary under paragraph (2), including a determination of whether the project is feasible and provides a Federal benefit;

Recommendations.

(B) any recommendations that the Secretary may have concerning the plan or design of the project; and

(C) any conditions the Secretary may require for construction of the project.

(4) ELIGIBILITY FOR FUNDING.—

Determination.

(A) IN GENERAL.—The non-Federal project sponsor of any project determined by the Secretary to be feasible

under paragraph (3)(A) shall be eligible to apply to the Secretary for a grant to cover the Federal share of the costs of planning, designing, and constructing the project pursuant to subsection (c).

(B) **REQUIRED DETERMINATION.**—Prior to awarding grants to a small storage project, the Secretary shall determine whether there is sufficient non-Federal funding available to complete the project.

Determination.

(5) **PRIORITY.**—In awarding grants to projects under this section, the Secretary shall give priority to projects that meet 1 or more of the following criteria:

Criteria.

(A) Projects that are likely to provide a more reliable water supply for States, Indian Tribes, and local governments, including subdivisions of those entities.

(B) Projects that are likely to increase water management flexibility and reduce impacts on environmental resources from projects operated by Federal and State agencies.

(C) Projects that are regional in nature.

(D) Projects with multiple stakeholders.

(E) Projects that provide multiple benefits, including water supply reliability, ecosystem benefits, groundwater management and enhancements, and water quality improvements.

(c) **CEILING ON FEDERAL SHARE.**—The Federal share of the costs of each of the individual projects selected under this section shall not exceed the lesser of—

(1) 25 percent of the total project cost; or

(2) \$30,000,000.

(d) **ENVIRONMENTAL LAWS.**—In providing funding for a grant for a project under this section, the Secretary shall comply with all applicable environmental laws, including the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

Compliance.

(e) **TERMINATION OF AUTHORITY.**—The authority to carry out this section terminates on the date that is 5 years after the date of enactment of this Act.

SEC. 40904. CRITICAL MAINTENANCE AND REPAIR.

43 USC 3204.

(a) **CRITICAL FAILURE AT A RESERVED OR TRANSFERRED WORK.**—
(1) **IN GENERAL.**—A reserved or transferred work shall only be eligible for funding under section 40901(2)(A) if—

(A) construction of the reserved or transferred work began on or before January 1, 1915; and

Effective date.

(B) a unit of the reserved or transferred work suffered a critical failure in Bureau of Reclamation infrastructure during the 2-year period ending on the date of enactment of this Act that resulted in the failure to deliver water to project beneficiaries.

Time period.

(2) **USE OF FUNDS.**—Rehabilitation, repair, and replacement activities for a transferred or reserved work using amounts made available under section 40901(2)(A) may be used for the entire transferred or reserved work, regardless of whether the critical failure was limited to a single project of the overall work.

(3) **NONREIMBURSABLE FUNDS.**—Notwithstanding section 9603(b) of the Omnibus Public Land Management Act of 2009 (43 U.S.C. 510b(b)), amounts made available to a reserved

or transferred work under section 40901(2)(A) shall be nonreimbursable to the United States.

(b) CAREY ACT PROJECTS.—The Secretary shall use amounts made available under section 40901(2)(B) to fund the rehabilitation, reconstruction, or replacement of a dam—

Effective date. (1) the construction of which began on or after January 1, 1905;

(2) that was developed pursuant to section 4 of the Act of August 18, 1894 (commonly known as the “Carey Act”) (43 U.S.C. 641; 28 Stat. 422, chapter 301);

Determination. (3) that the Governor of the State in which the dam is located has—

(A) determined the dam has reached its useful life;

(B) determined the dam poses significant health and safety concerns; and

(C) requested Federal support; and

(4) for which the estimated rehabilitation, reconstruction, or replacement, engineering, and permitting costs would exceed \$50,000,000.

43 USC 3205.

SEC. 40905. COMPETITIVE GRANT PROGRAM FOR LARGE-SCALE WATER RECYCLING AND REUSE PROGRAM.

(a) DEFINITIONS.—In this section:

(1) ELIGIBLE ENTITY.—The term “eligible entity” means—

(A) a State, Indian Tribe, municipality, irrigation district, water district, wastewater district, or other organization with water or power delivery authority;

(B) a State, regional, or local authority, the members of which include 1 or more organizations with water or power delivery authority; or

(C) an agency established under State law for the joint exercise of powers or a combination of entities described in subparagraphs (A) and (B).

(2) ELIGIBLE PROJECT.—The term “eligible project” means a project described in subsection (c).

(3) PROGRAM.—The term “program” means the grant program established under subsection (b).

(4) RECLAMATION STATE.—The term “Reclamation State” means a State or territory described in the first section of the Act of June 17, 1902 (43 U.S.C. 391; 32 Stat. 388, chapter 1093).

(b) ESTABLISHMENT.—The Secretary shall establish a program to provide grants to eligible entities on a competitive basis for the planning, design, and construction of large-scale water recycling and reuse projects that provide substantial water supply and other benefits to the Reclamation States in accordance with this section.

(c) ELIGIBLE PROJECT.—A project shall be eligible for a grant under this section if the project—

(1) reclaims and reuses—

(A) municipal, industrial, domestic, or agricultural wastewater; or

(B) impaired groundwater or surface water;

(2) has a total estimated cost of \$500,000,000 or more;

(3) is located in a Reclamation State;

(4) is constructed, operated, and maintained by an eligible entity; and

(5) provides a Federal benefit in accordance with the reclamation laws.

(d) PROJECT EVALUATION.—The Secretary may provide a grant to an eligible project under the program if—

Determinations.

(1) the eligible entity determines through the preparation of a feasibility study or equivalent study, and the Secretary concurs, that the eligible project—

Study.

(A) is technically and financially feasible;

(B) provides a Federal benefit in accordance with the reclamation laws; and

(C) is consistent with applicable Federal and State laws;

(2) the eligible entity has sufficient non-Federal funding available to complete the eligible project, as determined by the Secretary;

(3) the eligible entity is financially solvent, as determined by the Secretary; and

(4) not later than 30 days after the date on which the Secretary concurs with the determinations under paragraph (1) with respect to the eligible project, the Secretary submits to Congress written notice of the determinations.

Deadline.

(e) PRIORITY.—In providing grants to eligible projects under the program, the Secretary shall give priority to eligible projects that meet 1 or more of the following criteria:

(1) The eligible project provides multiple benefits, including—

(A) water supply reliability benefits for drought-stricken States and communities;

(B) fish and wildlife benefits; and

(C) water quality improvements.

(2) The eligible project is likely to reduce impacts on environmental resources from water projects owned or operated by Federal and State agencies, including through measurable reductions in water diversions from imperiled ecosystems.

(3) The eligible project would advance water management plans across a multi-State area, such as drought contingency plans in the Colorado River Basin.

(4) The eligible project is regional in nature.

(5) The eligible project is collaboratively developed or supported by multiple stakeholders.

(f) FEDERAL ASSISTANCE.—

(1) FEDERAL COST SHARE.—The Federal share of the cost of any project provided a grant under the program shall not exceed 25 percent of the total cost of the eligible project.

(2) TOTAL DOLLAR CAP.—The Secretary shall not impose a total dollar cap on Federal contributions for all eligible individual projects provided a grant under the program.

(3) NONREIMBURSABLE FUNDS.—Any funds provided by the Secretary to an eligible entity under the program shall be considered nonreimbursable.

(4) FUNDING ELIGIBILITY.—An eligible project shall not be considered ineligible for assistance under the program because the eligible project has received assistance under—

(A) the Reclamation Wastewater and Groundwater Study and Facilities Act (43 U.S.C. 390h et seq.);

- (B) section 4(a) of the Water Desalination Act of 1996 (42 U.S.C. 10301 note; Public Law 104–298) for eligible desalination projects; or
- (C) section 1602(e) of the Reclamation Wastewater and Groundwater Study and Facilities Act (43 U.S.C. 390h(e)).
- Compliance. (g) ENVIRONMENTAL LAWS.—In providing a grant for an eligible project under the program, the Secretary shall comply with all applicable environmental laws, including the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).
- Deadline. (h) GUIDANCE.—Not later than 1 year after the date of enactment of this Act, the Secretary shall issue guidance on the implementation of the program, including guidelines for the preparation of feasibility studies or equivalent studies by eligible entities.
- (i) REPORTS.—
- Web posting. (1) ANNUAL REPORT.—At the end of each fiscal year, the Secretary shall make available on the website of the Department of the Interior an annual report that lists each eligible project for which a grant has been awarded under this section during the fiscal year.
- (2) COMPTROLLER GENERAL.—
- (A) ASSESSMENT.—The Comptroller General of the United States shall conduct an assessment of the administrative establishment, solicitation, selection, and justification process with respect to the funding of grants under this section.
- (B) REPORT.—Not later than 1 year after the date of the initial award of grants under this section, the Comptroller General shall submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Natural Resources of the House of Representatives a report that describes—
- (i) the adequacy and effectiveness of the process by which each eligible project was selected, if applicable; and
- (ii) the justification and criteria used for the selection of each eligible project, if applicable.
- (j) TREATMENT OF CONVEYANCE.—The Secretary shall consider the planning, design, and construction of a conveyance system for an eligible project to be eligible for grant funding under the program.
- (k) TERMINATION OF AUTHORITY.—The authority to carry out this section terminates on the date that is 5 years after the date of enactment of this Act.
- 43 USC 3206. **SEC. 40906. DROUGHT CONTINGENCY PLAN FUNDING REQUIREMENTS.**
- (a) IN GENERAL.—Funds made available under section 40901(8) for use in the Lower Colorado River Basin may be used for projects—
- (1) to establish or conserve recurring Colorado River water that contributes to supplies in Lake Mead and other Colorado River water reservoirs in the Lower Colorado River Basin; or
- (2) to improve the long-term efficiency of operations in the Lower Colorado River Basin.

(b) **LIMITATION.**—None of the funds made available under section 40901(8) may be used for the operation of the Yuma Desalting Plant.

(c) **EFFECT.**—Nothing in section 40901(8) limits existing or future opportunities to augment the water supplies of the Colorado River.

SEC. 40907. MULTI-BENEFIT PROJECTS TO IMPROVE WATERSHED HEALTH. 43 USC 3207.

(a) **DEFINITION OF ELIGIBLE APPLICANT.**—In this section, the term “eligible applicant” means—

- (1) a State;
- (2) a Tribal or local government;
- (3) an organization with power or water delivery authority;
- (4) a regional authority; or
- (5) a nonprofit conservation organization.

(b) **ESTABLISHMENT OF COMPETITIVE GRANT PROGRAM.**—Not later than 1 year after the date of enactment of this Act, the Secretary, in consultation with the heads of relevant agencies, shall establish a competitive grant program under which the Secretary shall award grants to eligible applicants for the design, implementation, and monitoring of conservation outcomes of habitat restoration projects that improve watershed health in a river basin that is adversely impacted by a Bureau of Reclamation water project by accomplishing 1 or more of the following:

Deadline.
Consultation.

- (1) Ecosystem benefits.
- (2) Restoration of native species.
- (3) Mitigation against the impacts of climate change to fish and wildlife habitats.
- (4) Protection against invasive species.
- (5) Restoration of aspects of the natural ecosystem.
- (6) Enhancement of commercial, recreational, subsistence, or Tribal ceremonial fishing.
- (7) Enhancement of river-based recreation.

(c) **REQUIREMENTS.**—

(1) **IN GENERAL.**—In awarding a grant to an eligible applicant under subsection (b), the Secretary—

(A) shall give priority to an eligible applicant that would carry out a habitat restoration project that achieves more than 1 of the benefits described in that subsection; and

(B) may not provide a grant to carry out a habitat restoration project the purpose of which is to meet existing environmental mitigation or compliance obligations under Federal or State law.

(2) **COMPLIANCE.**—A habitat restoration project awarded a grant under subsection (b) shall comply with all applicable Federal and State laws.

(d) **COST-SHARING REQUIREMENT.**—The Federal share of the cost of any habitat restoration project that is awarded a grant under subsection (b)—

(1) shall not exceed 50 percent of the cost of the habitat restoration project; or

(2) in the case of a habitat restoration project that provides benefits to ecological or recreational values in which the non-consumptive water conservation benefit or habitat restoration benefit accounts for at least 75 percent of the cost of the

habitat restoration project, as determined by the Secretary, shall not exceed 75 percent of the cost of the habitat restoration project.

SEC. 40908. ELIGIBLE DESALINATION PROJECTS.

Section 4(a) of the Water Desalination Act of 1996 (42 U.S.C. 10301 note; Public Law 104–298) is amended by redesignating the second paragraph (1) (relating to eligible desalination projects) as paragraph (2).

SEC. 40909. CLARIFICATION OF AUTHORITY TO USE CORONAVIRUS FISCAL RECOVERY FUNDS TO MEET A NON-FEDERAL MATCHING REQUIREMENT FOR AUTHORIZED BUREAU OF RECLAMATION WATER PROJECTS.

(a) **CORONAVIRUS STATE FISCAL RECOVERY FUND.**—Section 602(c) of the Social Security Act (42 U.S.C. 802(c)) is amended by adding at the end the following:

“(4) **USE OF FUNDS TO SATISFY NON-FEDERAL MATCHING REQUIREMENTS FOR AUTHORIZED BUREAU OF RECLAMATION WATER PROJECTS.**—Funds provided under this section for an authorized Bureau of Reclamation project may be used for purposes of satisfying any non-Federal matching requirement required for the project.”.

(b) **CORONAVIRUS LOCAL FISCAL RECOVERY FUND.**—Section 603(c) of the Social Security Act (42 U.S.C. 803(c)) is amended by adding at the end the following:

“(5) **USE OF FUNDS TO SATISFY NON-FEDERAL MATCHING, MAINTENANCE OF EFFORT, OR OTHER EXPENDITURE REQUIREMENT.**—Funds provided under this section for an authorized Bureau of Reclamation project may be used for purposes of satisfying any non-Federal matching requirement required for the project.”.

42 USC 802 note.

(c) **EFFECTIVE DATE.**—The amendments made by this section shall take effect as if included in the enactment of section 9901 of the American Rescue Plan Act of 2021 (Public Law 117–2; 135 Stat. 223).

43 USC 3208.

SEC. 40910. FEDERAL ASSISTANCE FOR GROUNDWATER RECHARGE, AQUIFER STORAGE, AND WATER SOURCE SUBSTITUTION PROJECTS.

Coordination.

(a) **IN GENERAL.**—The Secretary, at the request of and in coordination with affected Indian Tribes, States (including subdivisions and departments of a State), or a public agency organized pursuant to State law, may provide technical or financial assistance for, participate in, and enter into agreements (including agreements with irrigation entities) for—

- (1) groundwater recharge projects;
- (2) aquifer storage and recovery projects; or
- (3) water source substitution for aquifer protection projects.

(b) **LIMITATION.**—Nothing in this section authorizes additional technical or financial assistance for, or participation in an agreement for, a surface water storage facility to be constructed or expanded.

(c) **REQUIREMENT.**—A construction project shall only be eligible for financial assistance under this section if the project meets the conditions for funding under section 40902(a)(2)(C)(ii).

(d) **COST SHARING.**—Cost sharing for a project funded under this section shall be in accordance with section 40902(b).

(e) ENVIRONMENTAL LAWS.—In providing funding for a project under this section, the Secretary shall comply with all applicable environmental laws, including —

Compliance.

(1) the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.);

(2) any obligations for fish, wildlife, or water quality protection in permits or licenses granted by a Federal agency or a State; and

(3) any applicable Federal or State laws (including regulations).

(f) AUTHORIZATION BY CONGRESS FOR MAJOR PROJECT CONSTRUCTION.—A project with a total estimated cost of \$500,000,000 or more shall only be eligible for construction funding under this section if the project is authorized for construction by an Act of Congress.

TITLE X—AUTHORIZATION OF APPROPRIATIONS FOR ENERGY ACT OF 2020

Time periods.

SEC. 41001. ENERGY STORAGE DEMONSTRATION PROJECTS.

(a) ENERGY STORAGE DEMONSTRATION PROJECTS; PILOT GRANT PROGRAM.—There is authorized to be appropriated to the Secretary to carry out activities under section 3201(c) of the Energy Act of 2020 (42 U.S.C. 17232(c)) \$355,000,000 for the period of fiscal years 2022 through 2025.

(b) LONG-DURATION DEMONSTRATION INITIATIVE AND JOINT PROGRAM.—There is authorized to be appropriated to the Secretary to carry out activities under section 3201(d) of the Energy Act of 2020 (42 U.S.C. 17232(d)) \$150,000,000 for the period of fiscal years 2022 through 2025.

SEC. 41002. ADVANCED REACTOR DEMONSTRATION PROGRAM.

(a) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary to carry out activities under section 959A of the Energy Policy Act of 2005 (42 U.S.C. 16279a) pursuant to the funding opportunity announcement of the Department numbered DE-FOA-0002271 for Pathway 1, Advanced Reactor Demonstrations—

- (1) \$511,000,000 for fiscal year 2022;
- (2) \$506,000,000 for fiscal year 2023;
- (3) \$636,000,000 for fiscal year 2024;
- (4) \$824,000,000 for fiscal year 2025;
- (5) \$453,000,000 for fiscal year 2026; and
- (6) \$281,000,000 for fiscal year 2027.

(b) TECHNICAL CORRECTIONS.—

(1) DEFINITION OF ADVANCED NUCLEAR REACTOR.—Section 951(b)(1) of the Energy Policy Act of 2005 (42 U.S.C. 16271(b)(1)) is amended—

(A) in subparagraph (A)(xi), by striking “; and” and inserting a semicolon;

(B) in subparagraph (B), by striking the period at the end and inserting “; and”; and

(C) by adding at the end the following:

“(C) a radioisotope power system that utilizes heat from radioactive decay to generate energy.”.

(2) NUCLEAR ENERGY UNIVERSITY PROGRAM FUNDING.—Section 954(a)(6) of the Energy Policy Act of 2005 (42 U.S.C. 16274(a)(6)) is amended by inserting “, excluding funds appropriated for the Advanced Reactor Demonstration Program of the Department,” after “annually”.

SEC. 41003. MINERAL SECURITY PROJECTS.

(a) NATIONAL GEOLOGICAL AND GEOPHYSICAL DATA PRESERVATION PROGRAM.—There are authorized to be appropriated to the Secretary of the Interior to carry out activities under section 351 of the Energy Policy Act of 2005 (42 U.S.C. 15908)—

(1) \$8,668,000 for fiscal year 2022; and

(2) \$5,000,000 for each of fiscal years 2023 through 2025.

(b) RARE EARTH MINERAL SECURITY.—There are authorized to be appropriated to the Secretary to carry out activities under section 7001(a) of the Energy Act of 2020 (42 U.S.C. 13344(a))—

(1) \$23,000,000 for fiscal year 2022;

(2) \$24,200,000 for fiscal year 2023;

(3) \$25,400,000 for fiscal year 2024;

(4) \$26,600,000 for fiscal year 2025; and

(5) \$27,800,000 for fiscal year 2026.

(c) CRITICAL MATERIAL INNOVATION, EFFICIENCY, AND ALTERNATIVES.—There are authorized to be appropriated to the Secretary to carry out activities under section 7002(g) of the Energy Act of 2020 (30 U.S.C. 1606(g))—

(1) \$230,000,000 for fiscal year 2022;

(2) \$100,000,000 for fiscal year 2023; and

(3) \$135,000,000 for each of fiscal years 2024 and 2025.

(d) CRITICAL MATERIAL SUPPLY CHAIN RESEARCH FACILITY.—There are authorized to be appropriated to the Secretary to carry out activities under section 7002(h) of the Energy Act of 2020 (30 U.S.C. 1606(h))—

(1) \$40,000,000 for fiscal year 2022; and

(2) \$35,000,000 for fiscal year 2023.

SEC. 41004. CARBON CAPTURE DEMONSTRATION AND PILOT PROGRAMS.

(a) CARBON CAPTURE LARGE-SCALE PILOT PROJECTS.—There are authorized to be appropriated to the Secretary to carry out activities under section 962(b)(2)(B) of the Energy Policy Act of 2005 (42 U.S.C. 16292(b)(2)(B))—

(1) \$387,000,000 for fiscal year 2022;

(2) \$200,000,000 for fiscal year 2023;

(3) \$200,000,000 for fiscal year 2024; and

(4) \$150,000,000 for fiscal year 2025.

(b) CARBON CAPTURE DEMONSTRATION PROJECTS PROGRAM.—There are authorized to be appropriated to the Secretary to carry out activities under section 962(b)(2)(C) of the Energy Policy Act of 2005 (42 U.S.C. 16292(b)(2)(C))—

(1) \$937,000,000 for fiscal year 2022;

(2) \$500,000,000 for each of fiscal years 2023 and 2024;

and

(3) \$600,000,000 for fiscal year 2025.

SEC. 41005. DIRECT AIR CAPTURE TECHNOLOGIES PRIZE COMPETITIONS.

(a) PRECOMMERCIAL.—There is authorized to be appropriated to the Secretary to carry out activities under section 969D(e)(2)(A)

of the Energy Policy Act of 2005 (42 U.S.C. 16298d(e)(2)(A)) \$15,000,000 for fiscal year 2022.

(b) COMMERCIAL.—There is authorized to be appropriated to the Secretary to carry out activities under section 969D(e)(2)(B) of the Energy Policy Act of 2005 (42 U.S.C. 16298d(e)(2)(B)) \$100,000,000 for fiscal year 2022.

SEC. 41006. WATER POWER PROJECTS.

(a) HYDROPOWER AND MARINE ENERGY.—There are authorized to be appropriated to the Secretary—

(1) to carry out activities under section 634 of the Energy Independence and Security Act of 2007 (42 U.S.C. 17213), \$36,000,000 for the period of fiscal years 2022 through 2025; and

(2) to carry out activities under section 635 of the Energy Independence and Security Act of 2007 (42 U.S.C. 17214), \$70,400,000 for the period of fiscal years 2022 through 2025.

(b) NATIONAL MARINE ENERGY CENTERS.—There is authorized to be appropriated to the Secretary to carry out activities under section 636 of the Energy Independence and Security Act of 2007 (42 U.S.C. 17215) \$40,000,000 for the period of fiscal years 2022 through 2025.

SEC. 41007. RENEWABLE ENERGY PROJECTS.

(a) GEOTHERMAL ENERGY.—There is authorized to be appropriated to the Secretary to carry out activities under section 615(d) of the Energy Independence and Security Act of 2007 (42 U.S.C. 17194(d)) \$84,000,000 for the period of fiscal years 2022 through 2025.

(b) WIND ENERGY.—There are authorized to be appropriated to the Secretary—

(1) to carry out activities under section 3003(b)(2) of the Energy Act of 2020 (42 U.S.C. 16237(b)(2)), \$60,000,000 for the period of fiscal years 2022 through 2025; and

(2) to carry out activities under section 3003(b)(4) of the Energy Act of 2020 (42 U.S.C. 16237(b)(4)), \$40,000,000 for the period of fiscal years 2022 through 2025.

(c) SOLAR ENERGY.—There are authorized to be appropriated to the Secretary—

(1) to carry out activities under section 3004(b)(2) of the Energy Act of 2020 (42 U.S.C. 16238(b)(2)), \$40,000,000 for the period of fiscal years 2022 through 2025;

(2) to carry out activities under section 3004(b)(3) of the Energy Act of 2020 (42 U.S.C. 16238(b)(3)), \$20,000,000 for the period of fiscal years 2022 through 2025; and

(3) to carry out activities under section 3004(b)(4) of the Energy Act of 2020 (42 U.S.C. 16238(b)(4)), \$20,000,000 for the period of fiscal years 2022 through 2025.

(d) CLARIFICATION.—Amounts authorized to be appropriated under subsection (b) are authorized to be a part of, and not in addition to, any amounts authorized to be appropriated by section 3003(b)(7) of the Energy Act of 2020 (42 U.S.C. 16237(b)(7)).

SEC. 41008. INDUSTRIAL EMISSIONS DEMONSTRATION PROJECTS.

There are authorized to be appropriated to the Secretary to carry out activities under section 454(d)(3) of the Energy Independence and Security Act of 2007 (42 U.S.C. 17113(d)(3))—

- (1) \$100,000,000 for each of fiscal years 2022 and 2023;
and
- (2) \$150,000,000 for each of fiscal years 2024 and 2025.

TITLE XI—WAGE RATE REQUIREMENTS

42 USC 18851.

SEC. 41101. WAGE RATE REQUIREMENTS.

Contracts.
Determination.

(a) DAVIS-BACON.—All laborers and mechanics employed by contractors or subcontractors in the performance of construction, alteration, or repair work on a project assisted in whole or in part by funding made available under this division or an amendment made by this division shall be paid wages at rates not less than those prevailing on similar projects in the locality, as determined by the Secretary of Labor in accordance with subchapter IV of chapter 31 of title 40, United States Code (commonly referred to as the “Davis-Bacon Act”).

(b) AUTHORITY.—With respect to the labor standards specified in subsection (a), the Secretary of Labor shall have the authority and functions set forth in Reorganization Plan Numbered 14 of 1950 (64 Stat. 1267; 5 U.S.C. App.) and section 3145 of title 40, United States Code.

TITLE XII—MISCELLANEOUS

42 USC 18861.

SEC. 41201. OFFICE OF CLEAN ENERGY DEMONSTRATIONS.

(a) DEFINITIONS.—In this section:

(1) COVERED PROJECT.—The term “covered project” means a demonstration project of the Department that—

(A) receives or is eligible to receive funding from the Secretary; and

(B) is authorized under—

(i) this division; or

(ii) the Energy Act of 2020 (Public Law 116–260; 134 Stat. 1182).

(2) PROGRAM.—The term “program” means the program established under subsection (b).

Coordination.

(b) ESTABLISHMENT.—The Secretary, in coordination with the heads of relevant program offices of the Department, shall establish a program to conduct project management and oversight of covered projects, including by—

Evaluations.

(1) conducting evaluations of proposals for covered projects before the selection of a covered project for funding;

(2) conducting independent oversight of the execution of a covered project after funding has been awarded for that covered project; and

(3) ensuring a balanced portfolio of investments in covered projects.

(c) DUTIES.—The Secretary shall appoint a head of the program who shall, in coordination with the heads of relevant program offices of the Department—

(1) evaluate proposals for covered projects, including scope, technical specifications, maturity of design, funding profile, estimated costs, proposed schedule, proposed technical and financial milestones, and potential for commercial success based on economic and policy projections;

(2) develop independent cost estimates for a proposal for a covered project, if appropriate;

(3) recommend to the head of a program office of the Department, as appropriate, whether to fund a proposal for a covered project;

(4) oversee the execution of covered projects that receive funding from the Secretary, including reconciling estimated costs as compared to actual costs;

(5) conduct reviews of ongoing covered projects, including—

(A) evaluating the progress of a covered project based on the proposed schedule and technical and financial milestones; and

(B) providing the evaluations under subparagraph (A) to the Secretary; and

(6) assess the lessons learned in overseeing covered projects and implement improvements in the process of evaluating and overseeing covered projects.

(d) EMPLOYEES.—To carry out the program, the Secretary may hire appropriate personnel to perform the duties of the program.

(e) COORDINATION.—In carrying out the program, the head of the program shall coordinate with—

(1) project management and acquisition management entities with the Department, including the Office of Project Management; and

(2) professional organizations in project management, construction, cost estimation, and other relevant fields.

(f) REPORTS.—

(1) REPORT BY SECRETARY.—The Secretary shall include in each updated technology transfer execution plan submitted under subsection (h)(2) of section 1001 of the Energy Policy Act of 2005 (42 U.S.C. 16391) information on the implementation of and progress made under the program, including, for the year covered by the report—

(A) the covered projects under the purview of the program; and

(B) the review of each covered project carried out under subsection (c)(5).

Review.

(2) REPORT BY COMPTROLLER GENERAL.—Not later than 3 years after the date of enactment of this Act, the Comptroller General of the United States shall submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Science, Space, and Technology of the House of Representatives a report evaluating the operation of the program, including—

Evaluation.

(A) a description of the processes and procedures used by the program to evaluate proposals of covered projects and the oversight of covered projects; and

(B) any recommended changes in the program, including changes to—

Recommendations.

(i) the processes and procedures described in subparagraph (A); and

(ii) the structure of the program, for the purpose of better carrying out the program.

(g) TECHNICAL AMENDMENT.—Section 1001 of the Energy Policy Act of 2005 (42 U.S.C. 16391) is amended by redesignating the second subsections (f) (relating to planning and reporting) and

(g) (relating to additional technology transfer programs) as subsections (h) and (i), respectively.

SEC. 41202. EXTENSION OF SECURE RURAL SCHOOLS AND COMMUNITY SELF-DETERMINATION ACT OF 2000.

Time periods.

(a) **DEFINITION OF FULL FUNDING AMOUNT.**—Section 3(11) of the Secure Rural Schools and Community Self-Determination Act of 2000 (16 U.S.C. 7102(11)) is amended by striking subparagraphs (D) and (E) and inserting the following:

“(D) for fiscal year 2017, the amount that is equal to 95 percent of the full funding amount for fiscal year 2015;

“(E) for each of fiscal years 2018 through 2020, the amount that is equal to 95 percent of the full funding amount for the preceding fiscal year; and

“(F) for fiscal year 2021 and each fiscal year thereafter, the amount that is equal to the full funding amount for fiscal year 2017.”.

Time periods.

(b) **SECURE PAYMENTS FOR STATES AND COUNTIES CONTAINING FEDERAL LAND.**—

(1) **SECURE PAYMENTS.**—Section 101 of the Secure Rural Schools and Community Self-Determination Act of 2000 (16 U.S.C. 7111) is amended, in subsections (a) and (b), by striking “2015, 2017, 2018, 2019, and 2020” each place it appears and inserting “2015 and 2017 through 2023”.

(2) **DISTRIBUTION OF PAYMENTS TO ELIGIBLE COUNTIES.**—Section 103(d)(2) of the Secure Rural Schools and Community Self-Determination Act of 2000 (16 U.S.C. 7113(d)(2)) is amended by striking “2020” and inserting “2023”.

(c) **PILOT PROGRAM TO STREAMLINE NOMINATION OF MEMBERS OF RESOURCE ADVISORY COMMITTEES.**—Section 205 of the Secure Rural Schools and Community Self-Determination Act of 2000 (16 U.S.C. 7125) is amended by striking subsection (g) and inserting the following:

“(g) **RESOURCE ADVISORY COMMITTEE APPOINTMENT PILOT PROGRAMS.**—

“(1) **DEFINITIONS.**—In this subsection:

“(A) **APPLICABLE DESIGNEE.**—The term ‘applicable designee’ means the applicable regional forester.

“(B) **NATIONAL PILOT PROGRAM.**—The term ‘national pilot program’ means the national pilot program established under paragraph (4)(A).

“(C) **REGIONAL PILOT PROGRAM.**—The term ‘regional pilot program’ means the regional pilot program established under paragraph (3)(A).

“(2) **ESTABLISHMENT OF PILOT PROGRAMS.**—In accordance with paragraphs (3) and (4), the Secretary concerned shall carry out 2 pilot programs to appoint members of resource advisory committees.

“(3) **REGIONAL PILOT PROGRAM.**—

“(A) **IN GENERAL.**—The Secretary concerned shall carry out a regional pilot program to allow an applicable designee to appoint members of resource advisory committees.

“(B) **GEOGRAPHIC LIMITATION.**—The regional pilot program shall only apply to resource advisory committees chartered in—

Applicability.

Montana.

“(i) the State of Montana; and

“(ii) the State of Arizona.

Arizona.

“(C) RESPONSIBILITIES OF APPLICABLE DESIGNEE.—

“(i) REVIEW.—Before appointing a member of a resource advisory committee under the regional pilot program, an applicable designee shall conduct the review and analysis that would otherwise be conducted for an appointment to a resource advisory committee if the regional pilot program was not in effect, including any review and analysis with respect to civil rights and budgetary requirements.

Analysis.

“(ii) SAVINGS CLAUSE.—Nothing in this paragraph relieves an applicable designee from any requirement developed by the Secretary concerned for making an appointment to a resource advisory committee that is in effect on December 20, 2018, including any requirement for advertising a vacancy.

“(4) NATIONAL PILOT PROGRAM.—

“(A) IN GENERAL.—The Secretary concerned shall carry out a national pilot program to allow the Chief of the Forest Service or the Director of the Bureau of Land Management, as applicable, to submit to the Secretary concerned nominations of individuals for appointment as members of resource advisory committees.

Nominations.

“(B) APPOINTMENT.—Under the national pilot program, subject to subparagraph (C), not later than 30 days after the date on which a nomination is transmitted to the Secretary concerned under subparagraph (A), the Secretary concerned shall—

Deadline.

“(i) appoint the nominee to the applicable resource advisory committee; or

“(ii) reject the nomination.

“(C) AUTOMATIC APPOINTMENT.—If the Secretary concerned does not act on a nomination in accordance with subparagraph (B) by the date described in that subparagraph, the nominee shall be deemed appointed to the applicable resource advisory committee.

“(D) GEOGRAPHIC LIMITATION.—The national pilot program shall apply to a resource advisory committee chartered in any State other than—

Applicability.

“(i) the State of Montana; or

“(ii) the State of Arizona.

Montana.

Arizona.

“(E) SAVINGS CLAUSE.—Nothing in this paragraph relieves the Secretary concerned from any requirement relating to an appointment to a resource advisory committee, including any requirement with respect to civil rights or advertising a vacancy.

“(5) TERMINATION OF EFFECTIVENESS.—The authority provided under this subsection terminates on October 1, 2023.

“(6) REPORT TO CONGRESS.—Not later 180 days after the date described in paragraph (5), the Secretary concerned shall submit to Congress a report that includes—

“(A) with respect to appointments made under the regional pilot program compared to appointments made under the national pilot program, a description of the extent to which—

“(i) appointments were faster or slower; and

Recommendation.

“(ii) the requirements described in paragraph (3)(C)(i) differ; and

“(B) a recommendation with respect to whether Congress should terminate, continue, modify, or expand the pilot programs.”.

(d) **EXTENSION OF AUTHORITY TO CONDUCT SPECIAL PROJECTS ON FEDERAL LAND.**—

(1) **EXISTING ADVISORY COMMITTEES.**—Section 205(a)(4) of the Secure Rural Schools and Community Self-Determination Act of 2000 (16 U.S.C. 7125(a)(4)) is amended by striking “December 20, 2021” each place it appears and inserting “December 20, 2023”.

(2) **EXTENSION OF AUTHORITY.**—Section 208 of the Secure Rural Schools and Community Self-Determination Act of 2000 (16 U.S.C. 7128) is amended—

(A) in subsection (a), by striking “2022” and inserting “2025”; and

(B) in subsection (b), by striking “2023” and inserting “2026”.

(e) **ACCESS TO BROADBAND AND OTHER TECHNOLOGY.**—Section 302(a) of the Secure Rural Schools and Community Self-Determination Act of 2000 (16 U.S.C. 7142(a)) is amended—

(1) in paragraph (3), by striking “and” at the end;

(2) in paragraph (4), by striking the period at the end and inserting “; and”; and

(3) by adding at the end the following:

“(5) to provide or expand access to—

“(A) broadband telecommunications services at local schools; or

“(B) the technology and connectivity necessary for students to use a digital learning tool at or outside of a local school campus.”.

(f) **EXTENSION OF AUTHORITY TO EXPEND COUNTY FUNDS.**—Section 304 of the Secure Rural Schools and Community Self-Determination Act of 2000 (16 U.S.C. 7144) is amended—

(1) in subsection (a), by striking “2022” and inserting “2025”; and

(2) in subsection (b), by striking “2023” and inserting “2026”.

(g) **AMOUNTS OBLIGATED BUT UNSPENT; PROHIBITION ON USE OF FUNDS.**—Title III of the Secure Rural Schools and Community Self-Determination Act of 2000 (16 U.S.C. 7141 et seq.) is amended—

(1) by redesignating section 304 as section 305; and

(2) by inserting after section 303 the following:

16 USC 7143a.

“SEC. 304. AMOUNTS OBLIGATED BUT UNSPENT; PROHIBITION ON USE OF FUNDS.

“(a) **AMOUNTS OBLIGATED BUT UNSPENT.**—Any county funds that were obligated by the applicable participating county before October 1, 2017, but are unspent on October 1, 2020—

“(1) may, at the option of the participating county, be deemed to have been reserved by the participating county on October 1, 2020, for expenditure in accordance with this title; and

“(2)(A) may be used by the participating county for any authorized use under section 302(a); and

“(B) on a determination by the participating county under subparagraph (A) to use the county funds, shall be available for projects initiated after October 1, 2020, subject to section 305.

Determination.

“(b) PROHIBITION ON USE OF FUNDS.—Notwithstanding any other provision of law, effective beginning on the date of enactment of the Infrastructure Investment and Jobs Act, no county funds made available under this title may be used by any participating county for any lobbying activity, regardless of the purpose for which the funds are obligated on or before that date.”.

Effective date.
Lobbying.

DIVISION E—DRINKING WATER AND WASTEWATER INFRASTRUCTURE

Drinking Water
and Wastewater
Infrastructure
Act of 2021.

SEC. 50001. SHORT TITLE.

This division may be cited as the “Drinking Water and Wastewater Infrastructure Act of 2021”.

33 USC 1251
note.

SEC. 50002. DEFINITION OF ADMINISTRATOR.

In this division, the term “Administrator” means the Administrator of the Environmental Protection Agency.

42 USC 300j–18a
note.

TITLE I—DRINKING WATER

SEC. 50101. TECHNICAL ASSISTANCE AND GRANTS FOR EMERGENCIES AFFECTING PUBLIC WATER SYSTEMS.

Section 1442 of the Safe Drinking Water Act (42 U.S.C. 300j–1) is amended—

(1) in subsection (a), by adding at the end the following:
“(11) COMPLIANCE EVALUATION.—

“(A) IN GENERAL.—Not later than 1 year after the date of enactment of this paragraph, the Administrator shall—

Deadline.

“(i) evaluate, based on the compliance data found in the Safe Drinking Water Information System of the Administrator, the compliance of community water systems and wastewater systems with environmental, health, and safety requirements under this title, including water quality sampling, testing, and reporting requirements; and

“(ii) submit to Congress a report describing trends seen as a result of the evaluation under clause (i), including trends that demonstrate how the characteristics of community water systems and wastewater systems correlate to trends in compliance or noncompliance with the requirements described in that clause.

Reports.

“(B) REQUIREMENT.—To the extent practicable, in carrying out subparagraph (A), the Administrator shall determine whether, in aggregate, community water systems and wastewater systems maintain asset management plans.”;

Determination.

(2) in subsection (b), in the first sentence—

(A) by inserting “(including an emergency situation resulting from a cybersecurity event)” after “emergency situation”; and

(B) by inserting “, including a threat to public health resulting from contaminants, such as, but not limited to,

	heightened exposure to lead in drinking water” after “public health”;
Time period.	(3) by striking subsection (d) and inserting the following: “(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out subsection (b) \$35,000,000 for each of fiscal years 2022 through 2026.”;
Time period.	(4) in subsection (e), by striking paragraph (5) and inserting the following: “(5) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Administrator to carry out this subsection \$15,000,000 for each of fiscal years 2022 through 2026.”;
	(5) by redesignating subsection (f) as subsection (g); and (6) by inserting after subsection (e) the following: “(f) STATE-BASED NONPROFIT ORGANIZATIONS.— “(1) IN GENERAL.—The Administrator may provide technical assistance consistent with the authority provided under subsection (e) to State-based nonprofit organizations that are governed by community water systems. “(2) COMMUNICATION.—Each State-based nonprofit organization that receives funding under paragraph (1) shall, before using that funding to undertake activities to carry out this subsection, consult with the State in which the assistance is to be expended or otherwise made available.”.
Consultation.	
	SEC. 50102. DRINKING WATER STATE REVOLVING LOAN FUNDS.
Time period.	(a) DRINKING WATER STATE REVOLVING FUNDS CAPITALIZATION GRANT REAUTHORIZATION.—Section 1452 of the Safe Drinking Water Act (42 U.S.C. 300j–12) is amended— (1) in subsection (a)(4)(A), by striking “During fiscal years 2019 through 2023, funds” and inserting “Funds”; (2) in subsection (m)(1) — (A) in subparagraph (B), by striking “and”; (B) in subparagraph (C), by striking the period at the end and inserting a semicolon; and (C) by adding at the end the following: “(D) \$2,400,000,000 for fiscal year 2022; “(E) \$2,750,000,000 for fiscal year 2023; “(F) \$3,000,000,000 for fiscal year 2024; and “(G) \$3,250,000,000 for each of fiscal years 2025 and 2026.”; and (3) in subsection (q), by striking “2016 through 2021” and inserting “2022 through 2026”. (b) ASSISTANCE FOR DISADVANTAGED COMMUNITIES.—Section 1452(d) of the Safe Drinking Water Act (42 U.S.C. 300j–12(d)) is amended— (1) in paragraph (1)— (A) by striking “Notwithstanding any” and inserting the following: “(A) IN GENERAL.—Notwithstanding any”; (B) in subparagraph (A) (as so designated), by inserting “, grants, negative interest loans, other loan forgiveness, and through buying, refinancing, or restructuring debt” after “forgiveness of principal”; and (C) by adding at the end the following: “(B) EXCLUSION.—A loan from a State loan fund with an interest rate equal to or greater than 0 percent shall

not be considered additional subsidization for purposes of this subsection.”; and
(2) in paragraph (2), by striking subparagraph (B) and inserting the following:
“(B) to the extent that there are sufficient applications for loans to communities described in paragraph (1), may not be less than 12 percent.”.

SEC. 50103. SOURCE WATER PETITION PROGRAM.

Section 1454 of the Safe Drinking Water Act (42 U.S.C. 300j–14) is amended—

(1) in subsection (a)—

(A) in paragraph (1)(A), in the matter preceding clause (i), by striking “political subdivision of a State,” and inserting “political subdivision of a State (including a county that is designated by the State to act on behalf of an unincorporated area within that county, with the agreement of that unincorporated area),”;

(B) in paragraph (4)(D)(i), by inserting “(including a county that is designated by the State to act on behalf of an unincorporated area within that county)” after “of the State”; and

(C) by adding at the end the following:

“(5) SAVINGS PROVISION.—Unless otherwise provided within the agreement, an agreement between an unincorporated area and a county for the county to submit a petition under paragraph (1)(A) on behalf of the unincorporated area shall not authorize the county to act on behalf of the unincorporated area in any matter not within a program under this section.”; and

(2) in subsection (e), in the first sentence, by striking “2021” and inserting “2026”.

SEC. 50104. ASSISTANCE FOR SMALL AND DISADVANTAGED COMMUNITIES.

(a) EXISTING PROGRAMS.—Section 1459A of the Safe Drinking Water Act (42 U.S.C. 300j–19a) is amended—

(1) in subsection (b)(2)—

(A) in subparagraph (B), by striking “and” at the end;

(B) in subparagraph (C), by striking the period at the end and inserting a semicolon; and

(C) by adding at the end the following:

“(D) the purchase of point-of-entry or point-of-use filters and filtration systems that are certified by a third party using science-based test methods for the removal of contaminants of concern;

“(E) investments necessary for providing accurate and current information about—

“(i) the need for filtration and filter safety, including proper use and maintenance practices; and

“(ii) the options for replacing lead service lines (as defined in section 1459B(a)) and removing other sources of lead in water; and

“(F) entering into contracts, including contracts with nonprofit organizations that have water system technical expertise, to assist—

“(i) an eligible entity; or

- “(ii) the State of an eligible entity, on behalf of that eligible entity.”;
- (2) in subsection (c), in the matter preceding paragraph (1), by striking “An eligible entity” and inserting “Except for purposes of subsections (j) and (m), an eligible entity”;
- (3) in subsection (g)(1), by striking “to pay not less than 45 percent” and inserting “except as provided in subsection (l)(5) and subject to subsection (h), to pay not less than 10 percent”;
- (4) by striking subsection (k) and inserting the following:
- “(k) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out subsections (a) through (j)—
- “(1) \$70,000,000 for fiscal year 2022;
- “(2) \$80,000,000 for fiscal year 2023;
- “(3) \$100,000,000 for fiscal year 2024;
- “(4) \$120,000,000 for fiscal year 2025; and
- “(5) \$140,000,000 for fiscal year 2026.”; and
- (5) in subsection (l)—
- (A) in paragraph (2)—
- (i) by striking “The Administrator may” and inserting “The Administrator shall”; and
- (ii) by striking “fiscal years 2019 and 2020” and inserting “fiscal years 2022 through 2026”;
- (B) in paragraph (5), by striking “\$4,000,000 for each of fiscal years 2019 and 2020” and inserting “\$25,000,000 for each of fiscal years 2022 through 2026”;
- (C) by redesignating paragraph (5) as paragraph (6); and
- (D) by inserting after paragraph (4) the following:
- “(5) FEDERAL SHARE FOR SMALL, RURAL, AND DISADVANTAGED COMMUNITIES.—
- “(A) IN GENERAL.—Subject to subparagraph (B), with respect to a program or project that serves an eligible entity and is carried out using a grant under this subsection, the Federal share of the cost of the program or project shall be 90 percent.
- “(B) WAIVER.—The Administrator may increase the Federal share under subparagraph (A) to 100 percent if the Administrator determines that an eligible entity is unable to pay, or would experience significant financial hardship if required to pay, the non-Federal share.”.
- (b) CONNECTION TO PUBLIC WATER SYSTEMS.—Section 1459A of the Safe Drinking Water Act (42 U.S.C. 300j–19a) is amended by adding at the end the following:
- “(m) CONNECTION TO PUBLIC WATER SYSTEMS.—
- “(1) DEFINITIONS.—In this subsection:
- “(A) ELIGIBLE ENTITY.—The term ‘eligible entity’ means—
- “(i) an owner or operator of a public water system that assists or is seeking to assist eligible individuals with connecting the household of the eligible individual to the public water system; or
- “(ii) a nonprofit entity that assists or is seeking to assist eligible individuals with the costs associated with connecting the household of the eligible individual to a public water system.

“(B) ELIGIBLE INDIVIDUAL.—The term ‘eligible individual’ has the meaning given the term in section 603(j) of the Federal Water Pollution Control Act (33 U.S.C. 1383(j)).

“(C) PROGRAM.—The term ‘program’ means the competitive grant program established under paragraph (2).

“(2) ESTABLISHMENT.—Subject to the availability of appropriations, the Administrator shall establish a competitive grant program for the purpose of improving the general welfare under which the Administrator awards grants to eligible entities to provide funds to assist eligible individuals in covering the costs incurred by the eligible individual in connecting the household of the eligible individual to a public water system.

“(3) APPLICATION.—An eligible entity seeking a grant under the program shall submit to the Administrator an application at such time, in such manner, and containing such information as the Administrator may require.

“(4) VOLUNTARY CONNECTION.—Before providing funds to an eligible individual for the costs described in paragraph (2), an eligible entity shall ensure and certify to the Administrator that—

Certification.

“(A) the eligible individual is voluntarily seeking connection to the public water system;

“(B) if the eligible entity is not the owner or operator of the public water system to which the eligible individual seeks to connect, the public water system to which the eligible individual seeks to connect has agreed to the connection; and

“(C) the connection of the household of the eligible individual to the public water system meets all applicable local and State regulations, requirements, and codes.

“(5) REPORT.—Not later than 3 years after the date of enactment of this subsection, the Administrator shall submit to Congress a report that describes the implementation of the program, which shall include a description of the use and deployment of amounts made available under the program.

“(6) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out the program \$20,000,000 for each of fiscal years 2022 through 2026.”.

(c) COMPETITIVE GRANT PILOT PROGRAM.—Section 1459A of the Safe Drinking Water Act (42 U.S.C. 300j–19a) (as amended by subsection (b)) is amended by adding at the end the following:

“(n) STATE COMPETITIVE GRANTS FOR UNDERSERVED COMMUNITIES.—

“(1) IN GENERAL.—In addition to amounts authorized to be appropriated under subsection (k), there is authorized to be appropriated to carry out subsections (a) through (j) \$50,000,000 for each of fiscal years 2022 through 2026 in accordance with paragraph (2).

“(2) COMPETITIVE GRANTS.—

“(A) IN GENERAL.—Notwithstanding any other provision of this section, the Administrator shall distribute amounts made available under paragraph (1) to States through a competitive grant program.

“(B) APPLICATIONS.—To seek a grant under the competitive grant program under subparagraph (A), a State

shall submit to the Administrator an application at such time, in such manner, and containing such information as the Administrator may require.

“(C) CRITERIA.—In selecting recipients of grants under the competitive grant program under subparagraph (A), the Administrator shall establish criteria that give priority to States with a high proportion of underserved communities that meet the condition described in subsection (a)(2)(A).

“(3) REPORT.—Not later than 2 years after the date of enactment of this subsection, the Administrator shall submit to Congress a report that describes the implementation of the competitive grant program under paragraph (2)(A), which shall include a description of the use and deployment of amounts made available under the competitive grant program.

“(4) SAVINGS PROVISION.—Nothing in this paragraph affects the distribution of amounts made available under subsection (k), including any methods used by the Administrator for distribution of amounts made available under that subsection as in effect on the day before the date of enactment of this subsection.”.

SEC. 50105. REDUCING LEAD IN DRINKING WATER.

Section 1459B of the Safe Drinking Water Act (42 U.S.C. 300j–19b) is amended—

(1) in subsection (a)—

(A) in paragraph (1), by striking subparagraph (D) and inserting the following:

“(D) a qualified nonprofit organization with experience in lead reduction, as determined by the Administrator; and”;

(B) in paragraph (2)(A)—

(i) in clause (i), by striking “publicly owned”; and

(ii) by striking clause (iii) and inserting the following:

“(iii) providing assistance to eligible entities to replace lead service lines, with priority for disadvantaged communities based on the affordability criteria established by the applicable State under section 1452(d)(3), low-income homeowners, and landlords or property owners providing housing to low-income renters.”; and

(C) in paragraph (3), by striking “an individual provided”;

(2) in subsection (b)—

(A) in paragraph (5)—

(i) in subparagraph (A), by striking “to provide assistance” and all that follows through the period at the end and inserting “to replace lead service lines, with first priority given to assisting disadvantaged communities based on the affordability criteria established by the applicable State under section 1452(d)(3), low-income homeowners, and landlords or property owners providing housing to low-income renters.”; and

(ii) in subparagraph (B), by striking “line” and inserting “lines”; and

(B) in paragraph (6)—

(i) in subparagraph (A), by striking “any publicly owned portion of”;

(ii) in subparagraph (C), in the matter preceding clause (i)—

(I) by striking “may” and inserting “shall”;

(II) by inserting “and may, for other homeowners,” after “low-income homeowner,”; and

(III) by striking “a cost that” and all that follows through the semicolon at the end of clause (ii) and inserting “no cost to the homeowner,”;

(iii) in subparagraph (D), by striking “and” at the end;

(iv) in subparagraph (E), by striking “other options” and all that follows through the period at the end and inserting “feasible alternatives for reducing the concentration of lead in drinking water, such as corrosion control; and”; and

(v) by adding at the end the following:

“(F) shall notify the State of any planned replacement of lead service lines under this program and coordinate, where practicable, with other relevant infrastructure projects.”;

(3) in subsection (d)—

(A) by inserting “(except for subsection (d))” after “this section”; and

(B) by striking “\$60,000,000 for each of fiscal years 2017 through 2021” and inserting “\$100,000,000 for each of fiscal years 2022 through 2026”;

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

(5) by inserting after subsection (c) the following:

“(d) LEAD INVENTORYING UTILIZATION GRANT PILOT PROGRAM.—

“(1) DEFINITIONS.—In this subsection:

“(A) ELIGIBLE ENTITY.—The term ‘eligible entity’ means a municipality that is served by a community water system or a nontransient noncommunity water system in which not less than 30 percent of the service lines are known, or suspected, to contain lead, based on available data, information, or resources, including existing lead inventorying.

“(B) PILOT PROGRAM.—The term ‘pilot program’ means the pilot program established under paragraph (2).

“(2) ESTABLISHMENT.—The Administrator shall establish a pilot program under which the Administrator shall provide grants to eligible entities to carry out lead reduction projects that are demonstrated to exist or are suspected to exist, based on available data, information, or resources, including existing lead inventorying of those eligible entities.

“(3) SELECTION.—

“(A) APPLICATION.—To be eligible to receive a grant under the pilot program, an eligible entity shall submit to the Administrator an application at such time, in such manner, and containing such information as the Administrator may require.

“(B) PRIORITIZATION.—In selecting recipients under the pilot program, the Administrator shall give priority to—

“(i) an eligible entity that meets the affordability criteria of the applicable State established under section 1452(d)(3); and

“(ii) an eligible entity that is located in an area other than a State that has established affordability criteria under section 1452(d)(3).

“(4) REPORT.—Not later 2 years after the Administrator first awards a grant under the pilot program, the Administrator shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Energy and Commerce of the House of Representatives a report describing—

“(A) the recipients of grants under the pilot program;

“(B) the existing lead inventorying that was available to recipients of grants under the pilot program; and

“(C) how useful and accurate the lead inventorying described in subparagraph (B) was in locating lead service lines of the eligible entity.

“(5) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out the pilot program \$10,000,000, to remain available until expended.”.

SEC. 50106. OPERATIONAL SUSTAINABILITY OF SMALL PUBLIC WATER SYSTEMS.

Part E of the Safe Drinking Water Act (42 U.S.C. 300j et seq.) is amended by adding at the end the following:

42 USC 300j–19f. **“SEC. 1459E. OPERATIONAL SUSTAINABILITY OF SMALL PUBLIC WATER SYSTEMS.**

“(a) DEFINITIONS.—In this section:

“(1) ELIGIBLE ENTITY.—The term ‘eligible entity’ means—

“(A) a State;

“(B) a unit of local government;

“(C) a public corporation established by a unit of local government to provide water service;

“(D) a nonprofit corporation, public trust, or cooperative association that owns or operates a public water system;

“(E) an Indian Tribe that owns or operates a public water system;

“(F) a nonprofit organization that provides technical assistance to public water systems; and

“(G) a Tribal consortium.

“(2) OPERATIONAL SUSTAINABILITY.—The term ‘operational sustainability’ means the ability to improve the operation of a small system through the identification and prevention of potable water loss due to leaks, breaks, and other metering or infrastructure failures.

“(3) PROGRAM.—The term ‘program’ means the grant program established under subsection (b).

“(4) SMALL SYSTEM.—The term ‘small system’, for the purposes of this section, means a public water system that—

“(A) serves fewer than 10,000 people; and

“(B) is owned or operated by—

“(i) a unit of local government;

“(ii) a public corporation;

“(iii) a nonprofit corporation;

“(iv) a public trust;

“(v) a cooperative association; or

“(vi) an Indian Tribe.

“(b) ESTABLISHMENT.—Subject to the availability of appropriations, the Administrator shall establish a program to award grants to eligible entities for the purpose of improving the operational sustainability of 1 or more small systems.

“(c) APPLICATIONS.—To be eligible to receive a grant under the program, an eligible entity shall submit to the Administrator an application at such time, in such manner, and containing such information as the Administrator may require, including—

“(1) a proposal of the project to be carried out using grant funds under the program; Proposal.

“(2) documentation provided by the eligible entity describing the deficiencies or suspected deficiencies in operational sustainability of 1 or more small systems that are to be addressed through the proposed project;

“(3) a description of how the proposed project will improve the operational sustainability of 1 or more small systems;

“(4) a description of how the improvements described in paragraph (3) will be maintained beyond the life of the proposed project, including a plan to maintain and update any asset data collected as a result of the proposed project; and Plan.

“(5) any additional information the Administrator may require.

“(d) ADDITIONAL REQUIRED INFORMATION.—Before the award of funds for a grant under the program to a grant recipient, the grant recipient shall submit to the Administrator— Records.
Contracts.

“(1) if the grant recipient is located in a State that has established a State drinking water treatment revolving loan fund under section 1452, a copy of a written agreement between the grant recipient and the State in which the grant recipient agrees to provide a copy of any data collected under the proposed project to the State agency administering the State drinking water treatment revolving loan fund (or a designee); or

“(2) if the grant recipient is located in an area other than a State that has established a State drinking water treatment revolving loan fund under section 1452, a copy of a written agreement between the grant recipient and the Administrator in which the eligible entity agrees to provide a copy of any data collected under the proposed project to the Administrator (or a designee).

“(e) USE OF FUNDS.—An eligible entity that receives a grant under the program shall use the grant funds to carry out projects that improve the operational sustainability of 1 or more small systems through—

“(1) the development of a detailed asset inventory, which may include drinking water sources, wells, storage, valves, treatment systems, distribution lines, hydrants, pumps, controls, and other essential infrastructure;

“(2) the development of an infrastructure asset map, including a map that uses technology such as—

“(A) geographic information system software; and

“(B) global positioning system software;

“(3) the deployment of leak detection technology;

“(4) the deployment of metering technology;

“(5) training in asset management strategies, techniques, and technologies for appropriate staff employed by—

“(A) the eligible entity; or

“(B) the small systems for which the grant was received;

“(6) the deployment of strategies, techniques, and technologies to enhance the operational sustainability and effective use of water resources through water reuse; and

“(7) the development or deployment of other strategies, techniques, or technologies that the Administrator may determine to be appropriate under the program.

“(f) COST SHARE.—

“(1) IN GENERAL.—Subject to paragraph (2), the Federal share of the cost of a project carried out using a grant under the program shall be 90 percent of the total cost of the project.

“(2) WAIVER.—The Administrator may increase the Federal share under paragraph (1) to 100 percent.

“(g) REPORT.—Not later than 2 years after the date of enactment of this section, the Administrator shall submit to Congress a report that describes the implementation of the program, which shall include a description of the use and deployment of amounts made available under the program.

“(h) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section \$50,000,000 for each of fiscal years 2022 through 2026.”.

SEC. 50107. MIDSIZE AND LARGE DRINKING WATER SYSTEM INFRASTRUCTURE RESILIENCE AND SUSTAINABILITY PROGRAM.

Part E of the Safe Drinking Water Act (42 U.S.C. 300j et seq.) (as amended by section 50106) is amended by adding at the end the following:

42 USC
300j–19g.

“SEC. 1459F. MIDSIZE AND LARGE DRINKING WATER SYSTEM INFRASTRUCTURE RESILIENCE AND SUSTAINABILITY PROGRAM.

“(a) DEFINITIONS.—In this section:

“(1) ELIGIBLE ENTITY.—The term ‘eligible entity’ means a public water system that serves a community with a population of 10,000 or more.

“(2) NATURAL HAZARD; RESILIENCE.—The terms ‘resilience’ and ‘natural hazard’ have the meanings given those terms in section 1433(h).

“(3) RESILIENCE AND SUSTAINABILITY PROGRAM.—The term ‘resilience and sustainability program’ means the Midsize and Large Drinking Water System Infrastructure Resilience and Sustainability Program established under subsection (b).

Grants.

“(b) ESTABLISHMENT.—The Administrator shall establish and carry out a program, to be known as the ‘Midsize and Large Drinking Water System Infrastructure Resilience and Sustainability Program’, under which the Administrator, subject to the availability of appropriations for the resilience and sustainability program, shall award grants to eligible entities for the purpose of—

“(1) increasing resilience to natural hazards and extreme weather events; and

“(2) reducing cybersecurity vulnerabilities.

“(c) USE OF FUNDS.—An eligible entity may only use grant funds received under the resilience and sustainability program to

assist in the planning, design, construction, implementation, operation, or maintenance of a program or project that increases resilience to natural hazards and extreme weather events, or reduces cybersecurity vulnerabilities, through—

“(1) the conservation of water or the enhancement of water-use efficiency;

“(2) the modification or relocation of existing drinking water system infrastructure made, or that is at risk of being, significantly impaired by natural hazards or extreme weather events, including risks to drinking water from flooding;

“(3) the design or construction of new or modified desalination facilities to serve existing communities;

“(4) the enhancement of water supply through the use of watershed management and source water protection;

“(5) the enhancement of energy efficiency or the use and generation of renewable energy in the conveyance or treatment of drinking water;

“(6) the development and implementation of measures—

“(A) to increase the resilience of the eligible entity to natural hazards and extreme weather events; or

“(B) to reduce cybersecurity vulnerabilities;

“(7) the conservation of water or the enhancement of a water supply through the implementation of water reuse measures; or

“(8) the formation of regional water partnerships to collaboratively address documented water shortages.

“(d) APPLICATION.—To seek a grant under the resilience and sustainability program, an eligible entity shall submit to the Administrator an application at such time, in such manner, and containing such information as the Administrator may require, including—

“(1) a proposal of the program or project to be planned, designed, constructed, implemented, operated, or maintained by the eligible entity; Proposal.

“(2) an identification of the natural hazard risks, extreme weather events, or potential cybersecurity vulnerabilities, as applicable, to be addressed by the proposed program or project;

“(3) documentation prepared by a Federal, State, regional, or local government agency of the natural hazard risk, potential cybersecurity vulnerability, or risk for extreme weather events to the area where the proposed program or project is to be located;

“(4) a description of any recent natural hazards, cybersecurity events, or extreme weather events that have affected the community water system of the eligible entity;

“(5) a description of how the proposed program or project would improve the performance of the community water system of the eligible entity under the anticipated natural hazards, cybersecurity vulnerabilities, or extreme weather events; and

“(6) an explanation of how the proposed program or project is expected—

“(A) to enhance the resilience of the community water system of the eligible entity to the anticipated natural hazards or extreme weather events; or

“(B) to reduce cybersecurity vulnerabilities.

“(e) REPORT.—Not later than 2 years after the date of enactment of this section, the Administrator shall submit to Congress a report

that describes the implementation of the resilience and sustainability program, which shall include a description of the use and deployment of amounts made available to carry out the resilience and sustainability program.

“(f) AUTHORIZATION OF APPROPRIATIONS.—

“(1) IN GENERAL.—There is authorized to be appropriated to carry out the resilience and sustainability program \$50,000,000 for each of fiscal years 2022 through 2026.

“(2) USE OF FUNDS.—Of the amounts made available under paragraph (1) for grants to eligible entities under the resilience and sustainability program—

“(A) 50 percent shall be used to provide grants to eligible entities that serve a population of—

“(i) equal to or greater than 10,000; and

“(ii) fewer than 100,000; and

“(B) 50 percent shall be used to provide grants to eligible entities that serve a population equal to or greater than 100,000.

“(3) ADMINISTRATIVE COSTS.—Of the amounts made available under paragraph (1), not more than 2 percent may be used by the Administrator for the administrative costs of carrying out the resilience and sustainability program.”.

42 USC 300j–19a
note.

**SEC. 50108. NEEDS ASSESSMENT FOR NATIONWIDE RURAL AND URBAN
LOW-INCOME COMMUNITY WATER ASSISTANCE.**

(a) DEFINITIONS.—In this section and section 50109:

(1) COMMUNITY WATER SYSTEM.—The term “community water system” has the meaning given the term in section 1401 of the Safe Drinking Water Act (42 U.S.C. 300f).

(2) LARGE WATER SERVICE PROVIDER.—The term “large water service provider” means a community water system, treatment works, or municipal separate storm sewer system that serves more than 100,000 people.

(3) MEDIUM WATER SERVICE PROVIDER.—The term “medium water service provider” means a community water system, treatment works, or municipal separate storm sewer system that serves more than 10,000 people and not more than 100,000 people.

(4) NEED.—The term “need”, with respect to a qualifying household, means the expenditure of a disproportionate amount of household income on access to public drinking water or wastewater services.

(5) QUALIFYING HOUSEHOLD.—The term “qualifying household” means a household that—

(A) includes an individual who is—

(i) the holder of an account for drinking water or wastewater service that is provided to that household by a large water service provider, a medium water service provider, or a rural water service provider; or

(ii) separately billed by a landlord that holds an account with a large water service provider, a medium water service provider, or a rural water service provider for the cost of drinking water or wastewater service provided to that household by the respective large water service provider, medium water service provider, or rural water service provider; and

(B) is determined—

(i) by a large water service provider, a medium water service provider, or a rural water service provider to be eligible for assistance through a low-income ratepayer assistance program;

(ii) by the Governor of the State in which the household is located to be low-income, based on the affordability criteria established by the State under section 1452(d)(3) of the Safe Drinking Water Act (42 U.S.C. 300j–12(d)(3));

(iii) by the Administrator to experience drinking water and wastewater service costs that exceed the metrics of affordability established in the most recent guidance of the Administrator entitled “Financial Capability Assessment Guidance”; or

(iv) in the case of a household serviced by a rural water service provider, by the State in which the household is located to have an annual income that does not exceed the greater of—

(I) an amount equal to 150 percent of the poverty level of that State; and

(II) an amount equal to 60 percent of the State median income for that State.

(6) RURAL WATER SERVICE PROVIDER.—The term “rural water service provider” means a community water system, treatment works, or municipal separate storm sewer system that serves not more than 10,000 people.

(7) TREATMENT WORKS.—The term “treatment works” has the meaning given the term in section 212 of the Federal Water Pollution Control Act (33 U.S.C. 1292).

(b) STUDY; REPORT.—

(1) IN GENERAL.—The Administrator shall conduct, and submit to Congress a report describing the results of, a study that examines the prevalence throughout the United States of municipalities, public entities, or Tribal governments that—

(A) are serviced by rural water service providers, medium water service providers, or large water service providers that service a disproportionate percentage, as determined by the Administrator, of qualifying households with need; or

(B) as determined by the Administrator, have taken on an unsustainable level of debt due to customer non-payment for the services provided by a large water service provider, a medium water service provider, or a rural water service provider.

Determination.

(2) AFFORDABILITY INCLUSIONS.—The report under paragraph (1) shall include—

(A) a definition of the term “affordable access to water services”;

(B) a description of the criteria used in defining “affordable access to water services” under subparagraph (A);

(C) a definition of the term “lack of affordable access to water services”;

(D) a description of the methodology and criteria used in defining “lack of affordable access to water services” under subparagraph (C);

Determination.	(E) a determination of the prevalence of a lack of affordable access to water services, as defined under subparagraph (C);
Criteria.	(F) the methodology and criteria used to determine the prevalence of a lack of affordable access to water services under subparagraph (E); (G) any additional information with respect to the affordable access to water services, as defined under subparagraph (A), provided by rural water service providers, medium water service providers, and large water service providers;
Consultation.	(H) with respect to the development of the report, a consultation with all relevant stakeholders, including rural advocacy associations;
Recommendations.	(I) recommendations of the Administrator regarding the best methods to reduce the prevalence of a lack of affordable access to water services, as defined under subparagraph (C); and (J) a description of the cost of each method described in subparagraph (I).
Contracts.	(3) AGREEMENTS.—The Administrator may enter into an agreement with another Federal agency to carry out the study under paragraph (1).

SEC. 50109. RURAL AND LOW-INCOME WATER ASSISTANCE PILOT PROGRAM.

(a) DEFINITIONS.—In this section:

(1) ELIGIBLE ENTITY.—The term “eligible entity” means—

(A) a municipality, Tribal government, or other entity that—

(i) owns or operates a community water system, treatment works, or municipal separate storm sewer system; or

(ii) as determined by the Administrator, has taken on an unsustainable level of debt due to customer nonpayment for the services provided by a community water system, treatment works, or municipal separate storm sewer system; and

(B) a State exercising primary enforcement responsibility over a rural water service provider under the Safe Drinking Water Act (42 U.S.C. 300f et seq.) or the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.), as applicable.

(2) PILOT PROGRAM.—The term “pilot program” means the pilot program established by the Administrator under subsection (b)(1).

(3) WATER SERVICES NEEDS ASSESSMENT.—The term “water services needs assessment” means the report required under section 50108(b)(1).

(b) ESTABLISHMENT.—

(1) IN GENERAL.—Not later than 2 years after the date of enactment of this Act, the Administrator shall establish a pilot program to award grants to eligible entities to develop and implement programs to assist qualifying households with need in maintaining access to drinking water and wastewater treatment.

(2) REQUIREMENT.—In establishing the pilot program, the Administrator shall ensure that data from the water services needs assessment directly contributes to the structure of the pilot program by informing the types of assistance and criteria used for priority consideration with the demonstrated need from the study conducted under section 50108(b)(1) and the water services needs assessment.

(3) USE OF FUNDS LIMITATIONS.—A grant under the pilot program—

(A) shall not be used to replace funds for any existing similar program; but

(B) may be used to supplement or enhance an existing program, including a program that receives assistance from other Federal grants.

(4) TERM.—The term of a grant awarded under the pilot program shall be subject to the availability of appropriations.

(5) TYPES OF ASSISTANCE.—In establishing the pilot program, the Administrator may include provisions for—

(A) direct financial assistance;

(B) a lifeline rate;

(C) bill discounting;

(D) special hardship provisions;

(E) a percentage-of-income payment plan; or

(F) debt relief for the eligible entity or the community water system owned by the eligible entity for debt that is due to customer nonpayment for the services provided by the eligible entity or the community water system that is determined by the Administrator to be in the interest of public health.

(6) REQUIREMENT.—The Administrator shall award not more than 40 grants under the pilot program, of which—

(A) not more than 8 shall be to eligible entities that own, operate, or exercise primary enforcement responsibility over a rural water service provider under the Safe Drinking Water Act (42 U.S.C. 300f et seq.) or the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.), as applicable;

(B) not more than 8 shall be to eligible entities that own or operate a medium water service provider;

(C) not more than 8 shall be to eligible entities that own or operate a large water service provider that serves not more than 500,000 people;

(D) not more than 8 shall be to eligible entities that own or operate a large water service provider that serves more than 500,000 people; and

(E) not more than 8 shall be to eligible entities that own or operate a community water system, treatment works, or municipal separate storm sewer system that services a disadvantaged community (consistent with the affordability criteria established by the applicable State under section 1452(d)(3) of the Safe Drinking Water Act (42 U.S.C. 300j-12(d)(3)) or section 603(i)(2) of the Federal Water Pollution Control Act (33 U.S.C. 1383(i)(2)), as applicable).

(7) CRITERIA.—In addition to any priority criteria established by the Administrator in response to the findings in the water services needs assessment, in awarding grants under

the pilot program, the Administrator shall give priority consideration to eligible entities that—

(A) serve a disproportionate percentage, as determined by the Administrator, of qualifying households with need, as identified in the water services needs assessment;

(B) are subject to State or Federal enforcement actions relating to compliance with the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.) or the Safe Drinking Water Act (42 U.S.C. 300f et seq.); or

(C) maintain or participate in an existing community assistance program with objectives similar to the objectives of the pilot program, as determined by the Administrator.

(8) REPORTING REQUIREMENTS.—

(A) IN GENERAL.—In addition to any other applicable Federal or agency-specific grant reporting requirements, as a condition of receiving a grant under the pilot program, an eligible entity (or a State, on behalf of an eligible entity) shall submit to the Administrator an annual report that summarizes, in a manner determined by the Administrator, the use of grant funds by the eligible entity, including—

(i) key features of the assistance provided by the eligible entity;

(ii) sources of funding used to supplement Federal funds; and

(iii) eligibility criteria.

(B) PUBLICATION.—The Administrator shall publish each report submitted under subparagraph (A).

(c) TECHNICAL ASSISTANCE.—The Administrator shall provide technical assistance to each eligible entity, and each State, on behalf of an eligible entity, that receives a grant under the pilot program to support implementation of the program.

(d) REPORT.—Not later than 2 years after the date on which grant funds are first disbursed to an eligible entity (or a State, on behalf of an eligible entity) under the program, and every year thereafter for the duration of the terms of the grants, the Administrator shall submit to Congress a report on the results of the pilot program.

Summary.
Determination.

SEC. 50110. LEAD CONTAMINATION IN SCHOOL DRINKING WATER.

Section 1464 of the Safe Drinking Water Act (42 U.S.C. 300j–24) is amended—

(1) in subsection (b)—

(A) in the first sentence, by inserting “public water systems and” after “to assist”; and

(B) in the third sentence, by inserting “public water systems,” after “schools,”; and

(2) in subsection (d)—

(A) in the subsection heading, by inserting “AND REDUCTION” after “LEAD TESTING”;

(B) in paragraph (2)—

(i) in subparagraph (A), by striking “the Administrator” and all that follows through the period at the end and inserting the following: “the Administrator shall establish a voluntary school and child care program lead testing, compliance monitoring, and lead reduction grant program to make grants available to—

“(i) States to assist local educational agencies, public water systems that serve schools and child care programs under the jurisdiction of those local educational agencies, and qualified nonprofit organizations in voluntary testing or compliance monitoring for and remediation of lead contamination in drinking water at schools and child care programs under the jurisdiction of those local educational agencies; and

“(ii) tribal consortia to assist tribal education agencies (as defined in section 3 of the National Environmental Education Act (20 U.S.C. 5502)), public water systems that serve schools and child care programs under the jurisdiction of those tribal education agencies, and qualified nonprofit organizations in voluntary testing or compliance monitoring for and remediation of lead contamination in drinking water at schools and child care programs under the jurisdiction of those tribal education agencies.”; and

(ii) in subparagraph (B)—

(I) in the matter preceding clause (i), by inserting “or compliance monitoring for or remediation of lead contamination” after “voluntary testing”;

(II) in clause (i), by striking “or” at the end;

(III) in clause (ii), by striking the period at the end and inserting a semicolon; and

(IV) by adding at the end the following:

“(iii) any public water system that is located in a State that does not participate in the voluntary grant program established under subparagraph (A) that—

“(I) assists schools or child care programs in lead testing;

“(II) assists schools or child care programs with compliance monitoring;

“(III) assists schools with carrying out projects to remediate lead contamination in drinking water; or

“(IV) provides technical assistance to schools or child care programs in carrying out lead testing; or

“(iv) a qualified nonprofit organization, as determined by the Administrator.”;

(C) in paragraphs (3), (5), (6), and (7), by striking “State or local educational agency” each place it appears and inserting “State, local educational agency, public water system, tribal consortium, or qualified nonprofit organization”;

(D) in paragraph (4)—

(i) by striking “States and local educational agencies” and inserting “States, local educational agencies, public water systems, tribal consortia, and qualified nonprofit organizations”; and

(ii) by inserting “or the remediation of” after “testing for”;

(E) in paragraph (6)—

(i) in the matter preceding subparagraph (A)—

(I) by striking “State or local educational agency” and inserting “State, local educational agency, public water system, tribal consortium, or qualified nonprofit agency”; and

(II) by inserting “, public water system, tribal consortium, or qualified nonprofit organization” after “each local educational agency”;

(ii) in subparagraph (A)(ii)—

(I) by inserting “or tribal” after “applicable State”; and

(II) by striking “reducing lead” and inserting “voluntary testing or compliance monitoring for and remediation of lead contamination”; and

(iii) in subparagraph (B)(i), by inserting “applicable” before “local educational agency”;

(F) in paragraph (7), by striking “testing for” and inserting “testing or compliance monitoring for or remediation of”; and

(G) by striking paragraph (8) and inserting the following:

“(8) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this subsection—

“(A) \$30,000,000 for fiscal year 2022;

“(B) \$35,000,000 for fiscal year 2023;

“(C) \$40,000,000 for fiscal year 2024;

“(D) \$45,000,000 for fiscal year 2025; and

“(E) \$50,000,000 for fiscal year 2026.”.

SEC. 50111. INDIAN RESERVATION DRINKING WATER PROGRAM.

Section 2001 of the America’s Water Infrastructure Act of 2018 (42 U.S.C. 300j–3c note; Public Law 115–270) is amended—

(1) in subsection (a)—

(A) in the matter preceding paragraph (1), by striking “Subject to the availability of appropriations, the Administrator of the Environmental Protection Agency” and inserting “The Administrator of the Environmental Protection Agency (referred to in this section as the ‘Administrator’)”; and

(B) by striking “to implement” in the matter preceding paragraph (1) and all that follows through the period at the end of paragraph (2) and inserting “to implement eligible projects described in subsection (b).”;

(2) in subsection (b), by striking paragraph (2) and inserting the following:

“(2) that will—

“(A) improve water quality, water pressure, or water services through means such as connecting to, expanding, repairing, improving, or obtaining water from a public water system (as defined in section 1401 of the Safe Drinking Water Act (42 U.S.C. 300f)); or

“(B) improve water quality or sanitation or wastewater services at a treatment works (as defined in section 212 of the Federal Water Pollution Control Act (33 U.S.C. 1292)).”;

(3) by redesignating subsection (d) as subsection (g);

(4) by striking subsection (c) and inserting the following:

“(c) REQUIRED PROJECTS.—

“(1) IN GENERAL.—If sufficient projects exist, of the funds made available to carry out this section, the Administrator shall use 50 percent to carry out—

“(A) 10 eligible projects described in subsection (b) that are within the Upper Missouri River Basin;

“(B) 10 eligible projects described in subsection (b) that are within the Upper Rio Grande Basin;

“(C) 10 eligible projects described in subsection (b) that are within the Columbia River Basin;

“(D) 10 eligible projects described in subsection (b) that are within the Lower Colorado River Basin; and

“(E) 10 eligible projects described in subsection (b) that are within the Arkansas-White-Red River Basin.

“(2) REQUIREMENT.—In carrying out paragraph (1)(A), the Administrator shall select not fewer than 2 eligible projects for a reservation that serves more than 1 federally recognized Indian Tribe.

“(d) PRIORITY.—In selecting projects to carry out under this section, the Administrator shall give priority to projects that—

“(1) respond to emergency situations occurring due to or resulting in a lack of access to clean drinking water that threatens the health of Tribal populations;

“(2) would serve a Tribal population that would qualify as a disadvantaged community based on the affordability criteria established by the applicable State under section 1452(d)(3) of the Safe Drinking Water Act (42 U.S.C. 300j–12(d)(3)); or

“(3) would address the underlying factors contributing to—

“(A) an enforcement action commenced pursuant to the Safe Drinking Water Act (42 U.S.C. 300f et seq.) against the applicable public water system (as defined in section 1401 of that Act (42 U.S.C. 300f)) as of the date of enactment of this subparagraph; or

“(B) an enforcement action commenced pursuant to the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.) against the applicable treatment works (as defined in section 212 of that Act (33 U.S.C. 1292)) as of the date of enactment of this subparagraph.

“(e) FEDERAL SHARE.—The Federal share of the cost of a project carried out under this section shall be 100 percent.

“(f) REPORT.—Not later than 2 years after the date of enactment of this subsection, the Administrator shall submit to Congress a report that describes the implementation of the program established under subsection (a), which shall include a description of the use and deployment of amounts made available under that program.”; and

(5) in subsection (g) (as so redesignated)—

(A) by striking “There is” and inserting “There are”;

(B) by striking “subsection (a) \$20,000,000” and inserting the following: “subsection (a)—

“(1) \$20,000,000”;

(C) in paragraph (1) (as so designated), by striking “2022.” and inserting “2021; and”; and

(D) by adding at the end the following:

“(2) \$50,000,000 for each of fiscal years 2022 through 2026.”.

SEC. 50112. ADVANCED DRINKING WATER TECHNOLOGIES.

Part E of the Safe Drinking Water Act (42 U.S.C. 300j et seq.) (as amended by section 50107) is amended by adding at the end the following:

42 USC
300j–19h.

“SEC. 1459G. ADVANCED DRINKING WATER TECHNOLOGIES.

“(a) STUDY.—

“(1) IN GENERAL.—Subject to the availability of appropriations, not later than 1 year after the date of enactment of this section, the Administrator shall carry out a study that examines the state of existing and potential future technology, including technology that could address cybersecurity vulnerabilities, that enhances or could enhance the treatment, monitoring, affordability, efficiency, and safety of drinking water provided by a public water system.

“(2) REPORT.—The Administrator shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Energy and Commerce of the House of Representatives a report that describes the results of the study under paragraph (1).

“(b) ADVANCED DRINKING WATER TECHNOLOGY GRANT PROGRAM.—

“(1) DEFINITIONS.—In this subsection:

“(A) ELIGIBLE ENTITY.—The term ‘eligible entity’ means the owner or operator of a public water system that—

“(i) serves—

“(I) a population of not more than 100,000 people; or

“(II) a community described in section 1459A(c)(2);

“(ii) has plans to identify or has identified opportunities in the operations of the public water system to employ new, existing, or emerging, yet proven, technologies, including technology that could address cybersecurity vulnerabilities, as determined by the Administrator, that enhance treatment, monitoring, affordability, efficiency, or safety of the drinking water provided by the public water system, including technologies not identified in the study conducted under subsection (a)(1); and

“(iii) has expressed an interest in the opportunities in the operation of the public water system to employ new, existing, or emerging, yet proven, technologies, including technology that could address cybersecurity vulnerabilities, as determined by the Administrator, that enhance treatment, monitoring, affordability, efficiency, or safety of the drinking water provided by the public water system, including technologies not identified in the study conducted under subsection (a)(1).

“(B) PROGRAM.—The term ‘program’ means the competitive grant program established under paragraph (2).

“(2) ESTABLISHMENT.—The Administrator shall establish a competitive grant program under which the Administrator

shall award grants to eligible entities for the purpose of identifying, deploying, or identifying and deploying technologies described in paragraph (1)(A)(ii).

“(3) REQUIREMENTS.—

“(A) APPLICATIONS.—To be eligible to receive a grant under the program, an eligible entity shall submit to the Administrator an application at such time, in such manner, and containing such information as the Administrator may require.

“(B) FEDERAL SHARE.—

“(i) IN GENERAL.—Subject to clause (ii), the Federal share of the cost of a project carried out using a grant under the program shall not exceed 90 percent of the total cost of the project.

“(ii) WAIVER.—The Administrator may increase the Federal share under clause (i) to 100 percent if the Administrator determines that an eligible entity is unable to pay, or would experience significant financial hardship if required to pay, the non-Federal share.

“(4) REPORT.—Not later than 2 years after the date on which the Administrator first awards a grant under the program, and annually thereafter, the Administrator shall submit to Congress a report describing—

“(A) each recipient of a grant under the program during the previous 1-year period; and

“(B) a summary of the activities carried out using grants awarded under the program.

“(5) FUNDING.—

“(A) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out the program \$10,000,000 for each of fiscal years 2022 through 2026, to remain available until expended.

“(B) ADMINISTRATIVE COSTS.—Not more than 2 percent of the amount made available for a fiscal year under subparagraph (A) to carry out the program may be used by the Administrator for the administrative costs of carrying out the program.”

SEC. 50113. CYBERSECURITY SUPPORT FOR PUBLIC WATER SYSTEMS.

Part B of the Safe Drinking Water Act (42 U.S.C. 300g et seq.) is amended by adding at the end the following:

“SEC. 1420A. CYBERSECURITY SUPPORT FOR PUBLIC WATER SYSTEMS. 42 USC 300g–10.

“(a) DEFINITIONS.—In this section:

“(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term ‘appropriate Congressional committees’ means—

“(A) the Committee on Environment and Public Works of the Senate;

“(B) the Committee on Homeland Security and Governmental Affairs of the Senate;

“(C) the Committee on Energy and Commerce of the House of Representatives; and

“(D) the Committee on Homeland Security of the House of Representatives.

“(2) DIRECTOR.—The term ‘Director’ means the Director of the Cybersecurity and Infrastructure Security Agency.

“(3) INCIDENT.—The term ‘incident’ has the meaning given the term in section 3552 of title 44, United States Code.

“(4) PRIORITIZATION FRAMEWORK.—The term ‘Prioritization Framework’ means the prioritization framework developed by the Administrator under subsection (b)(1)(A).

“(5) SUPPORT PLAN.—The term ‘Support Plan’ means the Technical Cybersecurity Support Plan developed by the Administrator under subsection (b)(2)(A).

“(b) IDENTIFICATION OF AND SUPPORT FOR PUBLIC WATER SYSTEMS.—

“(1) PRIORITIZATION FRAMEWORK.—

Deadline.
Coordination.

“(A) IN GENERAL.—Not later than 180 days after the date of enactment of this section, the Administrator, in coordination with the Director, shall develop a prioritization framework to identify public water systems (including sources of water for those public water systems) that, if degraded or rendered inoperable due to an incident, would lead to significant impacts on the health and safety of the public.

“(B) CONSIDERATIONS.—In developing the Prioritization Framework, to the extent practicable, the Administrator shall incorporate consideration of—

“(i) whether cybersecurity vulnerabilities for a public water system have been identified under section 1433;

“(ii) the capacity of a public water system to remediate a cybersecurity vulnerability without additional Federal support;

“(iii) whether a public water system serves a defense installation or critical national security asset; and

“(iv) whether a public water system, if degraded or rendered inoperable due to an incident, would cause a cascading failure of other critical infrastructure.

“(2) TECHNICAL CYBERSECURITY SUPPORT PLAN.—

Deadline.
Coordination.

“(A) IN GENERAL.—Not later than 270 days after the date of enactment of this section, the Administrator, in coordination with the Director and using existing authorities of the Administrator and the Director for providing voluntary support to public water systems and the Prioritization Framework, shall develop a Technical Cybersecurity Support Plan for public water systems.

“(B) REQUIREMENTS.—The Support Plan—

“(i) shall establish a methodology for identifying specific public water systems for which cybersecurity support should be prioritized;

Timeline.

“(ii) shall establish timelines for making voluntary technical support for cybersecurity available to specific public water systems;

Coordination.

“(iii) may include public water systems identified by the Administrator, in coordination with the Director, as needing technical support for cybersecurity;

“(iv) shall include specific capabilities of the Administrator and the Director that may be utilized to provide support to public water systems under the Support Plan, including—

“(I) site vulnerability and risk assessments;

“(II) penetration tests; and

“(III) any additional support determined to be appropriate by the Administrator; and

“(v) shall only include plans for providing voluntary support to public water systems.

“(3) CONSULTATION REQUIRED.—In developing the Prioritization Framework pursuant to paragraph (1) and the Support Plan pursuant to paragraph (2), the Administrator shall consult with such Federal or non-Federal entities as determined to be appropriate by the Administrator.

“(4) REPORTS REQUIRED.—

“(A) PRIORITIZATION FRAMEWORK.—Not later than 190 days after the date of enactment of this section, the Administrator shall submit to the appropriate Congressional committees a report describing the Prioritization Framework.

“(B) TECHNICAL CYBERSECURITY SUPPORT PLAN.—Not later than 280 days after the date of enactment of this section, the Administrator shall submit to the appropriate Congressional committees—

“(i) the Support Plan; and

“(ii) a list describing any public water systems identified by the Administrator, in coordination with the Director, as needing technical support for cybersecurity during the development of the Support Plan.

“(c) RULES OF CONSTRUCTION.—Nothing in this section—

“(1) alters the existing authorities of the Administrator; or

“(2) compels a public water system to accept technical support offered by the Administrator.”.

SEC. 50114. STATE RESPONSE TO CONTAMINANTS.

Section 1459A(j)(1) of the Safe Drinking Water Act (42 U.S.C. 300j–19a(j)(1)) is amended—

(1) in the matter preceding subparagraph (A), by striking “an underserved community” and inserting “a community described in subsection (c)(2)”; and

(2) in subparagraph (A)(i), by striking “such underserved” and inserting “that”.

SEC. 50115. ANNUAL STUDY ON BOIL WATER ADVISORIES.

(a) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, and annually thereafter, the Administrator shall conduct a study on the prevalence of boil water advisories issued in the United States.

(b) REPORT.—

(1) IN GENERAL.—The Administrator shall submit to Congress a report describing the results of the most recent study conducted under subsection (a) as part of the annual budget request transmitted to Congress under section 1105(a) of title 31, United States Code.

(2) REQUIREMENT.—In the annual report required under paragraph (1), the Administrator shall include a description of the reasons for which boil water advisories were issued during the year covered by the report.

42 USC
300j–18a.
Deadline.

TITLE II—CLEAN WATER

SEC. 50201. RESEARCH, INVESTIGATIONS, TRAINING, AND INFORMATION.

(a) REAUTHORIZATION.—Section 104(u) of the Federal Water Pollution Control Act (33 U.S.C. 1254(u)) is amended—

(1) by striking “and (7)” and inserting “(7)”; and

(2) in paragraph (7)—

(A) by striking “2023” and inserting “2021”; and

(B) by striking the period at the end and inserting “; and (8) not to exceed \$75,000,000 for each of fiscal years 2022 through 2026 for carrying out subsections (b)(3), (b)(8), and (g), of which not less than \$50,000,000 each fiscal year shall be used to carry out subsection (b)(8).”.

(b) COMMUNICATION.—Each nonprofit organization that receives funding under paragraph (8) of section 104(b) of the Federal Water Pollution Control Act (33 U.S.C. 1254(b)) shall, before using that funding to undertake activities to carry out that paragraph, consult with the State in which the assistance is to be expended or otherwise made available.

(c) REPORT.—Not later than 2 years after the date of enactment of this Act, the Administrator shall submit to Congress a report that describes the implementation of the grants authorized under subsections (b)(3), (b)(8), and (g) of section 104 of the Federal Water Pollution Control Act (33 U.S.C. 1254), which shall include a description of the grant recipients and grant amounts made available to carry out those subsections.

SEC. 50202. WASTEWATER EFFICIENCY GRANT PILOT PROGRAM.

Title II of the Federal Water Pollution Control Act (33 U.S.C. 1281 et seq.) is amended by adding at the end the following:

“SEC. 222. WASTEWATER EFFICIENCY GRANT PILOT PROGRAM.

“(a) ESTABLISHMENT.—Subject to the availability of appropriations, the Administrator shall establish a wastewater efficiency grant pilot program (referred to in this section as the ‘pilot program’) to award grants to owners or operators of publicly owned treatment works to carry out projects that create or improve waste-to-energy systems.

“(b) SELECTION.—

“(1) APPLICATIONS.—To be eligible to receive a grant under the pilot program, an owner or operator of a treatment works shall submit to the Administrator an application at such time, in such manner, and containing such information as the Administrator may require.

“(2) NUMBER OF RECIPIENTS.—The Administrator shall select not more than 15 recipients of grants under the pilot program from applications submitted under paragraph (1).

“(c) USE OF FUNDS.—

“(1) IN GENERAL.—Subject to paragraph (2), a recipient of a grant under the pilot program may use grant funds for—

“(A) sludge collection;

“(B) installation of anaerobic digesters;

“(C) methane capture;

“(D) methane transfer;

“(E) facility upgrades and retrofits necessary to create or improve waste-to-energy systems; and

Consultation.
33 USC 1254
note.

33 USC 1302.

“(F) other new and emerging, but proven, technologies that transform waste to energy.

“(2) LIMITATION.—A grant to a recipient under the pilot program shall be not more than \$4,000,000.

“(d) REPORTS.—

“(1) REPORT TO THE ADMINISTRATOR.—Not later than 2 years after receiving a grant under the pilot program and each year thereafter for which amounts are made available for the pilot program under subsection (e), the recipient of the grant shall submit to the Administrator a report describing the impact of that project on the communities within 3 miles of the treatment works.

“(2) REPORT TO CONGRESS.—Not later than 1 year after first awarding grants under the pilot program and each year thereafter for which amounts are made available for the pilot program under subsection (e), the Administrator shall submit to Congress a report describing—

“(A) the applications received by the Administrator for grants under the pilot program; and

“(B) the projects for which grants were awarded under the pilot program.

“(e) AUTHORIZATION OF APPROPRIATIONS.—

“(1) IN GENERAL.—There is authorized to be appropriated to carry out the pilot program \$20,000,000 for each of fiscal years 2022 through 2026, to remain available until expended.

“(2) LIMITATION ON USE OF FUNDS.—Of the amounts made available for grants under paragraph (1), not more than 2 percent may be used to pay the administrative costs of the Administrator.”.

SEC. 50203. PILOT PROGRAM FOR ALTERNATIVE WATER SOURCE PROJECTS.

Section 220 of the Federal Water Pollution Control Act (33 U.S.C. 1300) is amended—

(1) in subsection (b), in the heading, by striking “IN GENERAL” and inserting “ESTABLISHMENT”;

(2) in subsection (d)—

(A) in paragraph (1), by inserting “construction” before “funds”;

(B) by striking paragraph (2); and

(C) by redesignating paragraph (3) as paragraph (2);

(3) by striking subsection (e);

(4) in subsection (i)—

(A) in the matter preceding paragraph (1), by striking “, the following definitions apply”; and

(B) in paragraph (1), in the first sentence, by striking “water or wastewater or by treating wastewater” and inserting “water, wastewater, or stormwater or by treating wastewater or stormwater for groundwater recharge, potable reuse, or other purposes”;

(5) in subsection (j)—

(A) in the first sentence, by striking “There is” and inserting the following:

“(1) IN GENERAL.—There is”;

(B) in paragraph (1) (as so designated), by striking “a total of \$75,000,000 for fiscal years 2002 through 2004.”

Such sums shall” and inserting “\$25,000,000 for each of fiscal years 2022 through 2026, to”; and

(C) by adding at the end the following:

“(2) LIMITATION ON USE OF FUNDS.—Of the amounts made available for grants under paragraph (1), not more than 2 percent may be used to pay the administrative costs of the Administrator.”; and

(6) by redesignating subsections (b), (c), (d), (i), and (j) as subsections (c), (d), (e), (b), and (i), respectively, and moving those subsections so as to appear in alphabetical order.

SEC. 50204. SEWER OVERFLOW AND STORMWATER REUSE MUNICIPAL GRANTS.

Section 221 of the Federal Water Pollution Control Act (33 U.S.C. 1301) is amended—

(1) in subsection (a)(1) —

(A) in subparagraph (A), by striking “and” at the end;

(B) by redesignating subparagraph (B) as subparagraph (C); and

(C) by inserting after subparagraph (A) the following:

“(B) notification systems to inform the public of combined sewer or sanitary overflows that result in sewage being released into rivers and other waters; and”;

(2) in subsection (d)—

(A) in the second sentence, by striking “The non-Federal share of the cost” and inserting the following:

“(3) TYPES OF NON-FEDERAL SHARE.—The applicable non-Federal share of the cost under this subsection”;

(B) in the first sentence, by striking “The Federal” and inserting the following:

“(1) IN GENERAL.—The Federal”; and

(C) by inserting after paragraph (1) (as so designated) the following:

“(2) RURAL AND FINANCIALLY DISTRESSED COMMUNITIES.—

To the maximum extent practicable, the Administrator shall work with States to prevent the non-Federal share requirements under this subsection from being passed on to rural communities and financially distressed communities (as those terms are defined in subsection (f)(2)(B)(i)).”;

(3) in subsection (f)—

(A) by striking paragraph (1) and inserting the following:

“(1) IN GENERAL.—There is authorized to be appropriated to carry out this section \$280,000,000 for each of fiscal years 2022 through 2026.”; and

(B) in paragraph (2)—

(i) by striking “To the extent” and inserting the following:

“(A) GREEN PROJECTS.—To the extent”; and

(ii) by adding at the end the following:

“(B) RURAL OR FINANCIALLY DISTRESSED COMMUNITY ALLOCATION.—

“(i) DEFINITIONS.—In this subparagraph:

“(I) FINANCIALLY DISTRESSED COMMUNITY.—The term ‘financially distressed community’ has the meaning given the term in subsection (c)(1).

“(II) RURAL COMMUNITY.—The term ‘rural community’ means a city, town, or unincorporated area that has a population of not more than 10,000 inhabitants.

“(ii) ALLOCATION.—

“(I) IN GENERAL.—To the extent there are sufficient eligible project applications, the Administrator shall ensure that a State uses not less than 25 percent of the amount of the grants made to the State under subsection (a) in a fiscal year to carry out projects in rural communities or financially distressed communities for the purpose of planning, design, and construction of—

“(aa) treatment works to intercept, transport, control, treat, or reuse municipal sewer overflows, sanitary sewer overflows, or stormwater; or

“(bb) any other measures to manage, reduce, treat, or recapture stormwater or subsurface drainage water eligible for assistance under section 603(c).

“(II) RURAL COMMUNITIES.—Of the funds allocated under subclause (I) for the purposes described in that subclause, to the extent there are sufficient eligible project applications, the Administrator shall ensure that a State uses not less than 60 percent to carry out projects in rural communities.”; and

(4) in subsection (i)—

(A) in the second sentence, by striking “The recommended funding levels” and inserting the following:

“(B) REQUIREMENT.—The funding levels recommended under subparagraph (A)(i);

(B) in the first sentence, by striking “Not later” and inserting the following:

“(1) PERIODIC REPORTS.—

“(A) IN GENERAL.—Not later”;

(C) in paragraph (1)(A) (as so designated)—

(i) by striking the period at the end and inserting “; and”;

(ii) by striking “containing recommended” and inserting the following: “containing—

“(i) recommended”; and

(iii) by adding at the end the following:

“(ii) a description of the extent to which States pass costs associated with the non-Federal share requirements under subsection (d) to local communities, with a focus on rural communities and financially distressed communities (as those terms are defined in subsection (f)(2)(B)(i)).”; and

(D) by adding at the end the following:

“(2) USE OF FUNDS.—Not later than 2 years after the date of enactment of this paragraph, the Administrator shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report that describes the implementation of the grant program under this section,

which shall include a description of the grant recipients, sources of funds for non-Federal share requirements under subsection (d), and grant amounts made available under the program.”.

SEC. 50205. CLEAN WATER INFRASTRUCTURE RESILIENCY AND SUSTAINABILITY PROGRAM.

Title II of the Federal Water Pollution Control Act (33 U.S.C. 1281 et seq.) (as amended by section 50202) is amended by adding at the end the following:

33 USC 1302a.

“SEC. 223. CLEAN WATER INFRASTRUCTURE RESILIENCY AND SUSTAINABILITY PROGRAM.

“(a) DEFINITIONS.—In this section:

“(1) ELIGIBLE ENTITY.—The term ‘eligible entity’ means—

“(A) a municipality; or

“(B) an intermunicipal, interstate, or State agency.

“(2) NATURAL HAZARD.—The term ‘natural hazard’ means a hazard caused by natural forces, including extreme weather events, sea-level rise, and extreme drought conditions.

“(3) PROGRAM.—The term ‘program’ means the clean water infrastructure resilience and sustainability program established under subsection (b).

Grants.

“(b) ESTABLISHMENT.—Subject to the availability of appropriations, the Administrator shall establish a clean water infrastructure resilience and sustainability program under which the Administrator shall award grants to eligible entities for the purpose of increasing the resilience of publicly owned treatment works to a natural hazard or cybersecurity vulnerabilities.

“(c) USE OF FUNDS.—An eligible entity that receives a grant under the program shall use the grant funds for planning, designing, or constructing projects (on a system-wide or area-wide basis) that increase the resilience of a publicly owned treatment works to a natural hazard or cybersecurity vulnerabilities through—

“(1) the conservation of water;

“(2) the enhancement of water use efficiency;

“(3) the enhancement of wastewater and stormwater management by increasing watershed preservation and protection, including through the use of—

“(A) natural and engineered green infrastructure; and

“(B) reclamation and reuse of wastewater and stormwater, such as aquifer recharge zones;

“(4) the modification or relocation of an existing publicly owned treatment works, conveyance, or discharge system component that is at risk of being significantly impaired or damaged by a natural hazard;

“(5) the development and implementation of projects to increase the resilience of publicly owned treatment works to a natural hazard or cybersecurity vulnerabilities, as applicable; or

“(6) the enhancement of energy efficiency or the use and generation of recovered or renewable energy in the management, treatment, or conveyance of wastewater or stormwater.

“(d) APPLICATION.—To be eligible to receive a grant under the program, an eligible entity shall submit to the Administrator an application at such time, in such manner, and containing such information as the Administrator may require, including—

Proposal.

“(1) a proposal of the project to be planned, designed, or constructed using funds under the program;

“(2) an identification of the natural hazard risk of the area where the proposed project is to be located or potential cybersecurity vulnerability, as applicable, to be addressed by the proposed project;

“(3) documentation prepared by a Federal, State, regional, or local government agency of the natural hazard risk of the area where the proposed project is to be located or potential cybersecurity vulnerability, as applicable, of the area where the proposed project is to be located;

“(4) a description of any recent natural hazard risk of the area where the proposed project is to be located or potential cybersecurity vulnerabilities that have affected the publicly owned treatment works;

“(5) a description of how the proposed project would improve the performance of the publicly owned treatment works under an anticipated natural hazard or natural hazard risk of the area where the proposed project is to be located or a potential cybersecurity vulnerability, as applicable; and

“(6) an explanation of how the proposed project is expected to enhance the resilience of the publicly owned treatment works to a natural hazard risk of the area where the proposed project is to be located or a potential cybersecurity vulnerability, as applicable.

“(e) GRANT AMOUNT AND OTHER FEDERAL REQUIREMENTS.—

“(1) COST SHARE.—Except as provided in paragraph (2), a grant under the program shall not exceed 75 percent of the total cost of the proposed project.

“(2) EXCEPTION.—

“(A) IN GENERAL.—Except as provided in subparagraph (B), a grant under the program shall not exceed 90 percent of the total cost of the proposed project if the project serves a community that—

“(i) has a population of fewer than 10,000 individuals; or

“(ii) meets the affordability criteria established by the State in which the community is located under section 603(i)(2).

“(B) WAIVER.—At the discretion of the Administrator, a grant for a project described in subparagraph (A) may cover 100 percent of the total cost of the proposed project.

“(3) REQUIREMENTS.—The requirements of section 608 shall apply to a project funded with a grant under the program.

Applicability.

“(f) REPORT.—Not later than 2 years after the date of enactment of this section, the Administrator shall submit to Congress a report that describes the implementation of the program, which shall include an accounting of all grants awarded under the program, including a description of each grant recipient and each project funded using a grant under the program.

“(g) AUTHORIZATION OF APPROPRIATIONS.—

“(1) IN GENERAL.—There is authorized to be appropriated to carry out this section \$25,000,000 for each of fiscal years 2022 through 2026.

“(2) LIMITATION ON USE OF FUNDS.—Of the amounts made available for grants under paragraph (1), not more than 2 percent may be used to pay the administrative costs of the Administrator.”.

SEC. 50206. SMALL AND MEDIUM PUBLICLY OWNED TREATMENT WORKS CIRCUIT RIDER PROGRAM.

Title II of the Federal Water Pollution Control Act (33 U.S.C. 1281 et seq.) (as amended by section 50205) is amended by adding at the end the following:

Grants.
33 USC 1302b.

“SEC. 224. SMALL AND MEDIUM PUBLICLY OWNED TREATMENT WORKS CIRCUIT RIDER PROGRAM.

“(a) ESTABLISHMENT.—Subject to the availability of appropriations, not later than 180 days after the date of enactment of this section, the Administrator shall establish a circuit rider program (referred to in this section as the ‘circuit rider program’) under which the Administrator shall award grants to qualified nonprofit entities, as determined by the Administrator, to provide assistance to owners and operators of small and medium publicly owned treatment works to carry out the activities described in section 602(b)(13).

“(b) LIMITATION.—A grant provided under the circuit rider program shall be in an amount that is not more than \$75,000.

“(c) PRIORITIZATION.—In selecting recipients of grants under the circuit rider program, the Administrator shall give priority to qualified nonprofit entities, as determined by the Administrator, that would serve a community that—

“(1) has a history, for not less than the 10 years prior to the award of the grant, of unresolved wastewater issues, stormwater issues, or a combination of wastewater and stormwater issues;

“(2) is considered financially distressed;

“(3) faces the cumulative burden of stormwater and wastewater overflow issues; or

“(4) has previously failed to access Federal technical assistance due to cost-sharing requirements.

Consultation.

“(d) COMMUNICATION.—Each qualified nonprofit entity that receives funding under this section shall, before using that funding to undertake activities to carry out this section, consult with the State in which the assistance is to be expended or otherwise made available.

Time period.

“(e) REPORT.—Not later than 2 years after the date on which the Administrator establishes the circuit rider program, and every 2 years thereafter, the Administrator shall submit to Congress a report describing—

“(1) each recipient of a grant under the circuit rider program; and

Summary.

“(2) a summary of the activities carried out under the circuit rider program.

“(f) AUTHORIZATION OF APPROPRIATIONS.—

Time period.

“(1) IN GENERAL.—There is authorized to be appropriated to carry out this section \$10,000,000 for the period of fiscal years 2022 through 2026.

“(2) LIMITATION ON USE OF FUNDS.—Of the amounts made available for grants under paragraph (1), not more than 2 percent may be used to pay the administrative costs of the Administrator.”.

SEC. 50207. SMALL PUBLICLY OWNED TREATMENT WORKS EFFICIENCY GRANT PROGRAM.

Title II of the Federal Water Pollution Control Act (33 U.S.C. 1281 et seq.) (as amended by section 50206) is amended by adding at the end the following:

“SEC. 225. SMALL PUBLICLY OWNED TREATMENT WORKS EFFICIENCY GRANT PROGRAM. 33 USC 1302c.

“(a) **ESTABLISHMENT.**—Subject to the availability of appropriations, not later than 180 days after the date of enactment of this section, the Administrator shall establish an efficiency grant program (referred to in this section as the ‘efficiency grant program’) under which the Administrator shall award grants to eligible entities for the replacement or repair of equipment that improves water or energy efficiency of small publicly owned treatment works, as identified in an efficiency audit.

“(b) **ELIGIBLE ENTITIES.**—The Administrator may award a grant under the efficiency grant program to—

“(1) an owner or operator of a small publicly owned treatment works that serves—

“(A) a population of not more than 10,000 people; or

“(B) a disadvantaged community; or

“(2) a nonprofit organization that seeks to assist a small publicly owned treatment works described in paragraph (1) to carry out the activities described in subsection (a).

“(c) **REPORT.**—Not later than 2 years after the date on which the Administrator establishes the efficiency grant program, and every 2 years thereafter, the Administrator shall submit to Congress a report describing—

Time period.

“(1) each recipient of a grant under the efficiency grant program; and

“(2) a summary of the activities carried out under the efficiency grant program.

Summary.

“(d) **USE OF FUNDS.**—

“(1) **SMALL SYSTEMS.**—Of the amounts made available for grants under this section, to the extent that there are sufficient applications, not less than 15 percent shall be used for grants to publicly owned treatment works that serve fewer than 3,300 people.

“(2) **LIMITATION ON USE OF FUNDS.**—Of the amounts made available for grants under this section, not more than 2 percent may be used to pay the administrative costs of the Administrator.”.

SEC. 50208. GRANTS FOR CONSTRUCTION AND REFURBISHING OF INDIVIDUAL HOUSEHOLD DECENTRALIZED WASTEWATER SYSTEMS FOR INDIVIDUALS WITH LOW OR MODERATE INCOME.

Title II of the Federal Water Pollution Control Act (33 U.S.C. 1281 et seq.) (as amended by section 50207) is amended by adding at the end the following:

33 USC 1302d.

“SEC. 226. GRANTS FOR CONSTRUCTION AND REFURBISHING OF INDIVIDUAL HOUSEHOLD DECENTRALIZED WASTEWATER SYSTEMS FOR INDIVIDUALS WITH LOW OR MODERATE INCOME.

“(a) **DEFINITION OF ELIGIBLE INDIVIDUAL.**—In this section, the term ‘eligible individual’ means a member of a low-income or moderate-income household, the members of which have a combined income (for the most recent 12-month period for which information is available) equal to not more than 50 percent of the median nonmetropolitan household income for the State or territory in which the household is located, according to the most recent decennial census.

“(b) **GRANT PROGRAM.**—

“(1) **IN GENERAL.**—Subject to the availability of appropriations, the Administrator shall establish a program under which the Administrator shall provide grants to private nonprofit organizations for the purpose of improving general welfare by providing assistance to eligible individuals—

“(A) for the construction, repair, or replacement of an individual household decentralized wastewater treatment system; or

“(B) for the installation of a larger decentralized wastewater system designed to provide treatment for 2 or more households in which eligible individuals reside, if—

“(i) site conditions at the households are unsuitable for the installation of an individually owned decentralized wastewater system;

“(ii) multiple examples of unsuitable site conditions exist in close geographic proximity to each other; and

“(iii) a larger decentralized wastewater system could be cost-effectively installed.

“(2) **APPLICATION.**—To be eligible to receive a grant under this subsection, a private nonprofit organization shall submit to the Administrator an application at such time, in such manner, and containing such information as the Administrator determines to be appropriate.

“(3) **PRIORITY.**—In awarding grants under this subsection, the Administrator shall give priority to applicants that have substantial expertise and experience in promoting the safe and effective use of individual household decentralized wastewater systems.

“(4) **ADMINISTRATIVE EXPENSES.**—A private nonprofit organization may use amounts provided under this subsection to pay the administrative expenses associated with the provision of the services described in paragraph (1), as the Administrator determines to be appropriate.

“(c) **GRANTS.**—

“(1) **IN GENERAL.**—Subject to paragraph (2), a private nonprofit organization shall use a grant provided under subsection (b) for the services described in paragraph (1) of that subsection.

“(2) **APPLICATION.**—To be eligible to receive the services described in subsection (b)(1), an eligible individual shall submit to the private nonprofit organization serving the area in which the individual household decentralized wastewater system of the eligible individuals is, or is proposed to be, located an application at such time, in such manner, and containing such

information as the private nonprofit organization determines to be appropriate.

“(3) PRIORITY.—In awarding grants under this subsection, a private nonprofit organization shall give priority to any eligible individual who does not have access to a sanitary sewage disposal system.

“(d) REPORT.—Not later than 2 years after the date of enactment of this section, the Administrator shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report describing the recipients of grants under the program under this section and the results of the program under this section.

“(e) AUTHORIZATION OF APPROPRIATIONS.—

“(1) IN GENERAL.—There is authorized to be appropriated to the Administrator to carry out this section \$50,000,000 for each of fiscal years 2022 through 2026.

“(2) LIMITATION ON USE OF FUNDS.—Of the amounts made available for grants under paragraph (1), not more than 2 percent may be used to pay the administrative costs of the Administrator.”.

SEC. 50209. CONNECTION TO PUBLICLY OWNED TREATMENT WORKS.

Title II of the Federal Water Pollution Control Act (33 U.S.C. 1281 et seq.) (as amended by section 50208) is amended by adding at the end the following:

“SEC. 227. CONNECTION TO PUBLICLY OWNED TREATMENT WORKS. 33 USC 1302e.

“(a) DEFINITIONS.—In this section:

“(1) ELIGIBLE ENTITY.—The term ‘eligible entity’ means—

“(A) an owner or operator of a publicly owned treatment works that assists or is seeking to assist low-income or moderate-income individuals with connecting the household of the individual to the publicly owned treatment works; or

“(B) a nonprofit entity that assists low-income or moderate-income individuals with the costs associated with connecting the household of the individual to a publicly owned treatment works.

“(2) PROGRAM.—The term ‘program’ means the competitive grant program established under subsection (b).

“(3) QUALIFIED INDIVIDUAL.—The term ‘qualified individual’ has the meaning given the term ‘eligible individual’ in section 603(j).

“(b) ESTABLISHMENT.—Subject to the availability of appropriations, the Administrator shall establish a competitive grant program with the purpose of improving general welfare, under which the Administrator awards grants to eligible entities to provide funds to assist qualified individuals in covering the costs incurred by the qualified individual in connecting the household of the qualified individual to a publicly owned treatment works.

“(c) APPLICATION.—

“(1) IN GENERAL.—An eligible entity seeking a grant under the program shall submit to the Administrator an application at such time, in such manner, and containing such information as the Administrator may by regulation require.

Regulations.
Requirement.

“(2) REQUIREMENT.—Not later than 90 days after the date on which the Administrator receives an application from an

Deadline.
Notification.

eligible entity under paragraph (1), the Administrator shall notify the eligible entity of whether the Administrator will award a grant to the eligible entity under the program.

“(d) SELECTION CRITERIA.—In selecting recipients of grants under the program, the Administrator shall use the following criteria:

“(1) Whether the eligible entity seeking a grant provides services to, or works directly with, qualified individuals.

“(2) Whether the eligible entity seeking a grant—

“(A) has an existing program to assist in covering the costs incurred in connecting a household to a publicly owned treatment works; or

“(B) seeks to create a program described in subparagraph (A).

“(e) REQUIREMENTS.—

“(1) VOLUNTARY CONNECTION.—Before providing funds to a qualified individual for the costs described in subsection (b), an eligible entity shall ensure that—

“(A) the qualified individual has connected to the publicly owned treatment works voluntarily; and

“(B) if the eligible entity is not the owner or operator of the publicly owned treatment works to which the qualified individual has connected, the publicly owned treatment works to which the qualified individual has connected has agreed to the connection.

“(2) REIMBURSEMENTS FROM PUBLICLY OWNED TREATMENT WORKS.—An eligible entity that is an owner or operator of a publicly owned treatment works may reimburse a qualified individual that has already incurred the costs described in subsection (b) by—

“(A) reducing the amount otherwise owed by the qualified individual to the owner or operator for wastewater or other services provided by the owner or operator; or

“(B) providing a direct payment to the qualified individual.

“(f) AUTHORIZATION OF APPROPRIATIONS.—

“(1) IN GENERAL.—There is authorized to be appropriated to carry out the program \$40,000,000 for each of fiscal years 2022 through 2026.

“(2) LIMITATIONS ON USE OF FUNDS.—

“(A) SMALL SYSTEMS.—Of the amounts made available for grants under paragraph (1), to the extent that there are sufficient applications, not less than 15 percent shall be used to make grants to—

“(i) eligible entities described in subsection (a)(1)(A) that are owners and operators of publicly owned treatment works that serve fewer than 3,300 people; and

“(ii) eligible entities described in subsection (a)(1)(B) that provide the assistance described in that subsection in areas that are served by publicly owned treatment works that serve fewer than 3,300 people.

“(B) ADMINISTRATIVE COSTS.—Of the amounts made available for grants under paragraph (1), not more than 2 percent may be used to pay the administrative costs of the Administrator.”.

SEC. 50210. CLEAN WATER STATE REVOLVING FUNDS.**(a) USE OF FUNDS.—**

(1) **IN GENERAL.**—Section 603 of the Federal Water Pollution Control Act (33 U.S.C. 1383) is amended—

(A) in subsection (d), in the matter preceding paragraph (1), by inserting “and provided in subsection (k)” after “State law”;

(B) in subsection (i)—

(i) in paragraph (1), in the matter preceding subparagraph (A), by striking “, including forgiveness of principal and negative interest loans” and inserting “(including forgiveness of principal, grants, negative interest loans, other loan forgiveness, and through buying, refinancing, or restructuring debt)”;

(ii) in paragraph (3), by striking subparagraph (B) and inserting the following:

“(B) **TOTAL AMOUNT OF SUBSIDIZATION.**—

“(i) **IN GENERAL.**—For each fiscal year, of the amount of the capitalization grant received by the State under this title, the total amount of additional subsidization made available by a State under paragraph (1)—

“(I) may not exceed 30 percent; and

“(II) to the extent that there are sufficient applications for assistance to communities described in that paragraph, may not be less than 10 percent.

“(ii) **EXCLUSION.**—A loan from the water pollution control revolving fund of a State with an interest rate equal to or greater than 0 percent shall not be considered additional subsidization for purposes of this subparagraph.”;

(C) by adding at the end the following:

“(k) **ADDITIONAL USE OF FUNDS.**—A State may use an additional 2 percent of the funds annually awarded to each State under this title for nonprofit organizations (as defined in section 104(w)) or State, regional, interstate, or municipal entities to provide technical assistance to rural, small, and tribal publicly owned treatment works (within the meaning of section 104(b)(8)(B)) in the State.”.

(2) **TECHNICAL AMENDMENT.**—Section 104(w) of the Federal Water Pollution Control Act (33 U.S.C. 1254(w)) is amended by striking “treatments works” and inserting “treatment works”.

(b) **CAPITALIZATION GRANT REAUTHORIZATION.**—Section 607 of the Federal Water Pollution Control Act (33 U.S.C. 1387) is amended to read as follows:

“SEC. 607. AUTHORIZATION OF APPROPRIATIONS.

“There are authorized to be appropriated to carry out the purposes of this title—

“(1) \$2,400,000,000 for fiscal year 2022;

“(2) \$2,750,000,000 for fiscal year 2023;

“(3) \$3,000,000,000 for fiscal year 2024; and

“(4) \$3,250,000,000 for each of fiscal years 2025 and 2026.”.

SEC. 50211. WATER INFRASTRUCTURE AND WORKFORCE INVESTMENT.

Section 4304 of the America's Water Infrastructure Act of 2018 (42 U.S.C. 300j–19e) is amended—

(1) in subsection (a)(3)—

(A) in subparagraph (A), by inserting “Tribal,” after “State,”; and

(B) in subparagraph (B), by striking “community-based organizations” and all that follows through the period at the end and inserting the following: “community-based organizations and public works departments or agencies to align water and wastewater utility workforce recruitment efforts, training programs, retention efforts, and community resources with water and wastewater utilities—

“(i) to accelerate career pipelines;

“(ii) to ensure the sustainability of the water and wastewater utility workforce; and

“(iii) to provide access to workforce opportunities.”;

(2) in subsection (b)—

(A) in paragraph (1)—

(i) by striking subparagraph (B);

(ii) in subparagraph (A), by striking “; and” at the end and inserting “, which may include—”

(iii) in the matter preceding subparagraph (A), by striking “program—” and all that follows through “to assist” in subparagraph (A) and inserting “program to assist”; and

(iv) by adding at the end the following:

“(A) expanding the use and availability of activities and resources that relate to the recruitment, including the promotion of diversity within that recruitment, of individuals to careers in the water and wastewater utility sector;

“(B) expanding the availability of training opportunities for—

“(i) individuals entering into the water and wastewater utility sector; and

“(ii) individuals seeking to advance careers within the water and wastewater utility sector; and

“(C) expanding the use and availability of activities and strategies, including the development of innovative activities and strategies, that relate to the maintenance and retention of a sustainable workforce in the water and wastewater utility sector.”;

(B) in paragraph (2)—

(i) in the matter preceding subparagraph (A), by striking “institutions—” and inserting “institutions, or public works departments and agencies—”; and

(ii) in subparagraph (A)—

(I) by striking clauses (ii) and (iii);

(II) in clause (i), by adding “or” at the end;

(III) by redesignating clause (i) as clause (ii);

(IV) by inserting before clause (ii) (as so redesignated) the following:

“(i) in the development of educational or recruitment materials and activities, including those materials and activities that specifically promote diversity

within recruitment, for the water and wastewater utility workforce;”; and

(V) by adding at the end the following:

“(iii) developing activities and strategies that relate to the maintenance and retention of a sustainable workforce in the water and wastewater utility sector; and”;

(C) in paragraph (3)—

(i) in subparagraph (D)(ii), by inserting “or certification” after “training”; and

(ii) in subparagraph (E), by striking “ensure that incumbent water and waste water utilities workers” and inserting “are designed to retain incumbent water and wastewater utility workforce workers by ensuring that those workers”; and

(D) by striking paragraph (4) and inserting the following:

“(4) WORKING GROUP; REPORT.—

“(A) IN GENERAL.—The Administrator shall establish and coordinate a Federal interagency working group to address recruitment, training, and retention challenges in the water and wastewater utility workforce, which shall include representatives from—

Coordination.

“(i) the Department of Education;

“(ii) the Department of Labor;

“(iii) the Department of Agriculture;

“(iv) the Department of Veterans Affairs; and

“(v) other Federal agencies, as determined to be appropriate by the Administrator.

“(B) REPORT.—Not later than 2 years after the date of enactment of this subparagraph, the Administrator, in coordination with the working group established under subparagraph (A), shall submit to Congress a report describing potential solutions to recruitment, training, and retention challenges in the water and wastewater utility workforce.

Coordination.

“(C) CONSULTATION.—In carrying out the duties of the working group established under subparagraph (A), the working group shall consult with State operator certification programs.

“(5) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this subsection \$5,000,000 for each of fiscal years 2022 through 2026.”;

(3) by redesignating subsections (a) and (b) as subsections (b) and (c), respectively; and

(4) by inserting before subsection (b) (as so redesignated) the following:

“(a) DEFINITION OF PUBLIC WORKS DEPARTMENT OR AGENCY.—

In this section, the term ‘public works department or agency’ means a political subdivision of a local, county, or regional government that designs, builds, operates, and maintains water infrastructure, sewage and refuse disposal systems, and other public water systems and facilities.”.

SEC. 50212. GRANTS TO ALASKA TO IMPROVE SANITATION IN RURAL AND NATIVE VILLAGES.

Section 303 of the Safe Drinking Water Act Amendments of 1996 (33 U.S.C. 1263a) is amended—

(1) in subsection (b), by striking “50 percent” and inserting “75 percent”; and

(2) in subsection (e), by striking “this section” and all that follows through the period at the end and inserting the following: “this section—

“(1) \$40,000,000 for each of fiscal years 2022 through 2024;

“(2) \$50,000,000 for fiscal year 2025; and

“(3) \$60,000,000 for fiscal year 2026.”.

42 USC 10361
note.

Grants.

SEC. 50213. WATER DATA SHARING PILOT PROGRAM.

(a) **ESTABLISHMENT.**—

(1) **IN GENERAL.**—Subject to the availability of appropriations, the Administrator shall establish a competitive grant pilot program (referred to in this section as the “pilot program”) under which the Administrator may award grants to eligible entities under subsection (b) to establish systems that improve the sharing of information concerning water quality, water infrastructure needs, and water technology, including cybersecurity technology, between States or among counties and other units of local government within a State, which may include—

(A) establishing a website or data hub to exchange water data, including data on water quality or water technology, including new and emerging, but proven, water technology; and

(B) intercounty communications initiatives related to water data.

(2) **REQUIREMENTS.**—

(A) **DATA SHARING.**—The Internet of Water principles developed by the Nicholas Institute for Environmental Policy Solutions shall, to the extent practicable, guide any water data sharing efforts under the pilot program.

(B) **USE OF EXISTING DATA.**—The recipient of a grant under the pilot program to establish a website or data hub described in paragraph (1)(A) shall, to the extent practicable, leverage existing data sharing infrastructure.

(b) **ELIGIBLE ENTITIES.**—An entity eligible for a grant under the pilot program is—

(1) a State, county, or other unit of local government that—

(A) has a coastal watershed with significant pollution levels;

(B) has a water system with significant pollution levels;

or

(C) has significant individual water infrastructure deficits; or

(2) a regional consortium established under subsection (d).

Requirement.

(c) **APPLICATIONS.**—To be eligible to receive a grant under the pilot program, an eligible entity under subsection (b) shall submit to the Administrator an application at such time, in such manner, and containing such information as the Administrator may require.

(d) **REGIONAL CONSORTIA.**—

(1) **ESTABLISHMENT.**—States may establish regional consortia in accordance with this subsection.

(2) REQUIREMENTS.—A regional consortium established under paragraph (1) shall—

(A) include not fewer than 2 States that have entered into a memorandum of understanding—

(i) to exchange water data, including data on water quality; or

(ii) to share information, protocols, and procedures with respect to projects that evaluate, demonstrate, or install new and emerging, but proven, water technology;

(B) carry out projects—

(i) to exchange water data, including data on water quality; or

(ii) that evaluate, demonstrate, or install new and emerging, but proven, water technology; and

(C) develop a regional intended use plan, in accordance with paragraph (3), to identify projects to carry out, including projects using grants received under this section.

(3) REGIONAL INTENDED USE PLAN.—A regional intended use plan of a regional consortium established under paragraph (1)—

(A) shall identify projects that the regional consortium intends to carry out, including projects that meet the requirements of paragraph (2)(B); and

(B) may include—

(i) projects included in an intended use plan of a State prepared under section 606(c) of the Federal Water Pollution Control Act (33 U.S.C. 1386(c)) within the regional consortium; and

(ii) projects not included in an intended use plan of a State prepared under section 606(c) of the Federal Water Pollution Control Act (33 U.S.C. 1386(c)) within the regional consortium.

(e) REPORT.—Not later than 2 years after the date of enactment of this Act, the Administrator shall submit to Congress a report that describes the implementation of the pilot program, which shall include—

(1) a description of the use and deployment of amounts made available under the pilot program; and

(2) an accounting of all grants awarded under the program, including a description of each grant recipient and each project funded using a grant under the pilot program.

(f) FUNDING.—

(1) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out the pilot program \$15,000,000 for each of fiscal years 2022 through 2026, to remain available until expended.

(2) REQUIREMENT.—Of the funds made available under paragraph (1), not more than 35 percent may be used to provide grants to regional consortia established under subsection (d).

SEC. 50214. FINAL RATING OPINION LETTERS.

Section 5028(a)(1)(D)(ii) of the Water Infrastructure Finance and Innovation Act of 2014 (33 U.S.C. 3907(a)(1)(D)(ii)) is amended by striking “final rating opinion letters from at least 2 rating agencies” and inserting “a final rating opinion letter from at least 1 rating agency”.

SEC. 50215. WATER INFRASTRUCTURE FINANCING REAUTHORIZATION.

(a) **IN GENERAL.**—Section 5033 of the Water Infrastructure Finance and Innovation Act of 2014 (33 U.S.C. 3912) is amended—

(1) in subsection (a), by adding at the end the following:

“(3) **FISCAL YEARS 2022 THROUGH 2026.**—There is authorized to be appropriated to the Administrator to carry out this subtitle \$50,000,000 for each of fiscal years 2022 through 2026, to remain available until expended.”;

(2) in subsection (b)(2)—

(A) in the paragraph heading, by striking “2020 AND 2021” and inserting “AFTER 2019”; and

(B) by striking “2020 and 2021” and inserting “2022 through 2026”; and

(3) in subsection (e)(1), by striking “2020 and 2021” and inserting “2022 through 2026”.

(b) **OUTREACH PLAN.**—The Water Infrastructure Finance and Innovation Act of 2014 (33 U.S.C. 3901 et seq.) is amended by adding at the end the following:

33 USC 3915.

“SEC. 5036. OUTREACH PLAN.

“(a) **DEFINITION OF RURAL COMMUNITY.**—In this section, the term ‘rural community’ means a city, town, or unincorporated area that has a population of not more than 10,000 inhabitants.

Deadline.
Consultation.

“(b) **OUTREACH REQUIRED.**—Not later than 180 days after the date of enactment of this section, the Administrator, in consultation with relevant Federal agencies, shall develop and begin implementation of an outreach plan to promote financial assistance available under this subtitle to small communities and rural communities.”.

SEC. 50216. SMALL AND DISADVANTAGED COMMUNITY ANALYSIS.

Deadline.

(a) **ANALYSIS.**—Not later than 2 years after the date of enactment of this Act, using environmental justice data of the Environmental Protection Agency, including data from the environmental justice mapping and screening tool of the Environmental Protection Agency, the Administrator shall carry out an analysis under which the Administrator shall assess the programs under title VI of the Federal Water Pollution Control Act (33 U.S.C. 1381 et seq.) and section 1452 of the Safe Drinking Water Act (42 U.S.C. 300j–12) to identify historical distributions of funds to small and disadvantaged communities and new opportunities and methods to improve on the distribution of funds under those programs to low-income communities, rural communities, minority communities, and communities of indigenous peoples, in accordance with Executive Order 12898 (42 U.S.C. 4321 note; 60 Fed. Reg. 6381; relating to Federal actions to address environmental justice in minority populations and low-income populations).

(b) **REQUIREMENT.**—The analysis under subsection (a) shall include an analysis, to the extent practicable, of communities in the United States that do not have access to drinking water or wastewater services.

(c) **REPORT.**—On completion of the analysis under subsection (a), the Administrator shall submit to the Committee on Environment and Public Works of the Senate and the Committees on Energy and Commerce and Transportation and Infrastructure of the House of Representatives a report describing—

(1) the results of the analysis; and

(2) the criteria the Administrator used in carrying out the analysis.

SEC. 50217. STORMWATER INFRASTRUCTURE TECHNOLOGY.

33 USC 1302f.

(a) DEFINITIONS.—In this section:

(1) CENTER.—The term “center” means a center of excellence for stormwater control infrastructure established under subsection (b)(1).

(2) ELIGIBLE ENTITY.—The term “eligible entity” means—

(A) a State, Tribal, or local government; or

(B) a local, regional, or other public entity that manages stormwater or wastewater resources or other related water infrastructure.

(3) ELIGIBLE INSTITUTION.—The term “eligible institution” means an institution of higher education, a research institution, or a nonprofit organization—

(A) that has demonstrated excellence in researching and developing new and emerging stormwater control infrastructure technologies; and

(B) with respect to a nonprofit organization, the core mission of which includes water management, as determined by the Administrator.

(b) CENTERS OF EXCELLENCE FOR STORMWATER CONTROL INFRASTRUCTURE TECHNOLOGIES.—

(1) ESTABLISHMENT OF CENTERS.—

(A) IN GENERAL.—Subject to the availability of appropriations, the Administrator shall provide grants, on a competitive basis, to eligible institutions to establish and maintain not less than 3, and not more than 5, centers of excellence for new and emerging stormwater control infrastructure technologies, to be located in various regions throughout the United States.

Grants.

(B) GENERAL OPERATION.—Each center shall—

(i) conduct research on new and emerging stormwater control infrastructure technologies that are relevant to the geographical region in which the center is located, including stormwater and sewer overflow reduction, other approaches to water resource enhancement, alternative funding approaches, and other environmental, economic, and social benefits, with the goal of improving the effectiveness, cost efficiency, and protection of public safety and water quality;

(ii) maintain a listing of—

Lists.

(I) stormwater control infrastructure needs; and

(II) an analysis of new and emerging stormwater control infrastructure technologies that are available;

Analysis.

(iii) analyze whether additional financial programs for the implementation of new and emerging, but proven, stormwater control infrastructure technologies would be useful;

Analysis.

(iv) provide information regarding research conducted under clause (i) to the national electronic clearinghouse center for publication on the Internet website established under paragraph (3)(B)(i) to provide to the Federal Government and State, Tribal,

and local governments and the private sector information regarding new and emerging, but proven, stormwater control infrastructure technologies;

(v) provide technical assistance to State, Tribal, and local governments to assist with the design, construction, operation, and maintenance of stormwater control infrastructure projects that use innovative technologies;

(vi) collaborate with institutions of higher education and private and public organizations, including community-based public-private partnerships and other stakeholders, in the geographical region in which the center is located; and

Coordination.

(vii) coordinate with the other centers to avoid duplication of efforts.

(2) APPLICATION.—To be eligible to receive a grant under this subsection, an eligible institution shall prepare and submit to the Administrator an application at such time, in such form, and containing such information as the Administrator may require.

(3) NATIONAL ELECTRONIC CLEARINGHOUSE CENTER.—Of the centers established under paragraph (1)(A), 1 shall—

(A) be designated as the “national electronic clearinghouse center”; and

Website.

(B) in addition to the other functions of that center—

(i) develop, operate, and maintain an Internet website and a public database that contains information relating to new and emerging, but proven, stormwater control infrastructure technologies; and

Web posting.

(ii) post to the website information from all centers.

(4) AUTHORIZATION OF APPROPRIATIONS.—

(A) IN GENERAL.—There is authorized to be appropriated to carry out this subsection \$5,000,000 for each of fiscal years 2022 through 2026.

(B) LIMITATION ON USE OF FUNDS.—Of the amounts made available for grants under subparagraph (A), not more than 2 percent may be used to pay the administrative costs of the Administrator.

(c) STORMWATER CONTROL INFRASTRUCTURE PROJECT GRANTS.—

(1) GRANT AUTHORITY.—Subject to the availability of appropriations, the Administrator shall provide grants, on a competitive basis, to eligible entities to carry out stormwater control infrastructure projects that incorporate new and emerging, but proven, stormwater control technologies in accordance with this subsection.

(2) STORMWATER CONTROL INFRASTRUCTURE PROJECTS.—

(A) PLANNING AND DEVELOPMENT GRANTS.—The Administrator may make planning and development grants under this subsection for the following projects:

(i) Planning and designing stormwater control infrastructure projects that incorporate new and emerging, but proven, stormwater control technologies, including engineering surveys, landscape plans, maps, long-term operations and maintenance plans, and implementation plans.

Standards.

(ii) Identifying and developing standards necessary to accommodate stormwater control infrastructure

projects, including those projects that incorporate new and emerging, but proven, stormwater control technologies.

(iii) Identifying and developing fee structures to provide financial support for design, installation, and operations and maintenance of stormwater control infrastructure, including new and emerging, but proven, stormwater control infrastructure technologies.

(iv) Developing approaches for community-based public-private partnerships for the financing and construction of stormwater control infrastructure technologies, including feasibility studies, stakeholder outreach, and needs assessments.

(v) Developing and delivering training and educational materials regarding new and emerging, but proven, stormwater control infrastructure technologies for distribution to—

(I) individuals and entities with applicable technical knowledge; and

(II) the public.

(B) IMPLEMENTATION GRANTS.—The Administrator may make implementation grants under this subsection for the following projects:

(i) Installing new and emerging, but proven, stormwater control infrastructure technologies.

(ii) Protecting or restoring interconnected networks of natural areas that protect water quality.

(iii) Monitoring and evaluating the environmental, economic, or social benefits of stormwater control infrastructure technologies that incorporate new and emerging, but proven, stormwater control technology.

Evaluation.

(iv) Implementing a best practices standard for stormwater control infrastructure programs.

Standard.

(3) APPLICATION.—Except as otherwise provided in this section, to be eligible to receive a grant under this subsection, an eligible entity shall prepare and submit to the Administrator an application at such time, in such form, and containing such information as the Administrator may require, including, as applicable—

Plans.

(A) a description of the stormwater control infrastructure project that incorporates new and emerging, but proven, technologies;

(B) a plan for monitoring the impacts and pollutant load reductions associated with the stormwater control infrastructure project on the water quality and quantity;

(C) an evaluation of other environmental, economic, and social benefits of the stormwater control infrastructure project; and

Evaluation.

(D) a plan for the long-term operation and maintenance of the stormwater control infrastructure project and a tracking system, such as asset management practices.

(4) PRIORITY.—In making grants under this subsection, the Administrator shall give priority to applications submitted on behalf of—

Determinations.

(A) a community that—

(i) has municipal combined storm and sanitary sewers in the collection system of the community; or

(ii) is a small, rural, or disadvantaged community, as determined by the Administrator; or

(B) an eligible entity that will use not less than 15 percent of the grant to provide service to a small, rural, or disadvantaged community, as determined by the Administrator.

(5) MAXIMUM AMOUNTS.—

(A) PLANNING AND DEVELOPMENT GRANTS.—

(i) SINGLE GRANT.—The amount of a single planning and development grant provided under this subsection shall be not more than \$200,000.

(ii) AGGREGATE AMOUNT.—The total amount of all planning and development grants provided under this subsection for a fiscal year shall be not more than $\frac{1}{3}$ of the total amount made available to carry out this subsection.

(B) IMPLEMENTATION GRANTS.—

(i) SINGLE GRANT.—The amount of a single implementation grant provided under this subsection shall be not more than \$2,000,000.

(ii) AGGREGATE AMOUNT.—The total amount of all implementation grants provided under this subsection for a fiscal year shall be not more than $\frac{2}{3}$ of the total amount made available to carry out this subsection.

(6) FEDERAL SHARE.—

(A) IN GENERAL.—Except as provided in subparagraph (C), the Federal share of a grant provided under this subsection shall not exceed 80 percent of the total project cost.

(B) CREDIT FOR IMPLEMENTATION GRANTS.—The Administrator shall credit toward the non-Federal share of the cost of an implementation project carried out under this subsection the cost of planning, design, and construction work completed for the project using funds other than funds provided under this section.

Waiver.

(C) EXCEPTION.—The Administrator may waive the Federal share limitation under subparagraph (A) for an eligible entity that has adequately demonstrated financial need.

(d) REPORT TO CONGRESS.—Not later than 2 years after the date on which the Administrator first awards a grant under this section, the Administrator shall submit to Congress a report that includes, with respect to the period covered by the report—

(1) a description of all grants provided under this section;

(2) a detailed description of—

(A) the projects supported by those grants; and

(B) the outcomes of those projects;

(3) a description of the improvements in technology, environmental benefits, resources conserved, efficiencies, and other benefits of the projects funded under this section;

Recommendations.

(4) recommendations for improvements to promote and support new and emerging, but proven, stormwater control infrastructure, including research into new and emerging technologies, for the centers, grants, and activities under this section; and

(5) a description of existing challenges concerning the use of new and emerging, but proven, stormwater control infrastructure.

(e) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There is authorized to be appropriated to carry out this section (except for subsection (b)) \$10,000,000 for each of fiscal years 2022 through 2026.

(2) LIMITATION ON USE OF FUNDS.—Of the amounts made available for grants under paragraph (1), not more than 2 percent may be used to pay the administrative costs of the Administrator.

SEC. 50218. WATER REUSE INTERAGENCY WORKING GROUP.

(a) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Administrator shall establish a Water Reuse Interagency Working Group (referred to in this section as the “Working Group”).

Deadline.
Establishment.

(b) PURPOSE.—The purpose of the Working Group is to develop and coordinate actions, tools, and resources to advance water reuse across the United States, including through the implementation of the February 2020 National Water Reuse Action Plan, which creates opportunities for water reuse in the mission areas of each of the Federal agencies included in the Working Group under subsection (c) (referred to in this section as the “Action Plan”).

Coordination.

(c) CHAIRPERSON; MEMBERSHIP.—The Working Group shall be—

(1) chaired by the Administrator; and

(2) comprised of senior representatives from such Federal agencies as the Administrator determines to be appropriate.

Determination.

(d) DUTIES OF THE WORKING GROUP.—In carrying out this section, the Working Group shall—

(1) with respect to water reuse, leverage the expertise of industry, the research community, nongovernmental organizations, and government;

(2) seek to foster water reuse as an important component of integrated water resources management;

(3) conduct an assessment of new opportunities to advance water reuse and annually update the Action Plan with new actions, as necessary, to pursue those opportunities;

(4) seek to coordinate Federal programs and policies to support the adoption of water reuse;

(5) consider how each Federal agency can explore and identify opportunities to support water reuse through the programs and activities of that Federal agency; and

(6) consult, on a regular basis, with representatives of relevant industries, the research community, and nongovernmental organizations.

(e) REPORT.—Not less frequently than once every 2 years, the Administrator shall submit to Congress a report on the activities and findings of the Working Group.

(f) SUNSET.—

(1) IN GENERAL.—Subject to paragraph (2), the Working Group shall terminate on the date that is 6 years after the date of enactment of this Act.

(2) EXTENSION.—The Administrator may extend the date of termination of the Working Group under paragraph (1).

SEC. 50219. ADVANCED CLEAN WATER TECHNOLOGIES STUDY.

Deadline.

(a) **IN GENERAL.**—Subject to the availability of appropriations, not later than 2 years after the date of enactment of this Act, the Administrator shall carry out a study that examines the state of existing and potential future technology, including technology that could address cybersecurity vulnerabilities, that enhances or could enhance the treatment, monitoring, affordability, efficiency, and safety of wastewater services provided by a treatment works (as defined in section 212 of the Federal Water Pollution Control Act (33 U.S.C. 1292)).

(b) **REPORT.**—The Administrator shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Energy and Commerce of the House of Representatives a report that describes the results of the study under subsection (a).

SEC. 50220. CLEAN WATERSHEDS NEEDS SURVEY.

Title VI of the Federal Water Pollution Control Act (33 U.S.C. 1381 et seq.) is amended by adding at the end the following:

33 USC 1389.

“SEC. 609. CLEAN WATERSHEDS NEEDS SURVEY.Deadline.
Time period.

“(a) **REQUIREMENT.**—Not later than 2 years after the date of enactment of this section, and not less frequently than once every 4 years thereafter, the Administrator shall—

Assessment.

“(1) conduct and complete an assessment of capital improvement needs for all projects that are eligible under section 603(c) for assistance from State water pollution control revolving funds; and

Reports.

“(2) submit to Congress a report describing the results of the assessment completed under paragraph (1).

“(b) **AUTHORIZATION OF APPROPRIATIONS.**—There is authorized to be appropriated to carry out the initial needs survey under subsection (a) \$5,000,000, to remain available until expended.”.

SEC. 50221. WATER RESOURCES RESEARCH ACT AMENDMENTS.

(a) **CLARIFICATION OF RESEARCH ACTIVITIES.**—Section 104(b)(1) of the Water Resources Research Act of 1984 (42 U.S.C. 10303(b)(1)) is amended—

(1) in subparagraph (B)(ii), by striking “water-related phenomena” and inserting “water resources”; and

(2) in subparagraph (D), by striking the period at the end and inserting “; and”.

(b) **COMPLIANCE REPORT.**—Section 104 of the Water Resources Research Act of 1984 (42 U.S.C. 10303) is amended by striking subsection (c) and inserting the following:

“(c) **GRANTS.**—

“(1) **IN GENERAL.**—From the sums appropriated pursuant to subsection (f), the Secretary shall make grants to each institute to be matched on a basis of no less than 1 non-Federal dollar for every 1 Federal dollar.

“(2) **REPORT.**—Not later than December 31 of each fiscal year, the Secretary shall submit to the Committee on Environment and Public Works of the Senate, the Committee on the Budget of the Senate, the Committee on Transportation and Infrastructure of the House of Representatives, and the Committee on the Budget of the House of Representatives a report regarding the compliance of each funding recipient with this subsection for the immediately preceding fiscal year.”.

(c) EVALUATION OF WATER RESOURCES RESEARCH PROGRAM.—Section 104 of the Water Resources Research Act of 1984 (42 U.S.C. 10303) is amended by striking subsection (e) and inserting the following:

“(e) EVALUATION OF WATER RESOURCES RESEARCH PROGRAM.—
 “(1) IN GENERAL.—The Secretary shall conduct a careful and detailed evaluation of each institute at least once every 5 years to determine—

Determinations.
 Time period.

“(A) the quality and relevance of the water resources research of the institute;

“(B) the effectiveness of the institute at producing measured results and applied water supply research; and

“(C) whether the effectiveness of the institute as an institution for planning, conducting, and arranging for research warrants continued support under this section.

“(2) PROHIBITION ON FURTHER SUPPORT.—If, as a result of an evaluation under paragraph (1), the Secretary determines that an institute does not qualify for further support under this section, no further grants to the institute may be provided until the qualifications of the institute are reestablished to the satisfaction of the Secretary.”.

(d) AUTHORIZATION OF APPROPRIATIONS.—Section 104(f)(1) of the Water Resources Research Act of 1984 (42 U.S.C. 10303(f)(1)) is amended by striking “fiscal years 2007 through 2011” and inserting “fiscal years 2022 through 2025”.

(e) ADDITIONAL APPROPRIATIONS WHERE RESEARCH FOCUSED ON WATER PROBLEMS OF INTERSTATE NATURE.—Section 104(g)(1) of the Water Resources Research Act of 1984 (42 U.S.C. 10303(g)(1)) is amended in the first sentence by striking “\$6,000,000 for each of fiscal years 2007 through 2011” and inserting “\$3,000,000 for each of fiscal years 2022 through 2025”.

SEC. 50222. ENHANCED AQUIFER USE AND RECHARGE.

Title I of the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.) is amended by adding at the end the following:

“SEC. 124. ENHANCED AQUIFER USE AND RECHARGE.

33 USC 1276.

“(a) IN GENERAL.—Subject to the availability of appropriations, the Administrator shall provide funding to carry out groundwater research on enhanced aquifer use and recharge in support of sole-source aquifers, of which—

“(1) not less than 50 percent shall be used to provide 1 grant to a State, unit of local government, or Indian Tribe to carry out activities that would directly support that research; and

Grants.

“(2) the remainder shall be provided to 1 appropriate research center.

“(b) COORDINATION.—As a condition of accepting funds under subsection (a), the State, unit of local government, or Indian Tribe and the appropriate research center that receive funds under that subsection shall establish a formal research relationship for the purpose of coordinating efforts under this section.

“(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Administrator to carry out this section \$5,000,000 for each of fiscal years 2022 through 2026.”.

DIVISION F—BROADBAND**TITLE I—BROADBAND GRANTS FOR
STATES, DISTRICT OF COLUMBIA,
PUERTO RICO, AND TERRITORIES**

47 USC 1701.

SEC. 60101. FINDINGS.

Congress finds the following:

(1) Access to affordable, reliable, high-speed broadband is essential to full participation in modern life in the United States.

(2) The persistent “digital divide” in the United States is a barrier to the economic competitiveness of the United States and equitable distribution of essential public services, including health care and education.

(3) The digital divide disproportionately affects communities of color, lower-income areas, and rural areas, and the benefits of broadband should be broadly enjoyed by all.

(4) In many communities across the country, increased competition among broadband providers has the potential to offer consumers more affordable, high-quality options for broadband service.

(5) The 2019 novel coronavirus pandemic has underscored the critical importance of affordable, high-speed broadband for individuals, families, and communities to be able to work, learn, and connect remotely while supporting social distancing.

47 USC 1702.

SEC. 60102. GRANTS FOR BROADBAND DEPLOYMENT.**(a) DEFINITIONS.—**

(1) AREAS, LOCATIONS, AND INSTITUTIONS LACKING BROADBAND ACCESS.—In this section:

(A) UNSERVED LOCATION.—The term “unserved location” means a broadband-serviceable location, as determined in accordance with the broadband DATA maps, that—

(i) has no access to broadband service; or

(ii) lacks access to reliable broadband service offered with—

(I) a speed of not less than—

(aa) 25 megabits per second for downloads;

and

(bb) 3 megabits per second for uploads;

and

(II) a latency sufficient to support real-time, interactive applications.

(B) UNSERVED SERVICE PROJECT.—The term “unserved service project” means a project in which not less than 80 percent of broadband-serviceable locations served by the project are unserved locations.

(C) UNDERSERVED LOCATION.—The term “underserved location” means a location—

(i) that is not an unserved location; and

(ii) as determined in accordance with the broadband DATA maps, lacks access to reliable broadband service offered with—

- (I) a speed of not less than—
 - (aa) 100 megabits per second for downloads; and
 - (bb) 20 megabits per second for uploads; and
- (II) a latency sufficient to support real-time, interactive applications.

(D) **UNDERSERVED SERVICE PROJECT.**—The term “underserved service project” means a project in which not less than 80 percent of broadband-serviceable locations served by the project are unserved locations or underserved locations.

(E) **ELIGIBLE COMMUNITY ANCHOR INSTITUTION.**—The term “eligible community anchor institution” means a community anchor institution that lacks access to gigabit-level broadband service.

(2) **OTHER DEFINITIONS.**—In this section:

(A) **ASSISTANT SECRETARY.**—The term “Assistant Secretary” means the Assistant Secretary of Commerce for Communications and Information.

(B) **BROADBAND; BROADBAND SERVICE.**—The term “broadband” or “broadband service” has the meaning given the term “broadband internet access service” in section 8.1(b) of title 47, Code of Federal Regulations, or any successor regulation.

(C) **BROADBAND DATA MAPS.**—The term “broadband DATA maps” means the maps created under section 802(c)(1) of the Communications Act of 1934 (47 U.S.C. 642(c)(1)).

(D) **COMMISSION.**—The term “Commission” means the Federal Communications Commission.

(E) **COMMUNITY ANCHOR INSTITUTION.**—The term “community anchor institution” means an entity such as a school, library, health clinic, health center, hospital or other medical provider, public safety entity, institution of higher education, public housing organization, or community support organization that facilitates greater use of broadband service by vulnerable populations, including low-income individuals, unemployed individuals, and aged individuals.

(F) **ELIGIBLE ENTITY.**—The term “eligible entity” means a State.

(G) **HIGH-COST AREA.**—

(i) **IN GENERAL.**—The term “high-cost area” means an unserved area in which the cost of building out broadband service is higher, as compared with the average cost of building out broadband service in unserved areas in the United States (as determined by the Assistant Secretary, in consultation with the Commission), incorporating factors that include—

- (I) the remote location of the area;
- (II) the lack of population density of the area;
- (III) the unique topography of the area;
- (IV) a high rate of poverty in the area; or
- (V) any other factor identified by the Assistant Secretary, in consultation with the Commission,

Determination.
Consultations.

that contributes to the higher cost of deploying broadband service in the area.

(ii) **UNSERVED AREA.**—For purposes of clause (i), the term “unserved area” means an area in which not less than 80 percent of broadband-serviceable locations are unserved locations.

(H) **LOCATION; BROADBAND-SERVICEABLE LOCATION.**—The terms “location” and “broadband-serviceable location” have the meanings given those terms by the Commission under rules and guidance that are in effect, as of the date of enactment of this Act.

(I) **PRIORITY BROADBAND PROJECT.**—The term “priority broadband project” means a project designed to—

Criteria.
Determination.

(i) provide broadband service that meets speed, latency, reliability, consistency in quality of service, and related criteria as the Assistant Secretary shall determine; and

(ii) ensure that the network built by the project can easily scale speeds over time to—

(I) meet the evolving connectivity needs of households and businesses; and

(II) support the deployment of 5G, successor wireless technologies, and other advanced services.

(J) **PROGRAM.**—The term “Program” means the Broadband Equity, Access, and Deployment Program established under subsection (b)(1).

(K) **PROJECT.**—The term “project” means an undertaking by a subgrantee under this section to construct and deploy infrastructure for the provision of broadband service.

Criteria.
Determination.

(L) **RELIABLE BROADBAND SERVICE.**—The term “reliable broadband service” means broadband service that meets performance criteria for service availability, adaptability to changing end-user requirements, length of serviceable life, or other criteria, other than upload and download speeds, as determined by the Assistant Secretary in coordination with the Commission.

Applicability.

(M) **STATE.**—The term “State” has the meaning given the term in section 158 of the National Telecommunications and Information Administration Organization Act (47 U.S.C. 942), except that that definition shall be applied by striking “, and any other territory or possession of the United States”.

(N) **SUBGRANTEE.**—The term “subgrantee” means an entity that receives grant funds from an eligible entity to carry out activities under subsection (f).

Grants.
Deadline.

(b) **BROADBAND EQUITY, ACCESS, AND DEPLOYMENT PROGRAM.**—

(1) **ESTABLISHMENT.**—Not later than 180 days after the date of enactment of this Act, the Assistant Secretary shall establish a grant program, to be known as the “Broadband Equity, Access, and Deployment Program”, under which the Assistant Secretary makes grants to eligible entities, in accordance with this section, to bridge the digital divide.

(2) **AUTHORIZATION OF APPROPRIATIONS.**—There is authorized to be appropriated to the Assistant Secretary to carry out the Program \$42,450,000,000.

(3) OBLIGATION TIMELINE.—The Assistant Secretary shall obligate all amounts appropriated pursuant to paragraph (2) in an expedient manner after the Assistant Secretary issues the notice of funding opportunity under subsection (e)(1). Notice.

(4) TECHNICAL SUPPORT AND ASSISTANCE.—

(A) PROGRAM ASSISTANCE.—As part of the Program, the Assistant Secretary, in consultation with the Commission, shall provide technical support and assistance to eligible entities to facilitate their participation in the Program, including by assisting eligible entities with— Consultation.

(i) the development of grant applications under the Program;

(ii) the development of plans and procedures for distribution of funds under the Program; and Plans.
Procedures.

(iii) other technical support as determined by the Assistant Secretary. Determination.

(B) GENERAL ASSISTANCE.—The Assistant Secretary shall provide technical and other assistance to eligible entities—

(i) to support the expansion of broadband, with priority for—

(I) expansion in rural areas; and

(II) eligible entities that consistently rank below most other eligible entities with respect to broadband access and deployment; and

(ii) regarding cybersecurity resources and programs available through Federal agencies, including the Election Assistance Commission, the Cybersecurity and Infrastructure Security Agency, the Federal Trade Commission, and the National Institute of Standards and Technology.

(c) ALLOCATION.—

(1) ALLOCATION FOR HIGH-COST AREAS.—

(A) IN GENERAL.—On or after the date on which the broadband DATA maps are made public, the Assistant Secretary shall allocate to eligible entities, in accordance with subparagraph (B) of this paragraph, 10 percent of the amount appropriated pursuant to subsection (b)(2). Effective date.

(B) FORMULA.—The Assistant Secretary shall calculate the amount allocated to an eligible entity under subparagraph (A) by—

(i) dividing the number of unserved locations in high-cost areas in the eligible entity by the total number of unserved locations in high-cost areas in the United States; and

(ii) multiplying the quotient obtained under clause (i) by the amount made available under subparagraph (A).

(2) MINIMUM INITIAL ALLOCATION.—Of the amount appropriated pursuant to subsection (b)(2)—

(A) except as provided in subparagraph (B) of this paragraph, \$100,000,000 shall be allocated to each State; and

(B) \$100,000,000 shall be allocated to, and divided equally among, the United States Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands.

Effective date.

(3) ALLOCATION OF REMAINING AMOUNTS.—

(A) IN GENERAL.—On or after the date on which the broadband DATA maps are made public, of the amount appropriated pursuant to subsection (b)(2), the Assistant Secretary shall allocate to eligible entities, in accordance with subparagraph (B) of this paragraph, the amount remaining after compliance with paragraphs (1) and (2) of this subsection.

(B) ALLOCATION.—The amount allocated to an eligible entity under subparagraph (B) shall be calculated by—

(i) dividing the number of unserved locations in the eligible entity by the total number of unserved locations in the United States; and

(ii) multiplying the quotient obtained under clause (i) by the amount made available under subparagraph (A).

(4) AVAILABILITY CONDITIONED ON APPROVAL OF APPLICATIONS.—The availability of amounts allocated under paragraph (1), (2), or (3) to an eligible entity shall be subject to approval by the Assistant Secretary of the letter of intent, initial proposal, or final proposal of the eligible entity, as applicable, under subsection (e).

(5) CONTINGENCY PROCEDURES.—

(A) DEFINITION.—In this paragraph, the term “covered application” means a letter of intent, initial proposal, or final proposal under this section.

(B) POLITICAL SUBDIVISIONS AND CONSORTIA.—

(i) APPLICATION FAILURES.—The Assistant Secretary, in carrying out the Program, shall provide that if an eligible entity fails to submit a covered application by the applicable deadline, or a covered application submitted by an eligible entity is not approved by the applicable deadline, a political subdivision or consortium of political subdivisions of the eligible entity may submit the applicable type of covered application in place of the eligible entity.

(ii) TREATMENT OF POLITICAL SUBDIVISION OR CONSORTIUM AS ELIGIBLE ENTITY.—In the case of a political subdivision or consortium of political subdivisions that submits a covered application under clause (i) that is approved by the Assistant Secretary—

(I) except as provided in subclause (II) of this clause, any reference in this section to an eligible entity shall be deemed to refer to the political subdivision or consortium; and

(II) any reference in this section to an eligible entity in a geographic sense shall be deemed to refer to the eligible entity in whose place the political subdivision or consortium submitted the covered application.

(C) REALLOCATION TO OTHER ELIGIBLE ENTITIES.—

(i) APPLICATION FAILURES.—The Assistant Secretary, in carrying out the Program, shall provide that if an eligible entity fails to submit a covered application by the applicable deadline, or a covered application submitted by an eligible entity is not approved by the applicable deadline, as provided in subparagraph

(A)), and no political subdivision or consortium of political subdivisions of the eligible entity submits a covered application by the applicable deadline, or no covered application submitted by such a political subdivision or consortium is approved by the applicable deadline, as provided in subparagraph (B), the Assistant Secretary—

(I) shall reallocate the amounts that would have been available to the eligible entity pursuant to that type of covered application to other eligible entities that submitted that type of covered application by the applicable deadline; and

(II) shall reallocate the amounts described in subclause (I) of this clause in accordance with the formula under paragraph (3).

(ii) FAILURE TO USE FULL ALLOCATION.—The Assistant Secretary, in carrying out the Program, shall provide that if an eligible entity fails to use the full amount allocated to the eligible entity under this subsection by the applicable deadline, the Assistant Secretary—

(I) shall reallocate the unused amounts to other eligible entities with approved final proposals; and

(II) shall reallocate the amounts described in subclause (I) in accordance with the formula under paragraph (3).

(d) ADMINISTRATIVE EXPENSES.—

(1) ASSISTANT SECRETARY.—The Assistant Secretary may use not more than 2 percent of amounts appropriated pursuant to subsection (b) for administrative purposes.

(2) ELIGIBLE ENTITIES.—

(A) PRE-DEPLOYMENT PLANNING.—An eligible entity may use not more than 5 percent of the amount allocated to the eligible entity under subsection (c)(2) for the planning and pre-deployment activities under subsection (e)(1)(C).

(B) ADMINISTRATION.—An eligible entity may use not more than 2 percent of the grant amounts made available to the eligible entity under subsection (e) for expenses relating (directly or indirectly) to administration of the grant.

(e) IMPLEMENTATION.—

(1) INITIAL PROGRAM DEPLOYMENT AND PLANNING.—

(A) NOTICE OF FUNDING OPPORTUNITY; PROCESS.—Not later than 180 days after the date of enactment of this Act, the Assistant Secretary shall—

(i) issue a notice of funding opportunity for the Program that—

(I) notifies eligible entities of—

(aa) the establishment of the Program; and

(bb) the amount of the minimum initial allocation to each eligible entity under subsection (c)(2);

(II) invites eligible entities to submit letters of intent under subparagraph (B) in order to—

(aa) participate in the Program; and

Deadline.

- (bb) receive funding for planning and pre-deployment activities under subparagraph (C); (III) contains details about the Program, including an outline of the requirements for—
- (aa) applications for grants under the Program, which shall consist of letters of intent, initial proposals, and final proposals; and
- (bb) allowed uses of grant amounts awarded under this section, as provided in subsection (f); and
- (IV) includes any other information determined relevant by the Assistant Secretary;
- (ii) establish a process, in accordance with subparagraph (C), through which to provide funding to eligible entities for planning and pre-deployment activities;
- (iii) develop and make public a standard online application form that an eligible entity may use to submit an initial proposal and final proposal for the grant amounts allocated to the eligible entity under subsection (c);
- (iv) publish a template—
- (I) initial proposal that complies with paragraph (3)(A); and
- (II) final proposal that complies with paragraph (4)(A); and
- (v) in consultation with the Commission, establish standards for how an eligible entity shall assess the capabilities and capacities of a prospective subgrantee under subsection (g)(2)(A).
- (B) LETTER OF INTENT.—
- (i) IN GENERAL.—An eligible entity that wishes to participate in the Program shall file a letter of intent to participate in the Program consistent with this subparagraph.
- (ii) FORM AND CONTENTS.—The Assistant Secretary may establish the form and contents required for a letter of intent under this subparagraph, which contents may include—
- (I) details of—
- (aa) the existing broadband program or office of the eligible entity, including—
- (AA) activities that the program or office currently conducts;
- (BB) the number of rounds of broadband deployment grants that the eligible entity has awarded, if applicable;
- (CC) whether the eligible entity has an eligible entity-wide plan and goal for availability of broadband, and any relevant deadlines, as applicable; and
- (DD) the amount of funding that the eligible entity has available for broadband deployment or other broadband-related activities, including data collection and local planning, and the sources of that funding, including whether the funds are

from the eligible entity or from the Federal Government under the American Rescue Plan Act of 2021 (Public Law 117–2);

(bb) the number of full-time employees and part-time employees of the eligible entity who will assist in administering amounts received under the Program and the duties assigned to those employees;

(cc) relevant contracted support; and

(dd) the goals of the eligible entity for the use of amounts received under the Program, the process that the eligible entity will use to distribute those amounts to subgrantees, the timeline for awarding subgrants, and oversight and reporting requirements that the eligible entity will impose on subgrantees;

Timeline.
Requirements.

(II) the identification of known barriers or challenges to developing and administering a program to administer grants received under the Program, if applicable;

(III) the identification of the additional capacity needed by the eligible entity to implement the requirements under this section, such as—

(aa) enhancing the capacity of the broadband program or office of the eligible entity by receiving technical assistance from Federal entities or other partners, hiring additional employees, or obtaining support from contracted entities; or

(bb) acquiring additional programmatic information or data, such as through surveys or asset inventories;

(IV) an explanation of how the needs described in subclause (III) were identified and how funds may be used to address those needs, including target areas;

(V) details of any relevant partners, such as organizations that may inform broadband deployment and adoption planning; and

(VI) any other information determined relevant by the Assistant Secretary.

Determination.

(C) PLANNING FUNDS.—

Determinations.

(i) IN GENERAL.—The Assistant Secretary shall establish a process through which an eligible entity, in submitting a letter of intent under subparagraph (B), may request access to not more than 5 percent of the amount allocated to the eligible entity under subsection (c)(2) for use consistent with this subparagraph.

(ii) FUNDING AVAILABILITY.—If the Assistant Secretary approves a request from an eligible entity under clause (i), the Assistant Secretary shall make available to the eligible entity an amount, as determined appropriate by the Assistant Secretary, that is not more than 5 percent of the amount allocated to the eligible entity under subsection (c)(2).

(iii) **ELIGIBLE USE.**—The Assistant Secretary shall determine the allowable uses of amounts made available under clause (ii), which may include—

(I) research and data collection, including initial identification of unserved locations and underserved locations;

(II) the development of a preliminary budget for pre-planning activities;

(III) publications, outreach, and communications support;

(IV) providing technical assistance, including through workshops and events;

(V) training for employees of the broadband program or office of the eligible entity or employees of political subdivisions of the eligible entity, and related staffing capacity or consulting or contracted support; and

(VI) with respect to an office that oversees broadband programs and broadband deployment in an eligible entity, establishing, operating, or increasing the capacity of such a broadband office.

(D) **ACTION PLAN.**—

(i) **IN GENERAL.**—An eligible entity that receives funding from the Assistant Secretary under subparagraph (C) shall submit to the Assistant Secretary a 5-year action plan, which shall—

(I) be informed by collaboration with local and regional entities; and

(II) detail—

(aa) investment priorities and associated costs;

(bb) alignment of planned spending with economic development, telehealth, and related connectivity efforts.

(ii) **REQUIREMENTS OF ACTION PLANS.**—The Assistant Secretary shall establish requirements for the 5-year action plan submitted by an eligible entity under clause (i), which may include requirements to—

(I) address local and regional needs in the eligible entity with respect to broadband service;

(II) propose solutions for the deployment of affordable broadband service in the eligible entity;

(III) include localized data with respect to the deployment of broadband service in the eligible entity, including by identifying locations that should be prioritized for Federal support with respect to that deployment;

(IV) ascertain how best to serve unserved locations in the eligible entity, whether through the establishment of cooperatives or public-private partnerships;

(V) identify the technical assistance that would be necessary to carry out the plan; and

(VI) assess the amount of time it would take to build out universal broadband service in the eligible entity.

Time period.

Proposal.

Assessment.

(2) NOTICE OF AVAILABLE AMOUNTS; INVITATION TO SUBMIT INITIAL AND FINAL PROPOSALS.—On or after the date on which the broadband DATA maps are made public, the Assistant Secretary, in coordination with the Commission, shall issue a notice to each eligible entity that—

Effective date.
Coordination.

(A) contains the estimated amount available to the eligible entity under subsection (c); and

(B) invites the eligible entity to submit an initial proposal and final proposal for a grant under this section, in accordance with paragraphs (3) and (4) of this subsection.

(3) INITIAL PROPOSAL.—

(A) SUBMISSION.—

(i) IN GENERAL.—After the Assistant Secretary issues the notice under paragraph (2), an eligible entity that wishes to receive a grant under this section shall submit an initial proposal for a grant, using the online application form developed by the Assistant Secretary under paragraph (1)(A)(iii), that—

(I) outlines long-term objectives for deploying broadband, closing the digital divide, and enhancing economic growth and job creation, including—

(aa) information developed by the eligible entity as part of the action plan submitted under paragraph (1)(D), if applicable; and

(bb) information from any comparable strategic plan otherwise developed by the eligible entity, if applicable;

(II)(aa) identifies, and outlines steps to support, local and regional broadband planning processes or ongoing efforts to deploy broadband or close the digital divide; and

(bb) describes coordination with local governments, along with local and regional broadband planning processes;

(III) identifies existing efforts funded by the Federal Government or a State within the jurisdiction of the eligible entity to deploy broadband and close the digital divide;

(IV) includes a plan to competitively award subgrants to ensure timely deployment of broadband;

Plan.

(V) identifies—

(aa) each unserved location or underserved location under the jurisdiction of the eligible entity; and

(bb) each community anchor institution under the jurisdiction of the eligible entity that is an eligible community anchor institution; and

(VI) certifies the intent of the eligible entity to comply with all applicable requirements under this section, including the reporting requirements under subsection (j)(1).

Certification.
Compliance.

(ii) LOCAL COORDINATION.—

(I) IN GENERAL.—The Assistant Secretary shall establish local coordination requirements for

Requirements.

eligible entities to follow, to the greatest extent practicable.

(II) REQUIREMENTS.— The local coordination requirements established under subclause (I) shall include, at minimum, an opportunity for political subdivisions of an eligible entity to—

Plans.

(aa) submit plans for consideration by the eligible entity; and

(bb) comment on the initial proposal of the eligible entity before the initial proposal is submitted to the Assistant Secretary.

(B) SINGLE INITIAL PROPOSAL.—An eligible entity may submit only 1 initial proposal under this paragraph.

(C) CORRECTIONS TO INITIAL PROPOSAL.—The Assistant Secretary may accept corrections to the initial proposal of an eligible entity after the initial proposal has been submitted.

(D) CONSIDERATION OF INITIAL PROPOSAL.—After receipt of an initial proposal for a grant under this paragraph, the Assistant Secretary—

(i) shall acknowledge receipt;

(ii) if the initial proposal is complete—

Determinations.

(I) shall determine whether the use of funds proposed in the initial proposal—

(aa) complies with subsection (f);

(bb) is in the public interest; and

(cc) effectuates the purposes of this Act;

(II) shall approve or disapprove the initial proposal based on the determinations under subclause (I); and

(III) if the Assistant Secretary approves the initial proposal under clause (ii)(II), shall make available to the eligible entity—

(aa) 20 percent of the grant funds that were allocated to the eligible entity under subsection (c); or

(bb) a higher percentage of the grant funds that were allocated to the eligible entity under subsection (c), at the discretion of the Assistant Secretary; and

Notification.

(iii) if the initial proposal is incomplete, or is disapproved under clause (ii)(II), shall notify the eligible entity and provide the eligible entity with an opportunity to resubmit the initial proposal.

(E) CONSIDERATION OF RESUBMITTED INITIAL PROPOSAL.—After receipt of a resubmitted initial proposal for a grant under this paragraph, the Assistant Secretary—

(i) shall acknowledge receipt;

(ii) if the initial proposal is complete—

Determinations.

(I) shall determine whether the use of funds proposed in the initial proposal—

(aa) complies with subsection (f);

(bb) is in the public interest; and

(cc) effectuates the purposes of this Act;

(II) shall approve or disapprove the initial proposal based on the determinations under subclause (I); and

(III) if the Assistant Secretary approves the initial proposal under clause (ii)(II), shall make available to the eligible entity—

(aa) 20 percent of the grant funds that were allocated to the eligible entity under subsection (c); or

(bb) a higher percentage of the grant funds that were allocated to the eligible entity under subsection (c), at the discretion of the Assistant Secretary; and

(iii) if the initial proposal is incomplete, or is disapproved under clause (ii)(II), shall notify the eligible entity and provide the eligible entity with an opportunity to resubmit the initial proposal. Notification.

(4) FINAL PROPOSAL.—

(A) SUBMISSION.—

(i) IN GENERAL.—After the Assistant Secretary approves the initial proposal of an eligible entity under paragraph (3), the eligible entity may submit a final proposal for the remainder of the amount allocated to the eligible entity under subsection (c), using the online application form developed by the Assistant Secretary under paragraph (1)(A)(iii), that includes—

(I) a detailed plan that specifies how the eligible entity will— Plan.

(aa) allocate grant funds for the deployment of broadband networks to unserved locations and underserved locations, in accordance with subsection (h)(1)(A)(i); and Allocation.

(bb) align the grant funds allocated to the eligible entity under subsection (c), where practicable, with the use of other funds that the eligible entity receives from the Federal Government, a State, or a private entity for related purposes;

(II) a timeline for implementation; Timeline.

(III) processes for oversight and accountability to ensure the proper use of the grant funds allocated to the eligible entity under subsection (c); and

(IV) a description of coordination with local governments, along with local and regional broadband planning processes.

(ii) LOCAL COORDINATION.—

(I) IN GENERAL.—The Assistant Secretary shall establish local coordination requirements for eligible entities to follow, to the greatest extent practicable. Requirements.

(II) REQUIREMENTS.— The local coordination requirements established under subclause (I) shall include, at minimum, an opportunity for political subdivisions of an eligible entity to—

(aa) submit plans for consideration by the eligible entity; and Plans.

(bb) comment on the final proposal of the eligible entity before the final proposal is submitted to the Assistant Secretary.

(iii) FEDERAL COORDINATION.—To ensure efficient and effective use of taxpayer funds, an eligible entity shall, to the greatest extent practicable, align the use of grant funds proposed in the final proposal under clause (i) with funds available from other Federal programs that support broadband deployment and access.

(B) SINGLE FINAL PROPOSAL.—An eligible entity may submit only 1 final proposal under this paragraph.

(C) CORRECTIONS TO FINAL PROPOSAL.—The Assistant Secretary may accept corrections to the final proposal of an eligible entity after the final proposal has been submitted.

(D) CONSIDERATION OF FINAL PROPOSAL.—After receipt of a final proposal for a grant under this paragraph, the Assistant Secretary—

(i) shall acknowledge receipt;

(ii) if the final proposal is complete—

(I) shall determine whether the use of funds proposed in the final proposal—

(aa) complies with subsection (f);

(bb) is in the public interest; and

(cc) effectuates the purposes of this Act;

(II) shall approve or disapprove the final proposal based on the determinations under subclause (I); and

(III) if the Assistant Secretary approves the final proposal under clause (ii)(II), shall make available to the eligible entity the remainder of the grant funds allocated to the eligible entity under subsection (c); and

(iii) if the final proposal is incomplete, or is disapproved under clause (ii)(II), shall notify the eligible entity and provide the eligible entity with an opportunity to resubmit the final proposal.

(E) CONSIDERATION OF RESUBMITTED FINAL PROPOSAL.—After receipt of a resubmitted final proposal for a grant under this paragraph, the Assistant Secretary—

(i) shall acknowledge receipt;

(ii) if the final proposal is complete—

(I) shall determine whether the use of funds proposed in the final proposal—

(aa) complies with subsection (f);

(bb) is in the public interest; and

(cc) effectuates the purposes of this Act;

(II) shall approve or disapprove the final proposal based on the determinations under subclause (I); and

(III) if the Assistant Secretary approves the final proposal under clause (ii)(II), shall make available to the eligible entity the remainder of the grant funds allocated to the eligible entity under subsection (c); and

(iii) if the final proposal is incomplete, or is disapproved under clause (ii)(II), shall notify the eligible entity and provide the eligible entity with an opportunity to resubmit the final proposal.

Determinations.

Notification.

Determinations.

Notification.

(f) **USE OF FUNDS.**—An eligible entity may use grant funds received under this section to competitively award subgrants for—

- (1) unserved service projects and underserved service projects;
- (2) connecting eligible community anchor institutions;
- (3) data collection, broadband mapping, and planning;
- (4) installing internet and Wi-Fi infrastructure or providing reduced-cost broadband within a multi-family residential building, with priority given to a residential building that—
 - (A) has a substantial share of unserved households;

or

- (B) is in a location in which the percentage of individuals with a household income that is at or below 150 percent of the poverty line applicable to a family of the size involved (as determined under section 673(2) of the Community Services Block Grant Act (42 U.S.C. 9902(2)) is higher than the national percentage of such individuals;
- (5) broadband adoption, including programs to provide affordable internet-capable devices; and

(6) any use determined necessary by the Assistant Secretary to facilitate the goals of the Program.

Determination.

(g) **GENERAL PROGRAM REQUIREMENTS.**—

(1) **SUBGRANTEE OBLIGATIONS.**—A subgrantee, in carrying out activities using amounts received from an eligible entity under this section—

(A) shall adhere to quality-of-service standards, as established by the Assistant Secretary;

(B) shall comply with prudent cybersecurity and supply chain risk management practices, as specified by the Assistant Secretary, in consultation with the Director of the National Institute of Standards and Technology and the Commission;

Compliance.
Consultation.

(C) shall incorporate best practices, as defined by the Assistant Secretary, for ensuring reliability and resilience of broadband infrastructure; and

(D) may not use the amounts to purchase or support—

(i) any covered communications equipment or service, as defined in section 9 of the Secure and Trusted Communications Networks Act of 2019 (47 U.S.C. 1608); or

(ii) fiber optic cable and optical transmission equipment manufactured in the People's Republic of China, except that the Assistant Secretary may waive the application of this clause with respect to a project if the eligible entity that awards a subgrant for the project shows that such application would unreasonably increase the cost of the project.

Waiver.

(2) **ELIGIBLE ENTITY OBLIGATIONS.**—In distributing funds to subgrantees under this section, an eligible entity shall—

(A) ensure that any prospective subgrantee—

(i) is capable of carrying out activities funded by the subgrant in a competent manner in compliance with all applicable Federal, State, and local laws;

(ii) has the financial and managerial capacity to meet—

(I) the commitments of the subgrantee under the subgrant;

- (II) the requirements of the Program; and
 (III) such requirements as may be further prescribed by the Assistant Secretary; and
 (iii) has the technical and operational capability to provide the services promised in the subgrant in the manner contemplated by the subgrant award;
- Contracts. (B) stipulate, in any contract with a subgrantee for the use of such funds, reasonable provisions for recovery of funds for nonperformance; and
 (C)(i) distribute the funds in an equitable and non-discriminatory manner; and
- Contracts. (ii) ensure, through a stipulation in any contract with a subgrantee for the use of such funds, that each subgrantee uses the funds in an equitable and nondiscriminatory manner.
- (3) DEOBLIGATION OF AWARDS; INTERNET DISCLOSURE.—The Assistant Secretary—
- Coordination. (A) shall establish, in coordination with relevant Federal and State partners, appropriate mechanisms to ensure appropriate use of funds made available under this section;
 (B) may, in addition to other authority under applicable law—
 (i) deobligate grant funds awarded to an eligible entity that—
 (I) violates paragraph (2); or
 (II) demonstrates an insufficient level of performance, or wasteful or fraudulent spending, as defined in advance by the Assistant Secretary; and
 (ii) award grant funds that are deobligated under clause (i) to new or existing applicants consistent with this section; and
 (C) shall create and maintain a fully searchable database, accessible on the internet at no cost to the public, that contains information sufficient to allow the public to understand and monitor grants and subgrants awarded under the Program.
- Database.
 Web posting.
 Public information.
- (h) BROADBAND NETWORK DEPLOYMENT.—
 (1) ORDER OF AWARDS; PRIORITY.—
 (A) IN GENERAL.—An eligible entity, in awarding subgrants for the deployment of a broadband network using grant funds received under this section, as authorized under subsection (f)(1)—
 (i) shall award funding in a manner that—
 (I) prioritizes unserved service projects;
 (II) after certifying to the Assistant Secretary that the eligible entity will ensure coverage of broadband service to all unserved locations within the eligible entity, prioritizes underserved service projects; and
 (III) after prioritizing underserved service projects, provides funding to connect eligible community anchor institutions;
 (ii) in providing funding under subclauses (I), (II), and (III) of clause (i), shall prioritize funding for deployment of broadband infrastructure for priority broadband projects;

(iii) may not exclude cooperatives, nonprofit organizations, public-private partnerships, private companies, public or private utilities, public utility districts, or local governments from eligibility for such grant funds; and

(iv) shall give priority to projects based on—

(I) deployment of a broadband network to persistent poverty counties or high-poverty areas;

(II) the speeds of the proposed broadband service;

(III) the expediency with which a project can be completed; and

(IV) a demonstrated record of and plans to be in compliance with Federal labor and employment laws.

(B) **AUTHORITY OF ASSISTANT SECRETARY.**—The Assistant Secretary may provide additional guidance on the prioritization of subgrants awarded for the deployment of a broadband network using grant funds received under this section.

(2) **CHALLENGE PROCESS.**—

(A) **IN GENERAL.**—After submitting an initial proposal under subsection (e)(3) and before allocating grant funds received under this section for the deployment of broadband networks, an eligible entity shall ensure a transparent, evidence-based, and expeditious challenge process under which a unit of local government, nonprofit organization, or other broadband service provider can challenge a determination made by the eligible entity in the initial proposal as to whether a particular location or community anchor institution within the jurisdiction of the eligible entity is eligible for the grant funds, including whether a particular location is unserved or underserved.

(B) **FINAL IDENTIFICATION; NOTIFICATION OF FUNDING ELIGIBILITY.**—After resolving each challenge under subparagraph (A), and not later than 60 days before allocating grant funds received under this section for the deployment of broadband networks, an eligible entity shall provide public notice of the final classification of each unserved location, underserved location, or eligible community anchor institution within the jurisdiction of the eligible entity.

Deadline.

(C) **CONSULTATION WITH NTIA.**—An eligible entity shall notify the Assistant Secretary of any modification to the initial proposal of the eligible entity submitted under subsection (e)(3) that is necessitated by a successful challenge under subparagraph (A) of this paragraph.

Notification.

(D) **NTIA AUTHORITY.**—The Assistant Secretary—

(i) may modify the challenge process required under subparagraph (A) as necessary; and

(ii) may reverse the determination of an eligible entity with respect to the eligibility of a particular location or community anchor institution for grant funds under this section.

(E) **EXPEDITING BROADBAND DATA COLLECTION ACTIVITIES.**—

(i) **DEADLINE FOR RESOLUTION OF CHALLENGE PROCESS UNDER BROADBAND DATA ACT.**—Section 802(b)(5)(C)(i) of the Communications Act of 1934 (47 U.S.C. 642(b)(5)(C)(i)) is amended by striking “challenges” and inserting the following: “challenges, which shall require that the Commission resolve a challenge not later than 90 days after the date on which a final response by a provider to a challenge to the accuracy of a map or information described in subparagraph (A) is complete”.

(ii) **PAPERWORK REDUCTION ACT EXEMPTION EXPANSION.**—Section 806(b) of the Communications Act of 1934 (47 U.S.C. 646(b)) is amended by striking “the initial rule making required under section 802(a)(1)” and inserting “any rule making or other action by the Commission required under this title”.

(iii) **IMPLEMENTATION.**—The Commission shall implement the amendments made by this subparagraph as soon as possible after the date of enactment of this Act.

(3) **NON-FEDERAL SHARE OF BROADBAND INFRASTRUCTURE DEPLOYMENT COSTS.**—

(A) **IN GENERAL.**—

(i) **MATCHING REQUIREMENT.**—In allocating grant funds received under this section for deployment of broadband networks, an eligible entity shall provide, or require a subgrantee to provide, a contribution, derived from non-Federal funds (or funds from a Federal regional commission or authority), except in high-cost areas or as otherwise provided by this Act, of not less than 25 percent of project costs.

(ii) **WAIVER.**—Upon request by an eligible entity or a subgrantee, the Assistant Secretary may reduce or waive the required matching contribution under clause (i).

(B) **SOURCE OF MATCH.**—A matching contribution under subparagraph (A)—

(i) may be provided by an eligible entity, a unit of local government, a utility company, a cooperative, a nonprofit organization, a for-profit company, regional planning or governmental organization, a Federal regional commission or authority, or any combination thereof;

(ii) may include in-kind contributions; and

(iii) may include funds that were provided to an eligible entity or a subgrantee—

(I) under—

(aa) the Families First Coronavirus Response Act (Public Law 116–127; 134 Stat. 178);

(bb) the CARES Act (Public Law 116–136; 134 Stat. 281);

(cc) the Consolidated Appropriations Act, 2021 (Public Law 116–260; 134 Stat. 1182);

(dd) the American Rescue Plan Act of 2021 (Public Law 117–2; 135 Stat. 4); or

- (ee) any amendment made by an Act described in any of items (aa) through (dd); and
- (II) for the purpose of deployment of broadband service, as described in the applicable provision of law described in subclause (I).
- (C) DEFINITION.—For purposes of this paragraph, the term “Federal regional commission or authority” means—
 - (i) the Appalachian Regional Commission;
 - (ii) the Delta Regional Authority;
 - (iii) the Denali Commission; and
 - (iv) the Northern Border Regional Commission.
- (4) DEPLOYMENT AND PROVISION OF SERVICE REQUIREMENTS.—An entity that receives a subgrant under subsection (f)(1) for the deployment of a broadband network—
 - (A) in providing broadband service using the network—
 - (i) shall provide broadband service—
 - (I) at a speed of not less than 100 megabits per second for downloads and 20 megabits per second for uploads;
 - (II) with a latency that is sufficiently low to allow reasonably foreseeable, real-time, interactive applications; and
 - (III) with network outages that do not exceed, on average, 48 hours over any 365-day period; and
 - (ii) shall provide access to broadband service to each customer served by the project that desires broadband service;
 - (B) shall offer not less than 1 low-cost broadband service option for eligible subscribers, as those terms are defined in paragraph (5) of this subsection;
 - (C) shall deploy the broadband network and begin providing broadband service to each customer that desires broadband service not later than 4 years after the date on which the entity receives the subgrant, except that an eligible entity may extend the deadline under this subparagraph if—
 - (i) the eligible entity has a plan for use of the grant funds;
 - (ii) the construction project is underway; or
 - (iii) extenuating circumstances require an extension of time to allow the project to be completed;
 - (D) for any project that involves laying fiber optic cables or conduit underground or along a roadway, shall include interspersed conduit access points at regular and short intervals;
 - (E) may use the subgrant to deploy broadband infrastructure in or through any area required to reach interconnection points or otherwise to ensure the technical feasibility and financial sustainability of a project providing broadband service to an unserved location, underserved location, or eligible community anchor institution;
 - (F) once the network has been deployed, shall provide public notice, online and through other means, of that fact to the locations and areas to which broadband service

Time period.

Deadline.

Public
information.
Web posting.

has been provided and share the public notice with the eligible entity that awarded the subgrant;

(G) shall carry out public awareness campaigns in service areas that are designed to highlight the value and benefits of broadband service in order to increase the adoption of broadband service by consumers; and

(H) if the entity is no longer able to provide broadband service to the locations covered by the subgrant at any time, shall sell the network capacity at a reasonable, wholesale rate on a nondiscriminatory basis to other broadband service providers or public sector entities.

(5) LOW-COST BROADBAND SERVICE OPTION.—

(A) DEFINITIONS.—In this paragraph—

(i) the term “eligible subscriber” shall have the meaning given the term by the Assistant Secretary for purposes of this paragraph; and

(ii) the term “low-cost broadband service option” shall be defined by an eligible entity for subgrantees of the eligible entity in accordance with subparagraph (B).

(B) DEFINING “LOW-COST BROADBAND SERVICE OPTION”.—

(i) PROPOSAL.—An eligible entity shall submit to the Assistant Secretary for approval, in the final proposal of the eligible entity submitted under subsection (e)(4), a proposed definition of “low-cost broadband service option” that shall apply to subgrantees of the eligible entity for purposes of the requirement under paragraph (4)(B) of this subsection.

(ii) CONSULTATION.—An eligible entity shall consult with the Assistant Secretary and prospective subgrantees regarding a proposed definition of “low-cost broadband service option” before submitting the proposed definition to the Assistant Secretary under clause (i).

(iii) APPROVAL OF ASSISTANT SECRETARY.—

(I) IN GENERAL.—A proposed definition of “low-cost broadband service option” submitted by an eligible entity under clause (i) shall not take effect until the Assistant Secretary approves the final proposal of the eligible entity submitted under subsection (e)(4), including approval of the proposed definition of “low-cost broadband service option”.

(II) RESUBMISSION.—If the Assistant Secretary does not approve a proposed definition of “low-cost broadband service option” submitted by an eligible entity under clause (i), the Assistant Secretary shall—

(aa) notify the eligible entity and provide the eligible entity with an opportunity to resubmit the final proposal, as provided in subsection (e)(4), with an improved definition of “low-cost broadband service option”; and

(bb) provide the eligible entity with instructions on how to cure the defects in the proposed definition.

Effective date.

Notification.

(iv) PUBLIC DISCLOSURE.—After the Assistant Secretary approves the final proposal of an eligible entity under subsection (e)(4), and before the Assistant Secretary disburses any funds to the eligible entity based on that approval, the Assistant Secretary shall publicly disclose the eligible entity’s definition of “low-cost broadband service option”.

(C) NONPERFORMANCE.—The Assistant Secretary shall develop procedures under which the Assistant Secretary or an eligible entity may—

Procedures.

(i) evaluate the compliance of a subgrantee with the requirement under paragraph (4)(B); and

Evaluation.

(ii) take corrective action, including recoupment of funds from the subgrantee, for noncompliance with the requirement under paragraph (4)(B).

(D) NO REGULATION OF RATES PERMITTED.—Nothing in this title may be construed to authorize the Assistant Secretary or the National Telecommunications and Information Administration to regulate the rates charged for broadband service.

(E) GUIDANCE.—The Assistant Secretary may issue guidance to eligible entities to carry out the purposes of this paragraph.

(6) RETURN OF FUNDS.—An entity that receives a subgrant from an eligible entity under subsection (f) and fails to comply with any requirement under this subsection shall return up to the entire amount of the subgrant to the eligible entity, at the discretion of the eligible entity or the Assistant Secretary.

(i) REGULATIONS.—The Assistant Secretary may issue such regulations or other guidance, forms, instructions, and publications as may be necessary or appropriate to carry out the programs, projects, or activities authorized under this section, including to ensure that those programs, projects, or activities are completed in a timely and effective manner.

(j) REPORTING.—

(1) ELIGIBLE ENTITIES.—

(A) INITIAL REPORT.—Not later than 90 days after receiving grant funds under this section, for the sole purposes of providing transparency and providing information to inform future Federal broadband planning, an eligible entity shall submit to the Assistant Secretary a report that—

(i) describes the planned and actual use of funds;

(ii) describes the planned and actual process of subgranting;

(iii) identifies the establishment of appropriate mechanisms by the eligible entity to ensure that all subgrantees of the eligible entity comply with the eligible uses prescribed under subsection (f); and

(iv) includes any other information required by the Assistant Secretary.

(B) SEMIANNUAL REPORT.—Not later than 1 year after receiving grant funds under this section, and semiannually thereafter until the funds have been expended, an eligible entity shall submit to the Assistant Secretary a report, with respect to the 6-month period immediately preceding the report date, that—

Time period.

- (i) describes how the eligible entity expended the grant funds;
- (ii) describes each service provided with the grant funds;
- (iii) describes the number of locations at which broadband service was made available using the grant funds, and the number of those locations at which broadband service was utilized; and
- (iv) certifies that the eligible entity complied with the requirements of this section and with any additional reporting requirements prescribed by the Assistant Secretary.
- Certification. (C) FINAL REPORT.—Not later than 1 year after an eligible entity has expended all grant funds received under this section, the eligible entity shall submit to the Assistant Secretary a report that—
- (i) describes how the eligible entity expended the funds;
- (ii) describes each service provided with the grant funds;
- (iii) describes the number of locations at which broadband service was made available using the grant funds, and the number of those locations at which broadband service was utilized;
- (iv) includes each report that the eligible entity received from a subgrantee under paragraph (2); and
- (v) certifies that the eligible entity complied with the requirements of this section and with any additional reporting requirements prescribed by the Assistant Secretary.
- Certification. Coordination. Determination. (D) PROVISION TO FCC AND USDA.—Subject to section 904(b)(2) of division FF of the Consolidated Appropriations Act, 2021 (Public Law 116–260) (relating to an interagency agreement), the Assistant Secretary shall coordinate with the Commission and the Department of Agriculture, including providing the final reports received under subparagraph (C) to the Commission and the Department of Agriculture to be used when determining whether to award funds for the deployment of broadband under any program administered by those agencies.
- (E) FEDERAL AGENCY REPORTING REQUIREMENT.—
- (i) DEFINITIONS.—In this subparagraph, the terms “agency” and “Federal broadband support program” have the meanings given those terms in section 903 of division FF of the Consolidated Appropriations Act, 2021 (Public Law 116–260) (also known as the “ACCESS BROADBAND Act”).
- Data. (ii) REQUIREMENT.—An agency that offers a Federal broadband support program shall provide data to the Assistant Secretary, in a manner and format prescribed by the Assistant Secretary, to promote coordination of efforts to track construction and use of broadband infrastructure.
- (2) SUBGRANTEES.—
- (A) SEMIANNUAL REPORT.—The recipient of a subgrant from an eligible entity under this section shall submit to the eligible entity a semiannual report for the duration

of the subgrant to track the effectiveness of the use of funds provided.

(B) CONTENTS.—Each report submitted under subparagraph (A) shall—

(i) describe each type of project carried out using the subgrant and the duration of the subgrant;

(ii) in the case of a broadband infrastructure project—

(I) include a list of addresses or locations that constitute the service locations that will be served by the broadband infrastructure to be constructed;

List.

(II) identify whether each address or location described in subclause (I) is residential, commercial, or a community anchor institution;

(III) describe the types of facilities that have been constructed and installed;

(IV) describe the peak and off-peak actual speeds of the broadband service being offered;

(V) describe the maximum advertised speed of the broadband service being offered;

(VI) describe the non-promotional prices, including any associated fees, charged for different tiers of broadband service being offered;

(VII) include any other data that would be required to comply with the data and mapping collection standards of the Commission under section 1.7004 of title 47, Code of Federal Regulations, or any successor regulation, for broadband infrastructure projects; and

(VIII) comply with any other reasonable reporting requirements determined by the eligible entity or the Assistant Secretary; and

Compliance.
Determination.

(iii) certify that the information in the report is accurate.

Certification.

(3) STANDARDIZATION AND COORDINATION.—The Assistant Secretary and the Commission shall collaborate to—

(A) standardize and coordinate reporting of locations at which broadband service was provided using grant funds received under this section in accordance with title VIII of the Communications Act of 1934 (47 U.S.C. 641 et seq.); and

(B) provide a standardized methodology to recipients of grants and subgrantees under this section for reporting the information described in subparagraph (A).

(4) INFORMATION ON BROADBAND SUBSIDIES AND LOW-INCOME PLANS.—

(A) ESTABLISHMENT OF WEBSITE.—Not later than 2 years after the date of enactment of this Act, the Assistant Secretary, in consultation with the Commission, shall establish a publicly available website that—

Deadline.
Consultation.
Public
information.

(i) allows a consumer to determine, based on financial information entered by the consumer, whether the consumer is eligible—

(I) to receive a Federal or State subsidy with respect to broadband service; or

(II) for a low-income plan with respect to broadband service; and

(ii) contains information regarding how to apply for the applicable benefit described in clause (i).

(B) PROVISION OF DATA.—A Federal entity, State entity receiving Federal funds, or provider of broadband service that offers a subsidy or low-income plan, as applicable, with respect to broadband service shall provide data to the Assistant Secretary in a manner and format as established by the Assistant Secretary as necessary for the Assistant Secretary to carry out subparagraph (A).

(k) RELATION TO OTHER PUBLIC FUNDING.—Notwithstanding any other provision of law—

(1) an entity that has received amounts from the Federal Government or a State or local government for the purpose of expanding access to broadband service may receive a subgrant under subsection (f) in accordance with this section; and

(2) the receipt of a subgrant under subsection (f) by an entity described in paragraph (1) of this subsection shall not affect the eligibility of the entity to receive the amounts from the Federal Government or a State or local government described in that paragraph.

(l) SUPPLEMENT NOT SUPPLANT.—Grant funds awarded to an eligible entity under this section shall be used to supplement, and not supplant, the amounts that the eligible entity would otherwise make available for the purposes for which the grant funds may be used.

(m) SENSE OF CONGRESS REGARDING FEDERAL AGENCY COORDINATION.—It is the sense of Congress that Federal agencies responsible for supporting broadband deployment, including the Commission, the Department of Commerce, and the Department of Agriculture, to the extent possible, should align the goals, application and reporting processes, and project requirements with respect to broadband deployment supported by those agencies.

(n) JUDICIAL REVIEW.—

(1) IN GENERAL.—The United States District Court for the District of Columbia shall have exclusive jurisdiction to review a decision of the Assistant Secretary made under this section.

(2) STANDARD OF REVIEW.—In carrying out any review described in paragraph (1), the court shall affirm the decision of the Assistant Secretary unless—

(A) the decision was procured by corruption, fraud, or undue means;

(B) there was actual partiality or corruption in the Assistant Secretary; or

(C) the Assistant Secretary was guilty of—

(i) misconduct in refusing to review the administrative record; or

(ii) any other misbehavior by which the rights of any party have been prejudiced.

(o) EXEMPTION FROM CERTAIN LAWS.—Any action taken or decision made by the Assistant Secretary under this section shall be exempt from the requirements of—

(1) section 3506 of title 44, United States Code (commonly referred to as the “Paperwork Reduction Act”);

(2) chapter 5 or 7 of title 5, United States Code (commonly referred to as the “Administrative Procedures Act”); and

(3) chapter 6 of title 5, United States Code (commonly referred to as the “Regulatory Flexibility Act”).

SEC. 60103. BROADBAND DATA MAPS.

47 USC 1703.

(a) **DEFINITION.**—In this section, the term “Commission” means the Federal Communications Commission.

(b) **PROVISION OF INFORMATION.**—A broadband provider shall provide the Commission with any information, in the format, type, or specification requested by the Commission, necessary to augment the collection of data by the Commission under—

(1) title VIII of the Communications Act of 1934 (47 U.S.C. 641 et seq.); or

(2) the Form 477 data collection program.

(c) **NOTICE OF INITIAL BROADBAND DATA COLLECTION FILING DEADLINE.**—The Commission—

(1) shall provide notice to broadband providers not later than 60 days before the initial deadline for submission of data under section 802(a)(1)(A) of the Communications Act of 1934 (47 U.S.C. 642(a)(1)(A)); and

(2) notwithstanding any prior decision of the Commission to the contrary, shall not be required to provide notice not later than 6 months before the initial deadline described in paragraph (1).

(d) **AVAILABILITY OF CENSUS DATA.**—

(1) **IN GENERAL.**—Section 802(b)(1) of the Communications Act of 1934 (47 U.S.C. 802(b)(1)) is amended by adding at the end the following:

“(D) **AVAILABILITY OF CENSUS DATA.**—The Secretary of Commerce shall submit to the Commission, for inclusion in the Fabric, a count of the aggregate number of housing units in each census block, as collected by the Bureau of the Census.”.

(2) **PROVISION OF UPDATED 2020 CENSUS DATA.**—Not later than 30 days after receiving a request from the Commission, the Secretary of Commerce, in implementing the amendment made by paragraph (1), shall provide the Commission with a count of the aggregate number of housing units in each census block, as collected during the 2020 decennial census of population.

(e) **PUBLICATION OF BROADBAND DATA MAPS ON INTERNET.**—Section 802(c)(6) of the Communications Act of 1934 (47 U.S.C. 642(c)(6)) is amended, in the matter preceding paragraph (6), by inserting “, including on a publicly available website,” after “make public”.

SEC. 60104. REPORT ON FUTURE OF UNIVERSAL SERVICE FUND.

(a) **DEFINITIONS.**—In this section—

(1) the term “Commission” means the Federal Communications Commission; and

(2) the term “universal service goals for broadband” means the statutorily mandated goals of universal service for advanced telecommunications capability under section 706 of the Telecommunications Act of 1996 (47 U.S.C. 1302).

(b) **EVALUATION.**—Not later than 30 days after the date of enactment of this Act, the Commission shall commence a proceeding to evaluate the implications of this Act and the amendments made by this Act on how the Commission should achieve the universal service goals for broadband. Deadline.

(c) REPORT.—

(1) IN GENERAL.—Not later than 270 days after the date of enactment of this Act, the Commission shall submit to Congress a report on the options of the Commission for improving its effectiveness in achieving the universal service goals for broadband in light of this Act and the amendments made by this Act, and other legislation that addresses those goals.

(2) RECOMMENDATIONS.—In the report submitted under paragraph (1), the Commission may make recommendations for Congress on further actions the Commission and Congress could take to improve the ability of the Commission to achieve the universal service goals for broadband.

(3) SCOPE OF UNIVERSAL SERVICE.—In submitting the report under paragraph (1), the Commission—

(A) may not in any way reduce the congressional mandate to achieve the universal service goals for broadband; and

Recommendations.

(B) may provide recommendations for Congress to expand the universal service goals for broadband, if the Commission believes such an expansion is in the public interest.

47 USC 1704.

SEC. 60105. BROADBAND DEPLOYMENT LOCATIONS MAP.

(a) DEFINITIONS.—In this section:

(1) BROADBAND INFRASTRUCTURE.—The term “broadband infrastructure” means any cables, fiber optics, wiring, or other permanent (integral to the structure) infrastructure, including wireless infrastructure, that—

(A) is capable of providing access to internet connections in individual locations; and

(B) is an advanced telecommunications capability, as defined in section 706(d) of the Telecommunications Act of 1996 (47 U.S.C. 1302(d)).

(2) COMMISSION.—The term “Commission” means the Federal Communications Commission.

(3) DEPLOYMENT LOCATIONS MAP.—The term “Deployment Locations Map” means the mapping tool required to be established under subsection (b).

Deadline.
Consultation.

(b) ESTABLISHMENT OF DEPLOYMENT LOCATIONS MAP.—Not later than 18 months after the date of enactment of this Act, the Commission shall, in consultation with all relevant Federal agencies, establish an online mapping tool to provide a locations overview of the overall geographic footprint of each broadband infrastructure deployment project funded by the Federal Government.

(c) REQUIREMENTS.—The Deployment Locations Map shall be—

(1) the centralized, authoritative source of information on funding made available by the Federal Government for broadband infrastructure deployment in the United States; and

(2) made publicly available on the website of the Commission.

Public
information.
Web posting.

(d) FUNCTIONS.—In establishing the Deployment Locations Map, the Commission shall ensure that the Deployment Locations Map—

(1) compiles data related to Federal funding for broadband infrastructure deployment provided by the Commission, the National Telecommunications and Information Administration,

the Department of Agriculture, the Department of Health and Human Services, the Department of the Treasury, the Department of Housing and Urban Development, the Institute of Museum and Library Sciences, and any other Federal agency that provides such data relating to broadband infrastructure deployment funding to the Commission, including funding under—

- (A) this Act;
 - (B) the Coronavirus Aid, Relief, and Economic Security Act (Public Law 116–136);
 - (C) the Consolidated Appropriations Act, 2021 (Public Law 116–260);
 - (D) American Rescue Plan Act of 2021 (Public Law 117–2); or
 - (E) any Federal amounts appropriated or any Federal program authorized after the date of enactment of this Act to fund broadband infrastructure deployment;
- (2) contains data, with respect to each broadband infrastructure deployment program, relating to—
- (A) the Federal agency of jurisdiction;
 - (B) the program title; and
 - (C) the network type, including wired, terrestrial fixed, wireless, mobile, and satellite broadband infrastructure deployment;
- (3) allows users to manipulate the Deployment Locations Map to identify, search, and filter broadband infrastructure deployment projects by—
- (A) company name;
 - (B) duration timeline, including the dates of a project’s beginning and ending, or anticipated beginning or ending date;
 - (C) total number of locations to which a project makes service available; and
 - (D) relevant download and upload speeds; and
- (4) incorporates broadband service availability data as depicted in the Broadband Map created under section 802(c)(1) of the Communications Act of 1934 (47 U.S.C. 642(c)(1)).

(e) PERIODIC UPDATES.—

(1) IN GENERAL.—The Commission shall, in consultation with relevant Federal agencies, ensure the Deployment Locations Map is maintained and up to date on a periodic basis, but not less frequently than once every 180 days.

Consultation.

(2) OTHER FEDERAL AGENCIES.—Each Federal agency providing funding for broadband infrastructure deployment shall report relevant data to the Commission on a periodic basis.

Reports.

(f) NO EFFECT ON PROGRAMMATIC MISSIONS.—Nothing in this section shall be construed to affect the programmatic missions of Federal agencies providing funding for broadband infrastructure development.

(g) NONDUPLICATION.—The requirements in this section shall be consistent with and avoid duplication with the provisions of section 903 of division FF of the Consolidated Appropriations Act, 2021 (Public Law 116–260).

(h) FUNDING.—Of the amounts appropriated to carry out this division under this Act, \$10,000,000 shall be made available to carry out this section.

TITLE II—TRIBAL CONNECTIVITY TECHNICAL AMENDMENTS.

SEC. 60201. TRIBAL CONNECTIVITY TECHNICAL AMENDMENTS.

47 USC 1305
note, 1705.

Section 905 of division N of the Consolidated Appropriations Act, 2021 (Public Law 116–260) is amended—

(1) in subsection (c)—

(A) in paragraph (1)(B), by striking “during the COVID–19 pandemic”;

(B) in paragraph (4)—

(i) in subparagraph (A)—

(I) in clause (i), by striking “180 days after receiving grant funds” and inserting “18 months after receiving an allocation of funds pursuant to a specific grant award”; and

(II) in clause (ii), by striking “revert to the general fund of the Treasury” and inserting “be made available to other eligible entities for the purposes provided in this subsection”;

(ii) in subparagraph (B)—

(I) in clause (i), by striking “1 year after receiving grant funds” and inserting “4 years after receiving an allocation of funds pursuant to a specific grant award”;

(II) by redesignating clause (iii) as clause (iv); and

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

“(iii) EXTENSIONS FOR OTHER PROJECTS.—The Assistant Secretary may, for good cause shown, extend the period under clause (i) for an eligible entity that proposes to use the grant funds for an eligible use other than construction of broadband infrastructure, based on a detailed showing by the eligible entity of the need for an extension.”; and

(iii) by adding at the end the following:

“(C) MULTIPLE GRANT AWARDS.—If the Assistant Secretary awards multiple grants to an eligible entity under this subsection, the deadlines under subparagraphs (A) and (B) shall apply individually to each grant award.”; and

(C) by striking paragraph (6) and inserting the following:

“(6) ADMINISTRATIVE EXPENSES OF ELIGIBLE ENTITIES.—

“(A) IN GENERAL.—Except as provided in subparagraph (B), an eligible entity may use not more than 2 percent of grant funds received under this subsection for administrative purposes.

“(B) BROADBAND INFRASTRUCTURE PROJECTS.—An eligible entity that proposes to use grant funds for the construction of broadband infrastructure may use an amount of the grant funds equal to not more than 2.5 percent of the total project cost for planning, feasibility, and sustainability studies related to the project.”; and

(2) in subsection (e), by adding at the end the following:

“(6) ADDITIONAL APPROPRIATIONS FOR TRIBAL BROADBAND CONNECTIVITY PROGRAM.—

Applicability.

“(A) DEFINITION.—In this paragraph, the term ‘initial round of funding’—

“(i) means the allocation under paragraph (2)(E) of funds appropriated under subsection (b)(1); and

“(ii) does not include any reallocation of funds under paragraph (2)(F).

“(B) NEW FUNDING.—If Congress appropriates additional funds for grants under subsection (c) after the date of enactment of this Act, the Assistant Secretary—

“(i) may use a portion of the funds to fully fund any grants under that subsection for which the Assistant Secretary received an application and which the Assistant Secretary did not fully fund during the initial round of funding; and

“(ii) shall allocate any remaining funds through subsequent funding rounds consistent with the requirements of this section, except as provided in subparagraph (C) of this paragraph.

“(C) EXCEPTIONS.—If Congress appropriates additional funds for grants under subsection (c) after the date of enactment of this Act—

“(i) the Assistant Secretary shall not be required to issue an additional notice under paragraph (1) of this subsection, but shall inform eligible entities that additional funding has been made available for grants under subsection (c) and describe the changes made to the Tribal Broadband Connectivity Program under that subsection by section 60201 of the Infrastructure Investment and Jobs Act;

“(ii) the requirement under paragraph (2)(C) of this subsection shall be applied individually to each round of funding for grants under subsection (c);

“(iii) paragraph (2)(A) of this subsection shall be applied by substituting ‘180-day period beginning on the date on which the Assistant Secretary informs eligible entities that additional funding has been made available for grants under subsection (c)’ for ‘90-day period beginning on the date on which the Assistant Secretary issues the notice under paragraph (1)’; and

“(iv) notwithstanding paragraph (2)(F) of this subsection, in the case of funds appropriated under subsection (b)(1) that were not allocated during the initial round of funding, the Assistant Secretary may elect to allocate the funds during any subsequent round of funding for grants under subsection (c).”.

Allocation.

Applicability.

Time period.

TITLE III—DIGITAL EQUITY ACT OF 2021

Digital Equity Act of 2021.

SEC. 60301. SHORT TITLE.

This title may be cited as the “Digital Equity Act of 2021”.

47 USC 1701 note.

SEC. 60302. DEFINITIONS.

47 USC 1721.

In this title:

(1) ADOPTION OF BROADBAND.—The term “adoption of broadband” means the process by which an individual obtains daily access to the internet—

- (A) at a speed, quality, and capacity—
 - (i) that is necessary for the individual to accomplish common tasks; and
 - (ii) such that the access qualifies as an advanced telecommunications capability;
- (B) with the digital skills that are necessary for the individual to participate online; and
- (C) on a—
 - (i) personal device; and
 - (ii) secure and convenient network.

(2) **ADVANCED TELECOMMUNICATIONS CAPABILITY.**—The term “advanced telecommunications capability” has the meaning given the term in section 706(d) of the Telecommunications Act of 1996 (47 U.S.C. 1302(d)).

(3) **AGING INDIVIDUAL.**—The term “aging individual” has the meaning given the term “older individual” in section 102 of the Older Americans Act of 1965 (42 U.S.C. 3002).

(4) **APPROPRIATE COMMITTEES OF CONGRESS.**—The term “appropriate committees of Congress” means—

- (A) the Committee on Appropriations of the Senate;
- (B) the Committee on Commerce, Science, and Transportation of the Senate;
- (C) the Committee on Appropriations of the House of Representatives; and
- (D) the Committee on Energy and Commerce of the House of Representatives.

(5) **ASSISTANT SECRETARY.**—The term “Assistant Secretary” means the Assistant Secretary of Commerce for Communications and Information.

(6) **COMMUNITY ANCHOR INSTITUTION.**—The term “community anchor institution” means a public school, a public or multi-family housing authority, a library, a medical or healthcare provider, a community college or other institution of higher education, a State library agency, and any other nonprofit or governmental community support organization.

(7) **COVERED HOUSEHOLD.**—The term “covered household” means a household, the income of which for the most recently completed year is not more than 150 percent of an amount equal to the poverty level, as determined by using criteria of poverty established by the Bureau of the Census.

(8) **COVERED POPULATIONS.**—The term “covered populations” means—

- (A) individuals who live in covered households;
- (B) aging individuals;
- (C) incarcerated individuals, other than individuals who are incarcerated in a Federal correctional facility;
- (D) veterans;
- (E) individuals with disabilities;
- (F) individuals with a language barrier, including individuals who—
 - (i) are English learners; and
 - (ii) have low levels of literacy;
- (G) individuals who are members of a racial or ethnic minority group; and
- (H) individuals who primarily reside in a rural area.

(9) COVERED PROGRAMS.—The term “covered programs” means the State Digital Equity Capacity Grant Program established under section 60304 and the Digital Equity Competitive Grant Program established under section 60305.

(10) DIGITAL EQUITY.—The term “digital equity” means the condition in which individuals and communities have the information technology capacity that is needed for full participation in the society and economy of the United States.

(11) DIGITAL INCLUSION.—The term “digital inclusion”—

(A) means the activities that are necessary to ensure that all individuals in the United States have access to, and the use of, affordable information and communication technologies, such as—

(i) reliable fixed and wireless broadband internet service;

(ii) internet-enabled devices that meet the needs of the user; and

(iii) applications and online content designed to enable and encourage self-sufficiency, participation, and collaboration; and

(B) includes—

(i) obtaining access to digital literacy training;

(ii) the provision of quality technical support; and

(iii) obtaining basic awareness of measures to ensure online privacy and cybersecurity.

(12) DIGITAL LITERACY.—The term “digital literacy” means the skills associated with using technology to enable users to find, evaluate, organize, create, and communicate information.

(13) DISABILITY.—The term “disability” has the meaning given the term in section 3 of the Americans with Disabilities Act of 1990 (42 U.S.C. 12102).

(14) ELIGIBLE STATE.—The term “eligible State” means—

(A) with respect to planning grants made available under section 60304(c)(3), a State with respect to which the Assistant Secretary has approved an application submitted to the Assistant Secretary under section 60304(c)(3)(C); and

(B) with respect to capacity grants awarded under section 60304(d), a State with respect to which the Assistant Secretary has approved an application submitted to the Assistant Secretary under section 60304(d)(2), including approval of the State Digital Equity Plan developed by the State under section 60304(c).

(15) GENDER IDENTITY.—The term “gender identity” has the meaning given the term in section 249(c) of title 18, United States Code.

(16) INDIAN TRIBE.—The term “Indian Tribe” has the meaning given the term in section 4(e) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5304(e)).

(17) INSTITUTION OF HIGHER EDUCATION.—The term “institution of higher education”—

(A) has the meaning given the term in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001); and

(B) includes a postsecondary vocational institution.

(18) **LOCAL EDUCATIONAL AGENCY.**—The term “local educational agency” has the meaning given the term in section 8101(30) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801(30)).

(19) **POSTSECONDARY VOCATIONAL INSTITUTION.**—The term “postsecondary vocational institution” has the meaning given the term in section 102(c) of the Higher Education Act of 1965 (20 U.S.C. 1002(c)).

(20) **RURAL AREA.**—The term “rural area” has the meaning given the term in section 601(b)(3) of the Rural Electrification Act of 1936 (7 U.S.C. 950bb(b)(3)).

(21) **STATE.**—The term “State” means—

- (A) any State of the United States;
- (B) the District of Columbia; and
- (C) the Commonwealth of Puerto Rico.

(22) **VETERAN.**—The term “veteran” has the meaning given the term in section 101 of title 38, United States Code.

(23) **WORKFORCE DEVELOPMENT PROGRAM.**—The term “workforce development program” has the meaning given the term in section 3(66) of the Workforce Innovation and Opportunity Act (29 U.S.C. 3102(66)).

47 USC 1722.

SEC. 60303. SENSE OF CONGRESS.

It is the sense of Congress that—

(1) a broadband connection and digital literacy are increasingly critical to how individuals—

(A) participate in the society, economy, and civic institutions of the United States; and

(B) access health care and essential services, obtain education, and build careers;

(2) digital exclusion—

(A) carries a high societal and economic cost;

(B) materially harms the opportunity of an individual with respect to the economic success, educational achievement, positive health outcomes, social inclusion, and civic engagement of that individual; and

(C) exacerbates existing wealth and income gaps, especially those experienced by covered populations;

(3) achieving digital equity for all people of the United States requires additional and sustained investment and research efforts;

(4) the Federal Government, as well as State, tribal, territorial, and local governments, have made social, legal, and economic obligations that necessarily extend to how the citizens and residents of those governments access and use the internet; and

(5) achieving digital equity is a matter of social and economic justice and is worth pursuing.

47 USC 1723.

SEC. 60304. STATE DIGITAL EQUITY CAPACITY GRANT PROGRAM.

(a) **ESTABLISHMENT; PURPOSE.**—

(1) **IN GENERAL.**—The Assistant Secretary shall establish in the Department of Commerce the State Digital Equity Capacity Grant Program (referred to in this section as the “Program”)—

(A) the purpose of which is to promote the achievement of digital equity, support digital inclusion activities, and

build capacity for efforts by States relating to the adoption of broadband by residents of those States;

(B) through which the Assistant Secretary shall make grants to States in accordance with the requirements of this section; and

(C) which shall ensure that States have the capacity to promote the achievement of digital equity and support digital inclusion activities.

(2) CONSULTATION WITH OTHER FEDERAL AGENCIES; NO CONFLICT.—In establishing the Program under paragraph (1), the Assistant Secretary shall—

(A) consult with—

- (i) the Secretary of Agriculture;
- (ii) the Secretary of Housing and Urban Development;
- (iii) the Secretary of Education;
- (iv) the Secretary of Labor;
- (v) the Secretary of Health and Human Services;
- (vi) the Secretary of Veterans Affairs;
- (vii) the Secretary of the Interior;
- (viii) the Federal Communications Commission;
- (ix) the Federal Trade Commission;
- (x) the Director of the Institute of Museum and Library Services;
- (xi) the Administrator of the Small Business Administration;
- (xii) the Federal Co-Chair of the Appalachian Regional Commission; and
- (xiii) the head of any other agency that the Assistant Secretary determines to be appropriate; and

(B) ensure that the Program complements and enhances, and does not conflict with, other Federal broadband initiatives and programs.

(b) ADMINISTERING ENTITY.—

(1) SELECTION; FUNCTION.—The governor (or equivalent official) of a State that wishes to be awarded a grant under this section shall, from among entities that are eligible under paragraph (2), select an administering entity for that State, which shall—

(A) serve as the recipient of, and administering agent for, any grant awarded to the State under this section;

(B) develop, implement, and oversee the State Digital Equity Plan for the State described in subsection (c);

(C) make subgrants to any entity described in subsection (c)(1)(D) that is located in the State in support of—

(i) the State Digital Equity Plan for the State; and

(ii) digital inclusion activities in the State generally; and

(D) serve as—

(i) an advocate for digital equity policy and digital inclusion activities; and

(ii) a repository of best practice materials regarding the policies and activities described in clause (i).

(2) ELIGIBLE ENTITIES.—Any of the following entities may serve as the administering entity for a State for the purposes

of this section if the entity has demonstrated a capacity to administer the Program on a statewide level:

(A) The State, a political subdivision, agency, or instrumentality of the State, an Indian Tribe located in the State, an Alaska Native entity located in the State, or a Native Hawaiian organization located in the State.

(B) A foundation, corporation, institution, association, or coalition that is—

- (i) a not-for-profit entity;
- (ii) providing services in the State; and
- (iii) not a school.

(C) A community anchor institution, other than a school, that is located in the State.

(D) A local educational agency that is located in the State.

(E) An entity located in the State that carries out a workforce development program.

(F) An agency of the State that is responsible for administering or supervising adult education and literacy activities in the State.

(G) A public or multi-family housing authority that is located in the State.

(H) A partnership between any of the entities described in subparagraphs (A) through (G).

(c) STATE DIGITAL EQUITY PLAN.—

(1) DEVELOPMENT; CONTENTS.—A State that wishes to be awarded a grant under subsection (d) shall develop a State Digital Equity Plan for the State, which shall include—

(A) the identification of the barriers to digital equity faced by covered populations in the State;

(B) measurable objectives for documenting and promoting, among each group described in subparagraphs (A) through (H) of section 60302(8) located in that State—

- (i) the availability of, and affordability of access to, fixed and wireless broadband technology;
- (ii) the online accessibility and inclusivity of public resources and services;
- (iii) digital literacy;
- (iv) awareness of, and the use of, measures to secure the online privacy of, and cybersecurity with respect to, an individual; and
- (v) the availability and affordability of consumer devices and technical support for those devices;

(C) an assessment of how the objectives described in subparagraph (B) will impact and interact with the State's—

- (i) economic and workforce development goals, plans, and outcomes;
- (ii) educational outcomes;
- (iii) health outcomes;
- (iv) civic and social engagement; and
- (v) delivery of other essential services;

(D) in order to achieve the objectives described in subparagraph (B), a description of how the State plans to collaborate with key stakeholders in the State, which may include—

- (i) community anchor institutions;

Assessment.

- (ii) county and municipal governments;
- (iii) local educational agencies;
- (iv) where applicable, Indian Tribes, Alaska Native entities, or Native Hawaiian organizations;
- (v) nonprofit organizations;
- (vi) organizations that represent—
 - (I) individuals with disabilities, including organizations that represent children with disabilities;
 - (II) aging individuals;
 - (III) individuals with language barriers, including—
 - (aa) individuals who are English learners;
 - and
 - (bb) individuals who have low levels of literacy;
 - (IV) veterans; and
 - (V) individuals in that State who are incarcerated in facilities other than Federal correctional facilities;
- (vii) civil rights organizations;
- (viii) entities that carry out workforce development programs;
- (ix) agencies of the State that are responsible for administering or supervising adult education and literacy activities in the State;
- (x) public housing authorities in the State; and
- (xi) a partnership between any of the entities described in clauses (i) through (x); and

(E) a list of organizations with which the administering entity for the State collaborated in developing and implementing the Plan. List.

(2) PUBLIC AVAILABILITY.—

(A) IN GENERAL.—The administering entity for a State shall make the State Digital Equity Plan of the State available for public comment for a period of not less than 30 days before the date on which the State submits an application to the Assistant Secretary under subsection (d)(2).

(B) CONSIDERATION OF COMMENTS RECEIVED.—The administering entity for a State shall, with respect to an application submitted to the Assistant Secretary under subsection (d)(2)—

(i) before submitting the application—

(I) consider all comments received during the comment period described in subparagraph (A) with respect to the application (referred to in this subparagraph as the “comment period”); and

(II) make any changes to the plan that the administering entity determines to be worthwhile; and

(ii) when submitting the application—

(I) describe any changes pursued by the administering entity in response to comments received during the comment period; and

(II) include a written response to each comment received during the comment period.

Effective date.	(3) PLANNING GRANTS.— (A) IN GENERAL.—Beginning in the first fiscal year that begins after the date of enactment of this Act, the Assistant Secretary shall, in accordance with the requirements of this paragraph, award planning grants to States for the purpose of developing the State Digital Equity Plans of those States under this subsection.
Deadlines. Determination.	(B) ELIGIBILITY.—In order to be awarded a planning grant under this paragraph, a State— (i) shall submit to the Assistant Secretary an application under subparagraph (C); and (ii) may not have been awarded, at any time, a planning grant under this paragraph. (C) APPLICATION.—A State that wishes to be awarded a planning grant under this paragraph shall, not later than 60 days after the date on which the notice of funding availability with respect to the grant is released, submit to the Assistant Secretary an application, in a format to be determined by the Assistant Secretary, that contains the following materials: (i) A description of the entity selected to serve as the administering entity for the State, as described in subsection (b).
Certification.	(ii) A certification from the State that, not later than 1 year after the date on which the Assistant Secretary awards the planning grant to the State, the administering entity for that State shall develop a State Digital Equity Plan under this subsection, which— (I) the administering entity shall submit to the Assistant Secretary; and (II) shall comply with the requirements of this subsection, including the requirement under paragraph (2)(B).
Compliance.	(iii) The assurances required under subsection (e). (D) AWARDS.— (i) AMOUNT OF GRANT.—A planning grant awarded to an eligible State under this paragraph shall be determined according to the formula under subsection (d)(3)(A)(i).
Determination.	(ii) DURATION.— (I) IN GENERAL.—Except as provided in subclause (II), with respect to a planning grant awarded to an eligible State under this paragraph, the State shall expend the grant funds during the 1-year period beginning on the date on which the State is awarded the grant funds.
Extension.	(II) EXCEPTION.—The Assistant Secretary may grant an extension of not longer than 180 days with respect to the requirement under subclause (I). (iii) CHALLENGE MECHANISM.—The Assistant Secretary shall ensure that any eligible State to which a planning grant is awarded under this paragraph may appeal or otherwise challenge in a timely fashion the amount of the grant awarded to the State, as determined under clause (i).

(E) USE OF FUNDS.—An eligible State to which a planning grant is awarded under this paragraph shall, through the administering entity for that State, use the grant funds only for the following purposes:

(i) To develop the State Digital Equity Plan of the State under this subsection.

(ii)(I) Subject to subclause (II), to make subgrants to any of the entities described in paragraph (1)(D) to assist in the development of the State Digital Equity Plan of the State under this subsection.

(II) If the administering entity for a State makes a subgrant described in subclause (I), the administering entity shall, with respect to the subgrant, provide to the State the assurances required under subsection (e).

(d) STATE CAPACITY GRANTS.—

Deadline.

(1) IN GENERAL.—Beginning not later than 2 years after the date on which the Assistant Secretary begins awarding planning grants under subsection (c)(3), the Assistant Secretary shall each year award grants to eligible States to support—

(A) the implementation of the State Digital Equity Plans of those States; and

(B) digital inclusion activities in those States.

(2) APPLICATION.—A State that wishes to be awarded a grant under this subsection shall, not later than 60 days after the date on which the notice of funding availability with respect to the grant is released, submit to the Assistant Secretary an application, in a format to be determined by the Assistant Secretary, that contains the following materials:

(A) A description of the entity selected to serve as the administering entity for the State, as described in subsection (b).

(B) The State Digital Equity Plan of that State, as described in subsection (c).

(C) A certification that the State, acting through the administering entity for the State, shall—

Certification.

(i) implement the State Digital Equity Plan of the State; and

(ii) make grants in a manner that is consistent with the aims of the Plan described in clause (i).

(D) The assurances required under subsection (e).

(E) In the case of a State to which the Assistant Secretary has previously awarded a grant under this subsection, any amendments to the State Digital Equity Plan of that State, as compared with the State Digital Equity Plan of the State previously submitted.

(3) AWARDS.—

(A) AMOUNT OF GRANT.—

(i) FORMULA.—Subject to clauses (ii), (iii), and (iv), the Assistant Secretary shall calculate the amount of a grant awarded to an eligible State under this subsection in accordance with the following criteria, using the best available data for all States for the fiscal year in which the grant is awarded:

Criteria.

(I) 50 percent of the total grant amount shall be based on the population of the eligible State

in proportion to the total population of all eligible States.

(II) 25 percent of the total grant amount shall be based on the number of individuals in the eligible State who are members of covered populations in proportion to the total number of individuals in all eligible States who are members of covered populations.

Determinations.

(III) 25 percent of the total grant amount shall be based on the comparative lack of availability and adoption of broadband in the eligible State in proportion to the lack of availability and adoption of broadband of all eligible States, which shall be determined according to data collected from—

(aa) the annual inquiry of the Federal Communications Commission conducted under section 706(b) of the Telecommunications Act of 1996 (47 U.S.C. 1302(b));

(bb) the American Community Survey or, if necessary, other data collected by the Bureau of the Census;

(cc) the NTIA Internet Use Survey, which is administered as the Computer and Internet Use Supplement to the Current Population Survey of the Bureau of the Census; and

(dd) any other source that the Assistant Secretary, after appropriate notice and opportunity for public comment, determines to be appropriate.

(ii) MINIMUM AWARD.—The amount of a grant awarded to an eligible State under this subsection in a fiscal year shall be not less than 0.5 percent of the total amount made available to award grants to eligible States for that fiscal year.

Distribution.

(iii) ADDITIONAL AMOUNTS.—If, after awarding planning grants to States under subsection (c)(3) and capacity grants to eligible States under this subsection in a fiscal year, there are amounts remaining to carry out this section, the Assistant Secretary shall distribute those amounts—

(I) to eligible States to which the Assistant Secretary has awarded grants under this subsection for that fiscal year; and

(II) in accordance with the formula described in clause (i).

Puerto Rico.

(iv) DATA UNAVAILABLE.—If, in a fiscal year, the Commonwealth of Puerto Rico (referred to in this clause as “Puerto Rico”) is an eligible State and specific data for Puerto Rico is unavailable for a factor described in subclause (I), (II), or (II) of clause (i), the Assistant Secretary shall use the median data point with respect to that factor among all eligible States and assign it to Puerto Rico for the purposes of making any calculation under that clause for that fiscal year.

Effective date.

(B) DURATION.—With respect to a grant awarded to an eligible State under this subsection, the eligible State shall expend the grant funds during the 5-year period

beginning on the date on which the eligible State is awarded the grant funds.

(C) CHALLENGE MECHANISM.—The Assistant Secretary shall ensure that any eligible State to which a grant is awarded under this subsection may appeal or otherwise challenge in a timely fashion the amount of the grant awarded to the State, as determined under subparagraph (A).

(D) USE OF FUNDS.—The administering entity for an eligible State to which a grant is awarded under this subsection shall use the grant amounts for the following purposes:

(i)(I) Subject to subclause (II), to update or maintain the State Digital Equity Plan of the State.

(II) An administering entity for an eligible State to which a grant is awarded under this subsection may use not more than 20 percent of the amount of the grant for the purpose described in subclause (I).

(ii) To implement the State Digital Equity Plan of the State.

(iii)(I) Subject to subclause (II), to award a grant to any entity that is described in section 60305(b) and is located in the eligible State in order to—

(aa) assist in the implementation of the State Digital Equity Plan of the State;

(bb) pursue digital inclusion activities in the State consistent with the State Digital Equity Plan of the State; and

(cc) report to the State regarding the digital inclusion activities of the entity.

(II) Before an administering entity for an eligible State may award a grant under subclause (I), the administering entity shall require the entity to which the grant is awarded to certify that—

(aa) the entity shall carry out the activities required under items (aa), (bb), and (cc) of that subclause;

(bb) the receipt of the grant shall not result in unjust enrichment of the entity; and

(cc) the entity shall cooperate with any evaluation—

(AA) of any program that relates to a grant awarded to the entity; and

(BB) that is carried out by or for the administering entity, the Assistant Secretary, or another Federal official.

(iv)(I) Subject to subclause (II), to evaluate the efficacy of the efforts funded by grants made under clause (iii).

(II) An administering entity for an eligible State to which a grant is awarded under this subsection may use not more than 5 percent of the amount of the grant for a purpose described in subclause (I).

(v)(I) Subject to subclause (II), for the administrative costs incurred in carrying out the activities described in clauses (i) through (iv).

Requirement.
Certification.

Evaluation.

Evaluation.

(II) An administering entity for an eligible State to which a grant is awarded under this subsection may use not more than 3 percent of the amount of the grant for a purpose described in subclause (I).

(e) ASSURANCES.—When applying for a grant under this section, a State shall include in the application for that grant assurances that—

(1) if an entity described in section 60305(b) is awarded grant funds under this section (referred to in this subsection as a “covered recipient”), provide that—

(A) the covered recipient shall use the grant funds in accordance with any applicable statute, regulation, and application procedure;

(B) the administering entity for that State shall adopt and use proper methods of administering any grant that the covered recipient is awarded, including by—

(i) enforcing any obligation imposed under law on any agency, institution, organization, or other entity that is responsible for carrying out the program to which the grant relates;

(ii) correcting any deficiency in the operation of a program to which the grant relates, as identified through an audit or another monitoring or evaluation procedure; and

Procedures.

(iii) adopting written procedures for the receipt and resolution of complaints alleging a violation of law with respect to a program to which the grant relates; and

Evaluation.

(C) the administering entity for that State shall cooperate in carrying out any evaluation—

(i) of any program that relates to a grant awarded to the covered recipient; and

(ii) that is carried out by or for the Assistant Secretary or another Federal official;

(2) the administering entity for that State shall—

(A) use fiscal control and fund accounting procedures that ensure the proper disbursement of, and accounting for, any Federal funds that the State is awarded under this section;

Reports.

(B) submit to the Assistant Secretary any reports that may be necessary to enable the Assistant Secretary to perform the duties of the Assistant Secretary under this section;

Records.
Determination.

(C) maintain any records and provide any information to the Assistant Secretary, including those records, that the Assistant Secretary determines is necessary to enable the Assistant Secretary to perform the duties of the Assistant Secretary under this section; and

Public comment.

(D) with respect to any significant proposed change or amendment to the State Digital Equity Plan for the State, make the change or amendment available for public comment in accordance with subsection (c)(2); and

Compliance.

(3) the State, before submitting to the Assistant Secretary the State Digital Equity Plan of the State, has complied with the requirements of subsection (c)(2).

(f) TERMINATION OF GRANT.—

(1) IN GENERAL.—The Assistant Secretary shall terminate a grant awarded to an eligible State under this section if, after notice to the State and opportunity for a hearing, the Assistant Secretary—

(A) presents to the State a rationale and supporting information that clearly demonstrates that—

(i) the grant funds are not contributing to the development or execution of the State Digital Equity Plan of the State, as applicable; and

(ii) the State is not upholding assurances made by the State to the Assistant Secretary under subsection (e); and

(B) determines that the grant is no longer necessary to achieve the original purpose for which Assistant Secretary awarded the grant. Determination.

(2) REDISTRIBUTION.—If the Assistant Secretary, in a fiscal year, terminates a grant under paragraph (1), the Assistant Secretary shall redistribute the unspent grant amounts—

(A) to eligible States to which the Assistant Secretary has awarded grants under subsection (d) for that fiscal year; and

(B) in accordance with the formula described in subsection (d)(3)(A)(i).

(g) REPORTING AND INFORMATION REQUIREMENTS; INTERNET DISCLOSURE.—The Assistant Secretary—

(1) shall—

(A) require any entity to which a grant, including a subgrant, is awarded under this section to publicly report, for each year during the period described in subsection (c)(3)(D)(ii) or (d)(3)(B), as applicable, with respect to the grant, and in a format specified by the Assistant Secretary, on— Public information.

(i) the use of that grant by the entity;

(ii) the progress of the entity towards fulfilling the objectives for which the grant was awarded; and

(iii) the implementation of the State Digital Equity Plan of the State;

(B) establish appropriate mechanisms to ensure that each eligible State to which a grant is awarded under this section—

(i) uses the grant amounts in an appropriate manner; and

(ii) complies with all terms with respect to the use of the grant amounts; and Compliance.

(C) create and maintain a fully searchable database, which shall be accessible on the internet at no cost to the public, that contains, at a minimum— Database.
Web posting.

(i) the application of each State that has applied for a grant under this section;

(ii) the status of each application described in clause (i);

(iii) each report submitted by an entity under subparagraph (A); Reports.

(iv) a record of public comments made regarding the State Digital Equity Plan of a State, as well as any written responses to or actions taken as a result of those comments; and Record.

- (v) any other information that is sufficient to allow the public to understand and monitor grants awarded under this section; and
- (2) may establish additional reporting and information requirements for any recipient of a grant under this section.
- (h) **SUPPLEMENT NOT SUPPLANT.**—A grant or subgrant awarded under this section shall supplement, not supplant, other Federal or State funds that have been made available to carry out activities described in this section.
- Contracts. (i) **SET ASIDES.**—From amounts made available in a fiscal year to carry out the Program, the Assistant Secretary shall reserve—
- (1) not more than 5 percent for the implementation and administration of the Program, which shall include—
- (A) providing technical support and assistance, including ensuring consistency in data reporting;
- (B) providing assistance to—
- (i) States, or administering entities for States, to prepare the applications of those States; and
- (ii) administering entities with respect to grants awarded under this section; and
- (C) developing the report required under section 60306(a);
- Native Americans. (2) not less than 5 percent to award grants to, or enter into contracts or cooperative agreements with, Indian Tribes, Alaska Native entities, and Native Hawaiian organizations to allow those tribes, entities, and organizations to carry out the activities described in this section; and
- Territories. (3) not less than 1 percent to award grants to, or enter into contracts or cooperative agreements with, the United States Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, and any other territory or possession of the United States that is not a State to enable those entities to carry out the activities described in this section.
- (j) **RULES.**—The Assistant Secretary may prescribe such rules as may be necessary to carry out this section.
- (k) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated—
- (1) \$60,000,000 for the award of grants under subsection (c)(3), which shall remain available until expended;
- (2) for the award of grants under subsection (d)—
- (A) \$240,000,000 for fiscal year 2022; and
- (B) \$300,000,000 for each of fiscal years 2023 through 2026; and
- (3) such sums as may be necessary to carry out this section for each fiscal year after the end of the 5-fiscal year period described in paragraph (2).
- 47 USC 1724. **SEC. 60305. DIGITAL EQUITY COMPETITIVE GRANT PROGRAM.**
- Deadline. (a) **ESTABLISHMENT.**—
- (1) **IN GENERAL.**—Not later than 30 days after the date on which the Assistant Secretary begins awarding grants under section 60304(d), and not before that date, the Assistant Secretary shall establish in the Department of Commerce the Digital Equity Competitive Grant Program (referred to in this section as the “Program”), the purpose of which is to award grants to support efforts to achieve digital equity, promote

digital inclusion activities, and spur greater adoption of broadband among covered populations.

(2) CONSULTATION; NO CONFLICT.—In establishing the Program under paragraph (1), the Assistant Secretary—

(A) may consult a State with respect to—

(i) the identification of groups described in subparagraphs (A) through (H) of section 60302(8) located in that State; and

(ii) the allocation of grant funds within that State for projects in or affecting the State; and

(B) shall—

(i) consult with—

(I) the Secretary of Agriculture;

(II) the Secretary of Housing and Urban Development;

(III) the Secretary of Education;

(IV) the Secretary of Labor;

(V) the Secretary of Health and Human Services;

(VI) the Secretary of Veterans Affairs;

(VII) the Secretary of the Interior;

(VIII) the Federal Communications Commission;

(IX) the Federal Trade Commission;

(X) the Director of the Institute of Museum and Library Services;

(XI) the Administrator of the Small Business Administration;

(XII) the Federal Co-Chair of the Appalachian Regional Commission; and

(XIII) the head of any other agency that the Assistant Secretary determines to be appropriate; and

Determination.

(ii) ensure that the Program complements and enhances, and does not conflict with, other Federal broadband initiatives and programs.

(b) ELIGIBILITY.—The Assistant Secretary may award a grant under the Program to any of the following entities if the entity is not serving, and has not served, as the administering entity for a State under section 60304(b):

(1) A political subdivision, agency, or instrumentality of a State, including an agency of a State that is responsible for administering or supervising adult education and literacy activities, or for providing public housing, in the State.

(2) An Indian Tribe, an Alaska Native entity, or a Native Hawaiian organization.

(3) A foundation, corporation, institution, or association that is—

(A) a not-for-profit entity; and

(B) not a school.

(4) A community anchor institution.

(5) A local educational agency.

(6) An entity that carries out a workforce development program.

(7) A partnership between any of the entities described in paragraphs (1) through (6).

(8) A partnership between—

(A) an entity described in any of paragraphs (1) through (6); and

(B) an entity that—

(i) the Assistant Secretary, by rule, determines to be in the public interest; and

(ii) is not a school.

(c) APPLICATION.—An entity that wishes to be awarded a grant under the Program shall submit to the Assistant Secretary an application—

(1) at such time, in such form, and containing such information as the Assistant Secretary may require; and

(2) that—

(A) provides a detailed explanation of how the entity will use any grant amounts awarded under the Program to carry out the purposes of the Program in an efficient and expeditious manner;

(B) identifies the period in which the applicant will expend the grant funds awarded under the Program;

(C) includes—

(i) a justification for the amount of the grant that the applicant is requesting; and

(ii) for each fiscal year in which the applicant will expend the grant funds, a budget for the activities that the grant funds will support;

(D) demonstrates to the satisfaction of the Assistant Secretary that the entity—

(i) is capable of carrying out—

(I) the project or function to which the application relates; and

(II) the activities described in subsection (h)—

(aa) in a competent manner; and

(bb) in compliance with all applicable Federal, State, and local laws; and

(ii) if the applicant is an entity described in subsection (b)(1), shall appropriate or otherwise unconditionally obligate from non-Federal sources funds that are necessary to meet the requirements of subsection (e);

(E) discloses to the Assistant Secretary the source and amount of other Federal, State, or outside funding sources from which the entity receives, or has applied for, funding for activities or projects to which the application relates; and

(F) provides—

(i) the assurances that are required under subsection (f); and

(ii) an assurance that the entity shall follow such additional procedures as the Assistant Secretary may require to ensure that grant funds are used and accounted for in an appropriate manner.

(d) AWARD OF GRANTS.—

(1) FACTORS CONSIDERED IN AWARD OF GRANTS.—In deciding whether to award a grant under the Program, the Assistant Secretary shall, to the extent practicable, consider—

(A) whether an application shall, if approved—

(i) increase internet access and the adoption of broadband among covered populations to be served by the applicant; and

(ii) not result in unjust enrichment;

(B) the comparative geographic diversity of the application in relation to other eligible applications; and

(C) the extent to which an application may duplicate or conflict with another program.

(2) USE OF FUNDS.—

(A) IN GENERAL.—In addition to the activities required under subparagraph (B), an entity to which the Assistant Secretary awards a grant under the Program shall use the grant amounts to support not less than 1 of the following activities:

(i) To develop and implement digital inclusion activities that benefit covered populations.

(ii) To facilitate the adoption of broadband by covered populations in order to provide educational and employment opportunities to those populations.

(iii) To implement, consistent with the purposes of this title—

(I) training programs for covered populations that cover basic, advanced, and applied skills; or

(II) other workforce development programs.

(iv) To make available equipment, instrumentation, networking capability, hardware and software, or digital network technology for broadband services to covered populations at low or no cost.

(v) To construct, upgrade, expend, or operate new or existing public access computing centers for covered populations through community anchor institutions.

(vi) To undertake any other project and activity that the Assistant Secretary finds to be consistent with the purposes for which the Program is established.

(B) EVALUATION.—

(i) IN GENERAL.—An entity to which the Assistant Secretary awards a grant under the Program shall use not more than 10 percent of the grant amounts to measure and evaluate the activities supported with the grant amounts.

(ii) SUBMISSION TO ASSISTANT SECRETARY.—An entity to which the Assistant Secretary awards a grant under the Program shall submit to the Assistant Secretary each measurement and evaluation performed under clause (i)—

Deadlines.

(I) in a manner specified by the Assistant Secretary;

(II) not later than 15 months after the date on which the entity is awarded the grant amounts; and

(III) annually after the submission described in subclause (II) for any year in which the entity expends grant amounts.

(C) ADMINISTRATIVE COSTS.—An entity to which the Assistant Secretary awards a grant under the Program may use not more than 10 percent of the amount of the

	grant for administrative costs in carrying out any of the activities described in subparagraph (A).
Effective dates.	(D) TIME LIMITATIONS.—With respect to a grant awarded to an entity under the Program, the entity— (i) except as provided in clause (ii), shall expend the grant amounts during the 4-year period beginning on the date on which the entity is awarded the grant amounts; and (ii) during the 1-year period beginning on the date that is 4 years after the date on which the entity is awarded the grant amounts, may continue to measure and evaluate the activities supported with the grant amounts, as required under subparagraph (B).
	(e) FEDERAL SHARE.— (1) IN GENERAL.—Except as provided in paragraph (2), the Federal share of any project for which the Assistant Secretary awards a grant under the Program may not exceed 90 percent.
Waiver.	(2) EXCEPTION.—The Assistant Secretary may grant a waiver with respect to the limitation on the Federal share of a project described in paragraph (1) if— (A) the applicant with respect to the project petitions the Assistant Secretary for the waiver; and
Petitions.	(B) the Assistant Secretary determines that the petition described in subparagraph (A) demonstrates financial need.
Determination.	(f) ASSURANCES.—When applying for a grant under this section, an entity shall include in the application for that grant assurances that the entity shall— (1) use any grant funds that the entity is awarded— (A) in accordance with any applicable statute, regulation, and application procedure; and (B) to the extent required under applicable law; (2) adopt and use proper methods of administering any grant that the entity is awarded, including by— (A) enforcing any obligation imposed under law on any agency, institution, organization, or other entity that is responsible for carrying out a program to which the grant relates; (B) correcting any deficiency in the operation of a program to which the grant relates, as identified through an audit or another monitoring or evaluation procedure; and
Procedures.	(C) adopting written procedures for the receipt and resolution of complaints alleging a violation of law with respect to a program to which the grant relates;
	(3) cooperate with respect to any evaluation— (A) of any program that relates to a grant awarded to the entity; and (B) that is carried out by or for the Assistant Secretary or another Federal official;
	(4) use fiscal control and fund accounting procedures that ensure the proper disbursement of, and accounting for, any Federal funds that the entity is awarded under the Program;
Reports.	(5) submit to the Assistant Secretary any reports that may be necessary to enable the Assistant Secretary to perform the duties of the Assistant Secretary under the Program; and

(6) maintain any records and provide any information to the Assistant Secretary, including those records, that the Assistant Secretary determines is necessary to enable the Assistant Secretary to perform the duties of the Assistant Secretary under the Program.

Records.
Determination.

(g) DEOBLIGATION OR TERMINATION OF GRANT.—In addition to other authority under applicable law, the Assistant Secretary may—

(1) deobligate or terminate a grant awarded to an entity under this section if, after notice to the entity and opportunity for a hearing, the Assistant Secretary—

(A) presents to the entity a rationale and supporting information that clearly demonstrates that—

(i) the grant funds are not being used in a manner that is consistent with the application with respect to the grant submitted by the entity under subsection (c); and

(ii) the entity is not upholding assurances made by the entity to the Assistant Secretary under subsection (f); and

(B) determines that the grant is no longer necessary to achieve the original purpose for which Assistant Secretary awarded the grant; and

Determination.

(2) with respect to any grant funds that the Assistant Secretary deobligates or terminates under paragraph (1), competitively award the grant funds to another applicant, consistent with the requirements of this section.

(h) REPORTING AND INFORMATION REQUIREMENTS; INTERNET DISCLOSURE.—The Assistant Secretary—

(1) shall—

(A) require any entity to which the Assistant Secretary awards a grant under the Program to, for each year during the period described in subsection (d)(2)(D) with respect to the grant, submit to the Assistant Secretary a report, in a format specified by the Assistant Secretary, regarding—

(i) the amount of the grant;

(ii) the use by the entity of the grant amounts; and

(iii) the progress of the entity towards fulfilling the objectives for which the grant was awarded;

(B) establish mechanisms to ensure appropriate use of, and compliance with respect to all terms regarding, grant funds awarded under the Program;

(C) create and maintain a fully searchable database, which shall be accessible on the internet at no cost to the public, that contains, at a minimum—

Database.
Web posting.

(i) a list of each entity that has applied for a grant under the Program;

List.

(ii) a description of each application described in clause (i), including the proposed purpose of each grant described in that clause;

(iii) the status of each application described in clause (i), including whether the Assistant Secretary has awarded a grant with respect to the application and, if so, the amount of the grant;

(iv) each report submitted by an entity under subparagraph (A); and

Reports.

Public information.	(v) any other information that is sufficient to allow the public to understand and monitor grants awarded under the Program; and (D) ensure that any entity with respect to which an award is deobligated or terminated under subsection (g) may, in a timely manner, appeal or otherwise challenge that deobligation or termination, as applicable; and (2) may establish additional reporting and information requirements for any recipient of a grant under the Program. (i) SUPPLEMENT NOT SUPPLANT.—A grant awarded to an entity under the Program shall supplement, not supplant, other Federal or State funds that have been made available to the entity to carry out activities described in this section.
Contracts.	(j) SET ASIDES.—From amounts made available in a fiscal year to carry out the Program, the Assistant Secretary shall reserve— (1) 5 percent for the implementation and administration of the Program, which shall include— (A) providing technical support and assistance, including ensuring consistency in data reporting; (B) providing assistance to entities to prepare the applications of those entities with respect to grants awarded under this section; (C) developing the report required under section 60306(a); and (D) conducting outreach to entities that may be eligible to be awarded a grant under the Program regarding opportunities to apply for such a grant;
Native Americans.	(2) 5 percent to award grants to, or enter into contracts or cooperative agreements with, Indian Tribes, Alaska Native entities, and Native Hawaiian organizations to allow those tribes, entities, and organizations to carry out the activities described in this section; and
Territories.	(3) 1 percent to award grants to, or enter into contracts or cooperative agreements with, the United States Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, and any other territory or possession of the United States that is not a State to enable those entities to carry out the activities described in this section.
Time periods.	(k) RULES.—The Assistant Secretary may prescribe such rules as may be necessary to carry out this section. (l) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section— (1) \$250,000,000 for each of the first 5 fiscal years in which funds are made available to carry out this section; and (2) such sums as may be necessary for each fiscal year after the end of the 5-fiscal year period described in paragraph (1).
47 USC 1725.	SEC. 60306. POLICY RESEARCH, DATA COLLECTION, ANALYSIS AND MODELING, EVALUATION, AND DISSEMINATION. (a) REPORTING REQUIREMENTS.— (1) IN GENERAL.—Not later than 1 year after the date on which the Assistant Secretary begins awarding grants under section 60304(d)(1), and annually thereafter, the Assistant Secretary shall—

(A) submit to the appropriate committees of Congress a report that documents, for the year covered by the report—

(i) the findings of each evaluation conducted under subparagraph (B);

(ii) a list of each grant awarded under each covered program, which shall include— List.

(I) the amount of each such grant;

(II) the recipient of each such grant; and

(III) the purpose for which each such grant was awarded;

(iii) any deobligation, termination, or modification of a grant awarded under the covered programs, which shall include a description of the subsequent usage of any funds to which such an action applies; and

(iv) each challenge made by an applicant for, or a recipient of, a grant under the covered programs and the outcome of each such challenge; and

(B) conduct evaluations of the activities carried out under the covered programs, which shall include an evaluation of—

(i) whether eligible States to which grants are awarded under the program established under section 60304 are—

(I) abiding by the assurances made by those States under subsection (e) of that section;

(II) meeting, or have met, the stated goals of the Digital Equity Plans developed by the States under subsection (c) of that section;

(III) satisfying the requirements imposed by the Assistant Secretary on those States under subsection (g) of that section; and

(IV) in compliance with any other rules, requirements, or regulations promulgated by the Assistant Secretary in implementing that program; and

(ii) whether entities to which grants are awarded under the program established under section 60305 are—

(I) abiding by the assurances made by those entities under subsection (f) of that section;

(II) meeting, or have met, the stated goals of those entities with respect to the use of the grant amounts;

(III) satisfying the requirements imposed by the Assistant Secretary on those States under subsection (h) of that section; and

(IV) in compliance with any other rules, requirements, or regulations promulgated by the Assistant Secretary in implementing that program.

(2) PUBLIC AVAILABILITY.—The Assistant Secretary shall make each report submitted under paragraph (1)(A) publicly available in an online format that—

Web posting.

(A) facilitates access and ease of use;

(B) is searchable; and

(C) is accessible—

(i) to individuals with disabilities; and

(ii) in languages other than English.

Determination. (b) **AUTHORITY TO CONTRACT AND ENTER INTO OTHER ARRANGEMENTS.**—The Assistant Secretary may award grants and enter into contracts, cooperative agreements, and other arrangements with Federal agencies, public and private organizations, and other entities with expertise that the Assistant Secretary determines appropriate in order to—

(1) evaluate the impact and efficacy of activities supported by grants awarded under the covered programs; and

(2) develop, catalog, disseminate, and promote the exchange of best practices, both with respect to and independent of the covered programs, in order to achieve digital equity.

(c) **CONSULTATION AND PUBLIC ENGAGEMENT.**—In carrying out subsection (a), and to further the objectives described in paragraphs (1) and (2) of subsection (b), the Assistant Secretary shall conduct ongoing collaboration and consult with—

(1) the Secretary of Agriculture;

(2) the Secretary of Housing and Urban Development;

(3) the Secretary of Education;

(4) the Secretary of Labor;

(5) the Secretary of Health and Human Services;

(6) the Secretary of Veterans Affairs;

(7) the Secretary of the Interior;

(8) the Federal Communications Commission;

(9) the Federal Trade Commission;

(10) the Director of the Institute of Museum and Library Services;

(11) the Administrator of the Small Business Administration;

(12) the Federal Co-Chair of the Appalachian Regional Commission;

(13) State agencies and governors of States (or equivalent officials);

(14) entities serving as administering entities for States under section 60304(b);

(15) national, State, tribal, and local organizations that provide digital inclusion, digital equity, or digital literacy services;

(16) researchers, academics, and philanthropic organizations; and

Determination. (17) other agencies, organizations (including international organizations), entities (including entities with expertise in the fields of data collection, analysis and modeling, and evaluation), and community stakeholders, as determined appropriate by the Assistant Secretary.

(d) **TECHNICAL SUPPORT AND ASSISTANCE.**—The Assistant Secretary shall provide technical support and assistance, assistance to entities to prepare the applications of those entities with respect to grants awarded under the covered programs, and other resources, to the extent practicable, to ensure consistency in data reporting and to meet the objectives of this section.

(e) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated such sums as may be necessary to carry out this section, which shall remain available until expended.

SEC. 60307. GENERAL PROVISIONS.

(a) **NONDISCRIMINATION.**—

(1) **IN GENERAL.**—No individual in the United States may, on the basis of actual or perceived race, color, religion, national origin, sex, gender identity, sexual orientation, age, or disability, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity that is funded in whole or in part with funds made available to carry out this title.

(2) **ENFORCEMENT.**—The Assistant Secretary shall effectuate paragraph (1) with respect to any program or activity described in that paragraph by issuing regulations and taking actions consistent with section 602 of the Civil Rights Act of 1964 (42 U.S.C. 2000d–1).

(3) **JUDICIAL REVIEW.**—Judicial review of an action taken by the Assistant Secretary under paragraph (2) shall be available to the extent provided in section 603 of the Civil Rights Act of 1964 (42 U.S.C. 2000d–2).

(b) **TECHNOLOGICAL NEUTRALITY.**—The Assistant Secretary shall, to the extent practicable, carry out this title in a technologically neutral manner.

(c) **AUDIT AND OVERSIGHT.**—Beginning in the first fiscal year in which amounts are made available to carry out an activity authorized under this title, and in each of the 4 fiscal years thereafter, there is authorized to be appropriated to the Office of Inspector General for the Department of Commerce \$1,000,000 for audits and oversight of funds made available to carry out this title, which shall remain available until expended.

Effective date.
Time periods.
Appropriation
authorization.

TITLE IV—ENABLING MIDDLE MILE BROADBAND INFRASTRUCTURE

SEC. 60401. ENABLING MIDDLE MILE BROADBAND INFRASTRUCTURE. 47 USC 1741.

(a) **DEFINITIONS.**—In this section:

(1) **ANCHOR INSTITUTION.**—The term “anchor institution” means a school, library, medical or healthcare provider, community college or other institution of higher education, or other community support organization or entity.

(2) **ASSISTANT SECRETARY.**—The term “Assistant Secretary” means the Assistant Secretary of Commerce for Communications and Information.

(3) **COMMISSION.**—The term “Commission” means the Federal Communications Commission.

(4) **ELIGIBLE ENTITY.**—The term “eligible entity” means—

(A) a State, political subdivision of a State, Tribal government, technology company, electric utility, utility cooperative, public utility district, telecommunications company, telecommunications cooperative, nonprofit foundation, nonprofit corporation, nonprofit institution, nonprofit association, regional planning counsel, Native entity, or economic development authority; or

(B) a partnership of 2 or more entities described in subparagraph (A).

(5) **FCC FIXED BROADBAND MAP.**—The term “FCC fixed broadband map” means the map created by the Commission under section 802(c)(1)(B) of the Communications Act of 1934 (47 U.S.C. 642(c)(1)(B)).

(6) INDIAN TRIBE.—The term “Indian Tribe” has the meaning given the term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5304)).

(7) INTERCONNECT.—The term “interconnect” means the physical linking of 2 networks for the mutual exchange of traffic on non-discriminatory terms and conditions.

(8) INTERNET EXCHANGE FACILITY.—The term “internet exchange facility” means physical infrastructure through which internet service providers and content delivery networks exchange internet traffic between their networks.

(9) MIDDLE MILE INFRASTRUCTURE.—The term “middle mile infrastructure”—

(A) means any broadband infrastructure that does not connect directly to an end-user location, including an anchor institution; and

(B) includes—

(i) leased dark fiber, interoffice transport, backhaul, carrier-neutral internet exchange facilities, carrier-neutral submarine cable landing stations, undersea cables, transport connectivity to data centers, special access transport, and other similar services; and

(ii) wired or private wireless broadband infrastructure, including microwave capacity, radio tower access, and other services or infrastructure for a private wireless broadband network, such as towers, fiber, and microwave links.

(10) MIDDLE MILE GRANT.—The term “middle mile grant” means a grant awarded under subsection (c).

(11) NATIVE ENTITY.—The term “Native entity” means—

(A) an Indian Tribe;

(B) an Alaska Native Corporation;

(C) a Native Hawaiian organization (as defined in section 6207 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7517));

(D) the Department of Hawaiian Home Lands; and

(E) the Office of Hawaiian Affairs.

(12) STATE.—The term “State” has the meaning given the term in section 3 of the Communications Act of 1934 (47 U.S.C. 153).

(13) SUBMARINE CABLE LANDING STATION.—The term “submarine cable landing station” means a cable landing station, as that term is used in section 1.767(a)(5) of title 47, Code of Federal Regulations (or any successor regulation), that can be utilized to land a submarine cable by an entity that has obtained a license under the first section of the Act entitled “An Act relating to the landing and operation of submarine cables in the United States”, approved May 27, 1921 (47 U.S.C. 34) (commonly known as the “Cable Landing Licensing Act”).

(14) TRIBAL GOVERNMENT.—The term “Tribal government” means the recognized governing body of any Indian or Alaska Native tribe, band, nation, pueblo, village, community, component band, or component reservation, individually identified (including parenthetically) in the list published most recently as of the date of enactment of this Act pursuant to section 104 of the Federally Recognized Indian Tribe List Act of 1994 (25 U.S.C. 5131).

(15) TRUST LAND.—The term “trust land” has the meaning given the term in section 3765 of title 38, United States Code.

(16) UNDERSERVED.—The term “underserved”, with respect to an area, means an area—

(A) that is designated as a Tribally underserved area through the process described in subsection (g); or

(B) that—

(i) is of a standard size not larger than a census block, as established by the Commission;

(ii) is not an unserved area; and

(iii) as determined in accordance with the FCC fixed broadband map, does not have access to broadband service with—

(I) except as provided in subclause (II)—

(aa) a download speed of not less than 100 megabits per second; and

(bb) an upload speed of not less than 20 megabits per second; or

(II) minimum download and upload speeds established as benchmarks by the Commission for purposes of this Act after the date of enactment of this Act, if those minimum speeds are higher than the minimum speeds required under subclause (I).

(17) UNSERVED.—The term “unserved”, with respect to an area, means an area—

(A) that is designated as a Tribally underserved area through the process described in subsection (g); or

(B) that—

(i) is of a standard size not larger than a census block, as established by the Commission; and

(ii) as determined in accordance with the FCC fixed broadband map, does not have access to broadband service with—

(I) except as provided in subclause (II)—

(aa) a download speed of not less than 25 megabits per second; and

(bb) an upload speed of not less than 3 megabits per second; or

(II) minimum download and upload speeds established as benchmarks by the Commission for purposes of this Act after the date of enactment of this Act, if those minimum speeds are higher than the minimum speeds required under subclause (I).

(b) PURPOSE; SENSE OF CONGRESS.—

(1) PURPOSE.—The purposes of this section are—

(A) to encourage the expansion and extension of middle mile infrastructure to reduce the cost of connecting unserved and underserved areas to the backbone of the internet (commonly referred to as the “last mile”); and

(B) to promote broadband connection resiliency through the creation of alternative network connection paths that can be designed to prevent single points of failure on a broadband network.

(2) SENSE OF CONGRESS.—It is the sense of Congress that—

(A) in awarding middle mile grants, the Assistant Secretary should give priority to—

(i) projects that leverage existing rights-of-way, assets, and infrastructure to minimize financial, regulatory, and permitting challenges;

(ii) projects in which the eligible entity designs the route of the middle mile infrastructure to enable the connection of unserved anchor institutions, including Tribal anchor institutions; and

(iii) projects that facilitate the development of carrier-neutral interconnection facilities; and

(iv) projects that—

(I) improve the redundancy and resiliency of existing middle mile infrastructure; and

(II) reduce regulatory and permitting barriers to promote the construction of new middle mile infrastructure; and

(B) a regulated utility should use funds received from a middle mile grant as a supplement to the core utility capital investment plan of the regulated utility to—

(i) facilitate increased broadband resiliency or redundancy of existing middle mile infrastructure; or

(ii) provide connectivity to unserved areas and underserved areas within the service territory of the utility and nearby communities.

(c) MIDDLE MILE GRANTS.—The Assistant Secretary shall establish a program under which the Assistant Secretary makes grants on a technology-neutral, competitive basis to eligible entities for the construction, improvement, or acquisition of middle mile infrastructure.

(d) APPLICATIONS FOR GRANTS.—

(1) IN GENERAL.—The Assistant Secretary shall establish an application process for middle mile grants in accordance with this subsection.

(2) EVALUATION OF APPLICATIONS.—In establishing an application process for middle mile grants under paragraph (1), the Assistant Secretary shall give priority to an application from an eligible entity that satisfies 2 or more of the following conditions:

(A) The eligible entity adopts fiscally sustainable middle mile strategies.

(B) The eligible entity commits to offering non-discriminatory interconnect to terrestrial and wireless last mile broadband providers and any other party making a bona fide request.

(C) The eligible entity identifies specific terrestrial and wireless last mile broadband providers that have—

(i) expressed written interest in interconnecting with middle mile infrastructure planned to be deployed by the eligible entity; and

(ii) demonstrated sustainable business plans or adequate funding sources with respect to the interconnect described in clause (i).

(D) The eligible entity has identified supplemental investments or in-kind support (such as waived franchise or permitting fees) that will accelerate the completion of the planned project.

(E) The eligible entity has demonstrated that the middle mile infrastructure will benefit national security interests of the United States and the Department of Defense.

(3) GRANT APPLICATION COMPETENCE.—The Assistant Secretary shall include in the application process established under paragraph (1) a requirement that an eligible entity provide evidence that the eligible entity is capable of carrying out a proposed project in a competent manner, including by demonstrating that the eligible entity has the financial, technical, and operational capability to carry out the proposed project and operate the resulting middle mile broadband network.

Requirement.

(e) ELIGIBILITY.—

(1) PRIORITIZATION.—To be eligible to obtain a middle mile grant, an eligible entity shall agree, in the application submitted through the process established under subsection (d), to prioritize—

(A) connecting middle mile infrastructure to last mile networks that provide or plan to provide broadband service to households in unserved areas;

(B) connecting non-contiguous trust lands; or

(C) the offering of wholesale broadband service at reasonable rates on a carrier-neutral basis.

(2) BUILDOUT TIMELINE.—Subject to paragraph (5), to be eligible to obtain a middle mile grant, an eligible entity shall agree, in the application submitted through the process established under subsection (d), to complete buildout of the middle mile infrastructure described in the application by not later than 5 years after the date on which amounts from the grant are made available to the eligible entity.

Deadline.

(3) PROJECT ELIGIBILITY REQUIREMENTS.—

(A) CAPABILITY TO SUPPORT RETAIL BROADBAND SERVICE.—A project shall be eligible for a middle mile grant if, at the time of the application, the Assistant Secretary determines that the proposed middle mile broadband network will be capable of supporting retail broadband service.

Determination.

(B) MAPPING DATA.—

(i) USE OF MOST RECENT DATA.—In mapping out gaps in broadband coverage, an eligible entity that uses a middle mile grant to build out terrestrial or fixed wireless middle mile infrastructure shall use the most recent broadband mapping data available from one of the following sources:

(I) The FCC fixed broadband map.

(II) The State in which the area that will be served by the middle mile infrastructure is located, or the Tribal government with jurisdiction over the area that will be served by the middle mile infrastructure (if applicable).

(III) Speed and usage surveys of existing broadband service that—

(aa) demonstrate that more than 25 percent of the respondents display a broadband service speed that is slower than the speeds required for an area to qualify as unserved; and

(bb) are conducted by—

(AA) the eligible entity;

(BB) the State in which the area that will be served by the middle mile infrastructure is located; or

(CC) the Tribal government with jurisdiction over the area that will be served by the middle mile infrastructure (if applicable).

(ii) SHARING FACILITY LOCATIONS.—

(I) DEFINITION.—In this clause, the term “covered recipient”, with respect to an eligible entity, means—

(aa) the Assistant Secretary;

(bb) the Commission;

(cc) the Tribal government with jurisdiction over the area that will be served by the middle mile infrastructure (if applicable); and

(dd) the State broadband office for the State in which the area that will be served by the middle mile infrastructure is located.

(II) PROVISION OF INFORMATION.—Subject to subclauses (III) and (IV), an eligible entity that constructs, improves, or acquires middle mile infrastructure using a middle mile grant shall share with each covered recipient the location of all the middle mile broadband infrastructure.

(III) FORMAT.—An eligible entity shall provide the information required under subclause (II) to each covered recipient in a uniform format determined by the Assistant Secretary.

(IV) PROTECTION OF INFORMATION.—

(aa) IN GENERAL.—The information provided by an eligible entity under subclause (II) may only be used for purposes of carrying out the grant program under subsection (c) and any reporting related thereto.

(bb) LEGAL DEFENSES.—

(AA) IN GENERAL.—A covered recipient may not receive information under subclause (II) unless the covered recipient agrees in writing to assert all available legal defenses to the disclosure of the information if a person or entity seeks disclosure from the covered recipient under any Federal, State, or local public disclosure law.

(BB) RULE OF CONSTRUCTION.—Nothing in subitem (AA) is intended to be or shall be construed as a waiver of Tribal sovereign immunity.

(C) CONNECTION TO ANCHOR INSTITUTIONS.—To the extent feasible, an eligible entity that receives a middle mile grant to build middle mile infrastructure using fiber optic technology shall—

Determination.

(i) ensure that the proposed middle mile broadband network will be capable of providing broadband to an anchor institution at a speed of not less than—

(I) 1 gigabit per second for downloads; and

(II) 1 gigabit per second for uploads to an anchor institution; and

(ii) include direct interconnect facilities that will facilitate the provision of broadband service to anchor institutions located within 1,000 feet of the middle mile infrastructure.

(D) INTERCONNECTION AND NONDISCRIMINATION.—

(i) IN GENERAL.—An eligible entity that receives a middle mile grant to build a middle mile project using fiber optic technology shall offer interconnection in perpetuity, where technically feasible without exceeding current or reasonably anticipated capacity limitations, on reasonable rates and terms to be negotiated with requesting parties.

(ii) NATURE OF INTERCONNECTION.—The interconnection required to be offered under clause (i) includes both the ability to connect to the public internet and physical interconnection for the exchange of traffic.

(iii) INCLUSION IN APPLICATION.—An applicant for a middle mile grant shall disclose the applicant’s proposed interconnection, nondiscrimination, and network management practices in the application submitted through the process established under subsection (d).

(4) ACCOUNTABILITY.—The Assistant Secretary shall—

(A) establish sufficient transparency, accountability, reporting, and oversight measures for the grant program established under subsection (c) to deter waste, fraud, and abuse of program funds; and

(B) establish—

(i) buildout requirements for each eligible entity that receives a middle mile grant, which shall require the completion of a certain percentage of project miles by a certain date; and Requirements.

(ii) penalties, which may include rescission of funds, for grantees that do not meet requirements described in clause (i) or the deadline under paragraph (2). Penalties.

(5) EXTENSIONS.—

(A) IN GENERAL.—At the request of an eligible entity, the Assistant Secretary may extend the buildout deadline under paragraph (2) by not more than 1 year if the eligible entity certifies that— Certification.

(i) the eligible entity has a plan for use of the middle mile grant;

(ii) the project to build out middle mile infrastructure is underway; or

(iii) extenuating circumstances require an extension of time to allow completion of the project to build out middle mile infrastructure.

(B) EFFECT ON INTERIM BUILDOUT REQUIREMENTS.—

If the Assistant Secretary grants an extension under subparagraph (A), the Assistant Secretary shall modify

- any buildout requirements established under paragraph (4)(B)(i) as necessary.
- (f) **FEDERAL SHARE.**—The amount of a middle mile grant awarded to an eligible entity may not exceed 70 percent of the total project cost.
- Consultations. (g) **SPECIAL RULES FOR TRIBAL GOVERNMENTS.**—
- (1) **WAIVERS; ALTERNATIVE REQUIREMENTS.**—The Assistant Secretary, in consultation with Tribal governments and Native entities, may waive, or specify alternative requirements for, any provision of subsections (c) through (f) if the Assistant Secretary finds that the waiver or alternative requirement is necessary—
- (A) for the effective delivery and administration of middle mile grants to Tribal governments; or
- (B) the construction, improvement, or acquisition of middle mile infrastructure on trust land.
- (2) **TRIBALLY UNSERVED AREAS; TRIBALLY UNDERSERVED AREAS.**—The Assistant Secretary, in consultation with Tribal governments and Native entities, shall develop a process for designating Tribally unserved areas and Tribally underserved areas for purposes of this section.
- Time period. (h) **AUTHORIZATION OF APPROPRIATIONS.**—There is authorized to be appropriated to carry out this section \$1,000,000,000 for fiscal years 2022 through 2026.

TITLE V—BROADBAND AFFORDABILITY

47 USC 1751.

SEC. 60501. DEFINITIONS.

In this title—

(1) the term “broadband internet access service” has the meaning given the term in section 8.1(b) of title 47, Code of Federal Regulations, or any successor regulation; and

(2) the term “Commission” means the Federal Communications Commission.

SEC. 60502. BROADBAND AFFORDABILITY.

(a) **EXTENSION AND MODIFICATION OF EMERGENCY BROADBAND BENEFIT.**—

47 USC 1301
note, 1752.

(1) **EXTENSION.**—Section 904 of division N of the Consolidated Appropriations Act, 2021 (Public Law 116–260) is amended—

(A) in the heading, by striking “**DURING EMERGENCY PERIOD RELATING TO COVID–19**”;

(B) in subsection (a)—

(i) by striking paragraph (8); and

(ii) by redesignating paragraphs (9) through (13) as paragraphs (8) through (12), respectively; and

(C) in subsection (b)—

(i) in paragraph (1), by striking “during the emergency period”;

(ii) in paragraph (4), by striking “during the emergency period”; and

(iii) in paragraph (5), by striking “during the emergency period,”.

(2) **CHANGE TO PROGRAM NAME.**—Section 904 of division N of the Consolidated Appropriations Act, 2021 (Public Law

116–260), as amended by paragraph (1) of this subsection, is amended—

(A) in subsection (a)(7), in the heading, by striking “EMERGENCY BROADBAND” and inserting “AFFORDABLE CONNECTIVITY”;

(B) in subsection (b), in the heading, by striking “EMERGENCY BROADBAND BENEFIT” and inserting “AFFORDABLE CONNECTIVITY”;

(C) in subsection (i), in the heading, by striking “EMERGENCY BROADBAND” and inserting “AFFORDABLE”;

(D) by striking “Emergency Broadband Benefit” each place the term appears and inserting “Affordable Connectivity”;

(E) by striking “Emergency Broadband” each place the term appears and inserting “Affordable”; and

(F) by striking “emergency broadband” each place the term appears and inserting “affordable connectivity”.

(3) OTHER INITIAL MODIFICATIONS.—Section 904 of division N of the Consolidated Appropriations Act, 2021 (Public Law 116–260), as amended by paragraph (2) of this subsection, is amended—

(A) in subsection (a)(7)—

(i) by striking “The term” and inserting the following:

“(A) IN GENERAL.—Subject to subparagraph (B), the term”; and

(ii) by adding at the end the following:

“(B) HIGH-COST AREAS.—The Commission shall, by regulation, establish a mechanism by which a participating provider in a high-cost area (as defined in section 60102(a)(2) of the Infrastructure Investment and Jobs Act) may provide an affordable connectivity benefit in an amount up to the amount specified in subparagraph (A) for an internet service offering provided on Tribal land upon a showing that the applicability of the lower limit under subparagraph (A) to the provision of the affordable connectivity benefit by the provider would cause particularized economic hardship to the provider such that the provider may not be able to maintain the operation of part or all of its broadband network.”;

Regulations.

(B) in subsection (b)—

(i) by redesignating paragraphs (7) through (10) as paragraphs (12) through (15), respectively;

(ii) by inserting after paragraph (6) the following:

“(7) REQUIREMENT TO ALLOW CUSTOMERS TO APPLY AFFORDABLE CONNECTIVITY BENEFIT TO ANY INTERNET SERVICE OFFERING.—

“(A) IN GENERAL.—A participating provider—

“(i) shall allow an eligible household to apply the affordable connectivity benefit to any internet service offering of the participating provider at the same terms available to households that are not eligible households; and

“(ii) may not require the eligible household to submit to a credit check in order to apply the affordable connectivity benefit to an internet service offering of the participating provider.

“(B) NONPAYMENT.—Nothing in subparagraph (A) shall prevent a participating provider from terminating the provision of broadband internet access service to a subscriber after 90 days of nonpayment.

“(8) PUBLIC AWARENESS.—A participating provider, in collaboration with the applicable State agencies, public interest groups, and non-profit organizations, in order to increase the adoption of broadband internet access service by consumers, shall carry out public awareness campaigns in service areas that are designed to highlight—

“(A) the value and benefits of broadband internet access service; and

“(B) the existence of the Affordable Connectivity Program.

“(9) OVERSIGHT.—The Commission—

“(A) shall establish a dedicated complaint process for consumers who participate in the Affordable Connectivity Program to file complaints about the compliance of participating providers with, including with respect to the quality of service received under, the Program;

Requirement.

“(B) shall require a participating provider to supply information about the existence of the complaint process described in subparagraph (A) to subscribers who participate in the Affordable Connectivity Program;

“(C)(i) shall act expeditiously to investigate potential violations of and enforce compliance with this section, including under clause (ii) of this subparagraph; and

“(ii) in enforcing compliance with this section, may impose forfeiture penalties under section 503 of the Communications Act of 1934 (47 U.S.C. 503); and

Public
information.
Reports.

“(D) shall regularly issue public reports about complaints regarding the compliance of participating providers with the Affordable Connectivity Program.

“(10) INFORMATION ON AFFORDABLE CONNECTIVITY PROGRAM.—

Notification.

“(A) PARTICIPATING PROVIDERS.—When a customer subscribes to, or renews a subscription to, an internet service offering of a participating provider, the participating provider shall notify the customer about the existence of the Affordable Connectivity Program and how to enroll in the Program.

“(B) FEDERAL AGENCIES.—The Commission shall collaborate with relevant Federal agencies, including to ensure relevant Federal agencies update their System of Records Notices, to ensure that a household that participates in any program that qualifies the household for the Affordable Connectivity Program is provided information about the Program, including how to enroll in the Program.

“(C) COMMISSION OUTREACH.—

“(i) IN GENERAL.—The Commission may conduct outreach efforts to encourage eligible households to enroll in the Affordable Connectivity Program.

“(ii) ACTIVITIES.—In carrying out clause (i), the Commission may—

“(I) facilitate consumer research;

“(II) conduct focus groups;

“(III) engage in paid media campaigns;

“(IV) provide grants to outreach partners; and
 “(V) provide an orderly transition for participating providers and consumers from the Emergency Broadband Benefit Program established under paragraph (1) (as that paragraph was in effect on the day before the date of enactment of the Infrastructure Investment and Jobs Act) to the Affordable Connectivity Program.

“(11) CONSUMER PROTECTION ISSUES.—

“(A) IN GENERAL.—The Commission shall, after providing notice and opportunity for comment in accordance with section 553 of title 5, United States Code, promulgate rules to protect consumers who participate in, or seek to participate in, the Affordable Connectivity Program from—

Notice.
Public comment.
Regulations.

“(i) inappropriate upselling or downselling by a participating provider;

“(ii) inappropriate requirements that a consumer opt in to an extended service contract as a condition of participating in the Affordable Connectivity Program;

“(iii) inappropriate restrictions on the ability of a consumer to switch internet service offerings or otherwise apply support from the Affordable Connectivity Program to a different internet service offering with a participating provider;

“(iv) inappropriate restrictions on the ability of a consumer to switch participating providers, other than a requirement that the customer return any customer premises equipment provided by a participating provider; and

“(v) similar restrictions that amount to unjust and unreasonable acts or practices that undermine the purpose, intent, or integrity of the Affordable Connectivity Program.

“(B) EXCEPTIONS.—In complying with this paragraph, the Commission may take advantage of the exceptions set forth in subsections (e) and (f).”; and

“(iii) in paragraph (14), as so redesignated, by striking “paragraph (7)” and inserting “paragraph (12)”.

(b) DELAYED AMENDMENTS TO AFFORDABLE CONNECTIVITY PROGRAM.—

(1) IN GENERAL.—Effective on the date on which the Commission submits the certification required under paragraph (4), or December 31, 2021, whichever is earlier, section 904 of division N of the Consolidated Appropriations Act, 2021 (Public Law 116–260), as amended by subsection (a) of this section, is amended—

Effective date.

(A) in subsection (a)—

47 USC 1752 and
note.

(i) in paragraph (6)—

(I) in subparagraph (A), by inserting before the semicolon at the end the following: “except that such subsection (a), including for purposes of such subsection (b), shall be applied by substituting ‘200 percent’ for ‘135 percent’”;
 (II) by striking subparagraph (C);

- (III) by redesignating subparagraphs (D) and (E) as subparagraphs (C) and (D), respectively;
- (IV) in subparagraph (C), as so redesignated, by striking “or” at the end;
- (V) in subparagraph (D), as so redesignated—
 - (aa) by striking “or COVID–19”; and
 - (bb) by striking the period at the end and inserting “; or”; and
- (VI) by adding at the end the following:

“(E) at least one member of the household receives assistance through the special supplemental nutritional program for women, infants, and children established by section 17 of the Child Nutrition Act of 1996 (42 U.S.C. 1786).”;

- (ii) in paragraph (7)—

- (I) by striking “which shall be no more than the standard rate for an internet service offering and associated equipment,”; and

- (II) by striking “\$50” and inserting “\$30”;

- (iii) in paragraph (8), as so redesignated by subsection (a) of this section, by striking “, offered in the same manner, and on the same terms, as described in any of such provider’s offerings for broadband internet access service to such household, as on December 1, 2020”; and

- (iv) by striking paragraph (12), as so redesignated by subsection (a) of this section; and

(B) in subsection (b)(6)—

- (i) by striking subparagraph (A);

- (ii) by redesignating subparagraphs (B), (C), and

- (D) as subparagraphs (A), (B), and (C), respectively; and

- (iii) in subparagraph (A), as so redesignated—

- (I) by striking clause (i); and

- (II) by redesignating clauses (ii), (iii), and (iv) as clauses (i), (ii), and (iii), respectively.

(2) **APPLICABILITY OF AMENDMENT TO ELIGIBILITY.**—A household that qualified for the Affordable Connectivity Program under section 904 of division N of the Consolidated Appropriations Act, 2021 (Public Law 116–260) before the effective date in paragraph (1) and, as of that effective date, would, but for this subparagraph, see a reduction in the amount of the affordable connectivity benefit under the Program, shall, during the 60-day period beginning on that effective date, be eligible for the affordable connectivity benefit in the amount in effect with respect to that household, as of the day before that effective date.

(3) **TRANSITION.**—After the effective date under paragraph (1), an eligible household that was participating in the Emergency Broadband Benefit Program under section 904 of division N of the Consolidated Appropriations Act, 2021 (Public Law 116–260) on the day before the date of enactment of this Act and qualifies for the Affordable Connectivity Program established under that section (as amended by this section) shall continue to have access to an affordable service offering.

(4) **CERTIFICATION REQUIRED.**—On the date on which the amounts appropriated under section 904(i)(2) of division N of

Time period.
47 USC 1752
note.

Effective date.

the Consolidated Appropriations Act, 2021 (Public Law 116–260) have been fully expended, the Commission shall submit to Congress a certification regarding that fact.

(c) BROADBAND TRANSPARENCY RULES.—

(1) RULES.—Not later than 1 year after the date of enactment of this Act, the Commission shall issue final rules regarding the annual collection by the Commission of data relating to the price and subscription rates of each internet service offering of a participating provider under the Affordable Connectivity Program established under section 904 of division N of the Consolidated Appropriations Act, 2021 (Public Law 116–260) (as amended by this section) to which an eligible household subscribes.

Deadlines.
42 USC 1752
note.
Data.

(2) UPDATES.—Not later than 180 days after the date on which rules are issued under paragraph (1), and when determined to be necessary by the Commission thereafter, the Commission shall revise the rules to verify the accuracy of data submitted pursuant to the rules.

Determination.
Revision.
Verification.

(3) REDUNDANCY AVOIDANCE.—Nothing in this subsection shall be construed to require the Commission, in order to meet a requirement of this subsection, to duplicate an activity that the Commission is undertaking as of the date of enactment of this Act, if—

(A) the Commission refers to the activity in the rules issued under paragraph (1);

(B) the activity meets the requirements of this subsection; and

(C) the Commission discloses the activity to the public.

Public
information.

(4) AVAILABILITY OF DATA.—

(A) PUBLIC AVAILABILITY.—The Commission shall make data relating to broadband internet access service collected under the rules issued under paragraph (1) available to the public in a commonly used electronic format without risking the disclosure of personally identifiable information or proprietary information, consistent with section 0.459 of title 47, Code of Federal Regulations (or any successor regulation).

(B) DETERMINATION OF PERSONALLY IDENTIFIABLE INFORMATION.—The Commission—

(i) shall define the term “personally identifiable information”, for purposes of subparagraph (A) through notice and comment rulemaking; and

(ii) may not make any data available to the public under subparagraph (A) before completing the rulemaking under clause (i) of this subparagraph.

(d) GUIDANCE.—The Commission may issue such guidance, forms, instructions, or publications, or provide such technical assistance, as may be necessary or appropriate to carry out the programs, projects, or activities authorized under this section and the amendments made by this section, including to ensure that such programs, projects, or activities are completed in a timely and effective manner.

47 USC 1752
note.

(e) COORDINATION.—The Secretary of Agriculture, the Secretary of Education, and the Secretary of Health and Human Services shall—

Deadlines.
47 USC 1752
note.

(1) not later than 60 days after the date of enactment of this Act, enter into a memorandum of understanding with

Memorandum.

the Universal Service Administrative Company to provide for the expeditious sharing of data through the National Verifier (as that term is defined in section 54.400 of title 47, Code of Federal Regulations, or any successor regulation), or any successor system, for the purposes of verifying consumer eligibility for the program established under section 904 of division N of the Consolidated Appropriations Act, 2021 (Public Law 116–260), as amended by this section; and

(2) not later than 90 days after the date of enactment of this Act, begin to share data under the memorandum of understanding described in paragraph (1) for the purposes described in that paragraph.

SEC. 60503. COORDINATION WITH CERTAIN OTHER FEDERAL AGENCIES.

Section 804(b)(2) of the Communications Act of 1934 (47 U.S.C. 644(b)(2)), as added by section 2 of the Broadband DATA Act (Public Law 116–130), is amended—

(1) in subparagraph (A), by adding “and” at the end; and
(2) by striking subparagraphs (B) and (C) and inserting the following:

“(B) coordinate with the Postmaster General, the heads of other Federal agencies that operate delivery fleet vehicles, and the Director of the Bureau of the Census for assistance with data collection whenever coordination could feasibly yield more specific geographic data.”.

47 USC 1753.

Deadline.
Requirement.
Disclosure.

SEC. 60504. ADOPTION OF CONSUMER BROADBAND LABELS.

(a) **FINAL RULE.**—Not later than 1 year after the date of enactment of this Act, the Commission shall promulgate regulations to require the display of broadband consumer labels, as described in the Public Notice of the Commission issued on April 4, 2016 (DA 16–357), to disclose to consumers information regarding broadband internet access service plans.

(b) **INTRODUCTORY RATE INFORMATION.**—

(1) **IN GENERAL.**—The broadband consumer label required under subsection (a) shall also include information regarding whether the offered price is an introductory rate and, if so, the price the consumer will be required to pay following the introductory period.

(2) **USE IN BROADBAND DATA COLLECTION.**—The Commission shall rely on the price information displayed on the broadband consumer label required under subsection (a) for any collection of data relating to the price and subscription rates of each covered broadband internet access service under section 60502(c).

Assessment.

(c) **HEARINGS.**—In issuing the final rule under subsection (a), the Commission shall conduct a series of public hearings to assess, at the time of the proceeding—

(1) how consumers evaluate broadband internet access service plans; and

(2) whether disclosures to consumers of information regarding broadband internet access service plans, including the disclosures required under section 8.1 of title 47, Code of Federal Regulations, are available, effective, and sufficient.

SEC. 60505. GAO REPORT.

(a) **DEFINITIONS.**—In this section, the term “appropriate committees of Congress” means—

- (1) the Committee on Appropriations of the Senate;
- (2) the Committee on Appropriations of the House of Representatives;
- (3) the Committee on Commerce, Science, and Transportation of the Senate;
- (4) the Committee on Environment and Public Works of the Senate;
- (5) the Committee on Agriculture, Nutrition, and Forestry of the Senate;
- (6) the Committee on Energy and Commerce of the House of Representatives;
- (7) the Committee on Agriculture of the House of Representatives; and
- (8) the Committee on Transportation and Infrastructure of the House of the Representatives.

(b) **REPORT.**—Not later than 1 year after the date of enactment of this Act, the Comptroller General of the United States shall submit to the appropriate committees of Congress a report that evaluates the process used by the Commission for establishing, reviewing, and updating the upload and download speed thresholds for broadband internet access service, including—

Evaluation.

(1) how the Commission reviews and updates broadband internet access speed thresholds;

(2) whether the Commission should consider future broadband internet access service speed needs when establishing broadband internet access service speed thresholds, including whether the Commission considers the need, or the anticipated need, for higher upload or download broadband internet access service speeds in the 5-year period and the 10-year period after the date on which a broadband internet access service speed threshold is to be established; and

Time periods.

(3) whether the Commission should consider the impacts of changing uses of the internet in establishing, reviewing, or updating broadband internet access service speed thresholds, including—

- (A) the proliferation of internet-based business;
- (B) working remotely and running a business from home;
- (C) video conferencing;
- (D) distance learning;
- (E) in-house web hosting; and
- (F) cloud data storage.

SEC. 60506. DIGITAL DISCRIMINATION.

47 USC 1754.

(a) **STATEMENT OF POLICY.**—It is the policy of the United States that, insofar as technically and economically feasible—

(1) subscribers should benefit from equal access to broadband internet access service within the service area of a provider of such service;

(2) the term “equal access”, for purposes of this section, means the equal opportunity to subscribe to an offered service that provides comparable speeds, capacities, latency, and other quality of service metrics in a given area, for comparable terms and conditions; and

Definition.

- Deadline. (3) the Commission should take steps to ensure that all people of the United States benefit from equal access to broadband internet access service.
- (b) **ADOPTION OF RULES.**—Not later than 2 years after the date of enactment of this Act, the Commission shall adopt final rules to facilitate equal access to broadband internet access service, taking into account the issues of technical and economic feasibility presented by that objective, including—
- (1) preventing digital discrimination of access based on income level, race, ethnicity, color, religion, or national origin; and
- (2) identifying necessary steps for the Commissions to take to eliminate discrimination described in paragraph (1).
- (c) **FEDERAL POLICIES.**—The Commission and the Attorney General shall ensure that Federal policies promote equal access to robust broadband internet access service by prohibiting deployment discrimination based on—
- (1) the income level of an area;
- (2) the predominant race or ethnicity composition of an area; or
- (3) other factors the Commission determines to be relevant based on the findings in the record developed from the rule-making under subsection (b).
- (d) **MODEL STATE AND LOCAL POLICIES.**—The Commission shall develop model policies and best practices that can be adopted by States and localities to ensure that broadband internet access service providers do not engage in digital discrimination.
- (e) **COMPLAINTS.**—The Commission shall revise its public complaint process to accept complaints from consumers or other members of the public that relate to digital discrimination.

Telecommunica-
tions Skilled
Workforce Act.

TITLE VI—TELECOMMUNICATIONS INDUSTRY WORKFORCE

47 USC 609 note. **SEC. 60601. SHORT TITLE.**

This title may be cited as the “Telecommunications Skilled Workforce Act”.

SEC. 60602. TELECOMMUNICATIONS INTERAGENCY WORKING GROUP.

(a) **IN GENERAL.**—Part I of title III of the Communications Act of 1934 (47 U.S.C. 301 et seq.) is amended by adding at the end the following:

47 USC 344. **“SEC. 344. TELECOMMUNICATIONS INTERAGENCY WORKING GROUP.**

“(a) **DEFINITION.**—In this section, the term ‘telecommunications interagency working group’ means the interagency working group established under subsection (b)(1).

“(b) **ESTABLISHMENT.**—

Deadline.

“(1) **IN GENERAL.**—Not later than 60 days after the date of enactment of this section, the Chairman of the Commission, in partnership with the Secretary of Labor, shall establish within the Commission an interagency working group to develop recommendations to address the workforce needs of the telecommunications industry, including the safety of that workforce.

“(2) DATE OF ESTABLISHMENT.—The telecommunications interagency working group shall be considered established on the date on which a majority of the members of the working group have been appointed, consistent with subsection (d).

“(c) DUTIES.—In developing recommendations under subsection (b), the telecommunications interagency working group shall—

“(1) determine whether, and if so how, any Federal laws, regulations, guidance, policies, or practices, or any budgetary constraints, may be amended to strengthen the ability of institutions of higher education (as defined in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001)) or for-profit businesses to establish, adopt, or expand programs intended to address the workforce needs of the telecommunications industry, including the workforce needed to build and maintain the 5G wireless infrastructure necessary to support 5G wireless technology;

“(2) identify potential policies and programs that could encourage and improve coordination among Federal agencies, between Federal agencies and States, and among States, on telecommunications workforce needs;

“(3) identify ways in which existing Federal programs, including programs that help facilitate the employment of veterans and military personnel transitioning into civilian life, could be leveraged to help address the workforce needs of the telecommunications industry;

“(4) identify ways to improve recruitment in workforce development programs in the telecommunications industry;

“(5) identify Federal incentives that could be provided to institutions of higher education, for-profit businesses, State workforce development boards established under section 101 of the Workforce Innovation and Opportunity Act (29 U.S.C. 3111), or other relevant stakeholders to establish or adopt new programs, expand current programs, or partner with registered apprenticeship programs, to address the workforce needs of the telecommunications industry, including such needs in rural areas;

“(6) identify ways to improve the safety of telecommunications workers, including tower climbers; and

“(7) identify ways that trends in wages, benefits, and working conditions in the telecommunications industry impact recruitment of employees in the sector.

“(d) MEMBERS.—The telecommunications interagency working group shall be composed of the following representatives of Federal agencies and relevant non-Federal industry and labor stakeholder organizations:

“(1) A representative of the Department of Education, appointed by the Secretary of Education.

“(2) A representative of the National Telecommunications and Information Administration, appointed by the Assistant Secretary of Commerce for Communications and Information.

“(3) A representative of the Commission, appointed by the Chairman of the Commission.

“(4) A representative of a registered apprenticeship program in construction or maintenance, appointed by the Secretary of Labor.

“(5) A representative of a telecommunications industry association, appointed by the Chairman of the Commission.

Appointments.

“(6) A representative of an Indian Tribe or Tribal organization, appointed by the Chairman of the Commission.

“(7) A representative of a rural telecommunications carrier, appointed by the Chairman of the Commission.

“(8) A representative of a telecommunications contractor firm, appointed by the Chairman of the Commission.

“(9) A representative of an institution of higher education described in section 371(a) of the Higher Education Act of 1965 (20 U.S.C. 1067q(a)), appointed by the Secretary of Education.

“(10) A public interest advocate for tower climber safety, appointed by the Secretary of Labor.

“(11) A representative of the Directorate of Construction of the Occupational Safety and Health Administration, appointed by the Secretary of Labor.

“(12) A representative of a labor organization representing the telecommunications workforce, appointed by the Secretary of Labor.

“(e) NO COMPENSATION.—A member of the telecommunications interagency working group shall serve without compensation.

“(f) OTHER MATTERS.—

“(1) CHAIR AND VICE CHAIR.—The telecommunications interagency working group shall name a chair and a vice chair, who shall be responsible for organizing the business of the working group.

“(2) SUBGROUPS.—The chair and vice chair of the telecommunications interagency working group, in consultation with the other members of the telecommunications interagency working group, may establish such subgroups as necessary to help conduct the work of the telecommunications interagency working group.

“(3) SUPPORT.—The Commission and the Secretary of Labor may detail employees of the Commission and the Department of Labor, respectively, to assist and support the work of the telecommunications interagency working group, though such a detailee shall not be considered to be a member of the working group.

“(g) REPORT TO CONGRESS.—

“(1) REPORT TO CONGRESS.—Not later than 1 year after the date on which the telecommunications interagency working group is established, the working group shall submit a report containing its recommendations to address the workforce needs of the telecommunications industry to—

“(A) the Committee on Commerce, Science, and Transportation of the Senate;

“(B) the Committee on Health, Education, Labor, and Pensions of the Senate;

“(C) the Committee on Energy and Commerce of the House of Representatives;

“(D) the Committee on Education and Labor of the House of Representatives;

“(E) the Department of Labor; and

“(F) the Commission.

“(2) MAJORITY SUPPORT.—The telecommunications interagency working group may not submit the report under paragraph (1) unless the report has the support of not less than the majority of the members of the working group.

Recommendations.

“(3) VIEWS.—The telecommunications interagency working group shall—

“(A) include with the report submitted under paragraph (1) any concurring or dissenting view offered by a member of the working group; and

“(B) identify each member to whom each concurring or dissenting view described in subparagraph (A) should be attributed.

“(4) PUBLIC POSTING.—The Commission and the Secretary of Labor shall make a copy of the report submitted under paragraph (1) available to the public on the websites of the Commission and the Department of Labor, respectively.

Records.

“(h) NONAPPLICABILITY OF FACCA.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the telecommunications interagency working group.”.

(b) SUNSET.—Section 344 of the Communications Act of 1934, as added by subsection (a), shall be repealed on the day after the date on which the interagency working group established under subsection (b)(1) of that section submits the report to Congress under subsection (g) of that section.

Repeal.
47 USC 344 and
note.

SEC. 60603. TELECOMMUNICATIONS WORKFORCE GUIDANCE.

Deadline.
29 USC 3111
note.

Not later than 1 year after the date of enactment of this Act, the Secretary of Labor, in partnership with the Chairman of the Federal Communications Commission, shall establish and issue guidance on how States can address the workforce needs and safety of the telecommunications industry, including guidance on how a State workforce development board established under section 101 of the Workforce Innovation and Opportunity Act (29 U.S.C. 3111) can—

(1) utilize Federal resources available to States to meet the workforce needs of the telecommunications industry;

(2) promote and improve recruitment in workforce development programs in the telecommunications industry; and

(3) ensure the safety of the telecommunications workforce, including tower climbers.

SEC. 60604. GAO ASSESSMENT OF WORKFORCE NEEDS OF THE TELECOMMUNICATIONS INDUSTRY.

(a) DEFINITIONS.—In this section, the term “appropriate congressional committees” means—

(1) the Committee on Commerce, Science, and Transportation of the Senate;

(2) the Committee on Health, Education, Labor, and Pensions of the Senate;

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

(4) the Committee on Education and Labor of the House of Representatives.

(b) REPORT.—Not later than 180 days after the date of enactment of this Act, the Comptroller General of the United States shall submit to the appropriate congressional committees a report that estimates the number of skilled telecommunications workers that will be required to build and maintain—

(1) broadband infrastructure in rural areas, including estimates based on—

(A) current need; and

- (B) projected need, if Congress enacts legislation that accelerates broadband infrastructure construction in the United States; and
- (2) the wireless infrastructure needed to support 5G wireless technology.

DIVISION G—OTHER AUTHORIZATIONS

TITLE I—INDIAN WATER RIGHTS SETTLEMENT COMPLETION FUND

25 USC 149.

SEC. 70101. INDIAN WATER RIGHTS SETTLEMENT COMPLETION FUND.

(a) ESTABLISHMENT.—There is established in the Treasury of the United States a fund to be known as the “Indian Water Rights Settlement Completion Fund” (referred to in this section as the “Fund”).

(b) DEPOSITS.—

Effective dates.

(1) IN GENERAL.—On the later of October 1, 2021, and the date of enactment of this Act, out of any funds in the Treasury not otherwise appropriated, the Secretary of the Treasury shall deposit in the Fund \$2,500,000,000, to remain available until expended.

(2) AVAILABILITY.—Amounts deposited in the Fund under paragraph (1) shall be available to the Secretary of the Interior, without further appropriation or fiscal year limitation, for the uses described in subsection (c).

(c) USES.—Subject to subsection (d), amounts deposited in the Fund under subsection (b) shall be used by the Secretary of the Interior for transfers to funds or accounts authorized to receive discretionary appropriations, or to satisfy other obligations identified by the Secretary of the Interior, under an Indian water settlement approved and authorized by an Act of Congress before the date of enactment of this Act.

Determinations.

(d) SCOPE OF TRANSFERS.—

(1) IN GENERAL.—Transfers authorized under subsection (c) shall be made in such amounts as are determined by the Secretary of the Interior to be appropriate to satisfy the obligations of the United States, including appropriate indexing, pursuant to the applicable Indian water settlement.

(2) SEQUENCE AND TIMING.—The Secretary of the Interior shall have the discretion to determine the sequence and timing of transfers from the Fund under subsection (c) in order to substantially complete the eligible Indian water settlements as expeditiously as practicable.

TITLE II—WILDFIRE MITIGATION

Wildland Fire
Mitigation and
Management
Commission Act
of 2021.

SEC. 70201. SHORT TITLE.

This title may be cited as the “Wildland Fire Mitigation and Management Commission Act of 2021”.

SEC. 70202. DEFINITIONS.

In this title:

(1) APPROPRIATE COMMITTEES OF CONGRESS.—The term “appropriate committees of Congress” means—

(A) the Committee on Energy and Natural Resources of the Senate;

(B) the Committee on Agriculture, Nutrition, and Forestry of the Senate;

(C) the Committee on Homeland Security and Governmental Affairs of the Senate;

(D) the Committee on Appropriations of the Senate;

(E) the Committee on Environment and Public Works of the Senate;

(F) the Committee on Natural Resources of the House of Representatives;

(G) the Committee on Agriculture of the House of Representatives;

(H) the Committee on Homeland Security of the House of Representatives;

(I) the Committee on Appropriations of the House of Representatives;

(J) the Committee on Ways and Means of the House of Representatives; and

(K) the Committee on Natural Resources of the House of Representatives.

(2) COMMISSION.—The term “Commission” means the commission established under section 70203(a).

(3) HIGH-RISK INDIAN TRIBAL GOVERNMENT.—The term “high-risk Indian tribal government” means an Indian tribal government, during not fewer than 4 of the 5 years preceding the date of enactment of this Act—

Time period.

(A) that received fire management assistance under section 420 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5187); or

(B) land of which included an area for which the President declared a major disaster for fire in accordance with section 401 of that Act (42 U.S.C. 5170).

(4) HIGH-RISK STATE.—The term “high-risk State” means a State that, during not fewer than 4 of the 5 years preceding the date of enactment of this Act—

Time period.

(A) received fire management assistance under section 420 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5187); or

(B) included an area for which the President declared a major disaster for fire in accordance with section 401 of that Act (42 U.S.C. 5170).

(5) INDIAN TRIBAL GOVERNMENT.—The term “Indian tribal government” has the meaning given the term in section 102 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122).

(6) SECRETARIES.—The term “Secretaries” means—

(A) the Secretary of the Interior;

(B) the Secretary of Agriculture; and

(C) the Secretary of Homeland Security, acting through the Administrator of the Federal Emergency Management Agency.

(7) STATE.—The term “State” has the meaning given the term in section 102 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122).

(8) WILDLAND-URBAN INTERFACE.—The term “wildland-urban interface” has the meaning given the term in section

101 of the Healthy Forests Restoration Act of 2003 (16 U.S.C. 6511).

SEC. 70203. ESTABLISHMENT OF COMMISSION.

Deadline.
Study.
Recommendations.

(a) **ESTABLISHMENT.**—Not later than 30 days after the date of enactment of this Act, the Secretaries shall jointly establish a commission to study and make recommendations to improve Federal policies relating to—

(1) the prevention, mitigation, suppression, and management of wildland fires in the United States; and

(2) the rehabilitation of land in the United States devastated by wildland fires.

(b) **MEMBERSHIP.**—

Appointments.

(1) **COMPOSITION.**—The Commission shall be composed of—

(A) each of the Secretaries (or designees), who shall jointly serve as the co-chairpersons of the Commission;

(B) 9 representatives of Federal departments or agencies, to be appointed by the Secretaries, including—

(i) not fewer than 1 representative from each of—

(I) the Bureau of Land Management;

(II) the National Park Service;

(III) the Bureau of Indian Affairs;

(IV) the United States Fish and Wildlife Service; and

(V) the Forest Service;

(ii) a representative of or liaison to the Mitigation Framework Leadership Group of the Federal Emergency Management Agency;

(iii) a representative to the National Interagency Coordination Center, which is part of the National Wildfire Coordination Group;

(iv) a representative from 1 of the coordinating agencies of the Recovery Support Function Leadership Group; and

(v) if the Secretaries determine it to be appropriate, a representative of any other Federal department or agency, such as the Department of Energy, the Environmental Protection Agency, or the Department of Defense; and

Appointments.

(C) 18 non-Federal stakeholders with expertise in wildland fire preparedness, mitigation, suppression, or management, who collectively have a combination of backgrounds, experiences, and viewpoints and are representative of rural, urban, and suburban areas, to be appointed by the Secretaries, including—

(i) not fewer than 1 State hazard mitigation officer of a high-risk State (or a designee);

(ii) with preference given to representatives from high-risk States and high-risk Indian tribal governments, not fewer than 1 representative from each of—

(I) a State department of natural resources, forestry, or agriculture or a similar State agency;

(II) a State department of energy or a similar State agency;

(III) a county government, with preference given to counties at least a portion of which is in the wildland-urban interface; and

- (IV) a municipal government, with preference given to municipalities at least a portion of which is in the wildland-urban interface;
- (iii) with preference given to representatives from high-risk States and high-risk Indian tribal governments, not fewer than 1 representative from each of—
 - (I) the public utility industry;
 - (II) the property development industry;
 - (III) Indian tribal governments;
 - (IV) wildland firefighters; and
 - (V) an organization—
 - (aa) described in section 501(c)(3) of the Internal Revenue Code of 1986 and exempt from taxation under section 501(a) of that Code; and
 - (bb) with expertise in forest management and environmental conservation;
- (iv) not greater than 2 other appropriate non-Federal stakeholders, which may include the private sector; and
- (v) any other appropriate non-Federal stakeholders, which may include the private sector, with preference given to non-Federal stakeholders from high-risk States and high-risk Indian tribal governments.

(2) STATE LIMITATION.—Each member of the Commission appointed under clauses (i) and (ii) of paragraph (1)(C) shall represent a different State.

(3) DATE.—The appointments of the members of the Commission shall be made not later than 60 days after the date of enactment of this Act. Deadline.

(c) PERIOD OF APPOINTMENT; VACANCIES.—

(1) IN GENERAL.—A member of the Commission shall be appointed for the life of the Commission.

(2) VACANCIES.—A vacancy in the Commission—

(A) shall not affect the powers of the Commission; and

(B) shall be filled in the same manner as the original appointment.

(d) MEETINGS.—

(1) INITIAL MEETING.—Not later than 30 days after the date on which all members of the Commission have been appointed, the Commission shall hold the first meeting of the Commission. Deadline.

(2) FREQUENCY.—The Commission shall meet not less frequently than once every 30 days. Time period.

(3) TYPE.—The Commission may hold meetings, and a member of the Commission may participate in a meeting, remotely through teleconference, video conference, or similar means.

(4) QUORUM.—A majority of the members of the Commission shall constitute a quorum, but a lesser number of members may hold hearings.

SEC. 70204. DUTIES OF COMMISSION.

(a) REPORT ON RECOMMENDATIONS TO MITIGATE AND MANAGE WILDLAND FIRES.—

(1) IN GENERAL.—Not later than 1 year after the date of the first meeting of the Commission, the Commission shall submit to the appropriate committees of Congress a report describing recommendations to prevent, mitigate, suppress, and manage wildland fires, including—

(A) policy recommendations, including recommendations—

(i) to maximize the protection of human life, community water supplies, homes, and other essential structures, which may include recommendations to expand the use of initial attack strategies;

(ii) to facilitate efficient short- and long-term forest management in residential and nonresidential at-risk areas, which may include a review of community wild-fire protection plans;

(iii) to manage the wildland-urban interface;

(iv) to manage utility corridors;

(v) to rehabilitate land devastated by wildland fire; and

(vi) to improve the capacity of the Secretary of Agriculture and the Secretary of the Interior to conduct hazardous fuels reduction projects;

(B) policy recommendations described in subparagraph (A) with respect to any recommendations for—

(i) categorical exclusions from the requirement to prepare an environmental impact statement or analysis under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.); or

(ii) additional staffing or resources that may be necessary to more expeditiously prepare an environmental impact statement or analysis under that Act;

(C) policy recommendations for modernizing and expanding the use of technology, including satellite technology, remote sensing, unmanned aircraft systems, and any other type of emerging technology, to prevent, mitigate, suppress, and manage wildland fires, including any recommendations with respect to—

(i) the implementation of section 1114 of the John D. Dingell, Jr. Conservation, Management, and Recreation Act (43 U.S.C. 1748b–1); or

(ii) improving early wildland fire detection;

(D) an assessment of Federal spending on wildland fire-related disaster management, including—

(i) a description and assessment of Federal grant programs for States and units of local government for pre- and post-wildland fire disaster mitigation and recovery, including—

(I) the amount of funding provided under each program;

(II) the effectiveness of each program with respect to long-term forest management and maintenance; and

(III) recommendations to improve the effectiveness of each program, including with respect to—

(aa) the conditions on the use of funds received under the program; and

Assessments.

- (bb) the extent to which additional funds are necessary for the program;
 - (ii) an evaluation, including recommendations to improve the effectiveness in mitigating wildland fires, which may include authorizing prescribed fires, of—
 - (I) the Building Resilient Infrastructure and Communities program under section 203 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5133);
 - (II) the Pre-Disaster Mitigation program under that section (42 U.S.C. 5133);
 - (III) the Hazard Mitigation Grant Program under section 404 of that Act (42 U.S.C. 5170c);
 - (IV) Hazard Mitigation Grant Program post-fire assistance under sections 404 and 420 of that Act (42 U.S.C. 5170c, 5187); and
 - (V) such other programs as the Commission determines to be appropriate;
 - (iii) an assessment of the definition of “small impoverished community” under section 203(a) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5133(a)), specifically—
 - (I) the exclusion of the percentage of land owned by an entity other than a State or unit of local government; and
 - (II) any related economic impact of that exclusion; and
 - (iv) recommendations for Federal budgeting for wildland fires and post-wildfire recovery;
 - (E) any recommendations for matters under subparagraph (A), (B), (C), or (D) specific to—
 - (i) forest type, vegetation type, or forest and vegetation type; or
 - (ii) State land, Tribal land, or private land;
 - (F)(i) a review of the national strategy described in the report entitled “The National Strategy: The Final Phase in the Development of the National Cohesive Wildland Fire Management Strategy” and dated April 2014; and
 - (ii) any recommendations for changes to that national strategy to improve its effectiveness; and
 - (G)(i) an evaluation of coordination of response to, and suppression of, wildfires occurring on Federal, Tribal, State, and local land among Federal, Tribal, State, and local agencies with jurisdiction over that land; and
 - (ii) any recommendations to improve the coordination described in clause (i).
- (2) SPECIFIC POLICY RECOMMENDATIONS.—To the maximum extent practicable, the report described in paragraph (1) shall include detailed short- and long-term policy recommendations, including any recommendations for Federal legislation.
- (3) INTERIM REPORTS.—Before the submission of the report under paragraph (1), on approval of all members of the Commission, the Commission may submit to the appropriate committees of Congress 1 or more interim reports, as the Commission determines to be appropriate, relating to any matters described in paragraph (1).

Evaluation.

Determination.

Assessment.

Review.

Evaluation.

Determination.

(b) REPORT ON AERIAL WILDLAND FIREFIGHTING EQUIPMENT STRATEGY AND INVENTORY ASSESSMENT.—

Deadline.

(1) SUBMISSION OF INVENTORY TO THE COMMISSION.—Not later than 45 days after the date on which the Commission holds the first meeting of the Commission, the Secretary of Defense and the heads of other relevant Federal departments and agencies shall submit to the Commission an inventory of surplus cargo and passenger aircraft and excess common-use aircraft parts that may be used for wildland firefighting purposes, excluding any aircraft or aircraft parts that are—

(A) reasonably anticipated to be necessary for military operations, readiness, or fleet management in the future; or

(B) already obligated for purposes other than fighting wildland fires.

Deadline.

(2) SUBMISSION OF REPORT TO CONGRESS.—Not later than 90 days after the date on which the Commission receives the inventory described in paragraph (1), the Commission shall submit to the appropriate committees of Congress a report outlining a strategy to meet aerial firefighting equipment needs through 2030 in the most cost-effective manner, including—

(A) an assessment of the expected number of aircraft and aircraft parts needed to fight wildland fires through 2030;

(B) an assessment of existing authorities of the Secretary of Defense and the heads of other relevant Federal departments and agencies to provide or sell surplus aircraft or aircraft parts to Federal, State, or local authorities for wildland firefighting use, including—

(i) a description of the current use of each existing authority; and

(ii) a description of any additional authorities that are needed for the Secretary of Defense and the heads of other relevant Federal departments and agencies to provide or sell surplus aircraft or aircraft parts to Federal, State, or local authorities for wildland firefighting use; and

Recommendations.

(C) recommendations to ensure the availability of aircraft and aircraft parts that the Commission expects will be necessary to fight wildland fires through 2030 in the most cost-effective manner.

(3) CONSIDERATIONS FOR ACCESSING AIRCRAFT AND AIRCRAFT PARTS.—In developing the strategy in the report required under paragraph (2) and the recommendations under paragraph (2)(C), the Commission shall consider all private and public sector options for accessing necessary aircraft and aircraft parts, including procurement, contracting, retrofitting, and public-private partnerships.

(4) UNCLASSIFIED REPORT.—The inventory and report submitted under paragraphs (1) and (2), respectively—

(A) shall be unclassified; but

(B) may include a classified annex.

Classified information.

(c) MAJORITY REQUIREMENT.—Not less than $\frac{2}{3}$ of the members of the Commission shall approve the recommendations contained in each report submitted under subsection (a) or (b)(2).

SEC. 70205. POWERS OF COMMISSION.

(a) **HEARINGS.**—The Commission may hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence as the Commission considers advisable to carry out this title.

(b) **INFORMATION FROM FEDERAL AGENCIES.**—

(1) **IN GENERAL.**—The Commission may secure directly from a Federal department or agency such information as the Commission considers necessary to carry out this title.

(2) **FURNISHING INFORMATION.**—On request of the Chairpersons of the Commission, the head of the department or agency shall furnish the information to the Commission.

(c) **POSTAL SERVICES.**—The Commission may use the United States mails in the same manner and under the same conditions as other departments and agencies of the Federal Government.

(d) **GIFTS.**—The Commission may accept, use, and dispose of such gifts or donations of services or property as the Commission considers necessary to carry out this title.

SEC. 70206. COMMISSION PERSONNEL MATTERS.

(a) **NO COMPENSATION.**—A member of the Commission shall serve without compensation.

(b) **TRAVEL EXPENSES.**—A member of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Commission.

(c) **STAFF.**—

(1) **IN GENERAL.**—The Chairpersons of the Commission may, without regard to the civil service laws (including regulations), appoint and terminate an executive director and such other additional personnel as may be necessary to enable the Commission to perform its duties, except that the employment of an executive director shall be subject to confirmation by the Commission.

(2) **COMPENSATION.**—The Chairpersons of the Commission may fix the compensation of the executive director and other personnel without regard to chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to classification of positions and General Schedule pay rates, except that the rate of pay for the executive director and other personnel may not exceed the rate payable for level V of the Executive Schedule under section 5316 of that title.

(d) **DETAIL OF GOVERNMENT EMPLOYEES.**—A Federal Government employee may be detailed to the Commission without reimbursement, and such detail shall be without interruption or loss of civil service status or privilege.

(e) **PROCUREMENT OF TEMPORARY AND INTERMITTENT SERVICES.**—The Chairpersons of the Commission may procure temporary and intermittent services under section 3109(b) of title 5, United States Code, at rates for individuals that do not exceed the daily equivalent of the annual rate of basic pay prescribed for level V of the Executive Schedule under section 5316 of that title.

SEC. 70207. TERMINATION OF COMMISSION.

The Commission shall terminate on the date that is 180 days after the date on which the Commission has submitted the reports under subsections (a) and (b) of section 70204.

TITLE III—REFORESTATION

Repairing
Existing Public
Land by Adding
Necessary Trees
Act.
16 USC 1600
note.

SEC. 70301. SHORT TITLE.

This title may be cited as the “Repairing Existing Public Land by Adding Necessary Trees Act” or the “REPLANT Act”.

SEC. 70302. REFORESTATION FOLLOWING WILDFIRES AND OTHER UNPLANNED EVENTS.

(a) FOREST AND RANGELAND RENEWABLE RESOURCES PLANNING ACT OF 1974.—

(1) NATIONAL FOREST COVER POLICY.—

(A) IN GENERAL.—Section 3 of the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1601) is amended—

(i) by redesignating subsection (e) as subsection (f);

(ii) by redesignating the second subsection (d) (relating to the policy of Congress regarding forested land in the National Forest System) as subsection (e); and

(iii) in subsection (e) (as so redesignated)—

(I) in paragraph (2)—

(aa) in the first sentence—

(AA) by striking “9 of this Act, the Secretary shall annually for eight years following the enactment of this subsection” and inserting “9, the Secretary shall, annually during each of the 10 years beginning after the date of enactment of the REPLANT Act”; and

(BB) by striking “eight-year” and inserting “10-year”;

(bb) in the second sentence, by striking “such eight-year period” and inserting “the 10-year period”; and

(cc) in the third sentence, by striking “1978” and inserting “2021”;

(II) in paragraph (3), in the first sentence, by striking “subsection (d)” and inserting “subsection”; and

(III) by adding at the end the following:

“(4) REFORESTATION REQUIREMENTS.—

“(A) DEFINITIONS.—In this paragraph:

“(i) NATURAL REGENERATION.—

“(I) IN GENERAL.—The term ‘natural regeneration’ means the establishment of a tree or tree age class from natural seeding, sprouting, or suckering in accordance with the management objectives of an applicable land management plan.

“(II) INCLUSION.—The term ‘natural regeneration’ may include any site preparation activity to

enhance the success of regeneration to the desired species composition and structure.

“(ii) PRIORITY LAND.—The term ‘priority land’ means National Forest System land that, due to an unplanned event—

“(I) does not meet the conditions for appropriate forest cover described in paragraph (1);

“(II) requires reforestation to meet the objectives of an applicable land management plan; and

“(III) is unlikely to experience natural regeneration without assistance.

“(iii) REFORESTATION.—The term ‘reforestation’ means the act of renewing tree cover, taking into consideration species composition and resilience, by establishing young trees through—

“(I) natural regeneration;

“(II) natural regeneration with site preparation; or

“(III) planting or direct seeding.

“(iv) SECRETARY.—The term ‘Secretary’ means the Secretary, acting through the Chief of the Forest Service.

“(v) UNPLANNED EVENT.—

“(I) IN GENERAL.—The term ‘unplanned event’ means any unplanned disturbance that—

“(aa) disrupts ecosystem or forest structure or composition; or

“(bb) changes resources, substrate availability, or the physical environment.

“(II) INCLUSIONS.—The term ‘unplanned event’ may include—

“(aa) a wildfire;

“(bb) an infestation of insects or disease;

“(cc) a weather event; and

“(dd) animal damage.

“(B) REQUIREMENT.—Each reforestation activity under this section shall be carried out in accordance with applicable Forest Service management practices and definitions, including definitions relating to silvicultural practices and forest management.

“(C) REFORESTATION PRIORITY.—

“(i) IN GENERAL.—In carrying out this subsection, the Secretary shall give priority to projects on the priority list described in clause (ii).

“(ii) PRIORITY LIST.—

“(I) IN GENERAL.—The Secretary shall, based on recommendations from regional foresters, create a priority list of reforestation projects that—

“(aa) primarily take place on priority land;

“(bb) promote effective reforestation following unplanned events; and

“(cc) may include activities to ensure adequate and appropriate seed availability.

“(II) RANKING.—The Secretary shall rank projects on the priority list under subclause (I) based on—

“(aa) documentation of an effective reforestation project plan;

“(bb) the ability to measure the progress and success of the project; and

“(cc) the ability of a project to provide benefits relating to forest function and health, soil health and productivity, wildlife habitat, improved air and water quality, carbon sequestration potential, resilience, job creation, and enhanced recreational opportunities.”.

(B) CONFORMING AMENDMENT.—Section 9 of the Cooperative Forestry Assistance Act of 1978 (16 U.S.C. 2105) is amended, in the undesignated matter following paragraph (5) of subsection (g)—

(i) by striking “section 3(d)” and inserting “subsection (e) of section 3”; and

(ii) by striking “1601(d)” and inserting “1601”.

(2) NATIONAL FOREST SYSTEM PROGRAM ELEMENTS.—Section 9 of the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1607) is amended, in the second sentence, by striking “2000” and inserting “2030”.

(b) REFORESTATION TRUST FUND.—Section 303 of Public Law 96–451 (16 U.S.C. 1606a) is amended—

(1) in subsection (b)—

(A) by striking paragraph (2);

(B) in paragraph (3)—

(i) in the second sentence, by striking “Proper adjustment” and inserting the following:

“(3) ADJUSTMENT OF ESTIMATES.—Proper adjustment”; and

(ii) by striking “(3) The amounts” and inserting the following:

“(2) FREQUENCY.—The amounts”; and

(C) by striking the subsection designation and all that follows through “the Secretary” in paragraph (1) and inserting the following:

“(b) TRANSFERS TO TRUST FUND.—

“(1) IN GENERAL.—The Secretary”; and

(2) in subsection (d)(1)—

(A) by striking “section 3(d)” and inserting “subsection

(e) of section 3”; and

(B) by striking “1601(d)” and inserting “1601”.

16 USC 1601
note.
Public
information.
Web posting.

SEC. 70303. REPORT.

Not later than 1 year after the date of enactment of this Act, and annually thereafter, the Secretary of Agriculture shall submit to the Committee on Agriculture, Nutrition, and Forestry of the Senate and the Committee on Agriculture of the House of Representatives, and make publicly available on the website of the Forest Service, a report that describes, with respect to the preceding year—

Evaluation.

(1) an evaluation of the degree to which the Secretary has achieved compliance with the requirements contained in the amendments made by this title, including, as a result of those amendments, the number of acres covered by reforestation projects that follow unplanned events (such as wildfires);

(2) the total number of acres of land reforested under each authority of the Secretary under which reforestation projects have been carried out;

(3) the number of acres of National Forest System land affected by, and the substance of reforestation needs on that land resulting from, unplanned events; and

(4) the number of acres in need of reforestation under subsection (e)(1) of section 3 of the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1601).

TITLE IV—RECYCLING PRACTICES

SEC. 70401. BEST PRACTICES FOR BATTERY RECYCLING AND LABELING GUIDELINES. 42 USC 6966c.

(a) DEFINITIONS.—In this section:

(1) ADMINISTRATOR.—The term “Administrator” means the Administrator of the Environmental Protection Agency.

(2) BATTERY.—The term “battery” means a device that—

(A) consists of 1 or more electrochemical cells that are electrically connected; and

(B) is designed to store and deliver electric energy.

(3) RECYCLING.—The term “recycling” means the series of activities—

(A) during which recyclable materials are processed into specification-grade commodities, and consumed as raw-material feedstock, in lieu of virgin materials, in the manufacturing of new products;

(B) that may include collection, processing, and brokering; and

(C) that result in subsequent consumption by a materials manufacturer, including for the manufacturing of new products.

(b) BEST PRACTICES FOR COLLECTION OF BATTERIES TO BE RECYCLED.—

(1) IN GENERAL.—The Administrator shall develop best practices that may be implemented by State, Tribal, and local governments with respect to the collection of batteries to be recycled in a manner that—

(A) to the maximum extent practicable, is technically and economically feasible for State, Tribal, and local governments;

(B) is environmentally sound and safe for waste management workers; and

(C) optimizes the value and use of material derived from recycling of batteries.

(2) CONSULTATION.—The Administrator shall develop the best practices described in paragraph (1) in coordination with State, Tribal, and local governments and relevant nongovernmental and private sector entities. Coordination.

(3) REPORT.—Not later than 2 years after the date of enactment of this Act, the Administrator shall submit to Congress a report describing the best practices developed under paragraph (1).

(4) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Administrator to carry out this Time period.

subsection \$10,000,000 for fiscal year 2022, to remain available until September 30, 2026.

(c) VOLUNTARY LABELING GUIDELINES.—

(1) IN GENERAL.—There is established within the Environmental Protection Agency a program (referred to in this subsection as the “program”) to promote battery recycling through the development of—

(A) voluntary labeling guidelines for batteries; and

(B) other forms of communication materials for battery producers and consumers about the reuse and recycling of critical materials from batteries.

(2) PURPOSES.—The purposes of the program are to improve battery collection and reduce battery waste, including by—

(A) identifying battery collection locations and increasing accessibility to those locations;

(B) promoting consumer education about battery collection and recycling; and

(C) reducing safety concerns relating to the improper disposal of batteries.

(3) OTHER STANDARDS AND LAW.—The Administrator shall make every reasonable effort to ensure that voluntary labeling guidelines and other forms of communication materials developed under the program are consistent with—

(A) international battery labeling standards; and

(B) the Mercury-Containing and Rechargeable Battery Management Act (42 U.S.C. 14301 et seq.).

Time period.

(4) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Administrator to carry out this subsection \$15,000,000 for fiscal year 2022, to remain available until September 30, 2026.

42 USC 6966d.

SEC. 70402. CONSUMER RECYCLING EDUCATION AND OUTREACH GRANT PROGRAM; FEDERAL PROCUREMENT.

(a) DEFINITION OF ADMINISTRATOR.—In this section, the term “Administrator” means the Administrator of the Environmental Protection Agency.

(b) CONSUMER RECYCLING EDUCATION AND OUTREACH GRANT PROGRAM.—

(1) IN GENERAL.—The Administrator shall establish a program (referred to in this subsection as the “grant program”) to award competitive grants to eligible entities to improve the effectiveness of residential and community recycling programs through public education and outreach.

(2) CRITERIA.—The Administrator shall award grants under the grant program for projects that, by using one or more eligible activities described in paragraph (5)—

(A) inform the public about residential or community recycling programs;

(B) provide information about the recycled materials that are accepted as part of a residential or community recycling program that provides for the separate collection of residential solid waste from recycled material; and

(C) increase collection rates and decrease contamination in residential and community recycling programs.

(3) ELIGIBLE ENTITIES.—

(A) IN GENERAL.—An entity that is eligible to receive a grant under the grant program is—

- (i) a State;
- (ii) a unit of local government;
- (iii) an Indian Tribe (as defined in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5304));
- (iv) a Native Hawaiian organization (as defined in section 6207 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7517));
- (v) the Department of Hawaiian Home Lands;
- (vi) the Office of Hawaiian Affairs;
- (vii) a nonprofit organization; or
- (viii) a public-private partnership.

(B) COORDINATION OF ACTIVITIES.—2 or more entities described in subparagraph (A) may receive a grant under the grant program to coordinate the provision of information to residents that may access 2 or more residential recycling programs, including programs that accept different recycled materials, to provide to the residents information regarding differences among those residential recycling programs.

(4) REQUIREMENT.—

(A) IN GENERAL.—To receive a grant under the grant program, an eligible entity shall demonstrate to the Administrator that the grant funds will be used to encourage the collection of recycled materials that are sold to an existing or developing market.

(B) BUSINESS PLANS AND FINANCIAL DATA.—

(i) IN GENERAL.—An eligible entity may make a demonstration under subparagraph (A) through the submission to the Administrator of appropriate business plans and financial data.

(ii) CONFIDENTIALITY.—The Administrator shall treat any business plans or financial data received under clause (i) as confidential information.

(5) ELIGIBLE ACTIVITIES.—An eligible entity that receives a grant under the grant program may use the grant funds for activities including—

- (A) public service announcements;
- (B) a door-to-door education and outreach campaign;
- (C) social media and digital outreach;
- (D) an advertising campaign on recycling awareness;
- (E) the development and dissemination of—

(i) a toolkit for a municipal and commercial recycling program;

(ii) information on the importance of quality in the recycling stream;

(iii) information on the economic and environmental benefits of recycling; and

(iv) information on what happens to materials after the materials are placed into a residential or community recycling program;

(F) businesses recycling outreach;

(G) bin, cart, and other receptacle labeling and signs;

and

(H) such other activities that the Administrator determines are appropriate to carry out the purposes of this subsection.

Determination.

(6) PROHIBITION ON USE OF FUNDS.—No funds may be awarded under the grant program for a residential recycling program that—

(A) does not provide for the separate collection of residential solid waste (as defined in section 246.101 of title 40, Code of Federal Regulations (as in effect on the date of enactment of this Act)) from recycled material (as defined in that section), unless the funds are used to promote a transition to a system that separately collects recycled materials; or

(B) promotes the establishment of, or conversion to, a residential collection system that does not provide for the separate collection of residential solid waste from recycled material (as those terms are defined under subparagraph (A)).

(7) MODEL RECYCLING PROGRAM TOOLKIT.—

Consultation.

(A) IN GENERAL.—In carrying out the grant program, the Administrator, in consultation with other relevant Federal agencies, States, Indian Tribes, units of local government, nonprofit organizations, and the private sector, shall develop a model recycling program toolkit for States, Indian Tribes, and units of local government that includes, at a minimum—

(i) a standardized set of terms and examples that may be used to describe materials that are accepted by a residential recycling program;

(ii) information that the Administrator determines can be widely applied across residential recycling programs, taking into consideration the differences in recycled materials accepted by residential recycling programs;

(iii) educational principles on best practices for the collection and processing of recycled materials;

(iv) a community self-assessment guide to identify gaps in existing recycling programs;

(v) training modules that enable States and nonprofit organizations to provide technical assistance to units of local government;

(vi) access to consumer educational materials that States, Indian Tribes, and units of local government can adapt and use in recycling programs; and

(vii) a guide to measure the effectiveness of a grant received under the grant program, including standardized measurements for recycling rates and decreases in contamination.

(B) REQUIREMENT.—In developing the standardized set of terms and examples under subparagraph (A)(i), the Administrator may not establish any requirements for—

(i) what materials shall be accepted by a residential recycling program; or

(ii) the labeling of products.

(8) SCHOOL CURRICULUM.—The Administrator shall provide assistance to the educational community, including nonprofit organizations, such as an organization the science, technology, engineering, and mathematics program of which incorporates recycling, to promote the introduction of recycling principles and best practices into public school curricula.

(9) REPORTS.—

(A) TO THE ADMINISTRATOR.—Not earlier than 180 days, and not later than 2 years, after the date on which a grant under the grant program is awarded to an eligible entity, the eligible entity shall submit to the Administrator a report describing, by using the guide developed under paragraph (7)(A)(vii)—

(i) the change in volume of recycled material collected through the activities funded with the grant;

(ii) the change in participation rate of the recycling program funded with the grant;

(iii) the reduction of contamination in the recycling stream as a result of the activities funded with the grant; and

(iv) such other information as the Administrator determines to be appropriate. Determination.

(B) TO CONGRESS.—The Administrator shall submit to Congress an annual report describing—

(i) the effectiveness of residential recycling programs awarded funds under the grant program, including statistics comparing the quantity and quality of recycled materials collected by those programs, as described in the reports submitted to the Administrator under subparagraph (A); and

(ii) recommendations on additional actions to improve residential recycling.

(c) FEDERAL PROCUREMENT.—Section 6002 of the Solid Waste Disposal Act (42 U.S.C. 6962) is amended—

(1) in subsection (e), in the matter preceding paragraph (1), by striking “and from time to time, revise” and inserting “review not less frequently than once every 5 years, and, if appropriate, revise, in consultation with recyclers and manufacturers of products containing recycled content, not later than 2 years after the completion of the initial review after the date of enactment of the Infrastructure Investment and Jobs Act and thereafter, as appropriate”; and Time periods.

(2) by adding at the end the following:

“(j) CONSULTATION AND PROVISION OF INFORMATION BY ADMINISTRATOR.—The Administrator shall—

“(1) consult with each procuring agency, including contractors of the procuring agency, to clarify the responsibilities of the procuring agency under this section; and

“(2) provide to each procuring agency information on the requirements under this section and the responsibilities of the procuring agency under this section.

“(k) REPORTS.—The Administrator, in consultation with the Administrator of General Services, shall submit to Congress an annual report describing— Consultation.

“(1) the quantity of federally procured recycled products listed in the guidelines under subsection (e); and

“(2) with respect to the products described in paragraph (1), the percentage of recycled material in each product.”.

(d) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There is authorized to be appropriated to the Administrator to carry out this section and the amendments made by this section \$15,000,000 for each of fiscal years 2022 through 2026. Time period.

(2) REQUIREMENT.—Of the amount made available under paragraph (1) for a fiscal year, not less than 20 percent shall be allocated to—

- (A) low-income communities;
- (B) rural communities; and
- (C) communities identified as Native American pursuant to section 2(9) of the Native American Graves Protection and Repatriation Act (25 U.S.C. 3001(9)).

TITLE V—BIOPRODUCT PILOT PROGRAM

7 USC 7624.

SEC. 70501. PILOT PROGRAM ON USE OF AGRICULTURAL COMMODITIES IN CONSTRUCTION AND CONSUMER PRODUCTS.

(a) DEFINITIONS.—In this section:

(1) CONSTRUCTION PRODUCT.—The term “construction product” means any article, or component part thereof, produced or distributed for use during the construction, maintenance, or preservation of a highway, road, street, bridge, building, dam, port, or airport construction project.

(2) CONSUMER PRODUCT.—The term “consumer product” means—

(A) any article, or component part thereof, produced or distributed—

(i) for sale to a consumer for use in or around a permanent or temporary household or residence, a school, in recreation, or otherwise; or

(ii) for the personal use, consumption or enjoyment of a consumer in or around a permanent or temporary household or residence, a school, in recreation, or otherwise; and

(B) any product or product category described in subparagraphs (A) through (I) of section 3(a)(5) of the Consumer Product Safety Act (15 U.S.C. 2052(a)(5)).

(3) COVERED AGRICULTURAL COMMODITY.—The term “covered agricultural commodity” means any agricultural commodity, food, feed, fiber, livestock, oil, or a derivative thereof, that the Secretary determines to have been used in the production of materials that have demonstrated market viability and benefits (as described in paragraphs (1) through (7) of subsection (b)) as of the date of enactment of this Act.

(4) QUALIFIED INSTITUTION.—The term “qualified institution” means a bioproducts research facility that—

(A) is funded, in part, by a State;

(B) is located within a reasonable distance, not to exceed 3 miles, of the primary residence hall of an institution of higher education (as defined in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a)));

(C) provides students opportunities to engage in research activities; and

(D) provides opportunities for an institution of higher education (as defined in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a))) to collaborate with private enterprise.

(5) SECRETARY.—The term “Secretary” means the Secretary of Agriculture.

(b) **ESTABLISHMENT.**—The Secretary shall carry out a pilot program under which the Secretary shall partner with not less than 1 qualified institution to study the benefits of using materials derived from covered agricultural commodities in the production of construction products and consumer products, including—

(1) cost savings relative to other commonly used alternative materials;

(2) greenhouse gas emission reductions and other environmental benefits relative to other commonly used alternative materials;

(3) life-cycle and longevity-extending characteristics relative to other commonly used alternative materials;

(4) life-cycle and longevity-reducing characteristics relative to other commonly used alternative materials;

(5) landfill quantity and waste management cost reductions;

(6) product development and production scale-up; and

(7) any other benefits that the Secretary determines to be appropriate.

(c) **AUTHORIZATION OF APPROPRIATIONS.**—There is authorized to be appropriated to the Secretary to carry out this section \$2,000,000 for each of fiscal years 2022 through 2023.

Time period.

TITLE VI—CYBERSECURITY

Subtitle A—Cyber Response and Recovery Act

Cyber Response and Recovery Act.

SEC. 70601. SHORT TITLE.

6 USC 101 note.

This subtitle may be cited as the “Cyber Response and Recovery Act”.

SEC. 70602. DECLARATION OF A SIGNIFICANT INCIDENT.

(a) **IN GENERAL.**—Title XXII of the Homeland Security Act of 2002 (6 U.S.C. 651 et seq.) is amended by adding at the end the following:

“Subtitle C—Declaration of a Significant Incident

“SEC. 2231. SENSE OF CONGRESS.

6 USC 677.

“It is the sense of Congress that—

“(1) the purpose of this subtitle is to authorize the Secretary to declare that a significant incident has occurred and to establish the authorities that are provided under the declaration to respond to and recover from the significant incident; and

“(2) the authorities established under this subtitle are intended to enable the Secretary to provide voluntary assistance to non-Federal entities impacted by a significant incident.

“SEC. 2232. DEFINITIONS.

6 USC 677a.

“For the purposes of this subtitle:

“(1) **ASSET RESPONSE ACTIVITY.**—The term ‘asset response activity’ means an activity to support an entity impacted by

an incident with the response to, remediation of, or recovery from, the incident, including—

“(A) furnishing technical and advisory assistance to the entity to protect the assets of the entity, mitigate vulnerabilities, and reduce the related impacts;

“(B) assessing potential risks to the critical infrastructure sector or geographic region impacted by the incident, including potential cascading effects of the incident on other critical infrastructure sectors or geographic regions;

“(C) developing courses of action to mitigate the risks assessed under subparagraph (B);

“(D) facilitating information sharing and operational coordination with entities performing threat response activities; and

“(E) providing guidance on how best to use Federal resources and capabilities in a timely, effective manner to speed recovery from the incident.

“(2) **DECLARATION.**—The term ‘declaration’ means a declaration of the Secretary under section 2233(a)(1).

“(3) **DIRECTOR.**—The term ‘Director’ means the Director of the Cybersecurity and Infrastructure Security Agency.

“(4) **FEDERAL AGENCY.**—The term ‘Federal agency’ has the meaning given the term ‘agency’ in section 3502 of title 44, United States Code.

“(5) **FUND.**—The term ‘Fund’ means the Cyber Response and Recovery Fund established under section 2234(a).

“(6) **INCIDENT.**—The term ‘incident’ has the meaning given the term in section 3552 of title 44, United States Code.

“(7) **RENEWAL.**—The term ‘renewal’ means a renewal of a declaration under section 2233(d).

“(8) **SIGNIFICANT INCIDENT.**—The term ‘significant incident’—

“(A) means an incident or a group of related incidents that results, or is likely to result, in demonstrable harm to—

“(i) the national security interests, foreign relations, or economy of the United States; or

“(ii) the public confidence, civil liberties, or public health and safety of the people of the United States; and

“(B) does not include an incident or a portion of a group of related incidents that occurs on—

“(i) a national security system (as defined in section 3552 of title 44, United States Code); or

“(ii) an information system described in paragraph (2) or (3) of section 3553(e) of title 44, United States Code.

6 USC 677b.

“SEC. 2233. DECLARATION.

“(a) IN GENERAL.—

Consultation.
Determination.

“(1) DECLARATION.—The Secretary, in consultation with the National Cyber Director, may make a declaration of a significant incident in accordance with this section for the purpose of enabling the activities described in this subtitle if the Secretary determines that—

“(A) a specific significant incident—

“(i) has occurred; or

“(ii) is likely to occur imminently; and

“(B) otherwise available resources, other than the Fund, are likely insufficient to respond effectively to, or to mitigate effectively, the specific significant incident described in subparagraph (A).

“(2) PROHIBITION ON DELEGATION.—The Secretary may not delegate the authority provided to the Secretary under paragraph (1).

“(b) ASSET RESPONSE ACTIVITIES.—Upon a declaration, the Director shall coordinate—

“(1) the asset response activities of each Federal agency in response to the specific significant incident associated with the declaration; and

“(2) with appropriate entities, which may include—

“(A) public and private entities and State and local governments with respect to the asset response activities of those entities and governments; and

“(B) Federal, State, local, and Tribal law enforcement agencies with respect to investigations and threat response activities of those law enforcement agencies; and

“(3) Federal, State, local, and Tribal emergency management and response agencies.

“(c) DURATION.—Subject to subsection (d), a declaration shall terminate upon the earlier of—

“(1) a determination by the Secretary that the declaration is no longer necessary; or

“(2) the expiration of the 120-day period beginning on the date on which the Secretary makes the declaration.

“(d) RENEWAL.—The Secretary, without delegation, may renew a declaration as necessary.

“(e) PUBLICATION.—

“(1) IN GENERAL.—Not later than 72 hours after a declaration or a renewal, the Secretary shall publish the declaration or renewal in the Federal Register.

“(2) PROHIBITION.—A declaration or renewal published under paragraph (1) may not include the name of any affected individual or private company.

“(f) ADVANCE ACTIONS.—

“(1) IN GENERAL.—The Secretary—

“(A) shall assess the resources available to respond to a potential declaration; and

“(B) may take actions before and while a declaration is in effect to arrange or procure additional resources for asset response activities or technical assistance the Secretary determines necessary, which may include entering into standby contracts with private entities for cybersecurity services or incident responders in the event of a declaration.

“(2) EXPENDITURE OF FUNDS.—Any expenditure from the Fund for the purpose of paragraph (1)(B) shall be made from amounts available in the Fund, and amounts available in the Fund shall be in addition to any other appropriations available to the Cybersecurity and Infrastructure Security Agency for such purpose.

6 USC 677c.

“SEC. 2234. CYBER RESPONSE AND RECOVERY FUND.

“(a) IN GENERAL.—There is established a Cyber Response and Recovery Fund, which shall be available for—

“(1) the coordination of activities described in section 2233(b);

“(2) response and recovery support for the specific significant incident associated with a declaration to Federal, State, local, and Tribal, entities and public and private entities on a reimbursable or non-reimbursable basis, including through asset response activities and technical assistance, such as—

“(A) vulnerability assessments and mitigation;

“(B) technical incident mitigation;

“(C) malware analysis;

“(D) analytic support;

“(E) threat detection and hunting; and

“(F) network protections;

Determination.

“(3) as the Director determines appropriate, grants for, or cooperative agreements with, Federal, State, local, and Tribal public and private entities to respond to, and recover from, the specific significant incident associated with a declaration, such as—

“(A) hardware or software to replace, update, improve, harden, or enhance the functionality of existing hardware, software, or systems; and

“(B) technical contract personnel support; and

“(4) advance actions taken by the Secretary under section 2233(f)(1)(B).

“(b) DEPOSITS AND EXPENDITURES.—

“(1) IN GENERAL.—Amounts shall be deposited into the Fund from—

“(A) appropriations to the Fund for activities of the Fund; and

“(B) reimbursement from Federal agencies for the activities described in paragraphs (1), (2), and (4) of subsection (a), which shall only be from amounts made available in advance in appropriations Acts for such reimbursement.

“(2) EXPENDITURES.—Any expenditure from the Fund for the purposes of this subtitle shall be made from amounts available in the Fund from a deposit described in paragraph (1), and amounts available in the Fund shall be in addition to any other appropriations available to the Cybersecurity and Infrastructure Security Agency for such purposes.

“(c) SUPPLEMENT NOT SUPPLANT.—Amounts in the Fund shall be used to supplement, not supplant, other Federal, State, local, or Tribal funding for activities in response to a declaration.

Requirement.

“(d) REPORTING.—The Secretary shall require an entity that receives amounts from the Fund to submit a report to the Secretary that details the specific use of the amounts.

6 USC 677d.

“SEC. 2235. NOTIFICATION AND REPORTING.

“(a) NOTIFICATION.—Upon a declaration or renewal, the Secretary shall immediately notify the National Cyber Director and appropriate congressional committees and include in the notification—

Estimate.

“(1) an estimation of the planned duration of the declaration;

“(2) with respect to a notification of a declaration, the reason for the declaration, including information relating to the specific significant incident or imminent specific significant incident, including—

“(A) the operational or mission impact or anticipated impact of the specific significant incident on Federal and non-Federal entities;

“(B) if known, the perpetrator of the specific significant incident; and

“(C) the scope of the Federal and non-Federal entities impacted or anticipated to be impacted by the specific significant incident;

“(3) with respect to a notification of a renewal, the reason for the renewal;

“(4) justification as to why available resources, other than the Fund, are insufficient to respond to or mitigate the specific significant incident; and

“(5) a description of the coordination activities described in section 2233(b) that the Secretary anticipates the Director to perform.

“(b) REPORT TO CONGRESS.—Not later than 180 days after the date of a declaration or renewal, the Secretary shall submit to the appropriate congressional committees a report that includes—

“(1) the reason for the declaration or renewal, including information and intelligence relating to the specific significant incident that led to the declaration or renewal;

“(2) the use of any funds from the Fund for the purpose of responding to the incident or threat described in paragraph (1);

“(3) a description of the actions, initiatives, and projects undertaken by the Department and State and local governments and public and private entities in responding to and recovering from the specific significant incident described in paragraph (1);

“(4) an accounting of the specific obligations and outlays of the Fund; and

“(5) an analysis of—

Analysis.

“(A) the impact of the specific significant incident described in paragraph (1) on Federal and non-Federal entities;

“(B) the impact of the declaration or renewal on the response to, and recovery from, the specific significant incident described in paragraph (1); and

“(C) the impact of the funds made available from the Fund as a result of the declaration or renewal on the recovery from, and response to, the specific significant incident described in paragraph (1).

“(c) CLASSIFICATION.—Each notification made under subsection (a) and each report submitted under subsection (b)—

“(1) shall be in an unclassified form with appropriate markings to indicate information that is exempt from disclosure under section 552 of title 5, United States Code (commonly known as the ‘Freedom of Information Act’); and

“(2) may include a classified annex.

Classified
information.
Determination.

“(d) CONSOLIDATED REPORT.—The Secretary shall not be required to submit multiple reports under subsection (b) for multiple

declarations or renewals if the Secretary determines that the declarations or renewals substantively relate to the same specific significant incident.

“(e) EXEMPTION.—The requirements of subchapter I of chapter 35 of title 44 (commonly known as the ‘Paperwork Reduction Act’) shall not apply to the voluntary collection of information by the Department during an investigation of, a response to, or an immediate post-response review of, the specific significant incident leading to a declaration or renewal.

6 USC 677e.

“SEC. 2236. RULE OF CONSTRUCTION.

“Nothing in this subtitle shall be construed to impair or limit the ability of the Director to carry out the authorized activities of the Cybersecurity and Infrastructure Security Agency.

Time period.
6 USC 677f.

“SEC. 2237. AUTHORIZATION OF APPROPRIATIONS.

“There are authorized to be appropriated to the Fund \$20,000,000 for fiscal year 2022 and each fiscal year thereafter until September 30, 2028, which shall remain available until September 30, 2028.

6 USC 677g.

“SEC. 2238. SUNSET.

“The authorities granted to the Secretary or the Director under this subtitle shall expire on the date that is 7 years after the date of enactment of this subtitle.”.

(b) CLERICAL AMENDMENT.—The table of contents in section 1(b) of the Homeland Security Act of 2002 (Public Law 107–296; 116 Stat. 2135) is amended by adding at the end the following:

“Subtitle C—Declaration of a Significant Incident

“Sec. 2231. Sense of congress.

“Sec. 2232. Definitions.

“Sec. 2233. Declaration.

“Sec. 2234. Cyber response and recovery fund.

“Sec. 2235. Notification and reporting.

“Sec. 2236. Rule of construction.

“Sec. 2237. Authorization of appropriations.

“Sec. 2238. Sunset.”.

State and Local
Cybersecurity
Improvement
Act.

Subtitle B—State and Local Cybersecurity Improvement Act

6 USC 101 note.

SEC. 70611. SHORT TITLE.

This subtitle may be cited as the “State and Local Cybersecurity Improvement Act”.

SEC. 70612. STATE AND LOCAL CYBERSECURITY GRANT PROGRAM.

(a) IN GENERAL.—Subtitle A of title XXII of the Homeland Security Act of 2002 (6 U.S.C. 651 et seq.) is amended by adding at the end the following:

6 USC 665g.

“SEC. 2218. STATE AND LOCAL CYBERSECURITY GRANT PROGRAM.

“(a) DEFINITIONS.—In this section:

“(1) APPROPRIATE COMMITTEES OF CONGRESS.—The term ‘appropriate committees of Congress’ means—

“(A) the Committee on Homeland Security and Governmental Affairs of the Senate; and

“(B) the Committee on Homeland Security of the House of Representatives.

“(2) CYBER THREAT INDICATOR.—The term ‘cyber threat indicator’ has the meaning given the term in section 102 of the Cybersecurity Act of 2015 (6 U.S.C. 1501).

“(3) CYBERSECURITY PLAN.—The term ‘Cybersecurity Plan’ means a plan submitted by an eligible entity under subsection (e)(1).

“(4) ELIGIBLE ENTITY.—The term ‘eligible entity’ means a—
“(A) State; or
“(B) Tribal government.

“(5) INCIDENT.—The term ‘incident’ has the meaning given the term in section 2209.

“(6) INFORMATION SHARING AND ANALYSIS ORGANIZATION.—The term ‘information sharing and analysis organization’ has the meaning given the term in section 2222.

“(7) INFORMATION SYSTEM.—The term ‘information system’ has the meaning given the term in section 102 of the Cybersecurity Act of 2015 (6 U.S.C. 1501).

“(8) MULTI-ENTITY GROUP.—The term ‘multi-entity group’ means a group of 2 or more eligible entities desiring a grant under this section.

“(9) ONLINE SERVICE.—The term ‘online service’ means any internet-facing service, including a website, email, virtual private network, or custom application.

“(10) RURAL AREA.—The term ‘rural area’ has the meaning given the term in section 5302 of title 49, United States Code.

“(11) STATE AND LOCAL CYBERSECURITY GRANT PROGRAM.—The term ‘State and Local Cybersecurity Grant Program’ means the program established under subsection (b).

“(12) TRIBAL GOVERNMENT.—The term ‘Tribal government’ means the recognized governing body of any Indian or Alaska Native Tribe, band, nation, pueblo, village, community, component band, or component reservation, that is individually identified (including parenthetically) in the most recent list published pursuant to Section 104 of the Federally Recognized Indian Tribe List Act of 1994 (25 U.S.C. 5131).

“(b) ESTABLISHMENT.—

“(1) IN GENERAL.—There is established within the Department a program to award grants to eligible entities to address cybersecurity risks and cybersecurity threats to information systems owned or operated by, or on behalf of, State, local, or Tribal governments.

“(2) APPLICATION.—An eligible entity desiring a grant under the State and Local Cybersecurity Grant Program shall submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require.

“(c) ADMINISTRATION.—The State and Local Cybersecurity Grant Program shall be administered in the same office of the Department that administers grants made under sections 2003 and 2004.

“(d) USE OF FUNDS.—An eligible entity that receives a grant under this section and a local government that receives funds from a grant under this section, as appropriate, shall use the grant to—

“(1) implement the Cybersecurity Plan of the eligible entity;
“(2) develop or revise the Cybersecurity Plan of the eligible entity;

“(3) pay expenses directly relating to the administration of the grant, which shall not exceed 5 percent of the amount of the grant;

“(4) assist with activities that address imminent cybersecurity threats, as confirmed by the Secretary, acting through the Director, to the information systems owned or operated by, or on behalf of, the eligible entity or a local government within the jurisdiction of the eligible entity; or

“(5) fund any other appropriate activity determined by the Secretary, acting through the Director.

“(e) CYBERSECURITY PLANS.—

“(1) IN GENERAL.—An eligible entity applying for a grant under this section shall submit to the Secretary a Cybersecurity Plan for review in accordance with subsection (i).

“(2) REQUIRED ELEMENTS.—A Cybersecurity Plan of an eligible entity shall—

“(A) incorporate, to the extent practicable—

“(i) any existing plans of the eligible entity to protect against cybersecurity risks and cybersecurity threats to information systems owned or operated by, or on behalf of, State, local, or Tribal governments; and

“(ii) if the eligible entity is a State, consultation and feedback from local governments and associations of local governments within the jurisdiction of the eligible entity;

“(B) describe, to the extent practicable, how the eligible entity will—

“(i) manage, monitor, and track information systems, applications, and user accounts owned or operated by, or on behalf of, the eligible entity or, if the eligible entity is a State, local governments within the jurisdiction of the eligible entity, and the information technology deployed on those information systems, including legacy information systems and information technology that are no longer supported by the manufacturer of the systems or technology;

“(ii) monitor, audit, and, track network traffic and activity transiting or traveling to or from information systems, applications, and user accounts owned or operated by, or on behalf of, the eligible entity or, if the eligible entity is a State, local governments within the jurisdiction of the eligible entity;

“(iii) enhance the preparation, response, and resiliency of information systems, applications, and user accounts owned or operated by, or on behalf of, the eligible entity or, if the eligible entity is a State, local governments within the jurisdiction of the eligible entity, against cybersecurity risks and cybersecurity threats;

“(iv) implement a process of continuous cybersecurity vulnerability assessments and threat mitigation practices prioritized by degree of risk to address cybersecurity risks and cybersecurity threats on information systems, applications, and user accounts owned or operated by, or on behalf of, the eligible entity or,

if the eligible entity is a State, local governments within the jurisdiction of the eligible entity;

“(v) ensure that the eligible entity and, if the eligible entity is a State, local governments within the jurisdiction of the eligible entity, adopt and use best practices and methodologies to enhance cybersecurity, such as—

“(I) the practices set forth in the cybersecurity framework developed by the National Institute of Standards and Technology;

“(II) cyber chain supply chain risk management best practices identified by the National Institute of Standards and Technology; and

“(III) knowledge bases of adversary tools and tactics;

“(vi) promote the delivery of safe, recognizable, and trustworthy online services by the eligible entity and, if the eligible entity is a State, local governments within the jurisdiction of the eligible entity, including through the use of the .gov internet domain;

“(vii) ensure continuity of operations of the eligible entity and, if the eligible entity is a State, local governments within the jurisdiction of the eligible entity, in the event of a cybersecurity incident, including by conducting exercises to practice responding to a cybersecurity incident;

“(viii) use the National Initiative for Cybersecurity Education Workforce Framework for Cybersecurity developed by the National Institute of Standards and Technology to identify and mitigate any gaps in the cybersecurity workforces of the eligible entity and, if the eligible entity is a State, local governments within the jurisdiction of the eligible entity, enhance recruitment and retention efforts for those workforces, and bolster the knowledge, skills, and abilities of personnel of the eligible entity and, if the eligible entity is a State, local governments within the jurisdiction of the eligible entity, to address cybersecurity risks and cybersecurity threats, such as through cybersecurity hygiene training;

“(ix) if the eligible entity is a State, ensure continuity of communications and data networks within the jurisdiction of the eligible entity between the eligible entity and local governments within the jurisdiction of the eligible entity in the event of an incident involving those communications or data networks;

“(x) assess and mitigate, to the greatest degree possible, cybersecurity risks and cybersecurity threats relating to critical infrastructure and key resources, the degradation of which may impact the performance of information systems within the jurisdiction of the eligible entity;

“(xi) enhance capabilities to share cyber threat indicators and related information between the eligible entity and—

“(I) if the eligible entity is a State, local governments within the jurisdiction of the eligible

	entity, including by expanding information sharing agreements with the Department; and
	“(II) the Department;
	“(xii) leverage cybersecurity services offered by the Department;
	“(xiii) implement an information technology and operational technology modernization cybersecurity review process that ensures alignment between information technology and operational technology cybersecurity objectives;
Coordination. Strategies.	“(xiv) develop and coordinate strategies to address cybersecurity risks and cybersecurity threats in consultation with—
	“(I) if the eligible entity is a State, local governments and associations of local governments within the jurisdiction of the eligible entity; and
	“(II) as applicable—
	“(aa) eligible entities that neighbor the jurisdiction of the eligible entity or, as appropriate, members of an information sharing and analysis organization; and
	“(bb) countries that neighbor the jurisdiction of the eligible entity;
	“(xv) ensure adequate access to, and participation in, the services and programs described in this subparagraph by rural areas within the jurisdiction of the eligible entity; and
	“(xvi) distribute funds, items, services, capabilities, or activities to local governments under subsection (n)(2)(A), including the fraction of that distribution the eligible entity plans to distribute to rural areas under subsection (n)(2)(B);
Assessment.	“(C) assess the capabilities of the eligible entity relating to the actions described in subparagraph (B);
	“(D) describe, as appropriate and to the extent practicable, the individual responsibilities of the eligible entity and local governments within the jurisdiction of the eligible entity in implementing the plan;
Timeline.	“(E) outline, to the extent practicable, the necessary resources and a timeline for implementing the plan; and
	“(F) describe the metrics the eligible entity will use to measure progress towards—
	“(i) implementing the plan; and
	“(ii) reducing cybersecurity risks to, and identifying, responding to, and recovering from cybersecurity threats to, information systems owned or operated by, or on behalf of, the eligible entity or, if the eligible entity is a State, local governments within the jurisdiction of the eligible entity.
	“(3) DISCRETIONARY ELEMENTS.—In drafting a Cybersecurity Plan, an eligible entity may—
Consultation.	“(A) consult with the Multi-State Information Sharing and Analysis Center;
	“(B) include a description of cooperative programs developed by groups of local governments within the jurisdiction of the eligible entity to address cybersecurity risks and cybersecurity threats; and

“(C) include a description of programs provided by the eligible entity to support local governments and owners and operators of critical infrastructure to address cybersecurity risks and cybersecurity threats.

“(f) MULTI-ENTITY GRANTS.—

“(1) IN GENERAL.—The Secretary may award grants under this section to a multi-entity group to support multi-entity efforts to address cybersecurity risks and cybersecurity threats to information systems within the jurisdictions of the eligible entities that comprise the multi-entity group.

“(2) SATISFACTION OF OTHER REQUIREMENTS.—In order to be eligible for a multi-entity grant under this subsection, each eligible entity that comprises a multi-entity group shall have—

“(A) a Cybersecurity Plan that has been reviewed by the Secretary in accordance with subsection (i); and

“(B) a cybersecurity planning committee established in accordance with subsection (g).

“(3) APPLICATION.—

“(A) IN GENERAL.—A multi-entity group applying for a multi-entity grant under paragraph (1) shall submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require.

“(B) MULTI-ENTITY PROJECT PLAN.—An application for a grant under this section of a multi-entity group under subparagraph (A) shall include a plan describing—

“(i) the division of responsibilities among the eligible entities that comprise the multi-entity group;

“(ii) the distribution of funding from the grant among the eligible entities that comprise the multi-entity group; and

“(iii) how the eligible entities that comprise the multi-entity group will work together to implement the Cybersecurity Plan of each of those eligible entities.

“(g) PLANNING COMMITTEES.—

“(1) IN GENERAL.—An eligible entity that receives a grant under this section shall establish a cybersecurity planning committee to—

“(A) assist with the development, implementation, and revision of the Cybersecurity Plan of the eligible entity;

“(B) approve the Cybersecurity Plan of the eligible entity; and

“(C) assist with the determination of effective funding priorities for a grant under this section in accordance with subsections (d) and (j).

“(2) COMPOSITION.—A committee of an eligible entity established under paragraph (1) shall—

“(A) be comprised of representatives from—

“(i) the eligible entity;

“(ii) if the eligible entity is a State, counties, cities, and towns within the jurisdiction of the eligible entity; and

“(iii) institutions of public education and health within the jurisdiction of the eligible entity; and

“(B) include, as appropriate, representatives of rural, suburban, and high-population jurisdictions.

“(3) CYBERSECURITY EXPERTISE.—Not less than one-half of the representatives of a committee established under paragraph (1) shall have professional experience relating to cybersecurity or information technology.

“(4) RULE OF CONSTRUCTION REGARDING EXISTING PLANNING COMMITTEES.—Nothing in this subsection shall be construed to require an eligible entity to establish a cybersecurity planning committee if the eligible entity has established and uses a multijurisdictional planning committee or commission that—

“(A) meets the requirements of this subsection; or

“(B) may be expanded or leveraged to meet the requirements of this subsection, including through the formation of a cybersecurity planning subcommittee.

“(5) RULE OF CONSTRUCTION REGARDING CONTROL OF INFORMATION SYSTEMS OF ELIGIBLE ENTITIES.—Nothing in this subsection shall be construed to permit a cybersecurity planning committee of an eligible entity that meets the requirements of this subsection to make decisions relating to information systems owned or operated by, or on behalf of, the eligible entity.

Consultation.

“(h) SPECIAL RULE FOR TRIBAL GOVERNMENTS.—With respect to any requirement under subsection (e) or (g), the Secretary, in consultation with the Secretary of the Interior and Tribal governments, may prescribe an alternative substantively similar requirement for Tribal governments if the Secretary finds that the alternative requirement is necessary for the effective delivery and administration of grants to Tribal governments under this section.

“(i) REVIEW OF PLANS.—

“(1) REVIEW AS CONDITION OF GRANT.—

“(A) IN GENERAL.—Subject to paragraph (3), before an eligible entity may receive a grant under this section, the Secretary, acting through the Director, shall—

Review.

“(i) review the Cybersecurity Plan of the eligible entity, including any revised Cybersecurity Plans of the eligible entity; and

Determination.

“(ii) determine that the Cybersecurity Plan reviewed under clause (i) satisfies the requirements under paragraph (2).

Effective date.

“(B) DURATION OF DETERMINATION.—In the case of a determination under subparagraph (A)(ii) that a Cybersecurity Plan satisfies the requirements under paragraph (2), the determination shall be effective for the 2-year period beginning on the date of the determination.

Deadline.

Determinations.

“(C) ANNUAL RENEWAL.—Not later than 2 years after the date on which the Secretary determines under subparagraph (A)(ii) that a Cybersecurity Plan satisfies the requirements under paragraph (2), and annually thereafter, the Secretary, acting through the Director, shall—

“(i) determine whether the Cybersecurity Plan and any revisions continue to meet the criteria described in paragraph (2); and

“(ii) renew the determination if the Secretary, acting through the Director, makes a positive determination under clause (i).

“(2) PLAN REQUIREMENTS.—In reviewing a Cybersecurity Plan of an eligible entity under this subsection, the Secretary,

acting through the Director, shall ensure that the Cybersecurity Plan—

“(A) satisfies the requirements of subsection (e)(2); and

“(B) has been approved by—

“(i) the cybersecurity planning committee of the eligible entity established under subsection (g); and

“(ii) the Chief Information Officer, the Chief Information Security Officer, or an equivalent official of the eligible entity.

“(3) EXCEPTION.—Notwithstanding subsection (e) and paragraph (1) of this subsection, the Secretary may award a grant under this section to an eligible entity that does not submit a Cybersecurity Plan to the Secretary for review before September 30, 2023, if the eligible entity certifies to the Secretary that—

Deadline.
Review.
Certification.

“(A) the activities that will be supported by the grant are—

“(i) integral to the development of the Cybersecurity Plan of the eligible entity; or

“(ii) necessary to assist with activities described in subsection (d)(4), as confirmed by the Director; and

“(B) the eligible entity will submit to the Secretary a Cybersecurity Plan for review under this subsection by September 30, 2023.

“(4) RULE OF CONSTRUCTION.—Nothing in this subsection shall be construed to provide authority to the Secretary to—

“(A) regulate the manner by which an eligible entity or local government improves the cybersecurity of the information systems owned or operated by, or on behalf of, the eligible entity or local government; or

“(B) condition the receipt of grants under this section on—

“(i) participation in a particular Federal program;

or

“(ii) the use of a specific product or technology.

“(j) LIMITATIONS ON USES OF FUNDS.—

“(1) IN GENERAL.—Any entity that receives funds from a grant under this section may not use the grant—

“(A) to supplant State or local funds;

“(B) for any recipient cost-sharing contribution;

“(C) to pay a ransom;

“(D) for recreational or social purposes; or

“(E) for any purpose that does not address cybersecurity risks or cybersecurity threats on information systems owned or operated by, or on behalf of, the eligible entity that receives the grant or a local government within the jurisdiction of the eligible entity.

“(2) COMPLIANCE OVERSIGHT.—In addition to any other remedy available, the Secretary may take such actions as are necessary to ensure that a recipient of a grant under this section uses the grant for the purposes for which the grant is awarded.

“(3) RULE OF CONSTRUCTION.—Nothing in paragraph (1)(A) shall be construed to prohibit the use of funds from a grant under this section awarded to a State, local, or Tribal government for otherwise permissible uses under this section on the basis that the State, local, or Tribal government has previously

used State, local, or Tribal funds to support the same or similar uses.

“(k) OPPORTUNITY TO AMEND APPLICATIONS.—In considering applications for grants under this section, the Secretary shall provide applicants with a reasonable opportunity to correct any defects in those applications before making final awards, including by allowing applicants to revise a submitted Cybersecurity Plan.

“(l) APPORTIONMENT.—For fiscal year 2022 and each fiscal year thereafter, the Secretary shall apportion amounts appropriated to carry out this section among eligible entities as follows:

“(1) BASELINE AMOUNT.—The Secretary shall first apportion—

“(A) 0.25 percent of such amounts to each of American Samoa, the Commonwealth of the Northern Mariana Islands, Guam, and the United States Virgin Islands;

“(B) 1 percent of such amounts to each of the remaining States; and

“(C) 3 percent of such amounts to Tribal governments.

“(2) REMAINDER.—The Secretary shall apportion the remainder of such amounts to States as follows:

“(A) 50 percent of such remainder in the ratio that the population of each State, bears to the population of all States; and

“(B) 50 percent of such remainder in the ratio that the population of each State that resides in rural areas, bears to the population of all States that resides in rural areas.

“(3) APPORTIONMENT AMONG TRIBAL GOVERNMENTS.—In determining how to apportion amounts to Tribal governments under paragraph (1)(C), the Secretary shall consult with the Secretary of the Interior and Tribal governments.

“(4) MULTI-ENTITY GRANTS.—An amount received from a multi-entity grant awarded under subsection (f)(1) by a State or Tribal government that is a member of the multi-entity group shall qualify as an apportionment for the purpose of this subsection.

“(m) FEDERAL SHARE.—

“(1) IN GENERAL.—The Federal share of the cost of an activity carried out using funds made available with a grant under this section may not exceed—

“(A) in the case of a grant to an eligible entity—

“(i) for fiscal year 2022, 90 percent;

“(ii) for fiscal year 2023, 80 percent;

“(iii) for fiscal year 2024, 70 percent; and

“(iv) for fiscal year 2025, 60 percent; and

“(B) in the case of a grant to a multi-entity group—

“(i) for fiscal year 2022, 100 percent;

“(ii) for fiscal year 2023, 90 percent;

“(iii) for fiscal year 2024, 80 percent; and

“(iv) for fiscal year 2025, 70 percent.

“(2) WAIVER.—

“(A) IN GENERAL.—The Secretary may waive or modify the requirements of paragraph (1) if an eligible entity or multi-entity group demonstrates economic hardship.

“(B) GUIDELINES.—The Secretary shall establish and publish guidelines for determining what constitutes economic hardship for the purposes of this subsection.

“(C) CONSIDERATIONS.—In developing guidelines under subparagraph (B), the Secretary shall consider, with respect to the jurisdiction of an eligible entity—

“(i) changes in rates of unemployment in the jurisdiction from previous years;

“(ii) changes in the percentage of individuals who are eligible to receive benefits under the supplemental nutrition assistance program established under the Food and Nutrition Act of 2008 (7 U.S.C. 2011 et seq.) from previous years; and

“(iii) any other factors the Secretary considers appropriate.

“(3) WAIVER FOR TRIBAL GOVERNMENTS.—Notwithstanding paragraph (2), the Secretary, in consultation with the Secretary of the Interior and Tribal governments, may waive or modify the requirements of paragraph (1) for 1 or more Tribal governments if the Secretary determines that the waiver is in the public interest.

Consultation.
Determination.

“(n) RESPONSIBILITIES OF GRANTEES.—

“(1) CERTIFICATION.—Each eligible entity or multi-entity group that receives a grant under this section shall certify to the Secretary that the grant will be used—

“(A) for the purpose for which the grant is awarded;

and

“(B) in compliance with subsections (d) and (j).

“(2) AVAILABILITY OF FUNDS TO LOCAL GOVERNMENTS AND RURAL AREAS.—

“(A) IN GENERAL.—Subject to subparagraph (C), not later than 45 days after the date on which an eligible entity or multi-entity group receives a grant under this section, the eligible entity or multi-entity group shall, without imposing unreasonable or unduly burdensome requirements as a condition of receipt, obligate or otherwise make available to local governments within the jurisdiction of the eligible entity or the eligible entities that comprise the multi-entity group, consistent with the Cybersecurity Plan of the eligible entity or the Cybersecurity Plans of the eligible entities that comprise the multi-entity group—

Deadline.

“(i) not less than 80 percent of funds available under the grant;

“(ii) with the consent of the local governments, items, services, capabilities, or activities having a value of not less than 80 percent of the amount of the grant; or

“(iii) with the consent of the local governments, grant funds combined with other items, services, capabilities, or activities having the total value of not less than 80 percent of the amount of the grant.

“(B) AVAILABILITY TO RURAL AREAS.—In obligating funds, items, services, capabilities, or activities to local governments under subparagraph (A), the eligible entity or eligible entities that comprise the multi-entity group shall ensure that rural areas within the jurisdiction of the eligible entity or the eligible entities that comprise the multi-entity group receive not less than—

“(i) 25 percent of the amount of the grant awarded to the eligible entity;

“(ii) items, services, capabilities, or activities having a value of not less than 25 percent of the amount of the grant awarded to the eligible entity; or

“(iii) grant funds combined with other items, services, capabilities, or activities having the total value of not less than 25 percent of the grant awarded to the eligible entity.

“(C) EXCEPTIONS.—This paragraph shall not apply to—

“(i) any grant awarded under this section that solely supports activities that are integral to the development or revision of the Cybersecurity Plan of the eligible entity; or

“(ii) the District of Columbia, the Commonwealth of Puerto Rico, American Samoa, the Commonwealth of the Northern Mariana Islands, Guam, the United States Virgin Islands, or a Tribal government.

“(3) CERTIFICATIONS REGARDING DISTRIBUTION OF GRANT FUNDS TO LOCAL GOVERNMENTS.—An eligible entity or multi-entity group shall certify to the Secretary that the eligible entity or multi-entity group has made the distribution to local governments required under paragraph (2).

“(4) EXTENSION OF PERIOD.—

“(A) IN GENERAL.—An eligible entity or multi-entity group may request in writing that the Secretary extend the period of time specified in paragraph (2) for an additional period of time.

“(B) APPROVAL.—The Secretary may approve a request for an extension under subparagraph (A) if the Secretary determines the extension is necessary to ensure that the obligation and expenditure of grant funds align with the purpose of the State and Local Cybersecurity Grant Program.

“(5) DIRECT FUNDING.—If an eligible entity does not make a distribution to a local government required under paragraph (2) in a timely fashion, the local government may petition the Secretary to request the Secretary to provide funds directly to the local government.

“(6) LIMITATION ON CONSTRUCTION.—A grant awarded under this section may not be used to acquire land or to construct, remodel, or perform alterations of buildings or other physical facilities.

“(7) CONSULTATION IN ALLOCATING FUNDS.—An eligible entity applying for a grant under this section shall agree to consult the Chief Information Officer, the Chief Information Security Officer, or an equivalent official of the eligible entity in allocating funds from a grant awarded under this section.

“(8) PENALTIES.—In addition to other remedies available to the Secretary, if an eligible entity violates a requirement of this subsection, the Secretary may—

“(A) terminate or reduce the amount of a grant awarded under this section to the eligible entity; or

“(B) distribute grant funds previously awarded to the eligible entity—

“(i) in the case of an eligible entity that is a State, directly to the appropriate local government as a

Determination.

Determination.

replacement grant in an amount determined by the Secretary; or

“(ii) in the case of an eligible entity that is a Tribal government, to another Tribal government or Tribal governments as a replacement grant in an amount determined by the Secretary.

“(o) CONSULTATION WITH STATE, LOCAL, AND TRIBAL REPRESENTATIVES.—In carrying out this section, the Secretary shall consult with State, local, and Tribal representatives with professional experience relating to cybersecurity, including representatives of associations representing State, local, and Tribal governments, to inform—

“(1) guidance for applicants for grants under this section, including guidance for Cybersecurity Plans;

“(2) the study of risk-based formulas required under subsection (q)(4);

“(3) the development of guidelines required under subsection (m)(2)(B); and

“(4) any modifications described in subsection (q)(2)(D).

“(p) NOTIFICATION TO CONGRESS.—Not later than 3 business days before the date on which the Department announces the award of a grant to an eligible entity under this section, including an announcement to the eligible entity, the Secretary shall provide to the appropriate committees of Congress notice of the announcement. Deadline.

“(q) REPORTS, STUDY, AND REVIEW.—

“(1) ANNUAL REPORTS BY GRANT RECIPIENTS.—

“(A) IN GENERAL.—Not later than 1 year after the date on which an eligible entity receives a grant under this section for the purpose of implementing the Cybersecurity Plan of the eligible entity, including an eligible entity that comprises a multi-entity group that receives a grant for that purpose, and annually thereafter until 1 year after the date on which funds from the grant are expended or returned, the eligible entity shall submit to the Secretary a report that, using the metrics described in the Cybersecurity Plan of the eligible entity, describes the progress of the eligible entity in—

“(i) implementing the Cybersecurity Plan of the eligible entity; and

“(ii) reducing cybersecurity risks to, and identifying, responding to, and recovering from cybersecurity threats to, information systems owned or operated by, or on behalf of, the eligible entity or, if the eligible entity is a State, local governments within the jurisdiction of the eligible entity.

“(B) ABSENCE OF PLAN.—Not later than 1 year after the date on which an eligible entity that does not have a Cybersecurity Plan receives funds under this section, and annually thereafter until 1 year after the date on which funds from the grant are expended or returned, the eligible entity shall submit to the Secretary a report describing how the eligible entity obligated and expended grant funds to—

“(i) develop or revise a Cybersecurity Plan; or

“(ii) assist with the activities described in subsection (d)(4).

“(2) ANNUAL REPORTS TO CONGRESS.—Not less frequently than annually, the Secretary, acting through the Director, shall submit to Congress a report on—

“(A) the use of grants awarded under this section;

“(B) the proportion of grants used to support cybersecurity in rural areas;

“(C) the effectiveness of the State and Local Cybersecurity Grant Program;

“(D) any necessary modifications to the State and Local Cybersecurity Grant Program; and

“(E) any progress made toward—

“(i) developing, implementing, or revising Cybersecurity Plans; and

“(ii) reducing cybersecurity risks to, and identifying, responding to, and recovering from cybersecurity threats to, information systems owned or operated by, or on behalf of, State, local, or Tribal governments as a result of the award of grants under this section.

“(3) PUBLIC AVAILABILITY.—

Web posting.

“(A) IN GENERAL.—The Secretary, acting through the Director, shall make each report submitted under paragraph (2) publicly available, including by making each report available on the website of the Agency.

Consultation.
Determination.

“(B) REDACTIONS.—In making each report publicly available under subparagraph (A), the Director may make redactions that the Director, in consultation with each eligible entity, determines necessary to protect classified or other information exempt from disclosure under section 552 of title 5, United States Code (commonly referred to as the ‘Freedom of Information Act’).

“(4) STUDY OF RISK-BASED FORMULAS.—

Deadline.
Recommendations.

“(A) IN GENERAL.—Not later than September 30, 2024, the Secretary, acting through the Director, shall submit to the appropriate committees of Congress a study and legislative recommendations on the potential use of a risk-based formula for apportioning funds under this section, including—

“(i) potential components that could be included in a risk-based formula, including the potential impact of those components on support for rural areas under this section;

“(ii) potential sources of data and information necessary for the implementation of a risk-based formula;

“(iii) any obstacles to implementing a risk-based formula, including obstacles that require a legislative solution;

“(iv) if a risk-based formula were to be implemented for fiscal year 2026, a recommended risk-based formula for the State and Local Cybersecurity Grant Program; and

Determination.

“(v) any other information that the Secretary, acting through the Director, determines necessary to help Congress understand the progress towards, and obstacles to, implementing a risk-based formula.

“(B) INAPPLICABILITY OF PAPERWORK REDUCTION ACT.—The requirements of chapter 35 of title 44, United States Code (commonly referred to as the ‘Paperwork Reduction

Act’), shall not apply to any action taken to carry out this paragraph.

“(5) TRIBAL CYBERSECURITY NEEDS REPORT.—Not later than 2 years after the date of enactment of this section, the Secretary, acting through the Director, shall submit to Congress a report that—

“(A) describes the cybersecurity needs of Tribal governments, which shall be determined in consultation with the Secretary of the Interior and Tribal governments; and

Determination.
Consultation.

“(B) includes any recommendations for addressing the cybersecurity needs of Tribal governments, including any necessary modifications to the State and Local Cybersecurity Grant Program to better serve Tribal governments.

Recommendations.

“(6) GAO REVIEW.—Not later than 3 years after the date of enactment of this section, the Comptroller General of the United States shall conduct a review of the State and Local Cybersecurity Grant Program, including—

Deadline.

“(A) the grant selection process of the Secretary; and

“(B) a sample of grants awarded under this section.

“(r) AUTHORIZATION OF APPROPRIATIONS.—

“(1) IN GENERAL.—There are authorized to be appropriated for activities under this section—

“(A) for fiscal year 2022, \$200,000,000;

“(B) for fiscal year 2023, \$400,000,000;

“(C) for fiscal year 2024, \$300,000,000; and

“(D) for fiscal year 2025, \$100,000,000.

“(2) TRANSFERS AUTHORIZED.—

“(A) IN GENERAL.—During a fiscal year, the Secretary or the head of any component of the Department that administers the State and Local Cybersecurity Grant Program may transfer not more than 5 percent of the amounts appropriated pursuant to paragraph (1) or other amounts appropriated to carry out the State and Local Cybersecurity Grant Program for that fiscal year to an account of the Department for salaries, expenses, and other administrative costs incurred for the management, administration, or evaluation of this section.

“(B) ADDITIONAL APPROPRIATIONS.—Any funds transferred under subparagraph (A) shall be in addition to any funds appropriated to the Department or the components described in subparagraph (A) for salaries, expenses, and other administrative costs.

“(s) TERMINATION.—

“(1) IN GENERAL.—Subject to paragraph (2), the requirements of this section shall terminate on September 30, 2025.

“(2) EXCEPTION.—The reporting requirements under subsection (q) shall terminate on the date that is 1 year after the date on which the final funds from a grant under this section are expended or returned.”.

(b) CLERICAL AMENDMENT.—The table of contents in section 1(b) of the Homeland Security Act of 2002 (Public Law 107–296; 116 Stat. 2135), is amended by inserting after the item relating to section 2217 the following:

“Sec. 2218. State and Local Cybersecurity Grant Program.”.

TITLE VII—PUBLIC-PRIVATE PARTNERSHIPS

23 USC 601 note. **SEC. 70701. VALUE FOR MONEY ANALYSIS.**

Evaluation.

(a) **IN GENERAL.**—Notwithstanding any other provision of law, in the case of a project described in subsection (b), the entity carrying out the project shall, during the planning and project development process and prior to signing any Project Development Agreement, conduct a value for money analysis or comparable analysis of the project, which shall include an evaluation of—

(1) the life-cycle cost and project delivery schedule;

(2) the costs of using public funding versus private financing for the project;

(3) a description of the key assumptions made in developing the analysis, including—

(A) an analysis of any Federal grants or loans and subsidies received or expected (including tax depreciation costs);

(B) the key terms of the proposed public-private partnership agreement, if applicable (including the expected rate of return for private debt and equity), and major compensation events;

(C) a discussion of the benefits and costs associated with the allocation of risk;

Determination.

(D) the determination of risk premiums assigned to various project delivery scenarios;

(E) assumptions about use, demand, and any user fee revenue generated by the project; and

(F) any externality benefits for the public generated by the project;

(4) a forecast of user fees and other revenues expected to be generated by the project, if applicable; and

Determination.

(5) any other information the Secretary of Transportation determines to be appropriate.

(b) **PROJECT DESCRIBED.**—A project referred to in subsection (a) is a transportation project—

(1) with an estimated total cost of more than \$750,000,000;

(2) carried out—

(A) by a public entity that is a State, territory, Indian Tribe, unit of local government, transit agency, port authority, metropolitan planning organization, airport authority, or other political subdivision of a State or local government; and

(B) in a State in which there is in effect a State law authorizing the use and implementation of public-private partnerships for transportation projects; and

(3)(A) that intends to submit a letter of interest, or has submitted a letter of interest after the date of enactment of this Act, to be carried out with—

(i) assistance under the TIFIA program under chapter 6 of title 23, United States Code; or

(ii) assistance under the Railroad Rehabilitation and Improvement Financing Program of the Federal Railroad Administration established under chapter 224 of title 49, United States Code; and

(B) that is anticipated to generate user fees or other revenues that could support the capital and operating costs of such project.

(c) REPORTING REQUIREMENTS.—

(1) PROJECT REPORTS.—For each project described in subsection (b), the entity carrying out the project shall—

(A) include the results of the analysis under subsection (a) on the website of the project; and Web posting.

(B) submit the results of the analysis to the Build America Bureau and the Secretary of Transportation.

(2) REPORT TO CONGRESS.—The Secretary of Transportation, in coordination with the Build America Bureau, shall, not later than 2 years after the date of enactment of this Act— Coordination.

(A) compile the analyses submitted under paragraph (1)(B); and

(B) submit to Congress a report that—

(i) includes the analyses submitted under paragraph (1)(B);

(ii) describes—

(I) the use of private financing for projects described in subsection (b); and

(II) the costs and benefits of conducting a value for money analysis; and

(iii) identifies best practices for private financing of projects described in subsection (b).

(d) GUIDANCE.—The Secretary of Transportation, in coordination with the Build America Bureau, shall issue guidance on performance benchmarks, risk premiums, and expected rates of return on private financing for projects described in subsection (b). Coordination.

TITLE VIII—FEDERAL PERMITTING IMPROVEMENT

SEC. 70801. FEDERAL PERMITTING IMPROVEMENT.

(a) DEFINITIONS.—Section 41001 of the FAST Act (42 U.S.C. 4370m) is amended—

(1) in paragraph (3), by inserting “and any interagency consultation” after “issued by an agency”;

(2) in paragraph (4), by striking “means” and all that follows through the period at the end of subparagraph (B) and inserting “has the meaning given the term in section 1508.1 of title 40, Code of Federal Regulations (or successor regulations).”;

(3) in paragraph (5), by striking “Federal Infrastructure Permitting Improvement Steering Council” and inserting “Federal Permitting Improvement Steering Council”;

(4) in paragraph (6)(A)—

(A) in clause (ii), by striking “or” at the end;

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

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

“(iii) is—

“(I) subject to NEPA;

“(II) sponsored by an Indian Tribe (as defined in section 4 of the Indian Self-Determination and

Education Assistance Act (25 U.S.C. 5304)), an Alaska Native Corporation, a Native Hawaiian organization (as defined in section 6207 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7517)), the Department of Hawaiian Home Lands, or the Office of Hawaiian Affairs; and

“(III) located on land owned or under the jurisdiction of the entity that sponsors the activity under subclause (II); or”; and

(5) in paragraph (8), by striking “means” and all that follows through the period at the end and inserting “has the meaning given the term in section 1508.1 of title 40, Code of Federal Regulations (or successor regulations).”.

(b) **FEDERAL PERMITTING IMPROVEMENT STEERING COUNCIL.**—Section 41002 of the FAST Act (42 U.S.C. 4370m–1) is amended—

(1) in the section heading, by striking “**FEDERAL PERMITTING IMPROVEMENT COUNCIL**” and inserting “**FEDERAL PERMITTING IMPROVEMENT STEERING COUNCIL**”;

(2) in subsection (b)(2)(A)—

(A) in clause (i)—

(i) by striking “Each” and inserting the following:

“(I) **IN GENERAL.**—Each”; and

(ii) by adding at the end the following:

“(II) **REDESIGNATION.**—If an individual listed in subparagraph (B) designates a different member to serve on the Council than the member designated under subclause (I), the individual shall notify the Executive Director of the designation by not later than 30 days after the date on which the designation is made.”; and

(B) in clause (iii)(II), by striking “a deputy secretary (or the equivalent) or higher” and inserting “the applicable agency councilmember”;

(3) in subsection (c)—

(A) in paragraph (1)(C)(ii)—

(i) by striking subclause (I) and inserting the following:

“(I) **IN GENERAL.**—The performance schedules shall reflect employment of the most sound and efficient applicable processes, including the alignment of Federal reviews of projects, reduction of permitting and project delivery time, and consideration of the best practices for public participation.”;

(ii) by redesignating subclause (II) as subclause

(III);

(iii) by inserting after subclause (I) the following:

“(II) **GOAL.**—

“(aa) **IN GENERAL.**—To the maximum extent practicable, and consistent with applicable Federal law, the Executive Director, in consultation with the Council, shall aim to develop recommended performance schedules under clause (i) of not more than 2 years.

“(bb) **EXCEPTION.**—If a recommended performance schedule developed under clause (i) exceeds 2 years, the relevant agencies, in

Notification.
Deadline.

Performance
schedules.

Consultations.
Time period.

consultation with the Executive Director and the Council, shall explain in that recommended performance schedule the factors that cause the environmental reviews and authorizations in that category of covered projects to take longer than 2 years.”; and

(iv) in subclause (III)(bb) (as so redesignated), by striking “on the basis of data from the preceding 2 calendar years” and inserting “based on relevant historical data, as determined by the Executive Director,”;

(B) in paragraph (2)(B)—

(i) in the matter preceding clause (i), by striking “later than” and all that follows through “practices for” and inserting “less frequently than annually, the Council shall issue recommendations on the best practices for improving the Federal permitting process for covered projects, which may include”;

(ii) in clause (i)—

(I) by striking “stakeholder engagement, including fully considering” and inserting “stakeholder engagement, including—

“(II) fully considering”; and

(II) by inserting before subclause (II) (as added by subclause (I)) the following:

“(I) engaging with Native American stakeholders to ensure that project sponsors and agencies identify potential natural, archeological, and cultural resources and locations of historic and religious significance in the area of a covered project; and”;

(iii) in clause (vii), by striking “and” at the end;

(iv) by redesignating clause (viii) as clause (x);

and

(v) by inserting after clause (vii) the following:

“(viii) in coordination with the Executive Director, improving preliminary engagement with project sponsors in developing coordinated project plans;

“(ix) using programmatic assessments, templates, and other tools based on the best available science and data; and”;

(C) in paragraph (3)(A), by inserting “, including agency compliance with intermediate and final completion dates described in coordinated project plans” after “authorizations”; and

(4) by striking subsection (d).

(c) PERMITTING PROCESS IMPROVEMENT.—Section 41003 of the FAST Act (42 U.S.C. 4370m–2) is amended—

(1) in subsection (a)—

(A) in paragraph (1), by adding at the end the following:

“(D) CONFIDENTIALITY.—Any information relating to Native American natural, cultural, and historical resources submitted in a notice by a project sponsor under subparagraph (A) shall be—

“(i) kept confidential; and

“(ii) exempt from the disclosure requirements under section 552 of title 5, United States Code (commonly known as the ‘Freedom of Information Act’), and the Federal Advisory Committee Act (5 U.S.C. App.).”;

(B) in paragraph (2)—

(i) in subparagraph (A), in the matter preceding clause (i), by striking “45 days” and inserting “21 calendar days”; and

(ii) in subparagraph (B), by inserting “14 calendar day” before “deadline”; and

(C) in paragraph (3)(A), in the matter preceding clause (i), by inserting “and the Executive Director” after “as applicable,”;

(2) in subsection (b)—

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

“(iii) PROJECTS OTHER THAN COVERED PROJECTS.—

Determination.

“(I) IN GENERAL.—The Executive Director may direct a lead agency to create a specific entry on the Dashboard for a project that is not a covered project and is under review by the lead agency if the Executive Director determines that a Dashboard entry for that project is in the interest of transparency.

Deadline.

“(II) REQUIREMENTS.—Not later than 14 days after the date on which the Executive Director directs the lead agency to create a specific entry on the Dashboard for a project described in subclause (I), the lead agency shall create and maintain a specific entry on the Dashboard for the project that contains—

“(aa) a comprehensive permitting timetable, as described in subsection (c)(2)(A);

“(bb) the status of the compliance of each lead agency, cooperating agency, and participating agency with the permitting timetable required under item (aa);

“(cc) any modifications of the permitting timetable required under item (aa), including an explanation as to why the permitting timetable was modified; and

“(dd) information about project-related public meetings, public hearings, and public comment periods, which shall be presented in English and the predominant language of the community or communities most affected by the project, as that information becomes available.”; and

(B) in paragraph (3)(A)—

(i) in clause (i)—

(I) in subclause (IV), by striking “and” at the end;

(II) by redesignating subclause (V) as subclause (VI);

(III) by inserting after subclause (IV) the following:

“(V) information on the status of mitigation measures that were agreed to as part of the environmental review and permitting process, including whether and when the mitigation measures have been fully implemented; and”; and

(IV) in subclause (VI) (as so redesignated), by striking “and” at the end;

(ii) in clause (ii), by striking the period at the end and inserting “; and”; and

(iii) by adding at the end the following:

“(iii) information about project-related public meetings, public hearings, and public comment periods, which shall be presented in English and the predominant language of the community or communities most affected by the project, as that information becomes available.”; and

(3) in subsection (c)(2)—

(A) in subparagraph (A), strike “coordination” and insert “coordinated”;

(B) in subparagraph (D)(i)—

(i) by redesignating subclauses (I) through (III) as subclauses (II) through (IV), respectively;

(ii) by inserting before subclause (II) (as so redesignated) the following:

“(I) the facilitating or lead agency, as applicable, consults with the Executive Director regarding the potential modification not less than 15 days before engaging in the consultation under subclause (II);”; and

(iii) in subclause (II) (as so redesignated), by inserting “, the Executive Director,” after “participating agencies”; and

(C) in subparagraph (F)—

(i) in clause (i)—

(I) by inserting “intermediate and final” before “completion dates”; and

(II) by inserting “intermediate or final” before “completion date”; and

(ii) in clause (ii)—

(I) in the matter preceding subclause (I), by striking “a completion date for agency action on a covered project or is at significant risk of failing to conform with” and inserting “an intermediate or final completion date for agency action on a covered project or reasonably believes the agency will fail to conform with a completion date 30 days before”; and

(II) in subclause (I), by striking “significantly risking failing to conform” and inserting “reasonably believing the agency will fail to conform”.

(d) COORDINATION OF REQUIRED REVIEWS.—Section 41005 of the FAST Act (42 U.S.C. 4370m–4) is amended—

(1) in subsection (a)—

(A) in paragraph (1), by striking “and” at the end;

(B) in paragraph (2), by striking the period at the end and inserting “; and”; and

(C) by adding at the end the following:

“(3) where an environmental impact statement is required for a project, prepare a single, joint interagency environmental impact statement for the project unless the lead agency provides justification in the coordinated project plan that multiple environmental documents are more efficient for project review and authorization.”;

(2) in subsection (b)—

(A) by striking “(1) STATE ENVIRONMENTAL DOCUMENTS; SUPPLEMENTAL DOCUMENTS.—”;

(B) by redesignating subparagraphs (A) through (E) as paragraphs (1) through (5), respectively, and indenting appropriately;

(C) in paragraph (1) (as so redesignated)—

(i) by redesignating clauses (i) and (ii) as subparagraphs (A) and (B), respectively, and indenting appropriately; and

(ii) in subparagraph (A) (as so redesignated)—

(I) by striking “State laws and procedures” and inserting “the laws and procedures of a State or Indian Tribe (as defined in section 102 of the Federally Recognized Indian Tribe List Act of 1994 (25 U.S.C. 5130))”; and

(II) by inserting “developed pursuant to laws and procedures of that State or Indian Tribe (as so defined) that are of equal or greater rigor to each applicable Federal law and procedure, and” after “Council on Environmental Quality,”;

(D) in paragraph (2) (as so redesignated), by striking “subparagraph (A)” each place it appears and inserting “paragraph (1)”;

(E) in paragraph (3) (as so redesignated)—

(i) in the matter preceding clause (i), by striking “subparagraph (A)” and inserting “paragraph (1)”; and

(ii) by redesignating clauses (i) and (ii) as subparagraphs (A) and (B), respectively, and indenting appropriately;

(F) in paragraph (4) (as so redesignated)—

(i) in the matter preceding clause (i), by striking “subparagraph (C)” and inserting “paragraph (3)”; and

(ii) by redesignating clauses (i) and (ii) as subparagraphs (A) and (B), respectively, and indenting appropriately; and

(G) in paragraph (5) (as so redesignated)—

(i) by striking “subparagraph (A)” and inserting “paragraph (1)”; and

(ii) by striking “subparagraph (C)” and inserting “paragraph (3)”;

(3) in subsection (c)(4)—

(A) in the matter preceding subparagraph (A), by striking “determines that the development of the higher level of detail will not prevent—” and inserting “determines that—”;

(B) in subparagraph (A), by inserting “the development of the higher level of detail will not prevent” before “the lead agency”; and

(C) by striking subparagraph (B) and inserting the following:

“(B) the preferred and other alternatives are developed in sufficient detail to enable the public to comment on the alternatives.”;

(4) by redesignating subsection (f) as subsection (g); and
(5) by inserting after subsection (e) the following:

“(f) RECORD OF DECISION.—When an environmental impact statement is prepared, Federal agencies must, to the maximum extent practicable, issue a record of decision not later than 90 days after the date on which the final environmental impact statement is issued.”.

Deadline.

(e) LITIGATION, JUDICIAL REVIEW, AND SAVINGS PROVISION.—Section 41007 of the FAST Act (42 U.S.C. 4370m–6) is amended—

(1) in subsection (a)(1)—

(A) in subparagraph (A)—

(i) by striking “the action” and inserting “the claim”; and

(ii) by striking “of the final record of decision or approval or denial of a permit” and inserting “of notice of final agency action on the authorization”; and

(B) in subparagraph (B)(i), by striking “the action” and inserting “the claim”; and

(2) in subsection (e), in the matter preceding paragraph (1), by striking “this section” and inserting “this title”.

(f) REPORTS.—Section 41008 of the FAST Act (42 U.S.C. 4370m–7) is amended by striking subsection (a) and inserting the following:

“(a) REPORTS TO CONGRESS.—

“(1) EXECUTIVE DIRECTOR ANNUAL REPORT.—

“(A) IN GENERAL.—Not later than April 15 of each year for 10 years beginning on the date of enactment of the Infrastructure Investment and Jobs Act, the Executive Director shall submit to Congress a report detailing the progress accomplished under this title during the previous fiscal year.

Effective date.

“(B) OPPORTUNITY TO INCLUDE COMMENTS.—Each councilmember, with input from the respective agency CERPO, shall have the opportunity to include comments concerning the performance of the agency in the report described in subparagraph (A).

“(2) QUARTERLY AGENCY PERFORMANCE REPORT.—The Executive Director shall submit to Congress a quarterly report evaluating agency compliance with the provisions of this title, which shall include a description of the implementation and adherence of each agency to the coordinated project plan and permitting timetable requirements under section 41003(c).

“(3) AGENCY BEST PRACTICES REPORT.—Not later than April 15 of each year, each participating agency and lead agency shall submit to Congress and the Director of the Office of Management and Budget a report assessing the performance of the agency in implementing the best practices described in section 41002(c)(2)(B).”.

Assessment.

(g) FUNDING FOR GOVERNANCE, OVERSIGHT, AND PROCESSING OF ENVIRONMENTAL REVIEWS AND PERMITS.—Section 41009 of the FAST Act (42 U.S.C. 4370m–8) is amended—

(1) by striking subsection (a) and inserting the following:

“(a) IN GENERAL.—For the purpose of carrying out this title, the Executive Director, in consultation with the heads of the agencies listed in section 41002(b)(2)(B) and with the guidance of the

Consultation.
Regulations.
Reimbursement.

Director of the Office of Management and Budget, may, after public notice and opportunity for comment, issue regulations establishing a fee structure for sponsors of covered projects to reimburse the United States for reasonable costs incurred in conducting environmental reviews and authorizations for covered projects.”;

(2) in subsection (b), by striking “and 41003” and inserting “through 41008”; and

(3) in subsection (d)—

(A) in the subsection heading, by striking “AND PERMITTING”; and

(B) by striking paragraphs (2) and (3) and inserting the following:

“(2) AVAILABILITY.—Amounts in the Fund shall be available to the Executive Director, without fiscal year limitation, solely for the purposes of administering, implementing, and enforcing this title, including the expenses of the Council, staffing of the Office of the Executive Director, and support of the role of the Council as a Federal center for permitting excellence, which may include supporting interagency detailee and rotation opportunities, advanced training, enhanced support for agency project managers, and fora for sharing information and lessons learned.

“(3) TRANSFER.—For the purpose of carrying out this title, the Executive Director, with the approval of the Director of the Office of Management and Budget, may transfer amounts in the Fund to other Federal agencies and State, Tribal, and local governments to facilitate timely and efficient environmental reviews and authorizations for covered projects and other projects under this title, including direct reimbursement agreements with agency CERPOs, reimbursable agreements, and approval and consultation processes and staff for covered projects.”.

Repeal.

(h) SUNSET.—Section 41013 of the FAST Act (42 U.S.C. 4370m–12) is repealed.

(i) TECHNICAL CORRECTION.—Section 41002(b)(2)(A)(ii) of the FAST Act (42 U.S.C. 4370m–1(b)(2)(A)(ii)) is amended by striking “councilmember” and inserting “councilmember”.

(j) CLERICAL AMENDMENT.—The table of contents in section 1(b) of the FAST Act (Public Law 114–94; 129 Stat. 1319) is amended by striking the item relating to section 41002 and inserting the following:

“Sec. 41002. Federal Permitting Improvement Steering Council.”.

TITLE IX—BUILD AMERICA, BUY AMERICA

Subtitle A—Build America, Buy America

Build America,
Buy America Act.

41 USC 8301
note.

SEC. 70901. SHORT TITLE.

This subtitle may be cited as the “Build America, Buy America Act”.

PART I—BUY AMERICA SOURCING REQUIREMENTS

SEC. 70911. FINDINGS.

Congress finds that—

(1) the United States must make significant investments to install, upgrade, or replace the public works infrastructure of the United States;

(2) with respect to investments in the infrastructure of the United States, taxpayers expect that their public works infrastructure will be produced in the United States by American workers;

(3) United States taxpayer dollars invested in public infrastructure should not be used to reward companies that have moved their operations, investment dollars, and jobs to foreign countries or foreign factories, particularly those that do not share or openly flout the commitments of the United States to environmental, worker, and workplace safety protections;

(4) in procuring materials for public works projects, entities using taxpayer-financed Federal assistance should give a commonsense procurement preference for the materials and products produced by companies and workers in the United States in accordance with the high ideals embodied in the environmental, worker, workplace safety, and other regulatory requirements of the United States;

(5) common construction materials used in public works infrastructure projects, including steel, iron, manufactured products, non-ferrous metals, plastic and polymer-based products (including polyvinylchloride, composite building materials, and polymers used in fiber optic cables), glass (including optic glass), lumber, and drywall are not adequately covered by a domestic content procurement preference, thus limiting the impact of taxpayer purchases to enhance supply chains in the United States;

(6) the benefits of domestic content procurement preferences extend beyond economics;

(7) by incentivizing domestic manufacturing, domestic content procurement preferences reinvest tax dollars in companies and processes using the highest labor and environmental standards in the world;

(8) strong domestic content procurement preference policies act to prevent shifts in production to countries that rely on production practices that are significantly less energy efficient and far more polluting than those in the United States;

(9) for over 75 years, Buy America and other domestic content procurement preference laws have been part of the United States procurement policy, ensuring that the United States can build and rebuild the infrastructure of the United States with high-quality American-made materials;

(10) before the date of enactment of this Act, a domestic content procurement preference requirement may not apply, may apply only to a narrow scope of products and materials, or may be limited by waiver with respect to many infrastructure programs, which necessitates a review of such programs, including programs for roads, highways, and bridges, public

transportation, dams, ports, harbors, and other maritime facilities, intercity passenger and freight railroads, freight and intermodal facilities, airports, water systems, including drinking water and wastewater systems, electrical transmission facilities and systems, utilities, broadband infrastructure, and buildings and real property;

(11) Buy America laws create demand for domestically produced goods, helping to sustain and grow domestic manufacturing and the millions of jobs domestic manufacturing supports throughout product supply chains;

(12) as of the date of enactment of this Act, domestic content procurement preference policies apply to all Federal Government procurement and to various Federal-aid infrastructure programs;

(13) a robust domestic manufacturing sector is a vital component of the national security of the United States;

(14) as more manufacturing operations of the United States have moved offshore, the strength and readiness of the defense industrial base of the United States has been diminished; and

(15) domestic content procurement preference laws—

(A) are fully consistent with the international obligations of the United States; and

(B) together with the government procurements to which the laws apply, are important levers for ensuring that United States manufacturers can access the government procurement markets of the trading partners of the United States.

SEC. 70912. DEFINITIONS.

In this part:

(1) **DEFICIENT PROGRAM.**—The term “deficient program” means a program identified by the head of a Federal agency under section 70913(c).

(2) **DOMESTIC CONTENT PROCUREMENT PREFERENCE.**—The term “domestic content procurement preference” means a requirement that no amounts made available through a program for Federal financial assistance may be obligated for a project unless—

(A) all iron and steel used in the project are produced in the United States;

(B) the manufactured products used in the project are produced in the United States; or

(C) the construction materials used in the project are produced in the United States.

(3) **FEDERAL AGENCY.**—The term “Federal agency” means any authority of the United States that is an “agency” (as defined in section 3502 of title 44, United States Code), other than an independent regulatory agency (as defined in that section).

(4) **FEDERAL FINANCIAL ASSISTANCE.**—

(A) **IN GENERAL.**—The term “Federal financial assistance” has the meaning given the term in section 200.1 of title 2, Code of Federal Regulations (or successor regulations).

(B) **INCLUSION.**—The term “Federal financial assistance” includes all expenditures by a Federal agency to a non-Federal entity for an infrastructure project, except

that it does not include expenditures for assistance authorized under section 402, 403, 404, 406, 408, or 502 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170a, 5170b, 5170c, 5172, 5174, or 5192) relating to a major disaster or emergency declared by the President under section 401 or 501, respectively, of such Act (42 U.S.C. 5170, 5191) or pre and post disaster or emergency response expenditures.

(5) **INFRASTRUCTURE.**—The term “infrastructure” includes, at a minimum, the structures, facilities, and equipment for, in the United States—

- (A) roads, highways, and bridges;
- (B) public transportation;
- (C) dams, ports, harbors, and other maritime facilities;
- (D) intercity passenger and freight railroads;
- (E) freight and intermodal facilities;
- (F) airports;
- (G) water systems, including drinking water and wastewater systems;
- (H) electrical transmission facilities and systems;
- (I) utilities;
- (J) broadband infrastructure; and
- (K) buildings and real property.

(6) **PRODUCED IN THE UNITED STATES.**—The term “produced in the United States” means—

(A) in the case of iron or steel products, that all manufacturing processes, from the initial melting stage through the application of coatings, occurred in the United States;

(B) in the case of manufactured products, that—

(i) the manufactured product was manufactured in the United States; and

(ii) the cost of the components of the manufactured product that are mined, produced, or manufactured in the United States is greater than 55 percent of the total cost of all components of the manufactured product, unless another standard for determining the minimum amount of domestic content of the manufactured product has been established under applicable law or regulation; and

(C) in the case of construction materials, that all manufacturing processes for the construction material occurred in the United States.

(7) **PROJECT.**—The term “project” means the construction, alteration, maintenance, or repair of infrastructure in the United States.

SEC. 70913. IDENTIFICATION OF DEFICIENT PROGRAMS.

(a) **IN GENERAL.**—Not later than 60 days after the date of enactment of this Act, the head of each Federal agency shall—

Notice.
Reports.

(1) submit to the Office of Management and Budget and to Congress, including a separate notice to each appropriate congressional committee, a report that identifies each Federal financial assistance program for infrastructure administered by the Federal agency; and

(2) publish in the Federal Register the report under paragraph (1).

Federal Register,
publication.

(b) **REQUIREMENTS.**—In the report under subsection (a), the head of each Federal agency shall, for each Federal financial assistance program—

Assessment.

(1) identify all domestic content procurement preferences applicable to the Federal financial assistance;

(2) assess the applicability of the domestic content procurement preference requirements, including—

(A) section 313 of title 23, United States Code;

(B) section 5323(j) of title 49, United States Code;

(C) section 22905(a) of title 49, United States Code;

(D) section 50101 of title 49, United States Code;

(E) section 603 of the Federal Water Pollution Control Act (33 U.S.C. 1388);

(F) section 1452(a)(4) of the Safe Drinking Water Act (42 U.S.C. 300j–12(a)(4));

(G) section 5035 of the Water Infrastructure Finance and Innovation Act of 2014 (33 U.S.C. 3914);

(H) any domestic content procurement preference included in an appropriations Act; and

(I) any other domestic content procurement preference in Federal law (including regulations);

(3) provide details on any applicable domestic content procurement preference requirement, including the purpose, scope, applicability, and any exceptions and waivers issued under the requirement; and

(4) include a description of the type of infrastructure projects that receive funding under the program, including information relating to—

(A) the number of entities that are participating in the program;

(B) the amount of Federal funds that are made available for the program for each fiscal year; and

Determination.

(C) any other information the head of the Federal agency determines to be relevant.

(c) **LIST OF DEFICIENT PROGRAMS.**—In the report under subsection (a), the head of each Federal agency shall include a list of Federal financial assistance programs for infrastructure identified under that subsection for which a domestic content procurement preference requirement—

(1) does not apply in a manner consistent with section 70914; or

(2) is subject to a waiver of general applicability not limited to the use of specific products for use in a specific project.

SEC. 70914. APPLICATION OF BUY AMERICA PREFERENCE.

Deadline.

(a) **IN GENERAL.**—Not later than 180 days after the date of enactment of this Act, the head of each Federal agency shall ensure that none of the funds made available for a Federal financial assistance program for infrastructure, including each deficient program, may be obligated for a project unless all of the iron, steel, manufactured products, and construction materials used in the project are produced in the United States.

(b) **WAIVER.**—The head of a Federal agency that applies a domestic content procurement preference under this section may waive the application of that preference in any case in which the head of the Federal agency finds that—

(1) applying the domestic content procurement preference would be inconsistent with the public interest;

(2) types of iron, steel, manufactured products, or construction materials are not produced in the United States in sufficient and reasonably available quantities or of a satisfactory quality; or

(3) the inclusion of iron, steel, manufactured products, or construction materials produced in the United States will increase the cost of the overall project by more than 25 percent.

(c) WRITTEN JUSTIFICATION.—Before issuing a waiver under subsection (b), the head of the Federal agency shall—

(1) make publicly available in an easily accessible location on a website designated by the Office of Management and Budget and on the website of the Federal agency a detailed written explanation for the proposed determination to issue the waiver; and

Public information.
Web postings.
Determination.

(2) provide a period of not less than 15 days for public comment on the proposed waiver.

Time period.
Public comment.

(d) REVIEW OF WAIVERS OF GENERAL APPLICABILITY.—

(1) IN GENERAL.—An existing general applicability waiver or a general applicability waiver issued under subsection (b) shall be reviewed every 5 years after the date on which the waiver is issued.

Time period.

(2) REVIEW.—In conducting a review of a general applicability waiver, the head of a Federal agency shall—

Federal Register, publication.

(A) publish in the Federal Register a notice that—

Notice.

(i) describes the justification for a general applicability waiver; and

(ii) requests public comments for a period of not less than 30 days on the continued need for a general applicability waiver; and

Public comments.
Time period.

(B) publish in the Federal Register a determination on whether to continue or discontinue the general applicability waiver, taking into account the comments received in response to the notice published under subparagraph (A).

Determination.

(3) LIMITATION ON THE REVIEW OF EXISTING WAIVERS OF GENERAL APPLICABILITY.—For a period of 5 years beginning on the date of enactment of this Act, paragraphs (1) and (2) shall not apply to any product-specific general applicability waiver that was issued more than 180 days before the date of enactment of this Act.

Time period.
Effective date.

(e) CONSISTENCY WITH INTERNATIONAL AGREEMENTS.—This section shall be applied in a manner consistent with United States obligations under international agreements.

Applicability.

SEC. 70915. OMB GUIDANCE AND STANDARDS.

(a) GUIDANCE.—The Director of the Office of Management and Budget shall—

(1) issue guidance to the head of each Federal agency—

(A) to assist in identifying deficient programs under section 70913(c); and

(B) to assist in applying new domestic content procurement preferences under section 70914; and

(2) if necessary, amend subtitle A of title 2, Code of Federal Regulations (or successor regulations), to ensure that domestic content procurement preference requirements required by this

part or other Federal law are imposed through the terms and conditions of awards of Federal financial assistance.

(b) STANDARDS FOR CONSTRUCTION MATERIALS.—

Standards.

(1) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Director of the Office of Management and Budget shall issue standards that define the term “all manufacturing processes” in the case of construction materials.

(2) CONSIDERATIONS.—In issuing standards under paragraph (1), the Director shall—

(A) ensure that the standards require that each manufacturing process required for the manufacture of the construction material and the inputs of the construction material occurs in the United States; and

(B) take into consideration and seek to maximize the direct and indirect jobs benefited or created in the production of the construction material.

SEC. 70916. TECHNICAL ASSISTANCE PARTNERSHIP AND CONSULTATION SUPPORTING DEPARTMENT OF TRANSPORTATION BUY AMERICA REQUIREMENTS.

(a) DEFINITIONS.—In this section:

(1) BUY AMERICA LAW.—The term “Buy America law” means—

(A) section 313 of title 23, United States Code;

(B) section 5323(j) of title 49, United States Code;

(C) section 22905(a) of title 49, United States Code;

(D) section 50101 of title 49, United States Code; and

(E) any other domestic content procurement preference for an infrastructure project under the jurisdiction of the Secretary.

(2) SECRETARY.—The term “Secretary” means the Secretary of Transportation.

Deadline.

(b) TECHNICAL ASSISTANCE PARTNERSHIP.—Not later than 90 days after the date of the enactment of this Act, the Secretary shall enter into a technical assistance partnership with the Secretary of Commerce, acting through the Director of the National Institute of Standards and Technology—

(1) to ensure the development of a domestic supply base to support intermodal transportation in the United States, such as intercity high speed rail transportation, public transportation systems, highway construction or reconstruction, airport improvement projects, and other infrastructure projects under the jurisdiction of the Secretary;

(2) to ensure compliance with Buy America laws that apply to a project that receives assistance from the Federal Highway Administration, the Federal Transit Administration, the Federal Railroad Administration, the Federal Aviation Administration, or another office or modal administration of the Secretary of Transportation;

(3) to encourage technologies developed with the support of and resources from the Secretary to be transitioned into commercial market and applications; and

Procedures.
Consultation.

(4) to establish procedures for consultation under subsection (c).

(c) CONSULTATION.—Before granting a written waiver under a Buy America law, the Secretary shall consult with the Director

of the Hollings Manufacturing Extension Partnership regarding whether there is a domestic entity that could provide the iron, steel, manufactured product, or construction material that is the subject of the proposed waiver.

(d) ANNUAL REPORT.—Not later than 1 year after the date of enactment of this Act, and annually thereafter, the Secretary shall submit to the Committee on Commerce, Science, and Transportation, the Committee on Banking, Housing, and Urban Affairs, the Committee on Environment and Public Works, and the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Transportation and Infrastructure and the Committee on Oversight and Reform of the House of Representatives a report that includes—

(1) a detailed description of the consultation procedures developed under subsection (b)(4);

(2) a detailed description of each waiver requested under a Buy America law in the preceding year that was subject to consultation under subsection (c), and the results of the consultation;

(3) a detailed description of each waiver granted under a Buy America law in the preceding year, including the type of waiver and the reasoning for granting the waiver; and

(4) an update on challenges and gaps in the domestic supply base identified in carrying out subsection (b)(1), including a list of actions and policy changes the Secretary recommends be taken to address those challenges and gaps.

Update.
Recommendations.

SEC. 70917. APPLICATION.

(a) IN GENERAL.—This part shall apply to a Federal financial assistance program for infrastructure only to the extent that a domestic content procurement preference as described in section 70914 does not already apply to iron, steel, manufactured products, and construction materials.

(b) SAVINGS PROVISION.—Nothing in this part affects a domestic content procurement preference for a Federal financial assistance program for infrastructure that is in effect and that meets the requirements of section 70914.

(c) LIMITATION WITH RESPECT TO AGGREGATES.—In this part—

(1) the term “construction materials” shall not include cement and cementitious materials, aggregates such as stone, sand, or gravel, or aggregate binding agents or additives; and

(2) the standards developed under section 70915(b)(1) shall not include cement and cementitious materials, aggregates such as stone, sand, or gravel, or aggregate binding agents or additives as inputs of the construction material.

Definition.

PART II—MAKE IT IN AMERICA

SEC. 70921. REGULATIONS RELATING TO BUY AMERICAN ACT.

(a) IN GENERAL.—Not later than 1 year after the date of the enactment of this Act, the Director of the Office of Management and Budget (“Director”), acting through the Administrator for Federal Procurement Policy and, in consultation with the Federal Acquisition Regulatory Council, shall promulgate final regulations or other policy or management guidance, as appropriate, to standardize and simplify how Federal agencies comply with, report on,

Deadline.
Consultation.

	and enforce the Buy American Act. The regulations or other policy or management guidance shall include, at a minimum, the following:
Determination.	(1) Guidelines for Federal agencies to determine, for the purposes of applying sections 8302(a) and 8303(b)(3) of title 41, United States Code, the circumstances under which the acquisition of articles, materials, or supplies mined, produced, or manufactured in the United States is inconsistent with the public interest.
Determination.	(2) Guidelines to ensure Federal agencies base determinations of non-availability on appropriate considerations, including anticipated project delays and lack of substitutable articles, materials, and supplies mined, produced, or manufactured in the United States, when making determinations of non-availability under section 8302(a)(1) of title 41, United States Code.
Procedures. Public information. Web posting. Time periods. Waiver.	(3)(A) Uniform procedures for each Federal agency to make publicly available, in an easily identifiable location on the website of the agency, and within the following time periods, the following information: (i) A written description of the circumstances in which the head of the agency may waive the requirements of the Buy American Act. (ii) Each waiver made by the head of the agency within 30 days after making such waiver, including a justification with sufficient detail to explain the basis for the waiver.
Consultation.	(B) The procedures established under this paragraph shall ensure that the head of an agency, in consultation with the head of the Made in America Office established under section 70923(a), may limit the publication of classified information, trade secrets, or other information that could damage the United States. (4) Guidelines for Federal agencies to ensure that a project is not disaggregated for purposes of avoiding the applicability of the requirements under the Buy American Act. (5) An increase to the price preferences for domestic end products and domestic construction materials. (6) Amending the definitions of “domestic end product” and “domestic construction material” to ensure that iron and steel products are, to the greatest extent possible, made with domestic components.
	(b) GUIDELINES RELATING TO WAIVERS.—
	(1) INCONSISTENCY WITH PUBLIC INTEREST.—
Contracts.	(A) IN GENERAL.—With respect to the guidelines developed under subsection (a)(1), the Administrator shall seek to minimize waivers related to contract awards that— (i) result in a decrease in employment in the United States, including employment among entities that manufacture the articles, materials, or supplies; or (ii) result in awarding a contract that would decrease domestic employment.
	(B) COVERED EMPLOYMENT.—For purposes of subparagraph (A), employment refers to positions directly involved in the manufacture of articles, materials, or supplies, and does not include positions related to management, research and development, or engineering and design.

(2) ASSESSMENT ON USE OF DUMPED OR SUBSIDIZED FOREIGN PRODUCTS.—

(A) IN GENERAL.—To the extent otherwise permitted by law, before granting a waiver in the public interest to the guidelines developed under subsection (a)(1) with respect to a product sourced from a foreign country, a Federal agency shall assess whether a significant portion of the cost advantage of the product is the result of the use of dumped steel, iron, or manufactured goods or the use of injuriously subsidized steel, iron, or manufactured goods.

(B) CONSULTATION.—The Federal agency conducting the assessment under subparagraph (A) shall consult with the International Trade Administration in making the assessment if the agency considers such consultation to be helpful.

(C) USE OF FINDINGS.—The Federal agency conducting the assessment under subparagraph (A) shall integrate any findings from the assessment into its waiver determination.

(c) SENSE OF CONGRESS ON INCREASING DOMESTIC CONTENT REQUIREMENTS.—It is the sense of Congress that the Federal Acquisition Regulatory Council should amend the Federal Acquisition Regulation to increase the domestic content requirements for domestic end products and domestic construction material to 75 percent, or, in the event of no qualifying offers, 60 percent.

(d) DEFINITION OF END PRODUCT MANUFACTURED IN THE UNITED STATES.—Not later than 1 year after the date of the enactment of this Act, the Federal Acquisition Regulatory Council shall amend part 25 of the Federal Acquisition Regulation to provide a definition for “end product manufactured in the United States,” including guidelines to ensure that manufacturing processes involved in production of the end product occur domestically.

Deadline.

SEC. 70922. AMENDMENTS RELATING TO BUY AMERICAN ACT.

(a) SPECIAL RULES RELATING TO AMERICAN MATERIALS REQUIRED FOR PUBLIC USE.—Section 8302 of title 41, United States Code, is amended by adding at the end the following new subsection:

“(c) SPECIAL RULES.—The following rules apply in carrying out the provisions of subsection (a):

Applicability.

“(1) IRON AND STEEL MANUFACTURED IN THE UNITED STATES.—For purposes of this section, manufactured articles, materials, and supplies of iron and steel are deemed manufactured in the United States only if all manufacturing processes involved in the production of such iron and steel, from the initial melting stage through the application of coatings, occurs in the United States.

“(2) LIMITATION ON EXCEPTION FOR COMMERCIALLY AVAILABLE OFF-THE-SHELF ITEMS.—Notwithstanding any law or regulation to the contrary, including section 1907 of this title and the Federal Acquisition Regulation, the requirements of this section apply to all iron and steel articles, materials, and supplies.”.

(b) PRODUCTION OF IRON AND STEEL FOR PURPOSES OF CONTRACTS FOR PUBLIC WORKS.—Section 8303 of title 41, United States Code, is amended—

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

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

“(c) SPECIAL RULES.—

“(1) PRODUCTION OF IRON AND STEEL.—For purposes of this section, manufactured articles, materials, and supplies of iron and steel are deemed manufactured in the United States only if all manufacturing processes involved in the production of such iron and steel, from the initial melting stage through the application of coatings, occurs in the United States.

Applicability.

“(2) LIMITATION ON EXCEPTION FOR COMMERCIALLY AVAILABLE OFF-THE-SHELF ITEMS.—Notwithstanding any law or regulation to the contrary, including section 1907 of this title and the Federal Acquisition Regulation, the requirements of this section apply to all iron and steel articles, materials, and supplies used in contracts described in subsection (a).”.

(c) ANNUAL REPORT.—Subsection (b) of section 8302 of title 41, United States Code, is amended to read as follows:

“(b) REPORTS.—

Time period.
Consultation.

“(1) IN GENERAL.—Not later than 180 days after the end of the fiscal year during which the Build America, Buy America Act is enacted, and annually thereafter for 4 years, the Director of the Office of Management and Budget, in consultation with the Administrator of General Services, shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Oversight and Reform of the House of Representatives a report on the total amount of acquisitions made by Federal agencies in the relevant fiscal year of articles, materials, or supplies acquired from entities that mine, produce, or manufacture the articles, materials, or supplies outside the United States.

“(2) EXCEPTION FOR INTELLIGENCE COMMUNITY.—This subsection does not apply to acquisitions made by an agency, or component of an agency, that is an element of the intelligence community as specified in, or designated under, section 3 of the National Security Act of 1947 (50 U.S.C. 3003).”.

(d) DEFINITION.—Section 8301 of title 41, United States Code, is amended by adding at the end the following new paragraph:

“(3) FEDERAL AGENCY.—The term ‘Federal agency’ has the meaning given the term ‘executive agency’ in section 133 of this title.”.

(e) CONFORMING AMENDMENTS.—Title 41, United States Code, is amended—

(1) in section 8302(a)—

(A) in paragraph (1)—

(i) by striking “department or independent establishment” and inserting “Federal agency”; and

(ii) by striking “their acquisition to be inconsistent with the public interest or their cost to be unreasonable” and inserting “their acquisition to be inconsistent with the public interest, their cost to be unreasonable, or that the articles, materials, or supplies of the class or kind to be used, or the articles, materials, or supplies from which they are manufactured, are not mined, produced, or manufactured in the United States in sufficient and reasonably available commercial quantities and of a satisfactory quality”; and

(B) in paragraph (2), by amending subparagraph (B) to read as follows:

“(B) to any articles, materials, or supplies procured pursuant to a reciprocal defense procurement memorandum of understanding (as described in section 8304 of this title), or a trade agreement or least developed country designation described in subpart 25.400 of the Federal Acquisition Regulation; and”;

(2) in section 8303—

(A) in subsection (b)—

(i) by striking “department or independent establishment” each place it appears and inserting “Federal agency”;

(ii) by amending subparagraph (B) of paragraph (1) to read as follows:

“(B) to any articles, materials, or supplies procured pursuant to a reciprocal defense procurement memorandum of understanding (as described in section 8304), or a trade agreement or least developed country designation described in subpart 25.400 of the Federal Acquisition Regulation; and”;

(iii) in paragraph (3)—

(I) in the heading, by striking “INCONSISTENT WITH PUBLIC INTEREST” and inserting “WAIVER AUTHORITY”; and

(II) by striking “their purchase to be inconsistent with the public interest or their cost to be unreasonable” and inserting “their acquisition to be inconsistent with the public interest, their cost to be unreasonable, or that the articles, materials, or supplies of the class or kind to be used, or the articles, materials, or supplies from which they are manufactured, are not mined, produced, or manufactured in the United States in sufficient and reasonably available commercial quantities and of a satisfactory quality”; and

(B) in subsection (d), as redesignated by subsection (b)(1) of this section, by striking “department, bureau, agency, or independent establishment” each place it appears and inserting “Federal agency”.

(f) EXCLUSION FROM INFLATION ADJUSTMENT OF ACQUISITION-RELATED DOLLAR THRESHOLDS.—Subparagraph (A) of section 1908(b)(2) of title 41, United States Code, is amended by striking “chapter 67” and inserting “chapters 67 and 83”.

SEC. 70923. MADE IN AMERICA OFFICE.

(a) ESTABLISHMENT.—The Director of the Office of Management and Budget shall establish within the Office of Management and Budget an office to be known as the “Made in America Office”. The head of the office shall be appointed by the Director of the Office of Management and Budget (in this section referred to as the “Made in America Director”).

Appointment.

(b) DUTIES.—The Made in America Director shall have the following duties:

(1) Maximize and enforce compliance with domestic preference statutes.

(2) Develop and implement procedures to review waiver requests or inapplicability requests related to domestic preference statutes.

(3) Prepare the reports required under subsections (c) and (e).

(4) Ensure that Federal contracting personnel, financial assistance personnel, and non-Federal recipients are regularly trained on obligations under the Buy American Act and other agency-specific domestic preference statutes.

(5) Conduct the review of reciprocal defense agreements required under subsection (d).

(6) Ensure that Federal agencies, Federal financial assistance recipients, and the Hollings Manufacturing Extension Partnership partner with each other to promote compliance with domestic preference statutes.

(7) Support executive branch efforts to develop and sustain a domestic supply base to meet Federal procurement requirements.

Time period.

(c) OFFICE OF MANAGEMENT AND BUDGET REPORT.—Not later than 1 year after the date of the enactment of this Act, the Director of the Office of Management and Budget, working through the Made in America Director, shall report to the relevant congressional committees on the extent to which, in each of the three fiscal years prior to the date of enactment of this Act, articles, materials, or supplies acquired by the Federal Government were mined, produced, or manufactured outside the United States. Such report shall include for each Federal agency the following:

Summary.

(1) A summary of total procurement funds expended on articles, materials, and supplies mined, produced, or manufactured—

(A) inside the United States;

(B) outside the United States; and

(C) outside the United States—

(i) under each category of waiver under the Buy American Act;

(ii) under each category of exception under such chapter; and

(iii) for each country that mined, produced, or manufactured such articles, materials, and supplies.

(2) For each fiscal year covered by the report—

(A) the dollar value of any articles, materials, or supplies that were mined, produced, or manufactured outside the United States, in the aggregate and by country;

List.

Waivers.

(B) an itemized list of all waivers made under the Buy American Act with respect to articles, materials, or supplies, where available, and the country where such articles, materials, or supplies were mined, produced, or manufactured;

(C) if any articles, materials, or supplies were acquired from entities that mine, produce, or manufacture such articles, materials, or supplies outside the United States due to an exception (that is not the micro-purchase threshold exception described under section 8302(a)(2)(C) of title 41, United States Code), the specific exception that was used to purchase such articles, materials, or supplies; and

(D) if any articles, materials, or supplies were acquired from entities that mine, produce, or manufacture such articles, materials, or supplies outside the United States pursuant to a reciprocal defense procurement memorandum of understanding (as described in section 8304 of title 41, United States Code), or a trade agreement or least developed country designation described in subpart 25.400 of the Federal Acquisition Regulation, a citation to such memorandum of understanding, trade agreement, or designation.

(3) A description of the methods used by each Federal agency to calculate the percentage domestic content of articles, materials, and supplies mined, produced, or manufactured in the United States.

(d) REVIEW OF RECIPROCAL DEFENSE AGREEMENTS.—

(1) REVIEW OF PROCESS.—Not later than 180 days after the date of the enactment of this Act, the Made in America Director shall review the Department of Defense’s use of reciprocal defense agreements to determine if domestic entities have equal and proportional access and report the findings of the review to the Director of the Office of Management and Budget, the Secretary of Defense, and the Secretary of State.

Contracts.
Reports.
Deadline.
Determination.

(2) REVIEW OF RECIPROCAL PROCUREMENT MEMORANDA OF UNDERSTANDING.—The Made in America Director shall review reciprocal procurement memoranda of understanding entered into after the date of the enactment of this Act between the Department of Defense and its counterparts in foreign governments to assess whether domestic entities will have equal and proportional access under the memoranda of understanding and report the findings of the review to the Director of the Office of Management and Budget, the Secretary of Defense, and the Secretary of State.

Assessment.

(e) REPORT ON USE OF MADE IN AMERICA LAWS.—The Made in America Director shall submit to the relevant congressional committees a summary of each report on the use of Made in America Laws received by the Made in America Director pursuant to section 11 of Executive Order 14005, dated January 25, 2021 (relating to ensuring the future is made in all of America by all of America’s workers) not later than 90 days after the date of the enactment of this Act or receipt of the reports required under section 11 of such Executive Order, whichever is later.

Summary.

(f) DOMESTIC PREFERENCE STATUTE DEFINED.—In this section, the term “domestic preference statute” means any of the following:

- (1) the Buy American Act;
- (2) a Buy America law (as that term is defined in section 70916(a));
- (3) the Berry Amendment;
- (4) section 604 of the American Recovery and Reinvestment Act of 2009 (6 U.S.C. 453b) (commonly referred to as the “Kissell amendment”);
- (5) section 2533b of title 10 (commonly referred to as the “specialty metals clause”);
- (6) laws requiring domestic preference for maritime transport, including the Merchant Marine Act, 1920 (Public Law 66–261), commonly known as the “Jones Act”; and
- (7) any other law, regulation, rule, or executive order relating to Federal financial assistance awards or Federal

procurement, that requires, or provides a preference for, the purchase or acquisition of goods, products, or materials produced in the United States, including iron, steel, construction material, and manufactured goods offered in the United States.

SEC. 70924. HOLLINGS MANUFACTURING EXTENSION PARTNERSHIP ACTIVITIES.

(a) **USE OF HOLLINGS MANUFACTURING EXTENSION PARTNERSHIP TO REFER NEW BUSINESSES TO CONTRACTING OPPORTUNITIES.**—The head of each Federal agency shall work with the Director of the Hollings Manufacturing Extension Partnership, as necessary, to ensure businesses participating in this Partnership are aware of their contracting opportunities.

(b) **AUTOMATIC ENROLLMENT IN GSA ADVANTAGE!**—The Administrator of the General Services Administration and the Secretary of Commerce, acting through the Under Secretary of Commerce for Standards and Technology, shall jointly ensure that each business that participates in the Hollings Manufacturing Extension Partnership is automatically enrolled in General Services Administration Advantage!.

Applicability.

SEC. 70925. UNITED STATES OBLIGATIONS UNDER INTERNATIONAL AGREEMENTS.

This part, and the amendments made by this part, shall be applied in a manner consistent with United States obligations under international agreements.

SEC. 70926. DEFINITIONS.

In this part:

(1) **BERRY AMENDMENT.**—The term “Berry Amendment” means section 2533a of title 10, United States Code.

(2) **BUY AMERICAN ACT.**—The term “Buy American Act” means chapter 83 of title 41, United States Code.

(3) **FEDERAL AGENCY.**—The term “Federal agency” has the meaning given the term “executive agency” in section 133 of title 41, United States Code.

(4) **RELEVANT CONGRESSIONAL COMMITTEES.**—The term “relevant congressional committees” means—

(A) the Committee on Homeland Security and Governmental Affairs, the Committee on Commerce, Science, and Transportation, the Committee on Environment and Public Works, the Committee on Banking, Housing, and Urban Affairs, and the Committee on Armed Services of the Senate; and

(B) the Committee on Oversight and Reform, the Committee on Armed Services, and the Committee on Transportation and Infrastructure of the House of Representatives.

Determinations.

(5) **WAIVER.**—The term “waiver”, with respect to the acquisition of an article, material, or supply for public use, means the inapplicability of chapter 83 of title 41, United States Code, to the acquisition by reason of any of the following determinations under section 8302(a)(1) or 8303(b) of such title:

(A) A determination by the head of the Federal agency concerned that the acquisition is inconsistent with the public interest.

(B) A determination by the head of the Federal agency concerned that the cost of the acquisition is unreasonable.

(C) A determination by the head of the Federal agency concerned that the article, material, or supply is not mined, produced, or manufactured in the United States in sufficient and reasonably available commercial quantities of a satisfactory quality.

SEC. 70927. PROSPECTIVE AMENDMENTS TO INTERNAL CROSS-REFERENCES.

(a) **SPECIALTY METALS CLAUSE REFERENCE.**—Section 70923(f)(5) is amended by striking “section 2533b” and inserting “section 4863”.

(b) **BERRY AMENDMENT REFERENCE.**—Section 70926(1) is amended by striking “section 2533a” and inserting “section 4862”.

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

Subtitle B—BuyAmerican.gov

BuyAmerican.gov
Act of 2021.

SEC. 70931. SHORT TITLE.

This subtitle may be cited as the “BuyAmerican.gov Act of 2021”.

SEC. 70932. DEFINITIONS.

In this subtitle:

(1) **BUY AMERICAN LAW.**—The term “Buy American law” means any law, regulation, Executive order, or rule relating to Federal contracts, grants, or financial assistance that requires or provides a preference for the purchase or use of goods, products, or materials mined, produced, or manufactured in the United States, including—

(A) chapter 83 of title 41, United States Code (commonly referred to as the “Buy American Act”);

(B) section 5323(j) of title 49, United States Code;

(C) section 313 of title 23, United States Code;

(D) section 50101 of title 49, United States Code;

(E) section 24405 of title 49, United States Code;

(F) section 608 of the Federal Water Pollution Control Act (33 U.S.C. 1388);

(G) section 1452(a)(4) of the Safe Drinking Water Act (42 U.S.C. 300j–12(a)(4));

(H) section 5035 of the Water Resources Reform and Development Act of 2014 (33 U.S.C. 3914);

(I) section 2533a of title 10, United States Code (commonly referred to as the “Berry Amendment”); and

(J) section 2533b of title 10, United States Code.

(2) **EXECUTIVE AGENCY.**—The term “executive agency” has the meaning given the term “agency” in paragraph (1) of section 3502 of title 44, United States Code, except that it does not include an independent regulatory agency, as that term is defined in paragraph (5) of such section.

(3) **BUY AMERICAN WAIVER.**—The term “Buy American waiver” refers to an exception to or waiver of any Buy American law, or the terms and conditions used by an agency in granting an exception to or waiver from Buy American laws.

SEC. 70933. SENSE OF CONGRESS ON BUYING AMERICAN.

It is the sense of Congress that—

(1) every executive agency should maximize, through terms and conditions of Federal financial assistance awards and Federal procurements, the use of goods, products, and materials produced in the United States and contracts for outsourced government service contracts to be performed by United States nationals;

(2) every executive agency should scrupulously monitor, enforce, and comply with Buy American laws, to the extent they apply, and minimize the use of waivers; and

(3) every executive agency should use available data to routinely audit its compliance with Buy American laws.

Public
information.

SEC. 70934. ASSESSMENT OF IMPACT OF FREE TRADE AGREEMENTS.

Not later than 150 days after the date of the enactment of this Act, the Secretary of Commerce, the United States Trade Representative, and the Director of the Office of Management and Budget shall assess the impacts in a publicly available report of all United States free trade agreements, the World Trade Organization Agreement on Government Procurement, and Federal permitting processes on the operation of Buy American laws, including their impacts on the implementation of domestic procurement preferences.

SEC. 70935. JUDICIOUS USE OF WAIVERS.

(a) IN GENERAL.—To the extent permitted by law, a Buy American waiver that is determined by an agency head or other relevant official to be in the public interest shall be construed to ensure the maximum utilization of goods, products, and materials produced in the United States.

(b) PUBLIC INTEREST WAIVER DETERMINATIONS.—To the extent permitted by law, determination of public interest waivers shall be made by the head of the agency with the authority over the Federal financial assistance award or Federal procurement under consideration.

SEC. 70936. ESTABLISHMENT OF BUYAMERICAN.GOV WEBSITE.

Deadline.

(a) IN GENERAL.—Not later than one year after the date of the enactment of this Act, the Administrator of General Services shall establish an Internet website with the address BuyAmerican.gov that will be publicly available and free to access. The website shall include information on all waivers of and exceptions to Buy American laws since the date of the enactment of this Act that have been requested, are under consideration, or have been granted by executive agencies and be designed to enable manufacturers and other interested parties to easily identify waivers. The website shall also include the results of routine audits to determine data errors and Buy American law violations after the award of a contract. The website shall provide publicly available contact information for the relevant contracting agencies.

Determination.
Data.
Public
information.

(b) UTILIZATION OF EXISTING WEBSITE.—The requirements of subsection (a) may be met by utilizing an existing website, provided that the address of that website is BuyAmerican.gov.

SEC. 70937. WAIVER TRANSPARENCY AND STREAMLINING FOR CONTRACTS.

Consultation.

(a) COLLECTION OF INFORMATION.—The Administrator of General Services, in consultation with the heads of relevant agencies, shall develop a mechanism to collect information on requests to

invoke a Buy American waiver for a Federal contract, utilizing existing reporting requirements whenever possible, for purposes of providing early notice of possible waivers via the website established under section 70936.

(b) WAIVER TRANSPARENCY AND STREAMLINING.—

(1) REQUIREMENT.—Prior to granting a request to waive a Buy American law, the head of an executive agency shall submit a request to invoke a Buy American waiver to the Administrator of General Services, and the Administrator of General Services shall make the request available on or through the public website established under section 70936 for public comment for not less than 15 days.

Public comment.
Time period.

(2) EXCEPTION.—The requirement under paragraph (1) does not apply to a request for a Buy American waiver to satisfy an urgent contracting need in an unforeseen and exigent circumstance.

(c) INFORMATION AVAILABLE TO THE EXECUTIVE AGENCY CONCERNING THE REQUEST.—

(1) REQUIREMENT.—No Buy American waiver for purposes of awarding a contract may be granted if, in contravention of subsection (b)—

(A) information about the waiver was not made available on the website under section 70936; or

(B) no opportunity for public comment concerning the request was granted.

(2) SCOPE.—Information made available to the public concerning the request included on the website described in section 70936 shall properly and adequately document and justify the statutory basis cited for the requested waiver. Such information shall include—

(A) a detailed justification for the use of goods, products, or materials mined, produced, or manufactured outside the United States;

(B) for requests citing unreasonable cost as the statutory basis of the waiver, a comparison of the cost of the domestic product to the cost of the foreign product or a comparison of the overall cost of the project with domestic products to the overall cost of the project with foreign-origin products or services, pursuant to the requirements of the applicable Buy American law, except that publicly available cost comparison data may be provided in lieu of proprietary pricing information;

(C) for requests citing the public interest as the statutory basis for the waiver, a detailed written statement, which shall include all appropriate factors, such as potential obligations under international agreements, justifying why the requested waiver is in the public interest; and

(D) a certification that the procurement official or assistance recipient made a good faith effort to solicit bids for domestic products supported by terms included in requests for proposals, contracts, and nonproprietary communications with the prime contractor.

Certification.

(d) NONAVAILABILITY WAIVERS.—

(1) IN GENERAL.—Except as provided under paragraph (2), for a request citing nonavailability as the statutory basis for a Buy American waiver, an executive agency shall provide an explanation of the procurement official's efforts to procure

Public comments.
Determination.

a product from a domestic source and the reasons why a domestic product was not available from a domestic source. Those explanations shall be made available on BuyAmerican.gov prior to the issuance of the waiver, and the agency shall consider public comments regarding the availability of the product before making a final determination.

(2) EXCEPTION.—An explanation under paragraph (1) is not required for a product the nonavailability of which is established by law or regulation.

Recommendations.

SEC. 70938. COMPTROLLER GENERAL REPORT.

Not later than two years after the date of the enactment of this Act, the Comptroller General of the United States shall submit to Congress a report describing the implementation of this subtitle, including recommendations for any legislation to improve the collection and reporting of information regarding waivers of and exceptions to Buy American laws.

SEC. 70939. RULES OF CONSTRUCTION.

(a) DISCLOSURE REQUIREMENTS.—Nothing in this subtitle shall be construed as preempting, superseding, or otherwise affecting the application of any disclosure requirement or requirements otherwise provided by law or regulation.

(b) ESTABLISHMENT OF SUCCESSOR INFORMATION SYSTEMS.—Nothing in this subtitle shall be construed as preventing or otherwise limiting the ability of the Administrator of General Services to move the data required to be included on the website established under subsection (a) to a successor information system. Any such information system shall include a reference to BuyAmerican.gov.

Applicability.

SEC. 70940. CONSISTENCY WITH INTERNATIONAL AGREEMENTS.

This subtitle shall be applied in a manner consistent with United States obligations under international agreements.

SEC. 70941. PROSPECTIVE AMENDMENTS TO INTERNAL CROSS-REFERENCES.

(a) IN GENERAL.—Section 70932(1) is amended—

(1) in subparagraph (I), by striking “section 2533a” and inserting “section 4862”; and

(2) in subparagraph (J), by striking “section 2533b” and inserting “section 4863”.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on January 1, 2022.

Make PPE in America Act.

Subtitle C—Make PPE in America

SEC. 70951. SHORT TITLE.

This subtitle may be cited as the “Make PPE in America Act”.

SEC. 70952. FINDINGS.

Congress makes the following findings:

(1) The COVID–19 pandemic has exposed the vulnerability of the United States supply chains for, and lack of domestic production of, personal protective equipment (PPE).

(2) The United States requires a robust, secure, and wholly domestic PPE supply chain to safeguard public health and national security.

(3) Issuing a strategy that provides the government’s anticipated needs over the next three years will enable suppliers to assess what changes, if any, are needed in their manufacturing capacity to meet expected demands.

(4) In order to foster a domestic PPE supply chain, United States industry needs a strong and consistent demand signal from the Federal Government providing the necessary certainty to expand production capacity investment in the United States.

(5) In order to effectively incentivize investment in the United States and the re-shoring of manufacturing, long-term contracts must be no shorter than three years in duration.

(6) To accomplish this aim, the United States should seek to ensure compliance with its international obligations, such as its commitments under the World Trade Organization’s Agreement on Government Procurement and its free trade agreements, including by invoking any relevant exceptions to those agreements, especially those related to national security and public health.

(7) The United States needs a long-term investment strategy for the domestic production of PPE items critical to the United States national response to a public health crisis, including the COVID–19 pandemic.

SEC. 70953. REQUIREMENT OF LONG-TERM CONTRACTS FOR DOMESTICALLY MANUFACTURED PERSONAL PROTECTIVE EQUIPMENT.

(a) **DEFINITIONS.**—In this section:

(1) **APPROPRIATE CONGRESSIONAL COMMITTEES.**—The term “appropriate congressional committees” means—

(A) the Committee on Homeland Security and Governmental Affairs, the Committee on Health, Education, Labor, and Pensions, the Committee on Finance, and the Committee on Veterans’ Affairs of the Senate; and

(B) the Committee on Homeland Security, the Committee on Oversight and Reform, the Committee on Energy and Commerce, the Committee on Ways and Means, and the Committee on Veterans’ Affairs of the House of Representatives.

(2) **COVERED SECRETARY.**—The term “covered Secretary” means the Secretary of Homeland Security, the Secretary of Health and Human Services, and the Secretary of Veterans Affairs.

(3) **PERSONAL PROTECTIVE EQUIPMENT.**—The term “personal protective equipment” means surgical masks, respirator masks and powered air purifying respirators and required filters, face shields and protective eyewear, gloves, disposable and reusable surgical and isolation gowns, head and foot coverings, and other gear or clothing used to protect an individual from the transmission of disease.

(4) **UNITED STATES.**—The term “United States” means the 50 States, the District of Columbia, and the possessions of the United States.

(b) **CONTRACT REQUIREMENTS FOR DOMESTIC PRODUCTION.**—
Beginning 90 days after the date of the enactment of this Act, Effective date.

	in order to ensure the sustainment and expansion of personal protective equipment manufacturing in the United States and meet the needs of the current pandemic response, any contract for the procurement of personal protective equipment entered into by a covered Secretary, or a covered Secretary's designee, shall—
Time period.	(1) be issued for a duration of at least 2 years, plus all option periods necessary, to incentivize investment in the production of personal protective equipment and the materials and components thereof in the United States; and (2) be for personal protective equipment, including the materials and components thereof, that is grown, reprocessed, reused, or produced in the United States. (c) ALTERNATIVES TO DOMESTIC PRODUCTION.—The requirement under subsection (b) shall not apply to an item of personal protective equipment, or component or material thereof if, after maximizing to the extent feasible sources consistent with subsection (b), the covered Secretary— (1) maximizes sources for personal protective equipment that is assembled outside the United States containing only materials and components that are grown, reprocessed, reused, or produced in the United States; and (2) certifies every 120 days that it is necessary to procure personal protective equipment under alternative procedures to respond to the immediate needs of a public health emergency. (d) AVAILABILITY EXCEPTION.— (1) IN GENERAL.—Subsections (b) and (c) shall not apply to an item of personal protective equipment, or component or material thereof— (A) that is, or that includes, a material listed in section 25.104 of the Federal Acquisition Regulation as one for which a non-availability determination has been made; or (B) as to which the covered Secretary determines that a sufficient quantity of a satisfactory quality that is grown, reprocessed, reused, or produced in the United States cannot be procured as, and when, needed at United States market prices. (2) CERTIFICATION REQUIREMENT.—The covered Secretary shall certify every 120 days that the exception under paragraph (1) is necessary to meet the immediate needs of a public health emergency. (e) REPORT.— (1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Director of the Office of Management and Budget, in consultation with the covered Secretaries, shall submit to the chairs and ranking members of the appropriate congressional committees a report on the procurement of personal protective equipment. (2) ELEMENTS.—The report required under paragraph (1) shall include the following elements: (A) The United States long-term domestic procurement strategy for PPE produced in the United States, including strategies to incentivize investment in and maintain United States supply chains for all PPE sufficient to meet the needs of the United States during a public health emergency. (B) An estimate of long-term demand quantities for all PPE items procured by the United States.
Certification. Time period.	
Determination.	
Time period.	
Consultation.	
Strategy.	
Estimate.	

(C) Recommendations for congressional action required to implement the United States Government’s procurement strategy.

Recommendations.

(D) A determination whether all notifications, amendments, and other necessary actions have been completed to bring the United States existing international obligations into conformity with the statutory requirements of this subtitle.

Determination.

(f) AUTHORIZATION OF TRANSFER OF EQUIPMENT.—

(1) IN GENERAL.—A covered Secretary may transfer to the Strategic National Stockpile established under section 319F–2 of the Public Health Service Act (42 U.S.C. 247d–6b) any excess personal protective equipment acquired under a contract executed pursuant to subsection (b).

(2) TRANSFER OF EQUIPMENT DURING A PUBLIC HEALTH EMERGENCY.—

(A) AMENDMENT.—Title V of the Homeland Security Act of 2002 (6 U.S.C. 311 et seq.) is amended by adding at the end the following:

“SEC. 529. TRANSFER OF EQUIPMENT DURING A PUBLIC HEALTH EMERGENCY.

6 USC 321r.

“(a) AUTHORIZATION OF TRANSFER OF EQUIPMENT.—During a public health emergency declared by the Secretary of Health and Human Services under section 319(a) of the Public Health Service Act (42 U.S.C. 247d(a)), the Secretary, at the request of the Secretary of Health and Human Services, may transfer to the Department of Health and Human Services, on a reimbursable basis, excess personal protective equipment or medically necessary equipment in the possession of the Department.

Reimbursement.

“(b) DETERMINATION BY SECRETARIES.—

“(1) IN GENERAL.—In carrying out this section—

“(A) before requesting a transfer under subsection (a), the Secretary of Health and Human Services shall determine whether the personal protective equipment or medically necessary equipment is otherwise available; and

“(B) before initiating a transfer under subsection (a), the Secretary, in consultation with the heads of each component within the Department, shall—

Consultation.

“(i) determine whether the personal protective equipment or medically necessary equipment requested to be transferred under subsection (a) is excess equipment; and

“(ii) certify that the transfer of the personal protective equipment or medically necessary equipment will not adversely impact the health or safety of officers, employees, or contractors of the Department.

Certification.

“(2) NOTIFICATION.—The Secretary of Health and Human Services and the Secretary shall each submit to Congress a notification explaining the determination made under subparagraphs (A) and (B), respectively, of paragraph (1).

“(3) REQUIRED INVENTORY.—

“(A) IN GENERAL.—The Secretary shall—

“(i) acting through the Chief Medical Officer of the Department, maintain an inventory of all personal protective equipment and medically necessary equipment in the possession of the Department; and

“(ii) make the inventory required under clause (i) available, on a continual basis, to—

“(I) the Secretary of Health and Human Services; and

“(II) the Committee on Appropriations and the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Appropriations and the Committee on Homeland Security of the House of Representatives.

Classified
information.

“(B) FORM.—Each inventory required to be made available under subparagraph (A) shall be submitted in unclassified form, but may include a classified annex.”

(B) TABLE OF CONTENTS AMENDMENT.—The table of contents in section 1(b) of the Homeland Security Act of 2002 (Public Law 107–296; 116 Stat. 2135) is amended by inserting after the item relating to section 528 the following:

“Sec. 529. Transfer of equipment during a public health emergency.”

(3) STRATEGIC NATIONAL STOCKPILE.—Section 319F–2(a) of the Public Health Service Act (42 U.S.C. 247d–6b(a)) is amended by adding at the end the following:

Coordination.

“(6) TRANSFERS OF ITEMS.—The Secretary, in coordination with the Secretary of Homeland Security, may sell drugs, vaccines and other biological products, medical devices, or other supplies maintained in the stockpile under paragraph (1) to a Federal agency or private, nonprofit, State, local, tribal, or territorial entity for immediate use and distribution, provided that any such items being sold are—

Deadline.

“(A) within 1 year of their expiration date; or

Determination.

“(B) determined by the Secretary to no longer be needed in the stockpile due to advances in medical or technical capabilities.”

President.

(g) COMPLIANCE WITH INTERNATIONAL AGREEMENTS.—The President or the President’s designee shall take all necessary steps, including invoking the rights of the United States under Article III of the World Trade Organization’s Agreement on Government Procurement and the relevant exceptions of other relevant agreements to which the United States is a party, to ensure that the international obligations of the United States are consistent with the provisions of this subtitle.

TITLE X—ASSET CONCESSIONS

SEC. 71001. ASSET CONCESSIONS.

(a) ESTABLISHMENT OF PROGRAM.—

(1) IN GENERAL.—Chapter 6 of title 23, United States Code, is amended by adding at the end the following:

23 USC 611.

“§ 611. Asset concessions and innovative finance assistance

“(a) DEFINITIONS.—In this section:

“(1) APPROVED INFRASTRUCTURE ASSET.—The term ‘approved infrastructure asset’ means—

“(A) a project (as defined in section 601(a)); and

“(B) a group of projects (as defined in section 601(a)) considered together in a single asset concession or long-term lease to a concessionaire by 1 or more eligible entities.

“(2) ASSET CONCESSION.—The term ‘asset concession’ means a contract between an eligible entity and a concessionaire—

“(A) under which—

“(i) the eligible entity agrees to enter into a concession agreement or long-term lease with the concessionaire relating to an approved infrastructure asset owned, controlled, or maintained by the eligible entity;

“(ii) as consideration for the agreement or lease described in clause (i), the concessionaire agrees—

“(I) to provide to the eligible entity 1 or more asset concession payments; and

“(II) to maintain or exceed the condition, performance, and service level of the approved infrastructure asset, as compared to that condition, performance, and service level on the date of execution of the agreement or lease; and

“(iii) the eligible entity and the concessionaire agree that the costs for a fiscal year of the agreement or lease, and any project carried out under the agreement or lease, shall not be shifted to any taxpayer the annual household income of whom is less than \$400,000 per year, including through taxes, user fees, tolls, or any other measure, for use of an approved infrastructure asset; and

“(B) the terms of which do not include any noncompete or exclusivity restriction (or any other, similar restriction) on the approval of another project.

“(3) ASSET CONCESSION PAYMENT.—The term ‘asset concession payment’ means a payment that—

“(A) is made by a concessionaire to an eligible entity for fair market value that is determined as part of the asset concession; and

“(B) may be—

“(i) a payment made at the financial close of an asset concession; or

“(ii) a series of payments scheduled to be made for—

“(I) a fixed period; or

“(II) the term of an asset concession.

“(4) CONCESSIONAIRE.—The term ‘concessionaire’ means a private individual or a private or publicly chartered corporation or entity that enters into an asset concession with an eligible entity.

“(5) ELIGIBLE ENTITY.—

“(A) IN GENERAL.—The term ‘eligible entity’ means an entity described in subparagraph (B) that—

“(i) owns, controls, or maintains an approved infrastructure asset; and

“(ii) has the legal authority to enter into a contract to transfer ownership, maintenance, operations, revenues, or other benefits and responsibilities for an approved infrastructure asset.

“(B) ENTITIES DESCRIBED.—An entity referred to in subparagraph (A) is any of the following:

“(i) A State.

“(ii) A Tribal government.

“(iii) A unit of local government.

“(iv) An agency or instrumentality of a State, Tribal government, or unit of local government.

Grants.
Evaluation.

“(v) A special purpose district or public authority.
“(b) ESTABLISHMENT.—The Secretary shall establish a program to facilitate access to expert services for, and to provide grants to, eligible entities to enhance the technical capacity of eligible entities to facilitate and evaluate public-private partnerships in which the private sector partner could assume a greater role in project planning, development, financing, construction, maintenance, and operation, including by assisting eligible entities in entering into asset concessions.

“(c) APPLICATIONS.—To be eligible to receive a grant under this section, an eligible entity shall submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require.

“(d) ELIGIBLE ACTIVITIES.—

“(1) TECHNICAL ASSISTANCE GRANTS.—An eligible entity may use amounts made available from a grant under this section for technical assistance to build the organizational capacity of the eligible entity to develop, review, or enter into an asset concession, including for—

“(A) identifying appropriate assets or projects for asset concessions;

“(B) soliciting and negotiating asset concessions, including hiring staff in public agencies;

“(C) conducting a value-for-money analysis, or a comparable analysis, to evaluate the comparative benefits of asset concessions and public debt or other procurement methods;

Evaluation.

“(D) evaluating options for the structure and use of asset concession payments;

Evaluation.

“(E) evaluating and publicly presenting the risks and benefits of all contract provisions for the purpose of transparency and accountability;

“(F) identifying best practices to protect the public interest and priorities;

“(G) identifying best practices for managing transportation demand and mobility along a corridor, including through provisions of the asset concession, to facilitate transportation demand management strategies along the corridor that is subject to the asset concession; and

Coordination.

“(H) integrating and coordinating pricing, data, and fare collection with other regional operators that exist or may be developed.

“(2) EXPERT SERVICES.—An eligible entity seeking to leverage public and private funding in connection with the development of an early-stage approved infrastructure asset, including in the development of alternative approaches to project delivery or procurement, may use amounts made available from a grant under this section to retain the services of an expert firm to provide to the eligible entity direct project level assistance, which services may include—

“(A) project planning, feasibility studies, revenue forecasting, economic assessments and cost-benefit analyses, public benefit studies, value-for-money analyses, business case development, lifecycle cost analyses, risk assessment,

financing and funding options analyses, procurement alternatives analyses, statutory and regulatory framework analyses and other pre-procurement and pre-construction activities;

“(B) financial and legal planning (including the identification of statutory authorization, funding, and financing options);

“(C) early assessment of permitting, environmental review, and regulatory processes and costs; and

“(D) assistance with entering into an asset concession.

“(e) DISTRIBUTION.—

“(1) MAXIMUM AMOUNT.—

“(A) TECHNICAL ASSISTANCE GRANTS.—The maximum amount of a technical assistance grant under subsection (d)(1) shall be \$2,000,000.

“(B) EXPERT SERVICES.—The maximum amount of the value of expert services retained by an eligible entity under subsection (d)(2) shall be \$2,000,000.

“(2) COST SHARING.—

“(A) IN GENERAL.—Except as provided in subparagraph (B), the Federal share of the cost of an activity carried out under this section may be up to 100 percent.

“(B) CERTAIN PROJECTS.—If the amount of the grant provided to an eligible entity under this section is more than \$1,000,000, the Federal share of the cost of an activity carried out using grant amounts in excess of \$1,000,000 shall be 50 percent.

“(3) STATEWIDE MAXIMUM.—The aggregate amount made available under this section to eligible entities within a State shall not exceed, on a cumulative basis for all eligible entities within the State during any 3-year period, \$4,000,000.

Time period.

“(f) REQUIREMENTS.—

“(1) IN GENERAL.—The Secretary shall ensure that, as a condition of receiving a grant under this section, for any asset concession for which the grant provides direct assistance—

“(A) the asset concession shall not prohibit, discourage, or make it more difficult for an eligible entity to construct new infrastructure, to provide or expand transportation services, or to manage associated infrastructure in publicly beneficial ways, along a transportation corridor or in the proximity of a transportation facility that was a part of the asset concession;

“(B) the eligible entity shall have adopted binding rules to publish all major business terms of the proposed asset concession not later than the date that is 30 days before entering into the asset concession, to enable public review, including a certification of public interest based on the results of an assessment under subparagraph (D);

Deadline.
Public
information.
Certification.

“(C) the asset concession shall not result in displacement, job loss, or wage reduction for the existing workforce of the eligible entity or other public entities;

“(D) the eligible entity or the concessionaire shall carry out a value-for-money analysis, or similar assessment, to compare the aggregate costs and benefits to the eligible entity of the asset concession against alternative options to determine whether the asset concession generates additional public benefits and serves the public interest;

Analysis.
Assessment.
Determination.

	“(E) the full amount of any asset concession payment received by the eligible entity under the asset concession, less any amount paid for transaction costs relating to the asset concession, shall be used to pay infrastructure costs of the eligible entity; and “(F) the terms of the asset concession shall not result in any increase in costs under the asset concession being shifted to taxpayers the annual household income of whom is less than \$400,000 per year, including through taxes, user fees, tolls, or any other measure, for use of an approved infrastructure asset.
Deadline.	“(2) AUDIT.—Not later than 3 years after the date on which an eligible entity enters into an asset concession as a result of a grant under this section—
Evaluation.	“(A) the eligible entity shall hire an independent auditor to evaluate the performance of the concessionaire based on the requirements described in paragraph (1); and
Public information. Reports.	“(B) the independent auditor shall submit to the eligible entity, and make publicly available, a report describing the results of the audit under subparagraph (A).
	“(3) TREATMENT.—Unless otherwise provided under paragraph (1), the Secretary shall not, as a condition of receiving a grant under this section, prohibit or otherwise prevent an eligible entity from entering into, or receiving any asset concession payment under, an asset concession for an approved infrastructure asset owned, controlled, or maintained by the eligible entity.
	“(4) APPLICABILITY OF FEDERAL LAWS.—Nothing in this section exempts a concessionaire or an eligible entity from a compliance obligation with respect to any applicable Federal or State law that would otherwise apply to the concessionaire, the eligible entity, or an approved infrastructure asset.
	“(g) FUNDING.—
Effective date. Time period. Transfer authority.	“(1) IN GENERAL.—On October 1, 2021, and on each October 1 thereafter through October 1, 2025, out of any funds in the Treasury not otherwise appropriated, the Secretary of the Treasury shall transfer to the Secretary to carry out this section \$20,000,000, to remain available until expended.
	“(2) RECEIPT AND ACCEPTANCE.—The Secretary shall be entitled to receive, shall accept, and shall use to carry out this section the funds transferred under paragraph (1), without further appropriation.”.
23 USC prec. 601.	(2) CLERICAL AMENDMENT.—The analysis for chapter 6 of title 23, United States Code, is amended by adding at the end the following:
	“611. Asset concessions and innovative finance assistance.”.
	(b) ASSET RECYCLING REPORT.—Not later than August 1, 2024, the Secretary shall submit to Congress a report that includes—
Analysis.	(1) an analysis of any impediments in applicable laws, regulations, and practices to increased use of public-private partnerships and private investment in transportation improvements; and
Proposals.	(2) proposals for approaches that address those impediments while continuing to protect the public interest and any public investment in transportation improvements.

TITLE XI—CLEAN SCHOOL BUSES AND FERRIES

SEC. 71101. CLEAN SCHOOL BUS PROGRAM.

Section 741 of the Energy Policy Act of 2005 (42 U.S.C. 16091) is amended to read as follows:

“SEC. 741. CLEAN SCHOOL BUS PROGRAM.

“(a) DEFINITIONS.—In this section:

“(1) ADMINISTRATOR.—The term ‘Administrator’ means the Administrator of the Environmental Protection Agency.

“(2) ALTERNATIVE FUEL.—The term ‘alternative fuel’ means liquefied natural gas, compressed natural gas, hydrogen, propane, or biofuels.

“(3) CLEAN SCHOOL BUS.—The term ‘clean school bus’ means a school bus that—

“(A) the Administrator certifies reduces emissions and is operated entirely or in part using an alternative fuel; or

“(B) is a zero-emission school bus.

“(4) ELIGIBLE CONTRACTOR.—The term ‘eligible contractor’ means a contractor that is a for-profit, not-for-profit, or non-profit entity that has the capacity—

“(A) to sell clean school buses, zero-emission school buses, charging or fueling infrastructure, or other equipment needed to charge, fuel, or maintain clean school buses or zero-emission school buses, to individuals or entities that own a school bus or a fleet of school buses; or

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

“(5) ELIGIBLE RECIPIENT.—

“(A) IN GENERAL.—Subject to subparagraph (B), the term ‘eligible recipient’ means—

“(i) 1 or more local or State governmental entities responsible for—

“(I) providing school bus service to 1 or more public school systems; or

“(II) the purchase of school buses;

“(ii) an eligible contractor;

“(iii) a nonprofit school transportation association;

or

“(iv) an Indian Tribe (as defined in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5304)), Tribal organization (as defined in that section), or tribally controlled school (as defined in section 5212 of the Tribally Controlled Schools Act of 1988 (25 U.S.C. 2511)) that is responsible for—

“(I) providing school bus service to 1 or more Bureau-funded schools (as defined in section 1141 of the Education Amendments of 1978 (25 U.S.C. 2021)); or

“(II) the purchase of school buses.

“(B) SPECIAL REQUIREMENTS.—In the case of eligible recipients identified under clauses (ii) and (iii) of subparagraph (A), the Administrator shall establish timely and appropriate requirements for notice and shall establish

timely and appropriate requirements for approval by the public school systems that would be served by buses purchased using award funds made available under this section.

Determinations.

“(6) HIGH-NEED LOCAL EDUCATIONAL AGENCY.—The term ‘high-need local educational agency’ means a local educational agency (as defined in section 8101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801)) that is among the local educational agencies in the applicable State with high percentages of children counted under section 1124(c) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6333(c)), on the basis of the most recent satisfactory data available, as determined by the Secretary of Education (or, for a local educational agency for which no such data is available, such other data as the Secretary of Education determines to be satisfactory).

“(7) SCHOOL BUS.—The term ‘school bus’ has the meaning given the term ‘schoolbus’ in section 30125(a) of title 49, United States Code.

“(8) ZERO-EMISSION SCHOOL BUS.—The term ‘zero-emission school bus’ means a school bus that is certified by the Administrator to have a drivetrain that produces, under any possible operational mode or condition, zero exhaust emission of—

“(A) any air pollutant that is listed pursuant to section 108(a) of the Clean Air Act (42 U.S.C. 7408(a)) (or any precursor to such an air pollutant); and

“(B) any greenhouse gas.

“(b) PROGRAM FOR REPLACEMENT OF EXISTING SCHOOL BUSES WITH CLEAN SCHOOL BUSES AND ZERO-EMISSION SCHOOL BUSES.—

Grants.
Contracts.

“(1) ESTABLISHMENT.—The Administrator shall establish a program—

“(A) to award grants and rebates on a competitive basis to eligible recipients for the replacement of existing school buses with clean school buses;

“(B) to award grants and rebates on a competitive basis to eligible recipients for the replacement of existing school buses with zero-emission school buses;

“(C) to award contracts to eligible contractors to provide rebates for the replacement of existing school buses with clean school buses; and

“(D) to award contracts to eligible contractors to provide rebates for the replacement of existing school buses with zero-emission school buses.

“(2) ALLOCATION OF FUNDS.—Of the amounts made available for awards under paragraph (1) in a fiscal year, the Administrator shall award—

“(A) 50 percent to replace existing school buses with zero-emission school buses; and

“(B) 50 percent to replace existing school buses with clean school buses and zero-emission school buses.

Criteria.

“(3) CONSIDERATIONS.—In making awards under paragraph (2)(B), the Administrator shall take into account the following criteria and shall not give preference to any individual criterion:

“(A) Lowest overall cost of bus replacement.

“(B) Local conditions, including the length of bus routes and weather conditions.

“(C) Technologies that most reduce emissions.

“(D) Whether funds will bring new technologies to scale or promote cost parity between old technology and new technology.

“(4) PRIORITY OF APPLICATIONS.—In making awards under paragraph (1), the Administrator may prioritize applicants that—

“(A) propose to replace school buses that serve—

“(i) a high-need local educational agency;

“(ii) a Bureau-funded school (as defined in section 1141 of the Education Amendments of 1978 (25 U.S.C. 2021)); or

“(iii) a local educational agency that receives a basic support payment under section 7003(b)(1) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7703(b)(1)) for children who reside on Indian land;

“(B) serve rural or low-income areas; or

“(C) propose to complement the assistance received through the award by securing additional sources of funding for the activities supported through the award, such as through—

“(i) public-private partnerships;

“(ii) grants from other entities; or

“(iii) issuance of school bonds.

“(5) USE OF SCHOOL BUS FLEET.—All clean school buses and zero-emission school buses acquired with funds provided under this section shall—

“(A) be operated as part of the school bus fleet for which the award was made for not less than 5 years;

“(B) be maintained, operated, and charged or fueled according to manufacturer recommendations or State requirements; and

“(C) not be manufactured or retrofitted with, or otherwise have installed, a power unit or other technology that creates air pollution within the school bus, such as an unvented diesel passenger heater.

“(6) AWARDS.—

“(A) IN GENERAL.—In making awards under paragraph (1), the Administrator may make awards for up to 100 percent of the costs for replacement of existing school buses with clean school buses, zero-emission school buses, and charging or fueling infrastructure.

“(B) STRUCTURING AWARDS.—In making an award under paragraph (1)(A), the Administrator shall decide whether to award a grant or rebate, or a combination thereof, based primarily on how best to facilitate replacing existing school buses with clean school buses or zero-emission school buses, as applicable.

“(7) DEPLOYMENT AND DISTRIBUTION.—

“(A) IN GENERAL.—The Administrator shall—

“(i) to the maximum extent practicable, achieve nationwide deployment of clean school buses and zero-emission school buses through the program under this section; and

“(ii) ensure a broad geographic distribution of awards.

“(B) LIMITATION.—The Administrator shall ensure that the amount received by all eligible entities in a State from grants and rebates under this section does not exceed 10 percent of the amounts made available to carry out this section during a fiscal year.

“(8) ANNUAL REPORT.—Not later than January 31 of each year, the Administrator shall submit to Congress a report that evaluates the implementation of this section and describes—

“(A) the total number of applications received;

“(B) the quantity and amount of grants and rebates awarded and the location of the recipients of the grants and rebates;

“(C) the criteria used to select the recipients; and

“(D) any other information the Administrator considers appropriate.

“(c) EDUCATION AND OUTREACH.—

Deadline.

“(1) IN GENERAL.—Not later than 120 days after the date of enactment of the Infrastructure Investment and Jobs Act, the Administrator shall develop an education and outreach program to promote and explain the award program under this section.

“(2) COORDINATION WITH STAKEHOLDERS.—The education and outreach program under paragraph (1) shall be designed and conducted in conjunction with interested stakeholders.

“(3) COMPONENTS.—The education and outreach program under paragraph (1) shall—

“(A) inform potential award recipients on the process of applying for awards and fulfilling the requirements of awards;

“(B) describe the available technologies and the benefits of using the technologies;

“(C) explain the benefits and costs incurred by participating in the award program;

“(D) make available information regarding best practices, lessons learned, and technical and other information regarding—

“(i) clean school bus and zero-emission school bus acquisition and deployment;

“(ii) the build-out of associated infrastructure and advance planning with the local electricity supplier;

“(iii) workforce development, training, and Registered Apprenticeships that meet the requirements under parts 29 and 30 of title 29, Code of Federal Regulations (as in effect on December 1, 2019); and

Determination.

“(iv) any other information that is necessary, as determined by the Administrator; and

“(E) include, as appropriate, information from the annual report required under subsection (b)(7).

“(d) ADMINISTRATIVE COSTS.—The Administrator may use, for the administrative costs of carrying out this section, not more than 3 percent of the amounts made available to carry out this section for any fiscal year.

“(e) REGULATIONS.—The Administrator shall have the authority to issue such regulations or other guidance, forms, instructions, and publications as may be necessary or appropriate to carry out the programs, projects, or activities authorized under this section, including to ensure that such programs, projects, or activities are

completed in a timely and effective manner, result in emissions reductions, and maximize public health benefits.

“(f) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Administrator to carry out this section, to remain available until expended, \$1,000,000,000 for each of fiscal years 2022 through 2026, of which—

“(1) \$500,000,000 shall be made available for the adoption of clean school buses and zero-emission school buses; and

“(2) \$500,000,000 shall be made available for the adoption of zero-emission school buses.”.

SEC. 71102. ELECTRIC OR LOW-EMITTING FERRY PILOT PROGRAM.

(a) DEFINITIONS.—In this section:

(1) ALTERNATIVE FUEL.—The term “alternative fuel” means—

(A) methanol, denatured ethanol, and other alcohols;

(B) a mixture containing at least 85 percent of methanol, denatured ethanol, and other alcohols by volume with gasoline or other fuels;

(C) natural gas;

(D) liquefied petroleum gas;

(E) hydrogen;

(F) fuels (except alcohol) derived from biological materials;

(G) electricity (including electricity from solar energy); and

(H) any other fuel the Secretary prescribes by regulation that is not substantially petroleum and that would yield substantial energy security and environmental benefits.

(2) ELECTRIC OR LOW-EMITTING FERRY.—The term “electric or low-emitting ferry” means a ferry that reduces emissions by utilizing alternative fuels or onboard energy storage systems and related charging infrastructure to reduce emissions or produce zero onboard emissions under normal operation.

(3) SECRETARY.—The term “Secretary” means the Secretary of Transportation.

(b) ESTABLISHMENT.—The Secretary shall carry out a pilot program to provide grants for the purchase of electric or low-emitting ferries and the electrification of or other reduction of emissions from existing ferries.

(c) REQUIREMENT.—In carrying out the pilot program under this section, the Secretary shall ensure that—

(1) not less than 1 grant under this section shall be for a ferry service that serves the State with the largest number of Marine Highway System miles; and

(2) not less than 1 grant under this section shall be for a bi-State ferry service—

(A) with an aging fleet; and

(B) whose development of zero and low emission power source ferries will propose to advance the state of the technology toward increasing the range and capacity of zero emission power source ferries.

(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary to carry out this section \$50,000,000 for each of fiscal years 2022 through 2026.

23 USC 147 note. **SEC. 71103. FERRY SERVICE FOR RURAL COMMUNITIES.**

(a) **DEFINITIONS.**—In this section:

(1) **BASIC ESSENTIAL FERRY SERVICE.**—The term “basic essential ferry service” means scheduled ferry transportation service.

(2) **ELIGIBLE SERVICE.**—The term “eligible service” means a ferry service that—

(A) operated a regular schedule at any time during the 5-year period ending on March 1, 2020; and

(B) served not less than 2 rural areas located more than 50 sailing miles apart.

(3) **RURAL AREA.**—The term “rural area” has the meaning given the term in section 5302 of title 49, United States Code.

(4) **SECRETARY.**—The term “Secretary” means the Secretary of Transportation.

(b) **ESTABLISHMENT.**—The Secretary shall establish a program to ensure that basic essential ferry service is provided to rural areas by providing funds to States to provide such basic essential ferry service.

Requirements. (c) **PROGRAM CRITERIA.**—The Secretary shall establish requirements and criteria for participation in the program under this section, including requirements for the provision of funds to States.

(d) **WAIVERS.**—The Secretary shall establish criteria for the waiver of any requirement under this section.

(e) **TREATMENT.**—

(1) **NOT ATTRIBUTABLE TO URBANIZED AREAS.**—An eligible service that receives funds from a State under this section shall not be attributed to an urbanized area for purposes of apportioning funds under chapter 53 of title 49, United States Code.

(2) **NO RECEIPT OF CERTAIN APPORTIONED FUNDS.**—An eligible service that receives funds from a State under this section shall not receive funds apportioned under section 5336 or 5337 of title 49, United States Code, in the same fiscal year.

Time period. (f) **FUNDING.**—There is authorized to be appropriated to the Secretary to carry out this section \$200,000,000 for each of fiscal years 2022 through 2026.

(g) **OPERATING COSTS.**—

(1) Section 147 of title 23, United States Code, is amended by adding at the end the following:

“(k) **ADDITIONAL USES.**—Notwithstanding any other provision of law, in addition to other uses of funds under this section, an eligible entity may use amounts made available under this section to pay the operating costs of the eligible entity.”.

(2) Section 218(c) of title 23, United States Code (as amended by section 11116 of division A), is amended by inserting “operation, repair,” after “purchase,”.

SEC. 71104. EXPANDING THE FUNDING AUTHORITY FOR RENOVATING, CONSTRUCTING, AND EXPANDING CERTAIN FACILITIES.

Section 509 of the Indian Health Care Improvement Act (25 U.S.C. 1659) is amended—

(1) by striking “minor” before “renovations”; and

(2) by striking “, to assist” and all that follows through “standards”.

DIVISION H—REVENUE PROVISIONS**TITLE I—HIGHWAY TRUST FUND****SEC. 80101. EXTENSION OF HIGHWAY TRUST FUND EXPENDITURE AUTHORITY.**

(a) **HIGHWAY TRUST FUND.**—Section 9503 of the Internal Revenue Code of 1986 is amended—

26 USC 9503.

(1) by striking “October 1, 2021” in subsections (b)(6)(B), (c)(1), and (e)(3) and inserting “October 1, 2026”, and

(2) by striking “Continuing Appropriations Act, 2021 and Other Extensions Act” in subsections (c)(1) and (e)(3) and inserting “Infrastructure Investment and Jobs Act”.

(b) **SPORT FISH RESTORATION AND BOATING TRUST FUND.**—Section 9504 of such Code is amended—

(1) by striking “Continuing Appropriations Act, 2021 and Other Extensions Act” each place it appears in subsection (b)(2) and inserting “Infrastructure Investment and Jobs Act”, and

(2) by striking “October 1, 2021” in subsection (d)(2) and inserting “October 1, 2026”.

(c) **LEAKING UNDERGROUND STORAGE TANK TRUST FUND.**—Section 9508(e)(2) of such Code is amended by striking “October 1, 2021” and inserting “October 1, 2026”.

SEC. 80102. EXTENSION OF HIGHWAY-RELATED TAXES.

(a) **IN GENERAL.**—

(1) Each of the following provisions of the Internal Revenue Code of 1986 is amended by striking “September 30, 2022” and inserting “September 30, 2028”:

(A) Section 4041(a)(1)(C)(iii)(I).

(B) Section 4041(m)(1)(B).

(C) Section 4081(d)(1).

(2) Each of the following provisions of such Code is amended by striking “October 1, 2022” and inserting “October 1, 2028”:

(A) Section 4041(m)(1)(A).

(B) Section 4051(c).

(C) Section 4071(d).

(D) Section 4081(d)(3).

(b) **EXTENSION OF TAX, ETC., ON USE OF CERTAIN HEAVY VEHICLES.**—Each of the following provisions of the Internal Revenue Code of 1986 is amended by striking “2023” each place it appears and inserting “2029”:

(1) Section 4481(f).

(2) Subsections (c)(4) and (d) of section 4482.

(c) **FLOOR STOCKS REFUNDS.**—Section 6412(a)(1) of the Internal Revenue Code of 1986 is amended—

(1) by striking “October 1, 2022” each place it appears and inserting “October 1, 2028”;

(2) by striking “March 31, 2023” each place it appears and inserting “March 31, 2029”; and

(3) by striking “January 1, 2023” and inserting “January 1, 2029”.

(d) **EXTENSION OF CERTAIN EXEMPTIONS.**—

(1) Section 4221(a) of the Internal Revenue Code of 1986 is amended by striking “October 1, 2022” and inserting “October 1, 2028”.

26 USC 4483.

(2) Section 4483(i) of such Code is amended by striking “October 1, 2023” and inserting “October 1, 2029”.

(e) EXTENSION OF TRANSFERS OF CERTAIN TAXES.—

(1) IN GENERAL.—Section 9503 of the Internal Revenue Code of 1986 is amended—

(A) in subsection (b)—

(i) by striking “October 1, 2022” each place it appears in paragraphs (1) and (2) and inserting “October 1, 2028”;

(ii) by striking “OCTOBER 1, 2022” in the heading of paragraph (2) and inserting “OCTOBER 1, 2028”;

(iii) by striking “September 30, 2022” in paragraph (2) and inserting “September 30, 2028”; and

(iv) by striking “July 1, 2023” in paragraph (2) and inserting “July 1, 2029”; and

(B) in subsection (c)(2), by striking “July 1, 2023” and inserting “July 1, 2029”.

(2) MOTORBOAT AND SMALL-ENGINE FUEL TAX TRANSFERS.—

(A) IN GENERAL.—Paragraphs (3)(A)(i) and (4)(A) of section 9503(c) of such Code are each amended by striking “October 1, 2022” and inserting “October 1, 2028”.

(B) CONFORMING AMENDMENTS TO LAND AND WATER CONSERVATION FUND.—Section 200310 of title 54, United States Code, is amended—

(i) by striking “October 1, 2023” each place it appears and inserting “October 1, 2029”; and

(ii) by striking “October 1, 2022” and inserting “October 1, 2028”.

(f) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 2021.

SEC. 80103. FURTHER ADDITIONAL TRANSFERS TO TRUST FUND.

Subsection (f) of section 9503 of the Internal Revenue Code of 1986 is amended by redesignating paragraph (11) as paragraph (12) and inserting after paragraph (10) the following new paragraph:

“(11) FURTHER TRANSFERS TO TRUST FUND.—Out of money in the Treasury not otherwise appropriated, there is hereby appropriated—

“(A) \$90,000,000,000 to the Highway Account (as defined in subsection (e)(5)(B)) in the Highway Trust Fund; and

“(B) \$28,000,000,000 to the Mass Transit Account in the Highway Trust Fund.”.

TITLE II—CHEMICAL SUPERFUND

SEC. 80201. EXTENSION AND MODIFICATION OF CERTAIN SUPERFUND EXCISE TAXES.

(a) EXTENSION.—

(1) IN GENERAL.—Section 4661(c) of the Internal Revenue Code of 1986 is amended to read as follows:

“(c) TERMINATION.—No tax shall be imposed by this section after December 31, 2031.”.

(2) IMPORTED SUBSTANCES.—Section 4671(e) of the Internal Revenue Code of 1986 is amended to read as follows:

“(e) TERMINATION.—No tax shall be imposed by this section after December 31, 2031.”.

(b) MODIFICATION OF RATES.—

(1) IN GENERAL.—Section 4661(b) of the Internal Revenue Code of 1986 is amended to read as follows:

26 USC 4661.

“(b) AMOUNT OF TAX.—The amount of tax imposed by subsection (a) shall be determined in accordance with the following table:

“In the case of:	The tax is the following amount per ton:
Acetylene	\$9.74
Benzene	9.74
Butane	9.74
Butylene	9.74
Butadiene	9.74
Ethylene	9.74
Methane	6.88
Napthalene	9.74
Propylene	9.74
Toluene	9.74
Xylene	9.74
Ammonia	5.28
Antimony	8.90
Antimony trioxide	7.50
Arsenic	8.90
Arsenic trioxide	6.82
Barium sulfide	4.60
Bromine	8.90
Cadmium	8.90
Chlorine	5.40
Chromium	8.90
Chromite	3.04
Potassium dichromate	3.38
Sodium dichromate	3.74
Cobalt	8.90
Cupric sulfate	3.74
Cupric oxide	7.18
Cuprous oxide	7.94
Hydrochloric acid	0.58
Hydrogen fluoride	8.46
Lead oxide	8.28
Mercury	8.90
Nickel	8.90
Phosphorus	8.90
Stannous chloride	5.70
Stannic chloride	4.24
Zinc chloride	4.44
Zinc sulfate	3.80
Potassium hydroxide	0.44
Sodium hydroxide	0.56
Sulfuric acid	0.52
Nitric acid	0.48.”.

- (2) RATE ON TAXABLE SUBSTANCES WHERE IMPORTER DOES NOT FURNISH INFORMATION TO THE SECRETARY.—Section 4671(b)(2) of such Code is amended by striking “5 percent” and inserting “10 percent”.
- (c) RULES RELATING TO TAXABLE SUBSTANCES.—
- (1) MODIFICATION OF DETERMINATION OF TAXABLE SUBSTANCES.—Section 4672(a)(2)(B) of the Internal Revenue Code of 1986 is amended by striking “50 percent” each place it appears and inserting “20 percent”.
- (2) PRESUMPTION AS A TAXABLE SUBSTANCE FOR PRIOR DETERMINATIONS.—Except as otherwise determined by the Secretary of the Treasury (or the Secretary’s delegate), any substance which was determined to be a taxable substance by reason of section 4672(a)(2) of the Internal Revenue Code of 1986 prior to the date of enactment of this Act shall continue to be treated as a taxable substance for purposes of such section after such date.
- (3) PUBLICATION OF INITIAL LIST.—Not later than January 1, 2022, the Secretary of the Treasury (or the Secretary’s delegate) shall publish an initial list of taxable substances under section 4672(a) of the Internal Revenue Code of 1986.
- (d) EFFECTIVE DATE.—The amendments made by this section shall take effect on July 1, 2022.

26 USC 4671.

26 USC 4672
note.26 USC 4672
note.26 USC 4661
note.

TITLE III—CUSTOMS USER FEES

SEC. 80301. EXTENSION OF CUSTOMS USER FEES.

(a) IN GENERAL.—Section 13031(j)(3) of the Consolidated Omnibus Budget Reconciliation Act of 1985 (19 U.S.C. 58c(j)(3)) is amended—

(1) in subparagraph (A), by striking “September 30, 2030” and inserting “September 30, 2031”; and

(2) in subparagraph (B)(i), by striking “September 30, 2030” and inserting “September 30, 2031”.

(b) RATE FOR MERCHANDISE PROCESSING FEES.—Section 503 of the United States-Korea Free Trade Agreement Implementation Act (Public Law 112–41; 19 U.S.C. 3805 note) is amended by striking “September 30, 2030” and inserting “September 30, 2031”.

TITLE IV—BOND PROVISIONS

SEC. 80401. PRIVATE ACTIVITY BONDS FOR QUALIFIED BROADBAND PROJECTS.

(a) IN GENERAL.—Section 142(a) of the Internal Revenue Code of 1986 is amended by striking “or” at the end of paragraph (14), by striking the period at the end of paragraph (15) and inserting “, or”, and by adding at the end the following new paragraph: “(16) qualified broadband projects.”

26 USC 142.

(b) QUALIFIED BROADBAND PROJECTS.—Section 142 of such Code is amended by adding at the end the following new subsection: “(n) QUALIFIED BROADBAND PROJECT.—

“(1) IN GENERAL.—For purposes of subsection (a)(16), the term ‘qualified broadband project’ means any project which—

“(A) is designed to provide broadband service solely to 1 or more census block groups in which more than

50 percent of residential households do not have access to fixed, terrestrial broadband service which delivers at least 25 megabits per second downstream and at least 3 megabits service upstream, and

“(B) results in internet access to residential locations, commercial locations, or a combination of residential and commercial locations at speeds not less than 100 megabits per second for downloads and 20 megabits for second for uploads, but only if at least 90 percent of the locations provided such access under the project are locations where, before the project, a broadband service provider—

“(i) did not provide service, or

“(ii) did not provide service meeting the minimum speed requirements described in subparagraph (A).

“(2) NOTICE TO BROADBAND PROVIDERS.—A project shall not be treated as a qualified broadband project unless, before the issue date of any issue the proceeds of which are to be used to fund the project, the issuer—

“(A) notifies each broadband service provider providing broadband service in the area within which broadband services are to be provided under the project of the project and its intended scope,

“(B) includes in such notice a request for information from each such provider with respect to the provider’s ability to deploy, manage, and maintain a broadband network capable of providing gigabit capable Internet access to residential or commercial locations, and

“(C) allows each such provider at least 90 days to respond to such notice and request.” Time period.

(c) PARTIAL EXCEPTION FROM VOLUME CAP.—

(1) IN GENERAL.—Section 146(g) of the Internal Revenue Code of 1986 is amended by striking “and” at the end of paragraph (3), by striking the period at the end of paragraph (4) and inserting “, and”, and by inserting immediately after paragraph (4) the following new paragraph: 26 USC 146.

“(5) 75 percent of any exempt facility bond issued as part of an issue described in paragraph (16) of section 142(a) (relating to qualified broadband projects).”.

(2) GOVERNMENT-OWNED PROJECTS.—The last sentence of section 146(g) of such Code is amended by striking “Paragraph (4)” and inserting “Paragraphs (4) and (5)”.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to obligations issued in calendar years beginning after the date of the enactment of this Act. 26 USC 142 note.

SEC. 80402. CARBON DIOXIDE CAPTURE FACILITIES.

(a) IN GENERAL.—Section 142(a) of the Internal Revenue Code of 1986, as amended by section 80401, is amended by striking “or” at the end of paragraph (15), by striking the period at the end of paragraph (16) and inserting “, or”, and by adding at the end the following new paragraph:

“(17) qualified carbon dioxide capture facilities.”.

(b) QUALIFIED CARBON DIOXIDE CAPTURE FACILITIES.—Section 142 of such Code, as amended by section 80401, is amended by adding at the end the following new subsection:

“(o) QUALIFIED CARBON DIOXIDE CAPTURE FACILITY.—

“(1) IN GENERAL.—For purposes of subsection (a)(17), the term ‘qualified carbon dioxide capture facility’ means—

“(A) the eligible components of an industrial carbon dioxide facility, and

“(B) a direct air capture facility (as defined in section 45Q(e)(1)).

“(2) DEFINITIONS.—For purposes of this subsection:

“(A) ELIGIBLE COMPONENT.—

“(i) IN GENERAL.—The term ‘eligible component’ means any equipment which is installed in an industrial carbon dioxide facility that satisfies the requirements under paragraph (3) and which is—

“(I) used for the purpose of capture, treatment and purification, compression, transportation, or on-site storage of carbon dioxide produced by the industrial carbon dioxide facility, or

“(II) integral or functionally related and subordinate to a process which converts a solid or liquid product from coal, petroleum residue, biomass, or other materials which are recovered for their energy or feedstock value into a synthesis gas composed primarily of carbon dioxide and hydrogen for direct use or subsequent chemical or physical conversion.

“(ii) DEFINITIONS.—For purposes of this subparagraph—

“(I) BIOMASS.—

“(aa) IN GENERAL.—The term ‘biomass’ means any—

“(AA) agricultural or plant waste,

“(BB) byproduct of wood or paper mill operations, including lignin in spent pulping liquors, and

“(CC) other products of forestry maintenance.

“(bb) EXCLUSION.—The term ‘biomass’ does not include paper which is commonly recycled.

“(II) COAL.—The term ‘coal’ means anthracite, bituminous coal, subbituminous coal, lignite, and peat.

“(B) INDUSTRIAL CARBON DIOXIDE FACILITY.—

“(i) IN GENERAL.—Except as provided in clause (ii), the term ‘industrial carbon dioxide facility’ means a facility that emits carbon dioxide (including from any fugitive emissions source) that is created as a result of any of the following processes:

“(I) Fuel combustion.

“(II) Gasification.

“(III) Bioindustrial.

“(IV) Fermentation.

“(V) Any manufacturing industry relating to—

“(aa) chemicals,

“(bb) fertilizers,

“(cc) glass,

“(dd) steel,

“(ee) petroleum residues,

“(ff) forest products,

“(gg) agriculture, including feedlots and dairy operations, and

“(hh) transportation grade liquid fuels.

“(ii) EXCEPTIONS.—For purposes of clause (i), an industrial carbon dioxide facility shall not include—

“(I) any geological gas facility, or

“(II) any air separation unit that—

“(aa) does not qualify as gasification equipment, or

“(bb) is not a necessary component of an oxy-fuel combustion process.

“(iii) DEFINITIONS.—For purposes of this subparagraph—

“(I) PETROLEUM RESIDUE.—The term ‘petroleum residue’ means the carbonized product of high-boiling hydrocarbon fractions obtained in petroleum processing.

“(II) GEOLOGICAL GAS FACILITY.—The term ‘geological gas facility’ means a facility that—

“(aa) produces a raw product consisting of gas or mixed gas and liquid from a geological formation,

“(bb) transports or removes impurities from such product, or

“(cc) separates such product into its constituent parts.

“(3) SPECIAL RULE FOR FACILITIES WITH LESS THAN 65 PERCENT CAPTURE AND STORAGE PERCENTAGE.—

“(A) IN GENERAL.—Subject to subparagraph (B), the eligible components of an industrial carbon dioxide facility satisfies the requirements of this paragraph if such eligible components are designed to have a capture and storage percentage (as determined under subparagraph (C)) that is equal to or greater than 65 percent.

“(B) EXCEPTION.—In the case of an industrial carbon dioxide facility designed with a capture and storage percentage that is less than 65 percent, the percentage of the cost of the eligible components installed in such facility that may be financed with tax-exempt bonds may not be greater than the designed capture and storage percentage.

“(C) CAPTURE AND STORAGE PERCENTAGE.—

“(i) IN GENERAL.—Subject to clause (ii), the capture and storage percentage shall be an amount, expressed as a percentage, equal to the quotient of—

“(I) the total metric tons of carbon dioxide designed to be annually captured, transported, and injected into—

“(aa) a facility for geologic storage, or

“(bb) an enhanced oil or gas recovery well followed by geologic storage, divided by

“(II) the total metric tons of carbon dioxide which would otherwise be released into the atmosphere each year as industrial emission of greenhouse gas if the eligible components were

not installed in the industrial carbon dioxide facility.

“(ii) LIMITED APPLICATION OF ELIGIBLE COMPONENTS.—In the case of eligible components that are designed to capture carbon dioxide solely from specific sources of emissions or portions thereof within an industrial carbon dioxide facility, the capture and storage percentage under this subparagraph shall be determined based only on such specific sources of emissions or portions thereof.

Determination.

“(4) REGULATIONS.—The Secretary shall issue such regulations or other guidance as are necessary to carry out the provisions of this subsection, including methods for determining costs attributable to an eligible component for purposes of paragraph (3)(A).”.

26 USC 146.

(c) VOLUME CAP.—Section 146(g) of such Code, as amended by section 80401, is amended by striking “and” at the end of paragraph (4), by striking the period at the end of paragraph (5) and inserting “, and”, and by inserting immediately after paragraph (5) the following new paragraph:

“(6) 75 percent of any exempt facility bond issued as part of an issue described in paragraph (17) of section 142(a) (relating to qualified carbon dioxide capture facilities).”.

(d) CLARIFICATION OF PRIVATE BUSINESS USE.—Section 141(b)(6) of such Code is amended by adding at the end the following new subparagraph:

“(C) CLARIFICATION RELATING TO QUALIFIED CARBON DIOXIDE CAPTURE FACILITIES.—For purposes of this subsection, the sale of carbon dioxide produced by a qualified carbon dioxide capture facility (as defined in section 142(o)) which is owned by a governmental unit shall not constitute private business use.”.

(e) COORDINATION WITH CREDIT FOR CARBON OXIDE SEQUESTRATION.—Section 45Q(f) of such Code is amended by adding at the end the following new paragraph:

“(3) CREDIT REDUCED FOR CERTAIN TAX-EXEMPT BONDS.—The amount of the credit determined under subsection (a) with respect to any project for any taxable year shall be reduced by the amount which is the product of the amount so determined for such year and the lesser of $\frac{1}{2}$ or a fraction—

“(A) the numerator of which is the sum, for the taxable year and all prior taxable years, of the proceeds from an issue described in section 142(a)(17) used to provide financing for the project the interest on which is exempt from tax under section 103, and

“(B) the denominator of which is the aggregate amount of additions to the capital account for the project for the taxable year and all prior taxable years.

The amounts under the preceding sentence for any taxable year shall be determined as of the close of the taxable year.”.

26 USC 45Q
note.

(f) EFFECTIVE DATE.—The amendments made by this section shall apply to obligations issued after December 31, 2021.

SEC. 80403. INCREASE IN NATIONAL LIMITATION AMOUNT FOR QUALIFIED HIGHWAY OR SURFACE FREIGHT TRANSPORTATION FACILITIES.

(a) IN GENERAL.—Section 142(m)(2)(A) of the Internal Revenue Code of 1986 is amended by striking “\$15,000,000,000” and inserting “\$30,000,000,000”. 26 USC 142.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to bonds issued after the date of the enactment of this Act. 26 USC 142 note.

TITLE V—RELIEF FOR TAXPAYERS AFFECTED BY DISASTERS OR OTHER CRITICAL EVENTS**SEC. 80501. MODIFICATION OF AUTOMATIC EXTENSION OF CERTAIN DEADLINES IN THE CASE OF TAXPAYERS AFFECTED BY FEDERALLY DECLARED DISASTERS.**

(a) IN GENERAL.—Section 7508A(d) of the Internal Revenue Code of 1986 is amended—

(1) in paragraph (1)—

(A) by striking “the latest incident date so specified” in subparagraph (B) and inserting “the later of such earliest incident date described in subparagraph (A) or the date such declaration was issued”, and

(B) by striking “in the same manner as a period specified under subsection (a)” and inserting “in determining, under the internal revenue laws, in respect of any tax liability of such qualified taxpayer, whether any of the acts described in subparagraphs (A) through (F) of section 7508(a)(1) were performed within the time prescribed therefor (determined without regard to extension under any other provision of this subtitle for periods after the date determined under subparagraph (B))”,

(2) by striking paragraph (3) and inserting the following:

“(3) DISASTER AREA.—For purposes of this subsection, the term ‘disaster area’ means an area in which a major disaster for which the President provides financial assistance under section 408 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5174) occurs.”, and

(3) by adding at the end the following:

“(6) MULTIPLE DECLARATIONS.—For purposes of paragraph (1), in the case of multiple declarations relating to a disaster area which are issued within a 60-day period, a separate period shall be determined under such paragraph with respect to each such declaration.”. Definition.
Time period.
Determination.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to federally declared disasters declared after the date of enactment of this Act. 26 USC 7508A note.

SEC. 80502. MODIFICATIONS OF RULES FOR POSTPONING CERTAIN ACTS BY REASON OF SERVICE IN COMBAT ZONE OR CONTINGENCY OPERATION.

(a) IN GENERAL.—Section 7508(a)(1) of the Internal Revenue Code of 1986 is amended—

(1) by striking subparagraph (C) and inserting the following:

“(C) Filing a petition with the Tax Court, or filing a notice of appeal from a decision of the Tax Court;”, and

(2) by inserting “or in respect of any erroneous refund” after “any tax” in subparagraph (J).

26 USC 7508
note.

(b) **EFFECTIVE DATE.**—The amendments made by this section shall apply to any period for performing an act which has not expired before the date of the enactment of this Act.

SEC. 80503. TOLLING OF TIME FOR FILING A PETITION WITH THE TAX COURT.

26 USC 7451.

(a) **IN GENERAL.**—Section 7451 of the Internal Revenue Code of 1986 is amended—

(1) by striking “The Tax Court” and inserting the following:

“(a) **FEES.**—The Tax Court”, and

(2) by adding at the end the following new subsection:

“(b) **TOLLING OF TIME IN CERTAIN CASES.**—

“(1) **IN GENERAL.**—Notwithstanding any other provision of this title, in any case (including by reason of a lapse in appropriations) in which a filing location is inaccessible or otherwise unavailable to the general public on the date a petition is due, the relevant time period for filing such petition shall be tolled for the number of days within the period of inaccessibility plus an additional 14 days.

“(2) **FILING LOCATION.**—For purposes of this subsection, the term ‘filing location’ means—

“(A) the office of the clerk of the Tax Court, or

“(B) any on-line portal made available by the Tax Court for electronic filing of petitions.”.

(b) **CONFORMING AMENDMENTS.**—

(1) The heading for section 7451 of the Internal Revenue Code of 1986 is amended by striking “**FEE FOR FILING PETITION**” and inserting “**PETITIONS**”.

(2) The item in the table of contents for part II of subchapter C of chapter 76 of such Code is amended by striking “Fee for filing petition” and inserting “Petitions”.

26 USC
prec. 7451.
26 USC 7451
note.

(c) **EFFECTIVE DATE.**—The amendments made by this section shall apply to petitions required to be timely filed (determined without regard to the amendments made by this section) after the date of enactment of this Act.

SEC. 80504. AUTHORITY TO POSTPONE CERTAIN TAX DEADLINES BY REASON OF SIGNIFICANT FIRES.

(a) **IN GENERAL.**—Section 7508A of the Internal Revenue Code of 1986 is amended—

(1) by inserting “, a significant fire,” after “federally declared disaster (as defined in section 165(i)(5)(A))” in subsection (a),

(2) by inserting “, fire,” after “disaster” each place it appears in subsections (a)(1) and (b), and

(3) by adding at the end the following new subsection:

“(e) **SIGNIFICANT FIRE.**—For purposes of this section, the term ‘significant fire’ means any fire with respect to which assistance is provided under section 420 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act.”.

(b) **CONFORMING AMENDMENTS.**—

(1) The heading of section 7508A of the Internal Revenue Code of 1986 is amended by striking “**PRESIDENTIALLY DECLARED DISASTER**” and inserting “**FEDERALLY DECLARED DISASTER, SIGNIFICANT FIRE**,”. 26 USC 7508A.

(2) The item relating to section 7508A in the table of sections for chapter 77 of such Code is amended by striking “Presidentially declared disaster” and inserting “Federally declared disaster, significant fire,”. 26 USC prec. 7501.

(c) **EFFECTIVE DATE.**—The amendments made by this section shall apply to fires for which assistance is provided after the date of the enactment of this Act. 26 USC 7508A note.

TITLE VI—OTHER PROVISIONS

SEC. 80601. MODIFICATION OF TAX TREATMENT OF CONTRIBUTIONS TO THE CAPITAL OF A CORPORATION.

(a) **IN GENERAL.**—Section 118 of the Internal Revenue Code of 1986 is amended—

(1) in subsection (b), by inserting “except as provided in subsection (c),” after “For purposes of subsection (a),”;

(2) by redesignating subsection (d) as subsection (e), and

(3) by striking subsection (c) and inserting the following:

“(c) **SPECIAL RULES FOR WATER AND SEWERAGE DISPOSAL UTILITIES.**—

“(1) **GENERAL RULE.**—For purposes of this section, the term ‘contribution to the capital of the taxpayer’ includes any amount of money or other property received from any person (whether or not a shareholder) by a regulated public utility which provides water or sewerage disposal services if—

“(A) such amount is—

“(i) a contribution in aid of construction, or

“(ii) a contribution to the capital of such utility by a governmental entity providing for the protection, preservation, or enhancement of drinking water or sewerage disposal services,

“(B) in the case of a contribution in aid of construction which is property other than water or sewerage disposal facilities, such amount meets the requirements of the expenditure rule of paragraph (2), and

“(C) such amount (or any property acquired or constructed with such amount) is not included in the taxpayer’s rate base for ratemaking purposes.

“(2) **EXPENDITURE RULE.**—An amount meets the requirements of this paragraph if—

“(A) an amount equal to such amount is expended for the acquisition or construction of tangible property described in section 1231(b)—

“(i) which is the property for which the contribution was made or is of the same type as such property, and

“(ii) which is used predominantly in the trade or business of furnishing water or sewerage disposal services,

“(B) the expenditure referred to in subparagraph (A) occurs before the end of the second taxable year after the year in which such amount was received, and

Definition.

“(C) accurate records are kept of the amounts contributed and expenditures made, the expenditures to which contributions are allocated, and the year in which the contributions and expenditures are received and made.

“(3) DEFINITIONS.—For purposes of this subsection—

Regulations.

“(A) CONTRIBUTION IN AID OF CONSTRUCTION.—The term ‘contribution in aid of construction’ shall be defined by regulations prescribed by the Secretary, except that such term shall not include amounts paid as service charges for starting or stopping services.

“(B) PREDOMINANTLY.—The term ‘predominantly’ means 80 percent or more.

“(C) REGULATED PUBLIC UTILITY.—The term ‘regulated public utility’ has the meaning given such term by section 7701(a)(33), except that such term shall not include any utility which is not required to provide water or sewerage disposal services to members of the general public in its service area.

Applicability.

“(4) DISALLOWANCE OF DEDUCTIONS AND CREDITS; ADJUSTED BASIS.—Notwithstanding any other provision of this subtitle, no deduction or credit shall be allowed for, or by reason of, any expenditure which constitutes a contribution in aid of construction to which this subsection applies. The adjusted basis of any property acquired with contributions in aid of construction to which this subsection applies shall be zero.

Assessment.
Time period.

“(d) STATUTE OF LIMITATIONS.—If the taxpayer for any taxable year treats an amount as a contribution to the capital of the taxpayer described in subsection (c)(1)(A)(i), then—

“(1) the statutory period for the assessment of any deficiency attributable to any part of such amount shall not expire before the expiration of 3 years from the date the Secretary is notified by the taxpayer (in such manner as the Secretary may prescribe) of—

“(A) the amount of the expenditure referred to in subparagraph (A) of subsection (c)(2),

“(B) the taxpayer’s intention not to make the expenditures referred to in such subparagraph, or

“(C) a failure to make such expenditure within the period described in subparagraph (B) of subsection (c)(2), and

“(2) such deficiency may be assessed before the expiration of such 3-year period notwithstanding the provisions of any other law or rule of law which would otherwise prevent such assessment.”.

26 USC 118 note.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to contributions made after December 31, 2020.

SEC. 80602. EXTENSION OF INTEREST RATE STABILIZATION.

26 USC 430.

(a) FUNDING STABILIZATION UNDER THE INTERNAL REVENUE CODE OF 1986.—The table in subclause (II) of section 430(h)(2)(C)(iv) of the Internal Revenue Code of 1986 is amended to read as follows:

“If the calendar year is:	The applicable minimum percentage is:	The applicable maximum percentage is:
Any year in the period starting in 2012 and ending in 2019.	90%	110%
Any year in the period starting in 2020 and ending in 2030.	95%	105%
2031	90%	110%
2032	85%	115%
2033	80%	120%
2034	75%	125%
After 2034	70%	130%.”.

(b) **FUNDING STABILIZATION UNDER EMPLOYEE RETIREMENT INCOME SECURITY ACT OF 1974.**—

(1) **IN GENERAL.**—The table in subclause (II) of section 303(h)(2)(C)(iv) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1083(h)(2)(C)(iv)) is amended to read as follows:

“If the calendar year is:	The applicable minimum percentage is:	The applicable maximum percentage is:
Any year in the period starting in 2012 and ending in 2019.	90%	110%
Any year in the period starting in 2020 and ending in 2030.	95%	105%
2031	90%	110%
2032	85%	115%
2033	80%	120%
2034	75%	125%
After 2034	70%	130%.”.

(2) **CONFORMING AMENDMENTS.**—

(A) **IN GENERAL.**—Section 101(f)(2)(D) of such Act (29 U.S.C. 1021(f)(2)(D)) is amended—

(i) in clause (i), by striking “and the American Rescue Plan Act of 2021” both places it appears and inserting “, the American Rescue Plan Act of 2021, and the Infrastructure Investment and Jobs Act”, and

(ii) in clause (ii), by striking “2029” and inserting “2034”.

(B) **STATEMENTS.**—The Secretary of Labor shall modify the statements required under subclauses (I) and (II) of section 101(f)(2)(D)(i) of such Act to conform to the amendments made by this section.

29 USC 1021 note.

(c) **EFFECTIVE DATE.**—The amendments made by this section shall apply with respect to plan years beginning after December 31, 2021.

26 USC 430 note.

SEC. 80603. INFORMATION REPORTING FOR BROKERS AND DIGITAL ASSETS.

(a) **CLARIFICATION OF DEFINITION OF BROKER.**—Section 6045(c)(1) of the Internal Revenue Code of 1986 is amended—

26 USC 6045.

(1) by striking “and” at the end of subparagraph (B),

(2) in subparagraph (C)—

(A) by striking “any other person who (for a consideration)” and inserting “any person who (for consideration)”, and

(B) by striking the period at the end and inserting “, and”, and

(3) by inserting after subparagraph (C) the following new subparagraph:

“(D) any person who (for consideration) is responsible for regularly providing any service effectuating transfers of digital assets on behalf of another person.”.

(b) REPORTING OF DIGITAL ASSETS.—

(1) BROKERS.—

26 USC 6045.

(A) TREATMENT AS SPECIFIED SECURITY.—Section 6045(g)(3)(B) of the Internal Revenue Code of 1986 is amended by striking “and” at the end of clause (iii), by redesignating clause (iv) as clause (v), and by inserting after clause (iii) the following new clause:

“(iv) any digital asset, and”.

(B) DEFINITION OF DIGITAL ASSET.—Section 6045(g)(3) of such Code is amended by adding at the end the following new subparagraph:

“(D) DIGITAL ASSET.—Except as otherwise provided by the Secretary, the term ‘digital asset’ means any digital representation of value which is recorded on a cryptographically secured distributed ledger or any similar technology as specified by the Secretary.”.

(C) APPLICABLE DATE.—Section 6045(g)(3)(C) of such Code is amended—

(i) in clause (ii), by striking “and” at the end,

(ii) by redesignating clause (iii) as clause (iv), and

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

“(iii) January 1, 2023, in the case of any specified security which is a digital asset, and”.

(2) FURNISHING OF INFORMATION.—

(A) IN GENERAL.—Section 6045A of such Code is amended—

(i) in subsection (a), by striking “a security which is”, and

(ii) by adding at the end the following:

Determination.

“(d) RETURN REQUIREMENT FOR CERTAIN TRANSFERS OF DIGITAL ASSETS NOT OTHERWISE SUBJECT TO REPORTING.—Any broker, with respect to any transfer (which is not part of a sale or exchange executed by such broker) during a calendar year of a covered security which is a digital asset from an account maintained by such broker to an account which is not maintained by, or an address not associated with, a person that such broker knows or has reason to know is also a broker, shall make a return for such calendar year, in such form as determined by the Secretary, showing the information otherwise required to be furnished with respect to transfers subject to subsection (a).”.

(B) REPORTING PENALTIES.—Section 6724(d)(1)(B) of such Code is amended by striking “or” at the end of clause (xxv), by striking “and” at the end of clause (xxvi), and by inserting after clause (xxvi) the following new clause:

“(xxvii) section 6045A(d) (relating to returns for certain digital assets),”.

(3) TREATMENT AS CASH FOR PURPOSES OF SECTION 6050I.—Section 6050I(d) of such Code is amended by striking “and” at the end of paragraph (1), by striking the period at the end of paragraph (2) and inserting “, and”, and by inserting after paragraph (2) the following new paragraph:

26 USC 6050I.

“(3) any digital asset (as defined in section 6045(g)(3)(D)).”.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to returns required to be filed, and statements required to be furnished, after December 31, 2023.

26 USC 6045 note.

(d) RULE OF CONSTRUCTION.—Nothing in this section or the amendments made by this section shall be construed to create any inference, for any period prior to the effective date of such amendments, with respect to—

26 USC 6045 note.

(1) whether any person is a broker under section 6045(c)(1) of the Internal Revenue Code of 1986, or

(2) whether any digital asset is property which is a specified security under section 6045(g)(3)(B) of such Code.

SEC. 80604. TERMINATION OF EMPLOYEE RETENTION CREDIT FOR EMPLOYERS SUBJECT TO CLOSURE DUE TO COVID-19.

(a) IN GENERAL.—Section 3134 of the Internal Revenue Code of 1986 is amended—

(1) in subsection (c)(5)—

(A) in subparagraph (A), by adding “and” at the end,

(B) in subparagraph (B), by striking “, and” at the end and inserting a period, and

(C) by striking subparagraph (C), and

(2) in subsection (n), by striking “January 1, 2022” and inserting “October 1, 2021 (or, in the case of wages paid by an eligible employer which is a recovery startup business, January 1, 2022)”.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to calendar quarters beginning after September 30, 2021.

26 USC 3134 note.

DIVISION I—OTHER MATTERS

SEC. 90001. EXTENSION OF DIRECT SPENDING REDUCTIONS THROUGH FISCAL YEAR 2031.

Section 251A(6) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 901a(6)) is amended—

(1) in subparagraph (B), in the matter preceding clause (i), by striking “2030” and inserting “2031”; and

(2) in subparagraph (C)—

(A) in the matter preceding clause (i), by striking “2030” and inserting “2031”;

(B) in clause (i)—

(i) by striking “5 ½” and inserting “6”;

(ii) by striking “2.0” and inserting “4.0”; and

(iii) by striking the semicolon at the end and inserting “, and”;

(C) in clause (ii)—

(i) by striking “6-month period beginning on the day after the last day of the period described in clause (i)” and inserting “second 6 months”;

(ii) by striking “4.0” and inserting “0”; and

(iii) by striking “; and” and inserting a period; and
(D) by striking clause (iii).

SEC. 90002. STRATEGIC PETROLEUM RESERVE DRAWDOWN AND SALE.

42 USC 6241
note.

(a) DRAWDOWN AND SALE.—

(1) IN GENERAL.—Notwithstanding section 161 of the Energy Policy and Conservation Act (42 U.S.C. 6241), except as provided in subsections (b) and (c), the Secretary of Energy shall draw down and sell from the Strategic Petroleum Reserve 87,600,000 barrels of crude oil during the period of fiscal years 2028 through 2031.

(2) TIMING.—Subject to paragraph (1) and subsection (c)(1), in determining the timing of each drawdown and sale from the Strategic Petroleum Reserve during the period of fiscal years 2028 through 2031 under paragraph (1), to the maximum extent practicable, the Secretary shall maximize the financial return to the United States taxpayers.

(3) DEPOSIT OF AMOUNTS RECEIVED FROM SALE.—Amounts received from a sale under paragraph (1) shall be deposited in the general fund of the Treasury during the fiscal year in which the sale occurs.

(4) SPR PETROLEUM ACCOUNT.—The Secretary of the Treasury shall deposit in the SPR Petroleum Account established under section 167(a) of the Energy Policy and Conservation Act (42 U.S.C. 6247(a)) \$43,500,000, to be used to carry out paragraph (1) in accordance with section 167 of the Energy Policy and Conservation Act (42 U.S.C. 6247).

(b) EMERGENCY PROTECTION.—The Secretary of Energy shall not draw down and sell crude oil under subsection (a) in a quantity that would limit the authority to sell petroleum products under subsection (h) of section 161 of the Energy Policy and Conservation Act (42 U.S.C. 6241) in the full quantity authorized by that subsection.

(c) LIMITATIONS.—

(1) IN GENERAL.—The Secretary of Energy shall not draw down or conduct sales of crude oil under subsection (a) after the date on which a total of \$6,100,000,000 has been deposited in the general fund of the Treasury from sales authorized under that subsection.

(2) MINIMUM VOLUME.—Section 161(h)(2) of the Energy Policy and Conservation Act (42 U.S.C. 6241(h)(2)) is amended by striking “340,000,000” each place it appears and inserting “252,400,000”.

SEC. 90003. FINDINGS REGARDING UNUSED UNEMPLOYMENT INSURANCE FUNDS.

Congress finds the following:

(1) On July 16, 2021, the Congressional Budget Office (in this section referred to as “CBO”) reduced its projected cost of the extension of expanded unemployment compensation as enacted in the American Rescue Plan Act of 2021 (P.L. 117–2).

(2) CBO budget projections included mandatory outlays for the expansion totaling \$144,000,000,000 in 2021 and \$8,000,000,000 in 2022. That estimated cost is \$50,000,000,000 less in 2021, and \$3,000,000,000 less in 2022, than anticipated in CBO’s March 2021 cost estimate.

(3) CBO reduced its projections of those costs for two major reasons. First, several States have announced that they are discontinuing one or more of the components of expanded unemployment compensation before the expansion’s authorization ends in September 2021. In its original estimate, CBO projected that all States would participate in the programs until September. Second, because of the improving economy, the agency has lowered its forecast of the unemployment rate, resulting in fewer projected beneficiaries for the programs, which also reduced projected costs.

(4) It is estimated that there are approximately \$53,000,000,000 in savings from the amounts in the Treasury originally estimated to be spent on unemployment insurance funds (under the provisions of subtitle A of title II of division A of the CARES Act) not used by the States.

SEC. 90004. REQUIRING MANUFACTURERS OF CERTAIN SINGLE-DOSE CONTAINER OR SINGLE-USE PACKAGE DRUGS PAYABLE UNDER PART B OF THE MEDICARE PROGRAM TO PROVIDE REFUNDS WITH RESPECT TO DISCARDED AMOUNTS OF SUCH DRUGS.

Section 1847A of the Social Security Act (42 U.S.C. 1395w–3a) is amended—

- (1) by redesignating subsection (h) as subsection (i); and
- (2) by inserting after subsection (g) the following new subsection:

“(h) REFUND FOR CERTAIN DISCARDED SINGLE-DOSE CONTAINER OR SINGLE-USE PACKAGE DRUGS.—

“(1) SECRETARIAL PROVISION OF INFORMATION.—

“(A) IN GENERAL.—For each calendar quarter beginning on or after January 1, 2023, the Secretary shall, with respect to a refundable single-dose container or single-use package drug (as defined in paragraph (8)), report to each manufacturer (as defined in subsection (c)(6)(A)) of such refundable single-dose container or single-use package drug the following for the calendar quarter:

Effective date.

“(i) Subject to subparagraph (C), information on the total number of units of the billing and payment code of such drug, if any, that were discarded during such quarter, as determined using a mechanism such as the JW modifier used as of the date of enactment of this subsection (or any such successor modifier that includes such data as determined appropriate by the Secretary).

Determination.

“(ii) The refund amount that the manufacturer is liable for pursuant to paragraph (3).

“(B) DETERMINATION OF DISCARDED AMOUNTS.—For purposes of subparagraph (A)(i), with respect to a refundable single-dose container or single-use package drug furnished during a quarter, the amount of such drug that was discarded shall be determined based on the amount of such drug that was unused and discarded for each drug on the date of service.

“(C) EXCLUSION OF UNITS OF PACKAGED DRUGS.—The total number of units of the billing and payment code of a refundable single-dose container or single-use package drug of a manufacturer furnished during a calendar quarter

for purposes of subparagraph (A)(i), and the determination of the estimated total allowed charges for the drug in the quarter for purposes of paragraph (3)(A)(ii), shall not include such units that are packaged into the payment amount for an item or service and are not separately payable.

Effective date.

“(2) MANUFACTURER REQUIREMENT.—For each calendar quarter beginning on or after January 1, 2023, the manufacturer of a refundable single-dose container or single-use package drug shall, for such drug, provide to the Secretary a refund that is equal to the amount specified in paragraph (3) for such drug for such quarter.

“(3) REFUND AMOUNT.—

Effective date.

“(A) IN GENERAL.—The amount of the refund specified in this paragraph is, with respect to a refundable single-dose container or single-use package drug of a manufacturer assigned to a billing and payment code for a calendar quarter beginning on or after January 1, 2023, an amount equal to the estimated amount (if any) by which—

“(i) the product of—

“(I) the total number of units of the billing and payment code for such drug that were discarded during such quarter (as determined under paragraph (1)); and

“(II)(aa) in the case of a refundable single-dose container or single-use package drug that is a single source drug or biological, the amount of payment determined for such drug or biological under subsection (b)(1)(B) for such quarter; or

“(bb) in the case of a refundable single-dose container or single-use package drug that is a biosimilar biological product, the amount of payment determined for such product under subsection (b)(1)(C) for such quarter; exceeds

“(ii) an amount equal to the applicable percentage (as defined in subparagraph (B)) of the estimated total allowed charges for such drug under this part during the quarter.

“(B) APPLICABLE PERCENTAGE DEFINED.—

“(i) IN GENERAL.—For purposes of subparagraph (A)(ii), the term ‘applicable percentage’ means—

“(I) subject to subclause (II), 10 percent; and

“(II) if applicable, in the case of a refundable single-dose container or single-use package drug described in clause (ii), a percentage specified by the Secretary pursuant to such clause.

“(ii) TREATMENT OF DRUGS THAT HAVE UNIQUE CIRCUMSTANCES.—In the case of a refundable single-dose container or single-use package drug that has unique circumstances involving similar loss of product as that described in paragraph (8)(B)(ii), the Secretary, through notice and comment rulemaking, may increase the applicable percentage otherwise applicable under clause (i)(I) as determined appropriate by the Secretary.

Notice.
Regulations.
Determination.

“(4) FREQUENCY.—Amounts required to be refunded pursuant to paragraph (2) shall be paid in regular intervals (as determined appropriate by the Secretary).

Determination.

“(5) REFUND DEPOSITS.—Amounts paid as refunds pursuant to paragraph (2) shall be deposited into the Federal Supplementary Medical Insurance Trust Fund established under section 1841.

“(6) ENFORCEMENT.—

“(A) AUDITS.—

“(i) MANUFACTURER AUDITS.—Each manufacturer of a refundable single-dose container or single-use package drug that is required to provide a refund under this subsection shall be subject to periodic audit with respect to such drug and such refunds by the Secretary.

“(ii) PROVIDER AUDITS.—The Secretary shall conduct periodic audits of claims submitted under this part with respect to refundable single-dose container or single-use package drugs in accordance with the authority under section 1833(e) to ensure compliance with the requirements applicable under this subsection.

“(B) CIVIL MONEY PENALTY.—

“(i) IN GENERAL.—The Secretary shall impose a civil money penalty on a manufacturer of a refundable single-dose container or single-use package drug who has failed to comply with the requirement under paragraph (2) for such drug for a calendar quarter in an amount equal to the sum of—

“(I) the amount that the manufacturer would have paid under such paragraph with respect to such drug for such quarter; and

“(II) 25 percent of such amount.

“(ii) APPLICATION.—The provisions of section 1128A (other than subsections (a) and (b)) shall apply to a civil money penalty under this subparagraph in the same manner as such provisions apply to a penalty or proceeding under section 1128A(a).

“(7) IMPLEMENTATION.—The Secretary shall implement this subsection through notice and comment rulemaking.

Notice.
Regulations.

“(8) DEFINITION OF REFUNDABLE SINGLE-DOSE CONTAINER OR SINGLE-USE PACKAGE DRUG.—

“(A) IN GENERAL.—Except as provided in subparagraph (B), in this subsection, the term ‘refundable single-dose container or single-use package drug’ means a single source drug or biological (as defined in section 1847A(c)(6)(D)) or a biosimilar biological product (as defined in section 1847A(c)(6)(H)) for which payment is made under this part and that is furnished from a single-dose container or single-use package.

“(B) EXCLUSIONS.—The term ‘refundable single-dose container or single-use package drug’ does not include—

“(i) a drug or biological that is either a radiopharmaceutical or an imaging agent;

“(ii) a drug or biological approved by the Food and Drug Administration for which dosage and administration instructions included in the labeling

Effective date.
Time period.

require filtration during the drug preparation process, prior to dilution and administration, and require that any unused portion of such drug after the filtration process be discarded after the completion of such filtration process; or

“(iii) a drug or biological approved by the Food and Drug Administration on or after the date of enactment of this subsection and with respect to which payment has been made under this part for fewer than 18 months.

“(9) REPORT TO CONGRESS.—Not later than 3 years after the date of enactment of this subsection, the Office of the Inspector General, after consultation with the Centers for Medicare & Medicaid Services and the Food and Drug Administration, shall submit to the Committee on Finance of the Senate and the Committee on Energy and Commerce and the Committee on Ways and Means of the House of Representatives, a report on any impact this section is reported to have on the licensure, market entry, market retention, or marketing of biosimilar biological products. Such report shall be updated periodically at the direction of the Committee on Finance of the Senate and the Committee on Energy and Commerce and the Committee on Ways and Means of the House of Representatives.”.

SEC. 90005. EXTENSION OF ENTERPRISE GUARANTEE FEES.

Section 1327(f) of the Federal Housing Enterprises Financial Safety and Soundness Act of 1992 (12 U.S.C. 4547(f)) is amended by striking “2021” and inserting “2032”.

42 USC
1320a–7b note.

SEC. 90006. MORATORIUM ON IMPLEMENTATION OF RULE RELATING TO ELIMINATING THE ANTI-KICKBACK STATUTE SAFE HARBOR PROTECTION FOR PRESCRIPTION DRUG REBATES.

Notwithstanding any other provision of law, the Secretary of Health and Human Services shall not, prior to January 1, 2026, implement, administer, or enforce the provisions of the final rule published by the Office of the Inspector General of the Department of Health and Human Services on November 30, 2020, and titled “Fraud and Abuse; Removal of Safe Harbor Protection for Rebates Involving Prescription Pharmaceuticals and Creation of New Safe Harbor Protection for Certain Point-of-Sale Reductions in Price on Prescription Pharmaceuticals and Certain Pharmacy Benefit Manager Service Fees” (85 Fed. Reg. 76666).

SEC. 90007. RESCISSION OF COVID–19 APPROPRIATIONS.

(a) ECONOMIC INJURY DISASTER LOAN SUBSIDY.—

(1) RESCISSION.—Of the unobligated balances from amounts made available under the heading “Small Business Administration—Disaster Loans Program Account” in title II of division B of the Paycheck Protection Program and Health Care Enhancement Act (Public Law 116–139), \$13,500,000,000 are permanently rescinded.

(2) DESIGNATION.—The amount rescinded pursuant to paragraph (1) that was previously designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act

of 1985 is designated by the Congress as an emergency requirement pursuant to section 4112(a) of H. Con. Res. 71 (115th Congress), the concurrent resolution on the budget for fiscal year 2018, and to section 251(b) of the Balanced Budget and Emergency Deficit Control Act of 1985.

(b) TARGETED EIDL ADVANCE.—

(1) Of the unobligated balances from amounts made available under the heading “Small Business Administration—Targeted EIDL Advance” in section 323(d)(1)(D) of division N of the Consolidated Appropriations Act, 2021 (Public Law 116–260), \$17,578,000,000 are permanently rescinded.

(2) Of the unobligated balances from amounts made available in section 5002(b) of the American Rescue Plan Act of 2021 (Public Law 117–2)—

(A) amounts may be transferred to and merged with “Small Business Administration—Disaster Loans Program Account” for the cost of direct loans authorized under section 7(b) of the Small Business Act (15 U.S.C. 636(b));

(B) not more than \$500,000,000 may be transferred to “Small Business Administration—Salaries and Expenses” for necessary expenses, not otherwise provided for, of the Small Business Administration; and

(C) not more than \$992,000,000 may be transferred to, and merged with, “Small Business Administration—Business Loans Program Account” for the cost of guaranteed loans as authorized by paragraphs (1) through (35) of section 7(a) of the Small Business Act (15 U.S.C. 636(a)), including the cost of carrying out sections 326, 327, and 328 of division N of the Consolidated Appropriations Act, 2021 (Public Law 116–260).

(c) ECONOMIC STABILIZATION PROGRAM.—Of the unobligated balances from amounts made available in section 4027(a) of the Coronavirus Aid, Relief, and Economic Security Act (15 U.S.C. 9601), \$1,366,100,000 are permanently rescinded.

(d) BUSINESS LOANS PROGRAM ACCOUNT.—

(1) Of the unobligated balances from amounts made available under the heading “Small Business Administration—Business Loans Program Account, CARES Act” in section 1107(a)(1) of the Coronavirus Aid, Relief, and Economic Security Act (Public Law 116–136), as amended by section 101(a)(2) of division A of the Paycheck Protection Program and Health Care Enhancement Act (Public Law 116–139), and in section 323(d)(1)(A) of division N of the Consolidated Appropriations Act, 2021 (Public Law 116–260) for carrying out paragraphs (36) and (37) of section 7(a) of the Small Business Act (15 U.S.C. 636(a)), \$4,684,000,000 are permanently rescinded.

(2) Of the unobligated balances from amounts made available under the heading “Small Business Administration—Business Loans Program Account” in section 323(d)(1)(F) of division N of the Consolidated Appropriations Act, 2021 (Public Law 116–260), \$992,000,000 are permanently rescinded.

(e) PANDEMIC RELIEF FOR AVIATION WORKERS, CORONAVIRUS AID, RELIEF, AND ECONOMIC SECURITY ACT (CARES ACT).—Of the unobligated balances from amounts made available in section 4120 of the Coronavirus Aid, Relief, and Economic Security Act (15 U.S.C. 9080), \$3,000,000,000 are permanently rescinded.

(f) EDUCATION STABILIZATION FUND.—

(1) **RESCISSION.**—Of the unobligated balances from amounts made available under the heading “Education Stabilization Fund” in title VIII of division B of the Coronavirus Aid, Relief, and Economic Security Act (Public Law 116–136) and in title III of division M of the Consolidated Appropriations Act, 2021 (Public Law 116–260) that were reserved for the Higher Education Emergency Relief Fund by sections 18004(a)(1) and 18004(a)(2) of division B of the Coronavirus Aid, Relief, and Economic Security Act (Public Law 116–136) and sections 314(a)(1), 314(a)(2), and 314(a)(4) of division M of the Consolidated Appropriations Act, 2021 (Public Law 116–260), \$353,400,000 are permanently rescinded.

(2) **DESIGNATION.**—The amount rescinded pursuant to paragraph (1) that was previously designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985 is designated by the Congress as an emergency requirement pursuant to section 4112(a) of H. Con. Res. 71 (115th Congress), the concurrent resolution on the budget for fiscal year 2018, and to section 251(b) of the Balanced Budget and Emergency Deficit Control Act of 1985.

(g) **SMALL BUSINESS ADMINISTRATION, SALARIES AND EXPENSES.**—

(1) **RESCISSION.**—Of the unobligated balances from amounts made available under the heading “Small Business Administration—Salaries and Expenses” in section 1107(a)(2) of the Coronavirus Aid, Relief, and Economic Security Act (Public Law 116–136), in title II of division B of the Paycheck Protection Program and Health Care Enhancement Act (Public Law 116–139), and in section 323(d)(1)(C) of division N of the Consolidated Appropriations Act, 2021 (Public Law 116–260), \$175,000,000 are permanently rescinded.

(2) **DESIGNATION.**—The amount rescinded pursuant to paragraph (1) that was previously designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985 is designated by the Congress as an emergency requirement pursuant to section 4112(a) of H. Con. Res. 71 (115th Congress), the concurrent resolution on the budget for fiscal year 2018, and to section 251(b) of the Balanced Budget and Emergency Deficit Control Act of 1985.

(h) **PANDEMIC RELIEF FOR AVIATION WORKERS.**—Of the unobligated balances from amounts made available in section 411 of subtitle A of title IV of division N of the Consolidated Appropriations Act, 2021 (15 U.S.C. 9101), \$200,000,000 are permanently rescinded.

47 USC 921 note.

SEC. 90008. SPECTRUM AUCTIONS.

(a) **DEFINITIONS.**—In this section:

(1) **COMMISSION.**—The term “Commission” means the Federal Communications Commission.

(2) **COVERED BAND.**—The term “covered band” means the band of frequencies between 3100 and 3450 megahertz.

(3) **RELEVANT CONGRESSIONAL COMMITTEES.**—The term “relevant congressional committees” means—

(A) the Committee on Armed Services of the Senate;

(B) the Committee on Armed Services of the House of Representatives;

(C) the Committee on Commerce, Science, and Transportation of the Senate; and

(D) the Committee on Energy and Commerce of the House of Representatives.

(b) 3.1–3.45 GHz BAND.—

(1) PRE-AUCTION FUNDING.—

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

Effective date.
Transfer
authority.

(i) for reallocation for shared Federal and non-Federal commercial licensed use; and

(ii) for auction under paragraph (3) of this subsection.

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

(C) REPORT TO SECRETARY OF COMMERCE.—For purposes of paragraph (2)(A), the Secretary of Defense shall report to the Secretary of Commerce the findings of the planning activities described in subparagraph (A) of this paragraph.

(2) IDENTIFICATION.—

Determinations.
Coordination.

(A) IN GENERAL.—Not later than 21 months after the date of enactment of this Act, in accordance with the findings of the planning activities described in paragraph (1)(A) and subject to the determination of the Secretary of Defense under subparagraph (B) of this paragraph, the Secretary of Commerce, in coordination with the Secretary of Defense, the Director of the Office of Science and Technology Policy, and relevant congressional committees, shall—

(i) determine which frequencies of electromagnetic spectrum in the covered band could be made available on a shared basis between Federal use and non-Federal commercial licensed use, subject to flexible-use service rules; and

(ii) submit to the President and the Commission a report that identifies the frequencies determined appropriate under clause (i).

(B) REQUIRED DETERMINATION.—The Secretary of Commerce may identify frequencies under subparagraph (A)(ii) only if the Secretary of Defense has determined that sharing those frequencies with non-Federal users would not impact the primary mission of military spectrum users in the covered band.

(3) AUCTION.—Not earlier than November 30, 2024, the Commission, in consultation with the Assistant Secretary of

Consultation.

Commerce for Communications and Information, shall begin a system of competitive bidding under section 309(j) of the Communications Act of 1934 (47 U.S.C. 309(j)) to grant new licenses for the spectrum identified under paragraph (2)(A)(ii) of this subsection.

Deadline.

(4) SHARING OF SPECTRUM.—Not earlier than May 31, 2025, the President shall modify any assignment to a Federal Government station of the frequencies identified under clause (ii) of paragraph (2)(A) in order to accommodate shared Federal and non-Federal commercial licensed use in accordance with that paragraph.

(5) AUCTION PROCEEDS TO COVER 110 PERCENT OF FEDERAL RELOCATION OR SHARING COSTS.—Nothing in this subsection shall be construed to relieve the Commission from the requirements under section 309(j)(16)(B) of the Communications Act of 1934 (47 U.S.C. 309(j)(16)(B)).

(c) FCC AUCTION AUTHORITY.—

(1) TERMINATION.—Section 309(j)(11) of the Communications Act of 1934 (47 U.S.C. 309(j)(11)) is amended by inserting after “2025” the following: “, and with respect to the electromagnetic spectrum identified under section 90008(b)(2)(A)(ii) of the Infrastructure Investment and Jobs Act, such authority shall expire on the date that is 7 years after the date of enactment of that Act”.

(2) SPECTRUM PIPELINE ACT OF 2015.—Section 1006(c)(1) of the Spectrum Pipeline Act of 2015 (Public Law 114–74; 129 Stat. 624) is amended by striking “2022” and inserting “2024”.

Infrastructure
Investments
and Jobs
Appropriations
Act.
Time periods.

DIVISION J—APPROPRIATIONS

That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 2022, and for other purposes, namely:

TITLE I—AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES

DEPARTMENT OF AGRICULTURE

FARM PRODUCTION AND CONSERVATION PROGRAMS

NATURAL RESOURCES CONSERVATION SERVICE

WATERSHED AND FLOOD PREVENTION OPERATIONS

Deadline.
Spend plan.
List.

For an additional amount for “Watershed and Flood Prevention Operations”, \$500,000,000, to remain available until expended: *Provided*, That not later than 90 days after the date of enactment of this Act, the Secretary of Agriculture shall submit to the House and Senate Committees on Appropriations a detailed spend plan, including a list of project locations and project cost: *Provided further*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 4112(a) of H. Con. Res. 71 (115th Congress), the concurrent resolution on the budget for fiscal year 2018, and to section 251(b) of the Balanced Budget and Emergency Deficit Control Act of 1985.

WATERSHED REHABILITATION PROGRAM

For an additional amount for “Watershed Rehabilitation Program”, \$118,000,000, to remain available until expended: *Provided*, That not later than 90 days after the date of enactment of this Act, the Secretary of Agriculture shall submit to the House and Senate Committees on Appropriations a detailed spend plan, including a list of project locations and project cost: *Provided further*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 4112(a) of H. Con. Res. 71 (115th Congress), the concurrent resolution on the budget for fiscal year 2018, and to section 251(b) of the Balanced Budget and Emergency Deficit Control Act of 1985.

Deadline.
Spend plan.
List.

EMERGENCY WATERSHED PROTECTION PROGRAM

For an additional amount for “Emergency Watershed Protection Program” to repair damages to the waterways and watersheds resulting from natural disasters, \$300,000,000, to remain available until expended: *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 4112(a) of H. Con. Res. 71 (115th Congress), the concurrent resolution on the budget for fiscal year 2018, and to section 251(b) of the Balanced Budget and Emergency Deficit Control Act of 1985.

RURAL DEVELOPMENT PROGRAMS

RURAL UTILITIES SERVICE

DISTANCE LEARNING, TELEMEDICINE, AND BROADBAND PROGRAM

For an additional amount for “Rural Utilities Service—Distance Learning, Telemedicine, and Broadband Program”, \$2,000,000,000, to remain available until expended: *Provided*, That of the funds made available under this heading in this Act, \$74,000,000 shall be for the cost of broadband loans, as authorized by section 601 of the Rural Electrification Act: *Provided further*, That, of the funds made available under this heading in this Act, \$1,926,000,000 shall be for the broadband loan and grant pilot program established by section 779 of Public Law 115–141 under the Rural Electrification Act of 1936, as amended (7 U.S.C. 901 et seq.): *Provided further*, That at least 50 percent of the households to be served by a project receiving a loan or grant from funds provided under the preceding proviso shall be in a rural area, as defined in section 601(b)(3) of the Rural Electrification Act, without sufficient access to broadband defined for such funds as having speeds of not less than 25 megabits per second downloads and 3 megabits per second uploads: *Provided further*, That 10 percent of the amounts made available under this heading in this Act for the pilot program shall be set aside for service areas where at least 90 percent of households to be served by a project receiving a loan or grant are in a rural area without sufficient access to broadband, as defined in the preceding proviso: *Provided further*, That, to the extent possible, projects receiving funds provided under this heading in this Act for the pilot program must build out service to at least 100 megabits per second downloads and 20 megabits per second uploads: *Provided further*, That, in administering the pilot program under this heading in this Act, the Secretary of Agriculture

Determination.

may, for purposes of determining entities eligible to receive assistance, consider those communities which are “Areas Rural in Character”, as defined in section 343(a)(13)(D) of the Consolidated Farm and Rural Development Act: *Provided further*, That not more than \$50,000,000 of the funds made available under this heading in this Act for the pilot program may be used for the purpose of the preceding proviso: *Provided further*, That pole attachment fees and replacements charged by electric cooperatives for the shared use of their utility poles shall be an eligible use of funds provided under this heading in this Act for the pilot program to enable the deployment of broadband in rural areas: *Provided further*, That the Secretary shall waive any matching funds required for pilot program projects funded from amounts provided under this heading in this Act for Alaska Native Corporations for federally-recognized Tribes, on substantially underserved Trust areas, as defined in 7 U.S.C. 936f(a)(2), and residents of a rural area that was recognized as a colonia as of October 1, 1989, and for projects in which 75 percent of the service area is a persistent poverty county or counties: *Provided further*, That for purposes of the preceding proviso, the term “persistent poverty counties” means any county that has had 20 percent or more of its population living in poverty over the past 30 years, as measured by the 1990 and 2000 decennial censuses, and 2007–2011 American Community Survey 5–6 year average, or any territory or possession of the United States: *Provided further*, That, in addition to other funds available for such purpose, not more than four percent of the amounts provided under this heading in this Act shall be for administrative costs to carry out the pilot program and broadband loans: *Provided further*, That up to three percent of the amounts provided under this heading in this Act shall be for technical assistance and predevelopment planning activities to support rural communities, of which \$5,000,000 shall have a priority for the establishment and growth of cooperatives to offer broadband, which shall be transferred to and merged with the appropriation for “Rural Development, Salaries and Expenses”: *Provided further*, That the Secretary of Agriculture shall collaborate, to the extent practicable, with the Commissioner of the Federal Communications Commission and the Assistant Secretary for Communications and Information at the National Telecommunications and Information Administration to carry out the amounts provided under this heading in this Act for the pilot program: *Provided further*, That the Secretary may transfer funds provided under this heading in this Act between broadband loans, as authorized by section 601 of the Rural Electrification Act, and the pilot program to accommodate demand: *Provided further*, That no funds shall be transferred pursuant to the preceding proviso until the Secretary notifies in writing and receives approval from the Committees on Appropriations and Agriculture of both Houses of Congress at least 30 days in advance of the transfer of such funds or the use of such authority: *Provided further*, That for purposes of the amounts provided under this heading in this Act for the pilot program, the Secretary shall adhere to the notice, reporting, and service area assessment requirements set forth in section 701(a)–(d) of the Rural Electrification Act (7 U.S.C. 950cc(a)–(d)): *Provided further*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section

Waiver.

Definition.

Transfer
authority.Advance notice.
Approval.

4112(a) of H. Con. Res. 71 (115th Congress), the concurrent resolution on the budget for fiscal year 2018, and to section 251(b) of the Balanced Budget and Emergency Deficit Control Act of 1985.

GENERAL PROVISION—THIS TITLE

SEC. 101. In addition to amounts otherwise made available for such purpose, there is hereby appropriated \$10,000,000, to remain available until expended, to carry out section 70501 of division G of this Act: *Provided*, That \$5,000,000, to remain available until expended, shall be made available for fiscal year 2022 and \$5,000,000, to remain available until expended, shall be made available for fiscal year 2023: *Provided further*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 4112(a) of H. Con. Res. 71 (115th Congress), the concurrent resolution on the budget for fiscal year 2018, and to section 251(b) of the Balanced Budget and Emergency Deficit Control Act of 1985.

TITLE II—COMMERCE, JUSTICE, SCIENCE, AND RELATED AGENCIES

DEPARTMENT OF COMMERCE

NATIONAL TELECOMMUNICATIONS AND INFORMATION ADMINISTRATION

BROADBAND EQUITY, ACCESS, AND DEPLOYMENT PROGRAM

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for “Broadband Equity, Access, and Deployment Program”, \$42,450,000,000, to remain available until expended, for grants as authorized under section 60102 of division F of this Act: *Provided*, That not later than 90 days after the date of enactment of this Act, the Secretary of Commerce shall submit to the House and Senate Committees on Appropriations a detailed spend plan for fiscal year 2022: *Provided further*, That up to 2 percent of the amounts made available under this heading in this Act in fiscal year 2022 shall be for salaries and expenses, administration, and oversight, of which \$12,000,000 shall be transferred to the Office of Inspector General of the Department of Commerce for oversight of funding provided to the National Telecommunications and Information Administration in this title in this Act: *Provided further*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 4112(a) of H. Con. Res. 71 (115th Congress), the concurrent resolution on the budget for fiscal year 2018, and to section 251(b) of the Balanced Budget and Emergency Deficit Control Act of 1985.

Deadline.
Spend plan.

BROADBAND CONNECTIVITY FUND

For an additional amount for “Broadband Connectivity Fund”, \$2,000,000,000, to remain available until expended, for grants for the Tribal Broadband Connectivity Program, as authorized under section 905(c) of division N of the Consolidated Appropriations Act, 2021 (Public Law 116–260), as amended by section 60201

of division F this Act: *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 4112(a) of H. Con. Res. 71 (115th Congress), the concurrent resolution on the budget for fiscal year 2018, and to section 251(b) of the Balanced Budget and Emergency Deficit Control Act of 1985.

DIGITAL EQUITY

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for “Digital Equity”, \$2,750,000,000, to remain available until expended, for competitive grants as authorized under sections 60304 and 60305 of division F of this Act: *Provided*, That of the amount provided under this heading in this Act—

(1) \$550,000,000, to remain available until expended, shall be made available for fiscal year 2022, of which \$60,000,000 is for the award of grants under section 60304 (c)(3) of division F of this Act, \$240,000,000 is for the award of grants under section 60304(d) of division F of this Act, and \$250,000,000 is for the award of grants under section 60305 of division F of this Act;

(2) \$550,000,000, to remain available until expended, shall be made available for fiscal year 2023, of which \$300,000,000 is for the award of grants under section 60304(d) of division F of this Act and \$250,000,000 is for the award of grants under section 60305 of division F of this Act;

(3) \$550,000,000, to remain available until expended, shall be made available for fiscal year 2024, of which \$300,000,000 is for the award of grants under section 60304(d) of division F of this Act and \$250,000,000 is for the award of grants under section 60305 of division F of this Act;

(4) \$550,000,000, to remain available until expended, shall be made available for fiscal year 2025, of which \$300,000,000 is for the award of grants under section 60304(d) of division F of this Act and \$250,000,000 is for the award of grants under section 60305 of division F of this Act; and

(5) \$550,000,000, to remain available until expended, shall be made available for fiscal year 2026, of which \$300,000,000 is for the award of grants under section 60304(d) of division F of this Act and \$250,000,000 is for the award of grants under section 60305 of division F of this Act:

Notices.
Deadline.

Deadline.

Provided further, That the Secretary shall issue notices of funding opportunity not later than 180 days after each date upon which funds are made available under the preceding proviso: *Provided further*, That the Secretary shall make awards not later than 270 days after issuing the notices of funding opportunity required under the preceding proviso: *Provided further*, That up to 2 percent of the amounts made available in each fiscal year shall be for salaries and expenses, administration, and oversight, of which \$1,000,000 in each of fiscal years 2022 through 2026 shall be transferred to the Office of Inspector General of the Department of Commerce for oversight of funding provided to the National Telecommunications and Information Administration in this title in this Act: *Provided further*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 4112(a)

of H. Con. Res. 71 (115th Congress), the concurrent resolution on the budget for fiscal year 2018, and to section 251(b) of the Balanced Budget and Emergency Deficit Control Act of 1985.

MIDDLE MILE DEPLOYMENT

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for “Middle Mile Deployment”, \$1,000,000,000, to remain available September 30, 2026, for competitive grants as authorized under section 60401 of division F of this Act: *Provided*, That the Secretary of Commerce shall issue notices of funding opportunity not later than 180 days after the date of enactment of this Act: *Provided further*, That the Secretary of Commerce shall make awards not later than 270 days after issuing the notices of funding opportunity required under the preceding proviso: *Provided further*, That up to 2 percent of the amounts made available under this heading in this Act shall be for salaries and expenses, administration, and oversight, during fiscal years 2022 through 2026 of which \$1,000,000 shall be transferred to the Office of Inspector General of the Department of Commerce for oversight of funding provided to the National Telecommunications and Information Administration in this title in this Act: *Provided further*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 4112(a) of H. Con. Res. 71 (115th Congress), the concurrent resolution on the budget for fiscal year 2018, and to section 251(b) of the Balanced Budget and Emergency Deficit Control Act of 1985.

Notices.
Deadline.
Deadline.

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

OPERATIONS, RESEARCH, AND FACILITIES

For an additional amount for “Operations, Research, and Facilities”, \$2,611,000,000, to remain available until September 30, 2027: *Provided*, That \$557,250,000, to remain available until September 30, 2023, shall be made available for fiscal year 2022, \$515,584,000, to remain available until September 30, 2024, shall be made available for fiscal year 2023, \$515,583,000, to remain available until September 30, 2025, shall be made available for fiscal year 2024, \$515,583,000, to remain available until September 30, 2026, shall be made available for fiscal year 2025, and \$507,000,000, to remain available until September 30, 2027, shall be made available for fiscal year 2026: *Provided further*, That of the funds made available under this heading in this Act, the following amounts shall be for the following purposes in equal amounts for each of fiscal years 2022 through 2026, including for administrative costs, technical support, and oversight, unless stated otherwise—

(1) \$492,000,000 shall be for National Oceans and Coastal Security Fund grants, as authorized under section 906(c) of division O of Public Law 114–113;

(2) \$491,000,000 shall be for contracts, grants, and cooperative agreements to provide funding and technical assistance for purposes of restoring marine, estuarine, coastal, or Great Lakes ecosystem habitat, or constructing or protecting ecological features that protect coastal communities from flooding or coastal storms;

(3) \$492,000,000 shall be for coastal and inland flood and inundation mapping and forecasting, and next-generation water modeling activities, including modernized precipitation frequency and probable maximum studies;

(4) \$25,000,000 shall be for data acquisition activities pursuant to section 511(b) of the Water Resources Development Act of 2020 (division AA of Public Law 116–260), of which \$8,334,000 shall be available in fiscal year 2023 and \$8,333,000 shall be available in each of fiscal years 2024 and 2025;

(5) \$50,000,000 shall be for wildfire prediction, detection, observation, modeling, and forecasting, for fiscal year 2022;

(6) \$1,000,000 shall be for the study of soil moisture and snowpack monitoring network in the Upper Missouri River Basin pursuant to section 511(b)(3) of the Water Resources Development Act of 2020 (division AA of Public Law 116–260), in equal amounts for each of fiscal years 2022 through 2025;

(7) \$150,000,000 shall be for marine debris assessment, prevention, mitigation, and removal;

(8) \$50,000,000 shall be for marine debris prevention and removal through the National Sea Grant College Program (33 U.S.C. 1121 et seq.);

(9) \$207,000,000 shall be for habitat restoration projects pursuant to section 310 of the Coastal Zone Management Act (16 U.S.C. 1456c), including ecosystem conservation pursuant to section 12502 of the Omnibus Public Land Management Act of 2009 (16 U.S.C. 1456–1), notwithstanding subsection (g) of that section;

(10) \$77,000,000 shall be for habitat restoration projects through the National Estuarine Research Reserve System (16 U.S.C. 1456c), including ecosystem conservation pursuant to section 12502 of the Omnibus Public Land Management Act of 2009 (16 U.S.C. 1456–1);

(11) \$100,000,000 shall be for supporting improved and enhanced coastal, ocean, and Great Lakes observing systems;

(12) \$56,000,000 shall be for established Regional Ocean Partnerships (ROPs) to coordinate the interstate and intertribal management of ocean and coastal resources and to implement their priority actions, including to enhance associated sharing and integration of Federal and non-Federal data by ROPs, or their equivalent;

(13) \$20,000,000 shall be for consultations and permitting related to the Endangered Species Act, the Marine Mammal Protection Act, and Essential Fish Habitat; and

(14) \$400,000,000 shall be for restoring fish passage by removing in-stream barriers and providing technical assistance pursuant to section 117 of the Magnuson-Stevens Fishery Conservation and Management Reauthorization Act of 2006 (16 U.S.C. 1891a), of which up to 15 percent shall be reserved for Indian Tribes or partnerships of Indian Tribes in conjunction with an institution of higher education, non-profit, commercial (for profit) organizations, U.S. territories, and state or local governments, and of which the remaining amount shall be for all eligible entities, including Indian Tribes and such partnerships of Indian Tribes:

Definition.

Provided further, That under this heading the term Indian Tribe shall have the meaning given to the term in section 4 of the

Indian Self-Determination and Education Act (25 U.S.C. 5304): *Provided further*, That nothing under this heading in this Act shall be construed as providing any new authority to remove, breach, or otherwise alter the operations of a Federal hydropower dam and dam removal projects shall include written consent of the dam owner, if ownership is established: *Provided further*, That amounts made available under this heading in this Act may be used for consultations and permitting related to the Endangered Species Act and the Marine Mammal Protection Act for projects funded under this heading in this Act: *Provided further*, That not later than 90 days after the date of enactment of this Act, the National Oceanic and Atmospheric Administration shall submit to the Committees on Appropriations of the House of Representatives and the Senate a detailed spend plan for fiscal year 2022: *Provided further*, That for each of fiscal years 2023 through 2026, as part of the annual budget submission of the President under section 1105(a) of title 31, United States Code, the Secretary of Commerce shall submit a detailed spend plan for that fiscal year: *Provided further*, That the Secretary may waive or reduce the required non-Federal share for amounts made available under this heading in this Act: *Provided further*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 4112(a) of H. Con. Res. 71 (115th Congress), the concurrent resolution on the budget for fiscal year 2018, and to section 251(b) of the Balanced Budget and Emergency Deficit Control Act of 1985.

Consultation.

Deadline.
Spend plan.

Spend plan.

Waiver.

PROCUREMENT, ACQUISITION AND CONSTRUCTION

For an additional amount for “Procurement, Acquisition and Construction”, \$180,000,000, to remain available until September 30, 2024, as follows:

(1) \$50,000,000 shall be for observation and dissemination infrastructure used for wildfire prediction, detection, and forecasting;

(2) \$80,000,000 shall be for research supercomputing infrastructure used for weather and climate model development to improve drought, flood, and wildfire prediction, detection, and forecasting; and

(3) \$50,000,000 shall be for coastal, ocean, and Great Lakes observing systems:

Provided, That not later than 90 days after the date of enactment of this Act, the National Oceanic and Atmospheric Administration shall submit to the Committees on Appropriations of the House of Representatives and the Senate a detailed spend plan: *Provided further*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 4112(a) of H. Con. Res. 71 (115th Congress), the concurrent resolution on the budget for fiscal year 2018, and to section 251(b) of the Balanced Budget and Emergency Deficit Control Act of 1985.

Deadline.
Spend plan.

PACIFIC COASTAL SALMON RECOVERY

For an additional amount for “Pacific Coastal Salmon Recovery”, \$172,000,000, to remain available until September 30, 2027: *Provided*, That \$34,400,000, to remain available until September 30, 2023, shall be made available for fiscal year 2022, \$34,400,000, to remain available until September 30, 2024, shall

Deadline. Spend plan.	be made available for fiscal year 2023, \$34,400,000, to remain available until September 30, 2025, shall be made available for fiscal year 2024, \$34,400,000, to remain available until September 30, 2026, shall be made available for fiscal year 2025, and \$34,400,000, to remain available until September 30, 2027, shall be made available for fiscal year 2026: <i>Provided</i> , That not later than 90 days after the date of enactment of this Act, the National Oceanic and Atmospheric Administration shall submit to the Committees on Appropriations of the House of Representatives and the Senate a spend plan for fiscal year 2022: <i>Provided further</i> ,
Spend plan.	That for each of fiscal years 2023 through 2026, as part of the annual budget submission of the President under section 1105(a) of title 31, United States Code, the Secretary of Commerce shall submit a detailed spend plan for that fiscal year: <i>Provided further</i> ,
Waiver.	That the Secretary may waive or reduce the required non-Federal share for amounts made available under this heading in this Act: <i>Provided further</i> , That such amount is designated by the Congress as being for an emergency requirement pursuant to section 4112(a) of H. Con. Res. 71 (115th Congress), the concurrent resolution on the budget for fiscal year 2018, and to section 251(b) of the Balanced Budget and Emergency Deficit Control Act of 1985.

TITLE III—ENERGY AND WATER DEVELOPMENT AND RELATED AGENCIES

DEPARTMENT OF THE ARMY

CORPS OF ENGINEERS—CIVIL

INVESTIGATIONS

Deadline. Spend plan. List.	For an additional amount for “Investigations”, \$150,000,000, to remain available until expended: <i>Provided</i> , That of the amount provided under this heading in this Act, \$30,000,000 shall be used by the Secretary of the Army, acting through the Chief of Engineers, to undertake work authorized to be carried out in accordance with section 22 of the Water Resources Development Act of 1974 (Public Law 93–251; 42 U.S.C. 1962d–16), as amended: <i>Provided further</i> , That of the amount provided under this heading in this Act, \$45,000,000 shall be used by the Secretary of the Army, acting through the Chief of Engineers, to undertake work authorized to be carried out in accordance with section 206 of the 1960 Flood Control Act (Public Law 86–645), as amended: <i>Provided further</i> , That of the amount provided under this heading in this Act, \$75,000,000 shall be used for necessary expenses related to the completion, or initiation and completion, of studies which are authorized prior to the date of enactment of this Act, of which \$30,000,000, to become available on October 1, 2022, shall be used by the Secretary of the Army, acting through the Chief of Engineers, to complete, or to initiate and complete, studies carried out in accordance with section 118 of division AA of the Consolidated Appropriations Act, 2021 (Public Law 116–260), except that the limitation on the number of studies authorized to be carried out under section 118(b) and section 118(c) shall not apply: <i>Provided further</i> , That not later than 60 days after the date of enactment of this Act, the Chief of Engineers shall submit to the House and Senate Committees on Appropriations a detailed spend plan for the funds identified for fiscal year 2022 in the preceding proviso,

including a list of project locations and new studies selected to be initiated: *Provided further*, That not later than 60 days after the date of enactment of this Act, the Chief of Engineers shall provide a briefing to the House and Senate Committees on Appropriations on an implementation plan, including a schedule for solicitation of projects and expenditure of funds, for the funding provided for fiscal year 2023 to undertake work authorized to be carried out in accordance with section 118 of division AA of the Consolidated Appropriations Act, 2021 (Public Law 116–260): *Provided further*, That for fiscal year 2023, as part of the annual budget submission of the President under section 1105(a) of title 31, United States Code, the Chief of Engineers shall submit a detailed spend plan for that fiscal year, including a list of project locations for the funding provided to undertake work authorized to be carried out in accordance with section 118 of division AA of the Consolidated Appropriations Act, 2021 (Public Law 116–260): *Provided further*, That beginning not later than 120 days after the enactment of this Act, the Chief of Engineers shall provide a monthly report to the Committees on Appropriations of the House of Representatives and the Senate detailing the allocation and obligation of the funds provided under this heading in this Act, including new studies selected to be initiated using funds provided under this heading: *Provided further*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 4112(a) of H. Con. Res. 71 (115th Congress), the concurrent resolution on the budget for fiscal year 2018, and to section 251(b) of the Balanced Budget and Emergency Deficit Control Act of 1985.

Deadline.
Briefing.
Plan.

Spend plan.
List.

Reports.
Studies.

CONSTRUCTION

For an additional amount for “Construction”, \$11,615,000,000, to remain available until expended: *Provided*, That the Secretary may initiate additional new construction starts with funds provided under this heading in this Act: *Provided further*, That the limitation concerning total project costs in section 902 of the Water Resources Development Act of 1986 (Public Law 99–662; 33 U.S.C. 2280), as amended, shall not apply to any project completed using funds provided under this heading in this Act: *Provided further*, That of the amount provided under this heading in this Act, such sums as are necessary to cover the Federal share of construction costs for facilities under the Dredged Material Disposal Facilities program shall be derived from the general fund of the Treasury: *Provided further*, That of the amount provided under this heading in this Act, \$1,500,000,000 shall be for major rehabilitation, construction, and related activities for rivers and harbors, of which not more than \$250,000,000 shall be to undertake work at harbors defined by section 2006 of the Water Resources Development Act of 2007 (Public Law 110–114, 33 U.S.C. 2242), as amended, and not more than \$250,000,000 may be for projects determined to require repair in the report prepared pursuant to section 1104 of the Water Infrastructure Improvements for the Nation Act (Public Law 114–322): *Provided further*, That of the amount provided under this heading in this Act, \$200,000,000 shall be for water-related environmental infrastructure assistance: *Provided further*, That of the amount provided under this heading in this Act, \$2,500,000,000 shall be for construction, replacement, rehabilitation, and expansion of inland waterways projects: *Provided further*, That section 102(a)

of the Water Resources Development Act of 1986 (Public Law 99–662; 33 U.S.C. 2212(a)) and section 109 of the Water Resources Development Act of 2020 (Public Law 116–260; 134 Stat. 2624) shall not apply to the extent that such projects are carried out using funds provided in the preceding proviso: *Provided further*, That in using such funds referred to in the preceding proviso, the Secretary shall give priority to projects included in the Capital Investment Strategy of the Corps of Engineers: *Provided further*, That of the amount provided under this heading in this Act, \$465,000,000 shall be used by the Secretary of the Army, acting through the Chief of Engineers, to undertake work authorized to be carried out in accordance with section 14, as amended, of the Flood Control Act of 1946 (33 U.S.C. 701r), section 103, as amended, of the River and Harbor Act of 1962 (Public Law 87–874), section 107, as amended, of the River and Harbor Act 1960 (Public Law 86–645), section 204 of the Water Resources Development Act of 1992 (33 U.S.C. 2326), section 205 of the Flood Control Act of 1948 (33 U.S.C. 701s), section 206 of the Water Resources Development Act of 1996 (Public Law 104–303; 33 U.S.C. 2330), section 1135 of the Water Resources Development Act of 1986 (Public Law 99–662; 33 U.S.C. 2309a), or section 165(a) of division AA of the Consolidated Appropriations Act, 2021 (Public Law 116–260), notwithstanding the project number or program cost limitations set forth in those sections: *Provided further*, That of the amounts in the preceding proviso, \$115,000,000, shall be used under the aquatic ecosystem restoration program under section 206 of the Water Resources Development Act of 1996 (33 U.S.C. 2330) to restore fish and wildlife passage by removing in-stream barriers and provide technical assistance to non-Federal interests carrying out such activities, at full Federal expense and notwithstanding the individual project cost limitation set forth in that section: *Provided further*, That the amounts provided in the preceding proviso shall not be construed to provide any new authority to remove, breach, or otherwise alter the operations of a Federal hydropower dam, and do not limit the Secretary of the Army, acting through the Chief of Engineers, from allotting additional funds from amounts provided under this heading in this Act for other purposes allowed under section 206 of the Water Resources Development Act of 1996 (33 U.S.C. 2330): *Provided further*, That of the amount provided under this heading in this Act, \$1,900,000,000 shall be for aquatic ecosystem restoration projects, of which not less than \$1,000,000,000 shall be for multi-purpose projects or multi-purpose programs that include aquatic ecosystem restoration as a purpose: *Provided further*, That of the amount provided under this heading in this Act, \$2,550,000,000 shall be for coastal storm risk management, hurricane and storm damage reduction projects, and related activities targeting States that have been impacted by federally declared disasters over the last six years, which may include projects authorized by section 116 of Public Law 111–85, of which not less than \$1,000,000,000 shall be for multi-purpose projects or multi-purpose programs that include flood risk management benefits as a purpose: *Provided further*, That of the amount provided in the preceding proviso, \$200,000,000 shall be for shore protection projects: *Provided further*, That of the funds in the preceding proviso, \$100,000,000, to remain available until expended, shall be made available for fiscal year 2022, \$50,000,000, to remain available until expended, shall be made available for fiscal year 2023, and

\$50,000,000, to remain available until expended, shall be made available for fiscal year 2024: *Provided further*, That of the amount provided under this heading in this Act, \$2,500,000,000 shall be for inland flood risk management projects, of which not less than \$750,000,000 shall be for multi-purpose projects or multi-purpose programs that include flood risk management as a purpose: *Provided further*, That in selecting projects under the previous proviso, the Secretary of the Army shall prioritize projects with overriding life-safety benefits: *Provided further*, That of the funds in the proviso preceding the preceding proviso, the Secretary of the Army shall, to the maximum extent practicable, prioritize projects in the work plan that directly benefit economically disadvantaged communities, and may take into consideration prioritizing projects that benefit areas in which the percentage of people that live in poverty or identify as belonging to a minority group is greater than the average such percentage in the United States, based on data from the Bureau of the Census: *Provided further*, That not later than 60 days after the date of enactment of this Act, the Chief of Engineers shall submit to the House and Senate Committees on Appropriations a detailed spend plan for the funds provided under this heading in this Act for each fiscal year, including a list of project locations and new construction projects selected to be initiated: *Provided further*, That beginning not later than 120 days after the enactment of this Act, the Chief of Engineers shall provide a monthly report to the Committees on Appropriations of the House of Representatives and the Senate detailing the allocation and obligation of these funds, including new construction projects selected to be initiated using funds provided under this heading in this Act: *Provided further*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 4112(a) of H. Con. Res. 71 (115th Congress), the concurrent resolution on the budget for fiscal year 2018, and to section 251(b) of the Balanced Budget and Emergency Deficit Control Act of 1985.

Deadline.
Spend plan.
List.

Reports.

MISSISSIPPI RIVER AND TRIBUTARIES

For an additional amount for “Mississippi River and Tributaries”, \$808,000,000, to remain available until expended: *Provided*, That of the amount provided under this heading in this Act, \$258,000,000, which shall be obligated within 90 days of enactment of this Act, shall be used for necessary expenses to address emergency situations at Corps of Engineers Federal projects caused by natural disasters: *Provided further*, That the Secretary may initiate additional new construction starts with funds provided under this heading in this Act: *Provided further*, That the limitation concerning total project costs in section 902 of the Water Resources Development Act of 1986 (Public Law 99–662; 33 U.S.C. 2280), as amended, shall not apply to any project receiving funds provided under this heading in this Act: *Provided further*, That not later than 60 days after the date of enactment of this Act, the Chief of Engineers shall submit to the House and Senate Committees on Appropriations a detailed spend plan for fiscal year 2022, including a list of project locations and construction projects selected to be initiated: *Provided further*, That of the amount provided under this heading in this Act, such sums as are necessary to cover the Federal share of eligible operation and maintenance costs

Deadline.
Spend plan.
List.

for inland harbors shall be derived from the general fund of the Treasury: *Provided further*, That beginning not later than 120 days after the enactment of this Act, the Chief of Engineers shall provide a monthly report to the Committees on Appropriations of the House of Representatives and the Senate detailing the allocation and obligation of these funds, including construction projects selected to be initiated using funds provided under this heading in this Act: *Provided further*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 4112(a) of H. Con. Res. 71 (115th Congress), the concurrent resolution on the budget for fiscal year 2018, and to section 251(b) of the Balanced Budget and Emergency Deficit Control Act of 1985.

OPERATION AND MAINTENANCE

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for “Operations and Maintenance”, \$4,000,000,000, to remain available until expended: *Provided*, That \$2,000,000,000, to remain available until expended, shall be made available for fiscal year 2022, \$1,000,000,000, to remain available until expended, shall be made available for fiscal year 2023, \$1,000,000,000, to remain available until expended, shall be made available for fiscal year 2024: *Provided further*, That of the amount provided under this heading in this Act for fiscal year 2022, \$626,000,000, which shall be obligated within 90 days of enactment of this Act, shall be used for necessary expenses to dredge Federal navigation projects in response to, and repair damages to Corps of Engineers Federal projects caused by, natural disasters: *Provided further*, That of the amount provided under this heading in this Act, \$40,000,000 shall be to carry out Soil Moisture and Snowpack Monitoring activities, as authorized in section 4003(a) of the Water Resources Reform and Development Act of 2014, as amended: *Provided further*, That not later than 60 days after the date of enactment of this Act, the Chief of Engineers shall submit to the House and Senate Committees on Appropriations a detailed spend plan for fiscal year 2022, including a list of project locations, other than for the amount for natural disasters identified in the second proviso: *Provided further*, That for fiscal years 2023 and 2024, as part of the annual budget submission of the President under section 1105(a) of title 31, United States Code, the Chief of Engineers shall submit a detailed spend plan for that fiscal year, including a list of project locations: *Provided further*, That of the amount provided under this heading in this Act, such sums as are necessary to cover the Federal share of eligible operation and maintenance costs for coastal harbors and channels, and for inland harbors shall be derived from the general fund of the Treasury: *Provided further*, That up to three percent of the amounts made available under this heading in this Act for any fiscal year may be transferred to “Regulatory Program” or “Expenses” to carry out activities funded by those accounts: *Provided further*, That the Committees on Appropriations of the Senate and the House of Representatives shall be notified at least 30 days in advance of any transfer made pursuant to the preceding proviso: *Provided further*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 4112(a) of H. Con. Res. 71 (115th Congress), the concurrent resolution on the

Reports.

Deadline.
Spend plan.
List.Spend plan.
List.

Advance notice.

budget for fiscal year 2018, and to section 251(b) of the Balanced Budget and Emergency Deficit Control Act of 1985.

REGULATORY PROGRAM

For an additional amount for “Regulatory Program”, \$160,000,000, to remain available until September 30, 2026: *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 4112(a) of H. Con. Res. 71 (115th Congress), the concurrent resolution on the budget for fiscal year 2018, and to section 251(b) of the Balanced Budget and Emergency Deficit Control Act of 1985.

FLOOD CONTROL AND COASTAL EMERGENCIES

For an additional amount for “Flood Control and Coastal Emergencies”, \$251,000,000, to remain available until expended: *Provided*, That funding provided under this heading in this Act and utilized for authorized shore protection projects shall restore such projects to the full project profile at full Federal expense: *Provided further*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 4112(a) of H. Con. Res. 71 (115th Congress), the concurrent resolution on the budget for fiscal year 2018, and to section 251(b) of the Balanced Budget and Emergency Deficit Control Act of 1985.

EXPENSES

For an additional amount for “Expenses”, \$40,000,000, to remain available until expended: *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 4112(a) of H. Con. Res. 71 (115th Congress), the concurrent resolution on the budget for fiscal year 2018, and to section 251(b) of the Balanced Budget and Emergency Deficit Control Act of 1985.

WATER INFRASTRUCTURE FINANCE AND INNOVATION PROGRAM ACCOUNT

For an additional amount for “Water Infrastructure Finance and Innovation Program Account”, \$75,000,000, to remain available until expended: *Provided*, That of the amounts provided under this heading in this Act, \$64,000,000 shall be for the cost of direct loans and for the cost of guaranteed loans, for safety projects to maintain, upgrade, and repair dams identified in the National Inventory of Dams with a primary owner type of state, local government, public utility, or private: *Provided further*, That no project may be funded with amounts provided under this heading for a dam that is identified as jointly owned in the National Inventory of Dams and where one of those joint owners is the Federal Government: *Provided further*, That of the amounts provided under this heading in this Act \$11,000,000 shall be for administrative expenses to carry out the direct and guaranteed loan programs, notwithstanding section 5033 of the Water Infrastructure Finance and Innovation Act of 2014: *Provided further*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 4112(a) of H. Con. Res. 71 (115th Congress), the concurrent resolution on the budget for fiscal year 2018, and

to section 251(b) of the Balanced Budget and Emergency Deficit Control Act of 1985.

GENERAL PROVISIONS—CORPS OF ENGINEERS

SEC. 300. For projects that are carried out with funds under this heading, the Secretary of the Army and the Director of the Office of Management and Budget shall consider other factors in addition to the benefit-cost ratio when determining the economic benefits of projects that benefit disadvantaged communities.

DEPARTMENT OF THE INTERIOR

CENTRAL UTAH PROJECT

CENTRAL UTAH PROJECT COMPLETION ACCOUNT

For an additional amount for “Central Utah Project Completion Account”, \$50,000,000, to remain available until expended, of which \$10,000,000 shall be deposited into the Utah Reclamation Mitigation and Conservation Account for use by the Utah Reclamation Mitigation and Conservation Commission: *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 4112(a) of H. Con. Res. 71 (115th Congress), the concurrent resolution on the budget for fiscal year 2018, and to section 251(b) of the Balanced Budget and Emergency Deficit Control Act of 1985.

BUREAU OF RECLAMATION

WATER AND RELATED RESOURCES

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for “Water and Related Resources”, \$8,300,000,000, to remain available until expended: *Provided*, That \$1,660,000,000, to remain available until expended, shall be made available for fiscal year 2022, \$1,660,000,000, to remain available until expended, shall be made available for fiscal year 2023, \$1,660,000,000, to remain available until expended, shall be made available for fiscal year 2024, \$1,660,000,000, to remain available until expended, shall be made available for fiscal year 2025, \$1,660,000,000, to remain available until expended, shall be made available for fiscal year 2026: *Provided further*, That of the amount provided under this heading in this Act for fiscal years 2022 through 2026, \$1,150,000,000 shall be for water storage, groundwater storage, and conveyance projects in accordance with section 40902 of division D of this Act: *Provided further*, That of the funds identified in the preceding proviso, \$100,000,000 shall be available for small surface water and ground water storage projects authorized in section 40903 of division D of this Act: *Provided further*, That of the amount provided under this heading in this Act, \$3,200,000,000 shall be available for transfer into the Aging Infrastructure Account established by section 9603(d)(1) of the Omnibus Public Land Management Act of 2009, as amended (43 U.S.C. 510b(d)(1)): *Provided further*, That of the funds identified in the preceding proviso, \$100,000,000 shall be made available for reserved

or transferred works that have suffered a critical failure, in accordance with section 40904(a) of division D of this Act, and \$100,000,000 shall be made available for dam rehabilitation, reconstruction, or replacement in accordance with section 40904(b) of division D of this Act: *Provided further*, That of the amount provided under this heading in this Act for fiscal years 2022 through 2026, \$1,000,000,000 shall be for rural water projects that have been authorized by an Act of Congress before July 1, 2021, in accordance with the Reclamation Rural Water Supply Act of 2006 (43 U.S.C. 2401 et seq.): *Provided further*, That of the amount provided under this heading in this Act for fiscal years 2022 through 2026, \$1,000,000,000 shall be for water recycling and reuse projects: *Provided further*, That of the funds identified in the preceding proviso, \$550,000,000 shall be for water recycling and reuse projects authorized in accordance with the Reclamation Wastewater and Groundwater Study and Facilities Act (42 U.S.C. 390h et seq.), as described in section 40901(4)(A) of division D of this Act, and \$450,000,000 shall be for large-scale water recycling and reuse projects in accordance with section 40905 of division D of this Act: *Provided further*, That of the amount provided under this heading in this Act for fiscal years 2022 through 2026, \$250,000,000 shall be for water desalination projects in accordance with the Water Desalinization Act of 1996 (42 U.S.C. 10301 note; Public Law 104–298), as described in section 40901(5) of division D of this Act: *Provided further*, That of the amount provided under this heading in this Act for fiscal years 2022 through 2026, \$500,000,000 shall be for the safety of dams program, in accordance with the Reclamation Safety of Dams Act of 1978 (43 U.S.C. 506 et seq.): *Provided further*, That of the amount provided under this heading in this Act for fiscal years 2022 through 2026, \$400,000,000 shall be for WaterSMART Grants in accordance with section 9504 of the Omnibus Public Land Management Act of 2009 (42 U.S.C. 10364): *Provided further*, That of the funds identified in the preceding proviso, \$100,000,000 shall be for projects that would improve the condition of a natural feature or nature-based feature, as described in section 40901(7) of division D of this Act: *Provided further*, That of the amount provided under this heading in this Act for fiscal years 2022 through 2026, \$300,000,000 shall be for implementing the drought contingency plan consistent with the obligations of the Secretary under the Colorado River Drought Contingency Plan Authorization Act (Public Law 116–14; 133 Stat. 850), as described in section 40901(8) of division D of this Act: *Provided further*, That of the funds identified in the preceding proviso, \$50,000,000 shall be for use in accordance with the Drought Contingency Plan for the Upper Colorado River Basin: *Provided further*, That of the amount provided under this heading in this Act for fiscal years 2022 through 2026, \$100,000,000 shall be to provide financial assistance for watershed management projects in accordance with subtitle A of title VI of the Omnibus Public Land Management Act of 2009 (16 U.S.C. 1015 et seq.): *Provided further*, That of the amount provided under this heading in this Act for fiscal years 2022 through 2026, \$250,000,000 shall be for design, study and construction of aquatic ecosystem restoration and protection projects in accordance with section 1109 of the Consolidated Appropriations Act, 2021: *Provided further*, That of the amount provided under this heading in this Act for fiscal years 2022 through 2026, \$100,000,000 shall be for multi-benefit

projects to improve watershed health in accordance with section 40907 of division D of this Act: *Provided further*, That of the amounts provided under this heading in this Act for fiscal years 2022 through 2026, \$50,000,000 shall be for endangered species recovery and conservation programs in the Colorado River Basin in accordance with Public Law 106–392, title XVIII of Public Law 102–575, and subtitle E of title IX of Public Law 111–11: *Provided further*, That up to three percent of the amounts made available under this heading in this Act in each of fiscal years 2022 through 2026 shall be for program administration and policy expenses: *Provided further*, That not later than 60 days after the date of enactment of this Act, the Secretary of the Interior shall submit to the House and Senate Committees on Appropriations a detailed spend plan, including a list of project locations of the preceding proviso, to be funded for fiscal year 2022: *Provided further*, That beginning not later than 120 days after the enactment of this Act, the Secretary of the Interior shall provide a monthly report to the Committees on Appropriations of the House of Representatives and the Senate detailing the allocation and obligation of the funds provided under this heading in this Act: *Provided further*, That for fiscal years 2023 through 2026, as part of the annual budget submission of the President under section 1105(a) of title 31, United States Code, the Secretary of the Interior shall submit a detailed spend plan for those fiscal years, including a list of project locations: *Provided further*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 4112(a) of H. Con. Res. 71 (115th Congress), the concurrent resolution on the budget for fiscal year 2018, and to section 251(b) of the Balanced Budget and Emergency Deficit Control Act of 1985.

Deadline.
Spend plan.
List.

Reports.

Spend plan.
List.

DEPARTMENT OF ENERGY

ENERGY PROGRAMS

ENERGY EFFICIENCY AND RENEWABLE ENERGY

For an additional amount for “Energy Efficiency and Renewable Energy”, \$16,264,000,000 to remain available until expended: *Provided*, That of the amount provided under this heading in this Act, \$250,000,000 shall be for activities for the Energy Efficiency Revolving Loan Fund Capitalization Grant Program, as authorized under section 40502 of division D of this Act: *Provided further*, That of the amount provided under this heading in this Act, \$40,000,000 shall be for grants for the Energy Auditor Training Grant Program, as authorized under section 40503 of division D of this Act: *Provided further*, That of the amount provided under the heading in this Act, \$225,000,000 shall be for grants for implementing of updated building energy codes, as authorized under section 309 of the Energy Conservation and Production Act (42 U.S.C. 6831 et seq.), as amended by section 40511(a) of division D of this Act: *Provided further*, That of the funds in the preceding proviso, \$45,000,000, to remain available until expended, shall be made available for fiscal year 2022, \$45,000,000, to remain available until expended, shall be made available for fiscal year 2023, \$45,000,000, to remain available until expended, shall be made available for fiscal year 2024, \$45,000,000, to remain available

until expended, shall be made available for fiscal year 2025, and \$45,000,000, to remain available until expended, shall be made available for fiscal year 2026: *Provided further*, That of the amount provided under this heading in this Act, \$10,000,000 shall be for Building, Training, and Assessment Centers, as authorized under section 40512 of division D of this Act: *Provided further*, That of the amount provided under this heading in this Act, \$10,000,000 shall be for grants for Career Skills Training, as authorized under section 40513 of division D of this Act: *Provided further*, That of the amount provided under this heading in this Act, \$150,000,000 shall be for activities for Industrial Research and Assessment Centers, as authorized under subsections (a) through (h) of section 457 of the Energy Independence and Security Act of 2007 (42 U.S.C. 17111 et seq.), as amended by section 40521(b) of division D of this Act: *Provided further*, That of the funds in the preceding proviso, \$30,000,000, to remain available until expended, shall be made available for fiscal year 2022, \$30,000,000, to remain available until expended, shall be made available for fiscal year 2023, \$30,000,000, to remain available until expended, shall be made available for fiscal year 2024, \$30,000,000, to remain available until expended, shall be made available for fiscal year 2025, and \$30,000,000, to remain available until expended, shall be made available for fiscal year 2026: *Provided further*, That of the amount provided under this heading in this Act, \$400,000,000 shall be for activities for Implementation Grants for Industrial Research and Assessment Centers, as authorized under section 457(i) of the Energy Independence and Security Act of 2007 (42 U.S.C. 17111 et seq.), as amended by section 40521(b) of division D of this Act: *Provided further*, That of the funds in the preceding two provisos, \$80,000,000, to remain available until expended, shall be made available for fiscal year 2022, \$80,000,000, to remain available until expended, shall be made available for fiscal year 2023, \$80,000,000, to remain available until expended, shall be made available for fiscal year 2024, \$80,000,000, to remain available until expended, shall be made available for fiscal year 2025, and \$80,000,000, to remain available until expended, shall be made available for fiscal year 2026: *Provided further*, That of the amount provided under this heading in this Act, \$50,000,000 shall be for carrying out activities for Manufacturing Leadership, as authorized under section 40534 of division D of this Act: *Provided further*, That of the amount provided under this heading in this Act, \$500,000,000 shall be for grants for Energy Efficiency Improvements and Renewable Energy Improvements at Public School Facilities, as authorized under section 40541 of division D of this Act: *Provided further*, That of the funds in the preceding proviso, \$100,000,000, to remain available until expended, shall be made available for fiscal year 2022, \$100,000,000, to remain available until expended, shall be made available for fiscal year 2023, \$100,000,000, to remain available until expended, shall be made available for fiscal year 2024, \$100,000,000, to remain available until expended, shall be made available for fiscal year 2025, and \$100,000,000, to remain available until expended, shall be made available for fiscal year 2026: *Provided further*, That of the amount provided under this heading in this Act, \$50,000,000 shall be for grants for the Energy Efficiency Materials Pilot Program, as authorized under section 40542 of division D of this Act: *Provided further*, That of the amount provided under this heading in this Act and in addition

to amounts otherwise made available for this purpose, \$3,500,000,000 shall be for carrying out activities for the Weatherization Assistance Program, as authorized under part A of title IV of the Energy Conservation and Production Act (42 U.S.C. 6861 et seq.): *Provided further*, That of the amount provided under this heading in this Act and in addition to amounts otherwise made available for this purpose, \$550,000,000 shall be for carrying out activities for the Energy Efficiency and Conservation Block Grant Program, as authorized under section 542(a) of the Energy Independence and Security Act of 2007 (42 U.S.C. 17152(a)): *Provided further*, That of the amount provided under this heading in this Act, \$250,000,000 shall be for grants for the Assisting Federal Facilities with Energy Conservation Technologies Grant Program, as authorized under section 546(b) of the National Energy Conservation Policy Act (42 U.S.C. 8256(b)): *Provided further*, That of the amount provided under this heading in this Act, \$10,000,000 shall be for extended product system rebates, as authorized under section 1005 of the Energy Act of 2020 (42 U.S.C. 6311 note; Public Law 116–260): *Provided further*, That of the amount provided under this heading in this Act, \$10,000,000 shall be for energy efficient transformer rebates, as authorized under section 1006 of the Energy Act of 2020 (42 U.S.C. 6317 note; Public Law 116–260): *Provided further*, That of the amount provided under this heading in this Act, \$3,000,000,000, to remain available until expended, shall be for Battery Material Processing Grants, as authorized under section 40207(b) of division D of this Act: *Provided further*, That of the funds in the preceding proviso, \$600,000,000, to remain available until expended, shall be made available for fiscal year 2022, \$600,000,000, to remain available until expended, shall be made available for fiscal year 2023, \$600,000,000, to remain available until expended, shall be made available for fiscal year 2024, \$600,000,000, to remain available until expended, shall be made available for fiscal year 2025, and \$600,000,000, to remain available until expended, shall be made available for fiscal year 2026: *Provided further*, That of the amount provided under this heading in this Act, \$3,000,000,000 shall be for Battery Manufacturing and Recycling Grants, as authorized under section 40207(c) of division D of this Act: *Provided further*, That of the funds in the preceding proviso, \$600,000,000, to remain available until expended, shall be made available for fiscal year 2022, \$600,000,000, to remain available until expended, shall be made available for fiscal year 2023, \$600,000,000, to remain available until expended, shall be made available for fiscal year 2024, \$600,000,000, to remain available until expended, shall be made available for fiscal year 2025, and \$600,000,000, to remain available until expended, shall be made available for fiscal year 2026: *Provided further*, That of the amount provided under this heading in this Act, \$125,000,000 shall be to carry out activities, as authorized under section 40207(f) of division D of this Act: *Provided further*, That of the amount provided under this heading in this Act, \$10,000,000 shall be for a Lithium-Ion Battery Recycling Prize Competition, as authorized under section 40207(e) of division D of this Act: *Provided further*, That of the amount provided under this heading in this Act, \$200,000,000 shall be for grants for the Electric Drive Vehicle Battery Recycling and Second-Life Applications Program, as authorized under subsection (k) of section 641 of the Energy Independence and Security Act of 2007 (42 U.S.C. 17231), as amended by section

40208(1) of division D of this Act: *Provided further*, That of the funds in the preceding proviso, \$40,000,000, to remain available until expended, shall be made available for fiscal year 2022, \$40,000,000, to remain available until expended, shall be made available for fiscal year 2023, \$40,000,000, to remain available until expended, shall be made available for fiscal year 2024, \$40,000,000, to remain available until expended, shall be made available for fiscal year 2025, and \$40,000,000, to remain available until expended, shall be made available for fiscal year 2026: *Provided further*, That of the amount provided under this heading in this Act, \$750,000,000 shall be for grants for the Advanced Energy Manufacturing and Recycling Grant Program, as authorized under section 40209 of division D of this Act: *Provided further*, That of the funds in the preceding proviso, \$150,000,000, to remain available until expended, shall be made available for fiscal year 2022, \$150,000,000, to remain available until expended, shall be made available for fiscal year 2023, \$150,000,000, to remain available until expended, shall be made available for fiscal year 2024, \$150,000,000, to remain available until expended, shall be made available for fiscal year 2025, and \$150,000,000, to remain available until expended, shall be made available for fiscal year 2026: *Provided further*, That of the amount provided under this heading in this Act, \$500,000,000 shall be for activities for the Clean Hydrogen Manufacturing Recycling Research, Development, and Demonstration Program, as authorized under section 815 of the Energy Policy Act of 2005 (42 U.S.C. 16151 et seq.), as amended by section 40314 of division D of this Act: *Provided further*, That of the funds in the preceding proviso, \$100,000,000, to remain available until expended, shall be made available for fiscal year 2022, \$100,000,000, to remain available until expended, shall be made available for fiscal year 2023, \$100,000,000, to remain available until expended, shall be made available for fiscal year 2024, \$100,000,000, to remain available until expended, shall be made available for fiscal year 2025, and \$100,000,000, to remain available until expended, shall be made available for fiscal year 2026: *Provided further*, That of the amount provided under the heading in this Act, \$1,000,000,000 shall be for activities for the Clean Hydrogen Electrolysis Program, as authorized under section 816 of the Energy Policy Act of 2005 (42 U.S.C. 16151 et seq.), as amended by section 40314 of division D of this Act: *Provided further*, That of the funds in the preceding proviso, \$200,000,000, to remain available until expended, shall be made available for fiscal year 2022, \$200,000,000, to remain available until expended, shall be made available for fiscal year 2023, \$200,000,000, to remain available until expended, shall be made available for fiscal year 2024, \$200,000,000, to remain available until expended, shall be made available for fiscal year 2025, and \$200,000,000, to remain available until expended, shall be made available for fiscal year 2026: *Provided further*, That of the amount provided under this heading in this Act, \$500,000,000 shall be for carrying out activities for the State Energy Program, as authorized under part D of title III of the Energy Policy and Conservation Act (42 U.S.C. 6321 et seq.), as amended by section 40109 of division D of this Act: *Provided further*, That of the amount provided under this heading in this Act, \$125,000,000 shall be for carrying out activities under section 242 of the Energy Policy Act of 2005 (42 U.S.C. 15881), as amended by section 40331 of division D of this Act: *Provided*

further, That of the amount provided under this heading in this Act, \$75,000,000 shall be for carrying out activities under section 243 of the Energy Policy Act of 2005 (42 U.S.C. 15882), as amended by section 40332 of division D of this Act: *Provided further*, That of the amount provided under this heading in this Act, \$553,600,000 shall be for activities for Hydroelectric Incentives, as authorized under section 247 of the Energy Policy Act of 2005 (Public Law 109–58; 119 Stat. 674), as amended by section 40333(a) of division D of this Act: *Provided further*, That of the funds in the preceding proviso, \$276,800,000, to remain available until expended, shall be made available for fiscal year 2022, \$276,800,000, to remain available until expended, shall be made available for fiscal year 2023: *Provided further*, That of the amount provided under the heading in this Act, \$10,000,000 shall be for activities for the Pumped Storage Hydropower Wind and Solar Integration and System Reliability Initiative, as authorized under section 3201 of the Energy Policy Act of 2020 (42 U.S.C. 17232), as amended by section 40334 of division D of this Act: *Provided further*, That of the amount provided under this heading in this Act, \$36,000,000 shall be for carrying out activities, as authorized under section 634 of the Energy Independence and Security Act of 2007 (42 U.S.C. 17213): *Provided further*, That of the amount provided under this heading in this Act, \$70,400,000 shall be for carrying out activities, as authorized under section 635 of the Energy Independence and Security Act of 2007 (42 U.S.C. 17214): *Provided further*, That of the amount provided under this heading in this Act, \$40,000,000 shall be for carrying out activities for the National Marine Energy Centers, as authorized under section 636 of the Energy Independence and Security Act of 2007 (42 U.S.C. 17215): *Provided further*, That of the amount provided under this heading in this Act, \$84,000,000 shall be for carrying out activities under section 615(d) of the Energy Independence and Security Act of 2007 (42 U.S.C. 17194(d)): *Provided further*, That of the amount provided under this heading in this Act, \$60,000,000 shall be for carrying out activities for the Wind Energy Technology Program, as authorized under section 3003(b)(2) of the Energy Act of 2020 (42 U.S.C. 16237(b)(2)): *Provided further*, That of the amount provided under this heading in this Act, \$40,000,000 shall be for carrying out activities for the Wind Energy Technology Recycling Research, Development, and Demonstration Program, as authorized under section 3003(b)(4) of the Energy Act of 2020 (42 U.S.C. 16237(b)(4)): *Provided further*, That of the amount provided under this heading in this Act, \$40,000,000 shall be for carrying out activities under section 3004(b)(2) of the Energy Act of 2020 (42 U.S.C. 16238(b)(2)): *Provided further*, That of the amount provided under this heading in this Act, \$20,000,000 shall be for carrying out activities under section 3004(b)(3) of the Energy Act of 2020 (42 U.S.C. 16238(b)(3)): *Provided further*, That of the amount provided under this heading in this Act, \$20,000,000 shall be for carrying out activities under section 3004(b)(4) of the Energy Act of 2020 (42 U.S.C. 16238(b)(4)): *Provided further*, That not later than 90 days after the date of enactment of this Act, the Secretary of Energy shall submit to the House and Senate Committees on Appropriations and the Senate Committee on Energy and Natural Resources and the House Committee on Energy and Commerce a detailed spend plan for fiscal year 2022: *Provided further*, That for each fiscal year through 2026, as part of the annual budget

Deadline.
Spend plan.

Spend plan.

submission of the President under section 1105(a) of title 31, United States Code, the Secretary of Energy shall submit a detailed spend plan for that fiscal year: *Provided further*, That up to three percent of the amounts made available under this heading in this Act in each of fiscal years 2022 through 2026 shall be for program direction: *Provided further*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 4112(a) of H. Con. Res. 71 (115th Congress), the concurrent resolution on the budget for fiscal year 2018, and to section 251(b) of the Balanced Budget and Emergency Deficit Control Act of 1985.

CYBERSECURITY, ENERGY SECURITY, AND EMERGENCY RESPONSE

For an additional amount for “Cybersecurity, Energy Security, and Emergency Response”, \$550,000,000, to remain available until expended: *Provided*, That of the amount provided under this heading in this Act, \$250,000,000 shall be to carry out activities under the Cybersecurity for the Energy Sector Research, Development, and Demonstration Program, as authorized in section 40125(b) of division D of this Act: *Provided further*, That of the funds in the preceding proviso, \$50,000,000, to remain available until expended, shall be made available for fiscal year 2022, \$50,000,000, to remain available until expended, shall be made available for fiscal year 2023, \$50,000,000, to remain available until expended, shall be made available for fiscal year 2024, \$50,000,000, to remain available until expended, shall be made available for fiscal year 2025, and \$50,000,000, to remain available until expended, shall be made available for fiscal year 2026: *Provided further*, That of the amount provided under this heading in this Act, \$50,000,000 shall be to carry out activities under the Energy Sector Operational Support for Cyberresilience Program, as authorized in section 40125(c) of division D of this Act: *Provided further*, That of the amount provided under this heading in this Act, \$250,000,000, to carry out activities under the Rural and Municipal Utility Advanced Cybersecurity Grant and Technical Assistance Program, as authorized in section 40124 of division D of this Act: *Provided further*, That \$50,000,000, to remain available until expended, shall be made available for fiscal year 2022, \$50,000,000, to remain available until expended, shall be made available for fiscal year 2023, \$50,000,000, to remain available until expended, shall be made available for fiscal year 2024, \$50,000,000, to remain available until expended, shall be made available for fiscal year 2025, and \$50,000,000, to remain available until expended, shall be made available for fiscal year 2026: *Provided further*, That not later than 90 days after the date of enactment of this Act, the Secretary of Energy shall submit to the House and Senate Committees on Appropriations and the Senate Committee on Energy and Natural Resources and the House Committee on Energy and Commerce a detailed spend plan for fiscal year 2022: *Provided further*, That for each fiscal year through 2026, as part of the annual budget submission of the President under section 1105(a) of title 31, United States Code, the Secretary of Energy shall submit a detailed spend plan for that fiscal year: *Provided further*, That up to three percent of the amounts made available under this heading in this Act in each of fiscal years 2022 through 2026 shall be for program direction: *Provided further*,

Deadline.
Spend plan.

Spend plan.

That such amount is designated by the Congress as being for an emergency requirement pursuant to section 4112(a) of H. Con. Res. 71 (115th Congress), the concurrent resolution on the budget for fiscal year 2018, and to section 251(b) of the Balanced Budget and Emergency Deficit Control Act of 1985.

ELECTRICITY

For an additional amount for “Electricity”, \$8,100,000,000, to remain available until expended: *Provided*, That of the amount provided under this heading in this Act, \$5,000,000,000 shall be for grants under section 40101 of division D of this Act: *Provided further*, That of the funds in the preceding proviso, \$1,000,000,000, to remain available until expended, shall be made available for fiscal year 2022, \$1,000,000,000, to remain available until expended, shall be made available for fiscal year 2023, \$1,000,000,000, to remain available until expended, shall be made available for fiscal year 2024, \$1,000,000,000, to remain available until expended, shall be made available for fiscal year 2025, and \$1,000,000,000, to remain available until expended, shall be made available for fiscal year 2026: *Provided further*, That of the amount provided under this heading in this Act, \$50,000,000 shall be to carry out the Transmission Facilitation Program, including for any administrative expenses of carrying out the program, as authorized in section 40106(d)(3) of division D of this Act: *Provided further*, That of the funds in the preceding proviso, \$10,000,000, to remain available until expended, shall be made available for fiscal year 2022, \$10,000,000, to remain available until expended, shall be made available for fiscal year 2023, \$10,000,000, to remain available until expended, shall be made available for fiscal year 2024, \$10,000,000, to remain available until expended, shall be made available for fiscal year 2025, and \$10,000,000, to remain available until expended, shall be made available for fiscal year 2026: *Provided further*, That of the amount provided under this heading in this Act and in addition to amounts otherwise made available for this purpose, \$3,000,000,000, to remain available until expended, shall be to carry out activities under the Smart Grid Investment Matching Grant Program, as authorized in section 1306 of the Energy Independence and Security Act of 2007 (42 U.S.C. 17386), as amended by section 40107 of division D of this Act: *Provided further*, That of the funds in the preceding proviso, \$600,000,000, to remain available until expended, shall be made available for fiscal year 2022, \$600,000,000, to remain available until expended, shall be made available for fiscal year 2023, \$600,000,000, to remain available until expended, shall be made available for fiscal year 2024, \$600,000,000, to remain available until expended, shall be made available for fiscal year 2025, and \$600,000,000, to remain available until expended, shall be made available for fiscal year 2026: *Provided further*, That of the amount provided under this heading in this Act, \$50,000,000 shall be to carry out an advanced energy security program to secure energy networks, as authorized under section 40125(d) of division D of this Act: *Provided further*, That not later than 90 days after the date of enactment of this Act, the Secretary of Energy shall submit to the House and Senate Committees on Appropriations and the Senate Committee on Energy and Natural Resources and the House Committee on Energy and Commerce a detailed spend plan for fiscal year 2022: *Provided*

Deadline.
Spend plan.

further, That for each fiscal year through 2026, as part of the annual budget submission of the President under section 1105(a) of title 31, United States Code, the Secretary of Energy shall submit a detailed spend plan for that fiscal year: *Provided further*, That up to three percent of the amounts made available under this heading in this Act in each of fiscal years 2022 through 2026 shall be for program direction: *Provided further*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 4112(a) of H. Con. Res. 71 (115th Congress), the concurrent resolution on the budget for fiscal year 2018, and to section 251(b) of the Balanced Budget and Emergency Deficit Control Act of 1985.

Spend plan.

NUCLEAR ENERGY

For an additional amount for “Nuclear Energy”, \$6,000,000,000, to remain available until expended, to carry out activities under the Civil Nuclear Credit Program, as authorized in section 40323 of division D of this Act: *Provided*, That \$1,200,000,000, to remain available until expended, shall be made available for fiscal year 2022, \$1,200,000,000, to remain available until expended, shall be made available for fiscal year 2023, \$1,200,000,000, to remain available until expended, shall be made available for fiscal year 2024, \$1,200,000,000, to remain available until expended, shall be made available for fiscal year 2025, and \$1,200,000,000, to remain available until expended, shall be made available for fiscal year 2026: *Provided further*, That not later than 90 days after the date of enactment of this Act, the Secretary of Energy shall submit to the House and Senate Committees on Appropriations a detailed spend plan for fiscal year 2022: *Provided further*, That for each fiscal year through 2026, as part of the annual budget submission of the President under section 1105(a) of title 31, United States Code, the Secretary of Energy shall submit a detailed spend plan for that fiscal year: *Provided further*, That up to \$36,000,000 of the amount provided under this heading in this Act shall be made available in each of fiscal years 2022 through 2026 for program direction: *Provided further*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 4112(a) of H. Con. Res. 71 (115th Congress), the concurrent resolution on the budget for fiscal year 2018, and to section 251(b) of the Balanced Budget and Emergency Deficit Control Act of 1985.

Deadline.
Spend plan.

Spend plan.

FOSSIL ENERGY AND CARBON MANAGEMENT

For an additional amount for “Fossil Energy and Carbon Management”, \$7,497,140,781, to remain available until expended: *Provided*, That of the amount provided under this heading in this Act, \$310,140,781 shall be to carry out activities under the Carbon Utilization Program, as authorized in section 969A of the Energy Policy Act of 2005 (42 U.S.C. 16298a), as amended by section 40302 of division D of this Act: *Provided further*, That of the funds in the preceding proviso, \$41,000,000, to remain available until expended, shall be made available for fiscal year 2022, \$65,250,000, to remain available until expended, shall be made available for fiscal year 2023, \$66,562,500, to remain available until expended, shall be made available for fiscal year 2024, \$67,940,625, to remain available until expended, shall be made

available for fiscal year 2025, and \$69,387,656, to remain available until expended, shall be made available for fiscal year 2026: *Provided further*, That of the amount provided under this heading in this Act, \$100,000,000 shall be used to carry out the front-end engineering and design program out activities under the Carbon Capture Technology Program, as authorized in section 962 of the Energy Policy Act of 2005 (42 U.S.C. 16292), as amended by section 40303 of division D of this Act: *Provided further*, That of the funds in the preceding proviso, \$20,000,000, to remain available until expended, shall be made available for fiscal year 2022, \$20,000,000, to remain available until expended, shall be made available for fiscal year 2023, \$20,000,000, to remain available until expended, shall be made available for fiscal year 2024, \$20,000,000, to remain available until expended, shall be made available for fiscal year 2025, and \$20,000,000, to remain available until expended, shall be made available for fiscal year 2026: *Provided further*, That of the amount provided under this heading in this Act, \$2,500,000,000 shall be to carry out activities for the Carbon Storage Validation and Testing, as authorized section 963 of the Energy Policy Act of 2005 (42 U.S.C. 16293), as amended by section 40305 of division D of this Act: *Provided further*, That of the funds in the preceding proviso, \$500,000,000, to remain available until expended, shall be made available for fiscal year 2022, \$500,000,000, to remain available until expended, shall be made available for fiscal year 2023, \$500,000,000, to remain available until expended, shall be made available for fiscal year 2024, \$500,000,000, to remain available until expended, shall be made available for fiscal year 2025, and \$500,000,000, to remain available until expended, shall be made available for fiscal year 2026: *Provided further*, That of the amount provided under this heading in this Act, \$3,500,000,000 shall be to carry out a program to develop four regional clean direct air capture hubs, as authorized under section 969D of the Energy Policy Act of 2005 (42 U.S.C. 16298d), as amended by section 40308 of division D of this Act: *Provided further*, That of the funds in the preceding proviso, \$700,000,000, to remain available until expended, shall be made available for fiscal year 2022, \$700,000,000, to remain available until expended, shall be made available for fiscal year 2023, \$700,000,000, to remain available until expended, shall be made available for fiscal year 2024, \$700,000,000, to remain available until expended, shall be made available for fiscal year 2025, and \$700,000,000, to remain available until expended, shall be made available for fiscal year 2026: *Provided further*, That of the amount provided under this heading in this Act and in addition to amounts otherwise made available for this purpose, \$15,000,000 shall be for precommercial direct air capture technology prize competitions, as authorized under section 969D(e)(2)(A) of the Energy Policy Act of 2005 (42 U.S.C. 16298d(e)(2)(A)): *Provided further*, That of the amount provided under this heading in this Act and in addition to amounts otherwise made available for this purpose, \$100,000,000 shall be for commercial direct air capture technology prize competitions, as authorized under section 969D(e)(2)(B) of the Energy Policy Act of 2005 (42 U.S.C. 16298d(e)(2)(B)): *Provided further*, That for amounts identified in the preceding proviso, the Secretary shall enter pre-construction commitments with selected projects for future awards for qualified carbon dioxide capture: *Provided further*, That of the amount provided under this heading

in this Act, \$140,000,000 shall be for a Rare Earth Elements Demonstration Facility, as authorized under section 7001 of the Energy Act of 2020 (42 U.S.C. 13344), as amended by section 40205 of division D of this Act: *Provided further*, That of the amount provided under this heading in this Act and in addition to amounts otherwise made available for this purpose, \$127,000,000 shall be to carry out rare earth mineral security activities, as authorized under section 7001(a) of the Energy Act of 2020 (42 U.S.C. 13344(a)): *Provided further*, That of the funds in the preceding proviso, \$23,000,000, to remain available until expended, shall be made available for fiscal year 2022, \$24,200,000, to remain available until expended, shall be made available for fiscal year 2023, \$25,400,000, to remain available until expended, shall be made available for fiscal year 2024, \$26,600,000, to remain available until expended, shall be made available for fiscal year 2025, and \$27,800,000, to remain available until expended, shall be made available for fiscal year 2026: *Provided further*, That of the amount provided under this heading in this Act and in addition to amounts otherwise made available for this purpose, \$600,000,000 shall be to carry out critical material innovation, efficiency, and alternatives activities under section 7002(g) of the Energy Act of 2020 (30 U.S.C. 1606(g)): *Provided further*, That of the funds in the preceding proviso, \$230,000,000, to remain available until expended, shall be made available for fiscal year 2022, \$100,000,000, to remain available until expended, shall be made available for fiscal year 2023, \$135,000,000, to remain available until expended, shall be made available for fiscal year 2024, \$135,000,000, to remain available until expended, shall be made available for fiscal year 2025: *Provided further*, That of the amount provided under this heading in this Act and in addition to amounts otherwise made available for this purpose, \$75,000,000 shall be for the Critical Material Supply Chain Research Facility, as authorized under section 7002(h) of the Energy Act of 2020 (30 U.S.C. 1606(h)): *Provided further*, That of the funds in the preceding proviso, \$40,000,000, to remain available until expended, shall be made available for fiscal year 2022, and \$35,000,000, to remain available until expended, shall be made available for fiscal year 2023: *Provided further*, That of the amount provided under this heading in this Act, \$30,000,000 shall be to carry out activities authorized in section 349(b)(2) of the Energy Policy Act of 2005 (42 U.S.C. 15907(b)(2)), as amended by section 40601 of division D of this Act: *Provided further*, That not later than 90 days after the date of enactment of this Act, the Secretary of Energy shall submit to the House and Senate Committees on Appropriations a detailed spend plan for fiscal year 2022: *Provided further*, That for each fiscal year through 2026, as part of the annual budget submission of the President under section 1105(a) of title 31, United States Code, the Secretary of Energy shall submit a detailed spend plan for that fiscal year: *Provided further*, That up to three percent of the amounts made available under this heading in this Act in each of fiscal years 2022 through 2026 shall be for program direction: *Provided further*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 4112(a) of H. Con. Res. 71 (115th Congress), the concurrent resolution on the budget for fiscal year 2018, and to section 251(b) of the Balanced Budget and Emergency Deficit Control Act of 1985.

Deadline.
Spend plan.

Spend plan.

CARBON DIOXIDE TRANSPORTATION INFRASTRUCTURE FINANCE AND
INNOVATION PROGRAM ACCOUNT

For an additional amount for “Carbon Dioxide Transportation Infrastructure Finance and Innovation Program Account”, \$2,100,000,000, to remain available until expended, to carry out activities for the Carbon Dioxide Transportation Infrastructure Finance and Innovation Program, as authorized by subtitle J of title IX of the Energy Policy Act of 2005 (42 U.S.C. 16181 et seq.), as amended by section 40304(a) of division D of this Act: *Provided*, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: *Provided further*, That \$3,000,000, to remain available until expended, shall be made available for fiscal year 2022 and \$2,097,000,000, to remain available until expended, shall be made available for fiscal year 2023: *Provided further*, That the amount made available under this heading in this Act for fiscal year 2022 shall be for administrative expenses to carry out the loan program: *Provided further*, That the Office of Fossil Energy and Carbon Management shall oversee the Carbon Dioxide Transportation Infrastructure Finance and Innovation program, in consultation and coordination with the Department of Energy’s Loan Program Office: *Provided further*, That not later than 270 days after the date of enactment of this Act, the Secretary of Energy shall submit to the House and Senate Committees on Appropriations an analysis of how subsidy rates will be determined for loans financed by appropriations provided under this heading in this Act and an analysis of the process for developing draft regulations for the program, including a crosswalk from the statutory requirements for such program, and a timetable for publishing such regulations: *Provided further*, That for each fiscal year through 2027, the annual budget submission of the President under section 1105(a) of title 31, United States Code, shall include a detailed request for the amount recommended for allocation for the Carbon Dioxide Transportation Finance and Innovation program from amounts provided under this heading in this Act and such detailed request shall include any information required pursuant to the Federal Credit Reform Act of 1990, such as credit subsidy rates, a loan limitation, and necessary administrative expenses to carry out the loan program: *Provided further*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 4112(a) of H. Con. Res. 71 (115th Congress), the concurrent resolution on the budget for fiscal year 2018, and to section 251(b) of the Balanced Budget and Emergency Deficit Control Act of 1985.

Deadline.
Analyses.
Loans.
Regulations.
Timetable.

Allocation.

OFFICE OF CLEAN ENERGY DEMONSTRATIONS

For an additional amount for “Office of Clean Energy Demonstrations”, \$21,456,000,000, to remain available until expended: *Provided*, That the Office of Clean Energy Demonstrations, as authorized by section 41201 of division D of this Act, shall conduct administrative and project management responsibilities for the demonstration projects provided for under this heading in this Act: *Provided further*, That the Office of Clean Energy Demonstrations shall consult and coordinate with technology-specific program offices to ensure alignment of technology goals and avoid unnecessary duplication: *Provided further*, That of the amount provided

Consultation.
Coordination.

under this heading in this Act and in addition to amounts otherwise made available for this purpose, \$355,000,000 shall be to carry out the Energy Storage Demonstration Pilot Grant Program, as authorized under section 3201(c) of the Energy Act of 2020 (42 U.S.C. 17232(c)): *Provided further*, That of the funds in the preceding proviso, \$88,750,000, to remain available until expended, shall be made available for fiscal year 2022, \$88,750,000, to remain available until expended, shall be made available for fiscal year 2023, \$88,750,000, to remain available until expended, shall be made available for fiscal year 2024, \$88,750,000, to remain available until expended, shall be made available for fiscal year 2025: *Provided further*, That of the amount provided under this heading in this Act and in addition to amounts otherwise made available for this purpose, \$150,000,000 to carry out the Long-duration Demonstration Initiative and Joint Program, as authorized under section 3201(d) of the Energy Act of 2020 (42 U.S.C. 17232(d)): *Provided further*, That of the funds in the preceding proviso, \$37,500,000, to remain available until expended, shall be made available for fiscal year 2022, \$37,500,000, to remain available until expended, shall be made available for fiscal year 2023, \$37,500,000, to remain available until expended, shall be made available for fiscal year 2024, \$37,500,000, to remain available until expended, shall be made available for fiscal year 2025: *Provided further*, That of the amount provided under this heading in this Act and in addition to amounts otherwise made available for this purpose, \$2,477,000,000 shall be to carry out the Advanced Reactor Demonstration Program, as authorized under section 959A of the Energy Policy Act of 2005 (42 U.S.C. 16279a): *Provided further*, That of the funds in the preceding proviso, \$677,000,000, to remain available until expended, shall be made available for fiscal year 2022, \$600,000,000, to remain available until expended, shall be made available for fiscal year 2023, \$600,000,000, to remain available until expended, shall be made available for fiscal year 2024, \$600,000,000, to remain available until expended, shall be made available for fiscal year 2025: *Provided further*, That funds in the preceding proviso shall be for projects selected prior to the date of enactment of this Act: *Provided further*, That of the amount provided under this heading in this Act and in addition to amounts otherwise made available for this purpose, \$937,000,000 shall be to carry out the Carbon Capture Large-scale Pilot Projects, as authorized under section 962(b)(2)(B) of the Energy Policy Act of 2005 (42 U.S.C. 16292(b)(2)(B)): *Provided further*, That of the funds in the preceding proviso, \$387,000,000, to remain available until expended, shall be made available for fiscal year 2022, \$200,000,000, to remain available until expended, shall be made available for fiscal year 2023, \$200,000,000, to remain available until expended, shall be made available for fiscal year 2024, \$150,000,000, to remain available until expended, shall be made available for fiscal year 2025: *Provided further*, That of the amount provided under this heading in this Act and in addition to amounts otherwise made available for this purpose, \$2,537,000,000 shall be for the Carbon Capture Demonstration Projects Program, as authorized under section 962(b)(2)(C) of the Energy Policy Act of 2005 (42 U.S.C. 16292(b)(2)(C)): *Provided further*, That of the funds in the preceding proviso, \$937,000,000, to remain available until expended, shall be made available for fiscal year 2022, \$500,000,000, to remain available until expended, shall be made available for fiscal year

2023, \$500,000,000, to remain available until expended, shall be made available for fiscal year 2024, \$600,000,000, to remain available until expended, shall be made available for fiscal year 2025: *Provided further*, That of the amount provided under this heading in this Act and in addition to amounts otherwise made available for this purpose, \$500,000,000 shall be to carry out Industrial Emission Demonstration Projects, as authorized under section 454(d)(3) of the Energy Independence and Security Act of 2007 (42 U.S.C. 17113(d)(3)): *Provided further*, That of the funds in the preceding proviso, \$100,000,000, to remain available until expended, shall be made available for fiscal year 2022, \$100,000,000, to remain available until expended, shall be made available for fiscal year 2023, \$150,000,000, to remain available until expended, shall be made available for fiscal year 2024, \$150,000,000, to remain available until expended, shall be made available for fiscal year 2025: *Provided further*, That of the amount provided under this heading in this Act and in addition to amounts otherwise made available for this purpose, \$500,000,000 shall be to carry out the Clean Energy Demonstration Program on Current and Former Mine Land, as authorized under section 40342 of division D of this Act: *Provided further*, That of the funds in the preceding proviso, \$100,000,000, to remain available until expended, shall be made available for fiscal year 2022, \$100,000,000, to remain available until expended, shall be made available for fiscal year 2023, \$100,000,000, to remain available until expended, shall be made available for fiscal year 2024, \$100,000,000, to remain available until expended, shall be made available for fiscal year 2025, and \$100,000,000, to remain available until expended, shall be made available for fiscal year 2026: *Provided further*, That of the amount provided under this heading in this Act, \$8,000,000,000 shall be made for Regional Clean Hydrogen Hubs, as authorized under section 813 of the Energy Policy Act of 2005 (42 U.S.C. 16151 et seq.), as amended by section 40314 of division D of this Act: *Provided further*, That of the funds in the preceding proviso, \$1,600,000,000, to remain available until expended, shall be made available for fiscal year 2022, \$1,600,000,000, to remain available until expended, shall be made available for fiscal year 2023, \$1,600,000,000, to remain available until expended, shall be made available for fiscal year 2024, \$1,600,000,000, to remain available until expended, shall be made available for fiscal year 2025, and \$1,600,000,000, to remain available until expended, shall be made available for fiscal year 2026: *Provided further*, That of the amount provided under this heading in this Act, \$5,000,000,000 shall be for grants for the Program Upgrading Our Electric Grid and Ensuring Reliability and Resiliency, as authorized under section 40103(b) of division D of this Act: *Provided further*, That of the funds in the preceding proviso, \$1,000,000,000, to remain available until expended, shall be made available for fiscal year 2022, \$1,000,000,000, to remain available until expended, shall be made available for fiscal year 2023, \$1,000,000,000, to remain available until expended, shall be made available for fiscal year 2024, \$1,000,000,000, to remain available until expended, shall be made available for fiscal year 2025, and \$1,000,000,000, to remain available until expended, shall be made available for fiscal year 2026: *Provided further*, That of the amount provided under this heading in this Act, \$1,000,000,000 shall be to carry out activities for energy improvement in rural and remote areas, as authorized under section

40103(c) of division D of this Act: *Provided further*, That of the funds in the preceding proviso, \$200,000,000, to remain available until expended, shall be made available for fiscal year 2022, \$200,000,000, to remain available until expended, shall be made available for fiscal year 2023, \$200,000,000, to remain available until expended, shall be made available for fiscal year 2024, \$200,000,000, to remain available until expended, shall be made available for fiscal year 2025, and \$200,000,000, to remain available until expended, shall be made available for fiscal year 2026: *Provided further*, That not later than 90 days after the date of enactment of this Act, the Secretary of Energy shall submit to the House and Senate Committees on Appropriations a detailed spend plan for fiscal year 2022: *Provided further*, That for each fiscal year through 2026, as part of the annual budget submission of the President under section 1105(a) of title 31, United States Code, the Secretary of Energy shall submit a detailed spend plan for that fiscal year: *Provided further*, That up to three percent of the amounts made available under this heading in this Act in each of fiscal years 2022 through 2026 shall be for program direction: *Provided further*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 4112(a) of H. Con. Res. 71 (115th Congress), the concurrent resolution on the budget for fiscal year 2018, and to section 251(b) of the Balanced Budget and Emergency Deficit Control Act of 1985.

Deadline.
Spend plan.

Spend plan.

POWER MARKETING ADMINISTRATIONS

CONSTRUCTION, REHABILITATION, OPERATION AND MAINTENANCE, WESTERN AREA POWER ADMINISTRATION

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for “Construction, Rehabilitation, Operation and Maintenance, Western Area Power Administration”, \$500,000,000, to remain available until expended, for the purchase of power and transmission services: *Provided*, That the amount made available under this heading in this Act shall be derived from the general fund of the Treasury and shall be reimbursable from amounts collected by the Western Area Power Administration pursuant to the Flood Control Act of 1944 and the Reclamation Project Act of 1939 to recover purchase power and wheeling expenses: *Provided further*, That such amounts as the Administrator, Western Area Power Administration, deems necessary for the same purposes as outlined above may be transferred to Western Area Power Administration’s Colorado River Basins Power Marketing Fund account: *Provided further*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 4112(a) of H. Con. Res. 71 (115th Congress), the concurrent resolution on the budget for fiscal year 2018, and to section 251(b) of the Balanced Budget and Emergency Deficit Control Act of 1985.

GENERAL PROVISIONS—DEPARTMENT OF ENERGY

(INCLUDING TRANSFER OF FUNDS)

SEC. 301. Notwithstanding section 3304 of title 5, United States Code, and without regard to the provisions of sections 3309 through

Determination.
Hiring authority.
42 USC 7231
note.

Compliance.

Termination
date.Deadline.
Estimate.

3318 of such title 5, the Secretary of Energy, upon a determination that there is a severe shortage of candidates or a critical hiring need for particular positions to carry out the Department of Energy activities funded under this title, may, from within the funds provided to the Department of Energy under this title, recruit and directly appoint highly qualified individuals into the competitive service: *Provided*, That such authority shall not apply to positions in the Excepted Service or the Senior Executive Service: *Provided further*, That any action authorized herein shall be consistent with the merit principles of section 2301 of such title 5, and the Department shall comply with the public notice requirements of section 3327 of such title 5: *Provided further*, That the authority under this section shall terminate on September 30, 2027: *Provided further*, That 180 days after the date of enactment of this Act, the Secretary of Energy shall submit to the House and Senate Committees on Appropriations an estimate of the number of highly qualified individuals it expects to hire under the authority provided in this section.

SEC. 302. Up to one-tenth of one percent of each amount appropriated to the Department of Energy in this title may be transferred to “Departmental Administration” to be used for additional management and mission support for funds made available to the Department of Energy in this title in this Act.

SEC. 303. One-tenth of one percent of the amounts made available to the Department of Energy under each heading in this title in this Act in each of fiscal years 2022 through 2026 shall be transferred to the Office of the Inspector General of the Department of Energy to oversee the funds made available to the Department of Energy in this title in this Act.

INDEPENDENT AGENCIES

APPALACHIAN REGIONAL COMMISSION

For an additional amount for “Appalachian Regional Commission”, \$1,000,000,000, to remain available until expended, notwithstanding 40 U.S.C. 14704: *Provided*, That of the funds in the preceding proviso, \$200,000,000, to remain available until expended, shall be made available for fiscal year 2022, \$200,000,000, to remain available until expended, shall be made available for fiscal year 2023, \$200,000,000, to remain available until expended, shall be made available for fiscal year 2024, \$200,000,000, to remain available until expended, shall be made available for fiscal year 2025, and \$200,000,000, to remain available until expended, shall be made available for fiscal year 2026: *Provided further*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 4112(a) of H. Con. Res. 71 (115th Congress), the concurrent resolution on the budget for fiscal year 2018, and to section 251(b) of the Balanced Budget and Emergency Deficit Control Act of 1985.

DELTA REGIONAL AUTHORITY

For an additional amount for “Delta Regional Authority”, \$150,000,000 to remain available until expended: *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 4112(a) of H. Con. Res. 71 (115th Congress), the concurrent resolution on the budget for

fiscal year 2018, and to section 251(b) of the Balanced Budget and Emergency Deficit Control Act of 1985.

DENALI COMMISSION

For an additional amount for “Denali Commission”, \$75,000,000 to remain available until expended: *Provided further*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 4112(a) of H. Con. Res. 71 (115th Congress), the concurrent resolution on the budget for fiscal year 2018, and to section 251(b) of the Balanced Budget and Emergency Deficit Control Act of 1985.

NORTHERN BORDER REGIONAL COMMISSION

For an additional amount for “Northern Border Regional Commission”, \$150,000,000 to remain available until expended: *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 4112(a) of H. Con. Res. 71 (115th Congress), the concurrent resolution on the budget for fiscal year 2018, and to section 251(b) of the Balanced Budget and Emergency Deficit Control Act of 1985.

SOUTHEAST CRESCENT REGIONAL COMMISSION

For an additional amount for “Southeast Crescent Regional Commission”, \$5,000,000 to remain available until expended: *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 4112(a) of H. Con. Res. 71 (115th Congress), the concurrent resolution on the budget for fiscal year 2018, and to section 251(b) of the Balanced Budget and Emergency Deficit Control Act of 1985.

SOUTHWEST BORDER REGIONAL COMMISSION

For an additional amount for “Southwest Border Regional Commission”, \$1,250,000 to remain available until expended: *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 4112(a) of H. Con. Res. 71 (115th Congress), the concurrent resolution on the budget for fiscal year 2018, and to section 251(b) of the Balanced Budget and Emergency Deficit Control Act of 1985.

TITLE IV—FINANCIAL SERVICES AND GENERAL GOVERNMENT

EXECUTIVE OFFICE OF THE PRESIDENT AND FUNDS APPROPRIATED TO THE PRESIDENT

OFFICE OF THE NATIONAL CYBER DIRECTOR

SALARIES AND EXPENSES

For an additional amount for “Office of the National Cyber Director”, \$21,000,000, to remain available until September 30, 2022, to carry out the purposes of section 1752 of the National Defense Authorization Act for Fiscal Year 2021 (Public Law 116–283): *Provided*, That such amount is designated by the Congress

as being for an emergency requirement pursuant to section 4112(a) of H. Con. Res. 71 (115th Congress), the concurrent resolution on the budget for fiscal year 2018, and to section 251(b) of the Balanced Budget and Emergency Deficit Control Act of 1985.

FEDERAL COMMUNICATIONS COMMISSION

AFFORDABLE CONNECTIVITY FUND

For an additional amount for the “Affordable Connectivity Fund”, \$14,200,000,000, to remain available until expended, for the Affordable Connectivity Program, as authorized under section 904(b)(1) of division N of the Consolidated Appropriations Act, 2021 (Public Law 116–260), as amended by section 60502 of division F of this Act: *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 4112(a) of H. Con. Res. 71 (115th Congress), the concurrent resolution on the budget for fiscal year 2018, and to section 251(b) of the Balanced Budget and Emergency Deficit Control Act of 1985.

FEDERAL PERMITTING IMPROVEMENT STEERING COUNCIL

ENVIRONMENTAL REVIEW IMPROVEMENT FUND

For an additional amount for the “Environmental Review Improvement Fund”, \$3,000,000 to remain available until September 30, 2026: *Provided*, That \$650,000, to remain available until September 30, 2022, shall be made available for fiscal year 2022, \$650,000, to remain available until September 30, 2023, shall be made available for fiscal year 2023, \$650,000, to remain available until September 30, 2024, shall be made available for fiscal year 2024, \$650,000, to remain available until September 30, 2025, shall be made available for fiscal year 2025, and \$400,000, to remain available until September 30, 2026, shall be made available for fiscal year 2026: *Provided further*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 4112(a) of H. Con. Res. 71 (115th Congress), the concurrent resolution on the budget for fiscal year 2018, and to section 251(b) of the Balanced Budget and Emergency Deficit Control Act of 1985.

GENERAL SERVICES ADMINISTRATION

REAL PROPERTY ACTIVITIES

FEDERAL BUILDINGS FUND

(INCLUDING TRANSFERS OF FUNDS)

For an additional amount to be deposited in the “Federal Buildings Fund”, \$3,418,008,000, to remain available until expended, for construction and acquisition, and repairs and alterations of border stations and land ports of entry, of which no more than \$250,000,000 shall be for Program Contingency and Operational Support for necessary expenses for projects funded under this heading, including, moving governmental agencies (including space alterations and adjustments, and telecommunications relocation expenses) in connection with the assignment,

allocation and transfer of space, leasing of temporary space, and building operations, of which—

(1) \$2,527,808,000 shall be for projects on the U.S. Customs and Border Protection five-year plan;

(2) \$430,200,000 shall be for projects with completed U.S. Customs and Border Protection/General Services Administration feasibility studies as prioritized in the “American Jobs Plan Project List” submitted to the House and Senate Committees on Appropriations on May 28, 2021; and

(3) \$210,000,000 shall be for land ports of entry (LPOE) infrastructure paving; acquisition of leased LPOEs; and additional Federal Motor Carrier Safety Administration requirements at the Southern Border:

Provided, That the General Services Administration shall submit a plan, by project, regarding the use of funds made available to the Administrator under this heading in this Act to the Committees on Appropriations of the House of Representatives and the Senate within 90 days of enactment of this Act: *Provided further*, That the Administrator of General Services shall notify the Committees on Appropriations of the House of Representatives and the Senate quarterly on the obligations and expenditures of the funds provided under this heading in this Act by account of the Federal Buildings Fund: *Provided further*, That funds made available under this heading in this Act for Federal Buildings Fund activities may be transferred to, and merged with, other accounts within the Federal Buildings Fund only to the extent necessary to meet program requirements for such activities: *Provided further*, That the General Services Administration will provide notice in advance to the Committees on Appropriations of the House of Representatives and the Senate of any proposed transfers: *Provided further*, That funds made available to the Administrator under this heading in this Act shall not be subject to section 3307 of title 40, United States Code: *Provided further*, That amounts made available under this heading in this Act shall be in addition to any other amounts made available for such purposes, including for construction and acquisition or repairs and alterations: *Provided further*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 4112(a) of H. Con. Res. 71 (115th Congress), the concurrent resolution on the budget for fiscal year 2018, and to section 251(b) of the Balanced Budget and Emergency Deficit Control Act of 1985.

Plan.
Deadline.

Notification.

Advance notice.

TITLE V—DEPARTMENT OF HOMELAND SECURITY

SECURITY, ENFORCEMENT, AND INVESTIGATIONS

U.S. CUSTOMS AND BORDER PROTECTION

OPERATIONS AND SUPPORT

For an additional amount for “Operations and Support”, \$330,000,000, to remain available until September 30, 2026, for furniture, fixtures, and equipment for the land ports of entry modernized with funding provided to the General Services Administration in this Act: *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 4112(a) of H. Con. Res. 71 (115th Congress), the concurrent resolution on the budget for fiscal year 2018, and to section

251(b) of the Balanced Budget and Emergency Deficit Control Act of 1985.

PROCUREMENT, CONSTRUCTION, AND IMPROVEMENTS

Deadline.
Spend plan.

For an additional amount for “Procurement, Construction, and Improvements”, \$100,000,000, to remain available until September 30, 2026, for land port of entry construction, modernization, and sustainment: *Provided*, That not later than 90 days after the date of enactment of this Act, the Department shall submit to the House and Senate Committees on Appropriations a detailed spend plan for the amount made available under this heading in this Act: *Provided further*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 4112(a) of H. Con. Res. 71 (115th Congress), the concurrent resolution on the budget for fiscal year 2018, and to section 251(b) of the Balanced Budget and Emergency Deficit Control Act of 1985.

COAST GUARD

OPERATIONS AND SUPPORT

For an additional amount for “Operations and Support”, \$5,000,000, to remain available until September 30, 2026, for personnel and administrative expenses: *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 4112(a) of H. Con. Res. 71 (115th Congress), the concurrent resolution on the budget for fiscal year 2018, and to section 251(b) of the Balanced Budget and Emergency Deficit Control Act of 1985.

PROCUREMENT, CONSTRUCTION, AND IMPROVEMENTS

For an additional amount for “Procurement, Construction, and Improvements”, \$429,000,000, to remain available until September 30, 2026: *Provided*, That of the funds made available under this heading in this Act—

(1) \$131,500,000 shall be for housing, family support, safety, and training facilities, as described in the Coast Guard Fiscal Year 2022 Unfunded Priorities List submitted to Congress on June 29, 2021;

(2) \$158,000,000 shall be for shore construction addressing facility deficiencies, as described in the Coast Guard Fiscal Year 2022 Unfunded Priorities List submitted to Congress on June 29, 2021;

(3) \$19,500,000 shall be for shore construction supporting operational assets and maritime commerce, as described in the Coast Guard Fiscal Year 2022 Unfunded Priorities List submitted to Congress on June 29, 2021; and

(4) \$120,000,000 shall be for construction and improvement of childcare development centers:

Deadline.
Expenditure
plan.
List.

Provided further, That not later than 90 days after the date of enactment of this Act, the Department shall submit to the Committees on Appropriations and Commerce, Science, and Transportation of the Senate and the Committees on Appropriations and Transportation and Infrastructure in the House of Representatives a detailed expenditure plan, including a list of project locations under each paragraph in the preceding proviso: *Provided further*, That such

amount is designated by the Congress as being for an emergency requirement pursuant to section 4112(a) of H. Con. Res. 71 (115th Congress), the concurrent resolution on the budget for fiscal year 2018, and to section 251(b) of the Balanced Budget and Emergency Deficit Control Act of 1985.

PROTECTION, PREPAREDNESS, RESPONSE, AND RECOVERY

CYBERSECURITY AND INFRASTRUCTURE SECURITY AGENCY

OPERATIONS AND SUPPORT

For an additional amount for “Operations and Support”, \$35,000,000, to remain available until September 30, 2026, for risk management operations and stakeholder engagement and requirements: *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 4112(a) of H. Con. Res. 71 (115th Congress), the concurrent resolution on the budget for fiscal year 2018, and to section 251(b) of the Balanced Budget and Emergency Deficit Control Act of 1985.

CYBERSECURITY RESPONSE AND RECOVERY FUND

For an additional amount for “Cybersecurity Response and Recovery Fund”, \$100,000,000, to remain available until September 30, 2028, for cyber response and recovery, as authorized by subtitle C of the Homeland Security Act of 2002, as amended by this Act: *Provided*, That \$20,000,000, to remain available until September 30, 2028, shall be made available for fiscal year 2022, \$20,000,000, to remain available until September 30, 2028, shall be made available for fiscal year 2023, \$20,000,000, to remain available until September 30, 2028, shall be made available for fiscal year 2024, \$20,000,000, to remain available until September 30, 2028, shall be made available for fiscal year 2025, and \$20,000,000, to remain available until September 30, 2028, shall be made available for fiscal year 2026: *Provided further*, That amounts provided under this heading in this Act shall be available only upon a declaration of a significant incident by the Secretary of Homeland Security pursuant to section 2233 of the Homeland Security Act of 2002, as amended by this Act: *Provided further*, That the Cybersecurity and Infrastructure Security Agency shall provide to the Committees on Appropriations and Homeland Security and Governmental Affairs of the Senate and the Committees on Appropriations and Oversight and Reform of the House of Representatives monthly reports, to be submitted not later than the tenth business day following the end of each month, on the status of funds made available under this heading in this Act, including an accounting of the most recent funding allocation estimates, obligations, expenditures, and unobligated funds, delineated by significant incident, as defined in section 2232 of the Homeland Security Act of 2002, as amended by this Act: *Provided further*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 4112(a) of H. Con. Res. 71 (115th Congress), the concurrent resolution on the budget for fiscal year 2018, and to section 251(b) of the Balanced Budget and Emergency Deficit Control Act of 1985.

Declaration.

Reports.

FEDERAL EMERGENCY MANAGEMENT AGENCY

OPERATIONS AND SUPPORT

For an additional amount for “Operations and Support”, \$67,000,000, to remain available until September 30, 2026, for Federal agency dam safety activities and assistance to States under sections 7 through 12 of the National Dam Safety Program Act (33 U.S.C. 467e through 467h): *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 4112(a) of H. Con. Res. 71 (115th Congress), the concurrent resolution on the budget for fiscal year 2018, and to section 251(b) of the Balanced Budget and Emergency Deficit Control Act of 1985.

FEDERAL ASSISTANCE

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for “Federal Assistance”, \$2,233,000,000, which shall be allocated as follows:

(1) \$500,000,000, to remain available until expended, for grants pursuant to section 205 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5135): *Provided*, That \$100,000,000, to remain available until expended, shall be made available for fiscal year 2022, \$100,000,000, to remain available until expended, shall be made available for fiscal year 2023, \$100,000,000, to remain available until expended, shall be made available for fiscal year 2024, \$100,000,000, to remain available until expended, shall be made available for fiscal year 2025, and \$100,000,000, to remain available until expended, shall be made available for fiscal year 2026: *Provided further*, That in addition to amounts made available for administrative expenses under section 205(d)(2) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5135(d)(2)), no more than 3 percent of the amounts made available in fiscal year 2022, 3 percent of the amounts made available in fiscal year 2023, and 3 percent of the amounts made available in each of fiscal years 2024 through 2026 under this paragraph in this Act may be transferred to “Federal Emergency Management Agency—Operations and Support” for salaries and expenses.

(2) \$733,000,000, to remain available until expended: *Provided*, That \$148,000,000 of the amounts made available under this paragraph in this Act shall be for grants to States pursuant to section 8(e) of the National Dam Safety Program Act (33 U.S.C. 467f(e)): *Provided further*, That \$585,000,000 of the amounts made available under this paragraph in this Act shall be for grants to States pursuant to section 8A of the National Dam Safety Program Act (33 U.S.C. 467f–2), of which no less than \$75,000,000 shall be for the removal of dams: *Provided further*, That dam removal projects shall include written consent of the dam owner, if ownership is established: *Provided further*, That in addition to amounts made available for administrative expenses, no more than 3 percent of the amounts made available under this paragraph in this Act may be transferred to “Federal Emergency Management Agency—Operations and Support” for salaries and expenses.

(3) \$1,000,000,000 to remain available until expended, for grants to states, local, tribal, and territorial governments for improvement to cybersecurity and critical infrastructure, as authorized by section 2218 of the Homeland Security Act of 2002, as amended by this Act: *Provided*, That \$200,000,000, to remain available until expended, shall be made available for fiscal year 2022, \$400,000,000, to remain available until expended, shall be made available for fiscal year 2023, \$300,000,000, to remain available until expended, shall be made available for fiscal year 2024, and \$100,000,000, to remain available until expended, shall be made available for fiscal year 2025: *Provided further*, That no more than 3 percent of the amounts made available in each of fiscal years 2022 through 2025 under this paragraph in this Act may be transferred to “Federal Emergency Management Agency—Operations and Support” for salaries and expenses:

Provided, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 4112(a) of H. Con. Res. 71 (115th Congress), the concurrent resolution on the budget for fiscal year 2018, and to section 251(b) of the Balanced Budget and Emergency Deficit Control Act of 1985.

DISASTER RELIEF FUND

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for “Disaster Relief Fund”, \$1,000,000,000, to remain available until expended, in addition to any amounts set aside pursuant to section 203(i) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5133), for grants pursuant to such section: *Provided*, That \$200,000,000, to remain available until expended, shall be made available for fiscal year 2022, \$200,000,000, to remain available until expended, shall be made available for fiscal year 2023, \$200,000,000, to remain available until expended, shall be made available for fiscal year 2024, \$200,000,000, to remain available until expended, shall be made available for fiscal year 2025, and \$200,000,000, to remain available until expended, shall be made available for fiscal year 2026: *Provided further*, That no more than \$16,500,000 of the amounts made available in each of fiscal years 2022 through 2026 under this heading in this Act may be transferred to “Federal Emergency Management Agency—Operations and Support” for salaries and expenses: *Provided further*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 4112(a) of H. Con. Res. 71 (115th Congress), the concurrent resolution on the budget for fiscal year 2018, and to section 251(b) of the Balanced Budget and Emergency Deficit Control Act of 1985.

NATIONAL FLOOD INSURANCE FUND

For an additional amount for “National Flood Insurance Fund”, \$3,500,000,000, to be derived from the General Fund of the Treasury, to remain available until expended, for flood mitigation actions and for flood mitigation assistance under section 1366 of the National Flood Insurance Act of 1968 (42 U.S.C. 4104c), notwithstanding sections 1366(e), 1310(a)(7), and 1367 of such Act (42 U.S.C. 4104c(e), 4017(a)(7), 4104d), in addition to any other funds

available for this purpose: *Provided*, That \$700,000,000, to remain available until expended, shall be made available for fiscal year 2022, \$700,000,000, to remain available until expended, shall be made available for fiscal year 2023, \$700,000,000, to remain available until expended, shall be made available for fiscal year 2024, \$700,000,000, to remain available until expended, shall be made available for fiscal year 2025, and \$700,000,000, to remain available until expended, shall be made available for fiscal year 2026: *Provided further*, That notwithstanding section 1366(d) of the National Flood Insurance Act of 1968 (42 U.S.C. 4104c(d)), the Administrator of the Federal Emergency Management Agency may also use amounts made available under subsection (a) to provide flood mitigation assistance under section 1366 of that Act (42 U.S.C. 4104c) for mitigation activities in an amount up to 90 percent of all eligible costs for a property—

(1) located within a census tract with a Centers for Disease Control and Prevention Social Vulnerability Index score of not less than 0.5001; or

(2) that serves as a primary residence for individuals with a household income of not more than 100 percent of the applicable area median income:

Provided further, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 4112(a) of H. Con. Res. 71 (115th Congress), the concurrent resolution on the budget for fiscal year 2018, and to section 251(b) of the Balanced Budget and Emergency Deficit Control Act of 1985.

SCIENCE AND TECHNOLOGY DIRECTORATE

RESEARCH AND DEVELOPMENT

For an additional amount for “Research and Development”, \$157,500,000, to remain available until September 30, 2026, for critical infrastructure security and resilience research, development, test, and evaluation: *Provided*, That the funds made available under this heading in this Act may be used for—

(1) special event risk assessments rating planning tools;

(2) electromagnetic pulse and geo-magnetic disturbance resilience capabilities;

(3) positioning, navigation, and timing capabilities;

(4) public safety and violence prevention to evaluate soft target security, including countering improvised explosive device events and protection of U.S. critical infrastructure; and

(5) research supporting security testing capabilities relating to telecommunications equipment, industrial control systems, and open source software:

Deadline.
Spend plan.

Provided further, That not later than 90 days after the date of enactment of this Act, the Department shall submit to the House and Senate Committees on Appropriations a detailed spend plan for the amount made available under this heading in this Act: *Provided further*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 4112(a) of H. Con. Res. 71 (115th Congress), the concurrent resolution on the budget for fiscal year 2018, and to section 251(b) of the Balanced Budget and Emergency Deficit Control Act of 1985.

GENERAL PROVISION—THIS TITLE

SEC. 501. One-quarter of one percent of the amounts made available under each heading in this title in this Act in each of fiscal years 2022 through 2026 shall be transferred to the Office of the Inspector General of the Department of the Homeland Security for oversight of funding provided to the Department of Homeland Security in this title in this Act.

Transfer
authority.

TITLE VI—DEPARTMENT OF THE INTERIOR,
ENVIRONMENT, AND RELATED AGENCIES

DEPARTMENT OF THE INTERIOR

UNITED STATES FISH AND WILDLIFE SERVICE

RESOURCE MANAGEMENT

(INCLUDING TRANSFERS OF FUNDS)

For an additional amount for “Resource Management”, \$455,000,000, to remain available until expended: *Provided*, That \$91,000,000, to remain available until expended, shall be made available for fiscal year 2022, \$91,000,000, to remain available until expended, shall be made available for fiscal year 2023, \$91,000,000, to remain available until expended, shall be made available for fiscal year 2024, \$91,000,000, to remain available until expended, shall be made available for fiscal year 2025, and \$91,000,000, to remain available until expended, shall be made available for fiscal year 2026: *Provided further*, That of the funds made available under this heading in this Act, the following amounts shall be for the following purposes in equal amounts for each of fiscal years 2022 through 2026, and shall be in addition to amounts otherwise made available for such purpose—

(1) \$255,000,000 shall be for the following regional ecosystem restoration purposes—

(A) \$26,000,000 shall be for Delaware River Basin Conservation Act;

(B) \$162,000,000 shall be for Klamath Basin restoration activities, including habitat restoration, planning, design, engineering, environmental compliance, fee acquisition, infrastructure development, construction, operations and maintenance, improvements, and expansion, as necessary, on lands currently leased by the U.S. Fish and Wildlife Service for conservation and recovery of endangered species;

(C) \$17,000,000 shall be for implementing section 5(d)(2) of the Lake Tahoe Restoration Act; and

(D) \$50,000,000 shall be for sagebrush steppe ecosystem;

(2) \$200,000,000 shall be for restoring fish and wildlife passage by removing in-stream barriers and providing technical assistance under the National Fish Passage Program:

Provided further, That one-half of one percent of the amounts made available under this heading in this Act in each of fiscal years 2022 through 2026 shall be transferred to the Office of Inspector General of the Department of the Interior for oversight of funding provided to the Department of the Interior in this title

Consent.

in this Act: *Provided further*, That nothing under this heading in this Act shall be construed as providing any new authority to remove, breach, or otherwise alter the operations of a Federal hydropower dam and dam removal projects shall include written consent of the dam owner, if ownership is established: *Provided further*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 4112(a) of H. Con. Res. 71 (115th Congress), the concurrent resolution on the budget for fiscal year 2018, and to section 251(b) of the Balanced Budget and Emergency Deficit Control Act of 1985.

UNITED STATES GEOLOGICAL SURVEY

SURVEYS, INVESTIGATIONS, AND RESEARCH

(INCLUDING TRANSFERS OF FUNDS)

For an additional amount for “Surveys, Investigations, and Research”, \$510,668,000, to remain available until expended, for the Secretary of the Interior to carry out activities authorized in sections 40201, 40204, and 41003(a) of division D of this Act: *Provided*, That amounts made available under this heading in this Act shall be allocated as follows:

(1) \$320,000,000 to carry out section 40201 of division D of this Act: *Provided*, That \$64,000,000, to remain available until September 30, 2024, shall be made available for fiscal year 2022, \$64,000,000, to remain available until September 30, 2025, shall be made available for fiscal year 2023, \$64,000,000, to remain available until September 30, 2026, shall be made available for fiscal year 2024, \$64,000,000, to remain available until September 30, 2027, shall be made available for fiscal year 2025, and \$64,000,000, to remain available until September 30, 2028, shall be made available for fiscal year 2026;

(2) \$167,000,000, to remain available until expended, for fiscal year 2022 to carry out section 40204 of division D of this Act;

(3) \$23,668,000 to carry out section 41003(a) of division D of this Act: *Provided*, That \$8,668,000, to remain available until September 30, 2024, shall be made available for fiscal year 2022, \$5,000,000, to remain available until September 30, 2025, shall be made available for fiscal year 2023, \$5,000,000, to remain available until September 30, 2026, shall be made available for fiscal year 2024, and \$5,000,000, to remain available until September 30, 2027, shall be made available for fiscal year 2025:

Provided further, That amounts provided under this heading in this Act shall be in addition to amounts otherwise available for such purposes: *Provided further*, That one-half of one percent of the amounts made available under this heading in this Act in each of fiscal years 2022 through 2026 shall be transferred to the Office of Inspector General of the Department of the Interior for oversight of funding provided to the Department of the Interior in this title in this Act: *Provided further*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 4112(a) of H. Con. Res. 71 (115th Congress), the concurrent resolution on the budget for fiscal year 2018, and

to section 251(b) of the Balanced Budget and Emergency Deficit Control Act of 1985.

OFFICE OF SURFACE MINING RECLAMATION AND ENFORCEMENT

ABANDONED MINE RECLAMATION FUND

(INCLUDING TRANSFERS OF FUNDS)

For an additional amount to be deposited in the “Abandoned Mine Reclamation Fund”, \$11,293,000,000, to remain available until expended, to carry out section 40701 of division D of this Act: *Provided*, That of the amount provided under this heading in this Act, \$25,000,000, to remain available until expended, shall be to carry out activities as authorized in section 40701(g) of division D of this Act: *Provided further*, That up to 3 percent of the amounts made available under this heading in this Act shall be for salaries, expenses, and administration: *Provided further*, That one-half of one percent of the amounts made available under this heading in this Act shall be transferred to the Office of Inspector General of the Department of the Interior for oversight of funding provided to the Department of the Interior in this title in this Act: *Provided further*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 4112(a) of H. Con. Res. 71 (115th Congress), the concurrent resolution on the budget for fiscal year 2018, and to section 251(b) of the Balanced Budget and Emergency Deficit Control Act of 1985.

INDIAN AFFAIRS

BUREAU OF INDIAN AFFAIRS

OPERATION OF INDIAN PROGRAMS

(INCLUDING TRANSFERS OF FUNDS)

For an additional amount for “Operation of Indian Programs”, \$216,000,000, to remain available until expended for tribal climate resilience, adaptation, and community relocation planning, design, and implementation of projects which address the varying climate challenges facing tribal communities across the country: *Provided*, That of the funds in the preceding proviso, \$43,200,000, to remain available until expended, shall be made available for fiscal year 2022, \$43,200,000, to remain available until expended, shall be made available for fiscal year 2023, \$43,200,000, to remain available until expended shall be made available for fiscal year 2024, \$43,200,000, to remain available until expended, shall be made available for fiscal year 2025, and \$43,200,000, to remain available until expended, shall be made available for fiscal year 2026: *Provided further*, That of the funds made available under the preceding proviso for fiscal years 2022 through 2026, \$130,000,000 shall be for community relocation, and \$86,000,000 shall be for tribal climate resilience and adaptation projects: *Provided further*, That up to 3 percent of the amounts made available under this heading in this Act in each of fiscal years 2022 through 2026 shall be for salaries, expenses, and administration: *Provided further*, That one-half of one percent of the amounts made available under this heading in this Act in each of fiscal years 2022 through 2026

shall be transferred to the Office of Inspector General of the Department of the Interior for oversight of funding provided to the Department of the Interior in this title in this Act: *Provided further*, That awards made under subsection (d) to Tribes and Tribal organizations under the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5301 et seq.) shall be considered non-recurring and shall not be part of the amount required by section 106 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5325), and such funds shall only be used for the purposes identified in this section: *Provided further*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 4112(a) of H. Con. Res. 71 (115th Congress), the concurrent resolution on the budget for fiscal year 2018, and to section 251(b) of the Balanced Budget and Emergency Deficit Control Act of 1985.

CONSTRUCTION

(INCLUDING TRANSFERS OF FUNDS)

For an additional amount for “Construction”, \$250,000,000, to remain available until expended, for construction, repair, improvement, and maintenance of irrigation and power systems, safety of dams, water sanitation, and other facilities: *Provided*, That any funds provided for the Safety of Dams program pursuant to the Act of November 2, 1921 (25 U.S.C. 13), shall be made available on a nonreimbursable basis: *Provided further*, That \$50,000,000, to remain available until expended, shall be made available for fiscal year 2022, \$50,000,000, to remain available until expended, shall be made available for fiscal year 2023, \$50,000,000, to remain available until expended, shall be made available for fiscal year 2024, \$50,000,000, to remain available until expended, shall be made available for fiscal year 2025, and \$50,000,000, to remain available until expended, shall be made available for fiscal year 2026: *Provided further*, That of the funds made available under this heading in this Act for fiscal years 2022 through 2026—

(1) Not less than \$50,000,000 shall be for addressing irrigation and power systems; and

(2) \$200,000,000 shall be for safety of dams, water sanitation, and other facilities:

Provided further, That up to 3 percent of the amounts made available under this heading in this Act in each of fiscal years 2022 through 2026 shall be for salaries, expenses, and administration: *Provided further*, That one-half of one percent of the amounts made available under this heading in this Act in each of fiscal years 2022 through 2026 shall be transferred to the Office of Inspector General of the Department of the Interior for oversight of funding provided to the Department of the Interior in this title in this Act: *Provided further*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 4112(a) of H. Con. Res. 71 (115th Congress), the concurrent resolution on the budget for fiscal year 2018, and to section 251(b) of the Balanced Budget and Emergency Deficit Control Act of 1985.

DEPARTMENTAL OFFICES

OFFICE OF THE SECRETARY

DEPARTMENTAL OPERATIONS

(INCLUDING TRANSFERS OF FUNDS)

For an additional amount for “Departmental Operations”, \$905,000,000, to remain available until expended, for the Secretary of the Interior to carry out activities, as authorized in section 40804 of division D of this Act: *Provided*, That \$337,000,000, to remain available until expended, shall be made available for fiscal year 2022, \$142,000,000, to remain available until expended, shall be made available for fiscal year 2023, \$142,000,000, to remain available until expended, shall be made available for fiscal year 2024, \$142,000,000, to remain available until expended, shall be made available for fiscal year 2025, and \$142,000,000, to remain available until expended, shall be made available for fiscal year 2026: *Provided further*, That the Secretary may transfer the funds provided under this heading in this Act to any other account in the Department of the Interior to carry out such purposes: *Provided further*, That the Secretary of the Interior and the Secretary of Agriculture, acting through the Chief of the Forest Service, may authorize the transfer of funds provided under this heading in this Act between the Departments for the purpose of carrying out activities as authorized in section 40804(b)(1) of division D of this Act: *Provided further*, That up to 3 percent of the amounts made available under this heading in this Act in each of fiscal years 2022 through 2026 shall be for salaries, expenses, and administration: *Provided further*, That one-half of one percent of the amounts made available under this heading in this Act in each of fiscal years 2022 through 2026 shall be transferred to the Office of Inspector General of the Department of the Interior for oversight of funding provided to the Department of the Interior in this title in this Act: *Provided further*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 4112(a) of H. Con. Res. 71 (115th Congress), the concurrent resolution on the budget for fiscal year 2018, and to section 251(b) of the Balanced Budget and Emergency Deficit Control Act of 1985.

DEPARTMENT-WIDE PROGRAMS

WILDLAND FIRE MANAGEMENT

(INCLUDING TRANSFERS OF FUNDS)

For an additional amount for “Wildland Fire Management”, \$1,458,000,000, to remain available until expended: *Provided*, That \$407,600,000, to remain available until expended, shall be made available for fiscal year 2022, \$262,600,000, to remain available until expended, shall be made available for fiscal year 2023, \$262,600,000, to remain available until expended, shall be made available for fiscal year 2024, \$262,600,000, to remain available until expended, shall be made available for fiscal year 2025, and \$262,600,000, to remain available until expended, shall be made available for fiscal year 2026: *Provided further*, That of the funds

made available under this heading in this Act, the following amounts shall be for the following purposes for the following fiscal years—

(1) \$1,055,000,000 for the Secretary of the Interior to carry out activities for the Department of the Interior, as authorized in section 40803 of division D of this Act, including fuels management activities, of which \$327,000,000, to remain available until expended, shall be made available for fiscal year 2022 and \$182,000,000, to remain available until expended, shall be made available for each of fiscal years 2023 through 2026;

(2) In addition to amounts made available in paragraph (1) for fuels management activities, \$35,600,000 for each of fiscal years 2022 through 2026 for such purpose; and

(3) In addition to amounts made available in paragraph (1) for burned area rehabilitation, \$45,000,000 for each of fiscal years 2022 through 2026 for such purpose:

Provided further, That up to \$2,000,000 for each of fiscal years 2022 through 2026 from funds made available in paragraphs (2) and (3) of the preceding proviso shall be for implementation of the Tribal Forestry Protection Act, as amended (Public Law 108–278): *Provided further*, That the Secretary may transfer the funds provided under this heading in this Act to any other account in the Department of the Interior to carry out such purposes: *Provided further*, That funds appropriated under this heading in this Act may be transferred to the United States Fish and Wildlife Service and the National Marine Fisheries Service for the costs of carrying out their responsibilities under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.) to consult and conference, as required by section 7 of such Act, in connection with wildland fire management activities: *Provided further*, That up to 3 percent of the amounts made available under this heading in this Act in each of fiscal years 2022 through 2026 shall be for salaries, expenses, and administration: *Provided further*, That one-half of one percent of the amounts made available under this heading in this Act in each of fiscal years 2022 through 2026 shall be transferred to the Office of Inspector General of the Department of the Interior for oversight of funding provided to the Department of the Interior in this title in this Act: *Provided further*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 4112(a) of H. Con. Res. 71 (115th Congress), the concurrent resolution on the budget for fiscal year 2018, and to section 251(b) of the Balanced Budget and Emergency Deficit Control Act of 1985.

ENERGY COMMUNITY REVITALIZATION PROGRAM

(INCLUDING TRANSFERS OF FUNDS)

For an additional amount for Department-Wide Programs, \$4,677,000,000, to remain available until expended, for an Energy Community Revitalization program to carry out orphaned well site plugging, remediation, and restoration activities authorized in section 349 of the Energy Policy Act of 2005 (42 U.S.C. 15907), as amended by section 40601 of division D of this Act: *Provided*, That of the funds made available under this heading in this Act, the following amounts shall be for the following purposes—

(1) \$250,000,000, to remain available until September 30, 2030, shall be to carry out activities authorized in section 349(b) of the Energy Policy Act of 2005 (42 U.S.C. 15907(b)), as amended by section 40601 of division D of this Act;

(2) \$775,000,000, to remain available until September 30, 2030, shall be to carry out activities authorized in section 349(c)(3) of the Energy Policy Act of 2005 (42 U.S.C. 15907(c)(3)), as amended by section 40601 of division D of this Act;

(3) \$2,000,000,000, to remain available until September 30, 2030, shall be to carry out activities authorized in section 349(c)(4) of the Energy Policy Act of 2005 (42 U.S.C. 15907(c)(4)), as amended by section 40601 of division D of this Act;

(4) \$1,500,000,000, to remain available until September 30, 2030, shall be to carry out activities authorized in section 349(c)(5) of the Energy Policy Act of 2005 (42 U.S.C. 15907(c)(5)), as amended by section 40601 of division D of this Act;

(5) \$150,000,000, to remain available until September 30, 2030, shall be to carry out activities authorized in section 349(d) of the Energy Policy Act of 2005 (42 U.S.C. 15907(d)), as amended by section 40601 of division D of this Act;

Provided further, That of the amount provided under this heading in this Act, \$2,000,000 shall be provided by the Secretary through a cooperative agreement with the Interstate Oil and Gas Compact Commission to carry out the consultations authorized in section 349 of the Energy Policy Act of 2005 (42 U.S.C. 15907), as amended by section 40601 of division D of this Act: *Provided further*, That amounts provided under this heading in this Act shall be in addition to amounts otherwise available for such purposes: *Provided further*, That amounts provided under this heading in this Act are not available to fulfill Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) obligations agreed to in settlement or imposed by a court, whether for payment of funds or for work to be performed: *Provided further*, That the Secretary may transfer the funds provided under this heading in this Act to any other account in the Department of the Interior to carry out such purposes: *Provided further*, That the Secretary may transfer funds made available in paragraph (1) of the first proviso under this heading to the Secretary of Agriculture, acting through the Chief of the Forest Service, to carry out such purposes: *Provided further*, That up to 3 percent of the amounts made available under this heading in this Act shall be for salaries, expenses, and administration: *Provided further*, That one-half of one percent of the amounts made available under this heading in this Act shall be transferred to the Office of Inspector General of the Department of the Interior for oversight of funding provided to the Department of the Interior in this title in this Act: *Provided further*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 4112(a) of H. Con. Res. 71 (115th Congress), the concurrent resolution on the budget for fiscal year 2018, and to section 251(b) of the Balanced Budget and Emergency Deficit Control Act of 1985.

Contracts.

GENERAL PROVISIONS, DEPARTMENT OF THE INTERIOR

Deadline.
Spend plans.

SEC. 601. Not later than 90 days after the date of enactment of this Act, the Secretary of the Interior shall submit to the House and Senate Committees on Appropriations a detailed spend plan for the funds provided to the Department of the Interior in this title in this Act for fiscal year 2022, and for each fiscal year through 2026, as part of the annual budget submission of the President under section 1105(a) of title 31, United States Code, the Secretary of the Interior shall submit a detailed spend plan for the funds provided to the Department of the Interior in this title in this Act for that fiscal year.

ENVIRONMENTAL PROTECTION AGENCY

ENVIRONMENTAL PROGRAMS AND MANAGEMENT

(INCLUDING TRANSFERS OF FUNDS)

For an additional amount for “Environmental Programs and Management”, \$1,959,000,000, which shall be allocated as follows:

(1) \$1,717,000,000, to remain available until expended, for Geographic Programs as specified in the explanatory statement described in section 4 of the matter preceding division A of Public Law 116–260: *Provided*, That \$343,400,000, to remain available until expended, shall be made available for fiscal year 2022, \$343,400,000, to remain available until expended, shall be made available for fiscal year 2023, \$343,400,000, to remain available until expended, shall be made available for fiscal year 2024, \$343,400,000, to remain available until expended, shall be made available for fiscal year 2025, and \$343,400,000, to remain available until expended, shall be made available for fiscal year 2026: *Provided further*, That of the funds made available in this paragraph in this Act, the following amounts shall be for the following purposes in equal amounts for each of fiscal years 2022 through 2026—

(A) \$1,000,000,000 shall be for Great Lakes Restoration Initiative;

(B) \$238,000,000 shall be for Chesapeake Bay;

(C) \$24,000,000 shall be for San Francisco Bay;

(D) \$89,000,000 shall be for Puget Sound;

(E) \$106,000,000 shall be for Long Island Sound;

(F) \$53,000,000 shall be for Gulf of Mexico;

(G) \$16,000,000 shall be for South Florida;

(H) \$40,000,000 shall be for Lake Champlain;

(I) \$53,000,000 shall be for Lake Pontchartrain;

(J) \$15,000,000 shall be for Southern New England

Estuaries;

(K) \$79,000,000 shall be for Columbia River Basin;

and

(L) \$4,000,000 shall be for other geographic activities which includes Pacific Northwest:

Waiver authority.

Provided further, That the Administrator may waive or reduce the required non-Federal share for amounts made available under this paragraph in this Act for the purposes described in the preceding proviso;

(2) \$132,000,000, to remain available until expended, for the National Estuary Program grants under section 320(g)(2)

of the Federal Water Pollution Control Act, notwithstanding the funding limitation in section 320(i)(2)(B) of the Act: *Provided*, That \$26,400,000, to remain available until expended, shall be made available for fiscal year 2022, \$26,400,000, to remain available until expended, shall be made available for fiscal year 2023, \$26,400,000, to remain available until expended, shall be made available for fiscal year 2024, \$26,400,000, to remain available until expended, shall be made available for fiscal year 2025, and \$26,400,000, to remain available until expended, shall be made available for fiscal year 2026: *Provided further*, That the Administrator may waive or reduce the required non-Federal share for amounts made available under this paragraph in this Act: *Provided further*, That up to three percent of the amounts made available under this paragraph in this Act shall be for salaries, expenses, and administration;

Waiver authority.

(3) \$60,000,000, to remain available until expended, for actions under the Gulf Hypoxia Action Plan: *Provided*, That \$12,000,000, to remain available until expended, shall be made available for fiscal year 2022, \$12,000,000, to remain available until expended, shall be made available for fiscal year 2023, \$12,000,000, to remain available until expended, shall be made available for fiscal year 2024, \$12,000,000, to remain available until expended, shall be made available for fiscal year 2025, and \$12,000,000, to remain available until expended, shall be made available for fiscal year 2026: *Provided further*, That funds shall be provided annually to the twelve states serving as members of the Mississippi River/Gulf of Mexico Watershed Nutrient Task Force (Arkansas, Iowa, Illinois, Indiana, Kentucky, Louisiana, Minnesota, Missouri, Mississippi, Ohio, Tennessee, and Wisconsin) in equal amounts for each state for the period of fiscal year 2022 to fiscal year 2026: *Provided further*, That up to three percent of the amounts made available under this paragraph in this Act shall be for salaries, expenses, and administration;

State listing.

(4) \$25,000,000, to remain available until expended, to support permitting of Class VI wells as authorized under section 40306 of division D of this Act, to be carried out by Drinking Water Programs: *Provided*, That \$5,000,000, to remain available until expended, shall be made available for fiscal year 2022, \$5,000,000, to remain available until expended, shall be made available for fiscal year 2023, \$5,000,000, to remain available until expended, shall be made available for fiscal year 2024, \$5,000,000, to remain available until expended, shall be made available for fiscal year 2025, and \$5,000,000, to remain available until expended, shall be made available for fiscal year 2026;

(5) \$10,000,000, to remain available until September 30, 2026, for developing battery recycling best practices, as authorized under section 70401(b) of division G of this Act, to be carried out by the Resource Conservation and Recovery Act program;

(6) \$15,000,000, to remain available until September 30, 2026, for developing voluntary battery labeling guidelines, as authorized under section 70401(c) of division G of this Act, to be carried out by the Resource Conservation and Recovery Act program;

Provided, That funds provided for the purposes described in paragraphs (1), (2), and (3) under this heading in this Act may be transferred to the United States Fish and Wildlife Service and the National Marine Fisheries Service for the costs of carrying out their responsibilities under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.) to consult and conference, as required by section 7 of such Act, in connection with Geographic programs, the National Estuary Program, and the Gulf Hypoxia Action Plan: *Provided further*, That amounts provided under this heading in this Act shall be in addition to amounts otherwise available for such purposes: *Provided further*, That one-half of one percent of the amounts made available under this heading in this Act in each of fiscal years 2022 through 2026 shall be transferred to the Office of Inspector General of the Environmental Protection Agency for oversight of funding provided to the Environmental Protection Agency in this title in this Act: *Provided further*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 4112(a) of H. Con. Res. 71 (115th Congress), the concurrent resolution on the budget for fiscal year 2018, and to section 251(b) of the Balanced Budget and Emergency Deficit Control Act of 1985.

HAZARDOUS SUBSTANCE SUPERFUND

(INCLUDING TRANSFERS OF FUNDS)

For an additional amount for “Hazardous Substance Superfund”, \$3,500,000,000, to remain available until expended, consisting of such sums as are available in the Trust Fund on September 30, 2021, as authorized by section 517(a) of the Superfund Amendments and Reauthorization Act of 1986 (SARA) and up to \$3,500,000,000 as a payment from general revenues to the Hazardous Substance Superfund for purposes as authorized by section 517(b) of SARA, for all costs associated with Superfund: Remedial activities: *Provided*, That in providing technical and project implementation assistance for amounts made available under this heading in this Act, the Administrator shall consider the unique needs of Tribal communities with contaminated sites where the potentially responsible parties cannot pay or cannot be identified, but shall not alter the process for prioritizing site cleanups: *Provided further*, That amounts provided under this heading in this Act shall be in addition to amounts otherwise available for such purposes: *Provided further*, That amounts provided under this heading in this Act shall not be subject to cost share requirements under section 104(c)(3) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA) (42 U.S.C. 9604(c)(3)): *Provided further*, That the Administrator of the Environmental Protection Agency shall annually report to Congress on the status of funded projects: *Provided further*, That one-half of one percent of the amounts made available under this heading in this Act in each of fiscal years 2022 through 2026 shall be transferred to the Office of Inspector General of the Environmental Protection Agency for oversight of funding provided to the Environmental Protection Agency in this title in this Act: *Provided further*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 4112(a) of H. Con. Res. 71 (115th Congress), the concurrent resolution on the budget

Reports.

for fiscal year 2018, and to section 251(b) of the Balanced Budget and Emergency Deficit Control Act of 1985.

STATE AND TRIBAL ASSISTANCE GRANTS

(INCLUDING TRANSFERS OF FUNDS)

For an additional amount for “State and Tribal Assistance Grants”, \$55,426,000,000, to remain available until expended: *Provided*, That amounts made available under this heading in this Act shall be allocated as follows:

(1) \$11,713,000,000 for capitalization grants for the Clean Water State Revolving Funds under title VI of the Federal Water Pollution Control Act: *Provided*, That \$1,902,000,000, to remain available until expended, shall be made available for fiscal year 2022, \$2,202,000,000, to remain available until expended, shall be made available for fiscal year 2023, \$2,403,000,000, to remain available until expended, shall be made available for fiscal year 2024, \$2,603,000,000, to remain available until expended, shall be made available for fiscal year 2025, and \$2,603,000,000, to remain available until expended, shall be made available for fiscal year 2026: *Provided further*, That for the funds provided under this paragraph in this Act in fiscal year 2022 and fiscal year 2023, the State shall deposit in the State loan fund from State moneys an amount equal to at least 10 percent of the total amount of the grant to be made to the State, notwithstanding sections 602(b)(2), 602(b)(3) or 202 of the Federal Water Pollution Control Act: *Provided further*, That for the funds made available under this paragraph in this Act, forty-nine percent of the funds made available to each State for Clean Water State Revolving Fund capitalization grants shall be used by the State to provide subsidy to eligible recipients in the form of assistance agreements with 100 percent forgiveness of principal or grants (or any combination of these), notwithstanding section 603(i)(3)(B) of the Federal Water Pollution Control Act (33 U.S.C. 1383): *Provided further*, That up to three percent of the amounts made available under this paragraph in this Act in fiscal year 2022 and up to two percent in each of fiscal years 2023 through 2026 shall be for salaries, expenses, and administration: *Provided further*, That not less than 80 percent of the amounts the Administrator uses in each fiscal year for salaries, expenses, and administration from amounts made available under this paragraph in this Act for such purposes shall be used for purposes other than hiring full-time employees: *Provided further*, That 0.35 percent of the amounts made available under this paragraph in this Act in each of fiscal years 2022 through 2026 shall be transferred to the Office of Inspector General of the Environmental Protection Agency for oversight of funding provided to the Environmental Protection Agency in this title in this Act;

Contracts.

(2) \$11,713,000,000 for capitalization grants for the Drinking Water State Revolving Funds under section 1452 of the Safe Drinking Water Act: *Provided*, That \$1,902,000,000, to remain available until expended, shall be made available for fiscal year 2022, \$2,202,000,000, to remain available until expended, shall be made available for fiscal year 2023,

Contracts.

\$2,403,000,000, to remain available until expended, shall be made available for fiscal year 2024, \$2,603,000,000, to remain available until expended, shall be made available for fiscal year 2025, and \$2,603,000,000, to remain available until expended, shall be made available for fiscal year 2026: *Provided further*, That for the funds provided under this paragraph in this Act in fiscal year 2022 and fiscal year 2023, the State shall deposit in the State loan fund from State moneys an amount equal to at least 10 percent of the total amount of the grant to be made to the State, notwithstanding section 1452(e) of the Safe Drinking Water Act: *Provided further*, That for the funds made available under this paragraph in this Act, forty-nine percent of the funds made available to each State for Drinking Water State Revolving Fund capitalization grants shall be used by the State to provide subsidy to eligible recipients in the form of assistance agreements with 100 percent forgiveness of principal or grants (or any combination of these), notwithstanding section 1452(d)(2) of the Safe Drinking Water Act (42 U.S.C. 300j-12): *Provided further*, That up to three percent of the amounts made available under this paragraph in this Act in fiscal year 2022 and up to two percent in each of fiscal years 2023 through 2026 shall be for salaries, expenses, and administration: *Provided further*, That not less than 80 percent of the amounts the Administrator uses in each fiscal year for salaries, expenses, and administration from amounts made available under this paragraph in this Act for such purposes shall be used for purposes other than hiring full-time employees: *Provided further*, That 0.35 percent of the amounts made available under this paragraph in this Act in each of fiscal years 2022 through 2026 shall be transferred to the Office of Inspector General of the Environmental Protection Agency for oversight of funding provided to the Environmental Protection Agency in this title in this Act;

Lead
replacement.

Contracts.

(3) \$15,000,000,000 for capitalization grants for the Drinking Water State Revolving Funds under section 1452 of the Safe Drinking Water Act: *Provided*, That \$3,000,000,000, to remain available until expended, shall be made available for fiscal year 2022, \$3,000,000,000, to remain available until expended, shall be made available for fiscal year 2023, \$3,000,000,000, to remain available until expended, shall be made available for fiscal year 2024, \$3,000,000,000, to remain available until expended, shall be made available for fiscal year 2025, and \$3,000,000,000, to remain available until expended, shall be made available for fiscal year 2026: *Provided further*, That the funds provided under this paragraph in this Act shall be for lead service line replacement projects and associated activities directly connected to the identification, planning, design, and replacement of lead service lines: *Provided further*, That for the funds made available under this paragraph in this Act, forty-nine percent of the funds made available to each State for Drinking Water State Revolving Fund capitalization grants shall be used by the State to provide subsidy to eligible recipients in the form of assistance agreements with 100 percent forgiveness of principal or grants (or any combination of these), notwithstanding section 1452(d)(2) of the Safe Drinking Water Act (42 U.S.C. 300j-12): *Provided further*, That the funds provided under this paragraph in this

Act shall not be subject to the matching or cost share requirements of section 1452(e) of the Safe Drinking Water Act: *Provided further*, That up to three percent of the amounts made available under this paragraph in this Act in fiscal year 2022 and up to two percent in each of fiscal years 2023 through 2026 shall be for salaries, expenses, and administration: *Provided further*, That one-half of one percent of the amounts made available under this paragraph in this Act in each of fiscal years 2022 through 2026 shall be transferred to the Office of Inspector General of the Environmental Protection Agency for oversight of funding provided to the Environmental Protection Agency in this title in this Act;

(4) \$1,000,000,000 for capitalization grants for the Clean Water State Revolving Funds under title VI of the Federal Water Pollution Control Act: *Provided*, That \$100,000,000, to remain available until expended, shall be made available for fiscal year 2022, \$225,000,000, to remain available until expended, shall be made available for fiscal year 2023, \$225,000,000, to remain available until expended, shall be made available for fiscal year 2024, \$225,000,000, to remain available until expended, shall be made available for fiscal year 2025, and \$225,000,000, to remain available until expended, shall be made available for fiscal year 2026: *Provided further*, That funds provided under this paragraph in this Act shall be for eligible uses under section 603(c) of the Federal Water Pollution Control Act that address emerging contaminants: *Provided further*, That funds provided under this paragraph in this Act shall not be subject to the matching or cost share requirements of sections 602(b)(2), 602(b)(3), or 202 of the Federal Water Pollution Control Act: *Provided further*, That funds provided under this paragraph in this Act deposited into the state revolving fund shall be provided to eligible recipients as assistance agreements with 100 percent principal forgiveness or as grants (or a combination of these): *Provided further*, That up to three percent of the amounts made available under this paragraph in this Act in fiscal year 2022 and up to two percent in each of fiscal years 2023 through 2026 shall be for salaries, expenses, and administration: *Provided further*, That one-half of one percent of the amounts made available under this paragraph in this Act in each of fiscal years 2022 through 2026 shall be transferred to the Office of Inspector General of the Environmental Protection Agency for oversight of funding provided to the Environmental Protection Agency in this title in this Act;

Contracts.

(5) \$4,000,000,000 for capitalization grants for the Drinking Water State Revolving Funds under section 1452 of the Safe Drinking Water Act: *Provided*, That \$800,000,000, to remain available until expended, shall be made available for fiscal year 2022, \$800,000,000, to remain available until expended, shall be made available for fiscal year 2023, \$800,000,000, to remain available until expended, shall be made available for fiscal year 2024, \$800,000,000, to remain available until expended, shall be made available for fiscal year 2025, and \$800,000,000, to remain available until expended, shall be made available for fiscal year 2026: *Provided further*, That funds provided under this paragraph in this Act shall be to address emerging contaminants in drinking water with a focus on

Loans.

perfluoroalkyl and polyfluoroalkyl substances through capitalization grants under section 1452(t) of the Safe Drinking Water Act for the purposes described in section 1452(a)(2)(G) of such Act: *Provided further*, That funds provided under this paragraph in this Act deposited into the State revolving fund shall be provided to eligible recipients as loans with 100 percent principal forgiveness or as grants (or a combination of these): *Provided further*, That funds provided under this paragraph in this Act shall not be subject to the matching or cost share requirements of section 1452(e) of the Safe Drinking Water Act: *Provided further*, That up to three percent of the amounts made available under this paragraph in this Act in fiscal year 2022 and up to two percent in each of fiscal years 2023 through 2026 shall be for salaries, expenses, and administration: *Provided further*, That one-half of one percent of the amounts made available under this paragraph in this Act in each of fiscal years 2022 through 2026 shall be transferred to the Office of Inspector General of the Environmental Protection Agency for oversight of funding provided to the Environmental Protection Agency in this title in this Act;

(6) \$5,000,000,000 for grants for addressing emerging contaminants under subsections (a) through (j) of section 1459A of the Safe Drinking Water Act (42 U.S.C. 300j–19a): *Provided*, That \$1,000,000,000, to remain available until expended, shall be made available for fiscal year 2022, \$1,000,000,000, to remain available until expended, shall be made available for fiscal year 2023, \$1,000,000,000, to remain available until expended, shall be made available for fiscal year 2024, \$1,000,000,000, to remain available until expended, shall be made available for fiscal year 2025, and \$1,000,000,000, to remain available until expended, shall be made available for fiscal year 2026: *Provided further*, That funds provided to States under this paragraph may be used for projects that address emerging contaminants supporting a community described in section 1459A, subsection (c)(2), of the Safe Drinking Water Act, notwithstanding the definition of underserved communities in section 1459A, subsection (a)(2), of the Safe Drinking Water Act: *Provided further*, That funds provided under this paragraph in this Act shall not be subject to the matching or cost share requirements of section 1459A of the Safe Drinking Water Act: *Provided further*, That up to three percent of the amounts made available under this paragraph in this Act in each of fiscal years 2022 through 2026 shall be for salaries, expenses, and administration: *Provided further*, That one-half of one percent of the amounts made available under this paragraph in this Act in each of fiscal years 2022 through 2026 shall be transferred to the Office of Inspector General of the Environmental Protection Agency for oversight of funding provided to the Environmental Protection Agency in this title in this Act;

(7) \$50,000,000, to remain available until expended, to award Underground Injection Control grants, as authorized under section 40306 of division D of this Act, and for activities to support states' efforts to develop programs leading to primacy: *Provided*, That up to three percent of the amounts made available under this paragraph in this Act shall be for salaries, expenses, and administration: *Provided further*, That one-half

of one percent of the amounts made available under this paragraph in this Act shall be transferred to the Office of Inspector General of the Environmental Protection Agency for oversight of funding provided to the Environmental Protection Agency in this title in this Act;

(8) \$1,500,000,000 for brownfields activities: *Provided*, That \$300,000,000, to remain available until expended, shall be made available for fiscal year 2022, \$300,000,000, to remain available until expended, shall be made available for fiscal year 2023, \$300,000,000, to remain available until expended, shall be made available for fiscal year 2024, \$300,000,000, to remain available until expended, shall be made available for fiscal year 2025, and \$300,000,000, to remain available until expended, shall be made available for fiscal year 2026: *Provided further*, That of the amounts made available in this paragraph in this Act, the following amounts shall be for the following purposes, in equal amounts for each of fiscal years 2022 through 2026—

(A) \$1,200,000,000 shall be to carry out Brownfields projects authorized by section 104(k) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA), including grants, interagency agreements and associated program support costs, of which up to \$600,000,000, notwithstanding funding limitations in such sections of such Act, may be for—

(i) grants under section 104(k)(3)(A)(ii) of CERCLA to remediate brownfields sites in amounts not to exceed \$5,000,000 per grant;

(ii) multipurpose grants under section 104(k)(4)(B)(i) of CERCLA in amounts not to exceed \$10,000,000 per grant;

(iii) grants under sections 104(k)(2)(B) and 104(k)(5)(A)(i) of CERCLA for site characterization and assessment activities on a community-wide or site-by-site basis in amounts not to exceed \$10,000,000 per grant and without further limitation on the amount that may be expended for any individual brownfield site;

(iv) grants under sections 104(k)(3)(A)(i) and 104(k)(5)(A)(ii) of CERCLA for capitalization of revolving loan funds in amounts not to exceed \$10,000,000 per grant; and

(v) grants under section 104(k)(7) of CERCLA for job training in amounts not to exceed \$1,000,000 per grant; and

(B) \$300,000,000 shall be to carry out section 128 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980:

Provided further, That funds provided under this paragraph in this Act shall not be subject to cost share requirements under section 104(k)(10)(B)(iii) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980: *Provided further*, That the Administrator of the Environmental Protection Agency shall annually report to Congress on the status of funded projects: *Provided further*, That up to three percent of the amounts made available under this paragraph in this Act in each of fiscal years 2022 through 2026 shall be for salaries, expenses, and administration: *Provided further*,

Reports.

That one-half of one percent of the amounts made available under this paragraph in this Act in each of fiscal years 2022 through 2026 shall be transferred to the Office of Inspector General of the Environmental Protection Agency for oversight of funding provided to the Environmental Protection Agency in this title in this Act;

(9) \$100,000,000 for all costs for carrying out section 6605 of the Pollution Prevention Act: *Provided*, That \$20,000,000, to remain available until expended, shall be made available for fiscal year 2022, \$20,000,000, to remain available until expended, shall be made available for fiscal year 2023, \$20,000,000, to remain available until expended, shall be made available for fiscal year 2024, \$20,000,000, to remain available until expended, shall be made available for fiscal year 2025, and \$20,000,000, to remain available until expended, shall be made available for fiscal year 2026: *Provided further*, That funds provided under this paragraph in this Act shall not be subject to cost share requirements under section 6605(c) of the Pollution Prevention Act: *Provided further*, That one-half of one percent of the amounts made available under this paragraph in this Act in each of fiscal years 2022 through 2026 shall be transferred to the Office of Inspector General of the Environmental Protection Agency for oversight of funding provided to the Environmental Protection Agency in this title in this Act;

(10) \$275,000,000 for grants under section 302(a) of the Save Our Seas 2.0 Act (Public Law 116-224): *Provided*, That \$55,000,000, to remain available until expended, shall be made available for fiscal year 2022, \$55,000,000, to remain available until expended, shall be made available for fiscal year 2023, \$55,000,000, to remain available until expended, shall be made available for fiscal year 2024, \$55,000,000, to remain available until expended, shall be made available for fiscal year 2025, and \$55,000,000, to remain available until expended, shall be made available for fiscal year 2026: *Provided further*, That notwithstanding section 302(a) of such Act, the Administrator may also provide grants pursuant to such authority to tribes, intertribal consortia consistent with the requirements in 40 CFR 35.504(a), former Indian reservations in Oklahoma (as determined by the Secretary of the Interior), and Alaskan Native Villages as defined in Public Law 92-203: *Provided further*, That up to three percent of the amounts made available under this paragraph in this Act in each of fiscal years 2022 through 2026 shall be for salaries, expenses, and administration: *Provided further*, That one-half of one percent of the amounts made available under this paragraph in this Act in each of fiscal years 2022 through 2026 shall be transferred to the Office of Inspector General of the Environmental Protection Agency for oversight of funding provided to the Environmental Protection Agency in this title in this Act;

(11) \$75,000,000 to award grants focused on improving material recycling, recovery, management, and reduction, as authorized under section 70402 of division G of this Act: *Provided*, That \$15,000,000, to remain available until expended, shall be made available for fiscal year 2022, \$15,000,000, to remain available until expended, shall be made available for fiscal year 2023, \$15,000,000, to remain available until

Oklahoma.
Determination.
Alaska.

expended, shall be made available for fiscal year 2024, \$15,000,000, to remain available until expended, shall be made available for fiscal year 2025, and \$15,000,000, to remain available until expended, shall be made available for fiscal year 2026: *Provided further*, That up to three percent of the amounts made available under this paragraph in this Act in each of fiscal years 2022 through 2026 shall be for salaries, expenses, and administration: *Provided further*, That one-half of one percent of the amounts made available under this paragraph in this Act in each of fiscal years 2022 through 2026 shall be transferred to the Office of Inspector General of the Environmental Protection Agency for oversight of funding provided to the Environmental Protection Agency in this title in this Act;

(12) \$5,000,000,000 for the Clean School Bus Program as authorized under section 741 of the Energy Policy Act of 2005 (42 U.S.C. 16091), as amended by section 71101 of division G of this Act: *Provided*, That \$1,000,000,000, to remain available until expended, shall be made available for fiscal year 2022, \$1,000,000,000, to remain available until expended, shall be made available for fiscal year 2023, \$1,000,000,000, to remain available until expended, shall be made available for fiscal year 2024, \$1,000,000,000, to remain available until expended, shall be made available for fiscal year 2025, and \$1,000,000,000, to remain available until expended, shall be made available for fiscal year 2026: *Provided further*, That of the funds provided, \$500,000,000 shall be provided annually for zero-emission school buses, as defined in section 741(a)(8) of the Energy Policy Act of 2005 (42 U.S.C. 16091(a)(8)), as amended by section 71101 of division G of this Act, and \$500,000,000 shall be provided annually for clean school buses and zero-emission school buses, as defined in section 741(a)(3) of the Energy Policy Act of 2005 (42 U.S.C. 16091(a)(3)), as amended by section 71101 of division G of this Act: *Provided further*, That up to three percent of the amounts made available under this paragraph in this Act in each of fiscal years 2022 through 2026 shall be for salaries, expenses, and administration: *Provided further*, That up to one-half of one percent of the of the amounts made available under this heading in this Act in each of fiscal years 2022 through 2026 shall be transferred to the Office of Inspector General of the Environmental Protection Agency for oversight of funding provided to the Environmental Protection Agency in this title in this Act: *Provided further*, That if there are unobligated funds in any of fiscal years 2022 through 2026 after the Administrator of the Environmental Protection Agency issues awards for that fiscal year, States may compete for those funds, notwithstanding the 10 percent limitation under section 741(b)(7)(B) of the Energy Policy Act of 2005 (42 U.S.C. 16091(b)(7)(B)), as amended by section 71101 of division G of this Act:

Provided further, That amounts provided under this heading in this Act shall be in addition to amounts otherwise available for such purposes: *Provided further*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 4112(a) of H. Con. Res. 71 (115th Congress), the concurrent resolution on the budget for fiscal year 2018, and to section

251(b) of the Balanced Budget and Emergency Deficit Control Act of 1985.

GENERAL PROVISIONS—ENVIRONMENTAL PROTECTION AGENCY

(INCLUDING TRANSFERS OF FUNDS)

SEC. 611. Funds made available to the Environmental Protection Agency by this Act for salaries, expenses, and administration purposes may be transferred to the “Environmental Programs and Management” account or the “Science and Technology” account as needed for such purposes.

Deadline.
Spend plans.

SEC. 612. Not later than 90 days after the date of enactment of this Act, the Administrator of the Environmental Protection Agency shall submit to the House and Senate Committees on Appropriations a detailed spend plan for the funds provided to the Environmental Protection Agency in this title for fiscal year 2022, and for each fiscal year through 2026, as part of the annual budget submission of the President under section 1105(a) of title 31, United States Code, the Administrator of the Environmental Protection Agency shall submit a detailed spend plan for the funds provided to the Environmental Protection Agency in this title for that fiscal year.

26 USC 9507
note.

SEC. 613. For this fiscal year and each fiscal year thereafter, such sums as are available in the Hazardous Substance Superfund established under section 9507 of the Internal Revenue Code of 1986 at the end of the preceding fiscal year from taxes received in the Treasury under subsection (b)(1) of such section shall be available, without further appropriation, to be used to carry out the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.).

SEC. 614. (a) DRINKING WATER.—There is authorized to be appropriated to carry out the purposes of section 1452 of the Safe Drinking Water Act (42 U.S.C. 300j–12), in addition to amounts otherwise authorized to be appropriated for those purposes, an additional \$1,126,000,000 for each of fiscal years 2022 through 2026.

(b) CLEAN WATER.—There is authorized to be appropriated to carry out the purposes of title VI of the Federal Water Pollution Control Act (33 U.S.C. 1381 et seq.), in addition to amounts otherwise authorized to be appropriated for those purposes, an additional \$1,639,000,000 for each of fiscal years 2022 through 2026.

DEPARTMENT OF AGRICULTURE

FOREST SERVICE

FOREST AND RANGELAND RESEARCH

For an additional amount for “Forest and Rangeland Research”, \$10,000,000, to remain available until September 30, 2029, for the Secretary of Agriculture, acting through the Chief of the Forest Service, to carry out activities of the Joint Fire Science Program, as authorized in section 40803 of division D of this Act: *Provided*, That \$2,000,000, to remain available until September 30, 2025, shall be made available for fiscal year 2022, \$2,000,000, to remain available until September 30, 2026, shall be made available for fiscal year 2023, \$2,000,000, to remain available until September

30, 2027, shall be made available for fiscal year 2024, \$2,000,000, to remain available until September 30, 2028, shall be made available for fiscal year 2025, and \$2,000,000, to remain available until September 30, 2029, shall be made available for fiscal year 2026: *Provided further*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 4112(a) of H. Con. Res. 71 (115th Congress), the concurrent resolution on the budget for fiscal year 2018, and to section 251(b) of the Balanced Budget and Emergency Deficit Control Act of 1985.

STATE AND PRIVATE FORESTRY

(INCLUDING TRANSFERS OF FUNDS)

For an additional amount for “State and Private Forestry”, \$1,526,800,000, to remain available until September 30, 2029: *Provided*, That \$305,360,000, to remain available until September 30, 2025, shall be made available for fiscal year 2022, \$305,360,000, to remain available until September 30, 2026, shall be made available for fiscal year 2023, \$305,360,000, to remain available until September 30, 2027, shall be made available for fiscal year 2024, \$305,360,000, to remain available until September 30, 2028, shall be made available for fiscal year 2025, and \$305,360,000, to remain available until September 30, 2029, shall be made available for fiscal year 2026: *Provided further*, That of the funds made available under this heading in this Act, the following amounts shall be for the following purposes in equal amounts for each of fiscal years 2022 through 2026—

(1) \$718,000,000 for the Secretary of Agriculture, acting through the Chief of the Forest Service, to carry out activities for the Department of Agriculture, as authorized in sections 40803 and 40804 of division D of this Act;

(2) In addition to amounts made available in paragraph (1) for grants to at-risk communities for wildfire mitigation activities, not less than \$500,000,000 for such purposes;

(3) Not less than \$88,000,000 for State Fire Assistance; and

(4) Not less than \$20,000,000 for Volunteer Fire Assistance: *Provided further*, That amounts made available under this heading in this Act for each of fiscal years 2022 through 2026 may be transferred between accounts affected by the Forest Service budget restructure outlined in section 435 of division D of the Further Consolidated Appropriations Act, 2020 (Public Law 116–94) to carry out the activities in support of this heading: *Provided further*, That up to 3 percent of the amounts made available under this heading in this Act in each of fiscal years 2022 through 2026 shall be for salaries, expenses, and administration: *Provided further*, That one-half of one percent of the amounts made available under this heading in this Act in each of fiscal years 2022 through 2026 shall be transferred to the Office of Inspector General of the Department of Agriculture for oversight of funding provided to the Forest Service in this title in this Act: *Provided further*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 4112(a) of H. Con. Res. 71 (115th Congress), the concurrent resolution on the budget for fiscal year 2018, and to section 251(b) of the Balanced Budget and Emergency Deficit Control Act of 1985.

NATIONAL FOREST SYSTEM

(INCLUDING TRANSFERS OF FUNDS)

For an additional amount for “National Forest System”, \$2,854,000,000, to remain available until expended: *Provided*, That \$734,800,000, to remain available until expended, shall be made available for fiscal year 2022, \$529,800,000, to remain available until expended, shall be made available for fiscal year 2023, \$529,800,000, to remain available until expended, shall be made available for fiscal year 2024, \$529,800,000, to remain available until expended, shall be made available for fiscal year 2025, and \$529,800,000, to remain available until expended, shall be made available for fiscal year 2026: *Provided further*, That of the funds made available under this heading in this Act, the following amounts shall be for the following purposes—

(1) \$2,115,000,000 for the Secretary of Agriculture, acting through the Chief of the Forest Service, to carry out activities for the Department of Agriculture as authorized in sections 40803 and 40804 of division D of this Act, of which \$587,000,000, to remain available until expended, shall be made available for fiscal year 2022 and \$382,000,000, to remain available until expended, shall be made available for each of fiscal years 2023 through 2026;

(2) In addition to amounts made available in paragraph (1) for hazardous fuels management activities, \$102,800,000 for each of fiscal years 2022 through 2026 for such purposes; and

(3) In addition to amounts made available in paragraph (1) for burned area recovery, \$45,000,000 for each of fiscal years 2022 through 2026 for such purposes:

Provided further, That up to \$12,000,000 for each of fiscal years 2022 through 2026 from funds made available in paragraph (2) of the preceding proviso may be used to make grants, using any authorities available for the Forest Service under the “State and Private Forestry” appropriation for the purposes of creating incentives for increased use of biomass from National Forest System lands, including the Community Wood Energy Program and the Wood Innovation Grants Program: *Provided further*, That up to \$8,000,000 for each of fiscal years 2022 through 2026 from funds made available in paragraph (2) of the preceding proviso shall be for implementation of the Tribal Forestry Protection Act, as amended (Public Law 108–278): *Provided further*, That funds appropriated under this heading in this Act may be transferred to the United States Fish and Wildlife Service and the National Marine Fisheries Service for the costs of carrying out their responsibilities under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.) to consult and conference, as required by section 7 of such Act, in connection with wildland fire management activities: *Provided further*, That the Secretary of the Interior and the Secretary of Agriculture, acting through the Chief of the Forest Service, may authorize the transfer of funds provided under this heading in this Act between the Departments for the purpose of carrying out activities as authorized in section 40804(b)(1) of division D of this Act: *Provided further*, That amounts made available under this heading in this Act for each of fiscal years 2022 through 2026 may be transferred between accounts affected by the Forest

Service budget restructure outlined in section 435 of division D of the Further Consolidated Appropriations Act, 2020 (Public Law 116–94) to carry out the activities in support of this heading: *Provided further*, That amounts made available under this heading in this Act in each of fiscal years 2022 through 2026 shall be available for salaries and expenses: *Provided further*, That one-half of one percent of the amounts made available under this heading in this Act in each of fiscal years 2022 through 2026 shall be transferred to the Office of Inspector General of the Department of Agriculture for oversight of funding provided to the Forest Service in this title in this Act: *Provided further*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 4112(a) of H. Con. Res. 71 (115th Congress), the concurrent resolution on the budget for fiscal year 2018, and to section 251(b) of the Balanced Budget and Emergency Deficit Control Act of 1985.

CAPITAL IMPROVEMENT AND MAINTENANCE

(INCLUDING TRANSFERS OF FUNDS)

For an additional amount for “Capital Improvement and Maintenance”, \$360,000,000, to remain available until September 30, 2029: *Provided*, That \$72,000,000, to remain available until September 30, 2025, shall be made available for fiscal year 2022, \$72,000,000, to remain available until September 30, 2026, shall be made available for fiscal year 2023, \$72,000,000, to remain available until September 30, 2027, shall be made available for fiscal year 2024, \$72,000,000, to remain available until September 30, 2028, shall be made available for fiscal year 2025, and \$72,000,000, to remain available until September 30, 2029, shall be made available for fiscal year 2026: *Provided further*, That of the funds made available under this heading in this Act, the following amounts shall be for the following purposes in equal amounts for each of fiscal years 2022 through 2026—

(1) \$250,000,000 to carry out activities of the Legacy Road and Trail Remediation Program, as authorized in Public Law 88–657 (16 U.S.C. 532 et seq.) (commonly known as the “Forest Roads and Trails Act”), as amended by section 40801 of division D of this Act;

(2) \$100,000,000 for construction of temporary roads or reconstruction and maintenance of roads to facilitate forest restoration and management projects that reduce wildfire risk; and

(3) \$10,000,000 for the removal of non-hydropower Federal dams and for providing dam removal technical assistance:

Provided further, That funds appropriated under this heading in this Act may be transferred to the United States Fish and Wildlife Service and the National Marine Fisheries Service for the costs of carrying out their responsibilities under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.) to consult and conference, as required by section 7 of such Act, in connection with wildland fire management activities: *Provided further*, That amounts made available under this heading in this Act for each of fiscal years 2022 through 2026 may be transferred between accounts affected by the Forest Service budget restructure outlined in section 435 of division D of the Further Consolidated Appropriations Act, 2020

(Public Law 116–94) to carry out the activities in support of this heading: *Provided further*, That one-half of one percent of the amounts made available under this heading in this Act in each of fiscal years 2022 through 2026 shall be transferred to the Office of Inspector General of the Department of Agriculture for oversight of funding provided to the Forest Service in this title in this Act: *Provided further*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 4112(a) of H. Con. Res. 71 (115th Congress), the concurrent resolution on the budget for fiscal year 2018, and to section 251(b) of the Balanced Budget and Emergency Deficit Control Act of 1985.

WILDLAND FIRE MANAGEMENT

(INCLUDING TRANSFERS OF FUNDS)

Consultation.

For an additional amount for “Wildland Fire Management”, \$696,200,000 to remain available until expended, for the Secretary of Agriculture, acting through the Chief of the Forest Service, to carry out activities for the Department of Agriculture as authorized in section 40803 of division D of this Act: *Provided*, That \$552,200,000, to remain available until expended, shall be made available for fiscal year 2022, \$36,000,000, to remain available until expended, shall be made available for fiscal year 2023, \$36,000,000, to remain available until expended, shall be made available for fiscal year 2024, \$36,000,000, to remain available until expended, shall be made available for fiscal year 2025, and \$36,000,000, to remain available until expended, shall be made available for fiscal year 2026: *Provided further*, That funds appropriated under this heading in this Act may be transferred to the United States Fish and Wildlife Service and the National Marine Fisheries Service for the costs of carrying out their responsibilities under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.) to consult and conference, as required by section 7 of such Act, in connection with wildland fire management activities: *Provided further*, That amounts made available under this heading in this Act for each of fiscal years 2022 through 2026 may be transferred between accounts affected by the Forest Service budget restructure outlined in section 435 of division D of the Further Consolidated Appropriations Act, 2020 (Public Law 116–94) to carry out the activities in support of this heading: *Provided further*, That amounts made available under this heading in this Act in each of fiscal years 2022 through 2026, shall be available for salaries and expenses to carry out such purposes: *Provided further*, That one-half of one percent of the amounts made available under this heading in this Act in each of fiscal years 2022 through 2026 shall be transferred to the Office of Inspector General of the Department of Agriculture for oversight of funding provided to the Forest Service in this title in this Act: *Provided further*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 4112(a) of H. Con. Res. 71 (115th Congress), the concurrent resolution on the budget for fiscal year 2018, and to section 251(b) of the Balanced Budget and Emergency Deficit Control Act of 1985.

ADMINISTRATIVE PROVISION—FOREST SERVICE

Deadline.
Spend plans.

Not later than 90 days after the date of enactment of this Act, the Secretary of Agriculture, acting through the Chief of the Forest Service, shall submit to the House and Senate Committees on Appropriations a detailed spend plan for the funds provided to the Forest Service in this title in this Act for fiscal year 2022, and for each fiscal year through 2026, as part of the annual budget submission of the President under section 1105(a) of title 31, United States Code, the Secretary shall submit a detailed spend plan for the funds provided to the Forest Service in this title in this Act for that fiscal year.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

INDIAN HEALTH SERVICE

INDIAN HEALTH FACILITIES

(INCLUDING TRANSFERS OF FUNDS)

For an additional amount for “Indian Health Facilities”, \$3,500,000,000, to remain available until expended, for the provision of domestic and community sanitation facilities for Indians, as authorized by section 7 of the Act of August 5, 1954 (68 Stat. 674): *Provided*, That \$700,000,000, to remain available until expended, shall be made available for fiscal year 2022, \$700,000,000, to remain available until expended, shall be made available for fiscal year 2023, \$700,000,000, to remain available until expended, shall be made available for fiscal year 2024, \$700,000,000, to remain available until expended, shall be made available for fiscal year 2025, and \$700,000,000, to remain available until expended, shall be made available for fiscal year 2026: *Provided further*, That of the amounts made available under this heading, up to \$2,200,000,000 shall be for projects that exceed the economical unit cost and shall be available until expended: *Provided further*, That up to three percent of the amounts made available in each fiscal year shall be for salaries, expenses, and administration: *Provided further*, That one-half of one percent of the amounts made available under this heading in this Act in each fiscal years 2022 through 2026 shall be transferred to the Office of Inspector General of the Department of Health and Human Services for oversight of funding provided to the Department of Health and Human Services in this title in this Act: *Provided further*, That no funds available to the Indian Health Service for salaries, expenses, administration, and oversight shall be available for contracts, grants, compacts, or cooperative agreements under the provisions of the Indian Self-Determination and Education Assistance Act as amended: *Provided further*, That funds under this heading made available to Tribes and Tribal organizations under the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5301 et seq.) shall be available on a one-time basis, are nonrecurring, and shall not be part of the amount required by section 106 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5325), and shall only be used for the purposes identified in this heading: *Provided further*, That not later than 90 days after the date of enactment of this Act, the Secretary of Health and Human Services shall submit to the House and Senate Committees on Appropriations a detailed

Deadline.
Spend plan.

Spend plan.

spend plan for fiscal year 2022: *Provided further*, That for each fiscal year through 2026, as part of the annual budget submission of the President under section 1105(a) of title 31, United States Code, the Secretary of Health and Human Services shall submit a detailed spend plan for that fiscal year: *Provided further*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 4112(a) of H. Con. Res. 71 (115th Congress), the concurrent resolution on the budget for fiscal year 2018, and to section 251(b) of the Balanced Budget and Emergency Deficit Control Act of 1985.

TITLE VII—LABOR, HEALTH AND HUMAN SERVICES, AND
EDUCATION, AND RELATED AGENCIES

DEPARTMENT OF HEALTH AND HUMAN SERVICES

ADMINISTRATION FOR CHILDREN AND FAMILIES

LOW INCOME HOME ENERGY ASSISTANCE

For an additional amount for “Low Income Home Energy Assistance”, \$500,000,000, to remain available through September 30, 2026, for making payments under subsection (b) of section 2602 of the Low-Income Home Energy Assistance Act of 1981 (42 U.S.C. 8621 et seq.): *Provided*, That \$100,000,000, to remain available until September 30, 2026, shall be made available in fiscal year 2022, \$100,000,000, to remain available until September 30, 2026, shall be made available in fiscal year 2023, \$100,000,000, to remain available until September 30, 2026, shall be made available in fiscal year 2024, \$100,000,000, to remain available until September 30, 2026, shall be made available in fiscal year 2025, and \$100,000,000, to remain available until September 30, 2026, shall be made available in fiscal year 2026: *Provided further*, That, of the amount available for obligation in a fiscal year under this heading in this Act, \$50,000,000 shall be allocated as though the total appropriation for such payments for such fiscal year was less than \$1,975,000,000: *Provided further*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 4112(a) of H. Con. Res. 71 (115th Congress), the concurrent resolution on the budget for fiscal year 2018, and to section 251(b) of the Balanced Budget and Emergency Deficit Control Act of 1985.

TITLE VIII—TRANSPORTATION, HOUSING AND URBAN
DEVELOPMENT, AND RELATED AGENCIES

DEPARTMENT OF TRANSPORTATION

OFFICE OF THE SECRETARY

NATIONAL INFRASTRUCTURE INVESTMENTS

For an additional amount for “National Infrastructure Investments”, \$12,500,000,000, to remain available until expended, for necessary expenses to carry out chapter 67 of title 49, United States Code, of which \$5,000,000,000 shall be to carry out section 6701 of such title and \$7,500,000,000 shall be to carry out section 6702 of such title: *Provided*, That, of the amount made available

under this heading in this Act to carry out section 6701 of title 49, United States Code, \$1,000,000,000, to remain available until expended, shall be made available for fiscal year 2022, \$1,000,000,000, to remain available until expended, shall be made available for fiscal year 2023, \$1,000,000,000, to remain available until expended, shall be made available for fiscal year 2024, \$1,000,000,000, to remain available until expended, shall be made available for fiscal year 2025, and \$1,000,000,000, to remain available until expended, shall be made available for fiscal year 2026: *Provided further*, That, of the amount made available under this heading in this Act to carry out section 6702 of title 49, United States Code, \$1,500,000,000, to remain available until September 30, 2026, shall be made available for fiscal year 2022, \$1,500,000,000, to remain until September 30, 2027, shall be made available for fiscal year 2023, \$1,500,000,000, to remain available until September 30, 2028, shall be made available for fiscal year 2024, \$1,500,000,000, to remain available until September 30, 2029, shall be made available for fiscal year 2025, and \$1,500,000,000, to remain available September 30, 2030, shall be made available for fiscal year 2026: *Provided further*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 4112(a) of H. Con. Res. 71 (115th Congress), the concurrent resolution on the budget for fiscal year 2018, and pursuant to section 251(b) of the Balanced Budget and Emergency Deficit Control Act of 1985.

SAFE STREETS AND ROADS FOR ALL GRANTS

For an additional amount for “Safe Streets and Roads for All Grants”, \$5,000,000,000, to remain available until expended, for competitive grants, as authorized under section 24112 of division B of this Act: *Provided*, That \$1,000,000,000, to remain available until expended, shall be made available for fiscal year 2022, \$1,000,000,000, to remain available until expended, shall be made available for fiscal year 2023, \$1,000,000,000, to remain available until expended, shall be made available for fiscal year 2024, \$1,000,000,000, to remain available until expended, shall be made available for fiscal year 2025, and \$1,000,000,000, to remain available until expended, shall be made available for fiscal year 2026: *Provided further*, That the Secretary shall issue a notice of funding opportunity not later than 180 days after each date upon which funds are made available under the preceding proviso: *Provided further*, That the Secretary shall make awards not later than 270 days after issuing the notices of funding opportunity required under the preceding proviso: *Provided further*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 4112(a) of H. Con. Res. 71 (115th Congress), the concurrent resolution on the budget for fiscal year 2018, and to section 251(b) of the Balanced Budget and Emergency Deficit Control Act of 1985.

Notice.
Deadline.

Awards.
Deadline.

NATIONAL CULVERT REMOVAL, REPLACEMENT, AND RESTORATION GRANTS

For an additional amount for “National Culvert Removal, Replacement, and Restoration Grants”, \$1,000,000,000, to remain available until expended, as authorized by section 6203 of title 49, United States Code: *Provided*, That \$200,000,000, to remain

available until expended, shall be made available for fiscal year 2022, \$200,000,000, to remain available until expended, shall be made available for fiscal year 2023, \$200,000,000, to remain available until expended, shall be made available for fiscal year 2024, \$200,000,000, to remain available until expended, shall be made available for fiscal year 2025, and \$200,000,000, to remain available until expended, shall be made available for fiscal year 2026: *Provided further*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 4112(a) of H. Con. Res. 71 (115th Congress), the concurrent resolution on the budget for fiscal year 2018, and to section 251(b) of the Balanced Budget and Emergency Deficit Control Act of 1985.

STRENGTHENING MOBILITY AND REVOLUTIONIZING TRANSPORTATION
GRANT PROGRAM

For an additional amount for “Strengthening Mobility and Revolutionizing Transportation Grant Program”, \$500,000,000, to remain available until expended, as authorized by section 25005 of division B of this Act: *Provided*, That \$100,000,000, to remain available until expended, shall be made available for fiscal year 2022, \$100,000,000, to remain available until expended, shall be made available for fiscal year 2023, \$100,000,000, to remain available until expended, shall be made available for fiscal year 2024, \$100,000,000, to remain available until expended, shall be made available for fiscal year 2025, and \$100,000,000, to remain available until expended, shall be made available for fiscal year 2026: *Provided further*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 4112(a) of H. Con. Res. 71 (115th Congress), the concurrent resolution on the budget for fiscal year 2018, and to section 251(b) of the Balanced Budget and Emergency Deficit Control Act of 1985.

ADMINISTRATIVE PROVISIONS—OFFICE OF THE SECRETARY OF
TRANSPORTATION

(INCLUDING TRANSFER OF FUNDS)

SEC. 801. (a) Amounts made available to the Secretary of Transportation or the Department of Transportation’s Operating Administrations in this title in this Act and in section 117 of title 23, United States Code, for fiscal years 2022 through 2026 for the costs of award, administration, or oversight of financial assistance under the programs administered by the Office of Multimodal Infrastructure and Freight may be transferred to an “Office of Multimodal Infrastructure and Freight” account, to remain available until expended, for the necessary expenses of award, administration, or oversight of any discretionary financial assistance programs funded under this title in this Act or division A of this Act: *Provided*, That one-half of one percent of the amounts transferred pursuant to the authority in this section in each of fiscal years 2022 through 2026 shall be transferred to the Office of Inspector General of the Department of Transportation for oversight of funding provided to the Department of Transportation in this title in this Act: *Provided further*, That the amount provided by this section is designated by the Congress as being for an emergency requirement pursuant to section 4112(a) of H. Con. Res. 71 (115th Congress), the concurrent resolution on the budget

for fiscal year 2018, and to section 251(b) of the Balanced Budget and Emergency Deficit Control Act of 1985.

(b) In addition to programs identified in section 118(d) of title 49, United States Code, the Office of Multimodal Infrastructure and Freight shall administer, with support from the Department's Operating Administrations, the following financial assistance programs—

(1) the national infrastructure projects program under section 6701 of title 49, United States Code;

(2) the local and regional projects program under section 6702 of title 49, United States Code;

(3) the strengthening mobility and revolutionizing transportation grant program under section 25005 of division B of this Act;

(4) the nationally significant freight and highways projects under section 117 of title 23, United States Code;

(5) the national culvert removal, replacement, and restoration grant program under section 6203 of title 49, United States Code; and

(6) other discretionary financial assistance programs that the Secretary determines should be administered by the Office of Multimodal Infrastructure and Freight, subject to the approval of the House and Senate Committees on Appropriations as required under section 405 of Division L of the Consolidated Appropriations Act, 2021.

FEDERAL AVIATION ADMINISTRATION

FACILITIES AND EQUIPMENT

For an additional amount for “Facilities and Equipment”, \$5,000,000,000, to remain available until expended: *Provided*, That \$1,000,000,000, to remain available until expended, shall be made available for fiscal year 2022, \$1,000,000,000, to remain available until expended, shall be made available for fiscal year 2023, \$1,000,000,000, to remain available until expended, shall be made available for fiscal year 2024, \$1,000,000,000, to remain available until expended, shall be made available for fiscal year 2025, and \$1,000,000,000, to remain available until expended, shall be made available for fiscal year 2026: *Provided further*, That amounts made available under this heading in this Act shall be derived from the general fund of the Treasury: *Provided further*, That funds provided under this heading in this Act shall be for: (1) replacing terminal and en route air traffic control facilities; (2) improving air route traffic control center and combined control facility buildings; (3) improving air traffic control en route radar facilities; (4) improving air traffic control tower and terminal radar approach control facilities; (5) national airspace system facilities OSHA and environmental standards compliance; (6) landing and navigational aids; (7) fuel storage tank replacement and management; (8) unstaffed infrastructure sustainment; (9) real property disposition; (10) electrical power system sustain and support; (11) energy maintenance and compliance; (12) hazardous materials management and environmental cleanup; (13) facility security risk management; (14) mobile asset management program; and (15) administrative expenses, including salaries and expenses, administration, and oversight: *Provided further*, That not less than \$200,000,000 of

the funds made available under this heading in this Act shall be for air traffic control towers that are owned by the Federal Aviation Administration and staffed through the contract tower program: *Provided further*, That not later than 90 days after the date of enactment of this Act, the Secretary of Transportation shall submit to the House and Senate Committees on Appropriations a detailed spend plan, including a list of project locations of air traffic control towers and contract towers, to be funded for fiscal year 2022: *Provided further*, That for each fiscal year through 2026, as part of the annual budget submission of the President under section 1105(a) of title 31, United States Code, the Secretary of Transportation shall submit a detailed spend plan for funding that will be made available under this heading in the upcoming fiscal year, including a list of projects for replacing facilities that are owned by the Federal Aviation Administration, including air traffic control towers that are staffed through the contract tower program: *Provided further*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 4112(a) of H. Con. Res. 71 (115th Congress), the concurrent resolution on the budget for fiscal year 2018, and to section 251(b) of the Balanced Budget and Emergency Deficit Control Act of 1985.

Deadline.
Spend plan.
List.

Spend plan.
List.

AIRPORT INFRASTRUCTURE GRANTS

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for “Airport Infrastructure Grants”, \$15,000,000,000, to remain available until September 30, 2030: *Provided*, That \$3,000,000,000, to remain available until September 30, 2026, shall be made available for fiscal year 2022, \$3,000,000,000, to remain available until September 30, 2027, shall be made available for fiscal year 2023, \$3,000,000,000, to remain available until September 30, 2028, shall be made available for fiscal year 2024, \$3,000,000,000, to remain available until September 30, 2029, shall be made available for fiscal year 2025, and \$3,000,000,000, to remain available until September 30, 2030, shall be made available for fiscal year 2026: *Provided further*, That amounts made available under this heading in this Act shall be derived from the general fund of the Treasury: *Provided further*, That amounts made available under this heading in this Act shall be made available to sponsors of any airport eligible to receive grants under section 47115 of title 49, United States Code, for airport-related projects defined under section 40117(a)(3) of title 49, United States Code: *Provided further*, That of the funds made available under this heading in this Act, in each of fiscal years 2022 through 2026—

Apportionment.

(1) Not more than \$2,480,000,000 shall be available for primary airports as defined in section 47102(16) of title 49, United States Code, and certain cargo airports: *Provided*, That such funds shall not be subject to the reduced apportionments of section 47114(f) of title 49, United States Code: *Provided further*, That such funds shall first be apportioned as set forth in sections 47114(c)(1)(A), 47114(c)(1)(C)(i), 47114(c)(1)(C)(ii), 47114(c)(2)(A), 47114(c)(2)(B), and 47114(c)(2)(E), 47114(c)(1)(J) of title 49, United States Code: *Provided further*, That there shall be no maximum apportionment limit: *Provided further*,

That any remaining funds after such apportionment shall be distributed to all sponsors of primary airports (as defined in section 47102(16) of title 49, United States Code) based on each such airport's passenger enplanements compared to total passenger enplanements of all airports defined in section 47102(16) of title 49, United States Code, for calendar year 2019 in fiscal years 2022 and 2023 and thereafter for the most recent calendar year enplanements upon which the Secretary has apportioned funds pursuant to section 47114(c) of title 49, United States Code;

(2) Not more than \$500,000,000 shall be for general aviation and commercial service airports that are not primary airports as defined in paragraphs (7), (8), and (16) of section 47102 of title 49, United States Code: *Provided*, That the Secretary of Transportation shall apportion the remaining funds to each non-primary airport based on the categories published in the most current National Plan of Integrated Airport Systems, reflecting the percentage of the aggregate published eligible development costs for each such category, and then dividing the allocated funds evenly among the eligible airports in each category, rounding up to the nearest thousand dollars: *Provided further*, That any remaining funds under this paragraph in this Act shall be distributed as described in paragraph (3) in this proviso under this heading in this Act; and

Apportionment.

(3) \$20,000,000 for the Secretary of Transportation to make competitive grants to sponsors of airports participating in the contract tower program and the contract tower cost share program under section 47124 of title 49, United States Code to: (1) sustain, construct, repair, improve, rehabilitate, modernize, replace or relocate nonapproach control towers; (2) acquire and install air traffic control, communications, and related equipment to be used in those towers; and (3) construct a remote tower certified by the Federal Aviation Administration, including acquisition and installation of air traffic control, communications, or related equipment: *Provided*, That the Federal Aviation Administration shall give priority consideration to projects that enhance aviation safety and improve air traffic efficiency: *Provided further*, That the Federal share of the costs for which a grant is made under this paragraph shall be 100 percent:

Provided further, That any funds made available in a given fiscal year that remain unobligated at the end of the fourth fiscal year after which they were first made available for obligation shall be made available in the fifth fiscal year after which they were first made available for obligation to the Secretary for competitive grants: *Provided further*, That of the amounts made available to the Secretary for competitive grants under the preceding proviso, the Secretary shall first provide up to \$100,000,000, as described in paragraph (3) of the fourth proviso, and any remaining unobligated balances in excess of that amount shall be available to the Secretary for competitive grants otherwise eligible under the third proviso that reduce airport emissions, reduce noise impact to the surrounding community, reduce dependence on the electrical grid, or provide general benefits to the surrounding community: *Provided further*, That none of the amounts made available under this heading in this Act may be used to pay for airport debt service: *Provided further*, That a grant made from funds made available

under this heading in this Act shall be treated as having been made pursuant to the Secretary's authority under section 47104(a) of title 49, United States Code: *Provided further*, That up to 3 percent of the amounts made available under this heading in this Act in each of fiscal years 2022 through 2026 shall be for personnel, contracting, and other costs to administer and oversee grants, of which \$1,000,000 in each fiscal year shall be transferred to the Office of Inspector General of the Department of Transportation for oversight of funding provided to the Department of Transportation in this title in this Act: *Provided further*, That the Federal share of the costs of a project under paragraphs (1) and (2) of the fourth proviso under this heading shall be the percent for which a project for airport development would be eligible under section 47109 of title 49, United States Code: *Provided further*, That obligations of funds under this heading in this Act shall not be subject to any limitations on obligations provided in any Act making annual appropriations: *Provided further*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 4112(a) of H. Con. Res. 71 (115th Congress), the concurrent resolution on the budget for fiscal year 2018, and to section 251(b) of the Balanced Budget and Emergency Deficit Control Act of 1985.

AIRPORT TERMINAL PROGRAM

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for “Airport Terminal Program”, \$5,000,000,000, to remain available until September 30, 2030, for the Secretary of Transportation to provide competitive grants for airport terminal development projects that address the aging infrastructure of the nation's airports: *Provided*, That \$1,000,000,000, to remain available until September 30, 2026, shall be made available for fiscal year 2022, \$1,000,000,000, to remain available until September 30, 2027, shall be made available for fiscal year 2023, \$1,000,000,000, to remain available until September 30, 2028, shall be made available for fiscal year 2024, \$1,000,000,000, to remain available until September 30, 2029, shall be made available for fiscal year 2025, and \$1,000,000,000, to remain available until September 30, 2030, shall be made available for fiscal year 2026: *Provided further*, That amounts made available under this heading in this Act shall be derived from the general fund of the Treasury: *Provided further*, That the Secretary shall issue a notice of funding opportunity not later than 60 days after the date of enactment of this Act: *Provided further*, That of the funds made available under this heading in this Act, not more than 55 percent shall be for large hub airports, not more than 15 percent shall be for medium hub airports, not more than 20 percent shall be for small hub airports, and not less than 10 percent shall be for nonhub and nonprimary airports: *Provided further*, That in awarding grants for terminal development projects from funds made available under this heading in this Act, the Secretary may consider projects that qualify as “terminal development” (including multimodal terminal development), as that term is defined in 49 U.S.C. §47102(28), projects for on-airport rail access projects as set forth in Passenger Facility Charge (PFC) Update 75–21, and projects for relocating, reconstructing, repairing, or improving an airport-owned air traffic

Notice.
Deadline.

control tower: *Provided further*, That in awarding grants for terminal development projects from funds made available under this heading in this Act, the Secretary shall give consideration to projects that increase capacity and passenger access; projects that replace aging infrastructure; projects that achieve compliance with the Americans with Disabilities Act and expand accessibility for persons with disabilities; projects that improve airport access for historically disadvantaged populations; projects that improve energy efficiency, including upgrading environmental systems, upgrading plant facilities, and achieving Leadership in Energy and Environmental Design (LEED) accreditation standards; projects that improve airfield safety through terminal relocation; and projects that encourage actual and potential competition: *Provided further*, That the Federal share of the cost of a project carried out from funds made available under this heading in this Act shall be 80 percent for large and medium hub airports and 95 percent for small hub, nonhub, and nonprimary airports: *Provided further*, That a grant made from funds made available under this heading in this Act shall be treated as having been made pursuant to the Secretary's authority under section 47104(a) of title 49, United States Code: *Provided further*, That the Secretary may provide grants from funds made available under this heading in this Act for a project at any airport that is eligible to receive a grant from the discretionary fund under section 47115(a) of title 49, United States Code: *Provided further*, That in making awards from funds made available under this heading in this Act, the Secretary shall provide a preference to projects that achieve a complete development objective, even if awards for the project must be phased, and the Secretary shall prioritize projects that have received partial awards: *Provided further*, That up to 3 percent of the amounts made available under this heading in this Act in each fiscal year shall be for personnel, contracting and other costs to administer and oversee grants, of which \$1,000,000 in each fiscal year shall be transferred to the Office of Inspector General of the Department of Transportation for oversight of funding provided to the Department of Transportation in this title in this Act: *Provided further*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 4112(a) of H. Con. Res. 71 (115th Congress), the concurrent resolution on the budget for fiscal year 2018, and to section 251(b) of the Balanced Budget and Emergency Deficit Control Act of 1985.

FEDERAL HIGHWAY ADMINISTRATION

HIGHWAY INFRASTRUCTURE PROGRAM

(INCLUDING TRANSFER OF FUNDS)

State and local
governments.
Electric vehicles.

For an additional amount for “Highway Infrastructure Programs”, \$47,272,000,000, to remain available until expended except as otherwise provided under this heading: *Provided*, That of the amount provided under this heading in this Act, \$9,454,400,000, to remain available until September 30, 2025, shall be made available for fiscal year 2022, \$9,454,400,000, to remain available until September 30, 2026, shall be made available for fiscal year 2023, \$9,454,400,000, to remain available until September 30, 2027, shall be made available for fiscal year 2024, \$9,454,400,000, to remain

available until September 30, 2028, shall be made available for fiscal year 2025, and \$9,454,400,000, to remain available until September 30, 2029, shall be made available for fiscal year 2026: *Provided further*, That the funds made available under this heading in this Act shall be derived from the general fund of the Treasury, shall be in addition to any other amounts made available for such purpose, and shall not affect the distribution or amount of funds provided in any Act making annual appropriations: *Provided further*, That, except for funds provided in paragraph (1) under this heading in this Act, up to 1.5 percent of the amounts made available under this heading in this Act in each of fiscal years 2022 through 2026 shall be for operations and administrations of the Federal Highway Administration, of which \$1,000,000 in each fiscal year shall be transferred to the Office of the Inspector General of the Department of Transportation for oversight of funding provided to the Department of Transportation in this title in this Act: *Provided further*, That the amounts made available in the preceding proviso may be combined with the funds made available in paragraph (1) under this heading in this Act for the same purposes in the same account: *Provided further*, That the funds made available under this heading in this Act shall not be subject to any limitation on obligations for Federal-aid highways or highway safety construction programs set forth in any Act making annual appropriations: *Provided further*, That, of the amount provided under this heading in this Act, the following amounts shall be for the following purposes in equal amounts for each of fiscal years 2022 through 2026—

(1) \$27,500,000,000 shall be for a bridge replacement, rehabilitation, preservation, protection, and construction program: *Provided further*, That, except as otherwise provided under this paragraph in this Act, the funds made available under this paragraph in this Act shall be administered as if apportioned under chapter 1 of title 23, United States Code: *Provided further*, That a project funded with funds made available under this paragraph in this Act shall be treated as a project on a Federal-aid highway: *Provided further*, That, of the funds made available under this paragraph in this Act for a fiscal year, 3 percent shall be set aside to carry out section 202(d) of title 23, United States Code: *Provided further*, That funds set aside under the preceding proviso to carry out section 202(d) of such title shall be in addition to funds otherwise made available to carry out such section and shall be administered as if made available under such section: *Provided further*, That for funds set aside under the third proviso of this paragraph in this Act to carry out section 202(d) of title 23, United States Code, the Federal share of the costs shall be 100 percent: *Provided further*, That, for the purposes of funds made available under this paragraph in this Act: (1) the term “State” has the meaning given such term in section 101 of title 23, United States Code; (2) the term “off-system bridge” means a highway bridge located on a public road, other than a bridge on a Federal-aid highway; and (3) the term “Federal-aid highway” means a public highway eligible for assistance under chapter 1 of title 23, United States Code, other than a highway functionally classified as a local road or rural minor collector: *Provided further*, That up to one-half of one percent of the amounts made available under this

Definitions.

paragraph in this Act in each fiscal year shall be for the administration and operations of the Federal Highway Administration: *Provided further*, That, after setting aside funds under the third proviso of this paragraph in this Act the Secretary shall distribute the remaining funds made available under this paragraph in this Act among States as follows—

(A) 75 percent by the proportion that the total cost of replacing all bridges classified in poor condition in such State bears to the sum of the total cost to replace all bridges classified in poor condition in all States; and

(B) 25 percent by the proportion that the total cost of rehabilitating all bridges classified in fair condition in such State bears to the sum of the total cost to rehabilitate all bridges classified in fair condition in all States:

Provided further, That the amounts calculated under the preceding proviso shall be adjusted such that each State receives, for each of fiscal years 2022 through 2026, no less than \$45,000,000 under such proviso: *Provided further*, That for purposes of the preceding 2 provisos, the Secretary shall determine replacement and rehabilitation costs based on the average unit costs of bridges from 2016 through 2020, as submitted by States to the Federal Highway Administration, as required by section 144(b)(5) of title 23, United States Code: *Provided further*, That for purposes of determining the distribution of funds to States under this paragraph in this Act, the Secretary shall calculate the total deck area of bridges classified as in poor or fair condition based on the National Bridge Inventory as of December 31, 2020: *Provided further*, That, subject to the following proviso, funds made available under this paragraph in this Act that are distributed to States shall be used for highway bridge replacement, rehabilitation, preservation, protection, or construction projects on public roads: *Provided further*, That of the funds made available under this paragraph in this Act that are distributed to a State, 15 percent shall be set aside for use on off-system bridges for the same purposes as described in the preceding proviso: *Provided further*, That, except as provided in the following proviso, for funds made available under this paragraph in this Act that are distributed to States, the Federal share shall be determined in accordance with section 120 of title 23, United States Code: *Provided further*, That for funds made available under this paragraph in this Act that are distributed to States and used on an off-system bridge that is owned by a county, town, township, city, municipality or other local agency, or federally-recognized Tribe the Federal share shall be 100 percent;

Determination.
Replacement
costs.

Determination.
Bridges.

Determination.

(2) \$5,000,000,000, to remain available until expended for amounts made available for each of fiscal years 2022 through 2026, shall be to carry out a National Electric Vehicle Formula Program (referred to in this paragraph in this Act as the “Program”) to provide funding to States to strategically deploy electric vehicle charging infrastructure and to establish an interconnected network to facilitate data collection, access, and reliability: *Provided*, That funds made available under this paragraph in this Act shall be used for: (1) the acquisition and installation of electric vehicle charging infrastructure to serve as a catalyst for the deployment of such infrastructure and to connect it to a network to facilitate data collection, access, and reliability; (2) proper operation and maintenance of electric vehicle charging infrastructure; and (3) data sharing

Deadline. Plan. Web posting.	about electric vehicle charging infrastructure to ensure the long-term success of investments made under this paragraph in this Act: <i>Provided further</i> , That for each of fiscal years 2022 through 2026, the Secretary shall distribute among the States the funds made available under this paragraph in this Act so that each State receives an amount equal to the proportion that the total base apportionment or allocation determined for the State under subsection (c) of section 104 or under section 165 of title 23, United States Code, bears to the total base apportionments or allocations for all States under subsection (c) of section 104 and section 165 of title 23, United States Code: <i>Provided further</i> , That the Federal share payable for the cost of a project funded under this paragraph in this Act shall be 80 percent: <i>Provided further</i> , That the Secretary shall establish a deadline by which a State shall provide a plan to the Secretary, in such form and such manner that the Secretary requires (to be made available on the Department's website), describing how such State intends to use funds distributed to the State under this paragraph in this Act to carry out the Program for each fiscal year in which funds are made available: <i>Provided further</i> , That, not later than 120 days after the deadline established in the preceding proviso, the Secretary shall make publicly available on the Department's website and submit to the House Committee on Transportation and Infrastructure, the Senate Committee on Environment and Public Works, and the House and Senate Committees on Appropriations, a report summarizing each plan submitted by a State to the Department of Transportation and an assessment of how such plans make progress towards the establishment of a national network of electric vehicle charging infrastructure: <i>Provided further</i> , That if a State fails to submit the plan required under the fourth proviso of this paragraph in this Act to the Secretary by the date specified in such proviso, or if the Secretary determines a State has not taken action to carry out its plan, the Secretary may withhold or withdraw, as applicable, funds made available under this paragraph in this Act for the fiscal year from the State and award such funds on a competitive basis to local jurisdictions within the State for use on projects that meet the eligibility requirements under this paragraph in this Act: <i>Provided further</i> , That, prior to the Secretary making a determination that a State has not taken actions to carry out its plan, the Secretary shall notify the State, consult with the State, and identify actions that can be taken to rectify concerns, and provide at least 90 days for the State to rectify concerns and take action to carry out its plan: <i>Provided further</i> , That the Secretary shall provide notice to a State on the intent to withhold or withdraw funds not less than 60 days before withholding or withdrawing any funds, during which time the States shall have an opportunity to appeal a decision to withhold or withdraw funds directly to the Secretary: <i>Provided further</i> , That if the Secretary determines that any funds withheld or withdrawn from a State under the preceding proviso cannot be fully awarded to local jurisdictions within the State under the preceding proviso in a manner consistent with the purpose of this paragraph in this Act, any such funds remaining shall be distributed among other States (except States for which funds for that fiscal year
Deadline. Public information. Web posting. Reports. Summaries. Assessment.	
Determination.	
Notification. Consultation. Time period.	
Notification. Deadline. Appeal.	
Determination.	

have been withheld or withdrawn under the preceding proviso) in the same manner as funds distributed for that fiscal year under the second proviso under this paragraph in this Act, except that the ratio shall be adjusted to exclude States for which funds for that fiscal year have been withheld or withdrawn under the preceding proviso: *Provided further*, That funds distributed under the preceding proviso shall only be available to carry out this paragraph in this Act: *Provided further*, That funds made available under this paragraph in this Act may be used to contract with a private entity for acquisition and installation of publicly accessible electric vehicle charging infrastructure and the private entity may pay the non-Federal share of the cost of a project funded under this paragraph: *Provided further*, That funds made available under this paragraph in this Act shall be for projects directly related to the charging of a vehicle and only for electric vehicle charging infrastructure that is open to the general public or to authorized commercial motor vehicle operators from more than one company: *Provided further*, That any electric vehicle charging infrastructure acquired or installed with funds made available under this paragraph in this Act shall be located along a designated alternative fuel corridor: *Provided further*, That no later than 90 days after the date of enactment of this Act, the Secretary of Transportation, in coordination with the Secretary of Energy, shall develop guidance for States and localities to strategically deploy electric vehicle charging infrastructure, consistent with this paragraph in this Act: *Provided further*, That the Secretary of Transportation, in coordination with the Secretary of Energy, shall consider the following in developing the guidance described in the preceding proviso: (1) the distance between publicly available electric vehicle charging infrastructure; (2) connections to the electric grid, including electric distribution upgrades; vehicle-to-grid integration, including smart charge management or other protocols that can minimize impacts to the grid; alignment with electric distribution interconnection processes, and plans for the use of renewable energy sources to power charging and energy storage; (3) the proximity of existing off-highway travel centers, fuel retailers, and small businesses to electric vehicle charging infrastructure acquired or funded under this paragraph in this Act; (4) the need for publicly available electric vehicle charging infrastructure in rural corridors and underserved or disadvantaged communities; (5) the long-term operation and maintenance of publicly available electric vehicle charging infrastructure to avoid stranded assets and protect the investment of public funds in that infrastructure; (6) existing private, national, State, local, Tribal, and territorial government electric vehicle charging infrastructure programs and incentives; (7) fostering enhanced, coordinated, public-private or private investment in electric vehicle charging infrastructure; (8) meeting current and anticipated market demands for electric vehicle charging infrastructure, including with regard to power levels and charging speed, and minimizing the time to charge current and anticipated vehicles; and (9) any other factors, as determined by the Secretary: *Provided further*, That if a State determines, and the Secretary certifies, that the designated alternative fuel corridors in the States are fully built out, then the State may use funds provided

Contracts.

Deadline.
Coordination.

Coordination.

Determination.
Certification.

under this paragraph for electric vehicle charging infrastructure on any public road or in other publically accessible locations, such as parking facilities at public buildings, public schools, and public parks, or in publically accessible parking facilities owned or managed by a private entity: *Provided further*, That subject to the minimum standards and requirements established under the following proviso, funds made available under this paragraph in this Act may be used for: (1) the acquisition or installation of electric vehicle charging infrastructure; (2) operating assistance for costs allocable to operating and maintaining electric vehicle charging infrastructure acquired or installed under this paragraph in this Act, for a period not to exceed five years; (3) the acquisition or installation of traffic control devices located in the right-of-way to provide directional information to electric vehicle charging infrastructure acquired, installed, or operated under this paragraph in this Act; (4) on-premises signs to provide information about electric vehicle charging infrastructure acquired, installed, or operated under this paragraph in this Act; (5) development phase activities relating to the acquisition or installation of electric vehicle charging infrastructure, as determined by the Secretary; or (6) mapping and analysis activities to evaluate, in an area in the United States designated by the eligible entity, the locations of current and future electric vehicle owners, to forecast commuting and travel patterns of electric vehicles and the quantity of electricity required to serve electric vehicle charging stations, to estimate the concentrations of electric vehicle charging stations to meet the needs of current and future electric vehicle drivers, to estimate future needs for electric vehicle charging stations to support the adoption and use of electric vehicles in shared mobility solutions, such as micro-transit and transportation network companies, and to develop an analytical model to allow a city, county, or other political subdivision of a State or a local agency to compare and evaluate different adoption and use scenarios for electric vehicles and electric vehicle charging stations: *Provided further*, That not later than 180 days after the date of enactment of this Act, the Secretary of Transportation, in coordination with the Secretary of Energy and in consultation with relevant stakeholders, shall, as appropriate, develop minimum standards and requirements related to: (1) the installation, operation, or maintenance by qualified technicians of electric vehicle charging infrastructure under this paragraph in this Act; (2) the interoperability of electric vehicle charging infrastructure under this paragraph in this Act; (3) any traffic control device or on-premises sign acquired, installed, or operated under this paragraph in this Act; (4) any data requested by the Secretary related to a project funded under this paragraph in this Act, including the format and schedule for the submission of such data; (5) network connectivity of electric vehicle charging infrastructure; and (6) information on publicly available electric vehicle charging infrastructure locations, pricing, real-time availability, and accessibility through mapping applications: *Provided further*, That not later than 1 year after the date of enactment of this Act, the Secretary shall designate national electric vehicle charging corridors that identify the near- and long-term need for, and the location of, electric vehicle charging

Determination.

Evaluation.
Estimate.Deadline.
Coordination.
Consultation.
Standards.
Requirements.

Deadline.

infrastructure to support freight and goods movement at strategic locations along major national highways, the National Highway Freight Network established under section 167 of title 23, United States Code, and goods movement locations including ports, intermodal centers, and warehousing locations: *Provided further*, That the report issued under section 151(e) of title 23, United States Code, shall include a description of efforts to achieve strategic deployment of electric vehicle charging infrastructure in electric vehicle charging corridors, including progress on the implementation of the Program under this paragraph in this Act: *Provided further*, That, for fiscal year 2022, before distributing funds made available under this paragraph in this Act to States, the Secretary shall set aside from funds made available under this paragraph in this Act to carry out this paragraph in this Act not more than \$300,000,000, which may be transferred to the Joint Office described in the twenty-fourth proviso of this paragraph in this Act, to establish such Joint Office and carry out its duties under this paragraph in this Act: *Provided further*, That, for each of fiscal years 2022 through 2026, after setting aside funds under the preceding proviso, and before distributing funds made available under this paragraph in this Act to States, the Secretary shall set aside from funds made available under this paragraph in this Act for such fiscal year to carry out this paragraph in this Act 10 percent for grants to States or localities that require additional assistance to strategically deploy electric vehicle charging infrastructure: *Provided further*, That not later than 1 year after the date of enactment of this Act, the Secretary shall establish a grant program to administer to States or localities the amounts set aside under the preceding proviso: *Provided further*, That, except as otherwise specified under this paragraph in this Act, funds made available under this paragraph in this Act, other than funds transferred under the nineteenth proviso of this paragraph in this Act to the Joint Office, shall be administered as if apportioned under chapter 1 of title 23, United States Code: *Provided further*, That funds made available under this paragraph in this Act shall not be transferable under section 126 of title 23, United States Code: *Provided further*, That there is established a Joint Office of Energy and Transportation (referred to in this paragraph in this Act as the “Joint Office”) in the Department of Transportation and the Department of Energy to study, plan, coordinate, and implement issues of joint concern between the two agencies, which shall include: (1) technical assistance related to the deployment, operation, and maintenance of zero emission vehicle charging and refueling infrastructure, renewable energy generation, vehicle-to-grid integration, including microgrids, and related programs and policies; (2) data sharing of installation, maintenance, and utilization in order to continue to inform the network build out of zero emission vehicle charging and refueling infrastructure; (3) performance of a national and regionalized study of zero emission vehicle charging and refueling infrastructure needs and deployment factors, to support grants for community resilience and electric vehicle integration; (4) development and deployment of training and certification programs; (5) establishment and implementation of a program to promote renewable

Deadline.
Grants.

Establishment.
23 USC 151 note.

Public
information.
Data.

Advance notice.
Time period.

Definitions.

energy generation, storage, and grid integration, including microgrids, in transportation rights-of-way; (6) studying, planning, and funding for high-voltage distributed current infrastructure in the rights-of way of the Interstate System and for constructing high-voltage and or medium-voltage transmission pilots in the rights-of-way of the Interstate System; (7) research, strategies, and actions under the Departments' statutory authorities to reduce transportation-related emissions and mitigate the effects of climate change; (8) development of a streamlined utility accommodations policy for high-voltage and medium-voltage transmission in the transportation right-of-way; and (9) any other issues that the Secretary of Transportation and the Secretary of Energy identify as issues of joint interest: *Provided further*, That the Joint Office of Energy and Transportation shall establish and maintain a public database, accessible on both Department of Transportation and Department of Energy websites, that includes: (1) information maintained on the Alternative Fuel Data Center by the Office of Energy Efficiency and Renewable Energy of the Department of Energy with respect to the locations of electric vehicle charging stations; (2) potential locations for electric vehicle charging stations identified by eligible entities through the program; and (3) the ability to sort generated results by various characteristics with respect to electric vehicle charging stations, including location, in terms of the State, city, or county; status (operational, under construction, or planned); and charging type, in terms of Level 2 charging equipment or Direct Current Fast Charging Equipment: *Provided further*, That the Secretary of Transportation and the Secretary of Energy shall cooperatively administer the Joint Office consistent with this paragraph in this Act: *Provided further*, That the Secretary of Transportation and the Secretary of Energy may transfer funds between the Department of Transportation and the Department of Energy from funds provided under this paragraph in this Act to establish the Joint Office and to carry out its duties under this paragraph in this Act and any such funds or portions thereof transferred to the Joint Office may be transferred back to and merged with this account: *Provided further*, That the Secretary of Transportation and the Secretary of Energy shall notify the House and Senate Committees on Appropriations not less than 15 days prior to transferring any funds under the previous proviso: *Provided further*, That for the purposes of funds made available under this paragraph in this Act: (1) the term "State" has the meaning given such term in section 101 of title 23, United States Code; and (2) the term "Federal-aid highway" means a public highway eligible for assistance under chapter 1 of title 23, United States Code, other than a highway functionally classified as a local road or rural minor collector: *Provided further*, That, of the funds made available in this division or division A of this Act for the Federal lands transportation program under section 203 of title 23, United States Code, not less than \$7,000,000 shall be made available for each Federal agency otherwise eligible to compete for amounts made available under that section for each of fiscal years 2022 through 2026;

(3) \$3,200,000,000 shall be to carry out the Nationally Significant Freight and Highway Projects program under section 117 of title 23, United States Code;

(4) \$9,235,000,000 shall be to carry out the Bridge Investment Program under section 124 of title 23, United States Code: *Provided*, That, of the funds made available under this paragraph in this Act for a fiscal year, \$20,000,000 shall be set aside to carry out section 202(d) of title 23, United States Code: *Provided further*, That, of the funds made available under this paragraph in this Act for a fiscal year, \$20,000,000 shall be set aside to provide grants for planning, feasibility analysis, and revenue forecasting associated with the development of a project that would subsequently be eligible to apply for assistance under this paragraph: *Provided further*, That funds set aside under the first proviso of this paragraph in this Act to carry out section 202(d) of such title shall be in addition to funds otherwise made available to carry out such section and shall be administered as if made available under such section: *Provided further*, That for funds set aside under the first proviso of this paragraph in this Act to carry out section 202(d) of title 23, United States Code, the Federal share of the costs shall be 100 percent;

(5) \$150,000,000 shall be to carry out the Reduction of Truck Emissions at Port Facilities Program under section 11402 of division A of this Act: *Provided*, That, except as otherwise provided in section 11402 of division A of this Act, the funds made available under this paragraph in this Act shall be administered as if apportioned under chapter 1 of title 23, United States Code;

(6) \$95,000,000, to remain available until expended for amounts made available for each of fiscal years 2022 through 2026, shall be to carry out the University Transportation Centers Program under section 5505 of title 49, United States Code;

(7) \$500,000,000, to remain available until expended for amounts made available for each of fiscal years 2022 through 2026, shall be to carry out the Reconnecting Communities Pilot Program (referred to under this paragraph in this Act as the “pilot program”) under section 11509 of division A of this Act, of which \$100,000,000 shall be for planning grants under section 11509(c) of division A of this Act and of which \$400,000,000 shall be available for capital construction grants under section 11509(d) of division A of this Act: *Provided*, That of the amounts made available under this paragraph in this Act for section 11509(c) of division A of this Act, the Secretary may use not more than \$15,000,000 during the period of fiscal years 2022 through 2026 to provide technical assistance under section 11509(c)(3) of division A of this Act: *Provided further*, That, except as otherwise provided in section 11509 of division A of this Act, amounts made available under this paragraph in this Act shall be administered as if made available under chapter 1 of title 23, United States Code;

(8) \$342,000,000, to remain available until expended for amounts made available for each of fiscal years 2022 through 2026, shall be to carry out the Construction of Ferry Boats and Ferry Terminal Facilities program under section 147 of title 23, United States Code: *Provided*, That amounts made

available under this paragraph in this Act shall be administered as if made available under section 147 of title 23, United States Code; and

Definition.

(9) \$1,250,000,000, to remain available until expended for amounts made available for each of fiscal years 2022 through 2026, shall be for construction of the Appalachian Development Highway System as authorized under section 1069(y) of Public Law 102–240: *Provided*, That, for the purposes of funds made available under this paragraph in this Act for construction of the Appalachian Development Highway System, the term “Appalachian State” means a State that contains 1 or more counties (including any political subdivision located within the area) in the Appalachian region, as defined in section 14102(a) of title 40, United States Code: *Provided further*, That a project carried out with funds made available under this paragraph in this Act for construction of the Appalachian Development Highway System shall be made available for obligation in the same manner as if apportioned under chapter 1 of title 23, United States Code, except that: (1) the Federal share of the cost of any project carried out with those amounts shall be determined in accordance with section 14501 of title 40, United States Code; and (2) the amounts shall be available to construct highways and access roads under section 14501 of title 40, United States Code: *Provided further*, That, subject to the following two provisos, in consultation with the Appalachian Regional Commission, the funds made available under this paragraph in this Act for construction of the Appalachian Development Highway System shall be apportioned to Appalachian States according to the percentages derived from the 2021 Appalachian Development Highway System Cost-to-Complete Estimate, dated March 2021, and confirmed as each Appalachian State’s relative share of the estimated remaining need to complete the Appalachian Development Highway System, adjusted to exclude those corridors that such States have no current plans to complete, as reported in the 2013 Appalachian Development Highway System Completion Report, unless those States have modified and assigned a higher priority for completion of an Appalachian Development Highway System corridor, as reported in the 2020 Appalachian Development Highway System Future Outlook: *Provided further*, That the Secretary shall adjust apportionments made under the third proviso in this paragraph in this Act so that no Appalachian State shall be apportioned an amount in excess of 30 percent of the amount made available for construction of the Appalachian Development Highway System under this heading: *Provided further*, That the Secretary shall adjust apportionments made under the third proviso in this paragraph in this Act so that: (1) each State shall be apportioned an amount not less than \$10,000,000 for each of fiscal years 2022 through 2026; and (2) notwithstanding paragraph (1) of this proviso, a State shall not receive an apportionment that exceeds the remaining funds needed to complete the Appalachian development highway corridor or corridors in the State, as identified in the latest available cost to complete estimate for the system prepared by the Appalachian Regional Commission: *Provided further*, That the Federal share of the cost of any project carried out with

Consultation.
Apportionment.

Apportionments.

Apportionments.

funds made available under this paragraph in this Act shall be up to 100 percent, as determined by the State:

Provided further, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 4112(a) of H. Con. Res. 71 (115th Congress), the concurrent resolution on the budget for fiscal year 2018, and to section 251(b) of the Balanced Budget and Emergency Deficit Control Act of 1985.

FEDERAL MOTOR CARRIER SAFETY ADMINISTRATION

MOTOR CARRIER SAFETY OPERATIONS AND PROGRAM

For an additional amount for “Motor Carrier Safety Operations and Program”, \$50,000,000, to remain available until September 30, 2029, to carry out motor carrier safety operations and programs pursuant to section 31110 of title 49, United States Code, in addition to amounts otherwise provided for such purpose: *Provided*, That \$10,000,000, to remain available until September 30, 2025, shall be made available for fiscal year 2022, \$10,000,000, to remain available until September 30, 2026, shall be made available for fiscal year 2023, \$10,000,000, to remain available until September 30, 2027, shall be made available for fiscal year 2024, \$10,000,000, to remain available until September 30, 2028, shall be made available for fiscal year 2025, and \$10,000,000, to remain available until September 30, 2029, shall be made available for fiscal year 2026: *Provided further*, That amounts made available under this heading in this Act shall be derived from the general fund of the Treasury, shall be in addition to any other amounts made available for such purpose, and shall not affect the distribution or amount of funds provided in any Act making annual appropriations: *Provided further*, That obligations of funds under this heading in this Act shall not be subject to any limitations on obligations provided in any Act making annual appropriations: *Provided further*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 4112(a) of H. Con. Res. 71 (115th Congress), the concurrent resolution on the budget for fiscal year 2018, and pursuant to section 251(b) of the Balanced Budget and Emergency Deficit Control Act of 1985.

MOTOR CARRIER SAFETY GRANTS

For an additional amount for “Motor Carrier Safety Grants”, \$622,500,000, to remain available until September 30, 2029, to carry out sections 31102, 31103, 31104, and 31313 of title 49, United States Code, in addition to amounts otherwise provided for such purpose: *Provided*, That \$124,500,000, to remain available until September 30, 2025, shall be made available for fiscal year 2022, \$124,500,000, to remain available until September 30, 2026, shall be made available for fiscal year 2023, \$124,500,000, to remain available until September 30, 2027, shall be made available for fiscal year 2024, \$124,500,000, to remain available until September 30, 2028, shall be made available for fiscal year 2025, and \$124,500,000, to remain available until September 30, 2029, shall be made available for fiscal year 2026: *Provided further*, That, of the amounts provided under this heading in this Act, the following amounts shall be available for the following purposes in equal amounts for each of fiscal years 2022 through 2026—

(1) up to \$400,000,000 shall be for the motor carrier safety assistance program;

(2) up to \$80,000,000 shall be for the commercial driver's license program implementation program;

(3) up to \$132,500,000 shall be for the high priority activities program; and

(4) up to \$10,000,000 shall be for commercial motor vehicle operators grants:

Provided further, That amounts made available under this heading in this Act shall be derived from the general fund of the Treasury, shall be in addition to any other amounts made available for such purpose, and shall not affect the distribution or amount of funds provided in any Act making annual appropriations: *Provided further*, That obligations of funds under this heading in this Act shall not be subject to any limitations on obligations provided in any Act making annual appropriations: *Provided further*, That up to 1.5 percent of the amounts made available under this heading in this Act in each fiscal year shall be for oversight and administration: *Provided further*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 4112(a) of H. Con. Res. 71 (115th Congress), the concurrent resolution on the budget for fiscal year 2018, and pursuant to section 251(b) of the Balanced Budget and Emergency Deficit Control Act of 1985.

NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION

CRASH DATA

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for “Crash Data”, \$750,000,000, to remain available until September 30, 2029, to carry out section 24108 of division B of this Act: *Provided*, That \$150,000,000, to remain available until September 30, 2025, shall be made available for fiscal year 2022, \$150,000,000, to remain available until September 30, 2026, shall be made available for fiscal year 2023, \$150,000,000, to remain available until September 30, 2027, shall be made available for fiscal year 2024, \$150,000,000, to remain available until September 30, 2028, shall be made available for fiscal year 2025, and \$150,000,000, to remain available until September 30, 2029, shall be made available for fiscal year 2026: *Provided further*, That up to 3 percent of the amounts made available under this heading in this Act in each of fiscal years 2022 through 2026 shall be for salaries and expenses, administration, and oversight, and shall be transferred and merged with the appropriations under the heading “Operations and Research”: *Provided further*, That not later than 90 days after the date of enactment of this Act, the Secretary of Transportation shall submit to the House and Senate Committees on Appropriations a funding allocation plan for fiscal year 2022: *Provided further*, That for each fiscal year through 2026, as part of the annual budget submission of the President under section 1105(a) of title 31, United States Code, the Secretary of Transportation shall submit a funding allocation plan for funding that will be made available under this heading in the upcoming fiscal year: *Provided further*, That such amount

Deadline.
Funding plan.

Funding plan.

is designated by the Congress as being for an emergency requirement pursuant to section 4112(a) of H. Con. Res. 71 (115th Congress), the concurrent resolution on the budget for fiscal year 2018, and pursuant to section 251(b) of the Balanced Budget and Emergency Deficit Control Act of 1985.

VEHICLE SAFETY AND BEHAVIORAL RESEARCH PROGRAMS

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for “Vehicle Safety and Behavioral Research Programs”, \$548,500,000, to remain available until September 30, 2029, to carry out the provisions of section 403 of title 23, United States Code, including behavioral research on Automated Systems and Advanced Driver Assistance Systems and improving consumer responses to safety recalls, and chapter 303 of title 49, United States Code, in addition to amounts otherwise provided for such purpose: *Provided*, That \$109,700,000, to remain available until September 30, 2025, shall be made available for fiscal year 2022, \$109,700,000, to remain available until September 30, 2026, shall be made available for fiscal year 2023, \$109,700,000, to remain available until September 30, 2027, shall be made available for fiscal year 2024, \$109,700,000, to remain available until September 30, 2028, shall be made available for fiscal year 2025, and \$109,700,000 to remain available until September 30, 2029, shall be made available for fiscal year 2026: *Provided further*, That amounts made available under this heading in this Act shall be derived from the general fund of the Treasury: *Provided further*, That obligations of funds under this heading in this Act shall not be subject to any limitations on obligations provided in any Act making annual appropriations: *Provided further*, That of the amounts made available under this heading in this Act, up to \$350,000,000 may be transferred to “Operations and Research” to carry out traffic and highway safety authorized under chapter 301 and part C of subtitle VI of title 49, United States Code: *Provided further*, That not later than 90 days after the date of enactment of this Act, the Secretary of Transportation shall submit to the House and Senate Committees on Appropriations a funding allocation for fiscal year 2022: *Provided further*, That for each fiscal year through 2026, as part of the annual budget submission of the President under section 1105(a) of title 31, United States Code, the Secretary of Transportation shall submit a funding allocation for funding that will be made available under this heading in the upcoming fiscal year: *Provided further*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 4112(a) of H. Con. Res. 71 (115th Congress), the concurrent resolution on the budget for fiscal year 2018, and pursuant to section 251(b) of the Balanced Budget and Emergency Deficit Control Act of 1985.

Deadline.
Funding
allocation.

Funding
allocation.

SUPPLEMENTAL HIGHWAY TRAFFIC SAFETY PROGRAMS

For an additional amount for “Supplemental Highway Traffic Safety Programs”, \$310,000,000, to remain available until September 30, 2029, to carry out sections 402 and 405 of title 23, United States Code, and section 24101(a)(5) of division B of this Act: *Provided*, That \$62,000,000, to remain available until September 30, 2025, shall be made available for fiscal year 2022,

\$62,000,000, to remain available until September 30, 2026, shall be made available for fiscal year 2023, \$62,000,000, to remain available until September 30, 2027, shall be made available for fiscal year 2024, \$62,000,000, to remain available until September 30, 2028, shall be made available for fiscal year 2025, and \$62,000,000 to remain available until September 30, 2029, shall be made available for fiscal year 2026: *Provided further*, That amounts made available under this heading in this Act shall be derived from the general fund of the Treasury: *Provided further*, That obligations of funds under this heading in this Act shall not be subject to any limitations on obligations provided in any Act making annual appropriations: *Provided further*, That, of the amounts provided under this heading in this Act, the following amounts shall be for the following purposes in equal amounts for each of fiscal years 2022 through 2026:

(1) \$100,000,000 shall be for highway safety programs under section 402 of title 23, United States Code;

(2) \$110,000,000 shall be for national priority safety programs under section 405 of title 23, United States Code; and

(3) \$100,000,000 shall be for administrative expenses under section 24101(a)(5) of division B of this Act:

Provided further, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 4112(a) of H. Con. Res. 71 (115th Congress), the concurrent resolution on the budget for fiscal year 2018, and pursuant to section 251(b) of the Balanced Budget and Emergency Deficit Control Act of 1985.

FEDERAL RAILROAD ADMINISTRATION

CONSOLIDATED RAIL INFRASTRUCTURE AND SAFETY IMPROVEMENTS

For an additional amount for “Consolidated Rail Infrastructure and Safety Improvements”, \$5,000,000,000, to remain available until expended, for competitive grants, as authorized under section 22907 of title 49, United States Code: *Provided*, That \$1,000,000,000, to remain available until expended, shall be made available for fiscal year 2022, \$1,000,000,000, to remain available until expended, shall be made available for fiscal year 2023, \$1,000,000,000, to remain available until expended, shall be made available for fiscal year 2024, \$1,000,000,000, to remain available until expended, shall be made available for fiscal year 2025, and \$1,000,000,000, to remain available until expended, shall be made available for fiscal year 2026: *Provided further*, That the Secretary may withhold up to 2 percent of the amounts provided under this heading in this Act in each fiscal year for the costs of award and project management oversight of grants carried out under section 22907 of title 49, United States Code: *Provided further*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 4112(a) of H. Con. Res. 71 (115th Congress), the concurrent resolution on the budget for fiscal year 2018, and to section 251(b) of the Balanced Budget and Emergency Deficit Control Act of 1985.

NORTHEAST CORRIDOR GRANTS TO THE NATIONAL RAILROAD
PASSENGER CORPORATION

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for “Northeast Corridor Grants to the National Railroad Passenger Corporation”, \$6,000,000,000, to remain available until expended, for activities associated with the Northeast Corridor, as authorized by section 22101(a) of division B of this Act: *Provided*, That \$1,200,000,000, to remain available until expended, shall be made available for fiscal year 2022, \$1,200,000,000, to remain available until expended, shall be made available for fiscal year 2023, \$1,200,000,000, to remain available until expended, shall be made available for fiscal year 2024, \$1,200,000,000, to remain available until expended, shall be made available for fiscal year 2025, and \$1,200,000,000, to remain available until expended, shall be made available for fiscal year 2026: *Provided further*, That the amounts made available under this heading in this Act shall be made available for capital projects for the purpose of eliminating the backlog of obsolete assets and Amtrak’s deferred maintenance backlog of rolling stock, facilities, stations, and infrastructure: *Provided further*, That amounts made available under this heading in this Act shall be made available for the following capital projects—

Capital projects.

(1) acquiring new passenger rolling stock for the replacement of single-level passenger cars used in Amtrak’s Northeast Corridor services, and associated rehabilitation, upgrade, and expansion of facilities used to maintain and store such equipment;

(2) bringing Amtrak-served stations to full compliance with the Americans with Disabilities Act;

(3) eliminating the backlog of deferred capital work on sole-benefit Amtrak-owned assets located on the Northeast Corridor; or

(4) carrying out Northeast Corridor capital renewal backlog projects:

Provided further, That not later than 180 days after the date of enactment of this Act, the Secretary of Transportation shall submit to the House and Senate Committees on Appropriations a detailed spend plan, including a list of project locations under the preceding proviso to be funded for fiscal year 2022: *Provided further*, That for each fiscal year through 2026, as part of the annual budget submission of the President under section 1105(a) of title 31, United States Code, the Secretary of Transportation shall submit a detailed spend plan for that fiscal year, including a list of project locations under the third proviso: *Provided further*, That amounts made available under this heading in this Act shall be in addition to other amounts made available for such purposes, including to enable the Secretary of Transportation to make or amend existing grants to Amtrak for activities associated with the Northeast Corridor, as authorized by section 22101(a) of division B of this Act: *Provided further*, That amounts made available under this heading in this Act may be used by Amtrak to fund, in whole or in part, the capital costs of Northeast Corridor capital renewal backlog projects, including the costs of joint public transportation and intercity passenger rail capital projects, notwithstanding the limitations in section 24319(g) and section 24905(c) of title 49,

Deadline.
Spend plan.
List.Spend plan.
List.

United States Code: *Provided further*, That notwithstanding section 24911(f) of title 49, United States Code, amounts made available under this heading in this Act may be used as non-Federal share for Northeast Corridor projects selected for award under such section after the date of enactment of this Act: *Provided further*, That the Secretary may retain up to one half of 1 percent of the amounts made available under both this heading in this Act and the “National Network Grants to the National Railroad Passenger Corporation” heading in this Act to fund the costs of oversight of Amtrak, as authorized by section 22101(c) of division B of this Act: *Provided further*, That in addition to the oversight funds authorized under section 22101(c) of division B of this Act, the Secretary may retain up to \$5,000,000 of the funds made available under this heading in this Act for each fiscal year for the Northeast Corridor Commission established under section 24905 of title 49, United States Code, to facilitate a coordinated and efficient delivery of projects carried out under this heading in this Act: *Provided further*, That amounts made available under this heading in this Act may be transferred to and merged with amounts made available under the heading “National Network Grants to the National Railroad Passenger Corporation” in this Act for the purposes authorized under that heading: *Provided further*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 4112(a) of H. Con. Res. 71 (115th Congress), the concurrent resolution on the budget for fiscal year 2018, and to section 251(b) of the Balanced Budget and Emergency Deficit Control Act of 1985.

NATIONAL NETWORK GRANTS TO THE NATIONAL RAILROAD PASSENGER CORPORATION

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for “National Network Grants to the National Railroad Passenger Corporation”, \$16,000,000,000, to remain available until expended, for activities associated with the National Network, as authorized by section 22101(b) of division B of this Act: *Provided*, That \$3,200,000,000, to remain available until expended, shall be made available for fiscal year 2022, \$3,200,000,000, to remain available until expended, shall be made available for fiscal year 2023, \$3,200,000,000, to remain available until expended, shall be made available for fiscal year 2024, \$3,200,000,000, to remain available until expended, shall be made available for fiscal year 2025, and \$3,200,000,000, to remain available until expended, shall be made available for fiscal year 2026: *Provided further*, That amounts made available under this heading in this Act shall be made available for capital projects for the purpose of eliminating Amtrak’s deferred maintenance backlog of rolling stock, facilities, stations and infrastructure, including—

(1) acquiring new passenger rolling stock to replace obsolete passenger equipment used in Amtrak’s long-distance and state-supported services, and associated rehabilitation, upgrade, or expansion of facilities used to maintain and store such equipment;

(2) bringing Amtrak-served stations to full compliance with the Americans with Disabilities Act;

(3) eliminating the backlog of deferred capital work on Amtrak-owned railroad assets not located on the Northeast Corridor; and

(4) projects to eliminate the backlog of obsolete assets associated with Amtrak’s national rail passenger transportation system, such as systems for reservations, security, training centers, and technology:

Provided further, That not later than 180 days after the date of enactment of this Act, the Secretary of Transportation shall submit to the House and Senate Committees on Appropriations a detailed spend plan, including a list of project locations under the preceding proviso to be funded for fiscal year 2022: *Provided further*, That for each fiscal year through 2026, as part of the annual budget submission of the President under section 1105(a) of title 31, United States Code, the Secretary of Transportation shall submit a detailed spend plan for that fiscal year, including a list of project locations under the third proviso: *Provided further*, That of the amounts made available under this heading in this Act, and in addition to amounts made available for similar purposes under this heading in prior Acts, Amtrak shall use such amounts as necessary for the replacement of single-level passenger cars and associated rehabilitation, upgrade, and expansion of facilities used to maintain and store such passenger cars, and such amounts shall be for its direct costs and in lieu of payments from States for such purposes, notwithstanding section 209 of the Passenger Rail Investment and Improvement Act of 2008 (Public Law 110–432), as amended: *Provided further*, That amounts made available under this heading in this Act shall be in addition to other amounts made available for such purposes, including to enable the Secretary of Transportation to make or amend existing grants to Amtrak for activities associated with the National Network, as authorized by section 22101(b) of division B of this Act: *Provided further*, That in addition to the oversight funds authorized under section 22101(c) of division B of this Act, the Secretary may retain up to \$3,000,000 of the funds made available under this heading in this Act for each fiscal year for the State-Supported Route Committee established under section 24712(a) of title 49, United States Code: *Provided further*, That of the funds made available under this heading in this Act, the Secretary may retain up to \$3,000,000 for each fiscal year for interstate rail compact grants, as authorized by section 22910 of title 49, United States Code: *Provided further*, That of the funds made available under this heading in this Act, not less than \$50,000,000 for each fiscal year shall be used to make grants, as authorized under section 22908 of title 49 United States Code consistent with the requirements of that section: *Provided further*, That of the amounts made available under this heading in this Act, such sums as are necessary, shall be available for purposes authorized in section 22214 of division B of this Act: *Provided further*, That amounts made available under this heading in this Act may be transferred to and merged with amounts made available under the heading “Northeast Corridor Grants to the National Railroad Passenger Corporation” in this Act for the purposes authorized under that heading: *Provided further*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 4112(a) of H. Con. Res. 71 (115th Congress), the concurrent resolution on the budget for fiscal year

Deadline.
Spend plan.
List.

Spend plan.
List.

2018, and to section 251(b) of the Balanced Budget and Emergency Deficit Control Act of 1985.

RAILROAD CROSSING ELIMINATION PROGRAM

For an additional amount for “Railroad Crossing Elimination Program”, \$3,000,000,000, to remain available until expended, for competitive grants, as authorized under section 22909 of title 49, United States Code: *Provided*, That \$600,000,000, to remain available until expended, shall be made available for fiscal year 2022, \$600,000,000, to remain available until expended, shall be made available for fiscal year 2023, \$600,000,000, to remain available until expended, shall be made available for fiscal year 2024, \$600,000,000, to remain available until expended, shall be made available for fiscal year 2025, and \$600,000,000, to remain available until expended, shall be made available for fiscal year 2026: *Provided further*, That the Secretary may withhold up to 2 percent of the amounts provided under this heading in this Act for the costs of award and project management oversight of grants carried out under section 22909 of title 49, United States Code: *Provided further*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 4112(a) of H. Con. Res. 71 (115th Congress), the concurrent resolution on the budget for fiscal year 2018, and to section 251(b) of the Balanced Budget and Emergency Deficit Control Act of 1985.

FEDERAL-STATE PARTNERSHIP FOR INTERCITY PASSENGER RAIL GRANTS

For an additional amount for “Federal-State Partnership for Intercity Passenger Rail Grants”, \$36,000,000,000, to remain available until expended, for grants, as authorized section 24911 of title 49, United States Code: *Provided*, That \$7,200,000,000, to remain available until expended, shall be made available for fiscal year 2022, \$7,200,000,000, to remain available until expended, shall be made available for fiscal year 2023, \$7,200,000,000, to remain available until expended, shall be made available for fiscal year 2024, \$7,200,000,000, to remain available until expended, shall be made available for fiscal year 2025, and \$7,200,000,000, to remain available until expended, shall be made available for fiscal year 2026: *Provided further*, That, notwithstanding subsection 24911(d)(3) of title 49, United States Code, not more than \$24,000,000,000 of the amounts made available under this heading in this Act for fiscal years 2022 through 2026 shall be for projects for the Northeast Corridor: *Provided further*, That amounts made available under the heading “Northeast Corridor Grants to the National Railroad Passenger Corporation” in this Act may be used as non-Federal share for Northeast Corridor projects selected for award under section 24911 of title 49, United States Code, after the date of enactment of this Act, notwithstanding subsection 24911(f) of such title: *Provided further*, That the Secretary may withhold up to 2 percent of the amount provided under this heading in this Act in each fiscal year for the costs of award and project management oversight of grants carried out under section 24911 of title 49, United States Code: *Provided further*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 4112(a) of H. Con. Res. 71 (115th Congress), the concurrent resolution on the budget for fiscal year 2018,

and to section 251(b) of the Balanced Budget and Emergency Deficit Control Act of 1985.

ADMINISTRATIVE PROVISIONS—FEDERAL RAILROAD ADMINISTRATION

(INCLUDING TRANSFER OF FUNDS)

SEC. 802. Amounts made available to the Secretary of Transportation or to the Federal Railroad Administration in this title in this Act for the costs of award, administration, and project management oversight of financial assistance under the programs that are administered by the Federal Railroad Administration may be transferred to a “Financial Assistance Oversight and Technical Assistance” account, to remain available until expended, for the necessary expenses to support the award, administration, project management oversight, and technical assistance of programs administered by the Federal Railroad Administration under this Act: *Provided*, That one-quarter of one percent of the amounts transferred pursuant to the authority in this section in each of fiscal years 2022 through 2026 shall be transferred to the Office of Inspector General of the Department of Transportation for oversight of funding provided to the Department of Transportation in this title in this Act: *Provided further*, That one-quarter of one percent of the amounts transferred pursuant to the authority in this section in each of fiscal years 2022 through 2026 shall be transferred to the National Railroad Passenger Corporation Office of Inspector General for oversight of funding provided to the National Railroad Passenger Corporation in this title in this Act.

FEDERAL TRANSIT ADMINISTRATION

TRANSIT INFRASTRUCTURE GRANTS

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for “Transit Infrastructure Grants”, \$10,250,000,000, to remain available until expended: *Provided*, That \$2,050,000,000, to remain available until expended, shall be made available for fiscal year 2022, \$2,050,000,000, to remain available until expended, shall be made available for fiscal year 2023, \$2,050,000,000, to remain available until expended, shall be made available for fiscal year 2024, \$2,050,000,000, to remain available until expended, shall be made available for fiscal year 2025, and \$2,050,000,000, to remain available until expended, shall be made available for fiscal year 2026: *Provided further*, That the funds made available under this heading in this Act shall be derived from the general fund of the Treasury, shall be in addition to any other amounts made available for such purpose, and shall not affect the distribution of funds provided in any Act making annual appropriations: *Provided further*, That the funds made available under this heading in this Act shall not be subject to any limitation on obligations for the Federal Public Transportation Assistance Program set forth in any Act making annual appropriations: *Provided further*, That, of the amount provided under this heading in this Act, the following amounts shall be for the following purposes in equal amounts for each of fiscal years 2022 through 2026—

(1) \$4,750,000,000 shall be to carry out the state of good repair grants under section 5337(c) and (d) of title 49, United States Code;

(2) \$5,250,000,000 shall be to carry out the low or no emission grants under section 5339(c) of title 49, United States Code; and

(3) \$250,000,000 shall be to carry out the formula grants for the enhanced mobility of seniors and individuals with disabilities as authorized under section 5310 of title 49, United States Code:

Provided further, That not more than two percent of the funds made available under this heading in this Act shall be available for administrative and oversight expenses as authorized under section 5334 and section 5338(c) of title 49, United States Code, and shall be in addition to any other appropriations for such purpose:

Provided further, That one-half of one percent of the amounts in the preceding proviso shall be transferred to the Office of Inspector General of the Department of Transportation for oversight of funding provided to the Department of Transportation in this title in this Act: *Provided further*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 4112(a) of H. Con. Res. 71 (115th Congress), the concurrent resolution on the budget for fiscal year 2018, and to section 251(b) of the Balanced Budget and Emergency Deficit Control Act of 1985.

CAPITAL INVESTMENT GRANTS

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for “Capital Investment Grants”, \$8,000,000,000, to remain available until expended: *Provided*, That \$1,600,000,000, to remain available until expended, shall be made available for fiscal year 2022, \$1,600,000,000, to remain available until expended, shall be made available for fiscal year 2023, \$1,600,000,000, to remain available until expended, shall be made available for fiscal year 2024, \$1,600,000,000, to remain available until expended, shall be made available for fiscal year 2025, and \$1,600,000,000, to remain available until expended, shall be made available for fiscal year 2026: *Provided further*, That not more than 55 percent of the funds made available under this heading in this Act in each fiscal year may be available for projects authorized under section 5309(d) of title 49, United States Code: *Provided further*, That not more than 20 percent of the funds made available under this heading in this Act in each fiscal year may be available for projects authorized under section 5309(e) of title 49, United States Code: *Provided further*, That not more than 15 percent of the funds made available under this heading in this Act in each fiscal year may be available for projects authorized under section 5309(h) of title 49, United States Code: *Provided further*, That not more than 10 percent of the funds made available under this heading in this Act in each fiscal year may be available for projects authorized under section 3005(b) of the Fixing America’s Surface Transportation Act: *Provided further*, That the Secretary may adjust the percentage limitations in any of the preceding four provisos by up to 5 percent in each fiscal year for which funds are made available under this heading in this Act only

when there are unobligated carry over balances from funds provided for section 5309(d), section 5309(e), or section 5309(h) of title 49, United States Code, or section 3005(b) of the Fixing America's Transportation Act that are equal to or greater than amounts provided under this heading in this Act: *Provided further*, That for each fiscal year through 2026, as part of the annual budget submission of the President under section 1105(a) of title 31, United States Code, the Secretary of Transportation shall submit a list of potential projects eligible for the funds made available under this heading in this Act for that fiscal year, including project locations and proposed funding amounts consistent with the projects Full Funding Grant Agreement annual funding profile where applicable: *Provided further*, That funds allocated to any project during fiscal years 2015 or 2017 pursuant to section 5309 of title 49, United States Code, shall remain allocated to that project through fiscal year 2023: *Provided further*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 4112(a) of H. Con. Res. 71 (115th Congress), the concurrent resolution on the budget for fiscal year 2018, and to section 251(b) of the Balanced Budget and Emergency Deficit Control Act of 1985.

List.

ALL STATIONS ACCESSIBILITY PROGRAM

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for “All Stations Accessibility Program”, \$1,750,000,000, to remain available until expended, for the Secretary of Transportation to make competitive grants to assist eligible entities in financing capital projects to upgrade the accessibility of legacy rail fixed guideway public transportation systems for persons with disabilities, including those who use wheelchairs, by increasing the number of existing (as of the date of enactment of this Act) stations or facilities for passenger use that meet or exceed the new construction standards of title II of the Americans with Disabilities Act of 1990 (42 U.S.C. 12131 et seq.): *Provided*, That \$350,000,000, to remain available until expended, shall be made available for fiscal year 2022, \$350,000,000, to remain available until expended, shall be made available for fiscal year 2023, \$350,000,000, to remain available until expended, shall be made available for fiscal year 2024, \$350,000,000, to remain available until expended, shall be made available for fiscal year 2025, and \$350,000,000, to remain available until expended, shall be made available for fiscal year 2026: *Provided further*, That the funds made available under this heading in this Act shall be derived from the general fund of the Treasury: *Provided further*, That eligible entities under this heading in this Act shall include a State or local government authority: *Provided further*, That an eligible entity may use a grant awarded under this heading in this Act: (1) for a project to repair, improve, modify, retrofit, or relocate infrastructure of stations or facilities for passenger use, including load-bearing members that are an essential part of the structural frame; or (2) to develop or modify a plan for pursuing public transportation accessibility projects, assessments of accessibility, or assessments of planned modifications to stations or facilities for passenger use: *Provided further*, That eligible entities are

encouraged to consult with appropriate stakeholders and the surrounding community to ensure accessibility for individuals with disabilities, including accessibility for individuals with physical disabilities, including those who use wheelchairs, accessibility for individuals with sensory disabilities, and accessibility for individuals with intellectual or developmental disabilities: *Provided further*, That all projects shall at least meet the new construction standards of title II of the Americans with Disabilities Act of 1990: *Provided further*, That eligible costs for a project funded with a grant awarded under this heading in this Act shall be limited to the costs associated with carrying out the purpose described in the preceding proviso: *Provided further*, That an eligible entity may not use a grant awarded under this heading in this Act to upgrade a station or facility for passenger use that is accessible to and usable by individuals with disabilities, including individuals who use wheelchairs, consistent with current (as of the date of the upgrade) new construction standards under title II of the Americans with Disabilities Act of 1990 (42 U.S.C. 12131 et seq.): *Provided further*, That a grant for a project made with amounts made available under this heading in this Act shall be for 80 percent of the net project cost: *Provided further*, That the total Federal financial assistance available under chapter 53 of title 49, United States Code, for an eligible entity that receives a grant awarded under this heading in this Act may not exceed 80 percent: *Provided further*, That the recipient of a grant made with amounts made available under this heading in this Act may provide additional local matching amounts: *Provided further*, That not more than two percent of the funds made available under this heading in this Act shall be available for administrative and oversight expenses as authorized under section 5334 and section 5338(c) of title 49, United States Code, and shall be in addition to any other appropriations for such purpose: *Provided further*, That one-half of one percent of the of the amounts in the preceding proviso shall be transferred to the Office of Inspector General of the Department of Transportation for oversight of funding provided to the Department of Transportation in this title in this Act: *Provided further*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 4112(a) of H. Con. Res. 71 (115th Congress), the concurrent resolution on the budget for fiscal year 2018, and to section 251(b) of the Balanced Budget and Emergency Deficit Control Act of 1985.

ELECTRIC OR LOW-EMITTING FERRY PROGRAM

(INCLUDING TRANSFER OF FUNDS)

For competitive grants for electric or low-emitting ferry pilot program grants as authorized under section 71102 of division G of this Act, \$250,000,000, to remain available until expended: *Provided*, That \$50,000,000, to remain available until expended, shall be made available for fiscal year 2022, \$50,000,000, to remain available until expended, shall be made available for fiscal year 2023, \$50,000,000, to remain available until expended, shall be made available for fiscal year 2024, \$50,000,000, to remain available until expended, shall be made available for fiscal year 2025, and \$50,000,000, to remain available until expended, shall be made available for fiscal year 2026: *Provided further*, That amounts made

available under this heading in this Act shall be derived from the general fund of the Treasury: *Provided further*, That the amounts made available under this heading in this Act shall not be subject to any limitation on obligations for transit programs set forth in any Act making annual appropriations: *Provided further*, That not more than two percent of the funds made available under this heading in this Act shall be available for administrative and oversight expenses as authorized under section 5334 and section 5338(c) of title 49, United States Code, and shall be in addition to any other appropriations for such purpose: *Provided further*, That one-half of one percent of the of the amounts in the preceding proviso shall be transferred to the Office of Inspector General of the Department of Transportation for oversight of funding provided to the Department of Transportation in this title in this Act: *Provided further*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 4112(a) of H. Con. Res. 71 (115th Congress), the concurrent resolution on the budget for fiscal year 2018, and to section 251(b) of the Balanced Budget and Emergency Deficit Control Act of 1985.

FERRY SERVICE FOR RURAL COMMUNITIES

(INCLUDING TRANSFER OF FUNDS)

For competitive grants to States for eligible essential ferry service as authorized under section 71103 of division G of this Act, \$1,000,000,000, to remain available until expended: *Provided*, That \$200,000,000, to remain available until expended, shall be made available for fiscal year 2022, \$200,000,000, to remain available until expended, shall be made available for fiscal year 2023, \$200,000,000, to remain available until expended, shall be made available for fiscal year 2024, \$200,000,000, to remain available until expended, shall be made available for fiscal year 2025, and \$200,000,000, to remain available until expended, shall be made available for fiscal year 2026: *Provided further*, That amounts made available under this heading in this Act shall be derived from the general fund of the Treasury: *Provided further*, That amounts made available under this heading in this Act shall not be subject to any limitation on obligations for the Federal Public Transportation Assistance Program set forth in any Act making annual appropriations: *Provided further*, That not more than two percent of the funds made available under this heading in this Act shall be available for administrative and oversight expenses as authorized under section 5334 and section 5338(c) of title 49, United States Code, and shall be in addition to any other appropriations for such purpose: *Provided further*, That one-half of one percent of the amounts in the preceding proviso shall be transferred to the Office of Inspector General of the Department of Transportation for oversight of funding provided to the Department of Transportation in this title in this Act: *Provided further*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 4112(a) of H. Con. Res. 71 (115th Congress), the concurrent resolution on the budget for fiscal year 2018, and to section 251(b) of the Balanced Budget and Emergency Deficit Control Act of 1985.

MARITIME ADMINISTRATION

OPERATIONS AND TRAINING

For an additional amount for “Operations and Training”, \$25,000,000, to remain available until September 30, 2032, for the America’s Marine Highway Program to make grants for the purposes authorized under sections 55601(b)(1) and (3) of title 46, United States Code: *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 4112(a) of H. Con. Res. 71 (115th Congress), the concurrent resolution on the budget for fiscal year 2018, and to section 251(b) of the Balanced Budget and Emergency Deficit Control Act of 1985.

PORT INFRASTRUCTURE DEVELOPMENT PROGRAM

For an additional amount for “Port Infrastructure Development Program”, \$2,250,000,000, to remain available until September 30, 2036: *Provided*, That \$450,000,000, to remain available until September 30, 2032, shall be made available for fiscal year 2022, \$450,000,000, to remain available until September 30, 2033, shall be made available for fiscal year 2023, \$450,000,000, to remain available until September 30, 2034, shall be made available for fiscal year 2024, \$450,000,000, to remain available until September 30, 2035, shall be made available for fiscal year 2025, and \$450,000,000, to remain available until September 30, 2036, shall be made available for fiscal year 2026: *Provided further*, That for the purposes of amounts made available under this heading in this Act and in prior Acts, and in addition to projects already eligible for awards under this heading, eligible projects, as defined under section 50302(c)(3) of title 46, United States Code, shall also include projects that improve the resiliency of ports to address sea-level rise, flooding, extreme weather events, earthquakes, and tsunami inundation, as well as projects that reduce or eliminate port-related criteria pollutant or greenhouse gas emissions, including projects for—

- (1) Port electrification or electrification master planning;
- (2) Harbor craft or equipment replacements/retrofits;
- (3) Development of port or terminal micro-grids;
- (4) Providing idling reduction infrastructure;
- (5) Purchase of cargo handling equipment and related infrastructure;
- (6) Worker training to support electrification technology;
- (7) Installation of port bunkering facilities from ocean-going vessels for fuels;
- (8) Electric vehicle charge or hydrogen refueling infrastructure for drayage, and medium or heavy duty trucks and locomotives that service the port and related grid upgrades; or
- (9) Other related to port activities including charging infrastructure, electric rubber-tired gantry cranes, and anti-idling technologies:

Provided further, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 4112(a) of H. Con. Res. 71 (115th Congress), the concurrent resolution on the budget for fiscal year 2018, and to section 251(b) of the Balanced Budget and Emergency Deficit Control Act of 1985.

PIPELINE AND HAZARDOUS MATERIALS SAFETY ADMINISTRATION

NATURAL GAS DISTRIBUTION INFRASTRUCTURE SAFETY AND
MODERNIZATION GRANT PROGRAM

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for “Natural Gas Distribution Infrastructure Safety and Modernization Grant Program”, \$1,000,000,000, to remain available until expended for the Secretary of Transportation to make competitive grants for the modernization of natural gas distribution pipelines: *Provided*, That \$200,000,000, to remain available until September 30, 2032, shall be made available for fiscal year 2022, \$200,000,000, to remain available until September 30, 2033, shall be made available for fiscal year 2023, \$200,000,000, to remain available until September 30, 2034, shall be made available for fiscal year 2024, \$200,000,000, to remain available until September 30, 2035, shall be made available for fiscal year 2025, and \$200,000,000, to remain available until September 30, 2036, shall be made available for fiscal year 2026: *Provided further*, That grants from funds made available under this heading in this Act shall be available to a municipality or community owned utility (not including for-profit entities) to repair, rehabilitate, or replace its natural gas distribution pipeline system or portions thereof or to acquire equipment to (1) reduce incidents and fatalities and (2) avoid economic losses: *Provided further*, That in making grants from funds made available under this heading in this Act, the Secretary shall establish procedures for awarding grants that take into consideration the following: (1) the risk profile of the existing pipeline system operated by the applicant, including the presence of pipe prone to leakage; (2) the potential of the project for creating jobs; (3) the potential for benefiting disadvantaged rural and urban communities; and (4) economic impact or growth: *Provided further*, That the Secretary shall not award more than 12.5 percent of the funds available under this heading to a single municipality or community-owned utility: *Provided further*, That the Secretary shall issue a notice of funding opportunity not later than 180 days after each date upon which funds are made available under the first proviso: *Provided further*, That the Secretary shall make awards not later than 270 days after issuing the notices of funding opportunity required under the preceding proviso: *Provided further*, That not more than 2 percent of the amounts made available in each fiscal year shall be available to pay the administrative costs of carrying out the grant program under this heading in this Act: *Provided further*, That one-half of one percent of the amounts transferred pursuant to the authority in this section in each of fiscal years 2022 through 2026 shall be transferred to the Office of Inspector General of the Department of Transportation for oversight of funding provided to the Department of Transportation in this Act: *Provided further*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 4112(a) of H. Con. Res. 71 (115th Congress), the concurrent resolution on the budget for fiscal year 2018, and to section 251(b) of the Balanced Budget and Emergency Deficit Control Act of 1985.

Procedures.

Notice.
Deadline.Awards.
Deadline.

GENERAL PROVISION—DEPARTMENT OF TRANSPORTATION

SEC. 803. Any funds transferred to the Office of Inspector General of the Department of Transportation from amounts made available in this division in this Act shall remain available until expended.

TITLE IX—GENERAL PROVISIONS—THIS DIVISION

SEC. 901. Each amount appropriated or made available by this division is in addition to amounts otherwise appropriated for the fiscal year involved.

SEC. 902. No part of any appropriation contained in this division shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 903. Unless otherwise provided for by this division, the additional amounts appropriated by this division to appropriations accounts for a fiscal year shall be available under the authorities and conditions applicable to such appropriations accounts for that fiscal year.

SEC. 904. Any amount appropriated by this division, designated by the Congress as an emergency requirement pursuant to section 4112(a) of H. Con. Res. 71 (115th Congress), the concurrent resolution on the budget for fiscal year 2018, and to section 251(b) of the Balanced Budget and Emergency Deficit Control Act of 1985, and transferred pursuant to transfer authorities provided by this division shall retain such designation.

BUDGETARY EFFECTS

SEC. 905. (a) STATUTORY PAYGO SCORECARDS.—The budgetary effects of this division and amounts rescinded in section 90007 of division I that were previously designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985 shall not be entered on either PAYGO scorecard maintained pursuant to section 4(d) of the Statutory Pay As-You-Go Act of 2010.

(b) SENATE PAYGO SCORECARDS.—The budgetary effects of this division and amounts rescinded in section 90007 of division I that were previously designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985 shall not be entered on any PAYGO scorecard maintained for purposes of section 4106 of H. Con. Res. 71 (115th Congress).

(c) CLASSIFICATION OF BUDGETARY EFFECTS.—Notwithstanding Rule 3 of the Budget Scorekeeping Guidelines set forth in the joint explanatory statement of the committee of conference accompanying Conference Report 105–217 and section 250(c)(7) and (c)(8) of the Balanced Budget and Emergency Deficit Control Act of 1985, the budgetary effects of this division and amounts rescinded in section 90007 of division I that were previously designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985 shall be estimated for purposes of section 251 of such Act and as appropriations for discretionary accounts for purposes of the allocation to the Committee on Appropriations pursuant to section 302(a) of the Congressional Budget Act of 1974

and section 4112 of H. Con. Res. 71 (115th Congress), the concurrent resolution on the budget for fiscal year 2018.

This division may be cited as the “Infrastructure Investments and Jobs Appropriations Act”.

DIVISION K—MINORITY BUSINESS DEVELOPMENT

Minority
Business
Development
Act of 2021.

SEC. 100001. SHORT TITLE.

This division may be cited as the “Minority Business Development Act of 2021”.

15 USC 8501
note.

SEC. 100002. DEFINITIONS.

15 USC 9501.

In this division:

(1) AGENCY.—The term “Agency” means the Minority Business Development Agency of the Department of Commerce.

(2) COMMUNITY-BASED ORGANIZATION.—The term “community-based organization” has the meaning given the term in section 8101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801).

(3) ELIGIBLE ENTITY.—Except as otherwise expressly provided, the term “eligible entity”—

(A) means—

- (i) a private sector entity;
- (ii) a public sector entity; or
- (iii) a Native entity; and

(B) includes an institution of higher education.

(4) FEDERAL AGENCY.—The term “Federal agency” has the meaning given the term “agency” in section 551 of title 5, United States Code.

(5) FEDERALLY RECOGNIZED AREA OF ECONOMIC DISTRESS.—The term “federally recognized area of economic distress” means—

(A) a HUBZone, as that term is defined in section 31(b) of the Small Business Act (15 U.S.C. 657a(b));

(B) an area that—

(i) has been designated as—

(I) an empowerment zone under section 1391 of the Internal Revenue Code of 1986; or

(II) a Promise Zone by the Secretary of Housing and Urban Development; or

(ii) is a low or moderate income area, as determined by the Department of Housing and Urban Development;

(C) a qualified opportunity zone, as that term is defined in section 1400Z–1 of the Internal Revenue Code of 1986; or

(D) any other political subdivision or unincorporated area of a State determined by the Under Secretary to be an area of economic distress.

(6) INSTITUTION OF HIGHER EDUCATION.—The term “institution of higher education” has the meaning given the term in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001).

(7) MBDA BUSINESS CENTER.—The term “MBDA Business Center” means a business center that—

- (A) is established by the Agency; and
- (B) provides technical business assistance to minority business enterprises consistent with the requirements of this division.
- (8) MBDA BUSINESS CENTER AGREEMENT.—The term “MBDA Business Center agreement” means a legal instrument—
 - (A) reflecting a relationship between the Agency and the recipient of a Federal assistance award that is the subject of the instrument; and
 - (B) that establishes the terms by which the recipient described in subparagraph (A) shall operate an MBDA Business Center.
- (9) MINORITY BUSINESS ENTERPRISE.—
 - (A) IN GENERAL.—The term “minority business enterprise” means a business enterprise—
 - (i) that is not less than 51 percent-owned by 1 or more socially or economically disadvantaged individuals; and
 - (ii) the management and daily business operations of which are controlled by 1 or more socially or economically disadvantaged individuals.
 - (B) RULE OF CONSTRUCTION.—Nothing in subparagraph (A) may be construed to exclude a business enterprise from qualifying as a “minority business enterprise” under that subparagraph because of—
 - (i) the status of the business enterprise as a for-profit or not-for-profit enterprise; or
 - (ii) the annual revenue of the business enterprise.
- (10) NATIVE ENTITY.—The term “Native entity” means—
 - (A) a Tribal Government;
 - (B) an Alaska Native village or Regional or Village Corporation, as defined in or established pursuant to the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.);
 - (C) a Native Hawaiian organization, as that term is defined in section 6207 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7517);
 - (D) the Department of Hawaiian Home Lands; and
 - (E) the Office of Hawaiian Affairs.
- (11) PRIVATE SECTOR ENTITY.—The term “private sector entity”—
 - (A) means an entity that is not a public sector entity; and
 - (B) does not include—
 - (i) the Federal Government;
 - (ii) any Federal agency; or
 - (iii) any instrumentality of the Federal Government.
- (12) PUBLIC SECTOR ENTITY.—The term “public sector entity” means—
 - (A) a State;
 - (B) an agency of a State;
 - (C) a political subdivision of a State;
 - (D) an agency of a political subdivision of a State;
 or
 - (E) a Native entity.

(13) SECRETARY.—The term “Secretary” means the Secretary of Commerce.

(14) SOCIALLY OR ECONOMICALLY DISADVANTAGED BUSINESS CONCERN.—The term “socially or economically disadvantaged business concern” means a for-profit business enterprise—

(A)(i) that is not less than 51 percent owned by 1 or more socially or economically disadvantaged individuals; or

(ii) that is socially or economically disadvantaged; or

(B) the management and daily business operations of which are controlled by 1 or more socially or economically disadvantaged individuals.

(15) SOCIALLY OR ECONOMICALLY DISADVANTAGED INDIVIDUAL.—

(A) IN GENERAL.—The term “socially or economically disadvantaged individual” means an individual who has been subjected to racial or ethnic prejudice or cultural bias (or the ability of whom to compete in the free enterprise system has been impaired due to diminished capital and credit opportunities, as compared to others in the same line of business and competitive market area) because of the identity of the individual as a member of a group, without regard to any individual quality of the individual that is unrelated to that identity.

(B) PRESUMPTION.—In carrying out this division, the Under Secretary shall presume that the term “socially or economically disadvantaged individual” includes any individual who is—

(i) Black or African American;

(ii) Hispanic or Latino;

(iii) American Indian or Alaska Native;

(iv) Asian;

(v) Native Hawaiian or other Pacific Islander; or

(vi) a member of a group that the Agency determines under part 1400 of title 15, Code of Federal Regulations, as in effect on November 23, 1984, is a socially disadvantaged group eligible to receive assistance.

(16) SPECIALTY CENTER.—The term “specialty center” means an MBDA Business Center that provides specialty services focusing on specific business needs, including assistance relating to—

(A) capital access;

(B) Federal procurement;

(C) entrepreneurship;

(D) technology transfer; or

(E) any other area determined necessary or appropriate based on the priorities of the Agency.

(17) STATE.—The term “State” means—

(A) each of the States of the United States;

(B) the District of Columbia;

(C) the Commonwealth of Puerto Rico;

(D) the United States Virgin Islands;

(E) Guam;

(F) American Samoa;

(G) the Commonwealth of the Northern Mariana Islands; and

(H) each Tribal Government.

(18) TRIBAL GOVERNMENT.—The term “Tribal Government” means the recognized governing body of any Indian or Alaska Native tribe, band, nation, pueblo, village, community, component band, or component reservation, individually identified (including parenthetically) in the list published most recently as of the date of enactment of this division pursuant to section 104 of the Federally Recognized Indian Tribe List Act of 1994 (25 U.S.C. 5131).

(19) UNDER SECRETARY.—The term “Under Secretary” means the Under Secretary of Commerce for Minority Business Development, who is appointed as described in section _____ 3(b) to administer this division.

SEC. 100003. MINORITY BUSINESS DEVELOPMENT AGENCY.

(a) IN GENERAL.—There is within the Department of Commerce the Minority Business Development Agency.

(b) UNDER SECRETARY.—

(1) APPOINTMENT AND DUTIES.—The Agency shall be headed by the Under Secretary of Commerce for Minority Business Development, who shall—

President.

(A) be appointed by the President, by and with the advice and consent of the Senate;

(B) except as otherwise expressly provided, be responsible for the administration of this division; and

(C) report directly to the Secretary.

(2) COMPENSATION.—

(A) IN GENERAL.—The Under Secretary shall be compensated at an annual rate of basic pay prescribed for level III of the Executive Schedule under section 5314 of title 5, United States Code.

(B) TECHNICAL AND CONFORMING AMENDMENT.—Section 5314 of title 5, United States Code, is amended by striking “and Under Secretary of Commerce for Travel and Tourism” and inserting “Under Secretary of Commerce for Travel and Tourism, and Under Secretary of Commerce for Minority Business Development”.

(3) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the Director of the Agency shall be deemed to be a reference to the Under Secretary.

(c) REPORT TO CONGRESS.—Not later than 120 days after the date of enactment of this Act, the Secretary shall submit to Congress a report that describes—

(1) the organizational structure of the Agency;

(2) the organizational position of the Agency within the Department of Commerce; and

(3) a description of how the Agency shall function in relation to the operations carried out by each other component of the Department of Commerce.

(d) OFFICE OF BUSINESS CENTERS.—

(1) ESTABLISHMENT.—There is established within the Agency the Office of Business Centers.

Appointment.

(2) DIRECTOR.—The Office of Business Centers shall be administered by a Director, who shall be appointed by the Under Secretary.

(e) OFFICES OF THE AGENCY.—

(1) IN GENERAL.—In addition to the regional offices that the Under Secretary is required to establish under paragraph (2), the Under Secretary shall establish such other offices within the Agency as are necessary to carry out this division.

(2) REGIONAL OFFICES.—

(A) IN GENERAL.—In order to carry out this division, the Under Secretary shall establish a regional office of the Agency for each of the regions of the United States, as determined by the Under Secretary.

Determination.

(B) DUTIES.—Each regional office established under subparagraph (A) shall expand the reach of the Agency and enable the Federal Government to better serve the needs of minority business enterprises in the region served by the office, including by—

(i) understanding and participating in the business environment of that region;

(ii) working with—

(I) MBDA Business Centers that are located in that region;

(II) resource and lending partners of other appropriate Federal agencies that are located in that region; and

(III) Federal, State, and local procurement offices that are located in that region;

(iii) being aware of business retention or expansion programs that are specific to that region;

(iv) seeking out opportunities to collaborate with regional public and private programs that focus on minority business enterprises; and

(v) promoting business continuity and preparedness.

TITLE I—EXISTING INITIATIVES

Subtitle A—Market Development, Research, and Information

SEC. 100101. PRIVATE SECTOR DEVELOPMENT.

15 USC 9511.

The Under Secretary shall, whenever the Under Secretary determines such action is necessary or appropriate—

(1) provide Federal assistance to minority business enterprises operating in domestic and foreign markets by making available to those business enterprises, either directly or in cooperation with private sector entities, including community-based organizations and national nonprofit organizations—

(A) resources relating to management;

(B) technological and technical assistance;

(C) financial, legal, and marketing services; and

(D) services relating to workforce development;

(2) encourage minority business enterprises to establish joint ventures and projects—

(A) with other minority business enterprises; or

(B) in cooperation with public sector entities or private sector entities, including community-based organizations and national nonprofit organizations, to increase the share

of any market activity being performed by minority business enterprises; and
 (3) facilitate the efforts of private sector entities and Federal agencies to advance the growth of minority business enterprises.

15 USC 9512.

SEC. 100102. PUBLIC SECTOR DEVELOPMENT.

The Under Secretary shall, whenever the Under Secretary determines such action is necessary or appropriate—

Consultation.

(1) consult and cooperate with public sector entities for the purpose of leveraging resources available in the jurisdictions of those public sector entities to promote the position of minority business enterprises in the local economies of those public sector entities, including by assisting public sector entities to establish or enhance—

(A) programs to procure goods and services through minority business enterprises and goals for that procurement;

(B) programs offering assistance relating to—

(i) management;

(ii) technology;

(iii) law;

(iv) financing, including accounting;

(v) marketing; and

(vi) workforce development; and

(C) informational programs designed to inform minority business enterprises located in the jurisdictions of those public sector entities about the availability of programs described in this section;

(2) meet with leaders and officials of public sector entities for the purpose of recommending and promoting local administrative and legislative initiatives needed to advance the position of minority business enterprises in the local economies of those public sector entities; and

(3) facilitate the efforts of public sector entities and Federal agencies to advance the growth of minority business enterprises.

15 USC 9513.

SEC. 100103. RESEARCH AND INFORMATION.

(a) IN GENERAL.—In order to achieve the purposes of this division, the Under Secretary—

(1) shall—

Analysis.

(A) collect and analyze data, including data relating to the causes of the success or failure of minority business enterprises;

Studies.

(B) conduct research, studies, and surveys of—

Surveys.

(i) economic conditions generally in the United States; and

(ii) how the conditions described in clause (i) particularly affect the development of minority business enterprises; and

(C) provide outreach, educational services, and technical assistance in, at a minimum, the 5 most commonly spoken languages in the United States to ensure that limited English proficient individuals receive culturally and linguistically appropriate access to the services and information provided by the Agency; and

(2) may perform an evaluation of programs carried out by the Under Secretary that are designed to assist the development of minority business enterprises.

(b) INFORMATION CLEARINGHOUSE.—The Under Secretary shall—

(1) establish and maintain an information clearinghouse for the collection and dissemination to relevant parties (including business owners and researchers) of demographic, economic, financial, managerial, and technical data relating to minority business enterprises; and

(2) take such steps as the Under Secretary may determine to be necessary and desirable to—

(A) search for, collect, classify, coordinate, integrate, record, and catalog the data described in paragraph (1); and

(B) in a manner that is consistent with section 552a of title 5, United States Code, protect the privacy of the minority business enterprises to which the data described in paragraph (1) relates.

Subtitle B—Minority Business Development Agency Business Center Program

SEC. 100111. DEFINITION.

15 USC 9521.

In this subtitle, the term “MBDA Business Center Program” means the program established under section _____ 113.

SEC. 100112. PURPOSE.

15 USC 9522.

The purpose of the MBDA Business Center Program shall be to create a national network of public-private partnerships that—

(1) assist minority business enterprises in—

(A) accessing capital, contracts, and grants; and

(B) creating and maintaining jobs;

(2) provide counseling and mentoring to minority business enterprises; and

(3) facilitate the growth of minority business enterprises by promoting trade.

SEC. 100113. ESTABLISHMENT.

15 USC 9523.

(a) IN GENERAL.—There is established in the Agency a program—

(1) that shall be known as the MBDA Business Center Program;

(2) that shall be separate and distinct from the efforts of the Under Secretary under section _____ 101; and

(3) under which the Under Secretary shall make Federal assistance awards to eligible entities to operate MBDA Business Centers, which shall, in accordance with section _____ 114, provide technical assistance and business development services, or specialty services, to minority business enterprises.

(b) COVERAGE.—The Under Secretary shall take all necessary actions to ensure that the MBDA Business Center Program, in accordance with section _____ 114, offers the services described in subsection (a)(3) in all regions of the United States.

Contracts.
15 USC 9524.

SEC. 100114. GRANTS AND COOPERATIVE AGREEMENTS.

(a) **REQUIREMENTS.**—An MBDA Business Center (referred to in this subtitle as a “Center”), with respect to the Federal financial assistance award made to operate the Center under the MBDA Business Center Program—

(1) shall—

(A) provide to minority business enterprises programs and services determined to be appropriate by the Under Secretary, which may include—

(i) referral services to meet the needs of minority business enterprises; and

(ii) programs and services to accomplish the goals described in section _____ 101(1);

(B) develop, cultivate, and maintain a network of strategic partnerships with organizations that foster access by minority business enterprises to economic markets, capital, or contracts;

(C) continue to upgrade and modify the services provided by the Center, as necessary, in order to meet the changing and evolving needs of the business community;

(D) establish or continue a referral relationship with not less than 1 community-based organization; and

(E) collaborate with other Centers; and

(2) in providing programs and services under the applicable MBDA Business Center agreement, may—

(A) operate on a fee-for-service basis; or

(B) generate income through the collection of—

(i) client fees;

(ii) membership fees; and

(iii) any other appropriate fees proposed by the Center in the application submitted by the Center under subsection (e).

(b) **TERM.**—Subject to subsection (g)(3), the term of an MBDA Business Center agreement shall be not less than 3 years.

(c) **FINANCIAL ASSISTANCE.**—

(1) **IN GENERAL.**—The amount of financial assistance provided by the Under Secretary under an MBDA Business Center agreement shall be not less than \$250,000 for the term of the agreement.

(2) **MATCHING REQUIREMENT.**—

(A) **IN GENERAL.**—A Center shall match not less than $\frac{1}{3}$ of the amount of the financial assistance awarded to the Center under the terms of the applicable MBDA Business Center agreement, unless the Under Secretary determines that a waiver of that requirement is necessary after a demonstration by the Center of a substantial need for that waiver.

(B) **FORM OF FUNDS.**—A Center may meet the matching requirement under subparagraph (A) by using—

(i) cash or in-kind contributions, without regard to whether the contribution is made by a third party; or

(ii) Federal funds received from other Federal programs.

(3) **USE OF FINANCIAL ASSISTANCE AND PROGRAM INCOME.**—A Center shall use—

Determination.

(A) all financial assistance awarded to the Center under the applicable MBDA Business Center agreement to carry out subsection (a); and

(B) all income that the Center generates in carrying out subsection (a)—

(i) to meet the matching requirement under paragraph (2) of this subsection; and

(ii) if the Center meets the matching requirement under paragraph (2) of this subsection, to carry out subsection (a).

(d) CRITERIA FOR SELECTION.—The Under Secretary shall—

(1) establish criteria that—

(A) the Under Secretary shall use in determining whether to enter into an MBDA Business Center agreement with an eligible entity; and

Determination.

(B) may include criteria relating to whether an eligible entity is located in—

(i) an area, the population of which is composed of not less than 51 percent socially or economically disadvantaged individuals, as determined in accordance with data collected by the Bureau of the Census;

(ii) a federally recognized area of economic distress;

or

(iii) a State that is underserved with respect to the MBDA Business Center Program, as defined by the Under Secretary; and

(2) make the criteria and standards established under paragraph (1) publicly available, including—

Public information.

(A) on the website of the Agency; and

Web posting.

(B) in each Notice of Funding Opportunity soliciting MBDA Business Center agreements.

(e) APPLICATIONS.—An eligible entity desiring to enter into an MBDA Business Center agreement shall submit to the Under Secretary an application that includes—

(1) a statement of—

(A) how the eligible entity will carry out subsection

(a); and

(B) any experience or plans of the eligible entity with respect to—

(i) assisting minority business enterprises to—

(I) obtain—

(aa) large-scale contracts, grants, or procurements;

(bb) financing; or

(cc) legal assistance;

(II) access established supply chains; and

(III) engage in—

(aa) joint ventures, teaming arrangements, and mergers and acquisitions; or

(bb) large-scale transactions in global markets;

(ii) supporting minority business enterprises in increasing the size of the workforces of those enterprises, including, with respect to a minority business enterprise that does not have employees, aiding the minority business enterprise in becoming an enterprise that has employees; and

- (iii) advocating for minority business enterprises;
and
- (2) the budget and corresponding budget narrative that the eligible entity will use in carrying out subsection (a) during the term of the applicable MBDA Business Center agreement.
- Deadline. (f) NOTIFICATION.—If the Under Secretary grants an application of an eligible entity submitted under subsection (e), the Under Secretary shall notify the eligible entity that the application has been granted not later than 150 days after the last day on which an application may be submitted under that subsection.
- Deadline. Time period. (g) PROGRAM EXAMINATION; ACCREDITATION; EXTENSIONS.—
- (1) EXAMINATION.—Not later than 180 days after the date of enactment of this Act, and biennially thereafter, the Under Secretary shall conduct a programmatic financial examination of each Center.
- (2) ACCREDITATION.—The Under Secretary may provide financial support, by contract or otherwise, to an association, not less than 51 percent of the members of which are Centers, to—
- (A) pursue matters of common concern with respect to Centers; and
- (B) develop an accreditation program with respect to Centers.
- (3) EXTENSIONS.—
- (A) IN GENERAL.—The Under Secretary may extend the term under subsection (b) of an MBDA Business Center agreement to which a Center is a party, if the Center consents to the extension.
- (B) FINANCIAL ASSISTANCE.—If the Under Secretary extends the term of an MBDA Business Center agreement under paragraph (1), the Under Secretary shall, in the same manner and amount in which financial assistance was provided during the initial term of the agreement, provide financial assistance under the agreement during the extended term of the agreement.
- (h) MBDA INVOLVEMENT.—The Under Secretary may take actions to ensure that the Agency is substantially involved in the activities of Centers in carrying out subsection (a), including by—
- (1) providing to each Center training relating to the MBDA Business Center Program;
- (2) requiring that the operator and staff of each Center—
- (A) attend—
- (i) a conference with the Agency to establish the services and programs that the Center will provide in carrying out the requirements before the date on which the Center begins providing those services and programs; and
- (ii) training provided under paragraph (1);
- (B) receive necessary guidance relating to carrying out the requirements under subsection (a); and
- (C) work in coordination and collaboration with the Under Secretary to carry out the MBDA Business Center Program and other programs of the Agency;
- (3) facilitating connections between Centers and—
- (A) Federal agencies other than the Agency, as appropriate; and
- Coordination.

(B) other institutions or entities that use Federal resources, such as—

(i) small business development centers, as that term is defined in section 3(t) of the Small Business Act (15 U.S.C. 632(t));

(ii) women’s business centers described in section 29 of the Small Business Act (15 U.S.C. 656);

(iii) eligible entities, as that term is defined in section 2411 of title 10, United States Code, that provide services under the program carried out under chapter 142 of that title; and

(iv) entities participating in the Hollings Manufacturing Extension Partnership Program established under section 25 of the National Institute of Standards and Technology Act (15 U.S.C. 278k);

(4) monitoring projects carried out by each Center; and

(5) establishing and enforcing administrative and reporting requirements for each Center to carry out subsection (a).

(i) REGULATIONS.—The Under Secretary shall issue and publish regulations that establish minimum standards regarding verification of minority business enterprise status for clients of entities operating under the MBDA Business Center Program.

Publication.

SEC. 100115. MINIMIZING DISRUPTIONS TO EXISTING MBDA BUSINESS CENTER PROGRAM.

15 USC 9525.

The Under Secretary shall ensure that each Federal assistance award made under the Business Centers program of the Agency, as is in effect on the day before the date of enactment of this Act, is carried out in a manner that, to the greatest extent practicable, prevents disruption of any activity carried out under that award.

SEC. 100116. PUBLICITY.

In carrying out the MBDA Business Center Program, the Under Secretary shall widely publicize the MBDA Business Center Program, including—

(1) on the website of the Agency;

(2) via social media outlets; and

(3) by sharing information relating to the MBDA Business Center Program with community-based organizations, including interpretation groups where necessary, to communicate in the most common languages spoken by the groups served by those organizations.

Web posting.
Social media.

TITLE II—NEW INITIATIVES TO PROMOTE ECONOMIC RESILIENCY FOR MINORITY BUSINESSES

SEC. 100201. ANNUAL DIVERSE BUSINESS FORUM ON CAPITAL FORMATION.

15 USC 9541.

(a) RESPONSIBILITY OF AGENCY.—Not later than 18 months after the date of enactment of this Act, and annually thereafter, the Under Secretary shall conduct a Government-business forum to review the current status of problems and programs relating to capital formation by minority business enterprises.

Deadline.
Review.

(b) **PARTICIPATION IN FORUM PLANNING.**—The Under Secretary shall invite the heads of other Federal agencies, such as the Chairman of the Securities and Exchange Commission, the Secretary of the Treasury, and the Chairman of the Board of Governors of the Federal Reserve System, organizations representing State securities commissioners, representatives of leading minority chambers of commerce, not less than 1 certified owner of a minority business enterprise, business organizations, and professional organizations concerned with capital formation to participate in the planning of each forum conducted under subsection (a).

(c) **PREPARATION OF STATEMENTS AND REPORTS.**—

(1) **REQUESTS.**—The Under Secretary may request that any head of a Federal agency, department, or organization, including those described in subsection (b), or any other group or individual, prepare a statement or report to be delivered at any forum conducted under subsection (a).

(2) **COOPERATION.**—Any head of a Federal agency, department, or organization who receives a request under paragraph (1) shall, to the greatest extent practicable, cooperate with the Under Secretary to fulfill that request.

(d) **TRANSMITTAL OF PROCEEDINGS AND FINDINGS.**—The Under Secretary shall—

Summary.
Recommendations.

(1) prepare a summary of the proceedings of each forum conducted under subsection (a), which shall include the findings and recommendations of the forum; and

(2) transmit the summary described in paragraph (1) with respect to each forum conducted under subsection (a) to—

(A) the participants in the forum;

(B) Congress; and

(C) the public, through a publicly available website.

Public
information.
Web posting.

(e) **REVIEW OF FINDINGS AND RECOMMENDATIONS; PUBLIC STATEMENTS.**—

(1) **IN GENERAL.**—A Federal agency to which a finding or recommendation described in subsection (d)(1) relates shall—

(A) review that finding or recommendation; and

(B) promptly after the finding or recommendation is transmitted under subsection (d)(2)(C), issue a public statement—

Assessment.
Disclosure.

(i) assessing the finding or recommendation; and

(ii) disclosing the action, if any, the Federal agency intends to take with respect to the finding or recommendation.

(2) **JOINT STATEMENT PERMITTED.**—If a finding or recommendation described in subsection (d)(1) relates to more than 1 Federal agency, the applicable Federal agencies may, for the purposes of the public statement required under paragraph (1)(B), issue a joint statement.

15 USC 9542.

SEC. 100202. AGENCY STUDY ON ALTERNATIVE FINANCING SOLUTIONS.

(a) **PURPOSE.**—The purpose of this section is to provide information relating to alternative financing solutions to minority business enterprises, as those business enterprises are more likely to struggle in accessing, particularly at affordable rates, traditional sources of capital.

(b) **STUDY AND REPORT.**—Not later than 1 year after the date of enactment of this Act, the Under Secretary shall—

- (1) conduct a study on opportunities for providing alternative financing solutions to minority business enterprises; and
- (2) submit to Congress, and publish on the website of the Agency, a report describing the findings of the study carried out under paragraph (1).

Web posting.

SEC. 100203. EDUCATIONAL DEVELOPMENT RELATING TO MANAGEMENT AND ENTREPRENEURSHIP.

15 USC 9543.

(a) DUTIES.—The Under Secretary shall, whenever the Under Secretary determines such action is necessary or appropriate—

- (1) promote the education and training of socially or economically disadvantaged individuals in subjects directly relating to business administration and management;
- (2) encourage institutions of higher education, leaders in business and industry, and other public sector entities and private sector entities, particularly minority business enterprises, to—

- (A) develop programs to offer scholarships and fellowships, apprenticeships, and internships relating to business to socially or economically disadvantaged individuals; and

- (B) sponsor seminars, conferences, and similar activities relating to business for the benefit of socially or economically disadvantaged individuals;

- (3) stimulate and accelerate curriculum design and improvement in support of development of minority business enterprises; and

- (4) encourage and assist private institutions and organizations and public sector entities to undertake activities similar to the activities described in paragraphs (1), (2), and (3).

(b) PARREN J. MITCHELL ENTREPRENEURSHIP EDUCATION GRANTS.—

- (1) DEFINITION.—In this subsection, the term “eligible institution” means an institution of higher education described in any of paragraphs (1) through (7) of section 371(a) of the Higher Education Act of 1965 (20 U.S.C. 1067q(a)).

- (2) GRANTS.—The Under Secretary shall award grants to eligible institutions to develop and implement entrepreneurship curricula.

- (3) REQUIREMENTS.—An eligible institution to which a grant is awarded under this subsection shall use the grant funds to—

- (A) develop a curriculum that includes training in various skill sets needed by contemporary successful entrepreneurs, including—

- (i) business management and marketing;
 - (ii) financial management and accounting;
 - (iii) market analysis;
 - (iv) competitive analysis;
 - (v) innovation;
 - (vi) strategic and succession planning;
 - (vii) marketing;
 - (viii) general management;
 - (ix) technology and technology adoption;
 - (x) leadership; and
 - (xi) human resources; and

- (B) implement the curriculum developed under subparagraph (A) at the eligible institution.

Publication.

(4) **IMPLEMENTATION TIMELINE.**—The Under Secretary shall establish and publish a timeline under which an eligible institution to which a grant is awarded under this section shall carry out the requirements under paragraph (3).

Evaluation.

(5) **REPORTS.**—Each year, the Under Secretary shall submit to all applicable committees of Congress, and as part of the annual budget submission of the President under section 1105(a) of title 31, United States Code, a report evaluating the awarding and use of grants under this subsection during the fiscal year immediately preceding the fiscal year in which the report is submitted, which shall include, with respect to the fiscal year covered by the report—

(A) a description of each curriculum developed and implemented under each grant awarded under this section;

(B) the date on which each grant awarded under this section was awarded; and

(C) the number of eligible entities that were recipients of grants awarded under this section.

TITLE III—RURAL MINORITY BUSINESS CENTER PROGRAM

15 USC 9551.

SEC. 100301. DEFINITIONS.

In this title:

(1) **APPROPRIATE CONGRESSIONAL COMMITTEES.**—The term “appropriate congressional committees” means—

(A) the Committee on Commerce, Science, and Transportation of the Senate; and

(B) the Committee on Financial Services of the House of Representatives.

(2) **ELIGIBLE ENTITY.**—The term “eligible entity” means—

(A) a minority-serving institution; or

(B) a consortium of institutions of higher education that is led by a minority-serving institution.

(3) **MBDA RURAL BUSINESS CENTER.**—The term “MBDA Rural Business Center” means an MBDA Business Center that provides technical business assistance to minority business enterprises located in rural areas.

(4) **MBDA RURAL BUSINESS CENTER AGREEMENT.**—The term “MBDA Rural Business Center agreement” means an MBDA Business Center agreement that establishes the terms by which the recipient of the Federal assistance award that is the subject of the agreement shall operate an MBDA Rural Business Center.

(5) **MINORITY-SERVING INSTITUTION.**—The term “minority-serving institution” means an institution described in any of paragraphs (1) through (7) of section 371(a) of the Higher Education Act of 1965 (20 U.S.C. 1067q(a)).

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

(7) **RURAL MINORITY BUSINESS ENTERPRISE.**—The term “rural minority business enterprise” means a minority business enterprise located in a rural area.

SEC. 100302. BUSINESS CENTERS.

15 USC 9552.

(a) **IN GENERAL.**—The Under Secretary may establish MBDA Rural Business Centers.

(b) **PARTNERSHIP.**—

(1) **IN GENERAL.**—With respect to an MBDA Rural Business Center established by the Under Secretary, the Under Secretary shall establish the MBDA Rural Business Center in partnership with an eligible entity in accordance with paragraph (2).

(2) **MBDA AGREEMENT.**—

Contracts.

(A) **IN GENERAL.**—With respect to each MBDA Rural Business Center established by the Under Secretary, the Under Secretary shall enter into a cooperative agreement with an eligible entity that provides that—

(i) the eligible entity shall provide space, facilities, and staffing for the MBDA Rural Business Center;

(ii) the Under Secretary shall provide funding for, and oversight with respect to, the MBDA Rural Business Center; and

(iii) subject to subparagraph (B), the eligible entity shall match 20 percent of the amount of the funding provided by the Under Secretary under clause (ii), which may be calculated to include the costs of providing the space, facilities, and staffing under clause (i).

(B) **LOWER MATCH REQUIREMENT.**—Based on the available resources of an eligible entity, the Under Secretary may enter into a cooperative agreement with the eligible entity that provides that—

(i) the eligible entity shall match less than 20 percent of the amount of the funding provided by the Under Secretary under subparagraph (A)(ii); or

(ii) if the Under Secretary makes a determination, upon a demonstration by the eligible entity of substantial need, the eligible entity shall not be required to provide any match with respect to the funding provided by the Under Secretary under subparagraph (A)(ii).

Determination.

(C) **ELIGIBLE FUNDS.**—An eligible entity may provide matching funds required under an MBDA Rural Business Center agreement with Federal funds received from other Federal programs.

(3) **TERM.**—The initial term of an MBDA Rural Business Center agreement shall be not less than 3 years.

(4) **EXTENSION.**—The Under Secretary and an eligible entity may agree to extend the term of an MBDA Rural Business Center agreement with respect to an MBDA Rural Business Center.

(c) **FUNCTIONS.**—An MBDA Rural Business Center shall—

(1) primarily serve clients that are—

(A) rural minority business enterprises; or

(B) minority business enterprises that are located more than 50 miles from an MBDA Business Center (other than that MBDA Rural Business Center);

(2) focus on—

(A) issues relating to—

(i) the adoption of broadband internet access service (as defined in section 8.1(b) of title 47, Code of Federal Regulations, or any successor regulation),

digital literacy skills, and e-commerce by rural minority business enterprises;

(ii) advanced manufacturing;

(iii) the promotion of manufacturing in the United States;

(iv) ways in which rural minority business enterprises can meet gaps in the supply chain of critical supplies and essential goods and services for the United States;

(v) improving the connectivity of rural minority business enterprises through transportation and logistics;

(vi) promoting trade and export opportunities by rural minority business enterprises;

(vii) securing financial capital;

(viii) facilitating entrepreneurship in rural areas;

and

(ix) creating jobs in rural areas; and

(B) any other issue relating to the unique challenges faced by rural minority business enterprises; and

(3) provide education, training, and legal, financial, and technical assistance to minority business enterprises.

(d) APPLICATIONS.—

(1) IN GENERAL.—Not later than 90 days after the date of enactment of this Act, the Under Secretary shall issue a Notice of Funding Opportunity requesting applications from eligible entities that desire to enter into MBDA Rural Business Center agreements.

(2) CRITERIA AND PRIORITY.—In selecting an eligible entity with which to enter into an MBDA Rural Business Center agreement, the Under Secretary shall—

(A) select an eligible entity that demonstrates—

(i) the ability to collaborate with governmental and private sector entities to leverage capabilities of minority business enterprises through public-private partnerships;

(ii) the research and extension capacity to support minority business enterprises;

(iii) knowledge of the community that the eligible entity serves and the ability to conduct effective outreach to that community to advance the goals of an MBDA Rural Business Center;

(iv) the ability to provide innovative business solutions, including access to contracting opportunities, markets, and capital;

(v) the ability to provide services that advance the development of science, technology, engineering, and math jobs within minority business enterprises;

(vi) the ability to leverage resources from within the eligible entity to advance an MBDA Rural Business Center;

(vii) that the mission of the eligible entity aligns with the mission of the Agency;

(viii) the ability to leverage relationships with rural minority business enterprises; and

(ix) a referral relationship with not less than 1 community-based organization; and

Deadline.
Notice.

(B) give priority to an eligible entity that—

(i) is located in a State or region that has a significant population of socially or economically disadvantaged individuals;

(ii) has a history of serving socially or economically disadvantaged individuals; or

(iii) in the determination of the Under Secretary, has not received an equitable allocation of land and financial resources under—

(I) the Act of July 2, 1862 (commonly known as the “First Morrill Act”) (12 Stat. 503, chapter 130; 7 U.S.C. 301 et seq.); or

(II) the Act of August 30, 1890 (commonly known as the “Second Morrill Act”) (26 Stat. 417, chapter 841; 7 U.S.C. 321 et seq.).

(3) CONSIDERATIONS.—In determining whether to enter into an MBDA Rural Business Center agreement with an eligible entity under this section, the Under Secretary shall consider the needs of the eligible entity.

SEC. 100303. REPORT TO CONGRESS.

15 USC 9553.

Not later than 1 year after the date of enactment of this Act, the Under Secretary shall submit to the appropriate congressional committees a report that includes—

(1) a summary of the efforts of the Under Secretary to provide services to minority business enterprises located in States that lack an MBDA Business Center, as of the date of enactment of this Act, and especially in those States that have significant minority populations; and

(2) recommendations for extending the outreach of the Agency to underserved areas.

Summary.

Recommendations.

SEC. 100304. STUDY AND REPORT.

(a) IN GENERAL.—The Under Secretary, in coordination with relevant leadership of the Agency and relevant individuals outside of the Department of Commerce, shall conduct a study that addresses the ways in which minority business enterprises can meet gaps in the supply chain of the United States, with a particular focus on the supply chain of advanced manufacturing and essential goods and services.

(b) REPORT.—Not later than 1 year after the date of enactment of this Act, the Under Secretary shall submit to the appropriate congressional committees a report that includes the results of the study conducted under subsection (a), which shall include recommendations regarding the ways in which minority business enterprises can meet gaps in the supply chain of the United States.

Recommendations.
15 USC 9554.
Coordination.

TITLE IV—MINORITY BUSINESS DEVELOPMENT GRANTS

**SEC. 100401. GRANTS TO NONPROFIT ORGANIZATIONS THAT SUPPORT
MINORITY BUSINESS ENTERPRISES.**

15 USC 9561.

(a) DEFINITION.—In this section, the term “covered entity” means a private nonprofit organization that—

(1) is described in paragraph (3), (4), (5), or (6) of section 501(c) of the Internal Revenue Code of 1986 and exempt from tax under section 501(a) of such Code; and

(2) can demonstrate that a primary activity of the organization is to provide services to minority business enterprises, whether through education, making grants or loans, or other similar activities.

(b) PURPOSE.—The purpose of this section is to make grants to covered entities to help those covered entities continue the necessary work of supporting minority business enterprises.

(c) DESIGNATION OF OFFICE.—

Deadline.

(1) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Under Secretary shall designate an office to make and administer grants under this section.

(2) CONSIDERATIONS.—In designating an office under paragraph (1), the Under Secretary shall ensure that the office designated has adequate staffing to carry out the responsibilities of the office under this section.

(d) APPLICATION.—A covered entity desiring a grant under this section shall submit to the Under Secretary an application at such time, in such manner, and containing such information as the Under Secretary may require.

(e) PRIORITY.—The Under Secretary shall, in carrying out this section, prioritize granting an application submitted by a covered entity that is located in a federally recognized area of economic distress.

(f) USE OF FUNDS.—A covered entity to which a grant is made under this section may use the grant funds to support the development, growth, or retention of minority business enterprises.

(g) PROCEDURES.—The Under Secretary shall establish procedures to—

(1) discourage and prevent waste, fraud, and abuse by applicants for, and recipients of, grants made under this section; and

(2) ensure that grants are made under this section to a diverse array of covered entities, which may include—

(A) covered entities with a national presence;

(B) community-based covered entities;

(C) covered entities with annual budgets below \$1,000,000; or

(D) covered entities that principally serve low-income and rural communities.

Deadline.

(h) INSPECTOR GENERAL AUDIT.—Not later than 180 days after the date on which the Under Secretary begins making grants under this section, the Inspector General of the Department of Commerce shall—

(1) conduct an audit of grants made under this section, which shall seek to identify any discrepancies or irregularities with respect to those grants; and

Reports.

(2) submit to Congress a report regarding the audit conducted under paragraph (1).

Reports.

(i) UPDATES TO CONGRESS.—Not later than 90 days after the date on which the Under Secretary makes the designation required under subsection (c), and once every 30 days thereafter, the Under Secretary shall submit to Congress a report that contains—

(1) the number of grants made under this section during the period covered by the report; and

- (2) with respect to the grants described in paragraph (1)—
 - (A) the geographic distribution of those grants by State and county;
 - (B) if applicable, demographic information with respect to the minority business enterprises served by the covered entities to which the grants were made; and
 - (C) information regarding the industries of the minority business enterprises served by the covered entities to which the grants were made.

TITLE V—MINORITY BUSINESS ENTERPRISES ADVISORY COUNCIL

SEC. 100501. PURPOSE.

15 USC 9571.

The Under Secretary shall establish the Minority Business Enterprises Advisory Council (referred to in this title as the “Council”) to advise and assist the Agency.

SEC. 100502. COMPOSITION AND TERM.

15 USC 9572.

(a) **COMPOSITION.**—The Council shall be composed of 9 members of the private sector and 1 representative from each of not fewer than 10 Federal agencies that support or otherwise have duties that relate to business formation, including duties relating to labor development, monetary policy, national security, energy, agriculture, transportation, and housing.

(b) **CHAIR.**—The Under Secretary shall designate 1 of the private sector members of the Council as the Chair of the Council for a 1-year term.

(c) **TERM.**—The Council shall meet at the request of the Under Secretary and members shall serve for a term of 2 years. Members of the Council may be reappointed.

SEC. 100503. DUTIES.

15 USC 9573.

(a) **IN GENERAL.**—The Council shall provide advice to the Under Secretary by—

- (1) serving as a source of knowledge and information on developments in areas of the economic and social life of the United States that affect socially or economically disadvantaged business concerns;

- (2) providing the Under Secretary with information regarding plans, programs, and activities in the public and private sectors that relate to socially or economically disadvantaged business concerns; and

- (3) advising the Under Secretary regarding—

- (A) any measures to better achieve the objectives of this division; and

- (B) problems and matters the Under Secretary refers to the Council.

(b) **CAPACITY.**—Members of the Council shall not be compensated for service on the Council but may be allowed travel expenses, including per diem in lieu of subsistence, in accordance with subchapter I of chapter 57 of title 5, United States Code.

(c) **TERMINATION.**—Notwithstanding section 14 of the Federal Advisory Committee Act (5 U.S.C. App.), the Council shall terminate on the date that is 5 years after the date of enactment of this Act.

TITLE VI—FEDERAL COORDINATION OF MINORITY BUSINESS PROGRAMS

15 USC 9581.

SEC. 100601. GENERAL DUTIES.

The Under Secretary may coordinate, as consistent with law, the plans, programs, and operations of the Federal Government that affect, or may contribute to, the establishment, preservation, and strengthening of socially or economically disadvantaged business concerns.

Coordination.
15 USC 9582.**SEC. 100602. PARTICIPATION OF FEDERAL DEPARTMENTS AND AGENCIES.**

The Under Secretary shall—

Consultation.

(1) consult with other Federal agencies and departments as appropriate to—

(A) develop policies, comprehensive plans, and specific program goals for the programs carried out under subtitle B of title I and title III;

(B) establish regular performance monitoring and reporting systems to ensure that goals established by the Under Secretary with respect to the implementation of this division are being achieved; and

Evaluation.

(C) evaluate the impact of Federal support of socially or economically disadvantaged business concerns in achieving the objectives of this division;

Review.

(2) conduct a coordinated review of all proposed Federal training and technical assistance activities in direct support of the programs carried out under subtitle B of title I and title III to ensure consistency with program goals and to avoid duplication; and

(3) convene, for purposes of coordination, meetings of the heads of such Federal agencies and departments, or their designees, the programs and activities of which may affect or contribute to the carrying out of this division.

TITLE VII—ADMINISTRATIVE POWERS OF THE AGENCY; MISCELLANEOUS PROVISIONS

15 USC 9591.

SEC. 100701. ADMINISTRATIVE POWERS.

(a) IN GENERAL.—In carrying out this division, the Under Secretary may—

(1) adopt and use a seal for the Agency, which shall be judicially noticed;

(2) hold hearings, sit and act, and take testimony as the Under Secretary may determine to be necessary or appropriate to carry out this division;

(3) acquire, in any lawful manner, any property that the Under Secretary determines to be necessary or appropriate to carry out this division;

Contracts.

(4) with the consent of another Federal agency, enter into an agreement with that Federal agency to utilize, with or without reimbursement, any service, equipment, personnel, or facility of that Federal agency;

(5) coordinate with the heads of the Offices of Small and Disadvantaged Business Utilization of Federal agencies; Coordination.

(6) develop procedures under which the Under Secretary may evaluate the compliance of a recipient of assistance under this Act with the requirements of this Act; Procedures.

(7) deobligate assistance provided under this Act to a recipient that has demonstrated an insufficient level of performance with respect to the assistance, or has engaged in wasteful or fraudulent spending; and

(8) provide that a recipient of assistance under this Act that has demonstrated an insufficient level of performance with respect to the assistance, or has engaged in wasteful or fraudulent spending, shall be ineligible to receive assistance under this Act for a period determined by the Under Secretary, consistent with the considerations under section 180.865 of title 2, Code of Federal Regulations (or any successor regulation), beginning on the date on which the Under Secretary makes the applicable finding. Determination.
Effective date.

(b) USE OF PROPERTY.—

(1) IN GENERAL.—Subject to paragraph (2), in carrying out this division, the Under Secretary may, without cost (except for costs of care and handling), allow any public sector entity, or any recipient nonprofit organization, for the purpose of the development of minority business enterprises, to use any real or tangible personal property acquired by the Agency in carrying out this division.

(2) TERMS, CONDITIONS, RESERVATIONS, AND RESTRICTIONS.—The Under Secretary may impose reasonable terms, conditions, reservations, and restrictions upon the use of any property under paragraph (1).

SEC. 100702. FEDERAL ASSISTANCE.

15 USC 9592.

(a) IN GENERAL.—

(1) PROVISION OF FEDERAL ASSISTANCE.—To carry out sections _____ 101, _____ 102, and _____ 103(a), the Under Secretary may provide Federal assistance to public sector entities and private sector entities in the form of grants or cooperative agreements.

(2) NOTICE.—Not later than 120 days after the date on which amounts are appropriated to carry out this section, the Under Secretary shall, in accordance with subsection (b), broadly publish a statement regarding Federal assistance that will, or may, be provided under paragraph (1) during the fiscal year for which those amounts are appropriated, including— Deadline.
Publication.

(A) the actual, or anticipated, amount of Federal assistance that will, or may, be made available;

(B) the types of Federal assistance that will, or may, be made available;

(C) the manner in which Federal assistance will be allocated among public sector entities and private sector entities, as applicable; and

(D) the methodology used by the Under Secretary to make allocations under subparagraph (C).

(3) CONSULTATION.—The Under Secretary shall consult with public sector entities and private sector entities, as applicable, in deciding the amounts and types of Federal assistance to make available under paragraph (1).

(b) **PUBLICITY.**—In carrying out this section, the Under Secretary shall broadly publicize all opportunities for Federal assistance available under this section, including through the means required under section _____ 116.

15 USC 9593.

SEC. 100703. RECORDKEEPING.

Disclosure.

(a) **IN GENERAL.**—Each recipient of assistance under this division shall keep such records as the Under Secretary shall prescribe, including records that fully disclose, with respect to the assistance received by the recipient under this division—

(1) the amount and nature of that assistance;

(2) the disposition by the recipient of the proceeds of that assistance;

(3) the total cost of the undertaking for which the assistance is given or used;

(4) the amount and nature of the portion of the cost of the undertaking described in paragraph (3) that is supplied by a source other than the Agency;

(5) the return on investment, as defined by the Under Secretary; and

(6) any other record that will facilitate an effective audit with respect to the assistance.

(b) **ACCESS BY GOVERNMENT OFFICIALS.**—The Under Secretary, the Inspector General of the Department of Commerce, and the Comptroller General of the United States, or any duly authorized representative of any such individual, shall have access, for the purpose of audit, investigation, and examination, to any book, document, paper, record, or other material of the Agency or an MBDA Business Center.

15 USC 9594.

SEC. 100704. REVIEW AND REPORT BY COMPTROLLER GENERAL.

Not later than 4 years after the date of enactment of this Act, the Comptroller General of the United States shall—

(1) conduct a thorough review of the programs carried out under this division; and

(2) submit to Congress a detailed report of the findings of the Comptroller General of the United States under the review carried out under paragraph (1), which shall include—

Evaluation.

(A) an evaluation of the effectiveness of the programs in achieving the purposes of this division;

(B) a description of any failure by any recipient of assistance under this division to comply with the requirements under this division; and

Recommendations.

(C) recommendations for any legislative or administrative action that should be taken to improve the achievement of the purposes of this division.

15 USC 9595.

SEC. 100705. BIENNIAL REPORTS; RECOMMENDATIONS.

Web posting.

(a) **BIENNIAL REPORT.**—Not later than 1 year after the date of enactment of this Act, and 90 days after the last day of each odd-numbered year thereafter, the Under Secretary shall submit to Congress, and publish on the website of the Agency, a report of each activity of the Agency carried out under this division during the period covered by the report.

(b) **RECOMMENDATIONS.**—The Under Secretary shall periodically submit to Congress and the President recommendations for legislation or other actions that the Under Secretary determines to be necessary or appropriate to promote the purposes of this division.

SEC. 100706. SEPARABILITY.

15 USC 9596.

If a provision of this division, or the application of a provision of this division to any person or circumstance, is held by a court of competent jurisdiction to be invalid, that judgment—

(1) shall not affect, impair, or invalidate—

(A) any other provision of this division; or

(B) the application of this division to any other person or circumstance; and

(2) shall be confined in its operation to—

(A) the provision of this division with respect to which the judgment is rendered; or

(B) the application of the provision of this division to each person or circumstance directly involved in the controversy in which the judgment is rendered.

SEC. 100707. EXECUTIVE ORDER 11625.

15 USC 9597.

The powers and duties of the Agency shall be determined—

Determination.

(1) in accordance with this division and the requirements of this division; and

(2) without regard to Executive Order 11625 (36 Fed. Reg. 19967; relating to prescribing additional arrangements for developing and coordinating a national program for minority business enterprise).

SEC. 100708. AUTHORIZATION OF APPROPRIATIONS.

15 USC 9598.

There are authorized to be appropriated to the Under Secretary \$110,000,000 for each of fiscal years 2021 through 2025 to carry out this division, of which—

(1) a majority shall be used in each such fiscal year to carry out the MBDA Business Center Program under subtitle B of title I, including the component of that program relating to specialty centers; and

(2) \$20,000,000 shall be used in each such fiscal year to carry out title III.

Approved November 15, 2021.

LEGISLATIVE HISTORY—H.R. 3684:

HOUSE REPORTS: No. 117–70 and Pt. 2 (both from Comm. on Transportation and Infrastructure).

CONGRESSIONAL RECORD, Vol. 167 (2021):

June 30, July 1, considered and passed House.

July 30, Aug. 1–5, 7–10, considered and passed Senate, amended.

Sept. 27, 28, Oct. 1, Nov. 5, House considered and concurred in Senate amendment.

DAILY COMPILATION OF PRESIDENTIAL DOCUMENTS (2021):

Nov. 15, Presidential remarks.

Public Law 117–59
117th Congress

An Act

Nov. 18, 2021
[S. 921]

To amend title 18, United States Code, to further protect officers and employees of the United States, and for other purposes.

Jaime Zapata
and Victor Avila
Federal Officers
and Employees
Protection Act.
18 USC 1 note.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Jaime Zapata and Victor Avila Federal Officers and Employees Protection Act”.

18 USC 1114
note.

SEC. 2. SENSE OF CONGRESS.

It is the sense of Congress that—

(1) since the founding of the Nation, officers and employees of the United States Government have dutifully and faithfully served the United States overseas, including in situations that place them at serious risk of death or bodily harm, in order to preserve, protect, and defend the interests of the United States;

(2) securing the safety of such officers and employees while serving overseas is of paramount importance and is also in furtherance of preserving, protecting, and defending the interests of the United States;

(3) Federal courts, including the United States Court of Appeals for the Second Circuit, the United States Court of Appeals for the Ninth Circuit, and the United States Court of Appeals for the Eleventh Circuit, have correctly interpreted section 1114 of title 18, United States Code, to apply extraterritorially to protect officers and employees of the United States while the officers and employees are serving abroad;

(4) in a case involving a violent attack against Federal law enforcement officers Jaime Zapata and Victor Avila, a panel of a Federal court of appeals held that section 1114 of title 18, United States Code, does not apply extraterritorially, creating a split among the United States circuit courts of appeals;

(5) in light of the opinion described in paragraph (4), it has become necessary for Congress to clarify the original intent that section 1114 of title 18, United States Code, applies extraterritorially; and

(6) it is further appropriate to clarify the original intent that sections 111 and 115 of title 18, United States Code, apply extraterritorially as well.

SEC. 3. PROTECTION OF OFFICERS AND EMPLOYEES OF THE UNITED STATES.

Part I of title 18, United States Code, is amended—

(1) in section 111, by adding at the end the following:
“(c) EXTRATERRITORIAL JURISDICTION.—There is extraterritorial jurisdiction over the conduct prohibited by this section.”;

(2) in section 115, by adding at the end the following:
“(e) There is extraterritorial jurisdiction over the conduct prohibited by this section.”; and

(3) in section 1114—

(A) by inserting “(a) IN GENERAL.—” before “Whoever”;
and

(B) by adding at the end the following:

“(b) EXTRATERRITORIAL JURISDICTION.—There is extraterritorial jurisdiction over the conduct prohibited by this section.”.

Approved November 18, 2021.

LEGISLATIVE HISTORY—S. 921:

CONGRESSIONAL RECORD, Vol. 167 (2021):

May 28, considered and passed Senate.

Oct. 27, considered and passed House.

DAILY COMPILATION OF PRESIDENTIAL DOCUMENTS (2021):

Nov. 18, Presidential remarks.

Public Law 117–60
117th Congress

An Act

Nov. 18, 2021
[S. 1502]

To make Federal law enforcement officer peer support communications confidential, and for other purposes.

Confidentiality
Opportunities
for Peer Support
Counseling Act.
34 USC 10101
note.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Confidentiality Opportunities for Peer Support Counseling Act” or the “COPS Counseling Act”.

34 USC 50901.

SEC. 2. CONFIDENTIALITY OF PEER SUPPORT COMMUNICATIONS.

(a) **DEFINITIONS.**—In this section:

(1) **LAW ENFORCEMENT AGENCY.**—The term “law enforcement agency” means a Federal agency that employs a law enforcement officer.

(2) **LAW ENFORCEMENT OFFICER.**—The term “law enforcement officer” has the meaning given the term “Federal law enforcement officer” in section 115 of title 18, United States Code.

(3) **PEER SUPPORT COMMUNICATION.**—The term “peer support communication” includes—

(A) an oral or written communication made in the course of a peer support counseling session;

(B) a note or report arising out of a peer support counseling session;

(C) a record of a peer support counseling session; or

(D) with respect to a communication made by a peer support participant in the course of a peer support counseling session, another communication, regarding the first communication, that is made between a peer support specialist and—

(i) another peer support specialist;

(ii) a staff member of a peer support counseling program; or

(iii) a supervisor of the peer support specialist.

(4) **PEER SUPPORT COUNSELING PROGRAM.**—The term “peer support counseling program” means a program provided by a law enforcement agency that provides counseling services from a peer support specialist to a law enforcement officer of the agency.

(5) **PEER SUPPORT COUNSELING SESSION.**—The term “peer support counseling session” means any counseling formally provided through a peer support counseling program between a peer support specialist and 1 or more law enforcement officers.

(6) **PEER SUPPORT PARTICIPANT.**—The term “peer support participant” means a law enforcement officer who receives counseling services from a peer support specialist.

(7) **PEER SUPPORT SPECIALIST.**—The term “peer support specialist” means a law enforcement officer who—

(A) has received training in—

(i) peer support counseling; and

(ii) providing emotional and moral support to law enforcement officers who have been involved in or exposed to an emotionally traumatic experience in the course of employment; and

(B) is designated by a law enforcement agency to provide the services described in subparagraph (A).

(b) **PROHIBITION.**—Except as provided in subsection (c), a peer support specialist or a peer support participant may not disclose the contents of a peer support communication to an individual who was not a party to the peer support communication.

(c) **EXCEPTIONS.**—Subsection (b) shall not apply to a peer support communication if—

(1) the peer support communication contains—

(A) an explicit threat of suicide by an individual in which the individual—

(i) shares—

(I) an intent to die by suicide; and

(II) a plan for a suicide attempt or the means by which the individual plans to carry out a suicide attempt; and

(ii) does not solely share that the individual is experiencing suicidal thoughts;

(B) an explicit threat by an individual of imminent and serious physical bodily harm or death to another individual;

(C) information—

(i) relating to the abuse or neglect of—

(I) a child; or

(II) an older or vulnerable individual; or

(ii) that is required by law to be reported; or

(D) an admission of criminal conduct;

(2) the disclosure is permitted by each peer support participant who was a party to, as applicable—

(A) the peer support communication;

(B) the peer support counseling session out of which the peer support communication arose;

(C) the peer support counseling session of which the peer support communication is a record; or

(D) the communication made in the course of a peer support counseling session that the peer support communication is regarding;

(3) a court of competent jurisdiction issues an order or subpoena requiring the disclosure of the peer support communication; or

(4) the peer support communication contains information that is required by law to be disclosed.

(d) **RULE OF CONSTRUCTION.**—Nothing in subsection (b) shall be construed to prohibit the disclosure of—

(1) an observation made by a law enforcement officer of a peer support participant outside of a peer support counseling session; or

(2) knowledge of a law enforcement officer about a peer support participant not gained from a peer support communication.

(e) **DISCLOSURE OF RIGHTS.**—Before the initial peer support counseling session of a peer support participant, a peer support specialist shall inform the peer support participant in writing of the confidentiality requirement under subsection (b) and the exceptions to the requirement under subsection (c).

34 USC 50902.

SEC. 3. BEST PRACTICES AND SUPPORT.

(a) **DEFINITIONS.**—In this section:

(1) **FIRST RESPONDER.**—The term “first responder” has the meaning given the term “public safety officer” in section 1204 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (34 U.S.C. 10284).

(2) **FIRST RESPONDER AGENCY.**—The term “first responder agency” means a Federal, State, local, or Tribal agency that employs or otherwise engages the services of a first responder.

(3) **PEER SUPPORT COUNSELING PROGRAM.**—The term “peer support counseling program” means a program provided by a first responder agency that provides counseling services from a peer support specialist to a first responder of the first responder agency.

(4) **PEER SUPPORT PARTICIPANT.**—The term “peer support participant” means a first responder who receives counseling services from a peer support specialist.

(5) **PEER SUPPORT SPECIALIST.**—The term “peer support specialist” means a first responder who—

(A) has received training in—

(i) peer support counseling; and

(ii) providing emotional and moral support to first responders who have been involved in or exposed to an emotionally traumatic experience in the course of the duties of those first responders; and

(B) is designated by a first responder agency to provide the services described in subparagraph (A).

Coordination.

(b) **REPORT ON BEST PRACTICES.**—Not later than 2 years after the date of enactment of this Act, the Attorney General, in coordination with the Secretary of Health and Human Services, shall develop a report on best practices and professional standards for peer support counseling programs for first responder agencies that includes—

(1) advice on—

(A) establishing and operating peer support counseling programs; and

(B) training and certifying peer support specialists;

(2) a code of ethics for peer support specialists;

Recommendations.

(3) recommendations for continuing education for peer support specialists;

(4) advice on disclosing to first responders any confidentiality rights of peer support participants; and

(5) information on—

(A) the different types of peer support counseling programs in use by first responder agencies;

(B) any differences in peer support counseling programs offered across categories of first responders; and

(C) the important role senior first responders play in supporting access to mental health resources.

(c) IMPLEMENTATION.—The Attorney General shall support and encourage the implementation of peer support counseling programs in first responder agencies by—

Web postings.

(1) making the report developed under subsection (b) publicly available on the website of the Department of Justice; and

Public information.

(2) providing a list of peer support specialist training programs on the website of the Department of Justice.

List.

SEC. 4. SENSE OF CONGRESS.

It is the sense of Congress that Federal, State, local, and Tribal police officers, sheriffs, and other law enforcement officers across the United States who serve with valor, dignity, and integrity deserve the gratitude and respect of Congress.

Approved November 18, 2021.

LEGISLATIVE HISTORY—S. 1502:

CONGRESSIONAL RECORD, Vol. 167 (2021):

June 7, considered and passed Senate.

Oct. 27, considered and passed House.

DAILY COMPILATION OF PRESIDENTIAL DOCUMENTS (2021):

Nov. 18, Presidential remarks.

Public Law 117–61
117th Congress

An Act

Nov. 18, 2021
[S. 1511]

Protecting
America’s First
Responders Act
of 2021.
34 USC 10101
note.

To amend the Omnibus Crime Control and Safe Streets Act of 1968 with respect to payments to certain public safety officers who have become permanently and totally disabled as a result of personal injuries sustained in the line of duty, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Protecting America’s First Responders Act of 2021”.

SEC. 2. PAYMENT OF DEATH AND DISABILITY BENEFITS UNDER PUBLIC SAFETY OFFICERS’ DEATH BENEFITS PROGRAM.

Section 1201 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (34 U.S.C. 10281) is amended—

(1) in subsection (a), in the matter preceding paragraph

(1)—

(A) by striking “the Bureau shall pay”; and

(B) by inserting “, and calculated in accordance with subsection (i), shall be payable by the Bureau” after “subsection (h)”.

(2) in subsection (b)—

(A) by striking “the Bureau shall pay the same benefit” and inserting “a benefit shall be payable”;

(B) by striking “that is payable under subsection (a) with respect to the date on which the catastrophic injury occurred,” and inserting “in the same amount that would be payable, as of the date such injury was sustained (including”;

(C) by inserting “, and calculated in accordance with subsection (i)), if such determination were a determination under subsection (a)” before “: Provided, That”; and

(D) by striking “necessary:” and all that follows and inserting “necessary.”;

(3) in subsection (c), by striking “\$3,000” and inserting “\$6,000, adjusted in accordance with subsection (h),”;

(4) in subsection (h), by striking “subsection (a)” and inserting “subsections (a) and (b) and the level of the interim benefit payable immediately before such October 1 under subsection (c)”;

(5) by striking subsection (i) and inserting the following:

“(i) The amount payable under subsections (a) and (b), with respect to the death or permanent and total disability of a public safety officer, shall be the greater of—

“(1) the amount payable under the relevant subsection as of the date of death or of the catastrophic injury of the public safety officer; or

“(2) in any case in which the claim filed thereunder has been pending for more than 365 days at the time of final determination by the Bureau, the amount that would be payable under the relevant subsection if the death or the catastrophic injury of the public safety officer had occurred on the date on which the Bureau makes such final determination.”; and

(6) in subsection (m), by inserting “, (b),” after “subsection (a)”.

SEC. 3. DEFINITIONS WITH RESPECT TO PUBLIC SAFETY OFFICERS’ DEATH BENEFITS PROGRAM.

Section 1204 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (34 U.S.C. 10284) is amended—

(1) by redesignating paragraphs (1), (2), (3), (4), (5), (6), (7), (8), and (9) as paragraphs (4), (5), (6), (7), (8), (9), (10), (13), and (14), respectively;

(2) by striking paragraph (4), as so redesignated, and inserting:

“(4) ‘catastrophic injury’ means an injury, the direct and proximate result of which is to permanently render an individual functionally incapable (including through a directly and proximately resulting neurocognitive disorder), based on the state of medicine on the date on which the claim is determined by the Bureau, of performing work, including sedentary work: Provided, That, if it appears that a claimant may be functionally capable of performing work—

“(A) the Bureau shall disregard work where any compensation provided is de minimis, nominal, honorary, or mere reimbursement of incidental expenses, such as—

“(i) work that involves ordinary or simple tasks, that because of the claimed disability, the claimant cannot perform without significantly more supervision, accommodation, or assistance than is typically provided to an individual without the claimed disability doing similar work;

“(ii) work that involves minimal duties that make few or no demands on the claimant and are of little or no economic value to the employer; or

“(iii) work that is performed primarily for therapeutic purposes and aids the claimant in the physical or mental recovery from the claimed disability; and

“(B) the claimant shall be presumed, absent clear and convincing medical evidence to the contrary as determined by the Bureau, to be functionally incapable of performing such work if the direct and proximate result of the injury renders the claimant—

“(i) blind;

“(ii) parapalegic; or

“(iii) quadriplegic;”;

(3) in paragraph (6), as so redesignated, by striking “at the time of the public safety officer’s fatal or catastrophic injury” and inserting “at the time of the public safety officer’s death or fatal injury (in connection with any claim predicated upon such death or injury) or the date of the public safety officer’s

catastrophic injury or of the final determination by the Bureau of any claim predicated upon such catastrophic injury”;

(4) in paragraph (7), as so redesignated, by inserting “, including an individual who, as such a member, engages in scene security or traffic management as the primary or only duty of the individual during emergency response” before the semicolon;

(5) in paragraph (9), as so redesignated by striking “delinquency),” and inserting “delinquency),”;

(6) in paragraph (13), as so redesignated, by inserting “, and includes (as may be prescribed by regulation hereunder) a legally organized volunteer fire department that is a nonprofit entity and provides services without regard to any particular relationship (such as a subscription) a member of the public may have with such a department” before the semicolon;

(7) in paragraph (14), as so redesignated,—

(A) by striking subparagraph (A) and inserting:

Determination.
Certification.

“(A) an individual serving a public agency in an official capacity, with or without compensation, as a law enforcement officer, as a firefighter, or as a chaplain: Provided, That (notwithstanding section 1205(b)(2) or (3)) the Bureau shall, absent clear and convincing evidence to the contrary as determined by the Bureau, deem the actions outside of jurisdiction taken by any such law enforcement officer or firefighter, to have been taken while serving such public agency in such capacity, in any case in which the principal legal officer of such public agency, and the head of such agency, together, certify that such actions—

“(i) were not unreasonable;

“(ii) would have been within the authority and line of duty of such law enforcement officer or such firefighter to take, had they been taken in a jurisdiction where such law enforcement officer or firefighter was authorized to act, in the ordinary course, in an official capacity; and

“(iii) would have resulted in the payment of full line-of-duty death or disability benefits (as applicable), if any such benefits typically were payable by (or with respect to or on behalf of) such public agency, as of the date the actions were taken;”;

(B) by redesignating subparagraphs (B), (C), (D), and (E) as subparagraphs (C), (D), (E), and (F), respectively;

(C) by inserting after subparagraph (A), the following new subparagraph:

“(B) a candidate officer who is engaging in an activity or exercise that itself is a formal or required part of the program in which the candidate officer is enrolled or admitted, as provided in this section;”;

(D) by striking subparagraph (E), as so redesignated, and inserting the following:

Determination.
Certification.

“(E) a member of a rescue squad or ambulance crew who, as authorized or licensed by law and by the applicable agency or entity, is engaging in rescue activity or in the provision of emergency medical services: Provided, That (notwithstanding section 1205(b)(2) or (3)) the Bureau shall, absent clear and convincing evidence to the contrary as determined by the Bureau, deem the actions outside of

jurisdiction taken by any such member to have been thus authorized or licensed, in any case in which the principal legal officer of such agency or entity, and the head of such agency or entity, together, certify that such actions—

“(i) were not unreasonable;

“(ii) would have been within the authority and line of duty of such member to take, had they been taken in a jurisdiction where such member was authorized or licensed by law and by a pertinent agency or entity to act, in the ordinary course; and

“(iii) would have resulted in the payment of full line-of-duty death or disability benefits (as applicable), if any such benefits typically were payable by (or with respect to or on behalf of) such applicable agency or entity, as of the date the action was taken;”;

(8) by inserting before paragraph (4), as so redesignated, the following new paragraphs:

“(1) ‘action outside of jurisdiction’ means an action, not in the course of any compensated employment involving either the performance of public safety activity or the provision of security services, by a law enforcement officer, firefighter, or member of a rescue squad or ambulance crew that—

“(A) was taken in a jurisdiction where—

“(i) the law enforcement officer or firefighter then was not authorized to act, in the ordinary course, in an official capacity; or

“(ii) the member of a rescue squad or ambulance crew then was not authorized or licensed to act, in the ordinary course, by law or by the applicable agency or entity;

“(B) then would have been within the authority and line of duty of—

“(i) a law enforcement officer or a firefighter to take, who was authorized to act, in the ordinary course, in an official capacity, in the jurisdiction where the action was taken; or

“(ii) a member of a rescue squad or ambulance crew to take, who was authorized or licensed by law and by a pertinent agency or entity to act, in the ordinary course, in the jurisdiction where the action was taken; and

“(C) was, in an emergency situation that presented an imminent and significant danger or threat to human life or of serious bodily harm to any individual, taken—

“(i) by a law enforcement officer—

“(I) to prevent, halt, or respond to the immediate consequences of a crime (including an incident of juvenile delinquency); or

“(II) while engaging in a rescue activity or in the provision of emergency medical services;

“(ii) by a firefighter—

“(I) while engaging in fire suppression; or

“(II) while engaging in a rescue activity or in the provision of emergency medical services; or

“(iii) by a member of a rescue squad or ambulance crew, while engaging in a rescue activity or in the provision of emergency medical services;

“(2) ‘candidate officer’ means an individual who is enrolled or admitted, as a cadet or trainee, in a formal and officially established program of instruction or of training (such as a police or fire academy) that is specifically intended to result upon completion, in the—

“(A) commissioning of such individual as a law enforcement officer;

“(B) conferral upon such individual of official authority to engage in fire suppression (as an officer or employee of a public fire department or as an officially recognized or designated member of a legally organized volunteer fire department); or

“(C) granting to such individual official authorization or license to engage in a rescue activity, or in the provision of emergency medical services, as a member of a rescue squad, or as a member of an ambulance crew that is (or is a part of) the agency or entity that is sponsoring the individual’s enrollment or admission;

“(3) ‘blind’ means an individual who has central visual acuity of 20/200 or less in the better eye with the use of a correcting lens or whose eye is accompanied by a limitation in the fields of vision such that the widest diameter of the visual field subtends an angle no greater than 20 degrees;”;

and

(9) in the matter following paragraph (10), as so redesignated, by inserting the following new paragraphs:

“(11) ‘neurocognitive disorder’ means a disorder that is characterized by a clinically significant decline in cognitive functioning and may include symptoms and signs such as disturbances in memory, executive functioning (that is, higher-level cognitive processes, such as, regulating attention, planning, inhibiting responses, decision-making), visual-spatial functioning, language, speech, perception, insight, judgment, or an insensitivity to social standards; and

“(12) ‘sedentary work’ means work that—

“(A) involves lifting articles weighing no more than 10 pounds at a time or occasionally lifting or carrying articles such as docket files, ledgers, or small tools; and

“(B) despite involving sitting on a regular basis, may require walking or standing on an occasional basis.”.

SEC. 4. DUE DILIGENCE IN PAYING BENEFIT CLAIMS UNDER PUBLIC SAFETY OFFICERS’ DEATH BENEFITS PROGRAM.

Section 1206(b) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (34 U.S.C. 10288(b)) is amended by striking “the Bureau may not” and all that follows and inserting the following: “the Bureau—

Subpoenas.

“(1) may use available investigative tools, including subpoenas, to—

“(A) adjudicate or to expedite the processing of the benefit claim, if the Bureau deems such use to be necessary to adjudicate or conducive to expediting the adjudication of such claim; and

“(B) obtain information or documentation from third parties, including public agencies, if the Bureau deems such use to be necessary to adjudicate or conducive to expediting the adjudication of a claim; and

“(2) may not abandon the benefit claim unless the Bureau has used investigative tools, including subpoenas, to obtain the information or documentation deemed necessary to adjudicate such claim by the Bureau under subparagraph (1)(B).”.

SEC. 5. EDUCATIONAL ASSISTANCE TO DEPENDENTS OF CERTAIN PUBLIC SAFETY OFFICERS.

Section 1216(b) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (34 U.S.C. 10306(b)) is amended, in the first sentence, by striking “may” and inserting “shall (unless prospective assistance has been provided)”.

SEC. 6. TECHNICAL CORRECTION.

Section 1205(e)(3)(B) of the Omnibus Crime Control and Safe Streets Act of 1968 (34 U.S.C. 10285(e)(3)(B)) is amended by striking “subparagraph (B)(ix)” and inserting “subparagraph (I)”.

SEC. 7. SUBPOENA POWER.

Section 806 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (34 U.S.C. 10225) is amended—

(1) by inserting “Attorney General, the” before the “Bureau of Justice Assistance”;

(2) by striking “may appoint” and inserting “may appoint (to be assigned or employed on an interim or as-needed basis) such hearing examiners (who shall, if so designated by the Attorney General, be understood to be comprised within the meaning of “special government employee” under section 202 of title 18, United States Code)”;

(3) by striking “under this chapter. The” and inserting “or other law. The Attorney General, the”; and

(4) by inserting “conduct examinations” after “examine witnesses,”.

SEC. 8. EFFECTIVE DATE; APPLICABILITY.

(a) IN GENERAL.—Except as otherwise provided in this section, the amendments made by this Act shall take effect on the date of enactment of this Act.

(b) APPLICABILITY.—

(1) CERTAIN INJURIES.—The amendments made to paragraphs (2) and (7) of section 1204 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (34 U.S.C. 10284) shall apply with respect to injuries occurring on or after January 1, 2008.

(2) MATTERS PENDING.—Except as provided in paragraph (1), the amendments made by this Act shall apply to any matter pending, before the Bureau or otherwise, on the date of enactment of this Act, or filed (consistent with pre-existing effective dates) or accruing after that date.

(c) EFFECTIVE DATE FOR WTC RESPONDERS.—

(1) CERTAIN NEW CLAIMS.—Not later than two years after the effective date of this Act, a WTC responder may file a claim, under section 1201(b) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (34 U.S.C. 10281(b)), that is predicated on a personal injury sustained in the line

34 USC 10281
note.

Deadline.

of duty by such responder as a result of the September 11, 2001, attacks, where—

(A) no claim under such section 1201(b) so predicated has previously been filed; or

(B) a claim under such section 1201(b) so predicated had previously been denied, in a final agency determination, on the basis (in whole or in part) that the claimant was not totally disabled.

Deadline.
Determination.

(2) CLAIMS FOR A DECEASED WTC RESPONDER.—Not later than two years after the effective date of this Act, a claim may be filed, constructively under section 1201(a) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (34 U.S.C. 10281(a)), where a WTC responder who otherwise could have filed a claim pursuant to paragraph (1) has died before such effective date (or dies not later than 365 days after such effective date), or where a WTC responder has filed such a claim but dies while it is pending before the Bureau: Provided, That—

(A) no claim under such section 1201(a) otherwise shall have been filed, or determined, in a final agency determination; and

(B) if it is determined, in a final agency determination, that a claim under such paragraph (1) would have been payable had the WTC responder not died, then the WTC responder shall irrebutably be presumed (solely for purposes of determining to whom benefits otherwise pursuant to such paragraph (1) may be payable under the claim filed constructively under such section 1201(a)) to have died as the direct and proximate result of the injury on which the claim under such paragraph (1) would have been predicated.

Deadline.

(3) DIFFERENCE IN BENEFIT PAY.—In the event that a claim under section 1201(b) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (34 U.S.C. 10281(b)) and predicated on an injury sustained in the line of duty by a WTC responder as a result of the September 11, 2001, attacks was approved, in a final agency determination, before the effective date of this Act, the Bureau shall, upon application filed (not later than three years after such effective date of this Act) by the payee (or payees) indicated in subparagraphs (A) or (B), pay a bonus in the amount of the difference (if any) between the amount that was paid pursuant to such determination and the amount that would have been payable had the amendments made by this Act, other than those indicated in subsection (b)(1), been in effect on the date of such determination—

Determination.

(A) to the WTC responder, if living on the date the application is determined, in a final agency determination; or

(B) if the WTC responder is not living on the date indicated in subparagraph (A), to the individual (or individuals), if living on such date, to whom benefits would have been payable on such date under section 1201(a) of such title I (34 U.S.C. 10281(a)) had the application been, instead, a claim under such section 1201(a).

Determination.

(4) SPECIAL LIMITED RULE OF CONSTRUCTION.—A claim filed pursuant to paragraph (1) or (2) shall be determined as though the date of catastrophic injury of the public safety officer were

the date of enactment of this Act, for purposes of determining the amount that may be payable.

SEC. 9. SAFEGUARDING AMERICA’S FIRST RESPONDERS.

Time period.

Section 3 of Safeguarding America’s First Responders Act of 2020 (Public Law 116-157) is amended—

34 USC 10281
note.

(1) in subsection (a)(1), by striking “between January 1, 2020, and December 31, 2021” and inserting “during the period beginning on January 1, 2020, and ending on the termination date” and

(2) in subsection (b)(1), by striking “between January 1, 2020, and December 31, 2021” and inserting “during the period beginning on January 1, 2020, and ending on the termination date”; and

(3) by adding at the end the following:

“(c) TERMINATION DATE.—For purposes of this section, the term ‘termination date’ means the earlier of—

“(1) the date on which the public health emergency declared by the Secretary of Health and Human Services under section 319 of the Public Health Service Act (42 U.S.C. 247d) on January 31, 2020, with respect to the Coronavirus Disease (COVID–19), expires; and

“(2) December 31, 2023.”.

Approved November 18, 2021.

LEGISLATIVE HISTORY—S. 1511:

CONGRESSIONAL RECORD, Vol. 167 (2021):

June 10, considered and passed Senate.

Oct. 27, considered and passed House, amended.

Nov. 4, Senate concurred in House amendment.

DAILY COMPILATION OF PRESIDENTIAL DOCUMENTS (2021):

Nov. 18, Presidential remarks.

Public Law 117–62
117th Congress

An Act

Nov. 22, 2021
[H.R. 2093]

To direct the Secretary of Veterans Affairs to make all fact sheets of the Department of Veterans Affairs available in English, Spanish, and Tagalog, and other commonly spoken languages, and for other purposes.

Veterans and
Family
Information Act.
38 USC 101 note.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Veterans and Family Information Act”.

38 USC 6303
note.

SEC. 2. FACT SHEETS.

(a) **LANGUAGES.**—The Secretary of Veterans Affairs shall make available versions of all fact sheets of the Department of Veterans Affairs in—

- (1) English;
- (2) Spanish;
- (3) Tagalog; and

(4) each of the 10 most commonly spoken languages, other than English, in the United States that are not otherwise covered by paragraphs (2) and (3).

(b) **WEBSITE.**—The Secretary of Veterans Affairs shall establish and maintain a publicly available website of the Department of Veterans Affairs that contains links to all fact sheets of the Veterans Benefits Administration, Veterans Health Administration, and of the National Cemetery Administration. The website shall be accessible by a clearly labeled hyperlink on the homepage of the Department.

(c) **REPORT.**—Not later than 180 days after the date of the enactment of this Act, the Secretary of Veterans Affairs shall submit a report to Congress regarding fact sheets described in subsection (a) and details of the Language Access Plan of the Department of Veteran Affairs. The report shall include the following:

Determination.

(1) What the Secretary determines constitutes a fact sheet of the Department for purposes of this Act.

(2) How such fact sheets are utilized and distributed other than on and through the website of the Department.

(3) How such Language Access Plan is communicated to veterans, family members of veterans, and caregivers.

(4) The roles and responsibilities of patient advocates in the coordination of care for veterans with limited English proficiency, family members of such veterans, and caregivers.

(5) Other demographic information that the Secretary determines appropriate regarding veterans with limited English proficiency.

Approved November 22, 2021.

LEGISLATIVE HISTORY—H.R. 2093:

CONGRESSIONAL RECORD, Vol. 167 (2021):

June 15, considered and passed House.

Nov. 2, considered and passed Senate.

Public Law 117–63
117th Congress

An Act

Nov. 22, 2021
[H.R. 2911]

To direct the Secretary of Veterans Affairs to submit to Congress a plan for obligating and expending Coronavirus pandemic funding made available to the Department of Veterans Affairs, and for other purposes.

VA Transparency
& Trust Act of
2021.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “VA Transparency & Trust Act of 2021”.

SEC. 2. CONGRESSIONAL OVERSIGHT OF CORONAVIRUS PANDEMIC FUNDING MADE AVAILABLE TO DEPARTMENT OF VETERANS AFFAIRS.

(a) **PLAN AND REPORTS BY SECRETARY.**—

(1) **PLAN.**—Not later than 30 days after the date of the enactment of this Act, the Secretary of Veterans Affairs shall submit to the Committees on Veterans’ Affairs of the House of Representatives and the Senate a detailed plan for obligating and expending covered funds, including a detailed justification for each type of obligation of such funds.

(2) **BIWEEKLY REPORTS.**—Every 14 days during the period beginning on the date on which the plan under paragraph (1) is submitted and ending seven days after the date on which the Secretary has expended all covered funds, the Secretary shall submit to the Committees on Veterans’ Affairs of the House of Representatives and the Senate a report detailing the obligation and expenditure of, and the planned uses for, such funds during the period covered by the report, including a written justification for any deviation in such obligations, expenditures, or planned uses from such plan.

Time period.

(b) **INSPECTOR GENERAL AUDITS.**—Not later than 120 days after the date of the enactment of this Act, and semiannually thereafter for three years or until the Secretary has expended all covered funds, whichever occurs first, the Inspector General of the Department of Veterans Affairs shall submit to the Committees on Veterans’ Affairs of the House of Representatives and the Senate a report examining the obligations and expenditures made using covered funds during the period covered by the report. Each such report shall include—

(1) a comparison of how the funds are being obligated and expended to how the funds were planned to be obligated and expended in the plan under subsection (a)(1);

(2) areas of waste, fraud, and abuse, if any; and

(3) any other matter the Inspector General determines relevant.

(c) COMPTROLLER GENERAL REVIEWS.—

(1) INTERIM REPORT.—Not later than September 30, 2022, the Comptroller General of the United States shall submit to the Committees on Veterans’ Affairs of the House of Representatives and the Senate an interim report containing a review of obligations and expenditures made using covered funds. The report shall include—

(A) a review of the process of the Department of Veterans Affairs for preparing the request for funds;

(B) an explanation of how the expenditure of such funds met the goals of the Department during the public health emergency for which the funds were made available;

(C) any recommendations to improve the process of identifying needs and expending funds during similar situations in the future; and

Recommendations.

(D) a review of the plans of the Department to continue programs or investments that were begun with such funds but will continue after such funds are expended.

(2) FINAL REPORT.—Not later than September 30, 2024, the Comptroller General shall submit to the Committees on Veterans’ Affairs of the House of Representatives and the Senate a final report on the matters specified under paragraph (1).

(d) COVERED FUNDS DEFINED.—In this section, the term “covered funds” means funds that are made available to the Department of Veterans Affairs pursuant to—

(1) the Families First Coronavirus Response Act (Public Law 116–127);

(2) the Coronavirus Aid, Relief, and Economic Security Act (Public Law 116–136); or

(3) the American Rescue Plan Act of 2021 (Public Law 117–2).

Approved November 22, 2021.

LEGISLATIVE HISTORY—H.R. 2911:

CONGRESSIONAL RECORD, Vol. 167 (2021):

May 17, considered and passed House.

Oct. 28, considered and passed Senate.

Public Law 117–64
117th Congress

An Act

Nov. 23, 2021
[H.R. 1510]

To direct the Secretary of Veterans Affairs to submit to Congress a report on the use of cameras in medical facilities of the Department of Veterans Affairs.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. REPORT ON USE OF CAMERAS IN MEDICAL FACILITIES OF THE DEPARTMENT OF VETERANS AFFAIRS.

(a) **REPORT REQUIRED.**—Not later than one year after the date of the enactment of this Act, the Secretary of Veterans Affairs, in collaboration with the Office of Operations, Security, and Preparedness of the Department of Veterans Affairs, the Veterans Health Administration, and the Office of Construction and Facilities Management of the Department, shall submit to the Committees on Veterans' Affairs of the Senate and the House of Representatives a report analyzing the policies, use, and maintenance of cameras deployed by the Department for patient safety and law enforcement at medical facilities of the Department.

(b) **ELEMENTS.**—The report required by subsection (a) shall include the following:

(1) A comprehensive review of the policies and procedures of the Department regarding the use and maintenance of cameras with respect to the following:

(A) Patient safety, including—

(i) an analysis of how cameras are used to monitor staff and patients;

(ii) an analysis of the specific units within medical facilities in which the use of cameras is prioritized to protect patient safety;

(iii) an analysis of the procedures regarding the positioning of cameras;

(iv) an analysis of the extent to which cameras monitor locations where drugs are stored to ensure that drugs are accounted for, and an assessment of whether this is a widely used practice; and

(v) an analysis of the actions taken to preserve and protect patient privacy.

(B) Law enforcement of medical facilities of the Department, including—

(i) how exterior cameras are used;

(ii) how interior cameras are used; and

(iii) an analysis of locations, interior and exterior, in which camera use is prioritized.

(2) Recommendations of the Secretary to improve patient safety and law enforcement, including—

Review.
Analysis.

Recommendations.

- (A) the placement and maintenance of cameras;
- (B) the storage of data from such cameras; Data.
- (C) the authority of supervisors at medical facilities of the Department to review recordings from cameras;
- (D) the number of staff required to monitor live footage from cameras at each medical facility of the Department;
- (E) the funding necessary to address shortfalls with respect to cameras and the specific uses for such funding;
- (F) any additional actions required to preserve and protect patient privacy; and
- (G) such other matters the Secretary determines appropriate.

(c) CAMERA DEFINED.—In this section, the term “camera” means any video camera used in a medical facility of the Department of Veterans Affairs for purposes of patient safety or law enforcement, but does not include cameras used solely by the Inspector General of the Department of Veterans Affairs to assist in criminal investigations conducted by the Inspector General.

Approved November 23, 2021.

LEGISLATIVE HISTORY—H.R. 1510:

CONGRESSIONAL RECORD, Vol. 167 (2021):

May 17, considered in House.

May 18, prior proceedings vacated; considered and passed House.

Nov. 2, considered and passed Senate.

Public Law 117–65
117th Congress

An Act

Nov. 23, 2021
[S. 108]

To authorize the Seminole Tribe of Florida to lease or transfer certain land, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. APPROVAL NOT REQUIRED TO VALIDATE CERTAIN LAND TRANSACTIONS OF THE SEMINOLE TRIBE OF FLORIDA.

(a) IN GENERAL.—Notwithstanding any other provision of law, without further approval, ratification, or authorization by the United States, the Seminole Tribe of Florida may lease, sell, convey, warrant, or otherwise transfer all or any part of the interest of the Seminole Tribe of Florida in any real property that is not held in trust by the United States for the benefit of the Seminole Tribe of Florida.

(b) TRUST LAND NOT AFFECTED.—Nothing in this section—

(1) authorizes the Seminole Tribe of Florida to lease, sell, convey, warrant, or otherwise transfer all or any part of an interest in any real property that is held in trust by the United States for the benefit of the Seminole Tribe of Florida; or

(2) affects the operation of any law governing leasing, selling, conveying, warranting, or otherwise transferring any interest in any real property that is held in trust by the United States for the benefit of the Seminole Tribe of Florida.

Approved November 23, 2021.

LEGISLATIVE HISTORY—S. 108:

SENATE REPORTS: No. 117–10 (Comm. on Indian Affairs).

CONGRESSIONAL RECORD, Vol. 167 (2021):

May 26, considered and passed Senate.

Nov. 1, 2, considered and passed House.

Public Law 117–66
117th Congress

An Act

To require the Comptroller General of the United States to conduct a study on disparities associated with race and ethnicity with respect to certain benefits administered by the Secretary of Veterans Affairs, and for other purposes.

Nov. 30, 2021
[S. 1031]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

**SECTION 1. GOVERNMENT ACCOUNTABILITY OFFICE STUDY ON
DISPARITIES ASSOCIATED WITH RACE AND ETHNICITY
WITH RESPECT TO CERTAIN BENEFITS ADMINISTERED
BY THE SECRETARY OF VETERANS AFFAIRS.**

(a) **STUDY REQUIRED.**—The Comptroller General of the United States shall conduct a study—

(1) to assess whether there are disparities associated with race and ethnicity with respect to—

Assessment.

(A) compensation benefits administered by the Secretary of Veterans Affairs;

(B) disability ratings determined by the Secretary, with specific consideration of disability evaluations based on pain; and

Determination.
Evaluation.

(C) the rejection of fully developed claims for benefits under laws administered by the Secretary; and

(2) to develop recommendations to facilitate better data collection on the disparities described in paragraph (1).

Recommendations.

(b) **INITIAL BRIEFING.**—Not later than one year after the date of the enactment of this Act, the Comptroller General shall brief Congress on the initial results of the study conducted under subsection (a).

Deadline.

(c) **FINAL REPORT.**—Not later than 240 days after the date on which the briefing required by subsection (b) is conducted, the Comptroller General shall submit to Congress a final report setting

forth the results of the study conducted under subsection (a), including the recommendations developed under paragraph (2) of such subsection.

Approved November 30, 2021.

LEGISLATIVE HISTORY—S. 1031:

CONGRESSIONAL RECORD, Vol. 167 (2021):

Aug. 5, considered and passed Senate.

Nov. 15, considered and passed House.

DAILY COMPILATION OF PRESIDENTIAL DOCUMENTS (2021):

Nov. 30, Presidential remarks.

Public Law 117–67
117th Congress

An Act

To identify and refer members of the Armed Forces with a health care occupation who are separating from the Armed Forces for potential employment with the Department of Veterans Affairs, and for other purposes.

Nov. 30, 2021
[S. 894]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Hire Veteran Health Heroes Act of 2021”.

Hire Veteran
Health Heroes
Act of 2021.
38 USC 101 note.

SEC. 2. IDENTIFICATION AND REFERRAL OF MEMBERS OF THE ARMED FORCES WITH A HEALTH CARE OCCUPATION FOR POTENTIAL EMPLOYMENT WITH THE DEPARTMENT OF VETERANS AFFAIRS DURING SEPARATION FROM THE ARMED FORCES.

Section 207 of the VA Choice and Quality Employment Act of 2017 (Public Law 115–46; 38 U.S.C. 7401 note) is amended to read as follows:

“SEC. 207. IDENTIFICATION AND REFERRAL OF MEMBERS OF THE ARMED FORCES WITH A HEALTH CARE OCCUPATION FOR POTENTIAL EMPLOYMENT WITH THE DEPARTMENT OF VETERANS AFFAIRS DURING SEPARATION FROM THE ARMED FORCES.

“(a) **IN GENERAL.**—The Secretary of Veterans Affairs, in consultation with the Secretary of Defense, shall establish a program to identify and refer members of the Armed Forces with a health care occupation for employment with the Department of Veterans Affairs during the separation of such members from the Armed Forces.

Consultation.

“(b) **REFERRAL OF INTERESTED INDIVIDUALS.**—

“(1) **IN GENERAL.**—If a member of the Armed Forces identified under subsection (a) expresses an interest in working in a health care occupation within the Department of Veterans Affairs, the Secretary of Veterans Affairs shall refer the member to a recruiter of the Department for consideration of open positions in the specialty and geography of interest to the member.

“(2) **TIMING.**—Any referral of a member of the Armed Forces conducted under paragraph (1) shall be made not earlier than one year before the separation of the member from the Armed Forces.

“(c) **RULE OF CONSTRUCTION.**—Any identification of a member of the Armed Forces under subsection (a) or referral of such member under subsection (b) shall not be construed as a guarantee of

employment of such member with the Department of Veterans Affairs.

“(d) REPORTS.—Not later than each of one year and two years after the date of the enactment of the Hire Veteran Health Heroes Act of 2021, the Secretary of Veterans Affairs shall submit to the appropriate committees of Congress a report on the program established under subsection (a).

“(e) DEFINITIONS.—In this section:

“(1) APPROPRIATE COMMITTEES OF CONGRESS.—The term ‘appropriate committees of Congress’ means—

“(A) the Committee on Armed Services and the Committee on Veterans’ Affairs of the Senate; and

“(B) the Committee on Armed Services and the Committee on Veterans’ Affairs of the House of Representatives.

“(2) HEALTH CARE OCCUPATION.—The term ‘health care occupation’ means an occupation for which an individual may be appointed for employment with the Department of Veterans Affairs under section 7401 of title 38, United States Code.”.

Approved November 30, 2021.

LEGISLATIVE HISTORY—S. 894:

CONGRESSIONAL RECORD, Vol. 167 (2021):

July 21, considered and passed Senate.

Nov. 15, considered and passed House.

DAILY COMPILATION OF PRESIDENTIAL DOCUMENTS (2021):

Nov. 30, Presidential remarks.

Public Law 117–68
117th Congress

An Act

To amend title 38, United States Code, to provide for the disapproval by the Secretary of Veterans Affairs of courses of education offered by public institutions of higher learning that do not charge veterans the in-State tuition rate for purposes of Survivors' and Dependents' Educational Assistance Program, and for other purposes.

Nov. 30, 2021
[S. 1095]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Colonel John M. McHugh Tuition Fairness for Survivors Act of 2021”.

Colonel John M.
McHugh Tuition
Fairness for
Survivors Act
of 2021.
38 USC 101 note.

SEC. 2. DEPARTMENT OF VETERANS AFFAIRS DISAPPROVAL OF COURSES OFFERED BY PUBLIC INSTITUTIONS OF HIGHER LEARNING THAT DO NOT CHARGE VETERANS THE IN-STATE TUITION RATE FOR PURPOSES OF SURVIVORS' AND DEPENDENTS' EDUCATIONAL ASSISTANCE PROGRAM.

(a) IN GENERAL.—Section 3679(c) of title 38, United States Code, is amended—

(1) in paragraph (1), by striking “or 33” and inserting “33, or 35”;

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

“(D) An individual who is entitled to assistance under section 3510 of this title.”; and

(3) in paragraph (6), by striking “and 33” and inserting “33, and 35”.

(b) CONFORMING AMENDMENTS.—Section 3679(e) of such title is amended—

(1) in paragraph (1)—

(A) in subparagraph (A), by striking “or 33” and inserting “, 33, or 35”; and

(B) in subparagraph (B), by striking “or 33” and inserting “33, or 35”; and

(2) in paragraph (2), by striking “or 33” and inserting “33, or 35”.

Applicability.
Time period.
38 USC 3679
note.

(c) **EFFECTIVE DATE.**—The amendments made by this Act shall take effect on the date of the enactment of this Act and shall apply with respect to an academic period that begins on or after August 1, 2022.

Approved November 30, 2021.

LEGISLATIVE HISTORY—S. 1095:

CONGRESSIONAL RECORD, Vol. 167 (2021):

June 24, considered and passed Senate.

Nov. 15, considered and passed House.

DAILY COMPILATION OF PRESIDENTIAL DOCUMENTS (2021):

Nov. 30, Presidential remarks.

Public Law 117–69
117th Congress

An Act

To codify maternity care coordination programs at the Department of Veterans Affairs, and for other purposes.

Nov. 30, 2021
[S. 796]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Protecting Moms Who Served Act of 2021”.

Protecting Moms
Who Served Act
of 2021.
38 USC 101 note.

SEC. 2. DEFINITIONS.

38 USC 1703
note.

In this Act:

(1) **MATERNAL MORTALITY.**—The term “maternal mortality” means a death occurring during pregnancy or within a one-year period after pregnancy that is caused by pregnancy-related or childbirth complications, including suicide, overdose, or other death resulting from a mental health or substance use disorder attributed to or aggravated by pregnancy-related or childbirth complications.

(2) **POSTPARTUM.**—The term “postpartum”, with respect to an individual, means the one-year period beginning on the last day of the pregnancy of the individual.

(3) **PREGNANCY-ASSOCIATED DEATH.**—The term “pregnancy-associated death” means the death of a pregnant or postpartum individual, by any cause, that occurs during pregnancy or within one year following pregnancy, regardless of the outcome, duration, or site of the pregnancy.

(4) **PREGNANCY-RELATED DEATH.**—The term “pregnancy-related death” means the death of a pregnant or postpartum individual that occurs during pregnancy or within one year following pregnancy from a pregnancy complication, a chain of events initiated by pregnancy, or the aggravation of an unrelated condition by the physiologic effects of pregnancy.

(5) **RACIAL AND ETHNIC MINORITY GROUP.**—The term “racial and ethnic minority group” has the meaning given that term in section 1707(g)(1) of the Public Health Service Act (42 U.S.C. 300u–6(g)(1)).

(6) **SEVERE MATERNAL MORBIDITY.**—The term “severe maternal morbidity” means a health condition, including a mental health condition or substance use disorder, attributed to or aggravated by pregnancy or childbirth that results in significant short-term or long-term consequences to the health of the individual who was pregnant.

SEC. 3. SUPPORT BY DEPARTMENT OF VETERANS AFFAIRS OF MATERNITY CARE COORDINATION.

(a) PROGRAM ON MATERNITY CARE COORDINATION.—

(1) IN GENERAL.—The Secretary of Veterans Affairs shall carry out the maternity care coordination program described in Veterans Health Administration Directive 1330.03.

(2) TRAINING AND SUPPORT.—In carrying out the program under paragraph (1), the Secretary shall provide to community maternity care providers training and support with respect to the unique needs of pregnant and postpartum veterans, particularly regarding mental and behavioral health conditions relating to the service of those veterans in the Armed Forces.

(b) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There is authorized to be appropriated to the Secretary \$15,000,000 for fiscal year 2022 for the program under subsection (a)(1).

(2) SUPPLEMENT NOT SUPPLANT.—Amounts authorized under paragraph (1) are authorized in addition to any other amounts authorized for maternity health care and coordination for the Department of Veterans Affairs.

(c) DEFINITIONS.—In this section:

(1) COMMUNITY MATERNITY CARE PROVIDERS.—The term “community maternity care providers” means maternity care providers located at non-Department facilities who provide maternity care to veterans under section 1703 of title 38, United States Code, or any other law administered by the Secretary of Veterans Affairs.

(2) NON-DEPARTMENT FACILITIES.—The term “non-Department facilities” has the meaning given that term in section 1701 of title 38, United States Code.

SEC. 4. REPORT ON MATERNAL MORTALITY AND SEVERE MATERNAL MORBIDITY AMONG PREGNANT AND POSTPARTUM VETERANS.

Public
information.

(a) GAO REPORT.—Not later than two years after the date of the enactment of this Act, the Comptroller General of the United States shall submit to the Committee on Veterans’ Affairs of the Senate and the Committee on Veterans’ Affairs of the House of Representatives, and make publicly available, a report on maternal mortality and severe maternal morbidity among pregnant and postpartum veterans, with a particular focus on racial and ethnic disparities in maternal health outcomes for veterans.

Assessments.
Recommendations.

(b) MATTERS INCLUDED.—The report under subsection (a) shall include the following:

Time period.
Data.

(1) To the extent practicable—

(A) the number of pregnant and postpartum veterans who have experienced a pregnancy-related death or pregnancy-associated death in the most recent 10 years of available data;

(B) the rate of pregnancy-related deaths per 100,000 live births for pregnant and postpartum veterans;

Time period.
Data.

(C) the number of cases of severe maternal morbidity among pregnant and postpartum veterans in the most recent year of available data;

(D) an assessment of the racial and ethnic disparities in maternal mortality and severe maternal morbidity rates among pregnant and postpartum veterans;

(E) identification of the causes of maternal mortality and severe maternal morbidity that are unique to veterans, including post-traumatic stress disorder, military sexual trauma, and infertility or miscarriages that may be caused by service in the Armed Forces;

(F) identification of the causes of maternal mortality and severe maternal morbidity that are unique to veterans from racial and ethnic minority groups and such other at-risk populations as the Comptroller General considers appropriate;

(G) identification of any correlations between the former rank of veterans and their maternal health outcomes;

(H) the number of veterans who have been diagnosed with infertility by a health care provider of the Veterans Health Administration each year in the most recent five years, disaggregated by age, race, ethnicity, sex, marital status, and geographical location; Time period.

(I) the number of veterans who have received a clinical diagnosis of unexplained infertility by a health care provider of the Veterans Health Administration each year in the most recent five years; and Time period.

(J) an assessment of the extent to which the rate of incidence of clinically diagnosed infertility among veterans compare or differ to the rate of incidence of clinically diagnosed infertility among the civilian population.

(2) An assessment of the barriers to determining the information required under paragraph (1) and recommendations for improvements in tracking maternal health outcomes among pregnant and postpartum veterans who— Determination.

(A) have health care coverage through the Department;

(B) are enrolled in the TRICARE program (as defined in section 1072 of title 10, United States Code);

(C) have employer-based or private insurance;

(D) are enrolled in the Medicaid program under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.);

(E) are eligible to receive health care furnished by—

(i) the Indian Health Service;

(ii) Tribal health programs; or

(iii) urban Indian organizations; or

(F) are uninsured.

(3) Recommendations for legislative and administrative actions to increase access to mental and behavioral health care for pregnant and postpartum veterans who screen positively for maternal mental or behavioral health conditions.

(4) Recommendations to address homelessness, food insecurity, poverty, and related issues among pregnant and postpartum veterans.

(5) Recommendations on how to effectively educate maternity care providers on best practices for providing maternity care services to veterans that addresses the unique maternal health care needs of veteran populations.

(6) Recommendations to reduce maternal mortality and severe maternal morbidity among pregnant and postpartum veterans and to address racial and ethnic disparities in maternal health outcomes for each of the groups described in subparagraphs (A) through (F) of paragraph (2).

(7) Recommendations to improve coordination of care between the Department and non-Department facilities for pregnant and postpartum veterans, including recommendations to improve—

(A) health record interoperability; and

(B) training for the directors of the Veterans Integrated Service Networks, directors of medical facilities of the Department, chiefs of staff of such facilities, maternity care coordinators, and staff of relevant non-Department facilities.

(8) An assessment of the authority of the Secretary of Veterans Affairs to access maternal health data collected by the Department of Health and Human Services and, if applicable, recommendations to increase such authority.

(9) To the extent applicable, an assessment of potential causes of or explanations for lower maternal mortality rates among veterans who have health care coverage through the Department of Veterans Affairs compared to maternal mortality rates in the general population of the United States.

(10) Any other information the Comptroller General determines appropriate with respect to the reduction of maternal mortality and severe maternal morbidity among pregnant and postpartum veterans and to address racial and ethnic disparities in maternal health outcomes for veterans.

(c) DEFINITIONS.—In this section, the terms “Tribal health program” and “urban Indian organization” have the meanings given those terms in section 4 of the Indian Health Care Improvement Act (25 U.S.C. 1603).

Approved November 30, 2021.

LEGISLATIVE HISTORY—S. 796 (H.R. 958):

HOUSE REPORTS: No. 117–30 (Comm. on Veterans’ Affairs) accompanying H.R. 958.
CONGRESSIONAL RECORD, Vol. 167 (2021):

Oct. 7, considered and passed Senate.

Nov. 16, considered and passed House.

DAILY COMPILATION OF PRESIDENTIAL DOCUMENTS (2021):

Nov. 30, Presidential remarks.

Public Law 117–70
117th Congress

An Act

Making further continuing appropriations for the fiscal year ending September 30, 2022, and for other purposes.

Dec. 3, 2021
[H.R. 6119]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Further Extending Government Funding Act”.

Further
Extending
Government
Funding Act.

SEC. 2. TABLE OF CONTENTS.

The table of contents of this Act is as follows:

Sec. 1. Short Title.
Sec. 2. Table of Contents.
Sec. 3. References.

DIVISION A—FURTHER CONTINUING APPROPRIATIONS ACT, 2022

DIVISION B—ADDITIONAL AFGHANISTAN SUPPLEMENTAL
APPROPRIATIONS ACT, 2022

DIVISION C—EXTENSIONS

Title I—Extensions
Title II—Budgetary Effects

SEC. 3. REFERENCES.

Except as expressly provided otherwise, any reference to “this Act” contained in any division of this Act shall be treated as referring only to the provisions of that division.

**DIVISION A—FURTHER CONTINUING APPROPRIATIONS
ACT, 2022**

Further
Continuing
Appropriations
Act, 2022.

SEC. 101. The Continuing Appropriations Act, 2022 (division A of Public Law 117–43) is amended—

(1) by striking the date specified in section 106(3) and inserting “February 18, 2022”;

Ante, p. 346.

(2) in section 118, by striking “first quarter” and inserting “first and second quarters”;

Ante, p. 348.

(3) in section 137, by striking “\$22,080,000” and inserting “\$44,838,000” and by striking “\$2,261,000” and inserting “\$4,547,000”; and

Ante, p. 352.

(4) by adding after section 157 the following new sections:

Applicability.

“SEC. 158. Section 9(i)(2) of the Food and Nutrition Act of 2008 (7 U.S.C. 2018(i)(2)) shall be applied by substituting the date specified in section 106(3) of this Act for ‘December 31, 2021’.

“SEC. 159. Section 533 of title V of division B of Public Law 116–260 is repealed.

Repeal.

“SEC. 160. (a) Notwithstanding section 101, section 748 of title VII of division E of Public Law 116–260 shall be applied during the period covered by this Act by—

“(1) substituting ‘2023’ for ‘2022’;

“(2) substituting ‘2022’ for ‘2021’ each place it appears;

“(3) substituting ‘2021’ for ‘2020’ each place it appears;

and

“(4) substituting ‘section 748 of division E of Public Law 116–260, as in effect on September 30, 2021’ for ‘section 749 of division C of Public Law 116–93’ each place it appears.

Effective date.

“(b) Subsection (a) shall not take effect until the first day of the first applicable pay period beginning on or after January 1, 2022.

“SEC. 161. Section 302 of the Universal Service Antideficiency Temporary Suspension Act shall be applied by substituting the date specified in section 106(3) of this Act for ‘December 31, 2021’ each place it appears.

“SEC. 162. In addition to amounts otherwise provided by this Act, there is appropriated \$1,600,000,000, for an additional amount for fiscal year 2022, to remain available until September 30, 2024, for the account specified and for the activities specified, in section 141 of this Act.

“SEC. 163. During the period covered by this Act, section 506(a)(1) of the Foreign Assistance Act of 1961 (22 U.S.C. 2318) shall be applied by substituting ‘\$200,000,000’ for ‘\$100,000,000’.”

This division may be cited as the “Further Continuing Appropriations Act, 2022”.

Additional
Afghanistan
Supplemental
Appropriations
Act, 2022.

DIVISION B—ADDITIONAL AFGHANISTAN SUPPLEMENTAL APPROPRIATIONS ACT, 2022

The following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 2022, and for other purposes, namely:

TITLE I

DEPARTMENT OF DEFENSE

MILITARY PERSONNEL

MILITARY PERSONNEL, ARMY

For an additional amount for “Military Personnel, Army”, \$128,000,000, to remain available until September 30, 2022, for support of Operation Allies Welcome by the Department of Defense.

MILITARY PERSONNEL, NAVY

For an additional amount for “Military Personnel, Navy”, \$7,000,000, to remain available until September 30, 2022, for support of Operation Allies Welcome by the Department of Defense.

MILITARY PERSONNEL, MARINE CORPS

For an additional amount for “Military Personnel, Marine Corps”, \$32,000,000, to remain available until September 30, 2022,

for support of Operation Allies Welcome by the Department of Defense.

MILITARY PERSONNEL, AIR FORCE

For an additional amount for “Military Personnel, Air Force”, \$145,000,000, to remain available until September 30, 2022, for support of Operation Allies Welcome by the Department of Defense.

OPERATION AND MAINTENANCE

OVERSEAS HUMANITARIAN, DISASTER, AND CIVIC AID

For an additional amount for “Overseas Humanitarian, Disaster, and Civic Aid”, \$4,000,000,000, to remain available until September 30, 2023, for support of Operation Allies Welcome by the Department of Defense.

GENERAL PROVISIONS—THIS TITLE

SEC. 1101. Not later than 30 days after the date of enactment of this Act, and every 30 days thereafter through fiscal year 2022, the Secretary of Defense shall provide a written report to the congressional defense committees describing the execution of funds provided in this title, including the amounts obligated and expended, in total and since the previous report; the nature of the costs incurred or services provided by such funds; and any reimbursements or funds transferred by another Federal agency to the Department of Defense which relates to the purpose of the funds provided by this title.

Time period.
Reports.

SEC. 1102. Notwithstanding any other provision of law, funds provided by this title shall only be for the purposes specified, and shall not be subject to any transfer authority provided by law.

TITLE II

DEPARTMENT OF HOMELAND SECURITY

DEPARTMENTAL MANAGEMENT, OPERATIONS, INTELLIGENCE, AND OVERSIGHT

OFFICE OF THE SECRETARY AND EXECUTIVE MANAGEMENT

OPERATIONS AND SUPPORT

For an additional amount for “Operations and Support”, \$147,456,000, to remain available until September 30, 2022, for necessary expenses in support of Operation Allies Welcome, including the provision of staffing and support services for Safe Havens: *Provided*, That amounts provided under this heading in this Act may be transferred by the Secretary of Homeland Security to other appropriations in the Department of Homeland Security only for necessary expenses of Operation Allies Welcome and not for any other purpose: *Provided further*, That amounts made available under this heading in this Act shall be available in addition to any other appropriations available for the same purpose, including appropriations available pursuant to the authority of

Transfer
authority.

Reports. section 506(a)(2) of the Foreign Assistance Act of 1961: *Provided further*, That, beginning not later than January 31, 2022, the Office of the Secretary shall report monthly to the Committees on Appropriations of the Senate and the House of Representatives on the use of transfer authority provided under this heading in this Act.

TITLE III

DEPARTMENT OF HEALTH AND HUMAN SERVICES

CENTERS FOR DISEASE CONTROL AND PREVENTION

CDC–WIDE ACTIVITIES AND PROGRAM SUPPORT

For an additional amount for “CDC–Wide Activities and Program Support”, \$8,000,000, to remain available until September 30, 2022, for support of Operation Allies Welcome for medical support, screening, and other related public health activities related to Afghan arrivals and refugees.

ADMINISTRATION FOR CHILDREN AND FAMILIES

REFUGEE AND ENTRANT ASSISTANCE

For an additional amount for “Refugee and Entrant Assistance”, \$1,263,728,000, to remain available until September 30, 2023, for support of Operation Allies Welcome for carrying out refugee and entrant assistance activities in support of citizens or nationals of Afghanistan paroled into the United States under section 212(d)(5) of the Immigration and Nationality Act and citizens or nationals of Afghanistan for whom such refugee and entrant assistance activities are authorized: *Provided*, That amounts made available under this heading in this Act may be used for grants or contracts with qualified nonprofit organizations to provide culturally and linguistically appropriate services, including wrap-around services during temporary housing and after resettlement, housing assistance, medical assistance, legal assistance, education services, and case management assistance: *Provided further*, That the Director of the Office of Refugee Resettlement, in carrying out section 412(c)(1)(A) of the Immigration and Nationality Act with amounts made available under this heading in this Act, may allocate such amounts among the States in a manner that accounts for the most current data available.

Grants.
Contracts.

Allocation.

TITLE IV

DEPARTMENT OF STATE

ADMINISTRATION OF FOREIGN AFFAIRS

DIPLOMATIC PROGRAMS

For an additional amount for “Diplomatic Programs”, \$44,300,000, to remain available until expended, for support for Operation Allies Welcome and related efforts by the Department of State, including additional relocations of individuals at risk as a result of the situation in Afghanistan and related expenses, and to reimburse the account under this heading in prior Acts making

appropriations for the Department of State, foreign operations, and related programs for obligations previously incurred.

EMERGENCIES IN THE DIPLOMATIC AND CONSULAR SERVICE

For an additional amount for “Emergencies in the Diplomatic and Consular Service”, \$36,000,000, to remain available until expended, for support for Operation Allies Welcome and related efforts by the Department of State, including additional relocations of individuals at risk as a result of the situation in Afghanistan and related expenses, and to reimburse the account under this heading in prior Acts making appropriations for the Department of State, foreign operations, and related programs for obligations previously incurred.

Reimbursement.

BILATERAL ECONOMIC ASSISTANCE

DEPARTMENT OF STATE

UNITED STATES EMERGENCY REFUGEE AND MIGRATION ASSISTANCE FUND

For an additional amount for “United States Emergency Refugee and Migration Assistance Fund”, \$1,200,000,000, to remain available until expended, notwithstanding section 2(c)(2) of the Migration and Refugee Assistance Act of 1962 (22 U.S.C. 2601(c)(2)), for support for Operation Allies Welcome and related efforts by the Department of State, including additional relocations of individuals at risk as a result of the situation in Afghanistan and related expenses.

GENERAL PROVISION—THIS TITLE

SEC. 1401. The Secretary of State shall include in the reports required by section 2402 of title IV of the Afghanistan Supplemental Appropriations Act, 2022 (division C of Public Law 117–43) the proposed uses of funds appropriated under this title.

TITLE V

GENERAL PROVISIONS—THIS ACT

SEC. 1501. Each amount appropriated or made available by this Act is in addition to amounts otherwise appropriated for the fiscal year involved.

SEC. 1502. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 1503. Unless otherwise provided for by this Act, the additional amounts appropriated by this Act to appropriations accounts shall be available under the authorities and conditions applicable to such appropriations accounts for fiscal year 2022.

SEC. 1504. Each amount provided by this division is designated by the Congress as being for an emergency requirement pursuant to section 4001(a)(1) and section 4001(b) of S. Con. Res. 14 (117th Congress), the concurrent resolution on the budget for fiscal year 2022.

Reports.

Strategy.
Plans.
Timeline.
Cost estimate.

SEC. 1505. Not later than January 15, 2022, the Director of the Office of Management and Budget shall provide to the Committees on Appropriations of the House of Representatives and the Senate a written report on Operation Allies Welcome: *Provided*, That such report shall describe the strategy and transition plan leading to the conclusion of Operation Allies Welcome; a plan, including timeline, for relocating all Afghans currently residing at Department of Defense facilities to longer-term housing; the activities and responsibilities assigned to each Federal agency involved in such strategy and transition plan; and an estimate of the costs from each such agency for carrying out such strategy and transition plan.

This division may be cited as the “Additional Afghanistan Supplemental Appropriations Act, 2022”.

DIVISION C—EXTENSIONS

TITLE I—EXTENSIONS

SEC. 2101. EXTENSION OF AUTHORITY TO MAKE CERTAIN APPOINTMENTS FOR NATIONAL DISASTER MEDICAL SYSTEM.

Section 2812(c)(4)(B) of the Public Health Service Act (42 U.S.C. 300hh–11(c)(4)(B)) is amended by striking “December 3, 2021” and inserting “February 18, 2022”.

SEC. 2102. EXTENSION OF ADDITIONAL SPECIAL ASSESSMENT.

Section 3014(a) of title 18, United States Code, is amended by striking “December 31, 2021” and inserting “February 18, 2022”.

SEC. 2103. EXTENSION OF TEMPORARY ORDER FOR FENTANYL-RELATED SUBSTANCES.

Effective date.

Ante, p. 380.

Effective as if included in the enactment of the Temporary Reauthorization and Study of the Emergency Scheduling of Fentanyl Analogues Act (Public Law 116–114), section 2 of such Act (as amended by Public Law 117–43) is amended by striking “January 28, 2022” and inserting “February 18, 2022”.

SEC. 2104. EXTENDING INCREASED FMAP FOR CERTAIN TERRITORIES.

(a) IN GENERAL.—Section 1905(ff)(3) of the Social Security Act (42 U.S.C. 1396d(ff)(3)) is amended by striking “December 3, 2021” and inserting “February 18, 2022”.

(b) REDUCTION OF MEDICARE IMPROVEMENT FUND.—Section 1898(b)(1) of the Social Security Act (42 U.S.C. 1395iii(b)(1)) is amended by striking “\$69,000,000” and inserting “\$56,000,000”.

TITLE II—BUDGETARY EFFECTS

SEC. 2201. BUDGETARY EFFECTS.

(a) STATUTORY PAYGO SCORECARDS.—The budgetary effects of this division shall not be entered on either PAYGO scorecard maintained pursuant to section 4(d) of the Statutory Pay-As-You-Go Act of 2010.

(b) SENATE PAYGO SCORECARDS.—The budgetary effects of this division shall not be entered on any PAYGO scorecard maintained for purposes of section 4106 of H. Con. Res. 71 (115th Congress).

(c) CLASSIFICATION OF BUDGETARY EFFECTS.—Notwithstanding Rule 3 of the Budget Scorekeeping Guidelines set forth in the joint explanatory statement of the committee of conference accompanying Conference Report 105–217 and section 250(c)(8) of the Balanced Budget and Emergency Deficit Control Act of 1985, the budgetary effects of this division shall not be estimated—

(1) for purposes of section 251 of such Act;

(2) for purposes of an allocation to the Committee on Appropriations pursuant to section 302(a) of the Congressional Budget Act of 1974; and

(3) for purposes of paragraph (4)(C) of section 3 of the Statutory Pay-As-You-Go Act of 2010 as being included in an appropriation Act.

Approved December 3, 2021.

LEGISLATIVE HISTORY—H.R. 6119:

CONGRESSIONAL RECORD, Vol. 167 (2021):

Dec. 2, considered and passed House and Senate.

Public Law 117–71
117th Congress

An Act

Dec. 10, 2021
[S. 610]

To address behavioral health and well-being among health care professionals.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Protecting
Medicare and
American
Farmers from
Sequester Cuts
Act.
2 USC 900 note.

SECTION 1. SHORT TITLE.

This Act may be cited as the “Protecting Medicare and American Farmers from Sequester Cuts Act”.

SEC. 2. ADJUSTMENTS TO MEDICARE SEQUESTRATION REDUCTIONS.

(a) EXTENSION OF TEMPORARY SUSPENSION THROUGH MARCH 2022.—

(1) IN GENERAL.—Section 3709(a) of division A of the CARES Act (2 U.S.C. 901a note) is amended—

(A) in the subsection header by inserting “AND ADJUSTMENT” after “SUSPENSION”; and

(B) by striking “December 31, 2021” and inserting “March 31, 2022”.

2 USC 901a note.

(2) EFFECTIVE DATE.—The amendments made by paragraph (1) shall take effect as if enacted as part of the CARES Act (Public Law 116–136).

(b) ADJUSTMENTS TO MEDICARE PROGRAM SEQUESTRATION REDUCTION WITH RESPECT TO FISCAL YEARS 2022 AND 2030.—Section 251A(6) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 901a(6)) is amended—

(1) by redesignating subparagraph (C) as subparagraph (E); and

(2) by inserting after subparagraph (B) the following new subparagraphs:

Applicability.

“(C) Notwithstanding the 2 percent limit specified in subparagraph (A) for payments for the Medicare programs specified in section 256(d), the sequestration order of the President under such subparagraph for fiscal year 2022 shall be applied to such payments so that with respect to the period beginning on April 1, 2022, and ending on June 30, 2022, the payment reduction shall be 1.0 percent.

Applicability.

“(D) Notwithstanding the 2 percent limit specified in subparagraph (A) for payments for the Medicare programs specified in section 256(d), the sequestration order of the President under such subparagraph for fiscal year 2030 shall be applied to such payments so that—

“(i) with respect to the first 6 months in which such order is effective for such fiscal year, the payment reduction shall be 2.25 percent; and

“(ii) with respect to the second 6 months in which such order is so effective for such fiscal year, the payment reduction shall be 3 percent.”.

SEC. 3. EXTENSION OF SUPPORT FOR PHYSICIANS AND OTHER PROFESSIONALS IN ADJUSTING TO MEDICARE PAYMENT CHANGES.

(a) **IN GENERAL.**—Section 1848 of the Social Security Act (42 U.S.C. 1395w–4) is amended—

(1) in subsection (c)(2)(B)(iv)(V), by striking “2021” and inserting “2021 or 2022”; and

(2) in subsection (t)—

(A) in the subsection header, by striking “2021” and inserting “2021 AND 2022”; and

(B) in paragraph (1)—

(i) by striking “during 2021” and inserting “during 2021 and 2022”; and

(ii) by striking “for such services furnished on or after January 1, 2021, and before January 1, 2022, by 3.75 percent.” and inserting “for—

“(A) such services furnished on or after January 1, 2021, and before January 1, 2022, by 3.75 percent; and

“(B) such services furnished on or after January 1, 2022, and before January 1, 2023, by 3.0 percent.”; and

(C) in paragraph (2)(C)—

(i) in the subparagraph header, by striking “2021” and inserting “2021 AND 2022”; and

(ii) by inserting “for services furnished in 2021 or 2022” after “under this subsection”; and

(iii) by inserting “or 2022, respectively” before the period at the end.

(b) **REPORT.**—Section 101(c) of division N of the Consolidated Appropriations Act, 2021 (Public Law 116–260) is amended—

(1) in the first sentence—

(A) by striking “April 1, 2022” and inserting “each of April 1, 2022, and April 1, 2023”; and

(B) by striking “, as added by subsection (a)” and inserting “furnished during 2021 or 2022, respectively”; and

(2) in the second sentence—

(A) by striking “Such report” and inserting “Each such report”; and

(B) by inserting “with respect to 2021 or 2022, as applicable” after “under such section”.

134 Stat. 1950.

SEC. 4. PRESERVING PATIENT ACCESS TO CRITICAL CLINICAL LAB SERVICES.

(a) **REVISED PHASE-IN OF REDUCTIONS FROM PRIVATE PAYOR RATE IMPLEMENTATION.**—Section 1834A(b)(3) of the Social Security Act (42 U.S.C. 1395m–1(b)(3)) is amended—

(1) in subparagraph (A), by striking “through 2024” and inserting “through 2025”; and

(2) in subparagraph (B)—

(A) in clause (ii), by striking “for 2021” and inserting “for each of 2021 and 2022”; and

(B) in clause (iii), by striking “2022 through 2024” and inserting “2023 through 2025”.

(b) REVISED REPORTING PERIOD FOR REPORTING OF PRIVATE SECTOR PAYMENT RATES FOR ESTABLISHMENT OF MEDICARE PAYMENT RATES.—Section 1834A(a)(1)(B) of the Social Security Act (42 U.S.C. 1395m–1(a)(1)(B)) is amended—

(1) in clause (i), by striking “December 31, 2021” and inserting “December 31, 2022”; and

(2) in clause (ii)—

(A) by striking “January 1, 2022” and inserting “January 1, 2023”; and

(B) by striking “March 31, 2022” and inserting “March 31, 2023”.

SEC. 5. DELAY TO THE IMPLEMENTATION OF THE RADIATION ONCOLOGY MODEL UNDER THE MEDICARE PROGRAM.

134 Stat. 2976. Section 133 of Division CC of the Consolidated Appropriations Act, 2021 (Public Law 116–260) is amended by striking “January 1, 2022” and inserting “January 1, 2023”.

SEC. 6. MEDICARE IMPROVEMENT FUND.

Section 1898(b)(1) of the Social Security Act (42 U.S.C. 1395iii(b)(1)) is amended by striking “fiscal year 2021” and all that follows through the period at the end and inserting “fiscal year 2021, \$101,000,000.”.

Determination.
Time periods.

SEC. 7. PAYGO ANNUAL REPORT.

For the purposes of the annual report issued pursuant to section 5 of the Statutory Pay-As-You-Go Act of 2010 (2 U.S.C. 934) after adjournment of the first session of the 117th Congress, and for determining whether a sequestration order is necessary under such section, the debit for the budget year on the 5-year scorecard, if any, and the 10-year scorecard, if any, shall be deducted from such scorecard in 2022 and added to such scorecard in 2023.

SEC. 8. EXPEDITED PROCEDURES FOR CONSIDERING AN INCREASE IN THE DEBT LIMIT.

(a) DEFINITION.—In this section, the term “joint resolution” means a joint resolution—

Time period.

(1) that is introduced by the Majority Leader of the Senate, or a designee, during the period beginning on the date of enactment of this Act and ending on December 31, 2021;

(2) which does not have a preamble;

(3) the title of which is as follows: “Joint resolution relating to increasing the debt limit.”; and

(4) the matter after the resolving clause of which is as follows: “That the limitation under section 3101(b) of title 31, United States Code, as most recently increased by Public Law 117–50 (31 U.S.C. 3101 note), is increased by \$ _____.”, the blank space being appropriately filled in with the dollar amount of the increase.

(b) EXPEDITED CONSIDERATION IN SENATE.—

(1) PLACEMENT ON CALENDAR.—Upon introduction in the Senate, the joint resolution shall be placed immediately on the calendar.

(2) PROCEEDING TO CONSIDERATION.—

Deadline.

(A) IN GENERAL.—Notwithstanding rule XXII of the Standing Rules of the Senate, it is in order, not later than January 15, 2022 (even though a previous motion

to the same effect has been disagreed to) to move to proceed to the consideration of the joint resolution.

(B) PROCEDURE.—For a motion to proceed to the consideration of the joint resolution—

(i) all points of order against the motion are waived;

(ii) the motion is not debatable;

(iii) the motion is not subject to a motion to postpone;

(iv) a motion to reconsider the vote by which the motion is agreed to or disagreed to shall not be in order; and

(v) if the motion is agreed to, the joint resolution shall remain the unfinished business until disposed of.

(3) FLOOR CONSIDERATION.—

(A) IN GENERAL.—If the Senate proceeds to consideration of the joint resolution—

(i) all points of order against the joint resolution (and against consideration of the joint resolution) are waived;

(ii) debate on the joint resolution, and all debatable motions and appeals in connection therewith, shall be limited to not more than 10 hours, which shall be divided equally between the Chairman and Ranking Member of the Committee on Finance; Time period.

(iii) an amendment to the joint resolution is not in order;

(iv) a motion to postpone or a motion to commit the joint resolution is not in order; and

(v) a motion to proceed to the consideration of other business is not in order.

(B) VOTE ON PASSAGE.—The vote on passage shall occur immediately following the conclusion of the debate on the joint resolution and a single quorum call if requested in accordance with the rules of the Senate.

(C) RULINGS OF THE CHAIR ON PROCEDURE.—Appeals from the decisions of the Chair relating to the application of this paragraph or the rules of the Senate, as the case may be, to the procedure relating to the joint resolution shall be decided without debate.

(D) SINGLE MEASURE AUTHORIZED.—It shall not be in order to consider more than 1 joint resolution under the procedures under this paragraph.

(E) SUNSET.—It shall not be in order to consider a joint resolution under the procedures under this paragraph after January 16, 2022.

(4) RULES OF THE SENATE.—This subsection is enacted by Congress—

(A) as an exercise of the rulemaking power of the Senate, and as such is deemed a part of the rules of the Senate, but applicable only with respect to the procedure to be followed in the Senate in the case of a joint resolution, and supersede other rules only to the extent that they are inconsistent with such rules; and

(B) with full recognition of the constitutional right of the Senate to change the rules (so far as relating to

the procedure of the Senate) at any time, in the same manner, and to the same extent as in the case of any other rule of the Senate.

Approved December 10, 2021.

LEGISLATIVE HISTORY—S. 610:

CONGRESSIONAL RECORD, Vol. 167 (2021):

Aug. 5, considered and passed Senate.

Dec. 7, considered and passed House, amended. Senate considered House amendment.

Dec. 9, Senate concurred in House amendment.

Public Law 117–72
117th Congress

An Act

To award posthumously a Congressional Gold Medal, in commemoration to the servicemembers who perished in Afghanistan on August 26, 2021, during the evacuation of citizens of the United States and Afghan allies at Hamid Karzai International Airport, and for other purposes.

Dec. 16, 2021
[H.R. 5142]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

31 USC 5111
note.

SECTION 1. FINDINGS.

The Congress finds the following:

(1) At 9:44 A.M., on August 26, 2021, the Pentagon confirmed that one explosion occurred at the Hamid Karzai International Airport.

(2) The explosion was confirmed to be a suicide bombing by ISIS–K terrorist group.

(3) Estimates as high as 200 deaths were reported, including 13 servicemembers of the United States, as well as hundreds more wounded.

(4) The attack on Thursday, August 26, 2021, at the Hamid Karzai International Airport in Kabul, Afghanistan, killed 13 United States servicemembers, making it the deadliest single day of the war for the United States in more than a decade.

(5) The American servicemembers went above and beyond the call of duty to protect citizens of the United States and our allies to ensure they are brought to safety in an extremely dangerous situation as the Taliban regained control over Afghanistan.

(6) The American servicemembers exemplified extreme bravery and valor against armed enemy combatants.

(7) The American servicemembers dedicated their lives and their heroism deserves great honor.

(8) Maxton Soviak, Kareem Nikoui, David Espinoza, Rylee McCollum, Jared Schmitz, Hunter Lopez, Taylor Hoover, Daegan William-Tyler Page, Nicole Gee, Humberto Sanchez, Dylan Merola, Johanny Rosario Pichardo, and Ryan Knauss have been identified as the 13 servicemembers who died from the blast while stationed at Hamid Karzai International Airport.

SEC. 2. CONGRESSIONAL GOLD MEDALS.

(a) PRESENTATIONS AUTHORIZED.—The Speaker of the House of Representatives and the President pro tempore of the Senate

shall make appropriate arrangements for the posthumous presentation, on behalf of the Congress, of a single gold medal of appropriate design in commemoration to the 13 servicemembers who perished in Afghanistan, on August 26, 2021.

Determination.

(b) **DESIGN AND STRIKING.**—For the purposes of the presentation referred to in subsection (a), the Secretary of the Treasury (hereafter in this Act referred to as the “Secretary”) shall strike a gold medal with suitable emblems, devices, and inscriptions, to be determined by the Secretary.

(c) **SMITHSONIAN INSTITUTION.**—

(1) **IN GENERAL.**—Following the award of the gold medal under subsection (a), the gold medal shall be given to the Smithsonian Institution, where it shall be available for display as appropriate and made available for research.

(2) **SENSE OF CONGRESS.**—It is the sense of Congress that the Smithsonian Institution shall make the gold medal received under paragraph (1) available for display outside of the District of Columbia at times, particularly at other locations associated with the 13 servicemembers who perished in Afghanistan on August 26, 2021.

SEC. 3. DUPLICATE MEDALS.

The Secretary may strike and sell duplicates in bronze of the gold medal struck pursuant to section 2 at a price sufficient to cover the cost thereof, including labor, materials, dies, use of machinery, and overhead expenses.

SEC. 4. STATUS OF MEDALS.

(a) **NATIONAL MEDALS.**—The medal struck pursuant to this Act is a national medal for purposes of chapter 51 of title 31, United States Code.

(b) **NUMISMATIC ITEMS.**—For purposes of section 5134 of title 31, United States Code, all medals struck under this Act shall be considered to be numismatic items.

SEC. 5. AUTHORITY TO USE FUND AMOUNTS; PROCEEDS OF SALE.

(a) **AUTHORITY TO USE FUND AMOUNTS.**—There is authorized to be charged against the United States Mint Public Enterprise Fund such amounts as may be necessary to pay for the costs of the medals struck pursuant to this Act.

(b) **PROCEEDS OF SALE.**—The amounts received from the sale of duplicate bronze medals authorized under section 3 shall be deposited into the United States Mint Public Enterprise Fund.

SEC. 6. DETERMINATION OF BUDGETARY EFFECTS.

The budgetary effects of this Act, for the purpose of complying with the Statutory Pay-As-You-Go Act of 2010, shall be determined by reference to the latest statement titled “Budgetary Effects of PAYGO Legislation” for this Act, submitted for printing in the

Congressional Record by the Chairman of the House Budget Committee, provided that such statement has been submitted prior to the vote on passage.

Approved December 16, 2021.

LEGISLATIVE HISTORY—H.R. 5142:

CONGRESSIONAL RECORD, Vol. 167 (2021):

Oct. 25, considered and passed House.

Nov. 17, considered and passed Senate.

Public Law 117–73
117th Congress

Joint Resolution

Dec. 16, 2021

[S.J. Res. 33]

Joint resolution relating to increasing the debt limit.

31 USC 3101
note.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the limitation under section 3101(b) of title 31, United States Code, as most recently increased by Public Law 117–50 (31 U.S.C. 3101 note), is increased by \$2,500,000,000,000.

Approved December 16, 2021.

LEGISLATIVE HISTORY—S.J. Res. 33:

CONGRESSIONAL RECORD, Vol. 167 (2021):

Dec. 14, considered and passed Senate and House.

Public Law 117–74
117th Congress

An Act

To redesignate the Federal building located at 167 North Main Street in Memphis,
Tennessee as the “Odell Horton Federal Building”.

Dec. 21, 2021
[H.R. 390]

*Be it enacted by the Senate and House of Representatives of
the United States of America in Congress assembled,*

SECTION 1. REDESIGNATION.

The Federal building located at 167 North Main Street in Memphis, Tennessee, commonly known as the “Clifford Davis and Odell Horton Federal Building”, shall be known and designated as the “Odell Horton Federal Building”.

SEC. 2. REFERENCES.

Any reference in a law, map, regulation, document, paper, or other record of the United States to the Federal building referred to in section 1 shall be deemed to be a reference to the “Odell Horton Federal Building”.

Approved December 21, 2021.

LEGISLATIVE HISTORY—H.R. 390:

HOUSE REPORTS: No. 117–157 (Comm. on Transportation and Infrastructure).

CONGRESSIONAL RECORD, Vol. 167 (2021):

Nov. 3, 4, considered and passed House.

Dec. 9, considered and passed Senate.

Public Law 117–75
117th Congress

An Act

Dec. 21, 2021
[H.R. 4660]

To designate the Federal Building and United States Courthouse located at 1125 Chapline Street in Wheeling, West Virginia, as the “Frederick P. Stamp, Jr. Federal Building and United States Courthouse”.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DESIGNATION.

The Federal building and United States courthouse located at 1125 Chapline Street in Wheeling, West Virginia, shall be known and designated as the “Frederick P. Stamp, Jr. Federal building and United States Courthouse”.

SEC. 2. REFERENCES.

Any reference in law, map, regulation, document, paper, or other record of the United States to the Federal Building and United States Courthouse referred to in section 1 shall be deemed to be a reference to the “Frederick P. Stamp, Jr. Federal Building and United States Courthouse”.

Approved December 21, 2021.

LEGISLATIVE HISTORY—H.R. 4660:

HOUSE REPORTS: No. 117–161 (Comm. on Transportation and Infrastructure).

CONGRESSIONAL RECORD, Vol. 167 (2021):

Nov. 3, 4, considered and passed House.

Dec. 9, considered and passed Senate.

Public Law 117–76
117th Congress

An Act

To extend certain expiring provisions of law relating to benefits provided under Department of Veterans Affairs educational assistance programs during COVID–19 pandemic, and for other purposes.

Dec. 21, 2021
[H.R. 5545]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Responsible Education Mitigating Options and Technical Extensions Act” or the “REMOTE Act”.

Responsible
Education
Mitigating
Options and
Technical
Extensions Act.
38 USC 101 note.

SEC. 2. EXTENSIONS OF CERTAIN PROVISIONS OF LAW RELATING TO BENEFITS PROVIDED UNDER DEPARTMENT OF VETERANS AFFAIRS EDUCATIONAL ASSISTANCE PROGRAMS DURING COVID–19 PANDEMIC.

(a) **EXTENSION OF STUDENT VETERAN CORONAVIRUS RESPONSE ACT OF 2020.**—Section 2 of the Student Veteran Coronavirus Response Act of 2020 (Public Law 116–140; 38 U.S.C. 3031 note), as amended by section 5202(a) of the Department of Veterans Affairs Expiring Authorities Act of 2020 (Division E of Public Law 116–159), is further amended by striking “December 21, 2021” and inserting “June 1, 2022”.

(b) **EXTENSION OF PERIOD FOR CONTINUATION OF DEPARTMENT OF VETERANS AFFAIRS EDUCATIONAL ASSISTANCE BENEFITS FOR CERTAIN PROGRAMS OF EDUCATION CONVERTED TO DISTANCE LEARNING BY REASON OF EMERGENCIES AND HEALTH-RELATED SITUATIONS.**—Section 1(b) of Public Law 116–128 (38 U.S.C. 3001 note prec.), as amended by section 5202(b) of the Department of Veterans Affairs Expiring Authorities Act of 2020 (Division E of Public Law 116–159), is further amended by striking “December 21, 2021” and inserting “June 1, 2022”.

SEC. 3. AMENDMENTS TO REQUIREMENTS FOR EDUCATIONAL INSTITUTIONS PARTICIPATING IN THE EDUCATIONAL ASSISTANCE PROGRAMS OF THE DEPARTMENT OF VETERANS AFFAIRS.

(a) **WAIVER OF VERIFICATION OF ENROLLMENT FOR CERTAIN EDUCATIONAL INSTITUTIONS.**—Section 3313(l) of title 38, United States Code, is amended by adding at the end the following new paragraph:

“(4) **WAIVER.**—The Secretary may waive the requirements of this subsection for an educational institution that the Secretary has determined uses a flat tuition and fee structure that would make the use of a second verification under this subsection unnecessary.”.

(b) LIMITATIONS ON AUTHORITY TO DISAPPROVE OF COURSES.—

(1) IN GENERAL.—Subsection (f) of section 3679 of title 38, United States Code, is amended—

(A) in paragraph (2)(B)—

(i) by inserting “, except for the recruitment of foreign students residing in foreign countries who are not eligible to receive Federal student assistance” after “assistance”; and

(ii) by adding at the end the following new subparagraph:

Determination.

“(C) In determining whether a violation of subparagraph (B) has occurred, the State approving agency, or the Secretary when acting in the place of the State approving agency, shall construe the requirements of this paragraph in accordance with the regulations and guidance prescribed by the Secretary of Education under section 487(a)(20) of the Higher Education Act of 1965 (20 U.S.C. 1094(a)(20)).”;

(B) by redesignating paragraph (7) as paragraph (8); and

(C) by inserting after paragraph (6) the following new paragraph (7):

“(7) This subsection shall not apply to an educational institution—

“(A) located in a foreign country; or

“(B) that provides to a covered individual consumer information regarding costs of the program of education (including financial aid available to such covered individual) using a form or template developed by the Secretary of Education.”.

38 USC 3679
note.

(2) APPLICATION DATE.—The Secretary of Veterans Affairs may not carry out subsection (f) of section 3679 of title 38, United States Code, until August 1, 2022, except that, beginning on June 15, 2022, an educational institution may submit an application for a waiver under paragraph (5) of such subsection.

(3) CONFORMING AMENDMENTS.—Subsection (c) of section 3696 of such title is amended—

(A) by inserting “(1)” before “An educational”;

(B) by inserting “, except for the recruitment of foreign students residing in foreign countries who are not eligible to receive Federal student assistance” after “assistance”; and

(C) by adding at the end the following new paragraph:

Determination.

“(2) In determining whether a violation of paragraph (1) has occurred, the Under Secretary for Benefits shall construe the requirements of this paragraph in accordance with the regulations and guidance prescribed by the Secretary of Education under section 487(a)(20) of the Higher Education Act of 1965 (20 U.S.C. 1094(a)(20)).”.

(c) EXEMPTION OF FOREIGN SCHOOLS FROM CERTAIN REQUIREMENTS.—

(1) INFORMATION RELATING TO TESTS.—Section 3689(c) of title 38, United States Code, is amended by adding at the end the following new paragraph:

“(3) Subparagraph (G) of paragraph (1) shall not apply with respect to an educational institution located in a foreign country.”.

(2) EXAMINATION OF RECORDS.—Section 3690(c) of title 38, United States Code, is amended—

(A) by striking “Notwithstanding” and inserting “(1)

Except as provided in paragraph (2), notwithstanding”; and

(B) by adding at the end the following new paragraph:

“(2) Paragraph (1) does not apply to the records and accounts—

“(A) of an educational institution located in a foreign country; and

“(B) that pertain to an individual who is not receiving educational assistance under this chapter.”.

SEC. 4. PROVISION OF EDUCATIONAL ASSISTANCE TO STUDENTS WHO ARE “ROUNDING OUT” UNDER EDUCATIONAL ASSISTANCE PROGRAMS OF DEPARTMENT OF VETERANS AFFAIRS.

(a) IN GENERAL.—Section 3680(a) of title 38, United States Code, is amended—

(1) in paragraph (1), in the matter before subparagraph (A), by striking “in paragraph (2)” and inserting “in paragraphs (2) and (3)”; and

(2) by adding at the end the following new paragraph:

“(3) Notwithstanding paragraph (1), in the case of an eligible veteran or eligible person who is pursuing a program of education on less than a half-time basis during a period that is the last semester, term, or academic period the veteran or person will be enrolled in the program of education because the veteran or person will complete the program of education at the end of that semester, term, or academic period, the Secretary may, pursuant to such regulations as the Secretary shall prescribe, provide to the veteran or person educational assistance under chapter 30, 31, 32, 33, 34, or 35 of this title or under chapter 1606 of title 10, including a monthly housing stipend described in section 3313(c) of this title, on the basis of the total number of credits or courses in which the veteran or person is enrolled, if—

Regulations.

“(A) the number of credits the veteran or person needs to complete the program of education is less than the number of credits that would constitute enrollment on a more than half-time basis for that last semester, term, or academic period; and

“(B) the veteran or person—

“(i) is enrolled in, or has completed, every course offered by the program of education during the last semester, term, or academic period in which the veteran or person is enrolled in the program of education; and

“(ii) enrolls in an additional course that is not required for the completion of such program of education and the enrollment in the non-required course in addition to the required course or courses in which the veteran or person is enrolled constitutes enrollment on more than a half-time basis.”.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on January 1, 2022, and apply with respect to any semester, term, or academic period that begins on or after that date.

38 USC 3680
note.

SEC. 5. EXTENSION OF RELIEF RELATING TO VETERANS EDUCATIONAL ASSISTANCE.

38 USC 3031
note, 3103 note. (a) EXTENSION OF MODIFICATION OF TIME LIMITATIONS ON USE OF ENTITLEMENT TO MONTGOMERY GI BILL AND VOCATIONAL REHABILITATION AND TRAINING.—Section 1105 of the Johnny Isakson and David P. Roe, M.D. Veterans Health Care and Benefits Improvement Act of 2020 (Public Law 116–315) is amended by striking “December 21, 2021” each place it appears and inserting “June 1, 2022”.

38 USC note
prec. 3001. (b) EXTENSION OF CONTINUATION OF DEPARTMENT OF VETERANS AFFAIRS EDUCATIONAL ASSISTANCE BENEFITS DURING COVID–19 EMERGENCY.—Section 1102(e) of such Act is amended by striking “December 21, 2021” and inserting “June 1, 2022”.

134 Stat. 4964. (c) EXTENSION OF PROVISIONS RELATING TO EFFECTS OF CLOSURE OF EDUCATIONAL INSTITUTION AND MODIFICATION OF COURSES BY REASON OF COVID–19 EMERGENCY.—Section 1103(h) of such Act is amended by striking “December 21, 2021” and inserting “June 1, 2022”.

134 Stat. 4964. (d) EXTENSION OF PROVISION RELATING TO PAYMENT OF EDUCATIONAL ASSISTANCE IN CASES OF WITHDRAWAL.—Section 1104(a) of such Act is amended by striking “December 21, 2021” and inserting “June 1, 2022”.

38 USC 3687
note. (e) EXTENSION OF PROVISION RELATING TO APPRENTICESHIP OR ON-JOB TRAINING REQUIREMENTS.—Section 1106(b) of such Act is amended by striking “December 21, 2021” and inserting “June 1, 2022”.

(f) EXTENSION OF PAYMENT OF WORK-STUDY ALLOWANCES DURING EMERGENCY SITUATION.—Section 3 of the Student Veteran Coronavirus Response Act of 2020 (Public Law 116–140; 38 U.S.C. 3485 note) is amended by striking “During the covered period” and inserting “During the period beginning on March 1, 2020, and ending on June 1, 2022”.

SEC. 6. ADJUSTMENTS OF CERTAIN LOAN FEES.

The loan fee table in section 3729(b)(2) of title 38, United States Code, is amended by striking “October 1, 2030” each place it appears and inserting “January 14, 2031”.

SEC. 7. ELIMINATION OF CAP ON FULL-TIME EMPLOYEES OF THE DEPARTMENT OF VETERANS AFFAIRS WHO PROVIDE EQUAL EMPLOYMENT OPPORTUNITY COUNSELING.

(a) IN GENERAL.—Section 516 of title 38, United States Code, is amended—

(1) by striking subsection (g); and

(2) by redesignating subsection (h) as subsection (g).

(b) REPORT.—Not later than 60 days after the date of the enactment of this Act, the Secretary of Veterans Affairs shall submit to the Committees on Veterans’ Affairs of the Senate and House of Representatives a report regarding the effect of the amendment under subsection (a).

SEC. 8. DETERMINATION OF BUDGETARY EFFECTS.

The budgetary effects of this Act, for the purpose of complying with the Statutory Pay-As-You-Go Act of 2010, shall be determined by reference to the latest statement titled “Budgetary Effects of PAYGO Legislation” for this Act, submitted for printing in the

Congressional Record by the Chairman of the House Budget Committee, provided that such statement has been submitted prior to the vote on passage.

Approved December 21, 2021.

LEGISLATIVE HISTORY—H.R. 5545:

CONGRESSIONAL RECORD, Vol. 167 (2021):

Dec. 8, considered and passed House.

Dec. 15, considered and passed Senate.

Public Law 117–77
117th Congress

An Act

Dec. 22, 2021
[S. 3377]

To empower the Chief of the United States Capitol Police to unilaterally request the assistance of the DC National Guard or Federal law enforcement agencies in emergencies without prior approval of the Capitol Police Board.

Capitol Police
Emergency
Assistance
Act of 2021.
2 USC 1901 note.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Capitol Police Emergency Assistance Act of 2021”.

SEC. 2. EMERGENCY ASSISTANCE FOR THE CAPITOL POLICE.

(a) ASSISTANCE BY EXECUTIVE DEPARTMENTS AND AGENCIES.—Section 911(a) of division B of the Department of Defense and Emergency Supplemental Appropriations for Recovery from and Response to Terrorist Attacks on the United States Act, 2002 (2 U.S.C. 1970(a)) is amended—

(1) in paragraph (1), by inserting “or in accordance with paragraph (4)” before “and on a permanent”;

(2) in paragraph (4)(B)—

(A) in the matter preceding clause (i), by striking “advance”; and

(B) in clause (ii)—

(i) in subclause (I), by striking “or” after the semicolon;

(ii) in subclause (II), by striking “and” after the semicolon and inserting “or”; and

(iii) by adding at the end the following:

“(III) the Chief of the Capitol Police, if the Chief of the Capitol Police has determined that the provision of assistance is necessary to prevent the significant disruption of governmental function and public order within the United States Capitol Buildings and Grounds, as described in section 9 of the Act entitled ‘An Act to define the area of the United States Capitol Grounds, to regulate the use thereof, and for other purposes’, approved July 31, 1946 (2 U.S.C. 1961); and”; and

(3) by adding at the end the following:

“(5) REVOCATION.—The Capitol Police Board may revoke a request for assistance provided under paragraph (4)(B)(ii)(III) upon consultation with appropriate Members of the Senate and House of Representatives in leadership positions.”.

Consultation.

(b) CAPITOL POLICE SPECIAL OFFICERS.—Section 1017 of division H of the Consolidated Appropriations Resolution, 2003 (2 U.S.C. 1974) is amended—

(1) in subsection (a)—

(A) in the matter preceding paragraph (1), by inserting “or as determined by the Chief of the Capitol Police in accordance with section 911(a)(4)(B)(ii)(III) of division B of the Department of Defense and Emergency Supplemental Appropriations for Recovery from and Response to Terrorist Attacks on the United States Act, 2002 (2 U.S.C. 1970(a)(4)(B)(ii)(III)),” after “Congress,”; and

(B) by adding at the end the following:

“An appointment under this section due to an emergency determined by the Chief of the Capitol Police under paragraph (4)(B)(ii)(III) of section 911(a) of division B of the Department of Defense and Emergency Supplemental Appropriations for Recovery from and Response to Terrorist Attacks on the United States Act, 2002 (2 U.S.C. 1970(a)) shall be in effect for the period of the emergency, unless and until the Capitol Police Board revokes the request for assistance under paragraph (5) of such section.”;

Determination.

(2) by striking subsections (c) and (e);

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

(4) in subsection (d), as redesignated by paragraph (3) of this subsection, by striking “President pro tempore” and inserting “Majority Leader”.

SEC. 3. JOINT OVERSIGHT HEARINGS.

2 USC 1901b.

(a) IN GENERAL.—The Committee on Rules and Administration of the Senate and the Committee on House Administration of the House of Representatives (referred to in this section as the “Committees”) are authorized to jointly conduct oversight hearings regarding the Capitol Police Board and may request the attendance of all members of the Capitol Police Board at any such hearing. Members of the Capitol Police Board shall attend a joint hearing under this section, as requested and under such rules or procedures as may be adopted by the Committees.

(b) TIMING.—The Committees may conduct oversight hearings under this section as determined appropriate by the Committees, but shall conduct not less than one oversight hearing under this section during each Congress.

Determination.

135 STAT. 1524

PUBLIC LAW 117–77—DEC. 22, 2021

2 USC 1970 note. **SEC. 4. EFFECTIVE DATE.**

The amendments made by this Act shall take effect on October 1, 2021.

Approved December 22, 2021.

LEGISLATIVE HISTORY—S. 3377:

CONGRESSIONAL RECORD, Vol. 167 (2021):

Dec. 13, considered and passed Senate.

Dec. 14, considered and passed House.

Public Law 117–78
117th Congress

An Act

To ensure that goods made with forced labor in the Xinjiang Uyghur Autonomous Region of the People’s Republic of China do not enter the United States market, and for other purposes.

Dec. 23, 2021
[H.R. 6256]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Human rights.
22 USC 6901
note.

SECTION 1. STATEMENT OF POLICY.

It is the policy of the United States—

(1) to strengthen the prohibition against the importation of goods made with forced labor, including by ensuring that the Government of the People’s Republic of China does not undermine the effective enforcement of section 307 of the Tariff Act of 1930 (19 U.S.C. 1307), which prohibits the importation of all “goods, wares, articles, and merchandise mined, produced or manufactured wholly or in part in any foreign country by * * * forced labor”;

(2) to lead the international community in ending forced labor practices wherever such practices occur through all means available to the United States Government, including by stopping the importation of any goods made with forced labor, including those goods mined, produced, or manufactured wholly or in part in the Xinjiang Uyghur Autonomous Region;

(3) to coordinate with Mexico and Canada to effectively implement Article 23.6 of the United States-Mexico-Canada Agreement to prohibit the importation of goods produced in whole or in part by forced or compulsory labor, including those goods mined, produced, or manufactured wholly or in part in the Xinjiang Uyghur Autonomous Region;

(4) to actively work to prevent, publicly denounce, and end human trafficking including with respect to forced labor, whether sponsored by the government of a foreign country or not, and to restore the lives of those affected by human trafficking, a modern form of slavery;

(5) to regard the prevention of atrocities as it is in the national interest of the United States, including efforts to prevent torture, enforced disappearances, severe deprivation of liberty, including mass internment, arbitrary detention, and widespread and systematic use of forced labor, and persecution targeting any identifiable ethnic or religious group; and

(6) to address gross violations of human rights in the Xinjiang Uyghur Autonomous Region—

(A) through bilateral diplomatic channels and multilateral institutions where both the United States and the People’s Republic of China are members; and

(B) using all the authorities available to the United States Government, including visa and financial sanctions, export restrictions, and import controls.

SEC. 2. STRATEGY TO ENFORCE PROHIBITION ON IMPORTATION OF GOODS MADE THROUGH FORCED LABOR IN THE XINJIANG UYGHUR AUTONOMOUS REGION.

(a) PUBLIC COMMENT.—

Deadline.
Federal Register,
publication.
Notice.

(1) IN GENERAL.—Not later than 30 days after the date of the enactment of this Act, the Forced Labor Enforcement Task Force, established under section 741 of the United States-Mexico-Canada Agreement Implementation Act (19 U.S.C. 4681), shall publish in the Federal Register a notice soliciting public comments on how best to ensure that goods mined, produced, or manufactured wholly or in part with forced labor in the People’s Republic of China, including by Uyghurs, Kazakhs, Kyrgyz, Tibetans, and members of other persecuted groups in the People’s Republic of China, and especially in the Xinjiang Uyghur Autonomous Region, are not imported into the United States.

(2) PERIOD FOR COMMENT.—The Forced Labor Enforcement Task Force shall provide the public with not less than 45 days to submit comments in response to the notice required by paragraph (1).

(b) PUBLIC HEARING.—

Deadline.

(1) IN GENERAL.—Not later than 45 days after the close of the period to submit comments under subsection (a)(2), the Forced Labor Enforcement Task Force shall conduct a public hearing inviting witnesses to testify with respect to the use of forced labor in the People’s Republic of China and potential measures, including the measures described in paragraph (2), to prevent the importation of goods mined, produced, or manufactured wholly or in part with forced labor in the People’s Republic of China into the United States.

(2) MEASURES DESCRIBED.—The measures described in this paragraph are—

(A) measures that can be taken to trace the origin of goods, offer greater supply chain transparency, and identify third country supply chain routes for goods mined, produced, or manufactured wholly or in part with forced labor in the People’s Republic of China; and

(B) other measures for ensuring that goods mined, produced, or manufactured wholly or in part with forced labor do not enter the United States.

Consultation.

(c) DEVELOPMENT OF STRATEGY.—After receiving public comments under subsection (a) and holding the hearing required by subsection (b), the Forced Labor Enforcement Task Force, in consultation with the Secretary of Commerce and the Director of National Intelligence, shall develop a strategy for supporting enforcement of Section 307 of the Tariff Act of 1930 (19 U.S.C. 1307) to prevent the importation into the United States of goods mined, produced, or manufactured wholly or in part with forced labor in the People’s Republic of China.

(d) ELEMENTS.—The strategy developed under subsection (c) shall include the following:

Assessment.

(1) A comprehensive assessment of the risk of importing goods mined, produced, or manufactured wholly or in part

with forced labor in the People’s Republic of China, including from the Xinjiang Uyghur Autonomous Region or made by Uyghurs, Kazakhs, Kyrgyz, Tibetans, or members of other persecuted groups in any other part of the People’s Republic of China, that identifies, to the extent feasible—

(A) threats, including through the potential involvement in supply chains of entities that may use forced labor, that could lead to the importation into the United States from the People’s Republic of China, including through third countries, of goods mined, produced, or manufactured wholly or in part with forced labor; and

(B) what procedures can be implemented or improved to reduce such threats.

(2) A comprehensive description and evaluation—

Evaluation.

(A) of “pairing assistance” and “poverty alleviation” or any other government labor scheme that includes the forced labor of Uyghurs, Kazakhs, Kyrgyz, Tibetans, or members of other persecuted groups outside of the Xinjiang Uyghur Autonomous Region or similar programs of the People’s Republic of China in which work or services are extracted from Uyghurs, Kazakhs, Kyrgyz, Tibetans, or members of other persecuted groups through the threat of penalty or for which the Uyghurs, Kazakhs, Kyrgyz, Tibetans, or members of other persecuted groups have not offered themselves voluntarily; and

(B) that includes—

Lists.

(i) a list of entities in the Xinjiang Uyghur Autonomous Region that mine, produce, or manufacture wholly or in part any goods, wares, articles and merchandise with forced labor;

(ii) a list of entities working with the government of the Xinjiang Uyghur Autonomous Region to recruit, transport, transfer, harbor or receive forced labor or Uyghurs, Kazakhs, Kyrgyz, or members of other persecuted groups out of the Xinjiang Uyghur Autonomous Region;

(iii) a list of products mined, produced, or manufactured wholly or in part by entities on the list required by clause (i) or (ii);

(iv) a list of entities that exported products described in clause (iii) from the People’s Republic of China into the United States;

(v) a list of facilities and entities, including the Xinjiang Production and Construction Corps, that source material from the Xinjiang Uyghur Autonomous Region or from persons working with the government of the Xinjiang Uyghur Autonomous Region or the Xinjiang Production and Construction Corps for purposes of the “poverty alleviation” program or the “pairing-assistance” program or any other government labor scheme that uses forced labor;

(vi) a plan for identifying additional facilities and entities described in clause (v);

Plan.

(vii) an enforcement plan for each such entity whose goods, wares articles, or merchandise are exported into the United States, which may include

Plan.

	issuing withhold release orders to support enforcement of section 4 with respect to the entity;
	(viii) a list of high-priority sectors for enforcement, which shall include cotton, tomatoes, and polysilicon; and
Plan.	(ix) an enforcement plan for each such high-priority sector.
Recommendations.	(3) Recommendations for efforts, initiatives, and tools and technologies to be adopted to ensure that U.S. Customs and Border Protection can accurately identify and trace goods made in the Xinjiang Uyghur Autonomous Region entering at any of the ports of the United States.
Examination.	(4) A description of how U.S. Customs and Border Protection plans to enhance its use of legal authorities and other tools to ensure that no goods are entered at any of the ports of the United States in violation of section 307 of the Tariff Act of 1930 (19 U.S.C. 1307), including through the initiation of pilot programs to test the viability of technologies to assist in the examination of such goods.
	(5) A description of the additional resources necessary for U.S. Customs and Border Protection to ensure that no goods are entered at any of the ports of the United States in violation of section 307 of the Tariff Act of 1930 (19 U.S.C. 1307).
	(6) Guidance to importers with respect to—
	(A) due diligence, effective supply chain tracing, and supply chain management measures to ensure that such importers do not import any goods mined, produced, or manufactured wholly or in part with forced labor from the People’s Republic of China, especially from the Xinjiang Uyghur Autonomous Region;
	(B) the type, nature, and extent of evidence that demonstrates that goods originating in the People’s Republic of China were not mined, produced, or manufactured wholly or in part in the Xinjiang Uyghur Autonomous Region; and
	(C) the type, nature, and extent of evidence that demonstrates that goods originating in the People’s Republic of China, including goods detained or seized pursuant to section 307 of the Tariff Act of 1930 (19 U.S.C. 1307), were not mined, produced, or manufactured wholly or in part with forced labor.
Plan. Update.	(7) A plan to coordinate and collaborate with appropriate nongovernmental organizations and private sector entities to implement and update the strategy developed under subsection (c).
	(e) SUBMISSION OF STRATEGY.—
Consultation. Reports.	(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, and annually thereafter, the Forced Labor Enforcement Task Force, in consultation with the Department of Commerce and the Director of National Intelligence, shall submit to the appropriate congressional committees a report that—
	(A) in the case of the first such report, sets forth the strategy developed under subsection (c); and
	(B) in the case of any subsequent such report, sets forth any updates to the strategy.

(2) **UPDATES OF CERTAIN MATTERS.**—Not less frequently than annually after the submission under paragraph (1)(A) of the strategy developed under subsection (c), the Forced Labor Enforcement Task Force shall submit to the appropriate congressional committees updates to the strategy with respect to the matters described in clauses (i) through (ix) of subsection (d)(2)(B). Deadline.

(3) **FORM OF REPORT.**—Each report required by paragraph (1) shall be submitted in unclassified form, but may include a classified annex, if necessary.

(4) **PUBLIC AVAILABILITY.**—The unclassified portion of each report required by paragraph (1) shall be made available to the public.

(f) **RULE OF CONSTRUCTION.**—Nothing in this section may be construed to limit the application of regulations in effect on or measures taken before the date of the enactment of this Act to prevent the importation of goods mined, produced, or manufactured wholly or in part with forced labor into the United States, including withhold release orders issued before such date of enactment.

SEC. 3. REBUTTABLE PRESUMPTION THAT IMPORT PROHIBITION APPLIES TO GOODS MINED, PRODUCED, OR MANUFACTURED IN THE XINJIANG UYGHUR AUTONOMOUS REGION OR BY CERTAIN ENTITIES.

(a) **IN GENERAL.**—The Commissioner of U.S. Customs and Border Protection shall, except as provided by subsection (b), apply a presumption that, with respect to any goods, wares, articles, and merchandise mined, produced, or manufactured wholly or in part in the Xinjiang Uyghur Autonomous Region of the People’s Republic of China or produced by an entity on a list required by clause (i), (ii), (iv) or (v) of section 2(d)(2)(B)—

(1) the importation of such goods, wares, articles, and merchandise is prohibited under section 307 of the Tariff Act of 1930 (19 U.S.C. 1307); and

(2) such goods, wares, articles, and merchandise are not entitled to entry at any of the ports of the United States.

(b) **EXCEPTIONS.**—The Commissioner shall apply the presumption under subsection (a) unless the Commissioner determines— Determination.

(1) that the importer of record has—

(A) fully complied with the guidance described in section 2(d)(6) and any regulations issued to implement that guidance; and

(B) completely and substantively responded to all inquiries for information submitted by the Commissioner to ascertain whether the goods were mined, produced, or manufactured wholly or in part with forced labor; and

(2) by clear and convincing evidence, that the good, ware, article, or merchandise was not mined, produced, or manufactured wholly or in part by forced labor.

(c) **REPORT REQUIRED.**—The Commissioner shall submit to the appropriate congressional committees and make available to the public, not later than 30 days after making a determination of an exception under subsection (b), a report identifying the good and the evidence considered under subsection (b). Public information.

(d) **REGULATIONS.**—The Commissioner may prescribe regulations—

(1) to implement paragraphs (1) and (2) of subsection (b);
or

(2) to amend any other regulations relating to withhold release orders in order to implement this section.

(e) **EFFECTIVE DATE.**—This section takes effect on the date that is 180 days after the date of the enactment of this Act.

SEC. 4. DIPLOMATIC STRATEGY TO ADDRESS FORCED LABOR IN THE XINJIANG UYGHUR AUTONOMOUS REGION.

Coordination.
Reports.

(a) **IN GENERAL.**—Not later than 90 days after the date of the enactment of this Act, the Secretary of State, in coordination with the heads of other appropriate Federal departments and agencies, shall submit to the appropriate congressional committees a report that contains a United States strategy to promote initiatives to enhance international awareness of and to address forced labor in the Xinjiang Uyghur Autonomous Region of the People’s Republic of China.

Plans.

(b) **MATTERS TO BE INCLUDED.**—The strategy required by subsection (a) shall include—

(1) a plan to enhance bilateral and multilateral coordination, including sustained engagement with the governments of United States partners and allies, to end forced labor of Uyghurs, Kazakhs, Kyrgyz, Tibetans, and members of other persecuted groups in the Xinjiang Uyghur Autonomous Region;

(2) a description of public affairs, public diplomacy, and counter-messaging efforts to promote awareness of the human rights situation, including forced labor in the Xinjiang Uyghur Autonomous Region; and

(3) a plan—

(A) to coordinate and collaborate with appropriate non-governmental organizations and private sector entities to raise awareness about goods mined, produced, or manufactured wholly or in part with forced labor in the Xinjiang Uyghur Autonomous Region; and

(B) to provide humanitarian assistance, including with respect to resettlement and advocacy for imprisoned family members, to Uyghurs, Kazakhs, Kyrgyz, Tibetans, and members of other persecuted groups, including members of such groups formerly detained in mass internment camps in the Xinjiang Uyghur Autonomous Region.

Consultations.
Plans.

(c) **ADDITIONAL MATTERS TO BE INCLUDED.**—The Secretary shall include in the report required by subsection (a), based on consultations with the Secretary of Commerce, the Secretary of Homeland Security, and the Secretary of the Treasury, the following—

List.

(1) to the extent practicable, a list of—

(A) entities in the People’s Republic of China or affiliates of such entities that use or benefit from forced labor in the Xinjiang Uyghur Autonomous Region; and

(B) Foreign persons that acted as agents of the entities or affiliates of entities described in subparagraph (A) to import goods into the United States.

(2) A plan for working with private sector entities seeking to conduct supply chain due diligence to prevent the importation of goods mined, produced, or manufactured wholly or in part with forced labor into the United States.

(3) A plan of actions taken by the United States Government to address forced labor in the Xinjiang Uyghur Autonomous Region under existing authorities, including—

(A) the Trafficking Victims Protection Act of 2000 (Public Law 106–386; 22 U.S.C. 7101 et seq.);

(B) the Elie Wiesel Genocide and Atrocities Prevention Act of 2018 (Public Law 115–441; 22 U.S.C. 2656 note); and

(C) the Global Magnitsky Human Rights Accountability Act (22 U.S.C. 2656 note).

(d) FORM.—The report required by subsection (a) shall be submitted in unclassified form, but may include a classified annex, if necessary.

(e) UPDATES.—The Secretary of State may include any updates to the strategy required by subsection (a) in the annual Trafficking in Persons report required by section 110(b) of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7107(b)).

SEC. 5. IMPOSITION OF SANCTIONS RELATING TO FORCED LABOR IN THE XINJIANG UYGHUR AUTONOMOUS REGION.

(a) IN GENERAL.—Section 6(a)(1) of the Uyghur Human Rights Policy Act of 2020 (Public Law 116–145; 22 U.S.C. 6901 note) is amended by adding at the end the following:

“(F) Serious human rights abuses in connection with forced labor.”.

(b) EFFECTIVE DATE; APPLICABILITY.—The amendment made by subsection (a)—

(1) takes effect on the date of the enactment of this Act; and

(2) applies with respect to the first report required by section 6(a)(1) of the Uyghur Human Rights Policy Act of 2020 submitted after such date of enactment.

(c) TRANSITION RULE.—

(1) INTERIM REPORT.—Not later than 180 days after the date of the enactment of this Act, the President shall submit to the committees specified in section 6(a)(1) of the Uyghur Human Rights Policy Act of 2020 a report that identifies each foreign person, including any official of the Government of the People’s Republic of China, that the President determines is responsible for serious human rights abuses in connection with forced labor with respect to Uyghurs, Kazakhs, Kyrgyz, or members of other persecuted groups, or other persons in the Xinjiang Uyghur Autonomous Region.

(2) IMPOSITION OF SANCTIONS.—The President shall impose sanctions under subsection (c) of section 6 of the Uyghur Human Rights Policy Act of 2020 with respect to each foreign person identified in the report required by paragraph (1), subject to the provisions of subsections (d), (e), (f), and (g) of that section.

President.
Determination.

SEC. 6. SUNSET.

Sections 3, 4, and 5 shall cease to have effect on the earlier of—

(1) the date that is 8 years after the date of the enactment of this Act; or

(2) the date on which the President submits to the appropriate congressional committees a determination that the Government of the People’s Republic of China has ended mass internment, forced labor, and any other gross violations of

President.
Determination.

human rights experienced by Uyghurs, Kazakhs, Kyrgyz, Tibetans, and members of other persecuted groups in the Xinjiang Uyghur Autonomous Region.

SEC. 7. DEFINITIONS.

In this Act:

(1) **APPROPRIATE CONGRESSIONAL COMMITTEES.**—The term “appropriate congressional committees” means—

(A) the Committee on Foreign Affairs, the Committee on Financial Services, the Committee on Ways and Means and the Committee on Homeland Security of the House of Representatives; and

(B) the Committee on Foreign Relations, the Committee on Banking, Housing, and Urban Affairs, the Committee on Finance and the Committee on Homeland Security and Governmental Affairs of the Senate.

(2) **FORCED LABOR.**—The term “forced labor”—

(A) has the meaning given that term in section 307 of the Tariff Act of 1930 (19 U.S.C. 1307); and

(B) includes convict labor and indentured labor under penal sanctions.

(3) **FOREIGN PERSON.**—The term “foreign person” means a person that is not a United States person.

(4) **PERSON.**—The term “person” means an individual or entity.

(5) **UNITED STATES PERSON.**—The term “United States person” means—

(A) a United States citizen or an alien lawfully admitted for permanent residence to the United States; or

(B) an entity organized under the laws of the United States or any jurisdiction within the United States, including a foreign branch of such an entity.

Approved December 23, 2021.

LEGISLATIVE HISTORY—H.R. 6256:

CONGRESSIONAL RECORD, Vol. 167 (2021):

Dec. 14, considered and passed House.

Dec. 16, considered and passed Senate.

Public Law 117–79
117th Congress

An Act

To direct the Secretary of Health and Human Services to support research on, and expanded access to, investigational drugs for amyotrophic lateral sclerosis, and for other purposes.

Dec. 23, 2021
[H.R. 3537]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Accelerating Access to Critical Therapies for ALS Act”.

Accelerating
Access to
Critical
Therapies for
ALS Act.
21 USC 301 note.

SEC. 2. GRANTS FOR RESEARCH ON THERAPIES FOR ALS.

21 USC 360ee
note.

(a) **IN GENERAL.**—The Secretary of Health and Human Services (referred to in this section as the “Secretary”) shall award grants to participating entities for purposes of scientific research utilizing data from expanded access to investigational drugs for individuals who are not otherwise eligible for clinical trials for the prevention, diagnosis, mitigation, treatment, or cure of amyotrophic lateral sclerosis. In the case of a participating entity seeking such a grant, an expanded access request must be submitted, and allowed to proceed by the Secretary, under section 561 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360bbb) and part 312 of title 21, Code of Federal Regulations (or any successor regulations), before the application for such grant is submitted.

(b) **APPLICATION.**—

(1) **IN GENERAL.**—A participating entity seeking a grant under this section shall submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary shall specify.

(2) **USE OF DATA.**—An application submitted under paragraph (1) shall include a description of how data generated through an expanded access request under section 561 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360bbb) with respect to the investigational drug involved will be used to support research or development related to the prevention, diagnosis, mitigation, treatment, or cure of amyotrophic lateral sclerosis.

(3) **NONINTERFERENCE WITH CLINICAL TRIALS.**—An application submitted under paragraph (1) shall include a description of how the proposed expanded access program will be designed so as not to interfere with patient enrollment in ongoing clinical trials for investigational therapies for the prevention, diagnosis, mitigation, treatment, or cure of amyotrophic lateral sclerosis.

(c) **SELECTION.**—Consistent with sections 406 and 492 of the Public Health Service Act (42 U.S.C. 284a, 289a), the Secretary

Determinations.

shall, in determining whether to award a grant under this section, confirm that—

(1) such grant will be used to support a scientific research objective relating to the prevention, diagnosis, mitigation, treatment, or cure of amyotrophic lateral sclerosis (as described in subsection (a));

(2) such grant shall not have the effect of diminishing eligibility for, or impeding enrollment of, ongoing clinical trials for the prevention, diagnosis, mitigation, treatment, or cure of amyotrophic lateral sclerosis by determining that individuals who receive expanded access to investigational drugs through such a grant are not eligible for enrollment in—

(A) ongoing clinical trials that are registered on ClinicalTrials.gov (or successor website), with respect to a drug for the prevention, diagnosis, mitigation, treatment, or cure of amyotrophic lateral sclerosis; or

(B) clinical trials for the prevention, diagnosis, mitigation, treatment, or cure of amyotrophic lateral sclerosis for which an exemption under section 505(i) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(i)) has been granted by the Food and Drug Administration and which are expected to begin enrollment within one year; and

(3) the resulting project funded by such grant will allow for equitable access to investigational drugs by minority and underserved populations.

(d) **USE OF FUNDS.**—A participating entity shall use funds received through the grant—

(1) to pay the manufacturer or sponsor for the direct costs of the investigational drug, as authorized under section 312.8(d) of title 21, Code of Federal Regulations (or successor regulations), to prevent, diagnose, mitigate, treat, or cure amyotrophic lateral sclerosis that is the subject of an expanded access request described in subsection (a), if such costs are justified as part of peer review of the grant;

(2) for the entity's direct costs incurred in providing such drug consistent with the research mission of the grant; or

(3) for the direct and indirect costs of the entity in conducting research with respect to such drug.

(e) **DEFINITIONS.**—In this section:

(1) The term “participating entity” means a participating clinical trial site or sites sponsored by a small business concern (as defined in section 3(a) of the Small Business Act (15 U.S.C. 632(a))) that is the sponsor of a drug that is the subject of an investigational new drug application under section 505(i) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(i)) to prevent, diagnose, mitigate, treat, or cure amyotrophic lateral sclerosis.

(2) The term “participating clinical trial” means a phase 3 clinical trial conducted pursuant to an exemption under section 505(i) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(i)) or section 351(a) of the Public Health Service Act (42 U.S.C. 262(a)) to investigate a drug intended to prevent, diagnose, mitigate, treat, or cure amyotrophic lateral sclerosis.

(3) The term “participating clinical trial site” means a health care facility, or network of facilities, at which patients participating in a participating clinical trial receive an investigational drug through such trial.

Time period.

(f) SUNSET.—The Secretary may not award grants under this section on or after September 30, 2026.

SEC. 3. HHS PUBLIC-PRIVATE PARTNERSHIP FOR RARE NEURODEGENERATIVE DISEASES.

42 USC
280g–7b.

(a) ESTABLISHMENT.—Not later than one year after the date of enactment of this Act, the Secretary of Health and Human Services (referred to in this section as the “Secretary”) shall establish and implement a Public-Private Partnership for Neurodegenerative Diseases between the National Institutes of Health, the Food and Drug Administration, and one or more eligible entities (to be known and referred to in this section as the “Partnership”) through cooperative agreements, contracts, or other appropriate mechanisms with such eligible entities, for the purpose of advancing the understanding of neurodegenerative diseases and fostering the development of treatments for amyotrophic lateral sclerosis and other rare neurodegenerative diseases. The Partnership shall—

Deadline.
Contracts.

(1) establish partnerships and consortia with other public and private entities and individuals with expertise in amyotrophic lateral sclerosis and other rare neurodegenerative diseases for the purposes described in this subsection;

(2) focus on advancing regulatory science and scientific research that will support and accelerate the development and review of drugs for patients with amyotrophic lateral sclerosis and other rare neurodegenerative diseases; and

(3) foster the development of effective drugs that improve the lives of people that suffer from amyotrophic lateral sclerosis and other rare neurodegenerative diseases.

(b) ELIGIBLE ENTITY.—In this section, the term “eligible entity” means an entity that—

Definition.

(1) is—

(A) an institution of higher education (as such term is defined in section 1001 of the Higher Education Act of 1965 (20 U.S.C. 1001)) or a consortium of such institutions; or

(B) an organization described in section 501(c)(3) of the Internal Revenue Code of 1986 and exempt from tax under subsection (a) of such section;

(2) has experienced personnel with clinical and other technical expertise in the field of biomedical sciences and demonstrated connection to the patient population;

(3) demonstrates to the Secretary’s satisfaction that the entity is capable of identifying and establishing collaborations between public and private entities and individuals with expertise in neurodegenerative diseases, including patients, in order to facilitate—

(A) development and critical evaluation of tools, methods, and processes—

Evaluations.

(i) to characterize neurodegenerative diseases and their natural history;

(ii) to identify molecular targets for neurodegenerative diseases; and

(iii) to increase efficiency, predictability, and productivity of clinical development of therapies, including advancement of rational therapeutic development and establishment of clinical trial networks; and

(B) securing funding for the Partnership from Federal and non-Federal governmental sources, foundations, and private individuals; and

(4) provides an assurance that the entity will not accept funding for a Partnership project from any organization that manufactures or distributes products regulated by the Food and Drug Administration unless the entity provides assurances in its agreement with the Secretary that the results of the project will not be influenced by any source of funding.

(c) GIFTS.—

(1) IN GENERAL.—The Partnership may solicit and accept gifts, grants, and other donations, establish accounts, and invest and expend funds in support of basic research and research associated with phase 3 clinical trials conducted with respect to investigational drugs that are the subjects of expanded access requests under section 561 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360bbb).

(2) USE.—In addition to any amounts appropriated for purposes of carrying out this section, the Partnership may use, without further appropriation, any funds derived from a gift, grant, or other donation accepted pursuant to paragraph (1).

21 USC 360aa
note.

Deadline.
Web posting.
Time period.

SEC. 4. ALS AND OTHER RARE NEURODEGENERATIVE DISEASE ACTION PLAN.

(a) IN GENERAL.—Not later than 6 months after the date of enactment of this Act, the Commissioner of Food and Drugs shall publish on the website of the Food and Drug Administration an action plan describing actions the Food and Drug Administration intends to take during the 5-year period following publication of the plan with respect to program enhancements, policy development, regulatory science initiatives, and other appropriate initiatives to—

(1) foster the development of safe and effective drugs that improve or extend, or both, the lives of people living with amyotrophic lateral sclerosis and other rare neurodegenerative diseases; and

(2) facilitate access to investigational drugs for amyotrophic lateral sclerosis and other rare neurodegenerative diseases.

(b) CONTENTS.—The initial action plan published under subsection (a) shall—

(1) identify appropriate representation from within the Food and Drug Administration to be responsible for implementation of such action plan;

(2) include elements to facilitate—

(A) interactions and collaboration between the Food and Drug Administration, including the review centers thereof, and stakeholders including patients, sponsors, and the external biomedical research community;

(B) consideration of cross-cutting clinical and regulatory policy issues, including consistency of regulatory advice and decisionmaking;

(C) identification of key regulatory science and policy issues critical to advancing development of safe and effective drugs; and

(D) enhancement of collaboration and engagement of the relevant centers and offices of the Food and Drug Administration with other operating divisions within the

Department of Health and Human Services, the Partnership, and the broader neurodegenerative disease community; and

(3) be subject to revision, as determined appropriate by the Secretary of Health and Human Services. Determination.

SEC. 5. FDA RARE NEURODEGENERATIVE DISEASE GRANT PROGRAM. 21 USC 360ee–1.

The Secretary of Health and Human Services, acting through the Commissioner of Food and Drugs, shall award grants and contracts to public and private entities to cover the costs of research on, and development of interventions intended to prevent, diagnose, mitigate, treat, or cure, amyotrophic lateral sclerosis and other rare neurodegenerative diseases in adults and children, including costs incurred with respect to the development and critical evaluation of tools, methods, and processes—

Contracts.
Evaluations.

(1) to characterize such neurodegenerative diseases and their natural history;

(2) to identify molecular targets for such neurodegenerative diseases; and

(3) to increase efficiency and productivity of clinical development of therapies, including through—

(A) the use of master protocols and adaptive and add-on clinical trial designs; and

(B) efforts to establish new or leverage existing clinical trial networks.

SEC. 6. GAO REPORT.

Analyses.
Data.

Not later than 4 years after the date of the enactment of this Act, the Comptroller General of the United States shall submit to the Committee on Energy and Commerce of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate a report containing—

(1) with respect to grants awarded under the program established under section 2—

(A) an analysis of what is known about the impact of such grants on research or development related to the prevention, diagnosis, mitigation, treatment, or cure of amyotrophic lateral sclerosis; and

(B) data concerning such grants, including—

(i) the number of grants awarded;

(ii) the participating entities to whom grants were awarded;

(iii) the value of each such grant;

(iv) a description of the research each such grant was used to further;

(v) the number of patients who received expanded access to an investigational drug to prevent, diagnose, mitigate, treat, or cure amyotrophic lateral sclerosis under each grant;

(vi) whether the investigational drug that was the subject of such a grant was approved by the Food and Drug Administration; and

(vii) the average number of days between when a grant application is submitted and when a grant is awarded; and

(2) with respect to grants awarded under the program established under section 5—

(A) an analysis of what is known about the impact of such grants on research or development related to the prevention, diagnosis, mitigation, treatment, or cure of amyotrophic lateral sclerosis;

(B) an analysis of what is known about how such grants increased efficiency and productivity of the clinical development of therapies, including through the use of clinical trials that operated with common master protocols, or had adaptive or add-on clinical trial designs; and

(C) data concerning such grants, including—

(i) the number of grants awarded;

(ii) the participating entities to whom grants were awarded;

(iii) the value of each such grant;

(iv) a description of the research each such grant was used to further; and

(v) whether the investigational drug that was the subject of such a grant received approval by the Food and Drug Administration.

Time period.

SEC. 7. AUTHORIZATION OF APPROPRIATIONS.

For purposes of carrying out this Act, there are authorized to be appropriated \$100,000,000 for each of fiscal years 2022 through 2026.

Approved December 23, 2021.

LEGISLATIVE HISTORY—H.R. 3537:

HOUSE REPORTS: No. 117–207 (Comm. on Energy and Commerce).

CONGRESSIONAL RECORD, Vol. 167 (2021):

Dec. 8, considered and passed House.

Dec. 16, considered and passed Senate.

DAILY COMPILATION OF PRESIDENTIAL DOCUMENTS (2021):

Dec. 23, Presidential remarks.

Public Law 117–80
117th Congress

An Act

To authorize the National Medal of Honor Museum Foundation to establish a commemorative work in the District of Columbia and its environs, and for other purposes.

Dec. 27, 2021

[H.R. 1664]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

40 USC 8903
note.

SECTION 1. AUTHORIZATION TO ESTABLISH COMMEMORATIVE WORK.

(a) **IN GENERAL.**—The National Medal of Honor Museum Foundation may establish a commemorative work on Federal land in the District of Columbia and its environs to honor the extraordinary acts of valor, selfless service, and sacrifice displayed by Medal of Honor recipients.

(b) **COMPLIANCE WITH STANDARDS FOR COMMEMORATIVE WORKS.**—The establishment of the commemorative work under this section shall be in accordance with chapter 89 of title 40, United States Code (commonly known as the “Commemorative Works Act”).

(c) **PROHIBITION ON THE USE OF FEDERAL FUNDS.**—

(1) **IN GENERAL.**—Federal funds may not be used to pay any expense of the establishment of the commemorative work under this section.

(2) **RESPONSIBILITY OF THE NATIONAL MEDAL OF HONOR MUSEUM FOUNDATION.**—The National Medal of Honor Museum Foundation shall be solely responsible for acceptance of contributions for, and payment of the expenses of, the establishment of the commemorative work under this section.

(d) **DEPOSIT OF EXCESS FUNDS.**—

(1) **IN GENERAL.**—If, on payment of all expenses for the establishment of the commemorative work under this section (including the maintenance and preservation amount required by section 8906(b)(1) of title 40, United States Code), there remains a balance of funds received for the establishment of the commemorative work, the National Medal of Honor Museum Foundation shall transmit the amount of the balance to the Secretary of the Interior for deposit in the account provided for in section 8906(b)(3) of that title.

(2) **ON EXPIRATION OF AUTHORITY.**—If, on expiration of the authority for the commemorative work under section 8903(e) of title 40, United States Code, there remains a balance of funds received for the establishment of the commemorative work under this section, the National Medal of Honor Museum Foundation shall transmit the amount of the balance to a separate account with the National Park Foundation for memorials, to be available to the Secretary of the Interior or the

Administrator of General Services, as appropriate, in accordance with the process provided in paragraph (4) of section 8906(b) of that title for accounts established under paragraph (2) or (3) of that section.

SEC. 2. DETERMINATION OF BUDGETARY EFFECTS.

The budgetary effects of this Act, for the purpose of complying with the Statutory Pay-As-You-Go Act of 2010, shall be determined by reference to the latest statement titled “Budgetary Effects of PAYGO Legislation” for this Act, submitted for printing in the Congressional Record by the Chairman of the House Budget Committee, provided that such statement has been submitted prior to the vote on passage.

Approved December 27, 2021.

LEGISLATIVE HISTORY—H.R. 1664:

HOUSE REPORTS: No. 117–107 (Comm. on Natural Resources).

SENATE REPORTS: No. 117–52 (Comm. on Energy and Natural Resources).

CONGRESSIONAL RECORD, Vol. 167 (2021):

July 26, considered and passed House.

Dec. 17, considered and passed Senate.

Public Law 117–81
117th Congress

An Act

To authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

Dec. 27, 2021
[S. 1605]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “National Defense Authorization Act for Fiscal Year 2022”.

National Defense
Authorization
Act for Fiscal
Year 2022.

SEC. 2. ORGANIZATION OF ACT INTO DIVISIONS; TABLE OF CONTENTS.

(a) DIVISIONS.—This Act is organized into six divisions as follows:

- (1) Division A—Department of Defense Authorizations.
- (2) Division B—Military Construction Authorizations.
- (3) Division C—Department of Energy National Security Authorizations and Other Authorizations.
- (4) Division D—Funding Tables.
- (5) Division E—Department of State Authorization
- (6) Division F—Other Non-Department of Defense Matters.

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

- Sec. 1. Short title.
Sec. 2. Organization of Act into divisions; table of contents.
Sec. 3. Congressional defense committees.
Sec. 4. Budgetary effects of this Act.
Sec. 5. Explanatory statement.

DIVISION A—DEPARTMENT OF DEFENSE AUTHORIZATIONS

TITLE I—PROCUREMENT

Subtitle A—Authorization of Appropriations

Sec. 101. Authorization of appropriations.

Subtitle B—Army Programs

- Sec. 111. Modification of deployment by the Army of interim cruise missile defense capability.
Sec. 112. Multiyear procurement authority for AH–64E Apache helicopters.
Sec. 113. Multiyear procurement authority for UH–60M and HH–60M Black Hawk helicopters.
Sec. 114. Continuation of Soldier Enhancement Program.
Sec. 115. Limitation on availability of funds pending report on the Integrated Visual Augmentation System.
Sec. 116. Strategy and authority for the procurement of components for the next generation squad weapon.

Subtitle C—Navy Programs

- Sec. 121. Extension of procurement authority for certain amphibious shipbuilding programs.
- Sec. 122. Extension of prohibition on availability of funds for Navy port waterborne security barriers.
- Sec. 123. Extension of report on Littoral Combat Ship mission packages.
- Sec. 124. Incorporation of advanced degaussing systems into Arleigh Burke class destroyers.
- Sec. 125. Report on the potential benefits of a multiyear contract for the procurement of Flight III Arleigh Burke class destroyers.
- Sec. 126. Acquisition, modernization, and sustainment plan for carrier air wings.
- Sec. 127. Report on material readiness of Virginia class submarines of the Navy.

Subtitle D—Air Force Programs

- Sec. 131. Extension of inventory requirement for Air Force fighter aircraft.
- Sec. 132. Contract for logistics support for VC–25B aircraft.
- Sec. 133. Prohibition on certain reductions to B–1 bomber aircraft squadrons.
- Sec. 134. Prohibition on use of funds for retirement of A–10 aircraft.
- Sec. 135. Limitation on availability of funds for the B–52 Commercial Engine Replacement Program.
- Sec. 136. Limitation on availability of funds pending information on bridge tanker aircraft.
- Sec. 137. Inventory requirements and limitations relating to certain air refueling tanker aircraft.
- Sec. 138. Minimum inventory of tactical airlift aircraft.
- Sec. 139. Report relating to reduction of total number of tactical airlift aircraft.

Subtitle E—Defense-wide, Joint, and Multiservice Matters

- Sec. 141. Implementation of affordability, operational, and sustainment cost constraints for the F–35 aircraft program.
- Sec. 142. Transfer of F–35 program responsibilities from the F–35 Joint Program Office to the Department of the Air Force and the Department of the Navy.
- Sec. 143. Limitation on availability of funds for air-based and space-based ground moving target indicator capabilities.
- Sec. 144. Limitation on availability of funds for procurement of aircraft systems for the armed overwatch program.
- Sec. 145. Analysis of certain radar investment options.
- Sec. 146. Review and briefing on fielded major weapon systems.
- Sec. 147. Reports on exercise of waiver authority with respect to certain aircraft ejection seats.

TITLE II—RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

Subtitle A—Authorization of Appropriations

- Sec. 201. Authorization of appropriations.

Subtitle B—Program Requirements, Restrictions, and Limitations

- Sec. 211. Codification of National Defense Science and Technology Strategy.
- Sec. 212. Codification of direct hire authority at personnel demonstration laboratories for advanced degree holders.
- Sec. 213. Duties and regional activities of the Defense Innovation Unit.
- Sec. 214. Codification of requirement for Defense Established Program to Stimulate Competitive Research.
- Sec. 215. Codification of authorities relating to Department of Defense science and technology reinvention laboratories.
- Sec. 216. Improvements relating to steering committee on emerging technology and national security threats.
- Sec. 217. Improvements relating to national network for microelectronics research and development.
- Sec. 218. Modification of mechanisms for expedited access to technical talent and expertise at academic institutions to support Department of Defense missions.
- Sec. 219. Technical correction to pilot program for the enhancement of the research, development, test, and evaluation centers of the Department of Defense.
- Sec. 220. Defense research and engineering activities at minority institutions.
- Sec. 221. Test program for engineering plant of DDG(X) destroyer vessels.
- Sec. 222. Consortium to study irregular warfare.
- Sec. 223. Development and implementation of digital technologies for survivability and lethality testing.

- Sec. 224. Assessment and correction of deficiencies in the pilot breathing systems of tactical fighter aircraft.
- Sec. 225. Identification of the hypersonics facilities and capabilities of the Major Range and Test Facility Base.
- Sec. 226. Review of artificial intelligence applications and establishment of performance metrics.
- Sec. 227. Modification of the joint common foundation program.
- Sec. 228. Executive education on emerging technologies for senior civilian and military leaders.
- Sec. 229. Activities to accelerate development and deployment of dual-use quantum technologies.
- Sec. 230. National Guard participation in microreactor testing and evaluation.
- Sec. 231. Pilot program on the use of private sector partnerships to promote technology transition.
- Sec. 232. Pilot program on data repositories to facilitate the development of artificial intelligence capabilities for the Department of Defense.
- Sec. 233. Pilot programs for deployment of telecommunications infrastructure to facilitate 5G deployment on military installations.
- Sec. 234. Limitation on development of prototypes for the Optionally Manned Fighting Vehicle pending requirements analysis.
- Sec. 235. Limitation on transfer of certain operational flight test events and reductions in operational flight test capacity.
- Sec. 236. Limitation on availability of funds for certain C–130 aircraft.
- Sec. 237. Limitation on availability of funds for VC–25B aircraft program pending submission of documentation.
- Sec. 238. Limitation on availability of funds for the High Accuracy Detection and Exploitation System.

Subtitle C—Plans, Reports, and Other Matters

- Sec. 241. Modification to annual report of the Director of Operational Test and Evaluation.
- Sec. 242. Adaptive engine transition program acquisition strategy for the F–35A aircraft.
- Sec. 243. Acquisition strategy for an advanced propulsion system for F–35B and F–35C aircraft.
- Sec. 244. Assessment of the development and test enterprise of the Air Force Research Laboratory.
- Sec. 245. Study on efficient use of Department of Defense test and evaluation organizations, facilities, and laboratories.
- Sec. 246. Report on autonomy integration in major weapon systems.
- Sec. 247. Reports and briefings on recommendations of the National Security Commission on Artificial Intelligence regarding the Department of Defense.

TITLE III—OPERATION AND MAINTENANCE

Subtitle A—Authorization of Appropriations

- Sec. 301. Authorization of appropriations.

Subtitle B—Energy and Environment

- Sec. 311. Inclusion of impacts on military installation resilience in the National Defense Strategy and associated documents.
- Sec. 312. Energy efficiency targets for Department of Defense data centers.
- Sec. 313. Grants for maintaining or improving military installation resilience.
- Sec. 314. Maintenance of current analytical tools in evaluating energy resilience measures.
- Sec. 315. Authority to transfer amounts derived from energy cost savings.
- Sec. 316. Exemption from prohibition on use of open-air burn pits in contingency operations outside the United States.
- Sec. 317. Expansion of purposes of Sentinel Landscapes Partnership program to include resilience.
- Sec. 318. Inspection of piping and support infrastructure at Red Hill Bulk Fuel Storage Facility, Hawai'i.
- Sec. 319. Energy, water, and waste net-zero requirement for major military installations.
- Sec. 320. Demonstration program on domestic production of rare earth elements from coal byproducts.
- Sec. 321. Long-duration demonstration initiative and joint program.
- Sec. 322. Pilot program to test new software to track emissions at certain military installations.
- Sec. 323. Department of Defense plan to reduce greenhouse gas emissions.

Subtitle C—National Security Climate Resilience

- Sec. 331. Definitions.

- Sec. 332. Climate Resilience Infrastructure Initiative of the Department of Defense.
- Sec. 333. Inclusion of information regarding extreme weather and cyber attacks or disruptions in reports on national technology and industrial base.
- Sec. 334. Climate resilience in planning, engagement strategies, infrastructure, and force development of Department of Defense.
- Sec. 335. Assessment of climate risks to infrastructure of Department of Defense.

Subtitle D—Treatment of Perfluoroalkyl Substances and Polyfluoroalkyl Substances

- Sec. 341. Treatment by Department of Defense of perfluoroalkyl substances and polyfluoroalkyl substances.
- Sec. 342. Extension of transfer authority for funding of study and assessment on health implications of per- and polyfluoroalkyl substances contamination in drinking water by Agency for Toxic Substances and Disease Registry.
- Sec. 343. Temporary moratorium on incineration by Department of Defense of perfluoroalkyl substances, polyfluoroalkyl substances, and aqueous film forming foam.
- Sec. 344. Review and guidance relating to prevention and mitigation of spills of aqueous film-forming foam.
- Sec. 345. Public disclosure of results of Department of Defense testing of water for perfluoroalkyl or polyfluoroalkyl substances.
- Sec. 346. Review of agreements with non-Department entities with respect to prevention and mitigation of spills of aqueous film-forming foam.
- Sec. 347. Comptroller General study on Department of Defense procurement of certain items containing certain PFAS substances.
- Sec. 348. Report on schedule for completion of remediation of perfluoroalkyl substances and polyfluoroalkyl substances.
- Sec. 349. Report on remediation of perfluoroalkyl substances and polyfluoroalkyl substances at certain military installations.

Subtitle E—Logistics and Sustainment

- Sec. 351. Mitigation of contested logistics challenges of the Department of Defense through reduction of operational energy demand.
- Sec. 352. Global bulk fuel management and delivery.
- Sec. 353. Test and evaluation of potential biobased solution for corrosion control and mitigation.
- Sec. 354. Pilot program on digital optimization of organic industrial base maintenance and repair operations.
- Sec. 355. Improved oversight for implementation of Shipyard Infrastructure Optimization Program of the Navy.
- Sec. 356. Report and certification requirements regarding sustainment costs for fighter aircraft programs.
- Sec. 357. Comptroller General annual reviews of F–35 sustainment efforts.

Subtitle F—Reports

- Sec. 361. Inclusion of information regarding borrowed military manpower in readiness reports.
- Sec. 362. Annual report on material readiness of Navy ships.
- Sec. 363. Incident reporting requirements for Department of Defense regarding lost or stolen weapons.
- Sec. 364. Strategy and annual report on critical language proficiency of special operations forces.

Subtitle G—Other Matters

- Sec. 371. Military Aviation and Installation Assurance Clearinghouse matters.
- Sec. 372. Establishment of Joint Safety Council.
- Sec. 373. Improvements and clarifications related to military working dogs.
- Sec. 374. Extension of temporary authority to extend contracts and leases under the ARMS Initiative.
- Sec. 375. Authority to maintain access to category 3 subterranean training facility.
- Sec. 376. Accident Investigation Review Board.
- Sec. 377. Implementation of Comptroller General recommendations on preventing tactical vehicle training accidents.
- Sec. 378. Requirements relating to emissions control tactics, techniques, and procedures.
- Sec. 379. Management of fatigue among crew of naval surface ships and related improvements.
- Sec. 380. Authority for activities to improve next generation radar systems capabilities.
- Sec. 381. Pilot program on military working dog and explosives detection canine health and excellence.
- Sec. 382. Department of Defense response to military lazing incidents.

TITLE IV—MILITARY PERSONNEL AUTHORIZATIONS

Subtitle A—Active Forces

- Sec. 401. End strengths for active forces.
- Sec. 402. Revisions in permanent active duty end strength minimum levels.
- Sec. 403. Additional authority to vary Space Force end strength.

Subtitle B—Reserve Forces

- Sec. 411. End strengths for Selected Reserve.
- Sec. 412. End strengths for Reserves on active duty in support of the reserves.
- Sec. 413. End strengths for military technicians (dual status).
- Sec. 414. Maximum number of reserve personnel authorized to be on active duty for operational support.
- Sec. 415. Accounting of reserve component members performing active duty or full-time National Guard duty towards authorized end strengths.

Subtitle C—Authorization of Appropriations

- Sec. 421. Military personnel.

TITLE V—MILITARY PERSONNEL POLICY

Subtitle A—Officer Personnel Policy

- Sec. 501. Authority with respect to authorized strengths for general and flag officers within the Armed Forces for emerging requirements.
- Sec. 502. Time in grade requirements.
- Sec. 503. Authority to vary number of Space Force officers considered for promotion to major general.
- Sec. 504. Seaman to Admiral-21 program: credit towards retirement.
- Sec. 505. Independent assessment of retention of female surface warfare officers.
- Sec. 506. Reports on Air Force personnel performing duties of a Nuclear and Missile Operations Officer (13N).

Subtitle B—Reserve Component Management

- Sec. 511. Modification of grant program supporting science, technology, engineering, and math education in the Junior Reserve Officers' Training Corps to include quantum information sciences.
- Sec. 512. Prohibition on private funding for interstate deployment of National Guard.
- Sec. 513. Access to Tour of Duty system.
- Sec. 514. Implementation of certain recommendations regarding use of unmanned aircraft systems by the National Guard.
- Sec. 515. Continued National Guard support for FireGuard program.
- Sec. 516. Enhancement of National Guard Youth Challenge Program.
- Sec. 517. Report on methods to enhance support from the reserve components in response to catastrophic incidents.
- Sec. 518. Study on reapportionment of National Guard force structure based on domestic responses.
- Sec. 519. Briefing on Junior Reserve Officers' Training Corps program.

Subtitle C—General Service Authorities and Military Records

- Sec. 521. Reduction in service commitment required for participation in career intermission program of a military department.
- Sec. 522. Improvements to military accessions in Armed Forces under the jurisdiction of the Secretaries of the military departments.
- Sec. 523. Notice program relating to options for naturalization.
- Sec. 524. Appeals to Physical Evaluation Board determinations of fitness for duty.
- Sec. 525. Command oversight of military privatized housing as element of performance evaluations.
- Sec. 526. Feasibility study on establishment of housing history for members of the Armed Forces who reside in housing provided by the United States.
- Sec. 527. Enhancements to national mobilization exercises.
- Sec. 528. Temporary exemption from end strength grade restrictions for the Space Force.
- Sec. 529. Report on exemptions and deferments for a possible military draft.
- Sec. 529A. Report on processes and procedures for appeal of denial of status or benefits for failure to register for Selective Service.
- Sec. 529B. Study and report on administrative separation boards.

Subtitle D—Military Justice Reform

PART 1—SPECIAL TRIAL COUNSEL

- Sec. 531. Special trial counsel.

- Sec. 532. Policies with respect to special trial counsel.
- Sec. 533. Definition of military magistrate, covered offense, and special trial counsel.
- Sec. 534. Clarification relating to who may convene courts-martial.
- Sec. 535. Detail of trial counsel.
- Sec. 536. Preliminary hearing.
- Sec. 537. Advice to convening authority before referral for trial.
- Sec. 538. Former jeopardy.
- Sec. 539. Plea agreements.
- Sec. 539A. Determinations of impracticability of rehearing.
- Sec. 539B. Applicability to the United States Coast Guard.
- Sec. 539C. Effective date.

PART 2—SEXUAL HARASSMENT; SENTENCING REFORM

- Sec. 539D. Inclusion of sexual harassment as general punitive article.
- Sec. 539E. Sentencing reform.

PART 3—REPORTS AND OTHER MATTERS

- Sec. 539F. Briefing and report on resourcing required for implementation.
- Sec. 539G. Briefing on implementation of certain recommendations of the Independent Review Commission on Sexual Assault in the Military.

Subtitle E—Other Military Justice and Legal Matters

- Sec. 541. Rights of the victim of an offense under the Uniform Code of Military Justice.
- Sec. 542. Conduct unbecoming an officer.
- Sec. 543. Independent investigation of complaints of sexual harassment.
- Sec. 544. Department of Defense tracking of allegations of retaliation by victims of sexual assault or sexual harassment and related persons.
- Sec. 545. Modification of notice to victims of pendency of further administrative action following a determination not to refer to trial by court-martial.
- Sec. 546. Civilian positions to support Special Victims' Counsel.
- Sec. 547. Plans for uniform document management system, tracking pretrial information, and assessing changes in law.
- Sec. 548. Determination and reporting of members missing, absent unknown, absent without leave, and duty status-whereabouts unknown.
- Sec. 549. Activities to improve family violence prevention and response.
- Sec. 549A. Annual primary prevention research agenda.
- Sec. 549B. Primary prevention workforce.
- Sec. 549C. Reform and improvement of military criminal investigative organizations.
- Sec. 549D. Military defense counsel.
- Sec. 549E. Full functionality of Military Justice Review Panel.
- Sec. 549F. Military service independent racial disparity review.
- Sec. 549G. Inclusion of race and ethnicity in annual reports on sexual assaults; reporting on racial and ethnic demographics in the military justice system.
- Sec. 549H. DoD Safe Helpline authorization to perform intake of official restricted and unrestricted reports for eligible adult sexual assault victims.
- Sec. 549I. Extension of annual report regarding sexual assaults involving members of the Armed Forces.
- Sec. 549J. Study and report on Sexual Assault Response Coordinator military occupational specialty.
- Sec. 549K. Amendments to additional Deputy Inspector General of the Department of Defense.
- Sec. 549L. Improved Department of Defense prevention of, and response to, bullying in the Armed Forces.
- Sec. 549M. Recommendations on separate punitive article in the Uniform Code of Military Justice on violent extremism.
- Sec. 549N. Combating foreign malign influence.

Subtitle F—Member Education, Training, and Transition

- Sec. 551. Troops-to-Teachers Program.
- Sec. 552. Codification of human relations training for certain members of the Armed Forces.
- Sec. 553. Allocation of authority for nominations to the military service academies in the event of the death, resignation, or expulsion from office of a Member of Congress.
- Sec. 554. Authority of President to appoint successors to members of Board of Visitors of military academies whose terms have expired.
- Sec. 555. Meetings of the Board of Visitors of a military service academy: votes required to call; held in person or remotely.

- Sec. 556. Defense Language Institute Foreign Language Center.
- Sec. 557. United States Naval Community College.
- Sec. 558. Codification of establishment of United States Air Force Institute of Technology.
- Sec. 559. Concurrent use of Department of Defense Tuition Assistance and Montgomery GI Bill-Selected Reserve benefits.
- Sec. 559A. Regulations on certain parental guardianship rights of cadets and midshipmen.
- Sec. 559B. Defense language continuing education program.
- Sec. 559C. Prohibition on implementation by United States Air Force Academy of civilian faculty tenure system.
- Sec. 559D. Professional military education: report; definition.
- Sec. 559E. Report on training and education of members of the Armed Forces regarding social reform and unhealthy behaviors.
- Sec. 559F. Report on status of Army Tuition Assistance Program Army IgnitED program.
- Sec. 559G. Briefing on cadets and midshipmen with speech disorders.

Subtitle G—Military Family Readiness and Dependents' Education

- Sec. 561. Expansion of support programs for special operations forces personnel and immediate family members.
- Sec. 562. Improvements to the Exceptional Family Member Program.
- Sec. 563. Certain assistance to local educational agencies that benefit dependents of military and civilian personnel.
- Sec. 564. Pilot program to establish employment fellowship opportunities for military spouses.
- Sec. 565. Policy regarding remote military installations.
- Sec. 566. Implementation of GAO recommendation on improved communication of best practices to engage military spouses with career assistance resources.
- Sec. 567. Study on employment of military spouses.
- Sec. 568. Briefing on efforts of commanders of military installations to connect military families with local entities that provide services to military families.
- Sec. 569. Briefing on process to certify reporting of eligible federally connected children for purposes of Federal impact aid programs.
- Sec. 569A. Briefing on legal services for families enrolled in the Exceptional Family Member Program.
- Sec. 569B. GAO review of Preservation of the Force and Family Program of United States Special Operations Command: briefing; report.

Subtitle H—Diversity and Inclusion

- Sec. 571. Reduction of gender-related inequities in costs of uniforms to members of the Armed Forces.
- Sec. 572. Study on number of members of the Armed Forces who identify as Hispanic or Latino.
- Sec. 573. Inclusion of military service academies, Officer Candidate and Training Schools, and the Senior Reserve Officers' Training Corps data in diversity and inclusion reporting.
- Sec. 574. Extension of deadline for GAO report on equal opportunity at the military service academies.

Subtitle I—Decorations and Awards, Miscellaneous Reports, and Other Matters

- Sec. 581. Modified deadline for establishment of special purpose adjunct to Armed Services Vocational Aptitude Battery test.
- Sec. 582. Authorizations for certain awards.
- Sec. 583. Establishment of the Atomic Veterans Commemorative Service Medal.
- Sec. 584. Updates and preservation of memorials to chaplains at Arlington National Cemetery.
- Sec. 585. Reports on security force personnel performing protection level one duties.
- Sec. 586. GAO study on tattoo policies of the Armed Forces.
- Sec. 587. Briefing regarding best practices for community engagement in Hawaii.

TITLE VI—COMPENSATION AND OTHER PERSONNEL BENEFITS

Subtitle A—Pay and Allowances

- Sec. 601. Basic needs allowance for members on active service in the Armed Forces.
- Sec. 602. Equal incentive pay for members of the reserve components of the Armed Forces.
- Sec. 603. Expansions of certain travel and transportation authorities.
- Sec. 604. Repeal of expiring travel and transportation authorities.

- Sec. 605. Requirements in connection with suspension of retired pay and retirement annuities.
- Sec. 606. Report on relationship between basic allowance for housing and sizes of military families.
- Sec. 607. Report on certain moving expenses for members of the Armed Forces.
- Sec. 608. Report on temporary lodging expenses in competitive housing markets.
- Sec. 609. Report on rental partnership programs.

Subtitle B—Bonus and Incentive Pays

- Sec. 611. One-year extension of certain expiring bonus and special pay authorities.

Subtitle C—Family and Survivor Benefits

- Sec. 621. Extension of paid parental leave.
- Sec. 622. Bereavement leave for members of the Armed Forces.
- Sec. 623. Travel and transportation allowances for family members to attend the funeral and memorial services of members.
- Sec. 624. Expansion of pilot program to provide financial assistance to members of the Armed Forces for in-home child care.
- Sec. 625. Pilot program on direct hire authority for spouses of members of the uniformed services at locations outside the United States.
- Sec. 626. Casualty assistance program: reform; establishment of working group.

Subtitle D—Defense Resale Matters

- Sec. 631. Additional sources of funds available for construction, repair, improvement, and maintenance of commissary stores.

Subtitle E—Miscellaneous Rights and Benefits

- Sec. 641. Alexander Lofgren Veterans in Parks program.

TITLE VII—HEALTH CARE PROVISIONS

Subtitle A—TRICARE and Other Health Care Benefits

- Sec. 701. Eating disorders treatment for certain members of the Armed Forces and dependents.
- Sec. 702. Addition of preconception and prenatal carrier screening coverage as benefits under TRICARE program.
- Sec. 703. Revisions to TRICARE provider networks.
- Sec. 704. Self-initiated referral process for mental health evaluations of members of the Armed Forces.
- Sec. 705. Modifications to pilot program on health care assistance system.
- Sec. 706. Modification of pilot program on receipt of non-generic prescription maintenance medications under TRICARE pharmacy benefits program.
- Sec. 707. Improvement of postpartum care for members of the Armed Forces and dependents.

Subtitle B—Health Care Administration

- Sec. 711. Modification of certain Defense Health Agency organization requirements.
- Sec. 712. Requirement for consultations relating to military medical research and Defense Health Agency Research and Development.
- Sec. 713. Authorization of program to prevent fraud and abuse in the military health system.
- Sec. 714. Authority of Secretary of Defense and Secretary of Veterans Affairs to enter into agreements for planning, design, and construction of facilities to be operated as shared medical facilities.
- Sec. 715. Extension of authority for Joint Department of Defense-Department of Veterans Affairs Medical Facility Demonstration Fund.
- Sec. 716. Establishment of Department of Defense system to track and record information on vaccine administration.
- Sec. 717. Exemption from required physical examination and mental health assessment for certain members of the reserve components.
- Sec. 718. Authorization of provision of instruction at Uniformed Services University of the Health Sciences to certain Federal employees.
- Sec. 719. Removal of requirement for one year of participation in certain medical and lifestyle incentive programs of the Department of Defense to receive benefits under such programs.
- Sec. 720. Department of Defense standards for exemptions from mandatory COVID–19 vaccines.
- Sec. 721. Establishment of centers of excellence for enhanced treatment of ocular injuries.
- Sec. 722. Implementation of integrated product for management of population health across military health system.

- Sec. 723. Digital health strategy of Department of Defense.
- Sec. 724. Development and update of certain policies relating to military health system and integrated medical operations.
- Sec. 725. Mandatory training on health effects of burn pits.
- Sec. 726. Standardization of definitions used by the Department of Defense for terms related to suicide.

Subtitle C—Reports and Other Matters

- Sec. 731. Modifications and reports related to military medical manning and medical billets.
- Sec. 732. Access by United States Government employees and their family members to certain facilities of Department of Defense for assessment and treatment of anomalous health conditions.
- Sec. 733. Pilot program on cardiac screening at certain military service academies.
- Sec. 734. Pilot program on assistance for mental health appointment scheduling at military medical treatment facilities.
- Sec. 735. Prohibition on availability of funds for certain research connected to China.
- Sec. 736. Limitation on certain discharges solely on the basis of failure to obey lawful order to receive COVID–19 vaccine.
- Sec. 737. Independent analysis of Department of Defense Comprehensive Autism Care Demonstration program.
- Sec. 738. Independent review of suicide prevention and response at military installations.
- Sec. 739. Feasibility and advisability study on establishment of aeromedical squadron at Joint Base Pearl Harbor-Hickam.
- Sec. 740. Study on incidence of breast cancer among members of the Armed Forces serving on active duty.
- Sec. 741. GAO biennial study on Individual Longitudinal Exposure Record program.
- Sec. 742. Comptroller General study on implementation by Department of Defense of recent statutory requirements to reform the military health system.
- Sec. 743. Study to determine need for a joint fund for Federal Electronic Health Record Modernization Office.
- Sec. 744. Briefing on domestic production of critical active pharmaceutical ingredients for national security purposes.
- Sec. 745. Briefing on substance abuse in the Armed Forces.

TITLE VIII—ACQUISITION POLICY, ACQUISITION MANAGEMENT, AND RELATED MATTERS

Subtitle A—Acquisition Policy and Management

- Sec. 801. Acquisition workforce educational partnerships.
- Sec. 802. Prohibition on acquisition of personal protective equipment from non-allied foreign nations.
- Sec. 803. Authority to acquire innovative commercial products and commercial services using general solicitation competitive procedures.
- Sec. 804. Modifications to contracts subject to cost or pricing data certification.
- Sec. 805. Two-year extension of Selected Acquisition Report requirement.
- Sec. 806. Annual report on highest and lowest performing acquisition programs of the Department of Defense.
- Sec. 807. Assessment of impediments and incentives to improving the acquisition of commercial products and commercial services.
- Sec. 808. Briefing on transparency for certain domestic procurement waivers.
- Sec. 809. Report on violations of certain domestic preference laws.

Subtitle B—Amendments to General Contracting Authorities, Procedures, and Limitations

- Sec. 811. Certain multiyear contracts for acquisition of property: budget justification materials.
- Sec. 812. Extension of demonstration project relating to certain acquisition personnel management policies and procedures.
- Sec. 813. Office of Corrosion Policy and Oversight employee training requirements.
- Sec. 814. Modified condition for prompt contract payment eligibility.
- Sec. 815. Modification to procurement of services: data analysis and requirements validation.
- Sec. 816. Limitation on procurement of welded shipboard anchor and mooring chain for naval vessels.
- Sec. 817. Repeal of preference for fixed-price contracts.

Subtitle C—Provisions Relating to Other Transaction Authority

- Sec. 821. Modification of other transaction authority for research projects.

- Sec. 822. Modification of prize authority for advanced technology achievements.
- Sec. 823. Pilot program on systems engineering determinations.
- Sec. 824. Recommendations on the use of other transaction authority.
- Sec. 825. Reporting requirement for certain defense acquisition activities.

Subtitle D—Provisions Relating to Software and Technology

- Sec. 831. Technology protection features activities.
- Sec. 832. Modification of enhanced transfer of technology developed at Department of Defense laboratories.
- Sec. 833. Pilot program on acquisition practices for emerging technologies.
- Sec. 834. Pilot program to accelerate the procurement and fielding of innovative technologies.
- Sec. 835. Independent study on technical debt in software-intensive systems.
- Sec. 836. Cadre of software development and acquisition experts.

Subtitle E—Provisions Relating to Supply Chain Security

- Sec. 841. Modernization of acquisition processes to ensure integrity of industrial base.
- Sec. 842. Modification to analyses of certain activities for action to address sourcing and industrial capacity.
- Sec. 843. Assuring integrity of overseas fuel supplies.
- Sec. 844. Assessment of requirements for certain items to address supply chain vulnerabilities.
- Sec. 845. Department of Defense research and development priorities.
- Sec. 846. Report on the Manufacturing Engineering Education Program.
- Sec. 847. Plan and report on reduction of reliance on services, supplies, or materials from covered countries.
- Sec. 848. Prohibition on certain procurements from the Xinjiang Uyghur Autonomous Region.

Subtitle F—Industrial Base Matters

- Sec. 851. Modifications to printed circuit board acquisition restrictions.
- Sec. 852. Modification of pilot program for development of technology-enhanced capabilities with partnership intermediaries.
- Sec. 853. Additional testing of commercial e-commerce portal models.
- Sec. 854. Requirement for industry days and requests for information to be open to allied defense contractors.
- Sec. 855. Employment transparency regarding individuals who perform work in the People's Republic of China.
- Sec. 856. Briefing on compliance with contractor lobbying restrictions.
- Sec. 857. Congressional oversight of personnel and contracts of private security contractors.

Subtitle G—Small Business Matters

- Sec. 861. Exemption of certain contracts from the periodic inflation adjustments to the acquisition-related dollar threshold.
- Sec. 862. Modification to the pilot program for streamlining awards for innovative technology projects.
- Sec. 863. Protests and appeals relating to eligibility of business concerns.
- Sec. 864. Authority for the Office of Hearings and Appeals to decide appeals relating to qualified HUBZone small business concerns.
- Sec. 865. Report on unfunded priorities of the Small Business Innovation Research and Small Business Technology Transfer program.
- Sec. 866. Report on Cybersecurity Maturity Model Certification effects on small business.
- Sec. 867. Data on Phase III Small Business Innovation Research and Small Business Technology Transfer program awards.

Subtitle H—Other Matters

- Sec. 871. Mission management pilot program.
- Sec. 872. Establishment of mission-oriented pilot programs to close significant capabilities gaps.
- Sec. 873. Independent study on acquisition practices and policies.
- Sec. 874. Pilot program to incentivize contracting with employee-owned businesses.
- Sec. 875. Guidance, training, and report on place of performance contract requirements.
- Sec. 876. Notification of certain intergovernmental support agreements.
- Sec. 877. Report on requests for equitable adjustment in Department of the Navy.
- Sec. 878. Military standards for armor materials in vehicle specifications.

TITLE IX—DEPARTMENT OF DEFENSE ORGANIZATION AND MANAGEMENT

- Sec. 901. Change in eligibility requirements for appointment to certain Department of Defense leadership positions.

- Sec. 902. Clarification of treatment of Office of Local Defense Community Cooperation as a Department of Defense Field Activity.
- Sec. 903. Enhanced role of the Under Secretary of Defense for Research and Engineering on the Joint Requirements Oversight Council.
- Sec. 904. Implementation of repeal of Chief Management Officer of the Department of Defense.
- Sec. 905. Space Force organizational matters and modification of certain space-related acquisition authorities.
- Sec. 906. Assignments for participants in the John S. McCain Strategic Defense Fellows Program.
- Sec. 907. Designation of senior official for implementation of Electromagnetic Spectrum Superiority Strategy.
- Sec. 908. Management innovation activities.
- Sec. 909. Digital talent recruiting officer.
- Sec. 910. Cross-functional team for emerging threat relating to anomalous health incidents.
- Sec. 911. Alignment of Close Combat Lethality Task Force.
- Sec. 912. Independent review of and report on the Unified Command Plan.
- Sec. 913. Study and report on the role and organization of space assets in the reserve components.

TITLE X—GENERAL PROVISIONS

Subtitle A—Financial Matters

- Sec. 1001. General transfer authority.
- Sec. 1002. Revision of limitation on funding for combatant commands through Combatant Commander Initiative Fund.
- Sec. 1003. Plan for consolidation of information technology systems used in Department of Defense planning, programming, budgeting, and execution process.
- Sec. 1004. Commission on Planning, Programming, Budgeting, and Execution Reform.

Subtitle B—Counterdrug Activities

- Sec. 1007. Extension of authority to support a unified counterdrug and counterterrorism campaign in Colombia.
- Sec. 1008. Authority for joint task forces to provide support to law enforcement agencies conducting counter-terrorism activities.

Subtitle C—Naval Vessels and Shipyards

- Sec. 1011. Modification to annual naval vessel construction plan.
- Sec. 1012. Improving oversight of Navy contracts for shipbuilding, conversion, and repair.
- Sec. 1013. Codification of requirement for assessments prior to start of construction on first ship of a shipbuilding program.
- Sec. 1014. Limitation on decommissioning or inactivating a battle force ship before the end of expected service life.
- Sec. 1015. Biennial report on shipbuilder training and the defense industrial base.
- Sec. 1016. Annual report on ship maintenance.
- Sec. 1017. Navy battle force ship assessment and requirement reporting.
- Sec. 1018. Prohibition on use of funds for retirement of Mark VI patrol boats.
- Sec. 1019. Availability of funds for retirement or inactivation of guided missile cruisers.
- Sec. 1020. Review of sustainment key performance parameters for shipbuilding programs.
- Sec. 1021. Assessment of security of global maritime chokepoints.
- Sec. 1022. Report on acquisition, delivery, and use of mobility assets that enable implementation of expeditionary advanced base operations.

Subtitle D—Counterterrorism

- Sec. 1031. Inclusion in counterterrorism briefings of information on use of military force in collective self-defense.
- Sec. 1032. Extension of prohibition on use of funds for transfer or release of individuals detained at United States Naval Station, Guantanamo Bay, Cuba, to certain countries.
- Sec. 1033. Extension of prohibition on use of funds for transfer or release of individuals detained at United States Naval Station, Guantanamo Bay, Cuba, to the United States.
- Sec. 1034. Extension of prohibition on use of funds to construct or modify facilities in the United States to house detainees transferred from United States Naval Station, Guantanamo Bay, Cuba.

- Sec. 1035. Extension of prohibition on use of funds to close or relinquish control of United States Naval Station, Guantanamo Bay, Cuba.
- Sec. 1036. Report on medical care provided to detainees at United States Naval Station, Guantanamo Bay, Cuba.

Subtitle E—Miscellaneous Authorities and Limitations

- Sec. 1041. Congressional oversight of alternative compensatory control measures.
- Sec. 1042. Modification of notification requirements for sensitive military operations.
- Sec. 1043. Authority to provide space and services to military welfare societies.
- Sec. 1044. Congressional notification of significant Army force structure changes.
- Sec. 1045. Prohibition on use of Navy, Marine Corps, and Space Force as posse comitatus.
- Sec. 1046. Comparative testing reports for certain aircraft.
- Sec. 1047. Special operations forces joint operating concept for competition and conflict.
- Sec. 1048. Limitation on availability of certain funding for operation and maintenance.
- Sec. 1049. Limitation on use of certain funds pending submission of report, strategy, and posture review relating to information environment.
- Sec. 1050. Briefing by Comptroller General and limitation on use of funds pending compliance with requirement for independent studies regarding potential cost savings.
- Sec. 1051. Survey on relations between members of the Armed Forces and military communities.
- Sec. 1052. Limitation on use of funds pending compliance with certain statutory reporting requirements.
- Sec. 1053. Navy coordination with Coast Guard and Space Force on aircraft, weapons, tactics, technique, organization, and equipment of joint concern.

Subtitle F—Studies and Reports

- Sec. 1061. Inclusion of support services for Gold Star families in quadrennial quality of life review.
- Sec. 1062. Public availability of semi-annual summaries of reports.
- Sec. 1063. Extension of reporting requirement regarding enhancement of information sharing and coordination of military training between Department Of Homeland Security and Department Of Defense.
- Sec. 1064. Continuation of certain Department of Defense reporting requirements.
- Sec. 1065. Updated review and enhancement of existing authorities for using Air Force and Air National Guard modular airborne fire-fighting systems and other Department of Defense assets to fight wildfires.
- Sec. 1066. Geographic combatant command risk assessment of Air Force airborne intelligence, surveillance, and reconnaissance modernization plan.
- Sec. 1067. Biennial assessments of Air Force Test Center.
- Sec. 1068. Report on 2019 World Military Games.
- Sec. 1069. Reports on oversight of Afghanistan.
- Sec. 1070. Study and report on Department of Defense excess personal property program.
- Sec. 1071. Optimization of Irregular Warfare Technical Support Directorate.
- Sec. 1072. Assessment of requirements for and management of Army three-dimensional geospatial data.
- Sec. 1073. Required review of Department of Defense unmanned aircraft systems categorization.
- Sec. 1074. Annual report and briefing on Global Force Management Allocation Plan.
- Sec. 1075. Report on World War I and Korean War era Superfund facilities.
- Sec. 1076. Report on implementation of irregular warfare strategy.
- Sec. 1077. Study on providing end-to-end electronic voting services for absent uniformed services voters in locations with limited or immature postal service.
- Sec. 1078. Report on Air Force strategy for acquisition of combat rescue aircraft and equipment.

Subtitle G—Other Matters

- Sec. 1081. Technical, conforming, and clerical amendments.
- Sec. 1082. Modification to Regional Centers for Security Studies.
- Sec. 1083. Improvement of transparency and congressional oversight of civil reserve air fleet.
- Sec. 1084. Observance of National Atomic Veterans Day.
- Sec. 1085. Update of Joint Publication 3-68: Noncombatant Evacuation Operations.
- Sec. 1086. National Museum of the Surface Navy.

- Sec. 1087. Authorization for memorial for members of the Armed Forces killed in attack on Hamid Karzai International Airport.
- Sec. 1088. Treatment of operational data from Afghanistan.
- Sec. 1089. Responsibilities for national mobilization; personnel requirements.
- Sec. 1090. Independent assessment with respect to Arctic region.
- Sec. 1091. National Security Commission on Emerging Biotechnology.
- Sec. 1092. Quarterly security briefings on Afghanistan.
- Sec. 1093. Transition of funding for non-conventional assisted recovery capabilities.
- Sec. 1094. Afghanistan War Commission Act of 2021.
- Sec. 1095. Commission on the National Defense Strategy.

TITLE XI—CIVILIAN PERSONNEL MATTERS

- Sec. 1101. Amendment to diversity and inclusion reporting.
- Sec. 1102. Civilian personnel management.
- Sec. 1103. Modification of temporary authority to appoint retired members of the armed forces to positions in the Department of Defense.
- Sec. 1104. Authority to employ civilian faculty members at the Defense Institute of International Legal Studies.
- Sec. 1105. Consideration of employee performance in reductions in force for civilian positions in the Department of Defense.
- Sec. 1106. Repeal of 2-year probationary period.
- Sec. 1107. Modification of DARPA personnel management authority to attract science and engineering experts.
- Sec. 1108. Expansion of rate of overtime pay authority for Department of the Navy employees performing work overseas on naval vessels.
- Sec. 1109. Repeal of crediting amounts received against pay of Federal employee or DC employee serving as a member of the National Guard of the District of Columbia.
- Sec. 1110. Treatment of hours worked under a qualified trade-of-time arrangement.
- Sec. 1111. Parental bereavement leave.
- Sec. 1112. One-year extension of authority to waive annual limitation on premium pay and aggregate limitation on pay for Federal civilian employees working overseas.
- Sec. 1113. Extension of authority for temporary personnel flexibilities for Domestic Defense Industrial Base Facilities and Major Range and Test Facilities Base civilian personnel.
- Sec. 1114. One-year extension of temporary authority to grant allowances, benefits, and gratuities to civilian personnel on official duty in a combat zone.
- Sec. 1115. Assessment of Accelerated Promotion Program suspension.
- Sec. 1116. Increase in allowance based on duty at remote worksites.
- Sec. 1117. Enhancement of recusal for conflicts of personal interest requirements for Department of Defense officers and employees.
- Sec. 1118. Occupational series for digital career fields.

TITLE XII—MATTERS RELATING TO FOREIGN NATIONS

Subtitle A—Assistance and Training

- Sec. 1201. Administrative support and payment of certain expenses for covered foreign defense personnel.
- Sec. 1202. Authority for certain reimbursable interchange of supplies and services.
- Sec. 1203. Extension of support of special operations for irregular warfare.
- Sec. 1204. Modification and extension of biennial Comptroller General of the United States audits of programs to build the capacity of foreign security forces.
- Sec. 1205. Temporary authority to pay for travel and subsistence expenses of foreign national security forces participating in the training program of the United States-Colombia Action Plan for Regional Security.
- Sec. 1206. Security cooperation strategy for certain combatant commands.
- Sec. 1207. Report on security cooperation programs.

Subtitle B—Matters Relating to Afghanistan and Pakistan

- Sec. 1211. Sense of Congress on the service of United States Armed Forces servicemembers in Afghanistan.
- Sec. 1212. Extension and modification of authority for reimbursement of certain coalition nations for support provided to United States military operations.
- Sec. 1213. Prohibition on transfer of Department of Defense funds or resources to the Taliban.
- Sec. 1214. Prohibition on transporting currency to the Taliban or the Islamic Emirate of Afghanistan.
- Sec. 1215. Prohibition on removal of publicly available accountings of military assistance provided to the Afghan security forces.

- Sec. 1216. Joint report on using the synchronized predeployment and operational tracker (spot) database to verify Afghan SIV applicant information.
- Sec. 1217. Report and briefing on United States equipment, property, and classified material that was destroyed or abandoned in the withdrawal from Afghanistan.

Subtitle C—Matters Relating to Syria, Iraq, and Iran

- Sec. 1221. Extension and modification of authority to provide assistance to vetted Syrian groups and individuals.
- Sec. 1222. Defense and diplomatic strategy for Syria.
- Sec. 1223. Extension and modification of authority to provide assistance to counter the Islamic State of Iraq and Syria.
- Sec. 1224. Extension and modification of authority to support operations and activities of the Office of Security Cooperation in Iraq.
- Sec. 1225. Prohibition on transfers to Badr Organization.
- Sec. 1226. Prohibition on transfers to Iran.
- Sec. 1227. Report on the military capabilities of Iran and related activities.
- Sec. 1228. Sense of Congress on enrichment of uranium by Iran.

Subtitle D—Matters Relating to Russia

- Sec. 1231. Extension of limitation on military cooperation between the United States and the Russian Federation.
- Sec. 1232. Extension of Ukraine Security Assistance Initiative.
- Sec. 1233. Extension of authority for training for Eastern European national security forces in the course of multilateral exercises.
- Sec. 1234. Prohibition on availability of funds relating to sovereignty of the Russian Federation over Crimea.
- Sec. 1235. Report on Russian influence operations and campaigns targeting military alliances and partnerships of which the United States is a member.

Subtitle E—Matters Relating to the Indo-Pacific Region

- Sec. 1241. Extension and modification of Indo-Pacific Maritime Security Initiative.
- Sec. 1242. Extension and modification of Pacific Deterrence Initiative.
- Sec. 1243. Modification of annual report on military and security developments involving the People's Republic of China.
- Sec. 1244. Extension of authority to transfer funds for Bien Hoa dioxin cleanup.
- Sec. 1245. Cooperative program with Vietnam to account for Vietnamese personnel missing in action.
- Sec. 1246. Sense of Congress on Taiwan defense relations.
- Sec. 1247. Statement of policy on Taiwan.
- Sec. 1248. Annual report on Taiwan asymmetric capabilities and intelligence support.
- Sec. 1249. Feasibility briefing on cooperation between the National Guard and Taiwan.
- Sec. 1250. Feasibility report on establishing military-to-military crisis communications capabilities.
- Sec. 1251. Comparative analyses and reports on efforts by the United States and the People's Republic of China to advance critical modernization technology with respect to military applications.
- Sec. 1252. Sense of congress on defense alliances and partnerships in the Indo-Pacific region.

TITLE XIII—OTHER MATTERS RELATING TO FOREIGN NATIONS

Subtitle A—Matters Relating to Europe and NATO

- Sec. 1301. Sense of Congress on North Atlantic Treaty Organization allies and partners.
- Sec. 1302. Report on Armenia-Azerbaijan conflict.
- Sec. 1303. Report on the state of United States military investment in Europe, including the European Deterrence Initiative.

Subtitle B—United States-Greece Defense and Interparliamentary Partnership Act of 2021

- Sec. 1311. Sense of Congress.
- Sec. 1312. Funding for the European Recapitalization Incentive Program.
- Sec. 1313. Sense of Congress on loan program.
- Sec. 1314. Sense of Congress on transfer of F-35 Joint Strike Fighter aircraft to Greece.
- Sec. 1315. IMET cooperation with Greece.
- Sec. 1316. Cyprus, Greece, Israel, and the United States 3+1 Interparliamentary Group.

Sec. 1317. Appropriate congressional committees.

Subtitle C—Security Cooperation and Assistance

- Sec. 1321. Clarification of requirements for contributions by participants in the American, British, Canadian, and Australian Armies' Program.
- Sec. 1322. Foreign Area Officer assessment and review.
- Sec. 1323. Study on certain security cooperation programs.
- Sec. 1324. Notification relating to overseas humanitarian, disaster, and civic aid funds obligated in support of operation allies welcome.

Subtitle D—Other Matters

- Sec. 1331. Extension and modification of authority for certain payments to redress injury and loss.
- Sec. 1332. Secretary of Defense Strategic Competition Initiative.
- Sec. 1333. Extension and modification of Department of Defense support for stabilization activities in national security interest of the United States.
- Sec. 1334. Pilot program to support the implementation of the Women, Peace, and Security act of 2017.
- Sec. 1335. Annual report on Comprehensive Nuclear-Test-Ban Treaty sensors.
- Sec. 1336. Security assistance in Northern Triangle countries.
- Sec. 1337. Report on human rights in Colombia.
- Sec. 1338. Report on efforts by the People's Republic of China to expand its presence and influence in Latin America and the Caribbean.
- Sec. 1339. Extension of prohibition on in-flight refueling to non-United States aircraft that engage in hostilities in the ongoing civil war in Yemen.
- Sec. 1340. Statement of policy and report on Yemen.
- Sec. 1341. Limitation on support to military forces of the Kingdom of Morocco for multilateral exercises.

TITLE XIV—OTHER AUTHORIZATIONS

Subtitle A—Military Programs

- Sec. 1401. Working capital funds.
- Sec. 1402. Chemical Agents and Munitions Destruction, Defense.
- Sec. 1403. Drug Interdiction and Counter-Drug Activities, Defense-Wide.
- Sec. 1404. Defense Inspector General.
- Sec. 1405. Defense Health Program.

Subtitle B—Other Matters

- Sec. 1411. Acquisition of strategic and critical materials from the national technology and industrial base.
- Sec. 1412. Authorization to loan materials in National Defense Stockpile.
- Sec. 1413. Authority for transfer of funds to joint Department of Defense-Department of Veterans Affairs Medical Facility Demonstration Fund for Captain James A. Lovell Health Care Center, Illinois.
- Sec. 1414. Authorization of appropriations for Armed Forces Retirement Home.

TITLE XV—CYBERSPACE-RELATED MATTERS

Subtitle A—Matters Related to Cyber Operations and Cyber Forces

- Sec. 1501. Development of taxonomy of cyber capabilities.
- Sec. 1502. Extension of sunset for pilot program on regional cybersecurity training center for the Army National Guard.
- Sec. 1503. Modification of the Principal Cyber Advisor.
- Sec. 1504. Evaluation of Department of Defense cyber governance.
- Sec. 1505. Operational technology and mission-relevant terrain in cyberspace.
- Sec. 1506. Matters concerning cyber personnel requirements.
- Sec. 1507. Assignment of certain budget control responsibilities to commander of United States Cyber Command.
- Sec. 1508. Coordination between United States Cyber Command and private sector.
- Sec. 1509. Assessment of cyber posture and operational assumptions and development of targeting strategies and supporting capabilities.
- Sec. 1510. Assessing capabilities to counter adversary use of ransomware, capabilities, and infrastructure.
- Sec. 1511. Comparative analysis of cybersecurity capabilities.
- Sec. 1512. Eligibility of owners and operators of critical infrastructure to receive certain Department of Defense support and services.
- Sec. 1513. Report on potential Department of Defense support and assistance for increasing the awareness of the Cybersecurity and Infrastructure Security Agency of cyber threats and vulnerabilities affecting critical infrastructure.

Subtitle B—Matters Related to Department of Defense Cybersecurity and
Information Technology

- Sec. 1521. Enterprise-wide procurement of cyber data products and services.
- Sec. 1522. Legacy information technologies and systems accountability.
- Sec. 1523. Update relating to responsibilities of Chief Information Officer.
- Sec. 1524. Protective Domain Name System within the Department of Defense.
- Sec. 1525. Cybersecurity of weapon systems.
- Sec. 1526. Assessment of controlled unclassified information program.
- Sec. 1527. Cyber data management.
- Sec. 1528. Zero trust strategy, principles, model architecture, and implementation plans.
- Sec. 1529. Demonstration program for automated security validation tools.
- Sec. 1530. Improvements to consortium of universities to advise Secretary of Defense on cybersecurity matters.
- Sec. 1531. Digital development infrastructure plan and working group.
- Sec. 1532. Study regarding establishment within the Department of Defense of a designated central program office to oversee academic engagement programs relating to establishing cyber talent across the Department.
- Sec. 1533. Report on the Cybersecurity Maturity Model Certification program.
- Sec. 1534. Deadline for reports on assessment of cyber resiliency of nuclear command and control system.

Subtitle C—Matters Related to Federal Cybersecurity

- Sec. 1541. Capabilities of the Cybersecurity and Infrastructure Security Agency to identify threats to industrial control systems.
- Sec. 1542. Cybersecurity vulnerabilities.
- Sec. 1543. Report on cybersecurity vulnerabilities.
- Sec. 1544. Competition relating to cybersecurity vulnerabilities.
- Sec. 1545. Strategy.
- Sec. 1546. Cyber incident response plan.
- Sec. 1547. National cyber exercise program.
- Sec. 1548. CyberSentry program of the Cybersecurity and Infrastructure Security Agency.
- Sec. 1549. Strategic assessment relating to innovation of information systems and cybersecurity threats.
- Sec. 1550. Pilot program on public-private partnerships with internet ecosystem companies to detect and disrupt adversary cyber operations.
- Sec. 1551. United States-Israel cybersecurity cooperation.
- Sec. 1552. Authority for National Cyber Director to accept details on nonreimbursable basis.

TITLE XVI—SPACE ACTIVITIES, STRATEGIC PROGRAMS, AND
INTELLIGENCE MATTERS

Subtitle A—Space Activities

- Sec. 1601. National security space launch program.
- Sec. 1602. Redesignation of Space Force Acquisition Council; modifications relating to Assistant Secretary of the Air Force for Space Acquisition and Integration.
- Sec. 1603. Delegation of Authorities to Space Development Agency.
- Sec. 1604. Extension and modification of Council on Oversight of the Department of Defense Positioning, Navigation, and Timing Enterprise.
- Sec. 1605. Improvements to tactically responsive space launch program.
- Sec. 1606. Clarification of domestic services and capabilities in leveraging commercial satellite remote sensing.
- Sec. 1607. Programs of record of Space Force and commercial capabilities.
- Sec. 1608. Extension and modification of certifications regarding integrated tactical warning and attack assessment mission of the Air Force.
- Sec. 1609. Classification review of programs of the Space Force.
- Sec. 1610. Report on Range of the Future initiative of the Space Force.
- Sec. 1611. Space policy review.
- Sec. 1612. Annual briefing on threats to space operations.
- Sec. 1613. National Security Council briefing on potential harmful interference to Global Positioning System.
- Sec. 1614. Non-geostationary orbit satellite constellations.
- Sec. 1615. Briefing on prototype program for multiglobal navigation satellite system receiver development.

Subtitle B—Defense Intelligence and Intelligence-Related Activities

- Sec. 1621. Notification of certain threats to United States Armed Forces by foreign governments.

- Sec. 1622. Strategy and plan to implement certain defense intelligence reforms.
- Sec. 1623. Annual briefing by Director of the Defense Intelligence Agency on electronic warfare threat to operations of the Department of Defense.
- Sec. 1624. Report on explosive ordnance intelligence matters.

Subtitle C—Nuclear Forces

- Sec. 1631. Participation in United States Strategic Command strategic deterrence exercises.
- Sec. 1632. Modification to requirements relating to nuclear force reductions.
- Sec. 1633. Modifications to requirements relating to unilateral changes in nuclear weapons stockpile of the United States.
- Sec. 1634. Deadline for reports on modification of force structure for strategic nuclear weapons delivery systems.
- Sec. 1635. Modification of deadline for notifications relating to reduction, consolidation, or withdrawal of nuclear forces based in Europe.
- Sec. 1636. Procurement authority for certain parts of the ground-based strategic deterrent cryptographic device.
- Sec. 1637. Capability of B–21 bomber aircraft with long-range standoff weapon.
- Sec. 1638. Mission-design series popular name for ground-based strategic deterrent.
- Sec. 1639. Prohibition on reduction of the intercontinental ballistic missiles of the United States.
- Sec. 1640. Limitation on availability of certain funds until submission of information relating to proposed budget for nuclear-armed sea-launched cruise missile.
- Sec. 1641. Limitation on availability of certain funds until submission of information relating to nuclear-armed sea-launched cruise missile.
- Sec. 1642. Annual certification on readiness of Minuteman III intercontinental ballistic missiles.
- Sec. 1643. Revised nuclear posture review.
- Sec. 1644. Review of safety, security, and reliability of nuclear weapons and related systems.
- Sec. 1645. Long-range standoff weapon.
- Sec. 1646. Ground-based strategic deterrent development program accountability matrices.
- Sec. 1647. Information regarding review of Minuteman III service life extension program or options for the future of the intercontinental ballistic missile force.
- Sec. 1648. Notification regarding intercontinental ballistic missiles of China.
- Sec. 1649. Independent review of nuclear command, control, and communications system.
- Sec. 1650. Review of engineering and manufacturing development contract for ground-based strategic deterrent program.
- Sec. 1651. Report on re-alerting long-range bombers.
- Sec. 1652. Comptroller General study and updated report on nuclear weapons capabilities and force structure requirements.
- Sec. 1653. Briefing on consultations with United States allies regarding Nuclear Posture Review.

Subtitle D—Missile Defense Programs

- Sec. 1661. Notification of changes to non-standard acquisition and requirements processes and responsibilities of Missile Defense Agency.
- Sec. 1662. Limitation on Missile Defense Agency production of satellites and ground systems associated with operation of such satellites.
- Sec. 1663. Extension of period for transition of ballistic missile defense programs to military departments.
- Sec. 1664. Directed energy programs for ballistic and hypersonic missile defense.
- Sec. 1665. Guam integrated air and missile defense system.
- Sec. 1666. Missile defense radar in Hawaii.
- Sec. 1667. Certification required for Russia and China to tour certain missile defense sites.
- Sec. 1668. Next generation interceptors for missile defense of the United States homeland.
- Sec. 1669. Iron Dome short-range rocket defense system and Israeli cooperative missile defense program co-development and co-production.
- Sec. 1670. Update of study on discrimination capabilities of the ballistic missile defense system.
- Sec. 1671. Semiannual updates on meetings held by the Missile Defense Executive Board.
- Sec. 1672. Matters regarding Integrated Deterrence Review.
- Sec. 1673. Semiannual notifications regarding missile defense tests and costs.
- Sec. 1674. Report on senior leadership of Missile Defense Agency.

- Sec. 1675. Independent study of roles and responsibilities of Department of Defense components relating to missile defense.

Subtitle E—Other Matters

- Sec. 1681. Cooperative threat reduction funds.
Sec. 1682. Modification to estimate of damages from Federal Communications Commission Order 20–48.
Sec. 1683. Establishment of office, organizational structure, and authorities to address unidentified aerial phenomena.
Sec. 1684. Determination on certain activities with unusually hazardous risks.
Sec. 1685. Study by Public Interest Declassification Board relating to certain tests in the Marshall Islands.
Sec. 1686. Protection of Major Range and Test Facility Base.
Sec. 1687. Congressional Commission on the Strategic Posture of the United States.

TITLE XVII—TECHNICAL AMENDMENTS RELATED TO THE TRANSFER AND REORGANIZATION OF DEFENSE ACQUISITION STATUTES

- Sec. 1701. Technical, conforming, and clerical amendments related to title XVIII of the Fiscal Year 2021 NDAA.
Sec. 1702. Conforming cross reference technical amendments related to the transfer and reorganization of defense acquisition statutes.

DIVISION B—MILITARY CONSTRUCTION AUTHORIZATIONS

- Sec. 2001. Short title.
Sec. 2002. Expiration of authorizations and amounts required to be specified by law.
Sec. 2003. Effective date and automatic execution of conforming changes to tables of sections, tables of contents, and similar tabular entries.

TITLE XXI—ARMY MILITARY CONSTRUCTION

- Sec. 2101. Authorized Army construction and land acquisition projects.
Sec. 2102. Family housing.
Sec. 2103. Authorization of appropriations, Army.
Sec. 2104. Extension of authority to carry out certain fiscal year 2017 project.
Sec. 2105. Additional authority to carry out fiscal year 2018 project at Fort Bliss, Texas.
Sec. 2106. Modification of authority to carry out certain fiscal year 2021 project.
Sec. 2107. Additional authorized funding source for certain fiscal year 2022 project.

TITLE XXII—NAVY MILITARY CONSTRUCTION

- Sec. 2201. Authorized Navy construction and land acquisition projects.
Sec. 2202. Family housing.
Sec. 2203. Authorization of appropriations, Navy.

TITLE XXIII—AIR FORCE MILITARY CONSTRUCTION

- Sec. 2301. Authorized Air Force construction and land acquisition projects.
Sec. 2302. Family housing.
Sec. 2303. Authorization of appropriations, Air Force.
Sec. 2304. Extension of authority to carry out certain fiscal year 2017 projects.
Sec. 2305. Modification of authority to carry out military construction projects at Tyndall Air Force Base, Florida.

TITLE XXIV—DEFENSE AGENCIES MILITARY CONSTRUCTION

- Sec. 2401. Authorized Defense Agencies construction and land acquisition projects.
Sec. 2402. Authorized Energy Resilience and Conservation Investment Program projects.
Sec. 2403. Authorization of appropriations, Defense Agencies.
Sec. 2404. Extension and modification of authority to carry out certain fiscal years 2017 and 2019 projects.

TITLE XXV—INTERNATIONAL PROGRAMS

Subtitle A—North Atlantic Treaty Organization Security Investment Program

- Sec. 2501. Authorized NATO construction and land acquisition projects.
Sec. 2502. Authorization of appropriations, NATO.

Subtitle B—Host Country In-Kind Contributions

- Sec. 2511. Republic of Korea funded construction projects.

Sec. 2512. Republic of Poland funded construction projects.

TITLE XXVI—GUARD AND RESERVE FORCES FACILITIES

- Sec. 2601. Authorized Army National Guard construction and land acquisition projects.
Sec. 2602. Authorized Army Reserve construction and land acquisition projects.
Sec. 2603. Authorized Navy Reserve and Marine Corps Reserve construction and land acquisition projects.
Sec. 2604. Authorized Air National Guard construction and land acquisition projects.
Sec. 2605. Authorized Air Force Reserve construction and land acquisition projects.
Sec. 2606. Authorization of appropriations, National Guard and Reserve.

TITLE XXVII—BASE REALIGNMENT AND CLOSURE ACTIVITIES

- Sec. 2701. Authorization of appropriations for base realignment and closure activities funded through Department of Defense Base Closure Account.
Sec. 2702. Prohibition on conducting additional base realignment and closure (BRAC) round.
Sec. 2703. Conditions on closure of certain portion of Pueblo Chemical Depot and Chemical Agent-Destruction Pilot Plant, Colorado.

TITLE XXVIII—MILITARY CONSTRUCTION GENERAL PROVISIONS

Subtitle A—Military Construction Program Changes

- Sec. 2801. Public availability of information on Facilities Sustainment, Restoration, and Modernization projects.
Sec. 2802. Limitations on authorized cost and scope of work variations.
Sec. 2803. Department of Defense stormwater management projects for military installations and defense access roads.
Sec. 2804. Use of amounts available for operation and maintenance in carrying out military construction projects for energy resilience, energy security, or energy conservation.
Sec. 2805. Flood risk management for military construction.
Sec. 2806. Modification and extension of temporary, limited authority to use operation and maintenance funds for construction projects in certain areas outside the United States.

Subtitle B—Continuation of Military Housing Reforms

- Sec. 2811. Modification of calculation of military housing contractor pay for privatized military housing.
Sec. 2812. Applicability of window fall prevention requirements to all military family housing whether privatized or Government-owned and Government-controlled.
Sec. 2813. Applicability of disability laws to privatized military housing units and clarification of prohibition against collection from tenants of amounts in addition to rent.
Sec. 2814. Required investments in improving military unaccompanied housing.
Sec. 2815. Improvement of security of lodging and living spaces on military installations.
Sec. 2816. Improvement of Department of Defense child development centers and increased availability of child care for children of military personnel.

Subtitle C—Real Property and Facilities Administration

- Sec. 2821. Secretary of the Navy authority to support development and operation of National Museum of the United States Navy.
Sec. 2822. Expansion of Secretary of the Navy authority to lease and license United States Navy museum facilities to generate revenue to support museum administration and operations.

Subtitle D—Military Facilities Master Plan Requirements

- Sec. 2831. Cooperation with State and local governments in development of master plans for major military installations.
Sec. 2832. Additional changes to requirements regarding master plans for major military installations.
Sec. 2833. Prompt completion of military installation resilience component of master plans for at-risk major military installations.
Sec. 2834. Master plans and investment strategies for Army ammunition plants guiding future infrastructure, facility, and production equipment improvements.

Subtitle E—Matters Related to Unified Facilities Criteria and Military Construction Planning and Design

- Sec. 2841. Amendment of Unified Facilities Criteria to require inclusion of private nursing and lactation space in certain military construction projects.
- Sec. 2842. Revisions to Unified Facilities Criteria regarding use of variable refrigerant flow systems.
- Sec. 2843. Amendment of Unified Facilities Criteria to promote energy efficient military installations.
- Sec. 2844. Additional Department of Defense activities to improve energy resiliency of military installations.

Subtitle F—Land Conveyances

- Sec. 2851. Modification of restrictions on use of former Navy property conveyed to University of California, San Diego, California.
- Sec. 2852. Land conveyance, Joint Base Cape Cod, Bourne, Massachusetts.
- Sec. 2853. Land conveyance, Saint Joseph, Missouri.
- Sec. 2854. Land conveyance, Department of Defense excess property, St. Louis, Missouri.
- Sec. 2855. Land conveyance, Marine Corps Air Station, Cherry Point, North Carolina.
- Sec. 2856. Land conveyance, Naval Air Station Oceana, Virginia Beach, Virginia, to City of Virginia Beach, Virginia.
- Sec. 2857. Land conveyance, Naval Air Station Oceana, Virginia Beach, Virginia, to School Board of City of Virginia Beach, Virginia.

Subtitle G—Authorized Pilot Programs

- Sec. 2861. Pilot program on increased use of sustainable building materials in military construction.
- Sec. 2862. Pilot program on establishment of account for reimbursement for use of testing facilities at installations of the Department of the Air Force.

Subtitle H—Asia-Pacific and Indo-Pacific Issues

- Sec. 2871. Improved oversight of certain infrastructure services provided by Naval Facilities Engineering Systems Command Pacific.
- Sec. 2872. Annual congressional briefing on renewal of Department of Defense easements and leases of land in Hawai'i.
- Sec. 2873. Hawai'i Military Land Use Master Plan.

Subtitle I—One-Time Reports and Other Matters

- Sec. 2881. Clarification of installation and maintenance requirements regarding fire extinguishers in Department of Defense facilities.
- Sec. 2882. GAO review and report of military construction contracting at military installations inside the United States.

DIVISION C—DEPARTMENT OF ENERGY NATIONAL SECURITY
AUTHORIZATIONS AND OTHER AUTHORIZATIONS

TITLE XXXI—DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS

Subtitle A—National Security Programs and Authorizations

- Sec. 3101. National Nuclear Security Administration.
- Sec. 3102. Defense environmental cleanup.
- Sec. 3103. Other defense activities.
- Sec. 3104. Nuclear energy.

Subtitle B—Program Authorizations, Restrictions, and Limitations

- Sec. 3111. Plutonium pit production capacity.
- Sec. 3112. Improvements to cost estimates informing analyses of alternatives.
- Sec. 3113. University-based defense nuclear policy collaboration program.
- Sec. 3114. Defense environmental cleanup programs.
- Sec. 3115. Modification of requirements for certain construction projects.
- Sec. 3116. Updates to infrastructure modernization initiative.
- Sec. 3117. Extension of authority for appointment of certain scientific, engineering, and technical personnel.
- Sec. 3118. Extension of authority for acceptance of contributions for acceleration of removal or security of fissile materials, radiological materials, and related equipment at vulnerable sites worldwide.
- Sec. 3119. Extension of enhanced procurement authority to manage supply chain risk.
- Sec. 3120. Prohibition on availability of funds to reconvert or retire W76–2 warheads.

- Sec. 3121. Portfolio management framework for National Nuclear Security Administration.

Subtitle C—Reports and Other Matters

- Sec. 3131. Modifications to certain reporting requirements.
Sec. 3132. Modification to terminology for reports on financial balances for atomic energy defense activities.
Sec. 3133. Improvements to annual reports on condition of the United States nuclear weapons stockpile.
Sec. 3134. Report on plant-directed research and development.
Sec. 3135. Reports on risks to and gaps in industrial base for nuclear weapons components, subsystems, and materials.
Sec. 3136. Transfer of building located at 4170 Allium Court, Springfield, Ohio.
Sec. 3137. Comprehensive strategy for treating, storing, and disposing of defense nuclear waste resulting from stockpile maintenance and modernization activities.
Sec. 3138. Acquisition of high-performance computing capabilities by National Nuclear Security Administration.
Sec. 3139. Study on the W80–4 nuclear warhead life extension program.
Sec. 3140. Study on Runit Dome and related hazards.
Sec. 3141. Sense of Congress regarding compensation of individuals relating to uranium mining and nuclear testing.

TITLE XXXII—DEFENSE NUCLEAR FACILITIES SAFETY BOARD

- Sec. 3201. Authorization.
Sec. 3202. References to Chairperson and Vice Chairperson of Defense Nuclear Facilities Safety Board.

TITLE XXXIV—NAVAL PETROLEUM RESERVES

- Sec. 3401. Authorization of appropriations.

TITLE XXXV—MARITIME SECURITY

Subtitle A—Maritime Administration

- Sec. 3501. Authorization of the Maritime Administration.

Subtitle B—Other Matters

- Sec. 3511. Effective period for issuance of documentation for recreational vessels.
Sec. 3512. Committees on maritime matters.
Sec. 3513. Port Infrastructure Development Program.
Sec. 3514. Uses of emerging marine technologies and practices.
Sec. 3515. Prohibition on participation of long term charters in Tanker Security Fleet.
Sec. 3516. Coastwise endorsement.
Sec. 3517. Report on efforts of combatant commands to combat threats posed by illegal, unreported, and unregulated fishing.
Sec. 3518. Authorization to purchase duplicate medals.

DIVISION D—FUNDING TABLES

- Sec. 4001. Authorization of amounts in funding tables.

TITLE XLI—PROCUREMENT

- Sec. 4101. Procurement.

TITLE XLII—RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

- Sec. 4201. Research, development, test, and evaluation.

TITLE XLIII—OPERATION AND MAINTENANCE

- Sec. 4301. Operation and maintenance.

TITLE XLIV—MILITARY PERSONNEL

- Sec. 4401. Military personnel.

TITLE XLV—OTHER AUTHORIZATIONS

- Sec. 4501. Other authorizations.

TITLE XLVI—MILITARY CONSTRUCTION

- Sec. 4601. Military construction.

TITLE XLVII—DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS

- Sec. 4701. Department of Energy national security programs.

DIVISION E—DEPARTMENT OF STATE AUTHORIZATION ACT OF 2021

- Sec. 5001. Short title.
- Sec. 5002. Definitions.

TITLE LI—ORGANIZATION AND OPERATIONS OF THE DEPARTMENT OF STATE

- Sec. 5101. Sense of Congress on importance of Department of State's work.
- Sec. 5102. Assistant Secretary for International Narcotics and Law Enforcement Affairs.
- Sec. 5103. Bureau of Consular Affairs; Bureau of Population, Refugees, and Migration.
- Sec. 5104. Office of International Disability Rights.
- Sec. 5105. Special appointment authority.
- Sec. 5106. Repeal of authority for Special Representative and Policy Coordinator for Burma.
- Sec. 5107. Anti-piracy information sharing.
- Sec. 5108. Importance of foreign affairs training to national security.
- Sec. 5109. Classification and assignment of Foreign Service officers.
- Sec. 5110. Reporting on implementation of GAO recommendations.
- Sec. 5111. Extension of period for reimbursement of fishermen for costs incurred from the illegal seizure and detention of U.S.-flag fishing vessels by foreign governments.
- Sec. 5112. Art in embassies.
- Sec. 5113. International fairs and expositions.
- Sec. 5114. Amendment or repeal of reporting requirements.

TITLE LII—EMBASSY CONSTRUCTION

- Sec. 5201. Embassy security, construction, and maintenance.
- Sec. 5202. Standard design in capital construction.
- Sec. 5203. Capital construction transparency.
- Sec. 5204. Contractor performance information.
- Sec. 5205. Growth projections for new embassies and consulates.
- Sec. 5206. Long-range planning process.
- Sec. 5207. Value engineering and risk assessment.
- Sec. 5208. Business volume.
- Sec. 5209. Embassy security requests and deficiencies.
- Sec. 5210. Overseas security briefings.
- Sec. 5211. Contracting methods in capital construction.
- Sec. 5212. Competition in embassy construction.
- Sec. 5213. Statement of policy.
- Sec. 5214. Definitions.

TITLE LIII—PERSONNEL ISSUES

- Sec. 5301. Defense Base Act insurance waivers.
- Sec. 5302. Study on Foreign Service allowances.
- Sec. 5303. Science and technology fellowships.
- Sec. 5304. Travel for separated families.
- Sec. 5305. Home leave travel for separated families.
- Sec. 5306. Sense of Congress regarding certain fellowship programs.
- Sec. 5307. Technical correction.
- Sec. 5308. Foreign Service awards.
- Sec. 5309. Workforce actions.
- Sec. 5310. Sense of Congress regarding veterans employment at the Department of State.
- Sec. 5311. Employee assignment restrictions and preclusions.
- Sec. 5312. Recall and reemployment of career members.
- Sec. 5313. Strategic staffing plan for the Department of State.
- Sec. 5314. Consulting services.
- Sec. 5315. Incentives for critical posts.
- Sec. 5316. Extension of authority for certain accountability review boards.
- Sec. 5317. Foreign Service suspension without pay.
- Sec. 5318. Foreign Affairs Manual and Foreign Affairs Handbook changes.
- Sec. 5319. Waiver authority for individual occupational requirements of certain positions.
- Sec. 5320. Appointment of employees to the Global Engagement Center.
- Sec. 5321. Competitive status for certain employees hired by Inspectors General to support the lead IG mission.
- Sec. 5322. Report relating to Foreign Service Officer training and development.
- Sec. 5323. Cooperation with Office of the Inspector General.
- Sec. 5324. Information on educational opportunities for children with special education needs consistent with the Individuals with Disabilities Education Act.

Sec. 5325. Implementation of gap memorandum in selection board process.

TITLE LIV—A DIVERSE WORKFORCE: RECRUITMENT, RETENTION, AND
PROMOTION

- Sec. 5401. Definitions.
- Sec. 5402. Exit interviews for workforce.
- Sec. 5403. Recruitment and retention.
- Sec. 5404. Leadership engagement and accountability.
- Sec. 5405. Professional development opportunities and tools.
- Sec. 5406. Examination and oral assessment for the Foreign Service.
- Sec. 5407. Payne fellowship authorization.
- Sec. 5408. Voluntary participation.

TITLE LV—INFORMATION SECURITY

- Sec. 5501. Definitions.
- Sec. 5502. List of certain telecommunications providers.
- Sec. 5503. Preserving records of electronic communications.
- Sec. 5504. Foreign Relations of the United States (FRUS) series and declassification.

TITLE LVI—PUBLIC DIPLOMACY

- Sec. 5601. Short title.
- Sec. 5602. Avoiding duplication of programs and efforts.
- Sec. 5603. Improving research and evaluation of public diplomacy.
- Sec. 5604. Permanent reauthorization of the United States Advisory Commission on Public Diplomacy.
- Sec. 5605. Streamlining of support functions.
- Sec. 5606. Guidance for closure of public diplomacy facilities.
- Sec. 5607. Definitions.

TITLE LVII—OTHER MATTERS

- Sec. 5701. Limitation on assistance to countries in default.
- Sec. 5702. Sean and David Goldman Child Abduction Prevention and Return Act of 2014 amendment.
- Sec. 5703. Chief of mission concurrence.
- Sec. 5704. Report on efforts of the Coronavirus Repatriation Task Force.

DIVISION F—OTHER NON-DEPARTMENT OF DEFENSE MATTERS

TITLE LXI—FINANCIAL SERVICES MATTERS

- Sec. 6101. FinCEN Exchange.
- Sec. 6102. Adverse information in cases of trafficking.
- Sec. 6103. Support to enhance the capacity of International Monetary Fund members to evaluate the legal and financial terms of sovereign debt contracts.
- Sec. 6104. United States policy on Burma at the International Monetary Fund, the World Bank Group, and the Asian Development Bank.
- Sec. 6105. United States policy regarding international financial institution assistance with respect to advanced wireless technologies.
- Sec. 6106. Illicit finance improvements.
- Sec. 6107. Briefing on delegation of examination authority under the Bank Secrecy Act.

TITLE LXII—FOREIGN SERVICE FAMILIES ACT OF 2021

- Sec. 6201. Short title.
- Sec. 6202. Telecommuting opportunities.
- Sec. 6203. Employment and education programs for eligible family members of members of the Foreign Service.
- Sec. 6204. Briefing on Foreign Service family reserve corps.
- Sec. 6205. Treatment of family members seeking positions customarily filled by Foreign Service officers or foreign national employees.
- Sec. 6206. In-State tuition rates for members of qualifying Federal service.
- Sec. 6207. Termination of residential or motor vehicle leases and telephone service contracts for certain members of the Foreign Service.

TITLE LXIII—BARRY GOLDWATER SCHOLARSHIP AND EXCELLENCE IN
EDUCATION MODERNIZATION ACT

- Sec. 6301. Short title.
- Sec. 6302. Clarifying amendments to definitions.
- Sec. 6303. Barry Goldwater Scholarship and Excellence in Education Awards.

- Sec. 6304. Stipends.
- Sec. 6305. Scholarship and research internship conditions.
- Sec. 6306. Sustainable investments of funds.
- Sec. 6307. Administrative provisions.

TITLE LXIV—DEPARTMENT OF HOMELAND SECURITY MEASURES

Subtitle A—DHS Headquarters, Research and Development, and Related Matters

- Sec. 6401. Employee engagement steering committee and action plan.
- Sec. 6402. Annual employee award program.
- Sec. 6403. Chief Human Capital Officer responsibilities.
- Sec. 6404. Independent investigation and implementation plan.
- Sec. 6405. Authorization of the acquisition professional career program.
- Sec. 6406. National urban security technology laboratory.
- Sec. 6407. Department of Homeland Security Blue Campaign enhancement.
- Sec. 6408. Medical countermeasures program.
- Sec. 6409. Critical domain research and development.
- Sec. 6410. CBP Donations Acceptance Program Reauthorization.

Subtitle B—Transportation Security

- Sec. 6411. Survey of the Transportation Security Administration workforce regarding COVID–19 response.
- Sec. 6412. Transportation Security Preparedness Plan.
- Sec. 6413. Authorization of Transportation Security Administration personnel details.
- Sec. 6414. Transportation Security Administration preparedness.
- Sec. 6415. Plan to reduce the spread of coronavirus at passenger screening checkpoints.
- Sec. 6416. Comptroller General review of Department of Homeland Security trusted traveler programs.
- Sec. 6417. Enrollment redress with respect to Department of Homeland Security trusted traveler programs.
- Sec. 6418. Threat information sharing.
- Sec. 6419. Local law enforcement security training.
- Sec. 6420. Allowable uses of funds for public transportation security assistance grants.
- Sec. 6421. Periods of performance for public transportation security assistance grants.
- Sec. 6422. GAO review of public transportation security assistance grant program.
- Sec. 6423. Sensitive security information; aviation security.

TITLE LXV—OTHER MATTERS RELATING TO FOREIGN AFFAIRS

- Sec. 6501. Authorization for United States Participation in the Coalition for Epidemic Preparedness Innovations.
- Sec. 6502. Required notification and reports related to Peacekeeping Operations account.
- Sec. 6503. Transnational Repression Accountability and Prevention.
- Sec. 6504. Human rights awareness for American athletic delegations.
- Sec. 6505. Cooperation between the United States and Ukraine regarding the titanium industry.
- Sec. 6506. Updates to the National Strategy for Combating Terrorist and Other Illicit Financing.
- Sec. 6507. Report on net worth of Syrian President Bashar al-Assad.
- Sec. 6508. Annual report on United States policy toward South Sudan.
- Sec. 6509. Strategy for engagement with Southeast Asia and ASEAN.
- Sec. 6510. Supporting democracy in Burma.
- Sec. 6511. United States Grand Strategy with respect to China.

TITLE LXVI—OTHER MATTERS

- Sec. 6601. Eligibility of certain individuals who served with special guerrilla units or irregular forces in Laos for interment in national cemeteries.
- Sec. 6602. Expansion of scope of Department of Veterans Affairs open burn pit registry to include open burn pits in Egypt and Syria.
- Sec. 6603. Anomalous health incidents interagency coordinator.
- Sec. 6604. Chief Human Capital Officers Council annual report.
- Sec. 6605. National Global War on Terrorism Memorial.
- Sec. 6606. Establishment of Subcommittee on the Economic and Security Implications of Quantum Information Science.
- Sec. 6607. Study and report on the redistribution of COVID–19 vaccine doses that would otherwise expire to foreign countries and economies.
- Sec. 6608. Catawba Indian Nation lands.

Sec. 6609. Property disposition for affordable housing.
Sec. 6610. Blocking deadly fentanyl imports.

SEC. 3. CONGRESSIONAL DEFENSE COMMITTEES.

10 USC 101 note.
Definition.

In this Act, the term “congressional defense committees” has the meaning given that term in section 101(a)(16) of title 10, United States Code.

SEC. 4. BUDGETARY EFFECTS OF THIS ACT.

The budgetary effects of this Act, for the purpose of complying with the Statutory Pay-As-You-Go Act of 2010, shall be determined by reference to the latest statement titled “Budgetary Effects of PAYGO Legislation” for this Act, jointly submitted for printing in the Congressional Record by the Chairmen of the House and Senate Budget Committees, provided that such statement has been submitted prior to the vote on passage in the House acting first on the conference report or amendment between the Houses.

SEC. 5. EXPLANATORY STATEMENT.

The explanatory statement regarding this Act, printed in the House section of the Congressional Record on or about December 8, 2021, by the Chairman of the Committee on Armed Services of the House of Representatives and the Chairman of the Committee on Armed Services of the Senate, shall have the same effect with respect to the implementation of this Act as if it were a joint explanatory statement of a committee of conference.

DIVISION A—DEPARTMENT OF DEFENSE AUTHORIZATIONS

TITLE I—PROCUREMENT

Subtitle A—Authorization of Appropriations

Sec. 101. Authorization of appropriations.

Subtitle B—Army Programs

- Sec. 111. Modification of deployment by the Army of interim cruise missile defense capability.
Sec. 112. Multiyear procurement authority for AH–64E Apache helicopters.
Sec. 113. Multiyear procurement authority for UH–60M and HH–60M Black Hawk helicopters.
Sec. 114. Continuation of Soldier Enhancement Program.
Sec. 115. Limitation on availability of funds pending report on the Integrated Visual Augmentation System.
Sec. 116. Strategy and authority for the procurement of components for the next generation squad weapon.

Subtitle C—Navy Programs

- Sec. 121. Extension of procurement authority for certain amphibious shipbuilding programs.
Sec. 122. Extension of prohibition on availability of funds for Navy port waterborne security barriers.
Sec. 123. Extension of report on Littoral Combat Ship mission packages.
Sec. 124. Incorporation of advanced degaussing systems into Arleigh Burke class destroyers.
Sec. 125. Report on the potential benefits of a multiyear contract for the procurement of Flight III Arleigh Burke class destroyers.
Sec. 126. Acquisition, modernization, and sustainment plan for carrier air wings.
Sec. 127. Report on material readiness of Virginia class submarines of the Navy.

Subtitle D—Air Force Programs

- Sec. 131. Extension of inventory requirement for Air Force fighter aircraft.

- Sec. 132. Contract for logistics support for VC–25B aircraft.
- Sec. 133. Prohibition on certain reductions to B–1 bomber aircraft squadrons.
- Sec. 134. Prohibition on use of funds for retirement of A–10 aircraft.
- Sec. 135. Limitation on availability of funds for the B–52 Commercial Engine Replacement Program.
- Sec. 136. Limitation on availability of funds pending information on bridge tanker aircraft.
- Sec. 137. Inventory requirements and limitations relating to certain air refueling tanker aircraft.
- Sec. 138. Minimum inventory of tactical airlift aircraft.
- Sec. 139. Report relating to reduction of total number of tactical airlift aircraft.

Subtitle E—Defense-wide, Joint, and Multiservice Matters

- Sec. 141. Implementation of affordability, operational, and sustainment cost constraints for the F–35 aircraft program.
- Sec. 142. Transfer of F–35 program responsibilities from the F–35 Joint Program Office to the Department of the Air Force and the Department of the Navy.
- Sec. 143. Limitation on availability of funds for air-based and space-based ground moving target indicator capabilities.
- Sec. 144. Limitation on availability of funds for procurement of aircraft systems for the armed overwatch program.
- Sec. 145. Analysis of certain radar investment options.
- Sec. 146. Review and briefing on fielded major weapon systems.
- Sec. 147. Reports on exercise of waiver authority with respect to certain aircraft ejection seats.

Subtitle A—Authorization of Appropriations

SEC. 101. AUTHORIZATION OF APPROPRIATIONS.

Funds are hereby authorized to be appropriated for fiscal year 2022 for procurement for the Army, the Navy and the Marine Corps, the Air Force and the Space Force, and Defense-wide activities, as specified in the funding table in section 4101.

Subtitle B—Army Programs

SEC. 111. MODIFICATION OF DEPLOYMENT BY THE ARMY OF INTERIM CRUISE MISSILE DEFENSE CAPABILITY.

Section 112(b) of the John S. McCain National Defense Authorization Act for Fiscal Year 2019 (Public Law 115–232; 132 Stat. 1660), as amended by section 111(b) of the William M. (Mac) Thornberry National Defense Authorization Act for Fiscal Year 2021 (Public Law 116–283), is further amended—

(1) in paragraph (1), by striking “shall deploy the capability as follows:” and all that follows through the period at the end and inserting “shall deploy two batteries of the capability by not later than September 30, 2020.”;

(2) in paragraph (2)—

(A) in the paragraph heading, by striking “DEADLINES” and inserting “DEADLINE”;

(B) in the matter preceding subparagraph (A), by striking “deadlines” and inserting “deadline”;

(C) in subparagraph (F), by adding “and” at the end;

(D) by striking subparagraph (G); and

(E) by redesignating subparagraph (H) as subparagraph (G); and

(3) in paragraph (4), by striking “deadlines specified in paragraph (1).” and all that follows through the period at

134 Stat. 3423.
Deadline.

Determination.

the end and inserting “deadline specified in paragraph (1) if the Secretary determines that sufficient funds have not been appropriated to enable the Secretary to meet such deadline.”.

SEC. 112. MULTIYEAR PROCUREMENT AUTHORITY FOR AH-64E APACHE HELICOPTERS.

(a) **AUTHORITY FOR MULTIYEAR PROCUREMENT.**—Subject to section 2306b of title 10, United States Code, the Secretary of the Army may enter into one or more multiyear contracts, beginning with the fiscal year 2022 program year, for the procurement of AH-64E Apache helicopters.

Effective date.

(b) **CONDITION FOR OUT-YEAR CONTRACT PAYMENTS.**—A contract entered into under subsection (a) shall provide that any obligation of the United States to make a payment under the contract for a fiscal year after fiscal year 2022 is subject to the availability of appropriations for that purpose for such later fiscal year.

SEC. 113. MULTIYEAR PROCUREMENT AUTHORITY FOR UH-60M AND HH-60M BLACK HAWK HELICOPTERS.

(a) **AUTHORITY FOR MULTIYEAR PROCUREMENT.**—Subject to section 2306b of title 10, United States Code, the Secretary of the Army may enter into one or more multiyear contracts, beginning with the fiscal year 2022 program year, for the procurement of UH-60M and HH-60M Black Hawk helicopters.

Effective date.

(b) **CONDITION FOR OUT-YEAR CONTRACT PAYMENTS.**—A contract entered into under subsection (a) shall provide that any obligation of the United States to make a payment under the contract for a fiscal year after fiscal year 2022 is subject to the availability of appropriations for that purpose for such later fiscal year.

SEC. 114. CONTINUATION OF SOLDIER ENHANCEMENT PROGRAM.

10 USC note
prec. 7532.

(a) **REQUIREMENT TO CONTINUE PROGRAM.**—The Secretary of the Army, acting through the Assistant Secretary of the Army for Acquisition, Logistics, and Technology in accordance with subsection (b), shall continue to carry out the Soldier Enhancement Program established pursuant to section 203 of the National Defense Authorization Act for Fiscal Years 1990 and 1991 (Public Law 101–189; 103 Stat. 1394).

(b) **RESPONSIBLE OFFICIAL.**—The Secretary of the Army shall designate the Assistant Secretary of the Army for Acquisition, Logistics, and Technology as the official in the Department of the Army with principal responsibility for the management of the Soldier Enhancement Program under subsection (a).

Designation.

(c) **DUTIES.**—The duties of the Soldier Enhancement Program shall include the identification, research, development, test, and evaluation of commercially available off-the-shelf items (as defined in section 104 of title 41, United States Code) and software applications to accelerate the efforts of the Army to integrate, modernize, and enhance weapons and equipment for use by Army soldiers, including—

- (1) lighter, more lethal weapons; and
- (2) support equipment, including lighter, more comfortable load-bearing equipment, field gear, combat clothing, survivability items, communications equipment, navigational aids, night vision devices, tactical power, sensors, and lasers.

SEC. 115. LIMITATION ON AVAILABILITY OF FUNDS PENDING REPORT ON THE INTEGRATED VISUAL AUGMENTATION SYSTEM.

Effective date.	(a) LIMITATION.—Of the funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2022 for the Army for procurement for the Integrated Visual Augmentation System, not more than 75 percent may be obligated or expended until the date on which the Secretary of the Army submits to the congressional defense committees the report required under subsection (b). (b) REPORT REQUIRED.— (1) IN GENERAL.—Not later than the date specified in paragraph (3), the Secretary of the Army shall submit to the congressional defense committees a report on the Integrated Visual Augmentation System of the Army.
Plans.	(2) ELEMENTS.—The report required by paragraph (1) shall include the following:
Certification.	(A) A certification from the Secretary of the Army that the Integrated Visual Augmentation System is sufficiently reliable to meet operational needs for mean time between failure to support planned operational mission profiles.
Certification.	(B) A certification from the Secretary of the Army that the tactical network is sufficiently suitable and reliable to support the operational employment of the System, including the System’s ability to integrate into command networks.
Certification.	(C)(i) A certification from the Secretary of the Army that the duration of the System’s battery power is suitable and reliable enough to meet planned operational mission requirements. (ii) A plan to ensure the battery management of the System meets such requirements. (D) A plan to enable the System to display position location and identification information for adjacent units, non-System-equipped platforms, and soldiers. (E) A plan, including critical milestones, to achieve certified three-dimensional geospatial data within the System for dynamic and precision targeting. (F) A basis-of-issue plan based on lessons from the developmental and operational testing of the System. (G) A plan for iterative improvements to sensors, software, and form factor throughout production and procurement of the System. (H) Any other matters that the Secretary considers relevant to the full understanding of the status of and plan for the System.
Deadline.	(3) DATE SPECIFIED.—The date specified in this paragraph is a date selected by the Secretary of the Army that is not later than 60 days after the date on which initial operational testing of the Integrated Visual Augmentation System of the Army has been completed.
Deadline.	(c) ASSESSMENT REQUIRED.—Not later than 60 days after the date on which the Secretary of the Army submits the report required under subsection (b), the Director of Operational Test and Evaluation shall submit to the congressional defense committees an assessment of the validity, reliability, and objectivity of the report with respect to each element described in subsection (b)(2).

SEC. 116. STRATEGY AND AUTHORITY FOR THE PROCUREMENT OF COMPONENTS FOR THE NEXT GENERATION SQUAD WEAPON.

(a) **STRATEGY REQUIRED.**—The Secretary of the Army shall develop and implement a competitive procurement strategy to identify, test, qualify, and procure components and accessories for the next generation squad weapon of the Army, including magazines, that are capable of improving the performance of such weapon, with an emphasis on the procurement of—

- (1) commercially available off-the-shelf items;
- (2) nondevelopmental items; and
- (3) components and accessories previously developed by the Army that may be used for such weapon.

(b) **MARKET SURVEY.**—Upon receipt of the initial operational test and evaluation report for the next generation squad weapon, the Secretary of the Army shall initiate a market survey to identify components and accessories for the weapon that meet the criteria described in subsection (a).

(c) **AUTHORIZATION.**—After completing the market survey under subsection (b), the Secretary of the Army may enter into one or more contracts for the procurement of components and accessories for the next generation squad weapon that meet the criteria described in subsection (a).

(d) **INFORMATION TO CONGRESS.**—Not later than one year after receiving the initial operational test and evaluation report for the next generation squad weapon, the Secretary of the Army shall submit to the congressional defense committees a report that includes—

Reports.

- (1) the competitive acquisition strategy developed under subsection (a), including timelines for the fielding of components and accessories for such weapon that—

Timelines.

- (A) are commercially available off-the-shelf items or nondevelopmental items; and

- (B) are capable of improving the performance of such weapon;

- (2) an assessment of the mean rounds between stoppage and mean rounds between failure of the next generation squad weapon, including a comparison of—

Assessment.

- (A) the mean rounds between stoppage and mean rounds between failure of such weapon; and

- (B) the mean rounds between stoppage and mean rounds between failure of currently fielded weapons;

- (3) an explanation of whether any items identified in the market survey conducted under subsection (b) demonstrate the ability to increase the mean rounds between stoppage or the mean rounds between failure of the next generation squad weapon; and

- (4) a plan to increase the mean rounds between stoppage and mean rounds between failure of the next generation squad weapon.

Plan.

(e) **DEFINITIONS.**—In this section:

- (1) The term “commercially available off-the-shelf items” has the meaning given that term in section 104 of title 41, United States Code.

- (2) The term “nondevelopmental items” has the meaning given that term in section 110 of title 41, United States Code.

Subtitle C—Navy Programs

SEC. 121. EXTENSION OF PROCUREMENT AUTHORITY FOR CERTAIN AMPHIBIOUS SHIPBUILDING PROGRAMS.

134 Stat. 3426. Section 124(a)(1) of the William M. (Mac) Thornberry National Defense Authorization Act for Fiscal Year 2021 (Public Law 116–283) is amended by striking “fiscal year 2021” and inserting “fiscal years 2021 and 2022”.

SEC. 122. EXTENSION OF PROHIBITION ON AVAILABILITY OF FUNDS FOR NAVY PORT WATERBORNE SECURITY BARRIERS.

134 Stat. 3429. Section 130(a) of the John S. McCain National Defense Authorization Act for Fiscal Year 2019 (Public Law 115–232; 132 Stat. 1665), as most recently amended by section 127 of the William M. (Mac) Thornberry National Defense Authorization Act for Fiscal Year 2021 (Public Law 116–283), is further amended by striking “for fiscal years 2019, 2020, or 2021” and inserting “for fiscal years 2019, 2020, 2021, or 2022”.

SEC. 123. EXTENSION OF REPORT ON LITTORAL COMBAT SHIP MISSION PACKAGES.

Section 123(a)(1) of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114–328; 130 Stat. 2030) is amended by striking “fiscal year 2022” and inserting “fiscal year 2027”.

SEC. 124. INCORPORATION OF ADVANCED DEGAUSSING SYSTEMS INTO ARLEIGH BURKE CLASS DESTROYERS.

(a) IN GENERAL.—The Secretary of the Navy shall ensure that an advanced degaussing system is incorporated into any Arleigh Burke class destroyer procured in fiscal year 2025 or any subsequent fiscal year pursuant to a covered contract.

(b) COVERED CONTRACT DEFINED.—In this section, the term “covered contract” means an annual or multiyear contract for the procurement of an Arleigh Burke class destroyer that is entered into by the Secretary of the Navy on or after the date of the enactment of this Act.

SEC. 125. REPORT ON THE POTENTIAL BENEFITS OF A MULTIYEAR CONTRACT FOR THE PROCUREMENT OF FLIGHT III ARLEIGH BURKE CLASS DESTROYERS.

Time period. (a) IN GENERAL.—Not later than March 1, 2022, the Secretary of the Navy shall submit to the congressional defense committees a report on the potential benefits of a multiyear contract for the period of fiscal years 2023 through 2027 for the procurement of Flight III Arleigh Burke class destroyers in the quantities specified in subsection (c).

(b) ELEMENTS.—The report required by subsection (a) shall include preliminary findings, and the basis for such findings, of the Secretary with respect to whether—

(1) the use of a contract described in such subsection could result in significant savings compared to the total anticipated costs of carrying out the program through annual contracts;

(2) the minimum need for the destroyers described in such subsection to be purchased is expected to remain substantially unchanged during the contemplated contract period in terms of production rate, procurement rate, and total quantities;

(3) there is a reasonable expectation that throughout the contemplated contract period the Secretary of Defense will request funding for the contract at the level required to avoid contract cancellation;

(4) there is a stable design for the destroyers to be acquired and that the technical risks associated with such property are not excessive;

(5) the estimates of both the cost of the contract and the anticipated cost avoidance through the use of a multiyear contract are realistic;

(6) the use of such a contract will promote the national security of the United States; and

(7) a decision not to use such a contract will affect the industrial base and, if so, the nature of such effects.

(c) **EVALUATION BY QUANTITY.**—The report required by subsection (a) shall evaluate the potential of procuring each of the following quantities of Flight III Arleigh Burke-class destroyers over the period described in such subsection:

(1) 10.

(2) 12.

(3) 15.

(4) Any other quantities the Secretary of the Navy considers appropriate.

SEC. 126. ACQUISITION, MODERNIZATION, AND SUSTAINMENT PLAN FOR CARRIER AIR WINGS.

(a) **PLAN REQUIRED.**—Not later than April 1, 2022, the Secretary of the Navy shall submit to the congressional defense committees a 15-year acquisition, modernization, and sustainment plan for the carrier air wings of the Navy.

Deadline.
Time period.

(b) **ELEMENTS.**—The plan required by subsection (a) shall include the following:

(1)(A) An assessment of whether and to what extent the capabilities, capacity, and composition of the carrier air wings in existence as of the date of plan meet the requirements of the National Defense Strategy; and

Assessment.

(B) a plan to address any known shortfalls of such carrier wings, including shortfalls with respect to aerial refueling aircraft capacity and strike-fighter combat radius.

(2) An operational risk assessment and risk mitigation plan regarding the nine carrier air wings that, as of the date of the plan, support combatant commander steady-state peacetime and potential major contingency requirements.

Risk assessment.

(3) An explanation of when the Secretary of the Navy will field a minimum of 10 carrier air wings in accordance with section 8062(e) of title 10, United States Code.

(4) An identification and explanation of the role of autonomous and remotely-piloted aircraft, including the MQ–25 aircraft, and other potential capabilities and platforms planned to be fielded in future carrier air wings.

(5) A detailed deck and hangar space plan that supports realistic peacetime steady-state or contingency surge level fixed-wing aircraft and rotorcraft preparation activities, flight operations, and onboard unit-level maintenance, repair, and sustainment activities for future carrier air wings.

(6) An appropriate modernization plan to maximize operational use of platforms in existence as of the date of the

plan, particularly the EA–18G aircraft and the E–2D aircraft, by leveraging available technologies such as Next Generation Jammer.

(7) An identification of the logistics supply chain support and modernization plan required during peacetime steady-state and contingency operations for future carrier air wings, particularly as it relates to implementing the organic C–130 and C–40 logistics tethering strategy.

(8) A detailed explanation for the Secretary of the Navy’s decision to modify carrier air wing composition to one squadron of 14 F–35C aircraft instead of the originally planned two squadrons of 10 F–35C aircraft.

SEC. 127. REPORT ON MATERIAL READINESS OF VIRGINIA CLASS SUBMARINES OF THE NAVY.

(a) IN GENERAL.—Not later than 120 days after the date of the enactment of this Act, the Secretary of the Navy shall submit to the congressional defense committees a report on the material readiness of the Virginia class submarines.

(b) ELEMENTS.—The report required by subsection (a) shall include the following:

Assessment.

(1) An assessment of the number of components and parts that have required replacement prior to the end of their estimated useful life or scheduled replacement timeline, including efforts to increase the reliability of “life of ship” components.

Assessment.
Estimate.

(2) An assessment of the extent to which part and material shortages have impacted deployment and maintenance availability schedules, including an estimate of the number of active part cannibalizations or other actions taken to mitigate those impacts.

(3) An identification of the planned lead time to obtain key material for Virginia class submarines from shipbuilders and vendors.

(4) An identification of the actual lead time to obtain such material from shipbuilders and vendors.

(5) An identification of the cost increases of key components and parts for new construction and maintenance availabilities above planned material costs.

Assessment.

(6) An assessment of potential courses of action to improve the material readiness of the Virginia class submarines, including efforts to align new construction shipyards with maintenance shipyards and Naval Sea Systems Command to increase predictability of materials and purchasing power.

Recommendations.

(7) Such recommendations as the Secretary may have for legislative changes, authorities, realignments, and administrative actions, including reforms of the Federal Acquisition Regulation, to improve the material readiness of the Virginia class submarines.

(8) Such other elements as the Secretary considers appropriate.

Subtitle D—Air Force Programs

SEC. 131. EXTENSION OF INVENTORY REQUIREMENT FOR AIR FORCE FIGHTER AIRCRAFT.

(a) EXTENSION OF INVENTORY REQUIREMENT.—Section 9062(i)(1) of title 10, United States Code, is amended by striking “October 1, 2022” and inserting “October 1, 2026”.

(b) REPORTS ON RETIREMENT OF AIR FORCE FIGHTER AIRCRAFT.—Section 131 of the National Defense Authorization Act for Fiscal Year 2018 (Public Law 115–91; 131 Stat. 1314; 10 U.S.C. 9062 note) is amended—

(1) by amending subsection (b) to read as follows:

“(b) REPORT ON RETIREMENT OF AIRCRAFT.—

“(1) IN GENERAL.—Beginning with fiscal year 2023, for any fiscal year in which the Secretary of the Air Force expects the total aircraft inventory of fighter aircraft of the Air Force or the total primary mission aircraft inventory of fighter aircraft of the Air Force to decrease below the levels specified in section 9062(i)(1) of title 10, United States Code, the Secretary of the Air Force shall submit to the congressional defense committees a report setting forth the following:

Effective date.
Assessments.

“(A) A detailed rationale for the retirement of existing fighter aircraft and a detailed operational analysis of the portfolio of capabilities of the Air Force that demonstrates performance of the designated mission at an equal or greater level of effectiveness as the retiring aircraft.

Analysis.

“(B) An assessment of the implications for the Air Force, the Air National Guard, and the Air Force Reserve of the force mix ratio of fighter aircraft and how existing aircraft inventory levels and unit personnel levels for the active and reserve components are proposed to change during the fiscal year in which fighter aircraft will be retired.

“(C) A detailed assessment of the current operational risk and the operational risk that will be incurred for meeting—

“(i) the requirements of the National Defense Strategy and combatant commanders; and

“(ii) operational plans for major contingency operations and steady-state or rotational operations.

“(D) Such other matters relating to the retirement of fighter aircraft as the Secretary considers appropriate.

“(2) TIMING OF REPORT.—Each report required under paragraph (1) shall be included in the materials submitted in support of the budget of the President (as submitted to Congress under section 1105(a) of title 31, United States Code) for the fiscal year in which applicable decrease in fighter aircraft inventory levels is expected to occur.”;

(2) by striking subsection (c); and

(3) by redesignating subsection (d) as subsection (c).

SEC. 132. CONTRACT FOR LOGISTICS SUPPORT FOR VC–25B AIRCRAFT.

Section 143 of the John S. McCain National Defense Authorization Act for Fiscal Year 2019 (Public Law 115–232; 132 Stat. 1668) is amended—

(1) in paragraph (1), by striking “, unless otherwise approved in accordance with established procedures”; and

(2) in paragraph (2), by inserting “such” before “logistics support contract”.

SEC. 133. PROHIBITION ON CERTAIN REDUCTIONS TO B-1 BOMBER AIRCRAFT SQUADRONS.

(a) **PROHIBITION.**—During the covered period, the Secretary of the Air Force may not—

(1) modify the designed operational capability statement for any B-1 bomber aircraft squadron, as in effect on the date of the enactment of this Act, in a manner that would reduce the capabilities of such a squadron below the levels specified in such statement as in effect on such date; or

(2) reduce, below the levels in effect on such date of enactment, the number of personnel assigned to units responsible for the operation and maintenance of B-1 aircraft if such reduction would affect the ability of such units to meet the capability described in paragraph (1).

(b) **EXCEPTION.**—The prohibition under subsection (a) shall not apply to an individual unit for which the Secretary of the Air Force has commenced the process of replacing B-1 bomber aircraft with B-21 bomber aircraft.

(c) **DEFINITIONS.**—In this section:

(1) The term “covered period” means the period beginning on the date of the enactment of this Act and ending on September 30, 2023.

(2) The term “designed operational capability statement” has the meaning given that term in Air Force Instruction 10–201.

SEC. 134. PROHIBITION ON USE OF FUNDS FOR RETIREMENT OF A-10 AIRCRAFT.

(a) **PROHIBITION.**—Notwithstanding sections 134 and 135 of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114–328; 130 Stat. 2037), and except as provided in subsection (b), none of the funds authorized to be appropriated by this Act for fiscal year 2022 for the Air Force may be obligated to retire, prepare to retire, or place in storage or on backup aircraft inventory status any A-10 aircraft.

(b) **EXCEPTION.**—

(1) **IN GENERAL.**—The limitation under subsection (a) shall not apply to an individual A-10 aircraft that the Secretary of the Air Force determines, on a case-by-case basis, to be no longer mission capable because of a Class A mishap.

(2) **CERTIFICATION REQUIRED.**—If the Secretary determines under paragraph (1) that an aircraft is no longer mission capable, the Secretary shall submit to the congressional defense committees a certification that the status of such aircraft is due to a Class A mishap and not due to lack of maintenance or repairs or other reasons.

(3) **CERTIFICATION ADDITIONAL.**—Any certification submitted under paragraph (2) shall be in addition to the notification and certification required by section 135(b) of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114–328; 130 Stat. 2039).

Determination.

SEC. 135. LIMITATION ON AVAILABILITY OF FUNDS FOR THE B–52 COMMERCIAL ENGINE REPLACEMENT PROGRAM.

(a) **LIMITATION.**—Of the funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2022 for the research and development, design, procurement, or advanced procurement of materials for the B–52 Commercial Engine Replacement Program, not more than 75 percent may be obligated or expended until the date on which the Secretary of Defense submits to the congressional defense committees the report described in section 2432 of title 10, United States Code, for the most recently concluded fiscal quarter for the B–52 Commercial Engine Replacement Program in accordance with subsection (b)(1).

Effective date.
Reports.

(b) **ADDITIONAL REQUIREMENTS.**—

(1) **TREATMENT OF BASELINE ESTIMATE.**—The Secretary of Defense shall deem the Baseline Estimate for the B–52 Commercial Engine Replacement Program for fiscal year 2020 as the original Baseline Estimate for the Program.

(2) **UNIT COST REPORTS AND CRITICAL COST GROWTH.**—

(A) Subject to subparagraph (B), the Secretary shall carry out sections 2433 and 2433a of title 10, United States Code, with respect to the B–52 Commercial Engine Replacement Program, as if the Department had submitted a Selected Acquisition Report for the Program that included the Baseline Estimate for the Program for fiscal year 2020 as the original Baseline Estimate, except that the Secretary shall not carry out subparagraph (B) or subparagraph (C) of section 2433a(c)(1) of such title with respect to the Program.

(B) In carrying out the review required by section 2433a of such title, the Secretary shall not enter into a transaction under section 2371 or 2371b of such title, exercise an option under such a transaction, or otherwise extend such a transaction with respect to the B–52 Commercial Engine Replacement Program except to the extent determined necessary by the milestone decision authority, on a non-delegable basis, to ensure that the program can be restructured as intended by the Secretary without unnecessarily wasting resources.

(c) **DEFINITIONS.**—In this section:

(1) The term “Baseline Estimate” has the meaning given the term in section 2433(a)(2) of title 10, United States Code.

(2) The term “milestone decision authority” has the meaning given the term in section 2366b(g)(3) of title 10, United States Code.

(3) The term “original Baseline Estimate” has the meaning given the term in section 2435(d)(1) of title 10, United States Code.

(4) The term “Selected Acquisition Report” means a Selected Acquisition Report submitted to Congress under section 2432 of title 10, United States Code.

SEC. 136. LIMITATION ON AVAILABILITY OF FUNDS PENDING INFORMATION ON BRIDGE TANKER AIRCRAFT.

(a) **LIMITATION.**—Of the funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2022 for the Office of the Secretary of the Air Force for travel expenses,

Reports.

not more than thirty-five percent may be obligated or expended until—

(1) the Vice Chairman of the Joint Chiefs of Staff submits to the congressional defense committees a report outlining the requirements for the bridge tanker aircraft; and

(2) the Secretary of the Air Force submits to the congressional defense committees—

Acquisition
strategy.

(A) a report detailing the acquisition strategy for the bridge tanker aircraft;

Certification.

(B) a certification identifying the amount of funds required for the acquisition of the bridge tanker aircraft; and

Plan.

(C) a plan for the development of the advanced aerial refueling tanker aircraft (commonly referred to as the “KC–Z”).

(b) **BRIDGE TANKER AIRCRAFT DEFINED.**—In this section, the term “bridge tanker aircraft” means the follow-on tanker aircraft (commonly referred to as the “KC–Y”).

SEC. 137. INVENTORY REQUIREMENTS AND LIMITATIONS RELATING TO CERTAIN AIR REFUELING TANKER AIRCRAFT.

(a) **REPEAL OF MINIMUM INVENTORY REQUIREMENTS FOR KC–10A AIRCRAFT.**—Section 135 of the William M. (Mac) Thornberry National Defense Authorization Act for Fiscal Year 2021 (Public Law 116–283) is amended—

134 Stat. 3431.

(1) by striking subsection (b);

(2) by redesignating subsections (c) through (f) as subsections (b) through (e), respectively;

(3) in subsection (b), as so redesignated, by striking “subsection (e)” and inserting “subsection (d)”; and

(4) by amending subsection (d), as so redesignated, to read as follows:

Time periods.

“(d) **EXCEPTIONS.**—The requirement in subsection (b) shall not apply to an aircraft otherwise required to be maintained by that subsection if the Secretary of the Air Force—

Determination.

“(1) at any time during the period beginning on the date of the enactment of this Act and ending on October 1, 2023, determines, on a case-by-case basis, that such aircraft is no longer mission capable due to mishap or other damage, or being uneconomical to repair; or

Certification.
Deadline.

“(2) during fiscal year 2023, certifies in writing to the congressional defense committees, not later than 30 days before the date of divestment of such aircraft, that the Air Force can meet combatant command tanker aircraft requirements by leveraging Air National Guard and Air Force Reserve capacity with increased Military Personnel Appropriation (MPA) Man-day Tours to the reserve force.”.

(b) **LIMITATION ON RETIREMENT OF KC–135 AIRCRAFT.**—

Time period.

(1) **LIMITATION.**—Notwithstanding section 135 of the William M. (Mac) Thornberry National Defense Authorization Act for Fiscal Year 2021 (Public Law 116–283) and except as provided in paragraph (2), the Secretary of the Air Force may not retire more than 18 KC–135 aircraft during the period beginning on the date of the enactment of this Act and ending on October 1, 2023.

Determination.

(2) **EXCEPTION.**—The limitation in paragraph (1) shall not apply to individual KC–135 aircraft that the Secretary of the

Air Force determines, on a case-by-case basis, to be no longer mission capable because of mishaps, other damage, or being uneconomical to repair.

(c) **PROHIBITION ON REDUCTION OF KC–135 AIRCRAFT IN PMAI OF THE RESERVE COMPONENTS.**—None of the funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2022 for the Air Force may be obligated or expended to reduce the number of KC–135 aircraft designated as primary mission aircraft inventory within the reserve components of the Air Force.

(d) **PRIMARY MISSION AIRCRAFT INVENTORY DEFINED.**—In this section, the term “primary mission aircraft inventory” has the meaning given that term in section 9062(i)(2)(B) of title 10, United States Code.

SEC. 138. MINIMUM INVENTORY OF TACTICAL AIRLIFT AIRCRAFT.

(a) **MINIMUM INVENTORY REQUIREMENT.**—During the covered period, the Secretary of the Air Force shall maintain a total inventory of tactical airlift aircraft of not less than 279 aircraft.

(b) **EXCEPTION.**—The Secretary of the Air Force may reduce the number of tactical airlift aircraft in the Air Force below the minimum number specified in subsection (a) if the Secretary determines, on a case-by-case basis, that an aircraft is no longer mission capable because of a mishap or other damage.

Determination.

(c) **COVERED PERIOD DEFINED.**—In this section, the term “covered period” means the period—

(1) beginning on October 1, 2021; and

(2) ending on the later of—

(A) October 1, 2022; or

(B) the date of the enactment of the next National Defense Authorization Act enacted after the date of the enactment of this Act.

SEC. 139. REPORT RELATING TO REDUCTION OF TOTAL NUMBER OF TACTICAL AIRLIFT AIRCRAFT.

(a) **REPORT REQUIRED.**—Not later than 180 days after the date of the enactment of this Act, the Secretary of the Air Force shall submit to the congressional defense committees a report on any plans of the Air Force to reduce the total number of tactical airlift aircraft in the inventory of the Air Force.

Plans.

(b) **ELEMENTS.**—The report required under subsection (a) shall include, with respect to any plan of the Air Force to reduce the total number of tactical airlift aircraft—

(1) the justification for such reduction;

(2) an explanation of whether and to what extent domestic operations was considered as part of such justification;

(3) analysis of the role of domestic operations during concurrent contingency operations;

Analysis.

(4) analysis of the C–130 aircraft force structures recommended to support wartime mobility requirements as set forth in—

Analysis.

(A) the mobility capability and requirements study conducted under section 144(b) of the National Defense Authorization Act for Fiscal Year 2018 (Public Law 115–91; 131 Stat. 1321); and

(B) the mobility capability requirements study conducted under section 1712 of the National Defense

Authorization Act for Fiscal Year 2020 (Public Law 116–92; 133 Stat. 1803);

(5) the Secretary’s justification for any increased risk that may result from accepting a C–130 aircraft force structure smaller than the force structure recommended by such studies; and

(6) an explanation of whether and to what extent Governors of States that may be affected by the planned reduction were consulted as part of the decision making process.

(c) FORM OF REPORT.—The report required under subsection (a) shall be submitted in unclassified form, but may include a classified annex.

Subtitle E—Defense-wide, Joint, and Multiservice Matters

Effective dates.

SEC. 141. IMPLEMENTATION OF AFFORDABILITY, OPERATIONAL, AND SUSTAINMENT COST CONSTRAINTS FOR THE F-35 AIRCRAFT PROGRAM.

(a) F-35A QUANTITY LIMIT FOR THE AIR FORCE.—

(1) LIMITATION.—Beginning on October 1, 2028, the total number of F-35A aircraft that the Secretary of the Air Force may maintain in the aircraft inventory of the Air Force may not exceed the lesser of—

(A) 1,763; or

(B) the number obtained by—

(i) multiplying 1,763 by the cost-per-tail factor determined under paragraph (2); and

(ii) rounding the product of the calculation under clause (i) to the nearest whole number.

(2) COST-PER-TAIL FACTOR.—For purposes of paragraph (1)(B), the cost-per-tail factor is equal to—

(A) the affordability cost target for F-35A aircraft of the Air Force (as determined by the Secretary of the Air Force in accordance with subsection (e)), divided by

(B) a number equal to the average cost-per-tail-per-year of the F-35A aircraft of the Air Force during fiscal year 2027 (as determined by the Secretary of the Air Force in accordance with subsection (f)).

(b) F-35B QUANTITY LIMIT FOR THE MARINE CORPS.—

(1) LIMITATION.—Beginning on October 1, 2028, the total number of F-35B aircraft that the Secretary of the Navy may maintain in the aircraft inventory of the Marine Corps may not exceed the lesser of—

(A) 353; or

(B) the number obtained by—

(i) multiplying 353 by the cost-per-tail factor determined under paragraph (2); and

(ii) rounding the product of the calculation under clause (i) to the nearest whole number.

(2) COST-PER-TAIL FACTOR.—For purposes of paragraph (1)(B), the cost-per-tail factor is equal to—

(A) the affordability cost target for F-35B aircraft of the Marine Corps (as determined by the Secretary of the Navy in accordance with subsection (e)), divided by

(B) a number equal to the average cost-per-tail-per-year of the F–35B aircraft of the Marine Corps during fiscal year 2027 (as determined by the Secretary of the Navy in accordance with subsection (f)).

(c) F–35C QUANTITY LIMIT FOR THE NAVY.—

(1) LIMITATION.—Beginning on October 1, 2028, the total number of F–35C aircraft that the Secretary of the Navy may maintain in the aircraft inventory of the Navy may not exceed the lesser of—

(A) 273; or

(B) the number obtained by—

(i) multiplying 273 by the cost-per-tail factor determined under paragraph (2); and

(ii) rounding the product of the calculation under clause (i) to the nearest whole number.

(2) COST-PER-TAIL FACTOR.—For purposes of paragraph (1)(B), the cost-per-tail factor is equal to—

(A) the affordability cost target for F–35C aircraft of the Navy (as determined by the Secretary of the Navy in accordance with subsection (e)), divided by

(B) a number equal to the average cost-per-tail-per-year of the F–35C aircraft of the Navy during fiscal year 2027 (as determined by the Secretary of the Navy in accordance with subsection (f)).

(d) F–35C QUANTITY LIMIT FOR THE MARINE CORPS.—

(1) LIMITATION.—Beginning on October 1, 2028, the total number of F–35C aircraft that the Secretary of the Navy may maintain in the aircraft inventory of the Marine Corps may not exceed the lesser of—

(A) 67; or

(B) the number obtained by—

(i) multiplying 67 by the cost-per-tail factor determined under paragraph (2); and

(ii) rounding the product of the calculation under clause (i) to the nearest whole number.

(2) COST-PER-TAIL FACTOR.—For purposes of paragraph (1)(B), the cost-per-tail factor is equal to—

(A) the affordability cost target for F–35C aircraft of the Marine Corps (as determined by the Secretary of the Navy in accordance with subsection (e)), divided by

(B) a number equal to the average cost-per-tail-per-year of the F–35C aircraft of the Marine Corps during fiscal year 2027 (as determined by the Secretary of the Navy in accordance with subsection (f)).

(e) DETERMINATION OF REQUIRED AFFORDABILITY COST TARGETS.—

(1) AIR FORCE.—Not later than October 1, 2025, the Secretary of the Air Force shall—

(A) determine an affordability cost target to be used for purposes of subsection (a)(2)(A), which shall be the dollar amount the Secretary determines to represent the required cost-per-tail-per-year for an F–35A aircraft of the Air force for fiscal year 2027; and

(B) submit to the congressional defense committees a certification identifying the affordability cost target determined under subparagraph (A).

Deadlines.
Certifications.

(2) NAVY AND MARINE CORPS.—Not later than October 1, 2025, the Secretary of the Navy shall—

(A) determine an affordability cost target to be used for purposes of subsection (b)(2)(A), which shall be the dollar amount the Secretary determines to represent the required cost-per-tail-per-year for an F–35B aircraft of the Marine Corps for fiscal year 2027;

(B) determine an affordability cost target to be used for purposes of subsection (c)(2)(A), which shall be the dollar amount the Secretary determines to represent the required cost-per-tail-per-year for an F–35C aircraft of the Navy for fiscal year 2027;

(C) determine an affordability cost target to be used for purposes of subsection (d)(2)(A), which shall be the dollar amount the Secretary determines to represent the required cost-per-tail-per-year for an F–35C aircraft of the Marine Corps for fiscal year 2027; and

(D) submit to the congressional defense committees a certification identifying each affordability cost target determined under subparagraphs (A) through (C).

(f) DETERMINATION OF ACTUAL COST-PER-TAIL-PER-YEAR FOR FISCAL YEAR 2027.—

Deadline.

(1) IN GENERAL.—Not later than 90 days after the end of fiscal year 2027—

(A) the Secretary of the Air Force shall determine the average cost-per-tail of the F–35A aircraft of the Air Force during fiscal year 2027; and

(B) the Secretary of the Navy shall determine the average cost-per-tail of—

(i) the F–35B aircraft of the Marine Corps during fiscal year 2027;

(ii) the F–35C aircraft of the Navy during fiscal year 2027; and

(iii) the F–35C aircraft of the Marine Corps during fiscal year 2027.

(2) CALCULATION.—For purposes of paragraph (1), the average cost-per-tail of a variant of an F–35 aircraft of an Armed Force shall be determined by—

(A) adding the total amount expended for fiscal year 2027 (in base year fiscal 2012 dollars) for all such aircraft in the inventory of the Armed Force for—

(i) unit level manpower;

(ii) unit operations;

(iii) maintenance;

(iv) sustaining support;

(v) continuing system support; and

(vi) modifications; and

(B) dividing the sum obtained under subparagraph (A) by the average number of such aircraft in the inventory of the Armed Force during such fiscal year.

Certification.

(g) WAIVER AUTHORITY.—The Secretary of Defense may waive the quantity limits under any of subsections (a) through (d) if, prior to issuing such a waiver, the Secretary certifies to the congressional defense committees that procuring additional quantities of a variant of an F–35 aircraft above the applicable quantity limit are required to meet the national military strategy requirements

of the combatant commanders. The authority of the Secretary under this subsection may not be delegated.

(h) AIRCRAFT DEFINED.—In this section, the term “aircraft” means aircraft owned and operated by an Armed Force of the United States and does not include aircraft owned or operated by an armed force of a foreign country.

SEC. 142. TRANSFER OF F-35 PROGRAM RESPONSIBILITIES FROM THE F-35 JOINT PROGRAM OFFICE TO THE DEPARTMENT OF THE AIR FORCE AND THE DEPARTMENT OF THE NAVY.

Deadlines.

(a) TRANSFER OF FUNCTIONS.—

(1) SUSTAINMENT FUNCTIONS.—Not later than October 1, 2027, the Secretary of Defense shall transfer all functions relating to the management, planning, and execution of sustainment activities for the F-35 aircraft program from the F-35 Joint Program Office to the Secretary of the Air Force and the Secretary of the Navy as follows:

(A) All functions of the F-35 Joint Program Office relating to the management, planning, and execution of sustainment activities for F-35B and F-35C aircraft shall be transferred to the Department of the Navy, and the Secretary of the Navy shall be the official in the Department of Defense with principal responsibility for carrying out such functions.

(B) All functions of the F-35 Joint Program Office relating to the management, planning, and execution of sustainment activities for F-35A aircraft shall be transferred to the Department of the Air Force, and the Secretary of the Air Force shall be the official in the Department of Defense with principal responsibility for carrying out such functions.

(2) ACQUISITION FUNCTIONS.—Not later than October 1, 2029, the Secretary of Defense shall transfer all acquisition functions for the F-35 aircraft program from the F-35 Joint Program Office to the Secretary of the Air Force and the Secretary of the Navy as follows:

(A) All functions of the F-35 Joint Program Office relating to the acquisition of F-35B and F-35C aircraft shall be transferred to the Department of the Navy, and the Secretary of the Navy shall be the official in the Department of Defense with principal responsibility for carrying out such functions.

(B) All functions of the F-35 Joint Program Office relating to the acquisition of F-35A aircraft shall be transferred to the Department of the Air Force, and the Secretary of the Air Force shall be the official in the Department of Defense with principal responsibility for carrying out such functions.

(b) TRANSITION PLAN.—Not later than October 1, 2022, the Under Secretary of Defense for Acquisition and Sustainment, in coordination with the Secretary of the Air Force and the Secretary of the Navy, shall submit to the congressional defense committees a plan for carrying out the transfers required under subsection (a).

Coordination.

SEC. 143. LIMITATION ON AVAILABILITY OF FUNDS FOR AIR-BASED AND SPACE-BASED GROUND MOVING TARGET INDICATOR CAPABILITIES.

(a) **REVIEW OF REDUNDANCIES.**—The Secretary of Defense shall conduct a review of all established and planned efforts to provide air-based and space-based ground moving target indicator capability to identify, eliminate, and prevent redundancies of such efforts across the Department of Defense.

(b) **LIMITATION.**—Of the funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2022 for the capability described in subsection (a), not more than 75 percent may be obligated or expended for procurement or research and development for such capability until the date on which the Vice Chairman of the Joint Chiefs of Staff submits to the congressional defense committees the information required under subsection (c).

Consultation.

(c) **INFORMATION REQUIRED.**—The Vice Chairman of the Joint Chiefs of Staff, in consultation with the Secretaries of the military departments and the heads of such other agencies as the Secretary of Defense considers relevant to the ground moving target indicator capability described in subsection (a), shall submit to the congressional defense committees the following:

List.

(1) A list of all procurement and research and development efforts relating to the capability that are funded by—

(A) the Department of Defense; or

(B) any other department or agency of the Federal Government.

(2) A description of how the efforts described in paragraph (1) will—

(A) provide real-time information to relevant military end users through the use of air battle managers; and

(B) meet the needs of combatant commanders with respect to priority target tasking.

Analysis.
Compliance.

(3) Analysis of whether, and to what extent, the efforts described in paragraph (1) comply with—

(A) the joint all domain command and control requirements and standards of the Department; and

(B) the validated requirements of the Joint Requirements Oversight Council with respect to ground moving target indicator capabilities.

(4) Identification of any potential areas of overlap among the efforts described in paragraph (1).

Time period.

SEC. 144. LIMITATION ON AVAILABILITY OF FUNDS FOR PROCUREMENT OF AIRCRAFT SYSTEMS FOR THE ARMED OVERWATCH PROGRAM.

None of the funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2022 for the Department of Defense for the procurement of aircraft systems for the armed overwatch program of the United States Special Operations Command may be obligated or expended until a period of 15 days has elapsed following the date on which the acquisition roadmap required by section 165(a) of the William M. (Mac) Thornberry National Defense Authorization Act for Fiscal Year 2021 (Public Law 116–283) is submitted to the congressional defense committees.

SEC. 145. ANALYSIS OF CERTAIN RADAR INVESTMENT OPTIONS.

(a) **ANALYSIS REQUIRED.**—

(1) IN GENERAL.—The Director of Cost Assessment and Program Evaluation shall conduct an analysis of covered radar systems operating in the Navy and the Missile Defense Agency over the period covered by the most recent future-years defense program submitted to Congress under section 221 of title 10, United States Code.

(2) ELEMENTS.—The analysis conducted under paragraph (1) shall include the following:

Assessments.

(A) An independent cost estimate of each covered radar system described in paragraph (1) and each variant thereof.

Cost estimate.

(B) An assessment of the capability provided by each such system and variant to address current and future air and missile defense threats.

(C) In the case of covered radar systems operating in the Navy, an assessment of the capability and technical suitability of each planned configuration for such systems to support current and future distributed maritime operations in contested environments.

(b) REPORT.—Not later than May 1, 2022, the Director of Cost Assessment and Program Evaluation shall submit to the congressional defense committees a report that includes the following:

(1) The results of the analysis conducted under subsection (a)(1).

(2) Such recommendations as the Director may have to achieve greater capability, affordability, and sustainability across covered radar systems described in subsection (a)(1), including variants thereof, during fiscal years 2022 through 2027, including whether—

Recommendations.
Time period.

(A) to continue to develop and maintain each covered radar system separately; or

(B) to pursue fewer configurations of such systems.

(c) COVERED RADAR SYSTEMS DEFINED.—In this section, the term “covered radar systems” means radar systems with the following designations an any variants thereof:

- (1) AN/SPY–1.
- (2) AN/SPY–3.
- (3) AN/SPY–6.
- (4) AN/SPY–7.

SEC. 146. REVIEW AND BRIEFING ON FIELDIED MAJOR WEAPON SYSTEMS.

(a) REVIEW AND BRIEFING REQUIRED.—Not later than March 1, 2023, the Secretary of Defense shall conduct a review, and provide a briefing to the congressional defense committees, on the processes of the Department of Defense for the management of strategic risk with respect to capabilities of fieldied major weapon systems funded in the most recent future-years defense program submitted to Congress under section 221 of title 10, United States Code, including a description of the analytical and implementation methodologies used—

Deadline.

(1) to ensure that fieldied major weapon systems meet current and emerging military threats;

(2) to upgrade or replace any fieldied major weapon systems that is not capable of effectively meeting operational requirements or current, evolving, or emerging threats; and

(3) to develop and implement plans for the replacement and divestment of fieldied major weapon systems that address

lower-priority military threats, as determined by intelligence assessments and operational requirements.

(b) MAJOR WEAPON SYSTEM DEFINED.—In this section, the term “major weapon system” has the meaning given such term under section 2379(f) of title 10, United States Code.

Time period.

SEC. 147. REPORTS ON EXERCISE OF WAIVER AUTHORITY WITH RESPECT TO CERTAIN AIRCRAFT EJECTION SEATS.

Not later than February 1, 2022, and on a semiannual basis thereafter through February 1, 2024, the Secretary of the Air Force and the Secretary of the Navy shall each submit to the congressional defense committees a report that includes, with respect to each location at which active flying operations are conducted or planned as of the date report—

(1) the number of aircrew ejection seats installed in the aircraft used, or expected to be used, at such location;

(2) of the ejection seats identified under paragraph (1), the number that have been, or are expected to be, placed in service subject to a waiver due to—

(A) deferred maintenance; or

(B) the inability to obtain parts to make repairs or to fulfill time-compliance technical orders; and

(3) for each ejection seat subject to a waiver as described in paragraph (2)—

(A) the date on which the waiver was issued; and

(B) the name and title of the official who authorized the waiver.

TITLE II—RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

Subtitle A—Authorization of Appropriations

Sec. 201. Authorization of appropriations.

Subtitle B—Program Requirements, Restrictions, and Limitations

Sec. 211. Codification of National Defense Science and Technology Strategy.

Sec. 212. Codification of direct hire authority at personnel demonstration laboratories for advanced degree holders.

Sec. 213. Duties and regional activities of the Defense Innovation Unit.

Sec. 214. Codification of requirement for Defense Established Program to Stimulate Competitive Research.

Sec. 215. Codification of authorities relating to Department of Defense science and technology reinvention laboratories.

Sec. 216. Improvements relating to steering committee on emerging technology and national security threats.

Sec. 217. Improvements relating to national network for microelectronics research and development.

Sec. 218. Modification of mechanisms for expedited access to technical talent and expertise at academic institutions to support Department of Defense missions.

Sec. 219. Technical correction to pilot program for the enhancement of the research, development, test, and evaluation centers of the Department of Defense.

Sec. 220. Defense research and engineering activities at minority institutions.

Sec. 221. Test program for engineering plant of DDG(X) destroyer vessels.

Sec. 222. Consortium to study irregular warfare.

Sec. 223. Development and implementation of digital technologies for survivability and lethality testing.

Sec. 224. Assessment and correction of deficiencies in the pilot breathing systems of tactical fighter aircraft.

Sec. 225. Identification of the hypersonics facilities and capabilities of the Major Range and Test Facility Base.

- Sec. 226. Review of artificial intelligence applications and establishment of performance metrics.
- Sec. 227. Modification of the joint common foundation program.
- Sec. 228. Executive education on emerging technologies for senior civilian and military leaders.
- Sec. 229. Activities to accelerate development and deployment of dual-use quantum technologies.
- Sec. 230. National Guard participation in microreactor testing and evaluation.
- Sec. 231. Pilot program on the use of private sector partnerships to promote technology transition.
- Sec. 232. Pilot program on data repositories to facilitate the development of artificial intelligence capabilities for the Department of Defense.
- Sec. 233. Pilot programs for deployment of telecommunications infrastructure to facilitate 5G deployment on military installations.
- Sec. 234. Limitation on development of prototypes for the Optionally Manned Fighting Vehicle pending requirements analysis.
- Sec. 235. Limitation on transfer of certain operational flight test events and reductions in operational flight test capacity.
- Sec. 236. Limitation on availability of funds for certain C–130 aircraft.
- Sec. 237. Limitation on availability of funds for VC–25B aircraft program pending submission of documentation.
- Sec. 238. Limitation on availability of funds for the High Accuracy Detection and Exploitation System.

Subtitle C—Plans, Reports, and Other Matters

- Sec. 241. Modification to annual report of the Director of Operational Test and Evaluation.
- Sec. 242. Adaptive engine transition program acquisition strategy for the F–35A aircraft.
- Sec. 243. Acquisition strategy for an advanced propulsion system for F–35B and F–35C aircraft.
- Sec. 244. Assessment of the development and test enterprise of the Air Force Research Laboratory.
- Sec. 245. Study on efficient use of Department of Defense test and evaluation organizations, facilities, and laboratories.
- Sec. 246. Report on autonomy integration in major weapon systems.
- Sec. 247. Reports and briefings on recommendations of the National Security Commission on Artificial Intelligence regarding the Department of Defense.

Subtitle A—Authorization of Appropriations

SEC. 201. AUTHORIZATION OF APPROPRIATIONS.

Funds are hereby authorized to be appropriated for fiscal year 2022 for the use of the Department of Defense for research, development, test, and evaluation, as specified in the funding table in section 4201.

Subtitle B—Program Requirements, Restrictions, and Limitations

SEC. 211. CODIFICATION OF NATIONAL DEFENSE SCIENCE AND TECHNOLOGY STRATEGY.

(a) IN GENERAL.—Chapter 2 of title 10, United States Code, as amended by section 1081 of this Act, is further amended by inserting before section 119, the following new section:

“§ 118c. National Defense Science and Technology Strategy 10 USC 118c.

“(a) IN GENERAL.—The Secretary of Defense shall develop a strategy—

“(1) to articulate the science and technology priorities, goals, and investments of the Department of Defense;

Recommendations.

“(2) to make recommendations on the future of the defense research and engineering enterprise and its continued success in an era of strategic competition; and

“(3) to establish an integrated approach to the identification, prioritization, development, and fielding of emerging capabilities and technologies.

“(b) ELEMENTS.—The strategy required under subsection (a) shall—

“(1) inform the development of each National Defense Strategy under section 113(g) of this title and be aligned with Government-wide strategic science and technology priorities, including the defense budget priorities of the Office of Science and Technology Policy of the President;

“(2) link the priorities, goals, and investments in subsection (a)(1) with needed critical enablers to specific programs, or broader portfolios, including—

“(A) personnel and workforce capabilities;

“(B) facilities for research and test infrastructure;

“(C) relationships with academia, the acquisition community, the operational community, the defense industry, and the commercial sector; and

“(D) funding, investments, personnel, facilities, and relationships with other departments and agencies of the Federal Government outside the Department of Defense without which defense capabilities would be severely degraded;

“(3) support the coordination of acquisition priorities, programs, and timelines of the Department with the activities of the defense research and engineering enterprise;

“(4) include recommendations for changes in authorities, regulations, policies, or any other relevant areas, that would support the achievement of the goals set forth in the strategy;

“(5) identify mechanisms that may be used to identify critical capabilities and technological applications required to address operational challenges outlined in the National Defense Strategy under section 113(g) of this title;

“(6) identify processes to inform senior leaders and policy makers on the potential impacts of emerging technologies for the purpose of shaping the development of policies and regulations;

“(7) support the efficient integration of capabilities and technologies to close near-term, mid-term, and long-term capability gaps;

“(8) support the development of appropriate investments in research and technology development within the Department, and appropriate partnerships with the defense industry and commercial industry; and

“(9) identify mechanisms to provide information on defense technology priorities to industry to enable industry to invest deliberately in emerging technologies to build and broaden the capabilities of the industrial base.

“(c) COORDINATION.—The Secretary of Defense shall develop the strategy under subsection (a) in coordination with relevant entities within the Office of the Secretary of Defense, the military departments, the research organizations of Defense Agencies and Department of Defense Field Activities, the intelligence community,

Recommendations.

defense and technology industry partners, research and development partners, other Federal research agencies, allies and partners of the United States, and other appropriate organizations.

“(d) CONSIDERATIONS.—In developing the strategy under subsection (a), the Secretary of Defense shall consider—

“(1) the operational challenges identified in the National Defense Strategy and the technological threats and opportunities identified through the global technology review and assessment activities of the Department of Defense, the intelligence community, and other technology partners;

“(2) current military requirements and emerging technologies in the defense and commercial sectors;

“(3) the capabilities of foreign near-peer and peer nations;

“(4) the need to support the development of a robust trusted and assured industrial base to manufacture and sustain the technologies and capabilities to meet defense requirements; and

“(5) near-term, mid-term, and long-term technology and capability development goals.

“(e) REPORTS.—

“(1) SUBSEQUENT REPORTS AND UPDATES.—Not later than February 1 of the year following each fiscal year in which the National Defense Strategy is submitted under section 113(g) of this title, the Secretary of Defense shall submit to the congressional defense committees a report that includes an updated version of the strategy under subsection (a). Each update to such strategy shall be prepared for purposes of such report based on emerging requirements, technological developments in the United States, and technical intelligence derived from global technology reviews conducted by the Secretary of Defense.

“(2) FORM OF REPORTS.—The reports submitted under paragraph (1) may be submitted in a form determined appropriate by the Secretary of Defense, which may include classified, unclassified, and publicly releasable formats, as appropriate.

“(f) BRIEFING.—Not later than 90 days after the date on which the strategy under subsection (a) is completed, the Secretary of Defense shall provide to the Committees on Armed Services of the Senate and the House of Representatives a briefing on the implementation plan for the strategy. Deadline.

“(g) DESIGNATION.—The strategy developed under subsection (a) shall be known as the ‘National Defense Science and Technology Strategy’.”

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting before the item relating to section 119 the following new item: 10 USC
prec. 111.

“118c. National Defense Science and Technology Strategy.”

(c) CONFORMING REPEAL.—Section 218 of the John S. McCain National Defense Authorization Act for Fiscal Year 2019 (Public Law 115–232; 132 Stat. 1679) is repealed.

(d) CONFORMING AMENDMENT.—Section 2358b(c)(2)(B)(ii) of title 10, United States Code, is amended by striking “section 218 of the John S. McCain National Defense Authorization Act for Fiscal Year 2019 (Public Law 115–232; 132 Stat. 1679)” and inserting “section 118c of this title”.

SEC. 212. CODIFICATION OF DIRECT HIRE AUTHORITY AT PERSONNEL DEMONSTRATION LABORATORIES FOR ADVANCED DEGREE HOLDERS.

(a) **IN GENERAL.**—Section 2358a of title 10, United States Code, is amended—

(1) by redesignating subsection (f) as subsection (g); and

(2) by inserting after subsection (e) the following new subsection (f):

“(f) **DIRECT HIRE AUTHORITY AT PERSONNEL DEMONSTRATION LABORATORIES FOR ADVANCED DEGREE HOLDERS.**—

“(1) **AUTHORITY.**—The Secretary of Defense may appoint qualified candidates possessing an advanced degree to positions described in paragraph (2) without regard to the provisions of subchapter I of chapter 33 of title 5, other than sections 3303 and 3328 of such title.

“(2) **APPLICABILITY.**—This subsection applies with respect to candidates for scientific and engineering positions within any laboratory designated by section 4121(b) of this title as a Department of Defense science and technology reinvention laboratory.

“(3) **LIMITATION.**—(A) Authority under this subsection may not, in any calendar year and with respect to any laboratory, be exercised with respect to a number of candidates greater than the number equal to 5 percent of the total number of scientific and engineering positions within such laboratory that are filled as of the close of the fiscal year last ending before the start of such calendar year.

“(B) For purposes of this paragraph, positions and candidates shall be counted on a full-time equivalent basis.”.

(b) **REPEAL.**—Section 1108 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110–417; 122 Stat. 4618) is hereby repealed.

(c) **CONFORMING AMENDMENTS.**—

(1) Section 255(b)(5)(B) of the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116–92; 10 U.S.C. 2223a note) is amended by striking “in section 2358a(f)(3) of” and inserting “in section 2358a(g) of”.

(2) Section 223(d)(3)(C) of the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116–92; 10 U.S.C. 2358 note) is amended by striking “in section 2358a(f) of” and inserting “in section 2358a(g) of”.

(3) Section 249(g)(1)(C) of the William M. (Mac) Thornberry National Defense Authorization Act for Fiscal Year 2021 (Public Law 116–283) is amended by striking “in section 2358a(f)(3) of” and inserting “in section 2358a(g) of”.

SEC. 213. DUTIES AND REGIONAL ACTIVITIES OF THE DEFENSE INNOVATION UNIT.

(a) **DUTIES OF DIU JOINT RESERVE DETACHMENT.**—Clause (ii) of section 2358b(c)(2)(B) of title 10, United States Code, is amended to read as follows:

“(ii) the technology requirements of the Department of Defense, as identified in the most recent—

“(I) National Defense Strategy;

“(II) National Defense Science and Technology Strategy as directed under section 218 of the John S. McCain National Defense Authorization Act for

10 USC note
prec. 1580.

10 USC 4001
note.

Fiscal Year 2019 (Public Law 115–232; 132 Stat. 1679); and

“(III) relevant policy and guidance from the Secretary of Defense; and”.

(b) REGIONAL ACTIVITIES.—Subject to the availability of appropriations for such purpose, the Secretary of Defense may expand the efforts of the Defense Innovation Unit to engage and collaborate with private-sector industry and communities in various regions of the United States—

10 USC 4061
note.

(1) to accelerate the adoption of commercially developed advanced technology in modernization priority areas and such other key technology areas as may be identified by the Secretary; and

(2) to expand outreach to communities that do not otherwise have a Defense Innovation Unit presence, including economically disadvantaged communities.

SEC. 214. CODIFICATION OF REQUIREMENT FOR DEFENSE ESTABLISHED PROGRAM TO STIMULATE COMPETITIVE RESEARCH.

(a) IN GENERAL.—Chapter 301 of title 10, United States Code, as added by section 1841 of the William M. (Mac) Thornberry National Defense Authorization Act for Fiscal Year 2021 (Public Law 116–283) and amended by this Act, is further amended by inserting after section 4007 the following new section:

“§ 4010. Defense Established Program to Stimulate Competitive Research

10 USC 4010.

“(a) PROGRAM REQUIRED.—The Secretary of Defense, acting through the Under Secretary of Defense for Research and Engineering, shall carry out a Defense Established Program to Stimulate Competitive Research (DEPSCoR) as part of the university research programs of the Department of Defense.

“(b) PROGRAM OBJECTIVES.—The objectives of the program are as follows:

“(1) To increase the number of university researchers in eligible States capable of performing science and engineering research responsive to the needs of the Department of Defense.

“(2) To enhance the capabilities of institutions of higher education in eligible States to develop, plan, and execute science and engineering research that is relevant to the mission of the Department of Defense and competitive under the peer-review systems used for awarding Federal research assistance.

“(3) To increase the probability of long-term growth in the competitively awarded financial assistance that institutions of higher education in eligible States receive from the Federal Government for science and engineering research.

“(c) PROGRAM ACTIVITIES.—In order to achieve the program objectives, the following activities are authorized under the program:

“(1) Competitive award of grants for research and instrumentation to support such research.

Grants.

“(2) Competitive award of financial assistance for graduate students.

“(3) To provide assistance to science and engineering researchers at institutions of higher education in eligible States

	through collaboration between Department of Defense laboratories and such researchers.
	“(4) Any other activities that are determined necessary to further the achievement of the objectives of the program.
Designation.	“(d) ELIGIBLE STATES.—(1) The Under Secretary of Defense for Research and Engineering shall designate which States are eligible States for the purposes of this section.
Designation. Determination.	“(2) The Under Secretary shall designate a State as an eligible State if, as determined by the Under Secretary—
Time periods.	“(A) the average annual amount of all Department of Defense obligations for science and engineering research and development that were in effect with institutions of higher education in the State for the three fiscal years preceding the fiscal year for which the designation is effective or for the last three fiscal years for which statistics are available is less than the amount determined by multiplying 60 percent times the amount equal to 1/50 of the total average annual amount of all Department of Defense obligations for science and engineering research and development that were in effect with institutions of higher education in the United States for such three preceding or last fiscal years, as the case may be; and
	“(B) the State has demonstrated a commitment to developing research bases in the State and to improving science and engineering research and education programs in areas relevant to the mission of the Department of Defense at institutions of higher education in the State.
Time period.	“(3) The Under Secretary shall not remove a designation of a State under paragraph (2) because the State exceeds the funding levels specified under subparagraph (A) of such paragraph unless the State has exceeded such funding levels for at least two consecutive years.
Consultation.	“(e) COORDINATION WITH SIMILAR FEDERAL PROGRAMS.—(1) The Secretary may consult with the Director of the National Science Foundation and the Director of the Office of Science and Technology Policy in the planning, development, and execution of the program and may coordinate the program with the Established Program to Stimulate Competitive Research conducted by the National Science Foundation and with similar programs sponsored by other departments and agencies of the Federal Government.
	“(2) All solicitations under the Defense Established Program to Stimulate Competitive Research may be made to, and all awards may be made through, the State committees established for purposes of the Established Program to Stimulate Competitive Research conducted by the National Science Foundation.
	“(3) A State committee referred to in paragraph (2) shall ensure that activities carried out in the State of that committee under the Defense Established Program to Stimulate Competitive Research are relevant to the mission of the Department of Defense and coordinated with the activities carried out in the State under other similar initiatives of the Federal Government to stimulate competitive research.
	“(f) STATE DEFINED.—In this section, the term ‘State’ means a State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, the Virgin Islands, American Samoa, and the Commonwealth of the Northern Mariana Islands.”

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 301 of such title, as added by section 1841 of the William M. (Mac) Thornberry National Defense Authorization Act for Fiscal Year 2021 (Public Law 116–283) and amended by this Act, is further amended by striking the item relating to section 4010 and inserting the following new item:

10 USC
prec. 4001.

“4010. Defense Established Program to Stimulate Competitive Research.”.

(c) CONFORMING REPEALS.—(1) Section 307 of title I of the 1997 Emergency Supplemental Appropriations Act for Recovery from Natural Disasters, and for Overseas Peacekeeping Efforts, Including Those in Bosnia (Public Law 105–18; 10 U.S.C. 2358 note) is repealed.

(2) Section 257 of title II of division A of the National Defense Authorization Act for Fiscal Year 1995 (Public Law 103–337; 10 U.S.C. 2358 note) is repealed.

(d) EFFECTIVE DATE.—This section and the amendments and repeals made by this section shall take effect immediately after the effective date of the amendments made by title XVIII of the William M. (Mac) Thornberry National Defense Authorization Act for Fiscal Year 2021 (Public Law 116–283).

10 USC 4010
note.

SEC. 215. CODIFICATION OF AUTHORITIES RELATING TO DEPARTMENT OF DEFENSE SCIENCE AND TECHNOLOGY REINVENTION LABORATORIES.

(a) IN GENERAL.—Subchapter III of chapter 303 of title 10, United States Code, as added by section 1842 of the William M. (Mac) Thornberry National Defense Authorization Act for Fiscal Year 2021 (Public Law 116–283), is amended by inserting after the heading for subchapter III the following new section:

“§ 4121. Science and technology reinvention laboratories: authority and designation

10 USC 4121.

“(a) IN GENERAL.—(1) The Secretary of Defense may carry out personnel demonstration projects at Department of Defense laboratories designated by the Secretary as Department of Defense science and technology reinvention laboratories.

“(2)(A) Each personnel demonstration project carried out under the authority of paragraph (1) shall be generally similar in nature to the China Lake demonstration project.

“(B) For purposes of subparagraph (A), the China Lake demonstration project is the demonstration project that is authorized by section 6 of the Civil Service Miscellaneous Amendments Act of 1983 (Public Law 98–224) to be continued at the Naval Weapons Center, China Lake, California, and at the Naval Ocean Systems Center, San Diego, California.

California.

“(3) If the Secretary carries out a demonstration project at a laboratory pursuant to paragraph (1), section 4703 of title 5 shall apply to the demonstration project, except that—

Applicability.

“(A) subsection (d) of such section 4703 shall not apply to the demonstration project;

“(B) the authority of the Secretary to carry out the demonstration project is that which is provided in paragraph (1) rather than the authority which is provided in such section 4703; and

“(C) the Secretary shall exercise the authorities granted to the Office of Personnel Management under such section 4703 through the Under Secretary of Defense for Research

and Engineering (who shall place an emphasis in the exercise of such authorities on enhancing efficient operations of the laboratory and who may, in exercising such authorities, request administrative support from science and technology reinvention laboratories to review, research, and adjudicate personnel demonstration project proposals).

“(4) The employees of a laboratory covered by a personnel demonstration project carried out under this section shall be exempt from, and may not be counted for the purposes of, any constraint or limitation in a statute or regulation in terms of supervisory ratios or maximum number of employees in any specific category or categories of employment that may otherwise be applicable to the employees. The employees shall be managed by the director of the laboratory subject to the supervision of the Under Secretary of Defense for Research and Engineering.

“(5) The limitations in section 5373 of title 5 do not apply to the authority of the Secretary under this subsection to prescribe salary schedules and other related benefits.

“(b) DESIGNATION OF LABORATORIES.—Each of the following is hereby designated as a Department of Defense science and technology reinvention laboratory as described in subsection (a):

“(1) The Air Force Research Laboratory.

“(2) The Joint Warfare Analysis Center.

“(3) The Army Research Institute for the Behavioral and Social Sciences.

“(4) The Combat Capabilities Development Command Armaments Center.

“(5) The Combat Capabilities Development Command Army Research Laboratory.

“(6) The Combat Capabilities Development Command Aviation and Missile Center.

“(7) The Combat Capabilities Development Command Chemical Biological Center.

“(8) The Combat Capabilities Development Command Command, Control, Communications, Computers, Cyber, Intelligence, Surveillance, and Reconnaissance Center.

“(9) The Combat Capabilities Development Command Ground Vehicle Systems Center.

“(10) The Combat Capabilities Development Command Soldier Center.

“(11) The Engineer Research and Development Center.

“(12) The Medical Research and Development Command.

“(13) The Technical Center, US Army Space and Missile Defense Command.

“(14) The Naval Air Systems Command Warfare Centers.

“(15) The Naval Facilities Engineering Command Engineering and Expeditionary Warfare Center.

“(16) The Naval Information Warfare Centers, Atlantic and Pacific.

“(17) The Naval Medical Research Center.

“(18) The Naval Research Laboratory.

“(19) The Naval Sea Systems Command Warfare Centers.

“(20) The Office of Naval Research.

“(c) CONVERSION PROCEDURES.—The Secretary of Defense shall implement procedures to convert the civilian personnel of each Department of Defense science and technology reinvention laboratory, as so designated by subsection (b), to the personnel system

under an appropriate demonstration project (as referred to in subsection (a)). Any conversion under this subsection—

“(1) shall not adversely affect any employee with respect to pay or any other term or condition of employment;

“(2) shall be consistent with section 4703(f) of title 5;

“(3) shall be completed within 18 months after designation; Deadline.

and

“(4) shall not apply to prevailing rate employees (as defined by section 5342(a)(2) of title 5) or senior executives (as defined by section 3132(a)(3) of such title).

“(d) LIMITATION.—The science and technology reinvention laboratories, as so designated by subsection (a), may not implement any personnel system, other than a personnel system under an appropriate demonstration project (as referred to in subsection (a)), without prior congressional authorization.”.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 303 of such title, as added by section 1842 of the William M. (Mac) Thornberry National Defense Authorization Act for Fiscal Year 2021 (Public Law 116–283), is amended by striking the item relating to section 4121 and inserting the following:

10 USC
prec. 4061.

“4121. Science and technology reinvention laboratories: authority and designation.”.

(c) CONFORMING REPEALS.—(1) Section 1105 of the National Defense Authorization Act For Fiscal Year 2010 (Public Law 111–84; 10 U.S.C. 2358 note) is hereby repealed.

(2) Subsection (b) of section 342 of the National Defense Authorization Act for Fiscal Year 1995 (Public Law 103–337; 10 U.S.C. 2358 note) is hereby repealed.

(d) CONFORMING AMENDMENTS.—(1) Section 1601(f) of the National Defense Authorization Act for Fiscal Year 2004 (Public Law 108–136; 10 U.S.C. 2358 note) is amended by striking “section 342 of the National Defense Authorization Act for Fiscal Year 1995 (Public Law 103–337; 108 Stat. 2721)” and inserting “section 4121(a) of title 10, United States Code”.

(2) Section 1107 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 10 U.S.C. 2358 note) is amended—

10 USC 4121
note.

(A) by amending subsection (a) to read as follows:

“(e) REQUIREMENT.—The Secretary of Defense shall take all necessary actions to fully implement and use the authorities provided to the Secretary under subsection (a) of section 4121 of title 10, United States Code, to carry out personnel management demonstration projects at Department of Defense laboratories designated by subsection (b) of such section as Department of Defense science and technology reinvention laboratories.”;

(B) in subsection (c), by striking “designated by section 1105(a) of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84; 123 Stat. 2486)” and inserting “designated by section 4121(b) of title 10, United States Code”; and

(C) in subsection (e)(3), by striking “section 342(b) of the National Defense Authorization Act for Fiscal Year 1995 (as cited in subsection (a))” and inserting “section 4121(a) of title 10, United States Code”.

(3) Section 1109(c) of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114–92; 10 U.S.C. 2358 note) is amended by striking “specified in section 1105(a) of the National

Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84; 123 Stat. 2486; 10 U.S.C. 2358 note) and inserting “designated under section 4121(b) of title 10, United States Code”.

(4) Section 2803(a)(1) of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114–92; 10 U.S.C. 2358 note) is amended by striking “(as designated by section 1105(a) of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84; 10 U.S.C. 2358 note)” and inserting “(as designated under section 4121(b) of title 10, United States Code)”.

(5) Section 1108(b) of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110–417; 10 U.S.C. 1580 note prec.) is amended by striking “section 1105(a) of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84; 123 Stat. 2486; 10 U.S.C. 2358 note)” and inserting “section 4121(b) of title 10, United States Code”.

(6) Section 211(g) of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114–328; 10 U.S.C. 2358 note) is amended by striking “under section 1105 of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84; 10 U.S.C. 2358 note), as amended” and inserting “under section 4121(b) of title 10, United States Code”.

(7) Section 233(a)(2)(A) of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114–328; 10 U.S.C. 2358 note) is amended by striking “as specified in section 1105(a) of the National Defense Authorization Act for Fiscal Year 2010 (10 U.S.C. 2358 note)” and inserting “as designated under section 4121(b) of title 10, United States Code”.

(8) Section 223(d)(3)(B) of the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116–92; 10 U.S.C. 2358 note) is amended by striking “under section 1105 of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84; 10 U.S.C. 2358 note)” and inserting “under section 4121(b) of title 10, United States Code”.

(9) Section 252(e)(1) of the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116–92; 10 U.S.C. 2358 note) is amended by striking “under section 1105 of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84; 10 U.S.C. 2358 note)” and inserting “under section 4121(b) of title 10, United States Code”.

(10) Section 255(b)(5)(A) of the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116–92; 10 U.S.C. 223a note) is amended by striking “(as designated under section 1105 of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84; 10 U.S.C. 2358 note))” and inserting “(as designated under section 4121(b) of title 10, United States Code)”.

(11) Section 249 of the William M. (Mac) Thornberry National Defense Authorization Act for Fiscal Year 2021 (Public Law 116–283) is amended—

(A) in subsection (e)(1)(A), by striking “under section 2358a of title 10, United States Code” and inserting “under section 4121(b) of title 10, United States Code”; and

(B) in subsection (g)(1)(B) by striking “under section 1105 of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84; 10 U.S.C. 2358 note)” and inserting “under section 4121(b) of title 10, United States Code”.

(12) Section 2124(h)(3) of title 10, United States Code, as redesignated by section 1843(b)(1) of the William M. (Mac)

Thornberry National Defense Authorization Act for Fiscal Year 2021 (Public Law 116–283), is amended by striking “designated under section 1105 of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84; 10 U.S.C. 2358 note)” and inserting “designated under section 4121(b) of this title”. 10 USC 4124.

(13) Section 4091 of title 10, United States Code, as redesignated by section 1843(b)(1) of the William M. (Mac) Thornberry National Defense Authorization Act for Fiscal Year 2021 (Public Law 116–283), is amended—

(A) in subsection (b), by striking “designated by section 1105(a) of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84; 10 U.S.C. 2358 note)” both places it appears and inserting “designated by section 4121(b) of this title”; and

(B) in subsection (d)(2), by striking “pursuant to section 342(b) of the National Defense Authorization Act for Fiscal Year 1995 (Public Law 103–337; 10 U.S.C. 2358 note)” both places it appears and inserting “pursuant to section 4121(a) of this title”.

(14) Section 4094(f) of title 10, United States Code, as transferred and redesignated by this Act, is amended by striking “by section 1105(a) of the National Defense Authorization Act for Fiscal Year 2010 (10 U.S.C. 2358 note)” and inserting “by section 4121(b) of this title”.

(e) EFFECTIVE DATE.—This section and the amendments and repeals made by this section shall take effect immediately after the effective date of the amendments made by title XVIII of the William M. (Mac) Thornberry National Defense Authorization Act for Fiscal Year 2021 (Public Law 116–283). 10 USC 4091 note.

SEC. 216. IMPROVEMENTS RELATING TO STEERING COMMITTEE ON EMERGING TECHNOLOGY AND NATIONAL SECURITY THREATS.

Section 236 of the William M. (Mac) Thornberry National Defense Authorization Act for Fiscal Year 2021 (Public Law 116–283), is amended—

(1) in subsection (a), by striking “may” and inserting “and the Director of National Intelligence may jointly”; 10 USC 4001 note.

(2) in subsection (b), by—

(A) by striking paragraphs (3) through (8); and

(B) by inserting after paragraph (2) the following:

“(3) The Principal Deputy Director of National Intelligence.

“(4) Such other officials of the Department of Defense and intelligence community as the Secretary of Defense and the Director of National Intelligence jointly determine appropriate.”;

(3) by redesignating subsections (c) through (e) as subsections (d) through (f), respectively;

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

“(c) LEADERSHIP.—The Steering Committee shall be chaired by the Deputy Secretary of Defense, the Vice Chairman of the Joint Chiefs of Staff, and the Principal Deputy Director of National Intelligence jointly.”;

(5) in subsection (d), as redesignated by paragraph (3)—

(A) in paragraph (1)—

(i) by striking “a strategy” and inserting “strategies”;

- (ii) by inserting “and intelligence community” after “United States military”; and
- (iii) by inserting “and National Intelligence Strategy, and consistent with the National Security Strategy” after “National Defense Strategy”;
- (B) in paragraph (3)—
 - (i) in the matter before subparagraph (A), by inserting “and the Director of National Intelligence” after “the Secretary of Defense”;
 - (ii) in subparagraph (A), by striking “strategy” and inserting “strategies”;
 - (iii) in subparagraph (D), by striking “; and” and inserting a semicolon;
 - (iv) by redesignating subparagraph (E) as subparagraph (F); and
 - (v) by inserting after subparagraph (D) the following:

“(E) any changes to the guidance for developing the National Intelligence Program budget required by section 102A(c)(1)(A) of the National Security Act of 1947 (50 U.S.C. 3024(c)(1)(A)), that may be required to implement the strategies under paragraph (1); and”;
 - (vi) in subparagraph (F), as redesignated by clause (iv), by inserting “and the intelligence community” after “Department of Defense”; and
- (C) in paragraph (4), by inserting “and Director of National Intelligence, jointly” after “Secretary of Defense”;
- (6) by amending subsection (e), as redesignated by paragraph (3), to read as follows:

“(e) DEFINITIONS.—In this section:

“(1) The term ‘emerging technology’ means technology jointly determined to be in an emerging phase of development by the Secretary of Defense and the Director of National Intelligence, including quantum information science and technology, data analytics, artificial intelligence, autonomous technology, advanced materials, software, high performance computing, robotics, directed energy, hypersonics, biotechnology, medical technologies, and such other technology as may be jointly identified by the Secretary and the Director.

“(2) The term ‘intelligence community’ has the meaning given such term in section 3 of the National Security Act of 1947 (50 U.S.C. 3003).”;

“(3) The term ‘intelligence community’ has the meaning given such term in section 3 of the National Security Act of 1947 (50 U.S.C. 3003).”;

“(7) in subsection (f), as redesignated by paragraph (3), by striking “October 1, 2024” and inserting “October 1, 2025”.

SEC. 217. IMPROVEMENTS RELATING TO NATIONAL NETWORK FOR MICROELECTRONICS RESEARCH AND DEVELOPMENT.

Section 9903(b) of the William M. (Mac) Thornberry National Defense Authorization Act for Fiscal Year 2021 (Public Law 116–283) is amended—

15 USC 4653.

- (1) in paragraph (1), in the matter preceding subparagraph (A), by striking “may” and inserting “shall”; and
- (2) by adding at the end the following new paragraph:

“(3) SELECTION OF ENTITIES.—

“(A) IN GENERAL.—In carrying out paragraph (1), the Secretary shall, through a competitive process, select two or more entities to carry out the activities described in

paragraph (2) as part of the network established under paragraph (1).

“(B) GEOGRAPHIC DIVERSITY.—The Secretary shall, to the extent practicable, ensure that the entities selected under subparagraph (A) collectively represent the geographic diversity of the United States.”.

SEC. 218. MODIFICATION OF MECHANISMS FOR EXPEDITED ACCESS TO TECHNICAL TALENT AND EXPERTISE AT ACADEMIC INSTITUTIONS TO SUPPORT DEPARTMENT OF DEFENSE MISSIONS.

Section 217 of the National Defense Authorization Act for Fiscal Year 2018 (Public Law 115–91; 10 U.S.C. 2358 note) is amended—

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

“(c) CONSULTATION WITH OTHER ORGANIZATIONS.—For the purposes of providing technical expertise and reducing costs and duplicative efforts, the Secretary of Defense and the Secretaries of the military departments shall work to ensure and support the sharing of information on the research and consulting that is being carried out across the Federal Government in Department-wide shared information systems including the Defense Technical Information Center.”;

(2) in subsection (e)—

(A) by redesignating paragraph (31) as paragraph (36);

and

(B) by inserting after paragraph (30) the following new paragraphs:

“(31) Nuclear science, security, and nonproliferation.

“(32) Chemical, biological, radiological, and nuclear defense.

“(33) Spectrum activities.

“(34) Research security and integrity.

“(35) Printed circuit boards.”; and

(3) in subsection (g), by striking “2026” and inserting “2028”.

SEC. 219. TECHNICAL CORRECTION TO PILOT PROGRAM FOR THE ENHANCEMENT OF THE RESEARCH, DEVELOPMENT, TEST, AND EVALUATION CENTERS OF THE DEPARTMENT OF DEFENSE.

Section 233(c)(2)(B) of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114–328; 10 U.S.C. 2358 note) is amended by striking “Chief Management Officer” and inserting “Deputy Secretary of Defense or a designee of the Deputy Secretary”.

SEC. 220. DEFENSE RESEARCH AND ENGINEERING ACTIVITIES AT MINORITY INSTITUTIONS.

(a) PLAN TO PROMOTE DEFENSE RESEARCH AT MINORITY INSTITUTES.—

(1) IN GENERAL.—The Secretary of Defense shall develop a plan to promote defense-related engineering, research, and development activities at minority institutions for the purpose of elevating the capacity of such institutions in those areas.

(2) ELEMENTS.—The plan under paragraph (1) shall include the following:

(A) An assessment of the engineering, research, and development capabilities of minority institutions, including

Assessments.

an assessment of the workforce and physical research infrastructure of such institutions.

(B) An assessment of the ability of minority institutions—

(i) to participate in defense-related engineering, research, and development activities; and

(ii) to effectively compete for defense-related engineering, research, and development contracts.

(C) An assessment of the activities and investments necessary—

(i) to elevate minority institutions or a consortium of minority institutions (including historically black colleges and universities) to R1 status on the Carnegie Classification of Institutions of Higher Education;

(ii) to increase the participation of minority institutions in defense-related engineering, research, and development activities; and

(iii) to increase the ability of such institutions ability to effectively compete for defense-related engineering, research, and development contracts.

Recommendations.

(D) Recommendations identifying actions that may be taken by the Secretary, Congress, minority institutions, and other organizations to increase the participation of minority institutions in defense-related engineering, research, and development activities and contracts.

(E) The specific goals, incentives, and metrics developed by the Secretary under subparagraph (D) to increase and measure the capacity of minority institutions to address the engineering, research, and development needs of the Department.

Determination.

(3) CONSULTATION.—In developing the plan under paragraph (1), the Secretary of Defense shall consult with such other public and private sector organizations as the Secretary determines appropriate.

(4) REPORT.—Not later than one year after the date of the enactment of this Act, the Secretary of Defense shall—

(A) submit to the congressional defense committees a report that includes the plan developed under paragraph (1); and

(B) make the plan available on a publicly accessible website of the Department of Defense.

Public information.
Web posting.
Contracts.
Grants.
10 USC 4144
note.

(b) ACTIVITIES TO SUPPORT THE RESEARCH AND ENGINEERING CAPACITY OF HISTORICALLY BLACK COLLEGES AND UNIVERSITIES AND MINORITY INSTITUTIONS.—

(1) IN GENERAL.—Subject to the availability of appropriations, the Secretary may establish a program to award contracts, grants, or other agreements on a competitive basis, and to perform other appropriate activities for the purposes described in paragraph (2).

(2) PURPOSES.—The purposes described in this paragraph are the following:

(A) Developing the capability, including workforce and research infrastructure, for minority institutions to more effectively compete for Federal engineering, research, and development funding opportunities.

(B) Improving the capability of such institutions to recruit and retain research faculty, and to participate in

appropriate personnel exchange programs and educational and career development activities.

(C) Any other purposes the Secretary determines appropriate for enhancing the defense-related engineering, research, and development capabilities of minority institutions.

(c) INCREASING PARTNERSHIPS FOR MINORITY INSTITUTIONS WITH NATIONAL SECURITY RESEARCH AND ENGINEERING ORGANIZATIONS.—Section 2362 of title 10, United States Code, is amended—

(1) in subsection (a), by striking “Assistant Secretary” each place it appears and inserting “Under Secretary”; and

(2) in subsection (d)—

(A) by striking “The Secretary of Defense may” and inserting the following:

“(1) The Secretary of Defense may”; and

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

“(2) The Secretary of Defense shall establish goals and incentives to encourage federally funded research and development centers, science and technology reinvention laboratories, and University Affiliated Research Centers funded by the Department of Defense—

“(A) to assess the capacity of covered educational institutions to address the research and development needs of the Department through partnerships and collaborations; and

“(B) if appropriate, to enter into partnerships and collaborations with such institutions.”.

Assessment.

(d) MINORITY INSTITUTION DEFINED.—In this section, the term “minority institution” means a covered educational institution (as defined in section 2362 of title 10, United States Code).

10 USC 4144
note.

SEC. 221. TEST PROGRAM FOR ENGINEERING PLANT OF DDG(X) DESTROYER VESSELS.

(a) TEST PROGRAM REQUIRED.—During the detailed design period and prior to the construction start date of the lead ship in the DDG(X) destroyer class of vessels, the Secretary of the Navy shall commence a land-based test program for the engineering plant of such class of vessels.

(b) ADMINISTRATION.—The test program required by subsection (a) shall be administered by the Senior Technical Authority for the DDG(X) destroyer class of vessels.

(c) ELEMENTS.—The test program required by subsection (a) shall include, at a minimum, testing of the following equipment in vessel-representative form:

- (1) Electrical propulsion motor.
- (2) Other propulsion drive train components.
- (3) Main propulsion system.
- (4) Electrical generation and distribution systems.
- (5) Machinery control systems.
- (6) Power control modules.

(d) TEST OBJECTIVES.—The test program required by subsection (a) shall include, at a minimum, the following test objectives demonstrated across the full range of engineering plant operations for the DDG(X) destroyer class of vessels:

- (1) Test of a single shipboard representative propulsion drive train.

(2) Test and facilitation of machinery control systems integration.

(3) Simulation of the full range of electrical demands to enable the investigation of load dynamics between the hull, mechanical and electrical equipment, the combat system, and auxiliary equipment.

(e) COMPLETION DATE.—The Secretary of the Navy shall complete the test program required by subsection (a) by not later than the delivery date of the lead ship in the DDG(X) destroyer class of vessels.

(f) DEFINITIONS.—In this section:

(1) DELIVERY DATE.—The term “delivery date” has the meaning given that term in section 8671 of title 10, United States Code.

(2) SENIOR TECHNICAL AUTHORITY.—The term “Senior Technical Authority” means the official designated as the Senior Technical Authority for the DDG(X) destroyer class of vessels pursuant to section 8669b of title 10, United States Code.

10 USC 342 note.

SEC. 222. CONSORTIUM TO STUDY IRREGULAR WARFARE.

(a) ESTABLISHMENT.—The Secretary of Defense may establish a research consortium of institutions of higher education to study irregular warfare and the responses to irregular threats.

(b) PURPOSES.—The purposes of the consortium under subsection (a) are as follows:

(1) To shape the formulation and application of policy through the conduct of research and analysis regarding irregular warfare.

(2) To maintain open-source databases on issues relevant to understanding terrorism, irregular threats, and social and environmental change.

(3) To serve as a repository for datasets regarding research on security, social change, and irregular threats developed by institutions of higher education that receive Federal funding.

(4) To support basic research in social science on emerging threats and stability dynamics relevant to irregular threat problem sets.

(5) To transition promising basic research—

(A) to higher stages of research and development; and

(B) into operational capabilities, as appropriate, by supporting applied research and developing tools to counter irregular threats.

(6) To facilitate the collaboration of research centers of excellence relating to irregular threats to better distribute expertise to specific issues and scenarios regarding such threats.

(7) To enhance educational outreach and teaching at professional military education schools to improve—

(A) the understanding of irregular threats; and

(B) the integration of data-based responses to such threats.

(8) To support classified research when necessary in appropriately controlled physical spaces.

(9) To support the work of a Department of Defense Functional Center for Security Studies in Irregular Warfare if such Center is established pursuant to section 1299L of the William

M. (Mac) Thornberry National Defense Authorization Act for Fiscal Year 2021 (Public Law 116–283).

(10) To carry out such other research initiatives relating to irregular warfare and irregular threats as the Secretary of Defense determines appropriate.

(c) **PARTNERSHIPS.**—If the Secretary of Defense establishes a research consortium under subsection (a), the Secretary shall encourage partnerships between the consortium and university-affiliated research centers and other research institutions, as appropriate.

(d) **INSTITUTION OF HIGHER EDUCATION DEFINED.**—In this section, the term “institution of higher education” has the meaning given that term in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001).

SEC. 223. DEVELOPMENT AND IMPLEMENTATION OF DIGITAL TECHNOLOGIES FOR SURVIVABILITY AND LETHALITY TESTING.

10 USC 4172
note.

(a) **EXPANSION OF SURVIVABILITY AND LETHALITY TESTING.**—

(1) **IN GENERAL.**—The Secretary, in coordination with covered officials, shall—

Coordination.

(A) expand the survivability and lethality testing of covered systems to include testing against non-kinetic threats; and

(B) develop digital technologies to test such systems against such threats throughout the life cycle of each such system.

(2) **DEVELOPMENT OF DIGITAL TECHNOLOGIES FOR LIVE FIRE TESTING.**—

(A) **IN GENERAL.**—The Secretary, in coordination with covered officials, shall develop—

Coordination.

(i) digital technologies to enable the modeling and simulation of the live fire testing required under section 2366 of title 10, United States Code; and

(ii) a process to use data from physical live fire testing to inform and refine the digital technologies described in clause (i).

Data.

(B) **OBJECTIVES.**—In carrying out subparagraph (A), the Secretary shall seek to achieve the following objectives:

Assessments.

(i) Enable assessments of full spectrum survivability and lethality of each covered system with respect to kinetic and non-kinetic threats.

(ii) Inform the development and refinement of digital technology to test and improve covered systems.

(iii) Enable survivability and lethality assessments of the warfighting capabilities of a covered system with respect to—

(I) communications;

(II) firepower;

(III) mobility;

(IV) catastrophic survivability; and

(V) lethality.

(C) **DEMONSTRATION ACTIVITIES.**—

(i) **IN GENERAL.**—The Secretary, acting through the Director, shall carry out activities to demonstrate the digital technologies for full spectrum survivability testing developed under subparagraph (A).

Assessment.

(ii) PROGRAM SELECTION.—The Secretary shall assess and select not fewer than three and not more than ten programs of the Department to participate in the demonstration activities required under clause (i).

(iii) ARMED FORCES PROGRAMS.—Of the programs selected pursuant to clause (ii), the Director shall select—

(I) at least one such program from the Army;
(II) at least one such program from the Navy or the Marine Corps; and

(III) at least one such program from the Air Force or the Space Force.

(3) REGULAR SURVIVABILITY AND LETHALITY TESTING THROUGHOUT LIFE CYCLE.—

Coordination.

(A) IN GENERAL.—The Secretary, in coordination with covered officials, shall—

(i) develop a process to regularly test through the use of digital technologies the survivability and lethality of each covered system against kinetic and non-kinetic threats throughout the life cycle of such system as threats evolve; and

(ii) establish guidance for such testing.

Determinations.

(B) ELEMENTS.—In carrying out subparagraph (A), the Secretary shall determine the following:

(i) When to deploy digital technologies to provide timely and up-to-date insights with respect to covered systems without unduly delaying fielding of capabilities.

(ii) The situations in which it may be necessary to develop and use digital technologies to assess legacy fleet vulnerabilities.

(b) REPORTS AND BRIEFING.—

(1) ASSESSMENT AND SELECTION OF PROGRAMS.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall submit to the congressional defense committees a report that identifies the programs selected to participate in the demonstration activities under subsection (a)(2)(C).

(2) MODERNIZATION AND DIGITIZATION REPORT.—

Assessments.

(A) IN GENERAL.—Not later than March 15, 2023, the Director shall submit to the congressional defense committees a report that includes—

(i) an assessment of the progress of the Secretary in carrying out subsection (a);

(ii) an assessment of each of the demonstration activities carried out under subsection (a)(2)(C), including a comparison of—

(I) the risks, benefits, and costs of using digital technologies for live fire testing and evaluation; and

(II) the risks, benefits, and costs of traditional physical live fire testing approaches that—

(aa) are not supported by digital technologies;

(bb) do not include testing against non-kinetic threats; and

- (cc) do not include full spectrum survivability;
 - (iii) an explanation of—
 - (I) how real-world operational and digital survivability and lethality testing data will be used to inform and enhance digital technology;
 - (II) the contribution of such data to the digital modernization efforts required under section 836 of the William M. (Mac) Thornberry National Defense Authorization Act for Fiscal Year 2021 (Public Law 116–283); and
 - (III) the contribution of such data to the decision-support processes for managing and overseeing acquisition programs of the Department;
 - (iv) an assessment of the ability of the Department to perform full spectrum survivability and lethality testing of each covered system with respect to kinetic and non-kinetic threats;
 - (v) an assessment of the processes implemented by the Department to manage digital technologies developed pursuant to subsection (a); and
 - (vi) an assessment of the processes implemented by the Department to develop digital technology that can perform full spectrum survivability and lethality testing with respect to kinetic and non-kinetic threats.
- (B) BRIEFING.—Not later than April 14, 2023, the Deadline.
Director shall provide to the congressional defense committees a briefing that identifies any changes to existing law that may be necessary to implement subsection (a).
- (c) DEFINITIONS.—In this section:
- (1) The term “covered officials” means—
 - (A) the Under Secretary of Defense for Research and Engineering;
 - (B) the Under Secretary of Defense for Acquisition and Sustainment;
 - (C) the Chief Information Officer;
 - (D) the Director;
 - (E) the Director of Cost Assessment and Program Evaluation;
 - (F) the Service Acquisition Executives;
 - (G) the Service testing commands;
 - (H) the Director of the Defense Digital Service; and
 - (I) representatives from—
 - (i) the Department of Defense Test Resource Management Center;
 - (ii) the High Performance Computing Modernization Program Office; and
 - (iii) the Joint Technical Coordination Group for Munitions Effectiveness.
 - (2) The term “covered system” means any warfighting capability that can degrade, disable, deceive, or destroy forces or missions.
 - (3) The term “Department” means the Department of Defense.
 - (4) The term “digital technologies” includes digital models, digital simulations, and digital twin capabilities that may be used to test the survivability and lethality of a covered system.

(5) The term “Director” means the Director of Operational Test and Evaluation.

(6) The term “full spectrum survivability and lethality testing” means a series of assessments of the effects of kinetic and non-kinetic threats on the communications, firepower, mobility, catastrophic survivability, and lethality of a covered system.

(7) The term “non-kinetic threats” means unconventional threats, including—

- (A) cyber attacks;
- (B) electromagnetic spectrum operations;
- (C) chemical, biological, radiological, nuclear effects and high yield explosives; and
- (D) directed energy weapons.

(8) The term “Secretary” means the Secretary of Defense.

SEC. 224. ASSESSMENT AND CORRECTION OF DEFICIENCIES IN THE PILOT BREATHING SYSTEMS OF TACTICAL FIGHTER AIRCRAFT.

Deadline.
Consultation.

(a) TESTING AND EVALUATION REQUIRED.—Beginning not later than 120 days after the date of the enactment of this Act, the Secretary of Defense, in consultation with the Administrator of the National Aeronautics and Space Administration, shall commence operational testing and evaluation of each fleet of tactical fighter aircraft (including each type and model variant of aircraft within the fleet) that uses the Onboard Oxygen Generating System for the pilot breathing system (in this section referred to as the “breathing system”) to—

Determination.
Compliance.

(1) determine whether the breathing system complies with Military Standard 3050 (MIL–STD–3050), titled “Aircraft Crew Breathing Systems Using On-Board Oxygen Generating System (OBOGS)”; and

(2) assess the safety and effectiveness of the breathing system for all pilots of the aircraft fleet tested.

Applicability.
Evaluation.

(b) REQUIREMENTS.—The following shall apply to the testing and evaluation conducted for an aircraft fleet under subsection (a):

(1) The F–35 aircraft fleet shall be the first aircraft fleet tested and evaluated, and such testing and evaluation shall include F–35A, F–35B, and F–35C aircraft.

(2) The pilot, aircraft systems, and operational flight environment of the aircraft shall not be assessed in isolation but shall be tested and evaluated as integrated parts of the breathing system.

(3) The testing and evaluation shall be conducted under a broad range of operating conditions, including variable weather conditions, low-altitude flight, high-altitude flight, during weapons employment, at critical phases of flight such as take-off and landing, and in other challenging environments and operating flight conditions.

(4) The testing and evaluation shall assess operational flight environments for the pilot that replicate expected conditions and durations for high gravitational force loading, rapid changes in altitude, rapid changes in airspeed, and varying degrees of moderate gravitational force loading.

(5) A diverse group of pilots shall participate in the testing and evaluation, including—

(A) pilots who are test-qualified and pilots who are not test-qualified; and

(B) pilots who vary in gender, physical conditioning, height, weight, and age, and any other attributes that the Secretary determines to be appropriate.

(6) Aircraft involved in the testing and evaluation shall perform operations with operationally representative and realistic aircraft configurations.

(7) The testing and evaluation shall include assessments of pilot life support gear and relevant equipment, including the pilot breathing mask apparatus.

(8) The testing and evaluation shall include testing data from pilot reports, measurements of breathing pressures and air delivery response timing and flow, cabin pressure, air-speed, acceleration, measurements of hysteresis during all phases of flight, measurements of differential pressure between mask and cabin altitude, and measurements of spirometry and specific oxygen saturation levels of the pilot immediately before and immediately after each flight.

(9) The analysis of the safety and effectiveness of the breathing system shall thoroughly assess any physiological effects reported by pilots, including effects on health, fatigue, cognition, and perception of any breathing difficulty.

Analysis.

(10) The testing and evaluation shall include the participation of subject matter experts who have familiarity and technical expertise regarding design and functions of the aircraft, its propulsion system, pilot breathing system, life support equipment, human factors, and any other systems or subject matter the Secretary determines necessary to conduct effective testing and evaluation. At a minimum, such subject matter experts shall include aerospace physiologists, engineers, flight surgeons, and scientists.

Determination.

(11) In carrying out the testing and evaluation, the Secretary of Defense may seek technical support and subject matter expertise from the Naval Air Systems Command, the Air Force Research Laboratory, the Office of Naval Research, the National Aeronautics and Space Administration, and any other organization or element of the Department of Defense or the National Aeronautics and Space Administration that the Secretary, in consultation with the Administrator of the National Aeronautics and Space Administration, determines appropriate to support the testing and evaluation.

Consultation.
Determination.

(c) CORRECTIVE ACTIONS.—Not later than 90 days after the submittal of a final report under subsection (e) for an aircraft fleet, the Secretary of Defense shall take such actions as are necessary to correct all deficiencies, shortfalls, and gaps in the breathing system that were discovered or reported as a result of the testing and evaluation of such aircraft fleet under subsection (a).

Deadline.

(d) PRELIMINARY REPORTS.—

(1) IN GENERAL.—Not later than the date specified in paragraph (2), for each aircraft fleet tested and evaluated under subsection (a), the Secretary of Defense shall submit to the congressional defense committees a separate preliminary report, based on the initial results of such testing and evaluation, that includes—

Recommendations.

(A) the initial findings and recommendations of the Secretary;

(B) potential corrective actions that the Secretary of Defense may carry out to address deficiencies in the breathing system of the aircraft tested; and

(C) the results of initial review and assessment, conducted by the Administrator of the National Aeronautics and Space Administration for purposes of the report, of—

(i) the testing and evaluation plans, execution, processes, data, and technical results of the testing and evaluation activities under subsection (a); and

Recommendations.

(ii) the initial findings, recommendations, and potential corrective actions determined by the Secretary of Defense under subparagraphs (A) and (B).

(2) DATE SPECIFIED.—The date specified in this paragraph is the earlier of—

(A) a date selected by the Secretary of the Air Force that is not later than 180 days after the testing and evaluation of the aircraft fleet under subsection (a) has been completed; or

(B) one year after the commencement of the testing and evaluation of the aircraft fleet under subsection (a).

(e) FINAL REPORTS.—Not later than two years after the commencement of the testing and evaluation under subsection (a) for an aircraft fleet, the Secretary of Defense shall submit to the congressional defense committees a final report on the results of such testing with respect to such aircraft fleet that includes, based on the final results of such testing and evaluation—

Recommendations.

(1) findings and recommendations with respect to the breathing system; and

(2) a description of the specific actions the Secretary will carry out to correct deficiencies in the breathing system, as required under subsection (c).

(f) INDEPENDENT REVIEW OF FINAL REPORT.—

Consultation.
Contracts.

(1) IN GENERAL.—The Secretary of Defense, in consultation with the Administrator of the National Aeronautics and Space Administration, shall seek to enter into an agreement with a federally funded research and development center with relevant expertise to conduct an independent sufficiency review of the final reports submitted under subsection (e).

(2) REPORT TO SECRETARY.—Not later than seven months after the date on which the Secretary of Defense enters into an agreement with a federally funded research and development center under paragraph (1), the center shall submit to the Secretary a report on the results of the review conducted under such paragraph.

(3) REPORT TO CONGRESS.—Not later than 30 days after the date on which the Secretary of Defense receives the report under paragraph (2), the Secretary shall submit the report to the congressional defense committees.

Deadlines.

SEC. 225. IDENTIFICATION OF THE HYPERSONICS FACILITIES AND CAPABILITIES OF THE MAJOR RANGE AND TEST FACILITY BASE.

(a) IDENTIFICATION REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense

shall identify each facility and capability of the Major Range and Test Facility Base—

(1) the primary mission of which is the test and evaluation of hypersonics technology; or

(2) that provides other test and evaluation capabilities to support the development of hypersonics technology.

(b) BRIEFING.—Not later than one year after the date of the enactment of this Act, the Secretary of Defense shall provide to the congressional defense committees a briefing on a plan to improve the capabilities identified under subsection (a), including—

(1) a schedule for such improvements; and

(2) a description of any organizational changes, investments, policy changes, or other activities the Secretary proposes to carry out as part of such plan.

(c) MAJOR RANGE AND TEST FACILITY BASE.—In this section, the term “Major Range and Test Facility Base” has the meaning given that term in section 196(i) of title 10, United States Code.

SEC. 226. REVIEW OF ARTIFICIAL INTELLIGENCE APPLICATIONS AND ESTABLISHMENT OF PERFORMANCE METRICS.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall—

(1) review the potential applications of artificial intelligence and digital technology to the platforms, processes, and operations of the Department of Defense; and

(2) establish performance objectives and accompanying metrics for the incorporation of artificial intelligence and digital readiness into such platforms, processes, and operations.

(b) PERFORMANCE OBJECTIVES AND ACCOMPANYING METRICS.—

(1) SKILL GAPS.—In carrying out subsection (a), the Secretary of Defense shall require each Secretary of a military department and the heads of such other organizations and elements of the Department of Defense as the Secretary of Defense determines appropriate to—

(A) conduct a comprehensive review and assessment of—

(i) skill gaps in the fields of software development, software engineering, data science, and artificial intelligence;

(ii) the qualifications of civilian personnel needed for both management and specialist tracks in such fields; and

(iii) the qualifications of military personnel (officer and enlisted) needed for both management and specialist tracks in such fields; and

(B) establish recruiting, training, and talent management performance objectives and accompanying metrics for achieving and maintaining staffing levels needed to fill identified gaps and meet the needs of the Department for skilled personnel.

(2) AI MODERNIZATION ACTIVITIES.—In carrying out subsection (a), the Secretary of Defense shall—

(A) assess investment by the Department of Defense in artificial intelligence innovation, science and technology, and research and development;

(B) assess investment by the Department in test and evaluation of artificial intelligence capabilities; and

Plan.

Schedule.

Proposals.

Definition.

Assessments.
10 USC 4001
note.
Deadline.

Requirements.
Determination.

(C) establish performance objectives and accompanying metrics for artificial intelligence modernization activities of the Department.

Coordination.

(3) EXERCISES, WARGAMES, AND EXPERIMENTATION.—In conjunction with the activities of the Secretary of Defense under subsection (a), the Chairman of the Joint Chiefs of Staff, in coordination with the Director of the Joint Artificial Intelligence Center, shall—

(A) assess the integration of artificial intelligence into war-games, exercises, and experimentation; and

(B) develop performance objectives and accompanying metrics for such integration.

(4) LOGISTICS AND SUSTAINMENT.—In carrying out subsection (a), the Secretary of Defense shall require the Under Secretary of Defense for Acquisition and Sustainment, with support from the Director of the Joint Artificial Intelligence Center, to—

(A) assess the application of artificial intelligence in logistics and sustainment systems; and

(B) establish performance objectives and accompanying metrics for integration of artificial intelligence in the Department of Defense logistics and sustainment enterprise.

Coordination.

(5) BUSINESS APPLICATIONS.—In carrying out subsection (a), the Secretary of Defense shall require the Under Secretary of Defense (Comptroller), in coordination with the Director of the Joint Artificial Intelligence Center, to—

(A) assess the integration of artificial intelligence for administrative functions that can be performed with robotic process automation and artificial intelligence-enabled analysis; and

(B) establish performance objectives and accompanying metrics for the integration of artificial intelligence in priority business process areas of the Department of Defense, including the following:

(i) Human resources.

(ii) Budget and finance, including audit.

(iii) Retail.

(iv) Real estate.

(v) Health care.

(vi) Logistics.

(vii) Such other business processes as the Secretary considers appropriate.

(c) REPORT TO CONGRESS.—Not later than 120 days after the completion of the review required by subsection (a)(1), the Secretary of Defense shall submit to the congressional defense committees a report on—

Proposals.

(1) the findings of the Secretary with respect to the review and any action taken or proposed to be taken by the Secretary to address such findings; and

(2) the performance objectives and accompanying metrics established under subsections (a)(2) and (b).

SEC. 227. MODIFICATION OF THE JOINT COMMON FOUNDATION PROGRAM.10 USC 4001
note.

(a) **MODIFICATION OF JOINT COMMON FOUNDATION.**—The Secretary of Defense shall modify the Joint Common Foundation program conducted by the Joint Artificial Intelligence Center to ensure that Department of Defense components can more easily contract with leading commercial artificial intelligence companies to support the rapid and efficient development and deployment of applications and capabilities.

(b) **QUALIFYING COMMERCIAL COMPANIES.**—The Secretary of Defense shall take such actions as may be necessary to increase the number of commercial artificial intelligence companies eligible to provide support to Department of Defense components, including with respect to requirements for cybersecurity protections and processes, to achieve automatic authority to operate and provide continuous delivery, security clearances, data portability, and interoperability.

(c) **USE OF FAR PART 12.**—The Secretary of Defense shall ensure that, to the maximum extent practicable, commercial artificial intelligence companies are able to offer platforms, services, applications, and tools to Department of Defense components through processes and procedures under part 12 of the Federal Acquisition Regulation.

(d) **OBJECTIVES OF THE JOINT COMMON FOUNDATION PROGRAM.**—The objectives of the Joint Common Foundation program shall include the following:

(1) Relieving Department of Defense components of the need to design or develop or independently contract for the computing and data hosting platforms and associated services on and through which the component at issue would apply its domain expertise to develop specific artificial intelligence applications.

(2) Providing expert guidance to components in selecting commercial platforms, tools, and services to support the development of component artificial intelligence applications.

(3) Ensuring that leading commercial artificial intelligence technologies and capabilities are easily and rapidly accessible to components through streamlined contracting processes.

(4) Assisting components in designing, developing, accessing, or acquiring commercial or non-commercial capabilities that may be needed to support the operational use of artificial intelligence applications.

(5) Enabling companies to develop software for artificial intelligence applications within secure software development environments that are controlled, sponsored, required, or specified by the Department of Defense, including PlatformOne of the Department of the Air Force

(e) **BRIEFING.**—Not later than 120 days after the date of the enactment of this Act, the Secretary of Defense shall provide to the congressional defense committees a briefing on actions taken to carry out this section.

Deadline.

SEC. 228. EXECUTIVE EDUCATION ON EMERGING TECHNOLOGIES FOR SENIOR CIVILIAN AND MILITARY LEADERS.10 USC note
prec. 2001.

(a) **ESTABLISHMENT OF COURSE.**—Not later than two years after the date of the enactment of this Act, the Secretary of Defense

Deadline.

shall establish executive education activities on emerging technologies for appropriate general and flag officers and senior executive-level civilian leaders that are designed specifically to prepare new general and flag officers and senior executive-level civilian leaders on relevant technologies and how these technologies may be applied to military and business activities in the Department of Defense.

(b) PLAN FOR PARTICIPATION.—

(1) IN GENERAL.—The Secretary of Defense shall develop a plan for participation in executive education activities established under subsection (a).

Deadline.

(2) REQUIREMENTS.—As part of such plan, the Secretary shall ensure that, not later than five years after the date of the establishment of the activities under subsection (a), all appropriate general flag officers and senior executive-level civilian leaders are—

(A) required to complete the executive education activities under such subsection; and

Certification.

(B) certified as having successfully completed the executive education activities.

(c) REPORT.—

(1) IN GENERAL.—Not later than the date that is three years after the date of the enactment of this Act, the Secretary of Defense shall submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives a report on the status of the implementation of the activities required by subsection (a).

(2) CONTENTS.—The report submitted under paragraph (1) shall include the following:

(A) A description of the new general and flag officers and senior executive-level civilian leaders for whom the education activities have been designated.

Recommendations.

(B) A recommendation with respect to continuing or expanding the activities required under subsection (a).

10 USC 4001 note.

SEC. 229. ACTIVITIES TO ACCELERATE DEVELOPMENT AND DEPLOYMENT OF DUAL-USE QUANTUM TECHNOLOGIES.

(a) ACTIVITIES REQUIRED.—The Secretary of Defense shall establish a set of activities—

(1) to accelerate the development and deployment of dual-use quantum capabilities;

(2) to ensure the approach of the United States to investments of the Department of Defense in quantum information science research and development reflects an appropriate balance between scientific progress and the potential economic and security implications of such progress;

(3) to ensure that the Department of Defense is fully aware and has a technical understanding of the maturity and operational utility of new and emerging quantum technologies; and

(4) to ensure the Department of Defense consistently has access to the most advanced quantum capabilities available in the commercial sector to support research and modernization activities.

(b) ASSISTANCE PROGRAM.—

Consultation.

(1) PROGRAM REQUIRED.—In carrying out subsection (a) and subject to the availability of appropriations for such purpose, the Secretary of Defense shall, acting through the Director

of the Defense Advanced Research Projects Agency and in consultation with appropriate public and private sector organizations, establish a program under which the Secretary may award assistance to one or more organizations—

(A) to identify defense applications for which dual-use quantum technologies provide a clear advantage over competing technologies;

(B) to accelerate development of such quantum technologies; and

(C) to accelerate the deployment of dual-use quantum capabilities.

(2) FORM OF ASSISTANCE.—Assistance awarded under the program required by paragraph (1) may consist of a grant, a contract, a cooperative agreement, other transaction, or such other form of assistance as the Secretary of Defense considers appropriate.

Grants.
Contracts.

(3) AUTHORITIES AND ACQUISITION APPROACHES.—The Secretary of Defense may use the following authorities and approaches for the program required by paragraph (1):

(A) Section 2374a of title 10, United States Code, relating to prizes for advanced technology achievements.

(B) Section 2373 of such title, relating to procurement for experimental purposes.

(C) Sections 2371 and 2371b of such title, relating to transactions other than contracts and grants and authority of the Department of Defense to carry out certain prototype projects, respectively.

(D) Section 2358 of such title, relating to research and development projects.

(E) Section 879 of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114–328; 10 U.S.C. 2302 note), relating to defense pilot program for authority to acquire innovative commercial products, technologies, and services using general solicitation competitive procedures.

(F) Requirement for milestone payments based on technical achievements.

(G) Requirement for cost share from private sector participants in the program.

(H) Commercial procurement authority under part 12 of the Federal Acquisition Regulation.

(I) Such other authorities or approaches as the Secretary considers appropriate.

(4) POLICIES AND PROCEDURES.—The Secretary of Defense shall, in consultation with such experts from government and industry as the Secretary considers appropriate, establish policies and procedures to carry out the program required by paragraph (1).

Consultation.

(c) BRIEFING AND REPORT.—

(1) BRIEFING.—Not later than March 1, 2022, the Secretary of Defense shall provide to the congressional defense committees a briefing on the plan to carry out the activities required by subsection (a) and the program required by subsection (b).

Deadline.

(2) REPORT.—Not later than December 31, 2022, and not less frequently than once each year thereafter until December 31, 2026, the Secretary of Defense shall submit to the congressional defense committees a report on the activities carried

Termination
date.

out under subsection (a) and the program carried out under subsection (b).

Coordination.

SEC. 230. NATIONAL GUARD PARTICIPATION IN MICROREACTOR TESTING AND EVALUATION.

The Secretary of Defense may, in coordination with the Director of the Strategic Capabilities Office and the Chief of the National Guard Bureau, assemble a collection of four National Guard units to participate in the testing and evaluation of a micro nuclear reactor program.

10 USC 4007
note.

SEC. 231. PILOT PROGRAM ON THE USE OF PRIVATE SECTOR PARTNERSHIPS TO PROMOTE TECHNOLOGY TRANSITION.

(a) IN GENERAL.—Consistent with section 2359 of title 10, United States Code, the Secretary of Defense shall carry out a pilot program to foster the transition of the science and technology programs, projects, and activities of the Department of Defense from the research, development, pilot, and prototyping phases into acquisition activities and operational use. Under the pilot program, the Secretary shall seek to enter into agreements with qualified private sector organizations to support—

Contracts.

(1) matching technology developers with programs, projects, and activities of the Department that may have a use for the technology developed by such developers;

(2) providing technical assistance to appropriate parties on participating in the procurement programs and acquisition processes of the Department, including training and consulting on programming, budgeting, contracting, requirements, and other relevant processes and activities; and

(3) overcoming barriers and challenges facing technology developers, including challenges posed by restrictions on accessing secure facilities, networks, and information.

(b) PRIORITY.—In carrying out the activities described in paragraphs (1) through (3) of subsection (a), a qualified private sector organization shall give priority to technology producers that are small business concerns (as defined under section 3 of the Small Business Act (15 U.S.C. 632)), research institutions (as defined in section 9(e) of such Act), or institutions of higher education (as defined in section 101 of the Higher Education Act of 1965 (20 U.S.C 1001)).

Determination.

(c) TERMS OF AGREEMENTS.—The terms of an agreement under subsection (a) shall be determined by the Secretary of Defense.

(d) DATA COLLECTION.—

Effective date.

(1) PLAN REQUIRED BEFORE IMPLEMENTATION.—The Secretary of Defense may not enter into an agreement under subsection (a) until the date on which the Secretary—

(A) completes a plan to for carrying out the data collection required under paragraph (2); and

(B) submits the plan to the congressional defense committees.

Analysis.

(2) DATA COLLECTION REQUIRED.—The Secretary of Defense shall collect and analyze data on the pilot program under this section for the purposes of—

(A) developing and sharing best practices for facilitating the transition of science and technology from the research, development, pilot, and prototyping phases into acquisition activities and operational use within the Department of Defense;

(B) providing information to the leadership of the Department on the implementation of the pilot program and related policy issues; and

(C) providing information to the congressional defense committees as required under subsection (e).

(e) BRIEFING.—Not later than December 31, 2022, the Secretary of Defense shall provide to the congressional defense committees a briefing on the progress of the Secretary in implementing the pilot program under this section and any related policy issues. Deadline.

(f) CONSULTATION.—In carrying out the pilot program under this section, the Secretary of Defense shall consult with—

(1) service acquisition executives (as defined in section 101 of title 10, United States Code);

(2) the heads of appropriate Defense Agencies and Department of Defense Field Activities;

(3) procurement technical assistance centers (as described in chapter 142 of title 10, United States Code); and

(4) such other individuals and organizations as the Secretary determines appropriate. Determination.

(g) TERMINATION.—The pilot program under this section shall terminate on the date that is five years after the date on which Secretary of Defense enters into the first agreement with a qualified private sector organization under subsection (a).

(h) COMPTROLLER GENERAL ASSESSMENT AND REPORT.—

(1) ASSESSMENT.—The Comptroller General of the United States shall conduct an assessment of the pilot program under this section. The assessment shall include an evaluation of the effectiveness of the pilot program with respect to— Evaluation.

(A) facilitating the transition of science and technology from the research, development, pilot, and prototyping phases into acquisition activities and operational use within the Department of Defense; and

(B) protecting sensitive information in the course of the pilot program.

(2) REPORT.—Not later than the date specified in paragraph (3), the Comptroller General shall submit to the congressional defense committees a report on the results of the assessment conducted under paragraph (1).

(3) DATE SPECIFIED.—The date specified in this paragraph is the earlier of— Time periods.

(A) four years after the date on which the Secretary of Defense enters into the first agreement with a qualified private sector organization under subsection (a); or

(B) five years after the date of the enactment of this Act.

SEC. 232. PILOT PROGRAM ON DATA REPOSITORIES TO FACILITATE THE DEVELOPMENT OF ARTIFICIAL INTELLIGENCE CAPABILITIES FOR THE DEPARTMENT OF DEFENSE. 10 USC 4001 note.

(a) ESTABLISHMENT OF DATA REPOSITORIES.—The Secretary of Defense, acting through the Chief Data Officer of the Department of Defense and the Director of the Joint Artificial Intelligence Center (and such other officials as the Secretary determines appropriate), may carry out a pilot program under which the Secretary— Determination.

(1) establishes data repositories containing Department of Defense data sets relevant to the development of artificial intelligence software and technology; and

(2) allows appropriate public and private sector organizations to access such data repositories for the purpose of developing improved artificial intelligence and machine learning software capabilities that may, as determined appropriate by the Secretary, be procured by the Department to satisfy Department requirements and technology development goals.

(b) ELEMENTS.—If the Secretary of Defense carries out the pilot program under subsection (a), the data repositories established under the program—

(1) may include unclassified training quality data sets and associated labels representative of diverse types of information, representing Department of Defense missions, business processes, and activities; and

(2) shall—

(A) be categorized and annotated to support development of a common evaluation framework for artificial intelligence models and other technical software solutions;

(B) be made available to appropriate public and private sector organizations to support rapid development of software and artificial intelligence capabilities;

(C) include capabilities and tool sets to detect, evaluate, and correct errors in data annotation, identify gaps in training data used in model development that would require additional data labeling, and evaluate model performance across the life cycle of the data repositories; and

(D) be developed to support other missions and activities as determined by the Secretary.

Deadline.

(c) BRIEFING.—Not later than 270 days after the date of the enactment of this Act, the Secretary of Defense shall provide to the congressional defense committees a briefing on—

(1) whether the Secretary intends to carry out the pilot program under this section;

(2) if the Secretary does not intend to carry out the pilot program, an explanation of the reasons for such decision;

(3) if the Secretary does intend to carry out the pilot program, or if the Secretary has already initiated the pilot program as of the date of the briefing—

Determination.

(A) the types of information the Secretary determines are feasible and advisable to include in the data repositories described in subsection (a); and

(B) the progress of the Secretary in carrying out the program.

10 USC 4571
note.

SEC. 233. PILOT PROGRAMS FOR DEPLOYMENT OF TELECOMMUNICATIONS INFRASTRUCTURE TO FACILITATE 5G DEPLOYMENT ON MILITARY INSTALLATIONS.

(a) PLANS.—

Deadline.

(1) IN GENERAL.—Not later than 180 days after enactment of this Act, each Secretary of a military department shall submit to the congressional defense committees a plan for a pilot program for the deployment of telecommunications infrastructure to facilitate the availability of fifth-generation wireless telecommunications services on military installations under the jurisdiction of the Secretary.

(2) **PLAN ELEMENTS.**—Each plan submitted under paragraph (1) by a Secretary of a military department shall include, with respect to such military department, the following:

(A) A list of military installations at which the pilot program will be carried out, including at least one military installation of the department. List.

(B) A description of authorities that will be used to execute the pilot program.

(C) A timeline for the implementation and duration of the pilot program. Timeline.

(D) The identity of each telecommunication carrier that intends to use the telecommunications infrastructure deployed pursuant to the pilot to provide fifth-generation wireless telecommunication services at each of the military installations listed under subparagraph (A).

(E) An assessment of need for centralized processes and points of contacts to facilitate deployment of the telecommunications infrastructure. Assessment.

(b) **PILOT PROGRAMS REQUIRED.**—Not later than one year after the date of the enactment of this Act, each Secretary of a military department shall establish a pilot program in accordance with the plan submitted by the Secretary under subsection (a)(1). Deadline.

(c) **REPORTS.**—

(1) **IN GENERAL.**—Not later than 180 days after the date on which a Secretary of a military department commences a pilot program under subsection (b), and not less frequently than once every 180 days thereafter until the completion of the pilot program, the Secretary shall submit to the congressional defense committees a report on the pilot program. Time period.

(2) **CONTENTS.**—Each report submitted under paragraph (1) for a pilot program shall include the following:

(A) A description of the status of the pilot program at each military installation at which the pilot program is carried out.

(B) A description of the use of, and services provided by, telecommunications carriers of the telecommunications infrastructure at each military installation under the pilot program.

(C) Such additional information as the Secretary of the military department considers appropriate.

(d) **TELECOMMUNICATIONS INFRASTRUCTURE DEFINED.**—In this section, the term “telecommunications infrastructure” includes, at a minimum, the following:

- (1) Macro towers.
- (2) Small cell poles.
- (3) Distributed antenna systems.
- (4) Dark fiber.
- (5) Power solutions.

SEC. 234. LIMITATION ON DEVELOPMENT OF PROTOTYPES FOR THE OPTIONALLY MANNED FIGHTING VEHICLE PENDING REQUIREMENTS ANALYSIS.

(a) **LIMITATION.**—The Secretary of the Army may not enter into a contract for the development of a physical prototype for the Optionally Manned Fighting Vehicle or any other next-generation infantry fighting vehicle of the Army until a period of 30 days has elapsed following the date on which the Secretary submits Time period.

to the congressional defense committees the report required under subsection (b).

(b) REPORT REQUIRED.—

(1) IN GENERAL.—The Secretary of the Army shall submit to the congressional defense committees a report on the analysis supporting the determination of formal requirements or desired characteristics for the Optionally Manned Fighting Vehicle refined through the concept and detailed design phases of the acquisition strategy.

(2) ELEMENTS.—The report required by paragraph (1) shall include the following:

(A) A detailed description of the formal requirements applicable to the Optionally Manned Fighting Vehicle or desired characteristics guiding the physical prototyping phase of the program.

(B) A description of the analysis conducted to finalize such requirements and characteristics.

(C) A description of Optionally Manned Fighting Vehicle-equipped force structure designs and the operational concepts analyzed during the vehicle concept design and detailed design phases.

(D) A detailed description of the analysis conducted, trade-offs considered, and conclusions drawn with respect to the force structure designs and operational concepts, survivability, mobility, lethality, payload, and combat effectiveness in execution of the critical operational tasks required of fighting-vehicle-equipped infantry.

Assessment.

(E) An assessment and comparison of the combat effectiveness (including survivability, mobility, and lethality) of combined arms company teams equipped with Optionally Manned Fighting Vehicles compared to those equipped with fully modernized Bradley Fighting Vehicles.

Time period.

(c) BRIEFING REQUIRED.—At least 30 days prior to the submission of the report under subsection (b), the Secretary of the Army shall provide to the congressional defense committees a briefing on the preliminary findings of the Secretary with respect to each element specified in subsection (b)(2).

Deadline.

(d) COMPTROLLER GENERAL ASSESSMENT.—Not later than 60 days after the date on which the report under subsection (b) is submitted, the Comptroller General of the United States shall submit to the congressional defense committees a written assessment of the report, including—

(1) an assessment of the objectivity, validity, and reliability of the Army's analysis with respect to each element specified in subsection (b)(2); and

(2) any other matters the Comptroller General determines appropriate.

SEC. 235. LIMITATION ON TRANSFER OF CERTAIN OPERATIONAL FLIGHT TEST EVENTS AND REDUCTIONS IN OPERATIONAL FLIGHT TEST CAPACITY.

(a) LIMITATION.—

Effective date.
Consultation.
Certification.

(1) IN GENERAL.—The Secretary of the Navy may not take any action described in paragraph (2) until the date on which the Director of Operational Test and Evaluation, in consultation with the Secretary of the Navy, certifies to the congressional defense committees that the use of non-test designated units

to conduct flight testing will not have any appreciable effect on—

(A) the cost or schedule of any naval aviation or naval aviation-related program; or

(B) the efficacy of test execution, analysis, and evaluation for any such program.

(2) ACTIONS DESCRIBED.—The actions described in this paragraph are the following:

(A) The delegation of any operational flight test event to be conducted by a non-test designated unit.

(B) Any action that would reduce, below the levels authorized and in effect on October 1, 2020, any of the following:

(i) The aviation or aviation-related operational testing and evaluation capacity of the Department of the Navy.

(ii) The personnel billets assigned to support such capacity.

(iii) The aviation force structure, aviation inventory, or quantity of aircraft assigned to support such capacity, including rotorcraft and fixed-wing aircraft.

(b) REPORT REQUIRED.—Not later than September 1, 2022, the Director of Operational Test and Evaluation shall submit to the congressional defense committees a report that assesses each of the following as of the date of the report:

Assessments.

(1) The design and effectiveness of the testing and evaluation infrastructure and capacity of the Department of the Navy, including an assessment of whether such infrastructure and capacity is sufficient to carry out the acquisition and sustainment testing required for the aviation-related programs of the Department of Defense and the naval aviation-related programs of the Department of the Navy.

(2) The plans of the Secretary of the Navy to reduce the testing and evaluation capacity and infrastructure of the Navy with respect to naval aviation in fiscal year 2022 and subsequent fiscal years, as specified in the budget of the President submitted to Congress on May 28, 2021.

Plans.

(3) The technical, fiscal, and programmatic issues and risks associated with the plans of the Secretary of the Navy to delegate and task non-test designated operational naval aviation units and organizations to efficiently and effectively execute, analyze, and evaluate testing and evaluation master plans for all aviation-related programs and projects of the Department of the Navy.

(c) NON-TEST DESIGNATED UNIT DEFINED.—In this section, the term “non-test designated unit” means a naval aviation unit that does not have designated as its primary mission operational testing and evaluation in support of naval aviation or naval aviation-related projects and programs.

SEC. 236. LIMITATION ON AVAILABILITY OF FUNDS FOR CERTAIN C-130 AIRCRAFT.

None of the funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2022 for the Navy may be obligated or expended to procure a C-130 aircraft for testing and evaluation as a potential replacement for the E-6B

Effective date.
Reports.
Plans.

aircraft until the date on which all of the following conditions are met:

(1) The Secretary of the Navy has submitted to the congressional defense committees a report that includes—

(A) the unit cost of each such C–130 test aircraft;

(B) the life cycle sustainment plan for such C–130 aircraft;

(C) a statement indicating whether such C–130 aircraft will be procured using multiyear contracting authority under section 2306b of title 10, United States Code; and

(D) the total amount of funds needed to complete the procurement of such C–130 aircraft.

Certification.
Effective date.

(2) The Secretary of the Navy has certified to the congressional defense committees that C–130 aircraft in the inventory of the Air Force as of the date of the enactment of this Act would not be capable of fulfilling all requirements under the E–6B aircraft program of record.

(3) The Commander of the United States Strategic Command has submitted to the congressional defense committees a report identifying the plan for hardware that will replace the E–6B aircraft while fulfilling all requirements under the E–6B program of record.

SEC. 237. LIMITATION ON AVAILABILITY OF FUNDS FOR VC–25B AIRCRAFT PROGRAM PENDING SUBMISSION OF DOCUMENTATION.

Deadline.
Schedule

(a) **DOCUMENTATION REQUIRED.**—Not later than 30 days after the date of the enactment of this Act, the Secretary of the Air Force shall submit to the congressional defense committees an integrated master schedule that has been approved by the Secretary for the VC–25B presidential aircraft recapitalization program of the Air Force.

Effective date.

(b) **LIMITATION.**—Of the funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2022 for the Air Force for the VC–25B aircraft, not more than 50 percent may be obligated or expended until the date on which the Secretary of the Air Force submits to the congressional defense committees the documentation required under subsection (a).

SEC. 238. LIMITATION ON AVAILABILITY OF FUNDS FOR THE HIGH ACCURACY DETECTION AND EXPLOITATION SYSTEM.

Certification.

Of the funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2022 for research, development, test, and evaluation for the Army for the High Accuracy Detection and Exploitation System, not more than 75 percent may be obligated or expended until the Vice Chairman of the Joint Chiefs of Staff certifies to the congressional defense committees that—

(1) the High Accuracy Detection and Exploitation System enables multi-domain operations for the Army and is consistent with the Joint All Domain Command and Control strategy of the Department of Defense; and

(2) in a conflict, the System will be able to operate at standoff distances for survivability against enemy air defenses, while providing signals intelligence, electronic intelligence, communications intelligence, or synthetic aperture radar or moving target indicator information to the ground component commander, consistent with planned operational concepts.

Subtitle C—Plans, Reports, and Other Matters

SEC. 241. MODIFICATION TO ANNUAL REPORT OF THE DIRECTOR OF OPERATIONAL TEST AND EVALUATION.

Section 139(h)(2) of title 10, United States Code, is amended by striking “, through January 31, 2026”.

SEC. 242. ADAPTIVE ENGINE TRANSITION PROGRAM ACQUISITION STRATEGY FOR THE F-35A AIRCRAFT.

(a) IN GENERAL.—Not later than 14 days after the date on which the budget of the President for fiscal year 2023 is submitted to Congress pursuant to section 1105 of title 31, United States Code, the Secretary of the Air Force, in consultation with the Under Secretary of Defense for Acquisition and Sustainment, shall submit to the congressional defense committees a report on the integration of the Adaptive Engine Transition Program propulsion system into the F-35A aircraft.

Consultation.

(b) ELEMENTS.—The report required under subsection (a) shall include the following:

(1) A competitive acquisition strategy, informed by fiscal considerations, to—

(A) integrate the Adaptive Engine Transition Program propulsion system into the F-35A aircraft; and

(B) begin, not later than fiscal year 2027, activities to retrofit all F-35A aircraft with such propulsion system.

Deadline.

(2) An implementation plan to implement such strategy.

(3) A schedule annotating pertinent milestones and yearly fiscal resource requirements for the implementation of such strategy.

Schedule.

SEC. 243. ACQUISITION STRATEGY FOR AN ADVANCED PROPULSION SYSTEM FOR F-35B AND F-35C AIRCRAFT.

(a) IN GENERAL.—Not later than 14 days after the date on which the budget of the President for fiscal year 2023 is submitted to Congress pursuant to section 1105 of title 31, United States Code, the Secretary of the Navy, in consultation with the Under Secretary of Defense for Acquisition and Sustainment, shall submit to the congressional defense committees a report on the integration of an advanced propulsion system into F-35B and F-35C aircraft.

Consultation.

(b) ELEMENTS.—The report required under subsection (a) shall include the following:

Assessments.

(1) An analysis the effects of an advanced propulsion system on the combat effectiveness and sustainment costs of F-35B and F-35C aircraft, including any effects resulting from—

Analysis.

(A) increased thrust, fuel efficiency, thermal capacity, and electrical generation; and

(B) improvements in acceleration, speed, range, and overall mission effectiveness.

(2) An assessment of how the integration of an advanced propulsion system may result in—

(A) a reduction in dependency on support assets, including air refueling and replenishment tankers; and

(B) an overall cost benefit to the Department from reduced acquisition and sustainment for such support assets.

Deadline.

(3) A competitive acquisition strategy (informed by fiscal considerations, the assessment of combat effectiveness under paragraph (1), and consideration of technical limitations)—

(A) to integrate an advanced propulsion system into F–35B aircraft and F–35C aircraft;

(B) to begin, not later than fiscal year 2027, activities to produce all F–35B aircraft and all F–35C aircraft with such propulsion systems; and

(C) to begin, not later than fiscal year 2027, activities to retrofit all F–35B aircraft and all F–35C aircraft with such propulsion systems.

(c) **ADVANCED PROPULSION SYSTEM DEFINED.**—In this section, term “advanced propulsion system” means—

(1) a derivative of the propulsion system developed for the F–35 aircraft under the Adaptive Engine Transition Program of the Air Force; or

(2) a derivative of a propulsion system previously developed for the F–35 aircraft.

SEC. 244. ASSESSMENT OF THE DEVELOPMENT AND TEST ENTERPRISE OF THE AIR FORCE RESEARCH LABORATORY.

(a) **ASSESSMENT REQUIRED.**—The Secretary of the Air Force shall conduct an assessment of the ability of the Air Force Research Laboratory to effectively carry out development and testing activities with respect to the capabilities of the Space Force specific to space access and space operations.

(b) **REPORT.**—Not later than 90 days after the date of the enactment of this Act, the Secretary of the Air Force shall submit to the congressional defense committees a report on the results of the assessment conducted under subsection (a). The report shall include an explanation of—

(1) any challenges to the development and testing capabilities of the Air Force Research Laboratory as described subsection (a), including any challenges relating to test activities and infrastructure;

(2) any changes to the organizational structure of the Laboratory that may be needed to enable the laboratory to adequately address the missions of both the Space Force and the Air Force generally, and the amount of funding, if any, required to implement such changes;

(3) any barriers to the recapitalization of the testing infrastructure of the Laboratory; and

Plans.

(4) the plans of the Secretary to address the issues identified under paragraphs (1) through (3).

SEC. 245. STUDY ON EFFICIENT USE OF DEPARTMENT OF DEFENSE TEST AND EVALUATION ORGANIZATIONS, FACILITIES, AND LABORATORIES.

(a) **STUDY REQUIRED.**—

Deadline.

(1) **IN GENERAL.**—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall direct the Defense Science Board to carry out a study on the resources and capabilities of the test and evaluation organizations, facilities, and laboratories of the Department of Defense.

(2) **PARTICIPATION.**—Participants in the study conducted under paragraph (1) shall include the following:

(A) Such members of the Defense Science Board as the Chairman of the Board considers appropriate for the study.

(B) Such additional temporary members or contracted support as the Secretary—

(i) selects from those recommended by the Chairman for purposes of the study; and

(ii) considers to have significant technical, policy, or military expertise relevant to defense test and evaluation missions.

(3) ELEMENTS.—The study conducted under paragraph (1) shall include the following: Assessments.

(A) Assessment of the effectiveness of current developmental testing, operational testing, and integrated testing within the Department of Defense in meeting statutory objectives and the test and evaluation requirements of the Adaptive Acquisition Framework.

(B) Identification of industry and government best practices for conducting developmental testing, operational testing, and integrated testing.

(C) Potential applicability of industry and government best practices for conducting developmental testing, operational testing, and integrated testing within the Department to improve test and evaluation outcomes.

(D) Identification of duplication of efforts and other non- or low-value added activities that reduce speed and effectiveness of test and evaluation activities.

(E) Assessment of test and evaluation oversight organizations within the Office of the Secretary of Defense, including their authorities, responsibilities, activities, resources, and effectiveness, including with respect to acquisition programs of the military departments and Defense Agencies.

(F) Assessment of the research, development, test, and evaluation infrastructure master plan required under section 252 of the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116–92; 10 U.S.C. 2358 note).

(F) Development and assessment of potential courses of action to improve the effectiveness of oversight of developmental testing, operational testing, and integrated testing activities, and test and evaluation resources within the Office of the Secretary of Defense, including as one such course of action establishing a single integrated office with such responsibilities.

(G) Development of such recommendations as the Defense Science Board may have for legislative changes, authorities, organizational realignments, and administrative actions to improve test and evaluation oversight and capabilities, and facilitate better test and evaluation outcomes. Recommendations.

(H) Such other matters as the Secretary considers appropriate.

(4) ACCESS TO INFORMATION.—The Secretary of Defense shall provide the Defense Science Board with timely access to appropriate information, data, resources, and analysis so that the Board may conduct a thorough and independent analysis as required under this subsection. Analysis.

(5) REPORT.—

(A) REPORT OF BOARD.—Not later than one year after the date on which the Secretary of Defense directs the Defense Science Board to conduct the study under paragraph (1), or December 1, 2022, whichever occurs earlier, the Board shall transmit to the Secretary a final report on the study.

(B) SUBMITTAL TO CONGRESS.—Not later than 30 days after the date on which the Secretary of Defense receives the final report under subparagraph (A), the Secretary shall submit to the congressional defense committees such report and such comments as the Secretary considers appropriate.

Deadline.

(b) BRIEFING REQUIRED.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall provide the congressional defense committees a briefing on the schedule and plan to execute activities under this section.

SEC. 246. REPORT ON AUTONOMY INTEGRATION IN MAJOR WEAPON SYSTEMS.

(a) REPORT REQUIRED.—Not later than one year after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report on activities to resource and integrate autonomy software into appropriate systems to enable the continued operational capability of such systems in GPS-denied environments by fiscal year 2025.

(b) ELEMENTS.—The report required under subsection (a) shall include—

List.

(1) a list of systems, to be selected by the Secretary of Defense, which can be integrated with autonomy software as described in subsection (a) by fiscal year 2025;

Timelines.

(2) timelines for integrating autonomy software into the systems as identified under paragraph (1);

Requirements.

(3) funding requirements related to the development, acquisition, and testing of autonomy software for such systems;

Plans.

(4) plans to leverage advanced artificial intelligence technologies, as appropriate, for such systems;

Plans.

(5) plans for ensuring the safety and security of such systems equipped with autonomy software, including plans for testing, evaluation, validation, and verification of such systems; and

List.

(6) a list of Department of Defense policies in effect as of the date of the report that would need to be modified or revoked in order to implement the software integration described in subsection (a).

(c) FORM.—The report required under subsection (a) shall be submitted in unclassified form, but may include a classified annex.

Time periods.

SEC. 247. REPORTS AND BRIEFINGS ON RECOMMENDATIONS OF THE NATIONAL SECURITY COMMISSION ON ARTIFICIAL INTELLIGENCE REGARDING THE DEPARTMENT OF DEFENSE.

(a) REPORTS REQUIRED.—On an annual basis during the two-year period beginning on the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report on the recommendations made by the National Security Commission on Artificial Intelligence with respect to the Department of Defense. Each such report shall include—

Determinations.
Analyses.

(1) for each such recommendation, a determination of whether the Secretary of Defense intends to implement the recommendation;

(2) in the case of a recommendation the Secretary intends to implement, the intended timeline for implementation, a description of any additional resources or authorities required for such implementation, and the plan for such implementation;

Timeline.
Plan.

(3) in the case of a recommendation the Secretary determines is not advisable or feasible, the analysis and justification of the Secretary in making that determination; and

(4) in the case of a recommendation the Secretary determines the Department is already implementing through a separate line of effort, the analysis and justification of the Secretary in making that determination.

(b) BRIEFINGS REQUIRED.—Not less frequently than once each year during the two-year period beginning on the date of the enactment of this Act, the Secretary of Defense shall provide to the congressional defense committees a briefing on—

(1) the progress of the Secretary in analyzing and implementing the recommendations made by the National Security Commission on Artificial Intelligence with respect to the Department of Defense;

(2) any programs, projects, or other activities of the Department that are being carried out to advance the recommendations of the Commission; and

(3) the amount of funding provided for such programs, projects, and activities.

TITLE III—OPERATION AND MAINTENANCE

TITLE III—OPERATION AND MAINTENANCE

Subtitle A—Authorization of Appropriations

Sec. 301. Authorization of appropriations.

Subtitle B—Energy and Environment

Sec. 311. Inclusion of impacts on military installation resilience in the National Defense Strategy and associated documents.

Sec. 312. Energy efficiency targets for Department of Defense data centers.

Sec. 313. Grants for maintaining or improving military installation resilience.

Sec. 314. Maintenance of current analytical tools in evaluating energy resilience measures.

Sec. 315. Authority to transfer amounts derived from energy cost savings.

Sec. 316. Exemption from prohibition on use of open-air burn pits in contingency operations outside the United States.

Sec. 317. Expansion of purposes of Sentinel Landscapes Partnership program to include resilience.

Sec. 318. Inspection of piping and support infrastructure at Red Hill Bulk Fuel Storage Facility, Hawai'i.

Sec. 319. Energy, water, and waste net-zero requirement for major military installations.

Sec. 320. Demonstration program on domestic production of rare earth elements from coal byproducts.

Sec. 321. Long-duration demonstration initiative and joint program.

Sec. 322. Pilot program to test new software to track emissions at certain military installations.

Sec. 323. Department of Defense plan to reduce greenhouse gas emissions.

Subtitle C—National Security Climate Resilience

Sec. 331. Definitions.

- Sec. 332. Climate Resilience Infrastructure Initiative of the Department of Defense.
- Sec. 333. Inclusion of information regarding extreme weather and cyber attacks or disruptions in reports on national technology and industrial base.
- Sec. 334. Climate resilience in planning, engagement strategies, infrastructure, and force development of Department of Defense.
- Sec. 335. Assessment of climate risks to infrastructure of Department of Defense.

Subtitle D—Treatment of Perfluoroalkyl Substances and Polyfluoroalkyl Substances

- Sec. 341. Treatment by Department of Defense of perfluoroalkyl substances and polyfluoroalkyl substances.
- Sec. 342. Extension of transfer authority for funding of study and assessment on health implications of per- and polyfluoroalkyl substances contamination in drinking water by Agency for Toxic Substances and Disease Registry.
- Sec. 343. Temporary moratorium on incineration by Department of Defense of perfluoroalkyl substances, polyfluoroalkyl substances, and aqueous film forming foam.
- Sec. 344. Review and guidance relating to prevention and mitigation of spills of aqueous film-forming foam.
- Sec. 345. Public disclosure of results of Department of Defense testing of water for perfluoroalkyl or polyfluoroalkyl substances.
- Sec. 346. Review of agreements with non-Department entities with respect to prevention and mitigation of spills of aqueous film-forming foam.
- Sec. 347. Comptroller General study on Department of Defense procurement of certain items containing certain PFAS substances.
- Sec. 348. Report on schedule for completion of remediation of perfluoroalkyl substances and polyfluoroalkyl substances.
- Sec. 349. Report on remediation of perfluoroalkyl substances and polyfluoroalkyl substances at certain military installations.

Subtitle E—Logistics and Sustainment

- Sec. 351. Mitigation of contested logistics challenges of the Department of Defense through reduction of operational energy demand.
- Sec. 352. Global bulk fuel management and delivery.
- Sec. 353. Test and evaluation of potential biobased solution for corrosion control and mitigation.
- Sec. 354. Pilot program on digital optimization of organic industrial base maintenance and repair operations.
- Sec. 355. Improved oversight for implementation of Shipyard Infrastructure Optimization Program of the Navy.
- Sec. 356. Report and certification requirements regarding sustainment costs for fighter aircraft programs.
- Sec. 357. Comptroller General annual reviews of F–35 sustainment efforts.

Subtitle F—Reports

- Sec. 361. Inclusion of information regarding borrowed military manpower in readiness reports.
- Sec. 362. Annual report on material readiness of Navy ships.
- Sec. 363. Incident reporting requirements for Department of Defense regarding lost or stolen weapons.
- Sec. 364. Strategy and annual report on critical language proficiency of special operations forces.

Subtitle G—Other Matters

- Sec. 371. Military Aviation and Installation Assurance Clearinghouse matters.
- Sec. 372. Establishment of Joint Safety Council.
- Sec. 373. Improvements and clarifications related to military working dogs.
- Sec. 374. Extension of temporary authority to extend contracts and leases under the ARMS Initiative.
- Sec. 375. Authority to maintain access to category 3 subterranean training facility.
- Sec. 376. Accident Investigation Review Board.
- Sec. 377. Implementation of Comptroller General recommendations on preventing tactical vehicle training accidents.
- Sec. 378. Requirements relating to emissions control tactics, techniques, and procedures.
- Sec. 379. Management of fatigue among crew of naval surface ships and related improvements.
- Sec. 380. Authority for activities to improve next generation radar systems capabilities.
- Sec. 381. Pilot program on military working dog and explosives detection canine health and excellence.
- Sec. 382. Department of Defense response to military lazing incidents.

Subtitle A—Authorization of Appropriations

SEC. 301. AUTHORIZATION OF APPROPRIATIONS.

Funds are hereby authorized to be appropriated for fiscal year 2022 for the use of the Armed Forces and other activities and agencies of the Department of Defense for expenses, not otherwise provided for, for operation and maintenance, as specified in the funding table in section 4301.

Subtitle B—Energy and Environment

SEC. 311. INCLUSION OF IMPACTS ON MILITARY INSTALLATION RESILIENCE IN THE NATIONAL DEFENSE STRATEGY AND ASSOCIATED DOCUMENTS.

(a) NATIONAL DEFENSE STRATEGY AND DEFENSE PLANNING GUIDANCE.—Section 113(g) of title 10, United States Code, is amended—

(1) in paragraph (1)(B)—

(A) in clause (ii), by striking “actors,” and inserting “actors, and the current or projected threats to military installation resilience,”; and

(B) by inserting after clause (ix), the following new clause:

“(x) Strategic goals to address or mitigate the current and projected risks to military installation resilience.”; and

(2) in paragraph (2)(A), in the matter preceding clause (i), by striking “priorities,” and inserting “priorities, including priorities relating to the current or projected risks to military installation resilience.”.

(b) NATIONAL DEFENSE SUSTAINMENT AND LOGISTICS REVIEW.—

(1) IN GENERAL.—The first section 118a of such title is amended—

(A) in subsection (a), by striking “capabilities,” and inserting “capabilities, response to risks to military installation resilience,”;

(B) by redesignating such section, as amended by subparagraph (A), as section 118b; and

(C) by moving such section so as to appear after section 118a.

(2) CLERICAL AND CONFORMING AMENDMENTS.—

(A) CLERICAL AMENDMENTS.—The table of sections for chapter 2 of such title is amended—

(i) by striking the first item relating to section 118a; and

(ii) by inserting after the item relating to section 118a the following new item:

“118b. National Defense Sustainment and Logistics Review.”.

(B) CONFORMING AMENDMENT.—Section 314(c) of the William M. (Mac) Thornberry National Defense Authorization Act for Fiscal Year 2021 (Public Law 116–283) is amended by striking “section 118a” and inserting “section 118b”.

10 USC
prec. 111.

10 USC 118b
note.

(c) CHAIRMAN’S RISK ASSESSMENT.—Section 153(b)(2)(B) of title 10, United States Code, is amended by inserting after clause (vi) the following new clause:

“(vii) Identify and assess risk resulting from, or likely to result from, current or projected effects on military installation resilience.”.

10 USC 2864
note.

(d) STRATEGIC DECISIONS RELATING TO MILITARY INSTALLATIONS.—The Secretary of each military department, with respect to any installation under the jurisdiction of that Secretary, and the Secretary of Defense, with respect to any installation of the Department of Defense that is not under the jurisdiction of the Secretary of a military department, shall consider the strategic risks associated with military installation resilience.

Coordination.
Determination.

(e) NATIONAL DEFENSE STRATEGY AND NATIONAL MILITARY STRATEGY.—The Secretary of Defense, in coordination with the heads of such other Federal agencies as the Secretary determines appropriate, shall incorporate the security implications of military installation resilience into the National Defense Strategy and the National Military Strategy.

(f) NATIONAL SECURITY PLANNING DOCUMENTS.—The Secretary of Defense and the Chairman of the Joint Chiefs of Staff shall consider the security implications associated with military installation resilience in developing the Defense Planning Guidance under section 113(g)(2) of title 10, United States Code, the Risk Assessment of the Chairman of the Joint Chiefs of Staff under section 153(b)(2) of such title, and other relevant strategy, planning, and programming documents and processes.

(g) CAMPAIGN PLANS OF COMBATANT COMMANDS.—The Secretary of Defense shall ensure that the national security implications associated with military installation resilience are integrated into the campaign plans of the combatant commands.

(h) REPORT ON SECURITY IMPLICATIONS ASSOCIATED WITH MILITARY INSTALLATION RESILIENCE.—

(1) REPORT.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report describing how the aspects of military installation resilience have been incorporated into modeling, simulation, war-gaming, and other analyses by the Department of Defense.

(2) FORM.—The report required by paragraph (1) shall be submitted in unclassified form, but may include a classified annex.

(i) MODIFICATION TO ANNUAL REPORT RELATED TO INSTALLATIONS ENERGY MANAGEMENT, ENERGY RESILIENCE, AND MISSION ASSURANCE AND READINESS.—

(1) MODIFICATION.—Section 2925(a) of title 10, United States Code, is amended—

(A) by redesignating paragraph (8) as paragraph (10); and

(B) by inserting after paragraph (7) the following new paragraphs:

Cost estimate.

“(8) A description of the effects on military readiness, and an estimate of the financial costs to the Department of Defense, reasonably attributed to adverse impacts to military installation resilience during the year preceding the submission of the

report, including loss of or damage to military networks, systems, installations, facilities, and other assets and capabilities of the Department.

“(9) An assessment of vulnerabilities to military installation resilience.” Assessment.

(2) **USE OF ASSESSMENT TOOL.**—The Secretary shall use the Climate Vulnerability and Risk Assessment Tool of the Department (or such successor tool) in preparing each report under section 2925(a) of title 10, United States Code (as amended by paragraph (1)). 10 USC 2925 note.

(j) **DEFINITIONS.**—In this section:

(1) The term “military installation resilience” has the meaning given that term in section 101(e) of title 10, United States Code. 10 USC 2864 note.

(2) The term “National Defense Strategy” means the national defense strategy under section 113(g)(1) of such title.

(3) The term “National Military Strategy” means the national military strategy under section 153(b) of such title.

SEC. 312. ENERGY EFFICIENCY TARGETS FOR DEPARTMENT OF DEFENSE DATA CENTERS.

(a) **ENERGY EFFICIENCY TARGETS FOR DATA CENTERS.**—

(1) **IN GENERAL.**—Subchapter I of chapter 173 of title 10, United States Code, is amended by adding at the end the following new section:

“§ 2921. Energy efficiency targets for data centers

10 USC 2921.

“(a) **COVERED DATA CENTERS.**—(1) For each covered data center, the Secretary of Defense shall—

“(A) develop a power usage effectiveness target for the data center, based on location, resiliency, industry standards, and best practices;

“(B) develop a water usage effectiveness target for the data center, based on location, resiliency, industry standards, and best practices;

“(C) develop other energy efficiency or water usage targets for the data center based on industry standards and best practices, as applicable to meet energy efficiency and resiliency goals;

“(D) identify potential renewable or clean energy resources, or related technologies such as advanced battery storage capacity, to enhance resiliency at the data center, including potential renewable or clean energy purchase targets based on the location of the data center; and

“(E) identify any statutory, regulatory, or policy barriers to meeting any target under any of subparagraphs (A) through (C).

“(2) The Secretary of Defense shall ensure that targets developed under paragraph (1) are consistent with guidance issued by the Secretary of Energy.

“(3) In this subsection, the term ‘covered data center’ means a data center of the Department of Defense that— Definition.

“(A) is one of the 50 data centers of the Department with the highest annual power usage rates; and

“(B) has been established before the date of the enactment of this section.

Standards. Requirement.	“(b) NEW DATA CENTERS.—(1) Except as provided in paragraph (2), in the case of any Department of Defense data center established on or after the date of the enactment of this section, the Secretary of Defense shall establish energy, water usage, and resiliency-related standards that the data center shall be required to meet based on location, resiliency, industry and Federal standards, and best practices. Such standards shall include—
	“(A) power usage effectiveness standards;
	“(B) water usage effectiveness standards; and
Determination.	“(C) any other energy or resiliency standards the Secretary determines are appropriate.
Waiver authority.	“(2) The Secretary may waive the requirement for a Department data center established on or after the date of the enactment of this section to meet the standards established under paragraph (1) if the Secretary—
Determination.	“(A) determines that such waiver is in the national security interest of the United States; and
Notice.	“(B) submits to the Committee on Armed Services of the House of Representatives notice of such waiver and the reasons for such waiver.”.
10 USC prec. 2911.	(2) CLERICAL AMENDMENT.—The table of sections at the beginning of such subchapter is amended by inserting after the item relating to section 2920 the following new item: “2921. Energy efficiency targets for data centers.”.
Deadline.	(b) INVENTORY OF DATA FACILITIES.— (1) INVENTORY REQUIRED.—By not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall conduct an inventory of all data centers owned or operated by the Department of Defense. Such survey shall include the following:
Survey.	(A) A list of data centers owned or operated by the Department of Defense.
List.	(B) For each such data center, the earlier of the following dates: (i) The date on which the data center was established. (ii) The date of the most recent capital investment in new power, cooling, or compute infrastructure at the data center.
	(C) The total average annual power use, in kilowatts, for each such data center.
	(D) The number of data centers that measure power usage effectiveness and, for each such data center, the power usage effectiveness for the center.
	(E) The number of data centers that measure water usage effectiveness and, for each such data center, the water usage effectiveness for the center.
	(F) A description of any other existing energy efficiency or efficient water usage metrics used by any data center and the applicable measurements for any such center.
Assessment.	(G) An assessment of the facility resiliency of each data center, including redundant power and cooling facility infrastructure.
	(H) Any other matters determined relevant by the Secretary.
	(c) REPORT.—Not later than 180 days after the completion of the inventory required under subsection (b), the Secretary of

Defense shall submit to the Committee on Armed Services of the House of Representatives a report on the inventory and the energy assessment targets under section 2921(a) of title 10, United States Code, as added by subsection (a). Such report shall include the following:

- (1) A timeline of necessary actions required to meet the energy assessment targets for covered data centers. Timeline.
- (2) The estimated costs associated with meeting such targets. Cost estimate.
- (3) An assessment of the business case for meeting such targets, including any estimated savings in operational energy and water costs and estimated reduction in energy and water usage if the targets are met. Assessment.
- (4) An analysis of any statutory, regulatory, or policy barriers to meeting such targets identified pursuant to section 2921(a)(E) of title 10, United States Code, as added by subsection (a). Analysis.

(d) **DATA CENTER DEFINED.**—In this section, the term “data center” has the meaning given such term in the most recent Integrated Data Collection guidance of the Office of Management and Budget.

SEC. 313. GRANTS FOR MAINTAINING OR IMPROVING MILITARY INSTALLATION RESILIENCE.

Section 2391 of title 10, United States Code, is amended—
(1) in subsection (b)(5), by adding at the end the following new subparagraph:

“(D) The Secretary of Defense may also make grants, conclude cooperative agreements, and supplement other Federal funds, in order to assist a State or local government in planning, enhancing infrastructure, and implementing measures and projects (to include resilience measures and projects involving the protection, restoration, and maintenance of natural features) that, as determined by the Secretary of Defense, will contribute to maintaining or improving military installation resilience or will prevent or mitigate encroachment that could affect operations of the Department of Defense.”; and

(2) in subsection (e)(1), by striking “subsection (b)(1)(D)” and inserting “paragraphs (1)(D) and (E) and (5)(D) of subsection (b) and subsection (d)”.

SEC. 314. MAINTENANCE OF CURRENT ANALYTICAL TOOLS IN EVALUATING ENERGY RESILIENCE MEASURES.

(a) **IN GENERAL.**—Section 2911 of title 10, United States Code, is amended by adding at the end the following new subsection:

“(i) **ASSESSMENT OF LIFE-CYCLE COSTS AND PERFORMANCE OF POTENTIAL ENERGY RESILIENCE PROJECTS.**—(1) Subject to the availability of appropriations, the Secretary of Defense shall develop and institute a process to ensure that the Department of Defense, when evaluating energy resilience measures, uses analytical tools that are accurate and effective in projecting the costs and performance of such measures.

“(2) Analytical tools used under paragraph (1) shall be—

“(A) designed to—

“(i) provide an accurate projection of the costs and performance of the energy resilience measure being analyzed;

“(ii) be used without specialized training; and

“(iii) produce resulting data that is understandable and usable by the typical source selection official;

“(B) consistent with standards and analytical tools commonly applied by the Department of Energy and by commercial industry;

“(C) adaptable to accommodate a rapidly changing technological environment;

“(D) peer reviewed for quality and precision and measured against the highest level of development for such tools; and

“(E) periodically reviewed and updated, but not less frequently than once every three years.”.

Time period.

(b) **REPORTING REQUIREMENT.**—If amounts are appropriated to carry out the requirements under subsection (i) of section 2911 of title 10, United States Code, as added by subsection (a), not later than September 30, 2022, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the execution by the Secretary of such requirements.

SEC. 315. AUTHORITY TO TRANSFER AMOUNTS DERIVED FROM ENERGY COST SAVINGS.

Section 2912 of title 10, United States Code, is amended—

(1) in subsection (a), by striking “until expended” and inserting “for that fiscal year and the succeeding fiscal year”; and

(2) by adding at the end the following new subsection:

“(e) **TRANSFER OF AMOUNTS.**—(1) The Secretary of Defense may transfer amounts described in subsection (a) that remain available for obligation to other funding accounts of the Department of Defense if the purpose for which such amounts will be used is a purpose specified in subsection (b) or (c).

“(2) Amounts transferred to a funding account of the Department under paragraph (1) shall be available for obligation for the same period as amounts in that account.

Reports.

“(3) At the end of each fiscal year, the Secretary of Defense shall submit to Congress a report detailing any funds transferred pursuant to paragraph (1) during that fiscal year, including a detailed description of the purpose for which such amounts have been used.”.

SEC. 316. EXEMPTION FROM PROHIBITION ON USE OF OPEN-AIR BURN PITS IN CONTINGENCY OPERATIONS OUTSIDE THE UNITED STATES.

Section 317(a) of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84; 10 U.S.C. 2701 note) is amended by adding at the end the following new paragraphs:

“(3) **EXEMPTION AUTHORITY FOR CERTAIN LOCATIONS.**—

Determination.

“(A) **IN GENERAL.**—The Secretary may exempt a location from the prohibition under paragraph (1) if the Secretary determines it is in the paramount interest of the United States to do so.

“(B) **NONDELEGATION.**—The Secretary may not delegate the authority under subparagraph (A).

“(4) **REPORTING REQUIREMENT FOR LOCATION EXEMPTIONS.**—

“(A) **IN GENERAL.**—Not later than 30 days after granting an exemption pursuant to paragraph (3)(A) with respect to the use of an open-air burn pit at a location, the Secretary shall submit to the Committees on Armed

Services of the Senate and the House of Representatives a written report that identifies—

- “(i) the location of the open-air burn pit;
 - “(ii) the number of personnel of the United States assigned to the location where the open-air burn pit is being used;
 - “(iii) the size and expected duration of use of the open-air burn pit;
 - “(iv) the personal protective equipment or other health risk mitigation efforts that will be used by members of the armed forces when airborne hazards are present, including how such equipment will be provided when required; and
 - “(v) the need for the open-air burn pit and rationale for granting the exemption.
- “(B) FORM.—A report submitted under subparagraph (A) shall be submitted in unclassified form, but may include a classified annex.”.

SEC. 317. EXPANSION OF PURPOSES OF SENTINEL LANDSCAPES PARTNERSHIP PROGRAM TO INCLUDE RESILIENCE.

(a) IN GENERAL.—Section 317 of the National Defense Authorization Act for Fiscal Year 2018 (Public Law 115–91; 10 U.S.C. 2684a note) is amended—

(1) in subsection (a), in the first sentence, by inserting “and restore” after “to preserve”;

(2) in subsection (c)—

(A) by inserting “resilience,” after “benefit of conservation,”; and

(B) by inserting “, resilience,” after “land management”;

(3) in subsection (d), in the second sentence, by inserting “by an eligible landowner or agricultural producer” after “Participation”;

(4) by redesignating subsection (e) as subsection (f);

(5) by inserting after subsection (d) the following new subsection (e):

“(e) PARTICIPATION BY OTHER AGENCIES.—Other Federal agencies with programs addressing conservation or resilience may, and are encouraged to—

“(1) participate in the activities of the Sentinel Landscapes Partnership; and

“(2) become full partners in the Sentinel Landscapes Partnership.”; and

(6) in subsection (f), as redesignated by paragraph (4), by adding at the end the following new paragraph:

“(4) RESILIENCE.—The term ‘resilience’ means the capability to avoid, prepare for, minimize the effect of, adapt to, and recover from extreme weather events, flooding, wildfire, or other anticipated or unanticipated changes in environmental conditions.”.

Definition.

(b) INCLUSION OF PROGRAM INFORMATION IN CERTAIN ANNUAL REPORTS.—Section 2684a(g)(2) of title 10, United States Code, is amended—

(1) by redesignating subparagraph (E) as subparagraph (F); and

(2) by inserting after subparagraph (D) the following new subparagraph:

“(E) Information concerning the activities undertaken pursuant to the Sentinel Landscapes Partnership established under section 317 of the National Defense Authorization Act for Fiscal Year 2018 (Public Law 115–91; 10 U.S.C. 2684a note).”.

(c) CONSERVATION AND CULTURAL ACTIVITIES.—Section 2694 of title 10, United States Code, is amended—

(1) in subsection (b)—

(A) in paragraph (1)—

(i) in subparagraph (A), by inserting “or involves a sentinel landscape” before the semicolon; and

(ii) in subparagraph (B), by inserting “or that would contribute to maintaining or improving military installation resilience” before the semicolon; and

(B) in paragraph (2)—

(i) in subparagraph (A), by inserting “or nature-based climate resilience plans” before the period; and

(ii) in subparagraph (F)—

(I) in clause (i)—

(aa) by striking “single ecosystem that encompasses” and inserting “single ecosystem—

“(I) that encompasses”;

(bb) by redesignating clause (ii) as subclause (II) and moving such subclause, as so redesignated, two ems to the right; and

(cc) in subclause (II), as redesignated by item (bb), by striking the period at the end and inserting “; or”; and

(II) by adding at the end the following new clause (ii):

“(ii) for one or more ecosystems within a sentinel landscape.”; and

(2) by adding at the end the following new subsection:

“(e) SENTINEL LANDSCAPE DEFINED.—In this section, the term ‘sentinel landscape’ has the meaning given that term in section 317(f) of the National Defense Authorization Act for Fiscal Year 2018 (Public Law 115–91; 10 U.S.C. 2684a note).”.

SEC. 318. INSPECTION OF PIPING AND SUPPORT INFRASTRUCTURE AT RED HILL BULK FUEL STORAGE FACILITY, HAWAII.

(a) SENSE OF CONGRESS.—In order to fully effectuate national security, assure the maximum safe utilization of the Red Hill Bulk Fuel Storage Facility in Honolulu, Hawai‘i, and fully address concerns as to potential impacts of the facility on public health, it is the sense of Congress that the Secretary of the Navy and the Defense Logistics Agency should—

(1) operate and maintain the Red Hill Bulk Fuel Storage Facility to the highest standard possible; and

(2) require safety inspections to be conducted more frequently based on the corrosion rate of the piping and overall condition of the pipeline system and support equipment at the facility.

(b) INSPECTION REQUIREMENT.—

(1) INSPECTION REQUIRED.—The Secretary of the Navy shall direct the Naval Facilities Engineering Command to conduct an inspection of the pipeline system, supporting infrastructure,

and appurtenances, including valves and any other corrosion prone equipment, at the Red Hill Bulk Fuel Storage Facility.

(2) INSPECTION AGENT; STANDARDS.—The inspection required by this subsection shall be performed—

(A) by an independent American Petroleum Institute certified inspector who will present findings of the inspection and options to the Secretary of the Navy for improving the integrity of the Red Hill Bulk Fuel Storage Facility and its appurtenances; and

(B) in accordance with the Unified Facilities Criteria (UFC-3-460-03) and American Petroleum Institute 570 inspection standards.

(3) EXCEPTION.—The inspection required by this subsection excludes the fuel tanks at the Red Hill Bulk Fuel Storage Facility.

(c) LIFE-CYCLE SUSTAINMENT PLAN.—In conjunction with the inspection required by subsection (b), the Naval Facilities Engineering Command shall prepare a life-cycle sustainment plan for the Red Hill Bulk Fuel Storage Facility, which shall consider the current condition and service life of the tanks, pipeline system, and support equipment.

(d) CONSIDERATION OF ALTERNATIVES TO RED HILL BULK FUEL STORAGE FACILITY.—The Secretary of Defense shall conduct an assessment of possible alternatives to the Red Hill Bulk Fuel Storage Facility for bulk fuel storage, including consideration of at least three locations outside of the State of Hawai‘i. The assessment shall be based on the overall requirement to support the fuel requirements of the Pacific Fleet, the costs and timeline for recapitalization of the Red Hill Bulk Fuel Storage Facility to the standards delineated in subsection (b)(2)(B), and the costs and timeline to establish an alternative location for secure bulk fuel storage.

Assessment.

(e) REPORTING REQUIREMENT.—Not later than one year after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report containing—

(1) the results of the independent inspection of the Red Hill Bulk Fuel Storage Facility conducted under subsection (b);

(2) the life-cycle sustainment plan prepared by the Naval Facilities Engineering Command under subsection (c);

Plan.

(3) the results of the assessment conducted by the Secretary under subsection (d) of possible alternatives to the Red Hill Bulk Fuel Storage Facility; and

(4) options on improving the security and maintenance of the Red Hill Bulk Fuel Storage Facility.

SEC. 319. ENERGY, WATER, AND WASTE NET-ZERO REQUIREMENT FOR MAJOR MILITARY INSTALLATIONS.

Deadlines.

(a) REQUIREMENT.—The Secretary of Defense shall improve military installation efficiency, performance, and management by ensuring that at least 10 percent of major military installations achieve energy net-zero and water or waste net-zero by fiscal year 2035.

10 USC 2911
note.

(b) STUDY ON REQUIREMENT.—

(1) STUDY.—Not later than 60 days after the date of the enactment of this Act, the Secretary shall seek to enter into

Contracts.
Assessments.

a contract with a federally funded research and development center to carry out a study on the net-zero requirement specified in subsection (a) that assesses, at a minimum, the following:

(A) Potential methods or strategies to achieve such requirement by the fiscal year 2035 deadline.

(B) The resiliency of major military installations subject to such requirement with respect to grid or other utility disruptions.

(C) The life-cycle costs related to such requirement.

(D) Computation methods for determining such life-cycle costs.

Determination.

(E) Such other matters as the federally funded research and development center carrying out the study determines appropriate.

(2) DEADLINE.—The study under paragraph (1) shall be completed by not later than February 1, 2023.

(3) BRIEFING.—Upon completion of the study under paragraph (1), the Secretary shall provide to the Committees on Armed Services of the House of Representatives and Senate a briefing on the findings of the study.

(c) STATUS REPORT AND BRIEFINGS ON PROGRESS TOWARD MEETING CURRENT GOAL REGARDING USE OF RENEWABLE ENERGY TO MEET FACILITY ENERGY NEEDS.—

(1) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall submit to the Committees on Armed Services of the House of Representatives and Senate a report on the progress the Secretary has made toward meeting the goal described in section 2911(g)(1)(A) of title 10, United States Code, with respect to fiscal year 2025.

Time period.

(2) BRIEFINGS.—During fiscal year 2022 and each succeeding fiscal year through fiscal year 2025, the Secretary shall provide to the Committees on Armed Services of the House of Representatives and Senate a briefing on the progress the Secretary has made toward meeting the goal described in section 2911(g)(1)(A) of title 10, United States Code, with respect to fiscal year 2025.

10 USC 2911
note.

(d) MAJOR MILITARY INSTALLATION DEFINED.—In this section, the term “major military installation” has the meaning given to the term “large site” in the most recent version of the Department of Defense Base Structure Report issued before the date of the enactment of this Act.

10 USC 4811
note.

SEC. 320. DEMONSTRATION PROGRAM ON DOMESTIC PRODUCTION OF RARE EARTH ELEMENTS FROM COAL BYPRODUCTS.

Deadline.

(a) DEMONSTRATION PROGRAM REQUIRED.—Not later than 120 days after the date of the enactment of this Act, the Secretary of Defense shall commence carrying out a demonstration program on recovering rare earth elements and critical minerals from acid mine drainage and other coal byproducts.

(b) PARTNERSHIP.—In carrying out the demonstration program required by subsection (a), the Secretary shall seek to enter into a partnership with one or more institutions of higher education that can demonstrate techniques for recovering rare earth elements and critical minerals from acid mine drainage and other coal byproducts, as the Secretary considers applicable.

(c) ELEMENTS.—The demonstration program required by subsection (a) shall address the following:

(1) The efficacy of separating rare earth elements and critical minerals from acid mine drainage.

(2) The feasibility of bringing such technology to commercialized scale.

(3) Domestic locations that are appropriate for the deployment of such technology.

(4) The ability of such technology to meet the requirements of the defense industrial base to supplement the rare earth element and critical mineral needs of the Department of Defense.

(d) DURATION.—The demonstration program required by subsection (a) shall be carried out during the one-year period beginning on the date of the commencement of the demonstration program. Time period.

(e) BRIEFING.—Not later than 120 days after the date of the completion of the demonstration program required by subsection (a), the Secretary and the program manager of the institute of higher education with whom the Secretary partners pursuant to subsection (b) shall provide to the Committees on Armed Services of the Senate and the House of Representatives a briefing on the elements of the demonstration program set forth under subsection (c). Deadline.

SEC. 321. LONG-DURATION DEMONSTRATION INITIATIVE AND JOINT PROGRAM. 10 USC 2911 note.

(a) ESTABLISHMENT OF INITIATIVE.—Not later than March 1, 2022, the Secretary of Defense shall establish a demonstration initiative composed of demonstration projects focused on the development of long-duration energy storage technologies. Deadline.

(b) SELECTION OF PROJECTS.—To the maximum extent practicable, in selecting demonstration projects to participate in the demonstration initiative under subsection (a), the Secretary of Defense shall—

- (1) ensure a range of technology types;
- (2) ensure regional diversity among projects; and
- (3) consider bulk power level, distribution power level, behind-the-meter, microgrid (grid-connected or islanded mode), and off-grid applications.

(c) JOINT PROGRAM.—

(1) ESTABLISHMENT.—As part of the demonstration initiative under subsection (a), the Secretary of Defense, in consultation with the Secretary of Energy, shall establish within the Department of Defense a joint program to carry out projects— Consultation.

(A) to demonstrate promising long-duration energy storage technologies at different scales to promote energy resiliency; and

(B) to help new, innovative long-duration energy storage technologies become commercially viable.

(2) MEMORANDUM OF UNDERSTANDING.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall enter into a memorandum of understanding with the Secretary of Energy to administer the joint program. Deadline.

(3) INFRASTRUCTURE.—In carrying out the joint program, the Secretary of Defense and the Secretary of Energy shall—

- (A) use existing test-bed infrastructure at—
 - (i) installations of the Department of Defense; and
 - (ii) facilities of the Department of Energy; and

(B) develop new infrastructure for identified projects, if appropriate.

(4) GOALS AND METRICS.—The Secretary of Defense and the Secretary of Energy shall develop goals and metrics for technological progress under the joint program consistent with energy resilience and energy security policies.

(5) SELECTION OF PROJECTS.—

(A) IN GENERAL.—To the maximum extent practicable, in selecting projects to participate in the joint program, the Secretary of Defense and the Secretary of Energy may—

(i) ensure that projects are carried out under conditions that represent a variety of environments with different physical conditions and market constraints; and

(ii) ensure an appropriate balance of—

(I) larger, operationally-scaled projects, adapting commercially-proven technology that meets military service defined requirements; and

(II) smaller, lower-cost projects.

(B) PRIORITY.—In carrying out the joint program, the Secretary of Defense and the Secretary of Energy shall give priority to demonstration projects that—

(i) make available to the public project information that will accelerate deployment of long-duration energy storage technologies that promote energy resiliency; and

(ii) will be carried out as field demonstrations fully integrated into the installation grid at an operational scale.

Public
information.

Evaluations.
10 USC 2911
note.

SEC. 322. PILOT PROGRAM TO TEST NEW SOFTWARE TO TRACK EMISSIONS AT CERTAIN MILITARY INSTALLATIONS.

(a) IN GENERAL.—The Secretary of Defense may conduct a pilot program (to be known as the “Installations Emissions Tracking Program”) to evaluate the feasibility and effectiveness of software and emerging technologies and methodologies to track real-time emissions from military installations and installation assets.

(b) GOALS.—The goals of the Installations Emissions Tracking Program shall be—

(1) to evaluate the capabilities of software and emerging technologies and methodologies to effectively track emissions in real time; and

(2) to reduce energy costs and increase efficiencies.

(c) LOCATIONS.—If the Secretary conducts the Installations Emissions Tracking Program, the Secretary shall select, for purposes of the Program, four major military installations located in different geographical regions of the United States.

10 USC 2911
note.

SEC. 323. DEPARTMENT OF DEFENSE PLAN TO REDUCE GREENHOUSE GAS EMISSIONS.

Deadline.

(a) PLAN REQUIRED.—Not later than September 30, 2022, the Secretary of Defense shall submit to Congress a plan to reduce the greenhouse gas emissions of the Department of Defense.

(b) BRIEFINGS.—The Secretary shall provide to the Committees on Armed Services of the House of Representatives and the Senate annual briefings on the progress of the Department of Defense toward meeting science-based emissions targets in the plan required by subsection (a).

Subtitle C—National Security Climate Resilience

SEC. 331. DEFINITIONS.

10 USC 113 note.

In this subtitle:

(1) The terms “climate resilience” and “extreme weather” have the meanings given such terms in section 101(a) of title 10, United States Code, as amended by section 332.

(2) The term “climate security” has the meaning given such term in the second subsection (e) of section 120 of the National Security Act of 1947 (50 U.S.C. 3060(e)).

(3) The term “military installation resilience” has the meaning given such term in section 101(e) of title 10, United States Code.

SEC. 332. CLIMATE RESILIENCE INFRASTRUCTURE INITIATIVE OF THE DEPARTMENT OF DEFENSE.

(a) CLIMATE RESILIENCE INFRASTRUCTURE INITIATIVE.—Chapter 136 of title 10, United States Code, is amended by adding at the end the following new section:

“§ 2285. Department of Defense Climate Resilience Infrastructure Initiative

10 USC 2285.

“(a) DESIGNATION.—The programs, practices, and activities carried out pursuant to this section shall be known collectively as the ‘Climate Resilience Infrastructure Initiative of the Department of Defense’.

“(b) HARDENING AND QUICK RECOVERY.—In carrying out military installation resilience plans pursuant to section 2864 of this title, the Secretary of Defense shall ensure that the development by the Department of Defense of requirements for backup utilities, communications, and transportation to ensure that the critical infrastructure of Department facilities is hardened, developed, and constructed for quick recovery from natural disasters and the impacts of extreme weather.

Requirements.

“(d) SUSTAINMENT AND MODERNIZATION.—The Secretary shall develop sustainment and modernization requirements for facilities of the Department in connection with climate resilience.

Requirements.

“(e) COLLABORATION IN PLANNING WITH LOCAL COMMUNITIES.—The Secretary shall develop, within existing frameworks for collaborative activities between military installations and State and local communities, and in addition to the requirements of section 2864(c) of this title, a framework that authorizes and directs installation commanders to engage with State, regional, and local agencies, and with local communities, on planning for climate resilience, to enhance efficient response to impacts of extreme weather and secure collaborative investment in infrastructure that is resilient to the current and projected impacts of extreme weather.

“(f) TESTING AND TRAINING RANGE LANDS.—

“(1) PRACTICES FOR SUSTAINMENT OF LANDS.—The Secretary shall develop and implement practices to sustain the lands of the military testing and training ranges of the Department, and the lands of testing and training ranges on State-owned National Guard installations, through the adaptation and resilience of such lands to the current and projected impacts of extreme weather to ensure the ongoing availability of such

lands to military personnel, weapon systems, and equipment for testing and training purposes.

“(2) TRAINING AND EDUCATION ON SUSTAINMENT OF LANDS.—The Secretary shall develop a program of training and education for members of the Armed Forces (including the reserve components) on the importance of the sustainment of the lands of the military testing and training ranges as described in paragraph (1).

“(3) INVESTMENT IN RESILIENCE OF LANDS.—The Secretary shall use existing programs of the Department, including the Readiness and Environmental Protection Integration Program of the Department (or such successor program), to provide for investments determined appropriate by the Secretary in the lands of the military testing and training ranges, to increase the resilience and adaptation of such lands to the current and projected impacts of extreme weather for testing and training purposes in connection with current and projected testing and training requirements in the short- and long-term.

“(b) USE OF CERTAIN TECHNOLOGIES.—The Secretary shall take appropriate actions to increase the use of low emission, emission-free, and net-zero-emission energy technologies in the operations, programs, projects, and activities of the Department, provided the use is cost effective over the life-cycle of the investment.”.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

“2285. Department of Defense Climate Resilience Infrastructure Initiative.”.

(c) DEFINITIONS.—Section 101(a) of title 10, United States Code, is amended by adding at the end the following new paragraphs:

“(19) The term ‘climate resilience’ means the capability to avoid, prepare for, minimize the effect of, adapt to, and recover from, extreme weather, or from anticipated or unanticipated changes in environmental conditions, that do (or have the potential to) adversely affect the national security of the United States or of allies and partners of the United States.

“(20) The term ‘extreme weather’ means recurrent flooding, drought, desertification, wildfires, thawing permafrost, sea level fluctuation, changes in mean high tides, or any other weather-related event, or anticipated change in environmental conditions, that present (or are projected to present) a recurring annual threat to the climate security of the United States or of allies and partners of the United States.”.

SEC. 333. INCLUSION OF INFORMATION REGARDING EXTREME WEATHER AND CYBER ATTACKS OR DISRUPTIONS IN REPORTS ON NATIONAL TECHNOLOGY AND INDUSTRIAL BASE.

Section 2504(3)(B) of title 10, United States Code, is amended by inserting “(including vulnerabilities related to the current and projected impacts of extreme weather and to cyber attacks or disruptions)” after “industrial base”.

10 USC 113 note. **SEC. 334. CLIMATE RESILIENCE IN PLANNING, ENGAGEMENT STRATEGIES, INFRASTRUCTURE, AND FORCE DEVELOPMENT OF DEPARTMENT OF DEFENSE.**

(a) CLIMATE CHALLENGES AND CLIMATE RESILIENCE IN KEY PROCESSES OF DEPARTMENT OF DEFENSE.—The Secretary of Defense

shall direct that the acquisition, budget planning and execution, infrastructure planning and sustainment, force development, engagement strategy development, security assistance, and other core processes of the Department of Defense fully consider and make needed adjustments to account for current and emerging climate and environmental challenges and to ensure the climate resilience of assets and capabilities of the Department, to include cost effectiveness over the life cycle of the investment weighed against threat reduction.

(b) CLIMATE RESILIENCE MISSION IMPACT ASSESSMENT.—

(1) IN GENERAL.—The Secretary shall conduct a mission impact assessment on climate resilience for the Department.

(2) ELEMENTS.—The assessment conducted under paragraph (1) shall include the following:

(A) An assessment of the direct impacts of extreme weather on the deployment and operations of the Armed Forces, and the manner in which extreme weather may impact the requirements of the commanders of the combatant commands in the respective areas of responsibility of such commanders, including—

(i) an assessment of the evolving posture of peer competitors and impacts to deployment and operations of peer competitors due to extreme weather;

(ii) an assessment of the impacts of expanding requirements for Department humanitarian assistance and disaster response due to extreme weather;

(iii) a threat assessment of the impacts of extreme weather, drought, and desertification on regional stability;

(iv) an assessment of risks to home station strategic and operational support area readiness, including the strategic highway network, the strategic rail network, and strategic air and sea ports; and

(v) the development of standards for data collection to assist decision-making processes for research, development, and acquisition priorities for installation and infrastructure resilience to extreme weather.

Standards.
Data.

(B) A long-term strategic plan, including war games and exercises, centered on climate-driven crises, and a long-term assessment of climate security by the Office of Net Assessment of the Department.

(C) A review outlining near-term and long-term needs for research, development, and deployment for equipment and other measures required to assure the resilience of the assets and capabilities of the Department and each component thereof, and of key elements of the defense industrial base and supporting transportation networks, to the impacts of extreme weather.

Review.

(c) REPORTS.—

(1) IN GENERAL.—Not later than one year after the date of the enactment of this Act, and every five years thereafter, the Chairman of the Joint Chiefs of Staff shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the broader strategic and operational impacts of extreme weather on the Department,

Time period.

measures to address such impacts, and progress in implementing new technologies and platforms, training and education methods, and data collection and dissemination for each military department to meet the respective mission requirements of the department.

(2) RESEARCH, DEVELOPMENT, AND DEPLOYMENT NEEDS.—Each report required by paragraph (1) shall identify research, development, and deployment needs for each combatant command and functional command.

SEC. 335. ASSESSMENT OF CLIMATE RISKS TO INFRASTRUCTURE OF DEPARTMENT OF DEFENSE.

(a) IN GENERAL.—The Secretary of Defense shall direct the Secretary of each military department to—

(1) assess the vulnerability of installations and other facilities under the jurisdiction of such Secretary, and of State-owned National Guard installations, to the current and projected impacts of extreme weather, using vulnerability and risk assessment tools chosen or developed pursuant to section 326 of the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116–92; 133 Stat. 1310);

(2) assess the infrastructure required for successful operation of such installations and facilities in response to any such vulnerabilities and ensure the military installation resilience of such installations and facilities; and

(3) develop installation-specific plans pursuant to section 2864(c) of title 10, United States Code, and similar plans for State-owned National Guard installations, to address such vulnerabilities.

Determination.

(b) FACILITY ASSESSMENT.—In carrying out subsection (a), the Secretary of each military department shall determine the needs of the military installations and other facilities under the jurisdiction of such Secretary, and of State-owned National Guard installations, based on the level of risks posed by the current and projected impacts of extreme weather, the likelihood of such risks, and the role of such installations and facilities in maintaining overall readiness and operational capability.

(c) CONSIDERATIONS.—In carrying out the assessments and developing the plans required under this section, the Secretary of Defense shall ensure that the cost effectiveness over the life-cycle of the investment, and the feasibility of solutions and technologies, are considered.

Subtitle D—Treatment of Perfluoroalkyl Substances and Polyfluoroalkyl Substances

SEC. 341. TREATMENT BY DEPARTMENT OF DEFENSE OF PERFLUOROALKYL SUBSTANCES AND POLYFLUOROALKYL SUBSTANCES.

(a) IN GENERAL.—Chapter 160 of title 10, United States Code, is amended by adding at the end the following new sections:

“§ 2714. Perfluoroalkyl substances and polyfluoroalkyl substances task force 10 USC 2714.

“(a) IN GENERAL.—The Secretary of Defense shall establish a task force to address the effects of the release of perfluoroalkyl substances and polyfluoroalkyl substances from activities of the Department of Defense (in this section referred to as the ‘PFAS Task Force’). Establishment.

“(b) MEMBERSHIP.—The members of the PFAS Task Force are the following:

“(1) The Assistant Secretary of Defense for Energy, Installations, and Environment.

“(2) The Assistant Secretary of the Army for Installations, Energy, and Environment.

“(3) The Assistant Secretary of the Navy for Energy, Installations, and Environment.

“(4) The Assistant Secretary of the Air Force for Installations, Environment, and Energy.

“(5) The Assistant Secretary of Defense for Health Affairs.

“(c) CHAIRMAN.—The Assistant Secretary of Defense for Energy, Installations, and Environment shall be the chairman of the PFAS Task Force.

“(d) SUPPORT.—The Under Secretary of Defense for Personnel and Readiness and such other individuals as the Secretary of Defense considers appropriate shall support the activities of the PFAS Task Force.

“(e) DUTIES.—The duties of the PFAS Task Force are the following:

“(1) Monitoring the health aspects of exposure to perfluoroalkyl substances and polyfluoroalkyl substances, as found by the Secretary of Health and Human Services.

“(2) Identifying, and funding the procurement of, an effective alternative to firefighting foam containing perfluoroalkyl substances or polyfluoroalkyl substances.

“(3) Coordinating within the Department of Defense with respect to mitigating the effects of the release of perfluoroalkyl substances and polyfluoroalkyl substances. Coordination.

“(4) Assessing the perceptions of Congress and the public of the efforts of the Department of Defense with respect to mitigating the effects of the release of perfluoroalkyl substances and polyfluoroalkyl substances from activities of the Department. Assessment.

“(f) REPORT.—Not later than 90 days after the date of the enactment of the National Defense Authorization Act for Fiscal Year 2022, and quarterly thereafter, the Chairman of the PFAS Task Force shall submit to Congress a report on the activities of the task force. Time period.

“(g) DEFINITIONS.—In this section:

“(1) The term ‘perfluoroalkyl substance’ means a man-made chemical of which all of the carbon atoms are fully fluorinated carbon atoms.

“(2) The term ‘polyfluoroalkyl substance’ means a man-made chemical containing a mix of fully fluorinated carbon atoms, partially fluorinated carbon atoms, and nonfluorinated carbon atoms.

10 USC 2715.

“§ 2715. Testing for perfluoroalkyl substances and polyfluoroalkyl substances at military installations and facilities of the National Guard

Deadline.
Assessment.
Effective date.

“(a) IN GENERAL.—Not later than two years after the date of the enactment of the National Defense Authorization Act for Fiscal Year 2022, the Secretary of Defense shall complete preliminary assessment and site inspection testing for perfluoroalkyl substances and polyfluoroalkyl substances at all military installations and facilities of the National Guard located in the United States that are identified as of March 31, 2021, as having a release of perfluoroalkyl substances or polyfluoroalkyl substances.

“(b) DETERMINATION OF CONTAMINATION.—Testing conducted under subsection (a) at a military installation or facility of the National Guard shall determine—

“(1) whether the installation or facility has contamination from a perfluoroalkyl substance or polyfluoroalkyl substance; and

“(2) whether activities in connection with such installation or facility have caused contamination from a perfluoroalkyl substance or polyfluoroalkyl substance outside of such installation or facility.

“(c) ADDITIONAL RESPONSE ACTIONS.—Testing conducted under subsection (a) shall provide at least a preliminary basis for determining whether additional environmental response actions are necessary to address contamination from a perfluoroalkyl substance or polyfluoroalkyl substance.

“(d) TYPE OF TESTING.—When testing for perfluoroalkyl substances or polyfluoroalkyl substances under subsection (a) or any other provision of law, the Secretary shall use a method to measure for all perfluoroalkyl substances or polyfluoroalkyl substances in drinking water that has been validated by the Administrator of the Environmental Protection Agency.

“(e) DEFINITIONS.—In this section:

“(1) The term ‘military installation’ has the meaning given such term in section 2801(c)(4) of this title.

“(2) The terms ‘perfluoroalkyl substance’ and ‘polyfluoroalkyl substance’ have the meanings given such terms in section 2714 of this title.”.

10 USC
prec. 2700.

(b) CLERICAL AMENDMENT.—The table of sections for such chapter is amended by adding at the end the following new items:

“2714. Perfluoroalkyl substances and polyfluoroalkyl substances task force.

“2715. Testing for perfluoroalkyl substances and polyfluoroalkyl substances at military installations and facilities of the National Guard.”.

(c) REPORTS ON STATUS OF TESTING.—

Time period.

(1) SUBMISSION.—For each of fiscal years 2022 through 2024, the Secretary shall submit to the Committees on Armed Services of the House of Representatives and the Senate a report on the status of the testing conducted under section 2715(a) of title 10, United States Code (as added by subsection (a)), during such year.

(2) MATTERS.—Each report submitted under paragraph (1) shall identify, with respect to testing conducted under such section 2715(a)—

(A) each military installation or facility where testing has been completed;

(B) each military installation or facility where testing has not yet been completed;

(C) the projected completion date for testing at military installations or facilities where testing has not yet been completed;

(D) the results of testing at military installations or facilities where testing has been completed; and

(E) the actions planned, and the projected timelines for such actions, for each military installation or facility to address contamination by a perfluoroalkyl substance or polyfluoroalkyl substance.

Timelines.

(3) **TIMING.**—Each report under paragraph (1) shall be submitted not later than January 1 of the fiscal year immediately following the fiscal year covered by the report.

(4) **LIMITATION ON DELEGATION.**—The Secretary may delegate the responsibility for preparing the reports required by paragraph (1) only to the Deputy Secretary of Defense.

(5) **DEFINITIONS.**—In this subsection, the terms “military installation”, “perfluoroalkyl substance”, and “polyfluoroalkyl substance” have the meanings given such terms in section 2715 of title 10, United States Code (as added by subsection (a)).

SEC. 342. EXTENSION OF TRANSFER AUTHORITY FOR FUNDING OF STUDY AND ASSESSMENT ON HEALTH IMPLICATIONS OF PER- AND POLYFLUOROALKYL SUBSTANCES CONTAMINATION IN DRINKING WATER BY AGENCY FOR TOXIC SUBSTANCES AND DISEASE REGISTRY.

Section 316(a)(2)(B)(ii) of the National Defense Authorization Act for Fiscal Year 2018 (Public Law 115–91; 131 Stat. 1350), as amended by section 315(a) of the John S. McCain National Defense Authorization Act for Fiscal Year 2019 (Public Law 115–232; 132 Stat. 1713), section 321 of the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116–92; 133 Stat. 1307), and section 337 of the William M. (Mac) Thornberry National Defense Authorization Act for Fiscal Year 2021 (Public Law 116–283), is further amended by striking “fiscal years 2019, 2020, and 2021” and inserting “fiscal years 2019 through 2023”.

134 Stat. 3533.

SEC. 343. TEMPORARY MORATORIUM ON INCINERATION BY DEPARTMENT OF DEFENSE OF PERFLUOROALKYL SUBSTANCES, POLYFLUOROALKYL SUBSTANCES, AND AQUEOUS FILM FORMING FOAM.

10 USC 2701 note.

(a) **TEMPORARY MORATORIUM.**—Beginning not later than 120 days after the date of the enactment of this Act, the Secretary of Defense shall prohibit the incineration of covered materials until the earlier of the following:

Time period.

(1) The date on which the Secretary issues guidance implementing—

(A) the interim guidance on the destruction and disposal of PFAS and materials containing PFAS published by the Administrator of the Environmental Protection Agency under section 7361 of the National Defense Authorization Act for Fiscal Year 2020 (15 U.S.C. 8961); and

(B) section 330 of the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116–92; 10 U.S.C. 2701 note).

(2) The date on which the Administrator of the Environmental Protection Agency publishes in the Federal Register

Federal Register, publication.

	a final rule regarding the destruction and disposal of such materials pursuant to such section. (b) REQUIRED ADOPTION OF FINAL RULE.—Upon publication of the final rule specified in subsection (a)(2), the Secretary shall adopt such final rule, regardless of whether the Secretary previously implemented the interim guidance specified in subsection (a)(1)(A). (c) REPORT.—Not later than one year after the enactment of this Act, and annually thereafter for three years, the Secretary shall submit to the Administrator and the Committees on Armed Services of the Senate and the House of Representatives a report on all incineration by the Department of Defense of covered materials during the year covered by the report, including— (1) the total amount of covered materials incinerated; (2) the temperature range specified in the permit where the covered materials were incinerated; (3) the locations and facilities where the covered materials were incinerated; (4) details on actions taken by the Department of Defense to implement section 330 of the National Defense Authorization Act for Fiscal Year 2020; and (5) recommendations for the safe storage of PFAS and PFAS-containing materials prior to destruction and disposal. (d) SCOPE.—The prohibition in subsection (a) and reporting requirements in subsection (c) shall apply not only to materials sent directly by the Department of Defense to an incinerator, but also to materials sent to another entity or entities, including any waste processing facility, subcontractor, or fuel blending facility, prior to incineration. (e) DEFINITIONS.—In this section: (1) The term “AFFF” means aqueous film forming foam. (2) The term “covered material” means any AFFF formulation containing PFAS, material contaminated by AFFF release, or spent filter or other PFAS-contaminated material resulting from site remediation or water filtration that— (A) has been used by the Department of Defense or a military department; (B) is being discarded for disposal by the Department of Defense or a military department; or (C) is being removed from sites or facilities owned or operated by the Department of Defense. (3) The term “PFAS” means per- or polyfluoroalkyl substances.
Time period.	
Recommendations.	
Applicability.	
10 USC 2701 note.	SEC. 344. REVIEW AND GUIDANCE RELATING TO PREVENTION AND MITIGATION OF SPILLS OF AQUEOUS FILM-FORMING FOAM.
Deadline.	(a) REVIEW REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall complete a review of the efforts of the Department of Defense to prevent or mitigate spills of aqueous film-forming foam (in this section referred to as “AFFF”). Such review shall assess the following:
Assessments.	
Guidelines.	(1) The preventative maintenance guidelines for fire trucks of the Department and fire suppression systems in buildings of the Department, to mitigate the risk of equipment failure that may result in a spill of AFFF.

(2) Any requirements for the use of personal protective equipment by personnel when conducting a material transfer or maintenance activity of the Department that may result in a spill of AFFF, or when conducting remediation activities for such a spill, including requirements for side-shield safety glasses, latex gloves, and respiratory protection equipment.	Requirements.
(3) The methods by which the Secretary ensures compliance with guidance specified in material safety data sheets with respect to the use of such personal protective equipment.	Compliance.
(b) GUIDANCE.—Not later than 90 days after the date on which the Secretary completes the review under subsection (a), the Secretary shall issue guidance on the prevention and mitigation of spills of AFFF based on the results of such review that includes, at a minimum, best practices and recommended requirements to ensure the following:	Deadline. Recommendations.
(1) The supervision by personnel trained in responding to spills of AFFF of each material transfer or maintenance activity of the Department of Defense that may result in such a spill.	
(2) The use of containment berms and the covering of storm drains and catch basins by personnel performing maintenance activities for the Department in the vicinity of such drains or basins.	
(3) The storage of materials for the cleanup and containment of AFFF in close proximity to fire suppression systems in buildings of the Department and the presence of such materials during any transfer or activity specified in paragraph (1).	
(c) BRIEFING.—Not later than 30 days after the date on which the Secretary issues the guidance under subsection (b), the Secretary shall provide to the congressional defense committees a briefing that summarizes the results of the review conducted under subsection (a) and the guidance issued under subsection (b).	Deadline. Summary.
SEC. 345. PUBLIC DISCLOSURE OF RESULTS OF DEPARTMENT OF DEFENSE TESTING OF WATER FOR PERFLUOROALKYL OR POLYFLUOROALKYL SUBSTANCES.	10 USC 2715 note.
(a) PUBLIC DISCLOSURE OF RESULTS.—	
(1) IN GENERAL.—Except as provided in paragraph (2), not later than 20 days after the receipt of a final result of testing water for perfluoroalkyl or polyfluoroalkyl substances (commonly referred to as “PFAS”) in a covered area, the Secretary of Defense shall publicly disclose such final result, including—	Deadline.
(A) the results of all such testing conducted in the covered area by the Department of Defense; and	
(B) the results of all such testing conducted in the covered area by a non-Department entity (including any Federal agency and any public or private entity) under a contract, or pursuant to an agreement, with the Department of Defense.	
(2) CONSENT BY PRIVATE PROPERTY OWNERS.—The Secretary of Defense may not publicly disclose the results of testing for perfluoroalkyl or polyfluoroalkyl substances conducted on private property without the consent of the property owner.	
(b) PUBLIC DISCLOSURE OF PLANNED TESTING OF WATER.—Not later than 180 days after the date of the enactment of the Act, and every 90 days thereafter, the Secretary of Defense shall	Deadline. Time period. Timeline.

publicly disclose the anticipated timeline for, and general location of, any planned testing for perfluoroalkyl or polyfluoroalkyl substances proposed to be conducted in a covered area, including—

(1) all such testing to be conducted by the Department of Defense; and

(2) all such testing to be conducted by a non-Department entity (including any Federal agency and any public or private entity) under a contract, or pursuant to an agreement, with the Department.

Web postings.

(c) NATURE OF DISCLOSURE.—The Secretary of Defense may satisfy the disclosure requirements under subsections (a) and (b) by publishing the results and information referred to in such subsections—

(1) on the publicly available website established under section 331(b) of the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116–92; 10 U.S.C. 2701 note);

(2) on another publicly available website of the Department of Defense; or

(3) in the Federal Register.

Federal Register,
publication.

(d) LOCAL NOTIFICATION.—Prior to conducting any testing of water for perfluoroalkyl or polyfluoroalkyl substances, including any testing which has not been planned or publicly disclosed pursuant to subsection (b), the Secretary of Defense shall provide notice of the testing to—

(1) the managers of the public water system serving the covered area where such testing is to occur;

(2) the heads of the municipal government serving the covered area where such testing is to occur; and

(3) as applicable, the members of the restoration advisory board for the military installation where such testing is to occur.

(e) METHODS FOR TESTING.—In testing water for perfluoroalkyl or polyfluoroalkyl substances, the Secretary of Defense shall adhere to methods for measuring the amount of such substances in drinking water that have been validated by the Administrator of the Environmental Protection Agency.

(f) DEFINITIONS.—In this section:

(1) The term “covered area” means an area in the United States that is located immediately adjacent to and down gradient from a military installation, a formerly used defense site, or a facility where military activities are conducted by the National Guard of a State pursuant to section 2707(e) of title 10, United States Code.

(2) The term “formerly used defense site” means any site formerly used by the Department of Defense or National Guard eligible for environmental restoration by the Secretary of Defense funded under the “Environmental Restoration Account, Formerly Used Defense Sites” account established under section 2703(a)(5) of title 10, United States Code.

(3) The term “military installation” has the meaning given such term in section 2801(c)(4) of title 10, United States Code.

(4) The term “perfluoroalkyl or polyfluoroalkyl substance” means any man-made chemical with at least one fully fluorinated carbon atom.

(5) The term “public water system” has the meaning given such term under section 1401(4) of the Safe Drinking Water Act (42 U.S.C. 300f(4)).

(6) The term “restoration advisory board” means a restoration advisory board established pursuant to section 2705(d) of title 10, United States Code.

SEC. 346. REVIEW OF AGREEMENTS WITH NON-DEPARTMENT ENTITIES WITH RESPECT TO PREVENTION AND MITIGATION OF SPILLS OF AQUEOUS FILM-FORMING FOAM. 10 USC 2679 note.

(a) **REVIEW REQUIRED.**—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall complete a review of mutual support agreements entered into with non-Department of Defense entities (including State and local entities) that involve fire suppression activities in support of missions of the Department. Deadline.

(b) **MATTERS.**—The review under subsection (a) shall assess, with respect to the agreements specified in such subsection, the following: Assessment.

(1) The preventative maintenance guidelines specified in such agreements for fire trucks and fire suppression systems, to mitigate the risk of equipment failure that may result in a spill of aqueous film-forming foam (in this section referred to as “AFFF”). Guidelines.

(2) Any requirements specified in such agreements for the use of personal protective equipment by personnel when conducting a material transfer or maintenance activity pursuant to the agreement that may result in a spill of AFFF, or when conducting remediation activities for such a spill, including requirements for side-shield safety glasses, latex gloves, and respiratory protection equipment. Requirements.

(3) The methods by which the Secretary, or the non-Department entity with which the Secretary has entered into the agreement, ensures compliance with guidance specified in the agreement with respect to the use of such personal protective equipment. Compliance.

(c) **GUIDANCE.**—Not later than 90 days after the date on which the Secretary completes the review under subsection (a), the Secretary shall issue guidance (based on the results of such review) on requirements to include under the agreements specified in such subsection, to ensure the prevention and mitigation of spills of AFFF. Such guidance shall include, at a minimum, best practices and recommended requirements to ensure the following: Deadline. Requirements. Recommendations.

(1) The supervision by personnel trained in responding to spills of AFFF of each material transfer or maintenance activity carried out pursuant to such an agreement that may result in such a spill.

(2) The use of containment berms and the covering of storm drains and catch basins by personnel performing maintenance activities pursuant to such an agreement in the vicinity of such drains or basins.

(3) The storage of materials for the cleanup and containment of AFFF in close proximity to fire suppression systems in buildings of the Department and the presence of such materials during any transfer or activity specified in paragraph (1).

(d) **BRIEFING.**—Not later than 30 days after the date on which the Secretary issues the guidance under subsection (c), the Secretary shall provide to the congressional defense committees a briefing Deadline. Summary.

that summarizes the results of the review conducted under subsection (a) and the guidance issued under subsection (c).

SEC. 347. COMPTROLLER GENERAL STUDY ON DEPARTMENT OF DEFENSE PROCUREMENT OF CERTAIN ITEMS CONTAINING CERTAIN PFAS SUBSTANCES.

(a) **STUDY.**—The Comptroller General of the United States shall conduct a study on the procurement by the Department of Defense of certain items that contain covered PFAS substances.

Assessments.

(b) **ELEMENTS.**—In conducting the study under subsection (a), the Comptroller General shall assess the following:

(1) The extent to which information is available to the Department of Defense regarding the presence of covered PFAS substances in the items procured by the Department.

(2) The challenges, if any, that exist in identifying the presence of covered PFAS substances in the items the Department procures, including whether there are certain categories of items that are more readily identified than others as containing such substances.

(3) The extent to which the Department has examined the feasibility of prohibiting the procurement of items containing covered PFAS substances.

(4) Such other topics as may be determined necessary by the Comptroller General.

Examination.

(c) **ITEMS.**—In conducting the study under subsection (a), the Comptroller General shall, to the extent practicable, examine information relating to the consideration by the Department of Defense of such substances in the following items:

(1) Furniture or floor waxes.

(2) Car wax and car window treatments.

(3) Cleaning products.

(4) Shoes and clothing for which treatment with a covered PFAS substance is not necessary for an essential function.

Deadline.

(d) **BRIEFING AND REPORT.**—Not later than 180 days after the date of enactment of this Act, the Comptroller General shall provide to the Committees on Armed Services of the House of Representatives and the Senate an interim briefing on the study conducted under subsection (a), including any preliminary observations. After such interim briefing, the Comptroller General shall submit to the committees a report on the study at a date mutually agreed upon by the Comptroller General and the committees.

(e) **COVERED PFAS SUBSTANCE DEFINED.**—In this section, the term “covered PFAS substance” means any of the following:

(1) Perfluorononanoic acid (PFNA).

(2) Perfluorooctanoic acid (PFOA).

(3) Perfluorohexanoic acid (PFHxA).

(4) Perfluorooctane sulfonic acid (PFOS).

(5) Perfluorohexane sulfonate (PFHxS).

(6) Perfluorobutane sulfonic acid (PFBS).

(7) GenX.

SEC. 348. REPORT ON SCHEDULE FOR COMPLETION OF REMEDIATION OF PERFLUOROALKYL SUBSTANCES AND POLYFLUOROALKYL SUBSTANCES.

Cost estimates.
Effective date.

(a) **IN GENERAL.**—Not later than 270 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report detailing a proposed schedule for the

completion of remediation of perfluoroalkyl substances and polyfluoroalkyl substances, and the associated cost estimates to perform such remediation, at military installations, facilities of the National Guard, and formerly used defense sites in the United States that are identified as of March 31, 2021, as having a release of perfluoroalkyl substances or polyfluoroalkyl substances.

(b) DEFINITIONS.—In this section:

(1) The term “military installation” has the meaning given such term in section 2801(c)(4) of title 10, United States Code.

(2) The term “perfluoroalkyl substance” means a man-made chemical of which all of the carbon atoms are fully fluorinated carbon atoms.

(3) The term “polyfluoroalkyl substance” means a man-made chemical containing a mix of fully fluorinated carbon atoms, partially fluorinated carbon atoms, and nonfluorinated carbon atoms.

SEC. 349. REPORT ON REMEDIATION OF PERFLUOROALKYL SUBSTANCES AND POLYFLUOROALKYL SUBSTANCES AT CERTAIN MILITARY INSTALLATIONS.

(a) IN GENERAL.—Not later than 60 days after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress a report identifying the status of efforts to remediate perfluoroalkyl substances and polyfluoroalkyl substances at the following locations: State listing.

- (1) England Air Force Base, Louisiana.
- (2) Naval Air Weapons Station China Lake, California.
- (3) Patrick Air Force Base, Florida.
- (4) Myrtle Beach Air Force Base, South Carolina.
- (5) Langley Air Force Base, Virginia.
- (6) Naval Air Station Jacksonville, Florida.
- (7) Niagara Falls Air Reserve Station, New York.
- (8) Grand Prairie Armed Forces Reserve Complex, Texas.
- (9) Altus Air Force Base, Oklahoma.
- (10) Charleston Air Force Base, South Carolina.
- (11) Barksdale Air Force Base, Louisiana.
- (12) Plattsburgh Air Force Base, New York.
- (13) Tyndall Air Force Base, Florida.
- (14) Sheppard Air Force Base, Texas.
- (15) Columbus Air Force Base, Mississippi.
- (16) Chanute Air Force Base, Illinois.
- (17) Marine Corps Air Station Tustin, California.
- (18) Travis Air Force Base, California.
- (19) Ellsworth Air Force Base, South Dakota.
- (20) Minot Air Force Base, North Dakota.
- (21) Westover Air Reserve Base, Massachusetts.
- (22) Eaker Air Force Base, Arkansas.
- (23) Naval Air Station Alameda, California.
- (24) Eielson Air Force Base, Alaska.
- (25) Horsham Air Guard Station, Pennsylvania.
- (26) Vance Air Force Base, Oklahoma.
- (27) Dover Air Force Base, Delaware.
- (28) Edwards Air Force Base, California.
- (29) Robins Air Force Base, Georgia.
- (30) Joint Base McGuire–Dix–Lakehurst, New Jersey.
- (31) Galena Air Force Base, Alaska.

- (32) Naval Research Laboratory Chesapeake Bay Detachment, Maryland.
- (33) Buckley Air Force Base, Colorado.
- (34) Arnold Air Force Base, Tennessee.
- (35) Tinker Air Force Base, Oklahoma.
- (36) Fairchild Air Force Base, Washington.
- (37) Vandenberg Air Force Base, California.
- (38) Hancock Field Air National Guard Base, New York.
- (39) F.E. Warren Air Force Base, Wyoming.
- (40) Nevada Air National Guard Base, Nevada.
- (41) K.I. Sawyer Air Force Base, Michigan.
- (42) Pease Air Force Base, New Hampshire.
- (43) Whiteman Air Force Base, Missouri.
- (44) Wurtsmith Air Force Base, Michigan.
- (45) Shepherd Field Air National Guard Base, West Virginia.
- (46) Naval Air Station Whidbey Island—Ault Field, Washington.
- (47) Rosecrans Air National Guard Base, Missouri.
- (48) Joint Base Andrews, Maryland.
- (49) Iowa Air National Guard Base, Iowa.
- (50) Stewart Air National Guard Base, New York.

(b) DEFINITIONS.—In this section:

(1) The term “perfluoroalkyl substance” means a man-made chemical of which all of the carbon atoms are fully fluorinated carbon atoms.

(2) The term “polyfluoroalkyl substance” means a man-made chemical containing a mix of fully fluorinated carbon atoms, partially fluorinated carbon atoms, and nonfluorinated carbon atoms.

Subtitle E—Logistics and Sustainment

SEC. 351. MITIGATION OF CONTESTED LOGISTICS CHALLENGES OF THE DEPARTMENT OF DEFENSE THROUGH REDUCTION OF OPERATIONAL ENERGY DEMAND.

(a) CLARIFICATION OF OPERATIONAL ENERGY RESPONSIBILITIES.—Section 2926 of title 10, United States Code, is amended—

(1) in subsection (a), by inserting “in contested logistics environments” after “missions”; and

(2) in subsection (b)—

(A) in the heading, by striking “AUTHORITIES” and inserting “RESPONSIBILITIES”;

(B) in the matter preceding paragraph (1), by striking “may” and inserting “shall”;

(C) by amending paragraph (1) to read as follows: “(1) require the Secretaries concerned and the commanders of the combatant commands to assess the energy supportability in contested logistics environments of systems, capabilities, and plans;”;

(D) in paragraph (2), by inserting “supportability in contested logistics environments,” after “power;”;

(E) in paragraph (3), by inserting “in contested logistics environments” after “vulnerabilities”.

(b) ESTABLISHMENT OF WORKING GROUP.—Such section is further amended—

(1) in subsection (c)—

(A) in the matter preceding paragraph (1), by inserting “ and in coordination with the working group under subsection (d)” after “components”; Coordination.

(B) in paragraph (1), by striking “Defense and oversee” and inserting “Defense, including the activities of the working group established under subsection (d), and oversee”;

(C) in paragraph (2), by inserting “, taking into account the findings of the working group under subsection (d)” after “Defense”; and

(D) in paragraph (3), by inserting “, taking into account the findings of the working group under subsection (d)” after “resilience”;

(2) by redesignating subsections (d) through (f) as subsections (e) through (g), respectively;

(3) by inserting after subsection (c), as amended by paragraph (1), the following new subsection:

“(d) WORKING GROUP.—(1) The Secretary of Defense shall establish a working group to integrate efforts to mitigate contested logistics challenges through the reduction of operational energy demand that are carried out within each armed force, across the armed forces, and with the Office of the Secretary of Defense and to conduct other coordinated functions relating to such efforts. Establishment.

“(2) The head of the working group under paragraph (1) shall be the Assistant Secretary of Defense for Energy, Installations, and Environment. The Assistant Secretary shall supervise the members of the working group and provide guidance to such members with respect to specific operational energy plans and programs to be carried out pursuant to the strategy under subsection (e).

“(3) The members of the working group under paragraph (1) shall be appointed as follows: Appointments.

“(A) A senior official of each armed force, who shall be nominated by the Secretary concerned and confirmed by the Senate to represent such armed force.

“(B) A senior official from each geographic and functional combatant command, who shall be appointed by the commander of the respective combatant command to represent such combatant command.

“(C) A senior official under the jurisdiction of the Chairman of the Joint Chiefs of Staff, who shall be appointed by the Chairman to represent the Joint Chiefs of Staff and the Joint Staff.

“(4) Each member of the working group shall be responsible for carrying out operational energy plans and programs and implementing coordinated initiatives pursuant to the strategy under subsection (e) for the respective component of the Department that the member represents.

“(5) The duties of the working group under paragraph (1) shall be as follows:

“(A) Planning for the integration of efforts to mitigate contested logistics challenges through the reduction of operational energy demand carried out within each armed force, across the armed forces, and with the Office of the Secretary of Defense.

“(B) Developing recommendations regarding the strategy for operational energy under subsection (e).

“(C) Developing recommendations relating to the development of, and modernization efforts for, platforms and weapons systems of the armed forces.

“(D) Developing recommendations to ensure that such development and modernization efforts lead to increased lethality, extended range, and extended on-station time for tactical assets.

“(E) Developing recommendations to mitigate the effects of hostile action by a near-peer adversary targeting operational energy storage and operations of the armed forces, including through the use of innovative delivery systems, distributed storage, flexible contracting, and improved automation.”; and

(4) in subsection (g), as redesignated by paragraph (2)—
(A) in paragraph (1)—

(i) by striking “The Secretary of a military department” and inserting “Each member of the working group under subsection (d)”; and

(ii) by striking “conducted by the military department” and inserting “conducted by the respective component of the Department that the member represents for purposes of the working group”; and

(B) in paragraph (2), by striking “military department” and inserting “armed force”.

(c) MODIFICATIONS TO OPERATIONAL ENERGY STRATEGY.—Subsection (e) of such section, as redesignated by subsection (b)(2), is amended to read as follows:

Coordination.

“(1) The Assistant Secretary of Defense for Energy, Installations, and Environment, in coordination with the working group under subsection (d), shall be responsible for the establishment and maintenance of a department-wide transformational strategy for operational energy. The strategy shall be updated every five years and shall establish near-term, mid-term, and long-term goals, performance metrics to measure progress in meeting the goals, and a plan for implementation of the strategy within each armed force, across the armed forces, and with the Office of the Secretary of Defense.

Updates.
Time period.
Plan.

Assessments.

“(2) The strategy required under paragraph (1) shall include the following:

Plan.

“(A) A plan to integrate efforts to mitigate contested logistics challenges through the reduction of operational energy demand within each armed force.

“(B) An assessment of how industry trends transitioning from the production of internal combustion engines to the development and production of alternative propulsion systems may affect the long-term availability of parts for military equipment, the fuel costs for such equipment, and the sustainability of such equipment.

“(C) An assessment of any technologies, including electric, hydrogen, or other sustainable fuel technologies, that may reduce operational energy demand in the near-term or long-term.

“(D) An assessment of how the Secretaries concerned and the commanders of the combatant commands can better plan for challenges presented by near-peer adversaries in a contested logistics environment, including through innovative delivery systems, distributed storage, flexible contracting, and improved automation.

“(E) An assessment of any infrastructure investments of allied and partner countries that may affect operational energy availability in the event of a conflict with a near-peer adversary.

“(3) By authority of the Secretary of Defense, and taking into consideration the findings of the working group, the Assistant Secretary shall prescribe policies and procedures for the implementation of the strategy and make recommendations to the Secretary of Defense and Deputy Secretary of Defense with respect to specific operational energy plans and programs to be carried out pursuant to the strategy.

Procedures.
Recommendations.

“(4) Not later than 30 days after the date on which the budget for fiscal year 2024 is submitted to Congress pursuant to section 1105 of title 31, and every five years thereafter, the Assistant Secretary shall submit to the congressional defense committees the strategy required under paragraph (1).”.

Deadline.
Time period.

(d) DEFINITION.—Such section is further amended by adding at the end the following new subsection:

“(h) CONTESTED LOGISTICS ENVIRONMENT DEFINED.—In this section, the term ‘contested logistics environment’ means an environment in which the armed forces engage in conflict with an adversary that presents challenges in all domains and directly targets logistics operations, facilities, and activities in the United States, abroad, or in transit from one location to the other.”.

(e) CONFORMING AMENDMENT.—Section 2926(c)(5) of title 10, United States Code, is amended by striking “subsection (e)(4)” and inserting “subsection (f)(4)”.

(f) INTERIM REPORT.—Not later than 180 days after the date of the enactment of this Act, the Assistant Secretary of Defense for Energy, Installations, and Environment shall submit to the congressional defense committees an interim report on any actions taken pursuant to the amendments made by this section. Such report shall include an update regarding the establishment of the working group under section 2926(d) of title 10, United States Code, as amended by subsection (b).

Update.

(g) BRIEFING ON ASSISTANT SECRETARY OF DEFENSE FOR ENERGY, INSTALLATIONS, AND ENVIRONMENT.—Not later than 60 days after the date of the enactment of this Act, the Secretary of Defense shall provide to the Committees on Armed Services of the House of Representatives and the Senate a briefing on the status of the following:

Deadline.

(1) The planned division of responsibilities between the Assistant Secretary of Defense for Sustainment and the Assistant Secretary of Defense for Energy, Installations, and Environment.

(2) A personnel plan to ensure the adequate manning of support personnel for the Assistant Secretary of Defense for Energy, Installations, and Environment.

Plan.

(3) Any additional resources necessary to ensure the ability of the Assistant Secretary of Defense for Energy, Installations, and Environment to fulfill the duty required under section 138(b)(7) of title 10, United States Code, and any other duties required of such Assistant Secretary by law.

SEC. 352. GLOBAL BULK FUEL MANAGEMENT AND DELIVERY.

(a) RESPONSIBILITY OF UNITED STATES TRANSPORTATION COMMAND.—

(1) IN GENERAL.—Subchapter III of chapter 173 of title 10, United States Code, is amended by adding at the end the following new section:

10 USC 2927.

“§ 2927. Global bulk fuel management and delivery

Effective date.

“(a) RESPONSIBLE ELEMENT.—(1) Beginning during the period described in paragraph (2) and permanently thereafter, the United States Transportation Command shall be the element responsible for bulk fuel management and delivery of the Department of Defense on a global basis.

Time period.

“(2) The period described in this paragraph is the period beginning on January 1, 2023, and ending on February 1, 2023.

“(b) COORDINATION WITH DEFENSE LOGISTICS AGENCY.—In carrying out the responsibilities specified in subsection (a), the Commander of the United States Transportation Command shall coordinate with the Director of the Defense Logistics Agency.

“(c) RULE OF CONSTRUCTION.—Except to the extent that, prior to January 1, 2023, a responsibility specified in subsection (a) was a specific function of the Defense Logistics Agency Energy, nothing under this section shall be construed as—

“(1) limiting any other function of the Defense Logistics Agency Energy; or

“(2) requiring the transfer of any function, personnel, or asset from the Defense Logistics Agency Energy to the United States Transportation Command.”.

10 USC
prec. 2924.

(2) CLERICAL AMENDMENT.—The table of contents for such subchapter is amended by adding at the end the following new item:

“2927. Global bulk fuel management and delivery.”.

Deadline.
Reviews.

(b) BRIEFING.—Not later than July 1, 2022, the Commander of United States Transportation Command shall provide to the Committees on Armed Services of the House of Representatives and the Senate a briefing on progress made to carry out the transfer of responsibilities to the United States Transportation Command pursuant to section 2927 of title 10, United States Code (as added by subsection (a)), including—

(1) a review of the plan of action for such transfer;

(2) a review of milestones completed and yet to be completed with respect to such transfer; and

Determination.

(3) an identification of any legislative changes or additional resources the Commander determines are necessary to implement such section 2927.

(c) GLOBAL BULK FUEL MANAGEMENT STRATEGY.—

Deadline.

(1) STRATEGY REQUIRED.—Not later than October 1, 2022, the Commander of United States Transportation Command shall prepare and submit to the Committees on Armed Services of the House of Representatives and the Senate a strategy to develop the infrastructure and programs necessary to optimally support global bulk fuel management of the Department of Defense.

(2) ADDITIONAL ELEMENTS.—The strategy under paragraph (1) shall include the following additional elements:

(A) A description of the current organizational responsibility for bulk fuel management of the Department, organized by geographic combatant command, including with respect to ordering, storage, and strategic and tactical transportation.

(B) A description of any legacy bulk fuel management assets of each of the geographic combatant commands.

(C) A description of the operational plan to exercise such assets to ensure full functionality and to repair, upgrade, or replace such assets as necessary.

(D) An identification of the resources required for any such repairs, upgrades, or replacements.

(E) A description of the current programs relating to platforms, weapon systems, or research and development, that are aimed at managing fuel constraints by decreasing demand for fuel.

(F) An assessment of current and projected threats to forward-based bulk fuel delivery, storage, and distribution systems, and an assessment, based on such current and projected threats, of attrition to bulk fuel infrastructure, including storage and distribution systems, in a conflict involving near-peer foreign countries.

Assessments.

(G) An assessment of current days of supply guidance, petroleum war reserve requirements, and prepositioned war reserve stocks, based on operational tempo associated with distributed operations in a contested environment.

Assessment.

(H) An identification of the resources required to address any changes to such guidance, requirements, or stocks recommended as the result of such assessment.

(I) An identification of any global shortfall with respect to bulk fuel management, organized by geographic combatant command, and a prioritized list of investment recommendations to address each shortfall identified.

List.
Recommendations.

(3) COORDINATION.—In preparing the strategy under paragraph (1), the Commander of United States Transportation Command shall coordinate with subject matter experts of the Joint Staff, the geographic combatant commands, the Defense Logistics Agency, and the military departments.

(4) FORM.—The strategy under paragraph (1) may be submitted in classified form, but if so submitted shall include an unclassified executive summary.

(d) CONFORMING AMENDMENTS.—Section 2854 of the Military Construction Authorization Act for Fiscal Year 2021 (division B of Public Law 116–283) is amended—

(1) in subsection (b), by striking “The organizational element designated pursuant to subsection (a)” and inserting “The Secretary of Defense”;

(2) in subsection (c), by striking “subsection (b)” and inserting “subsection (a)”;

(3) by striking subsections (a) and (d); and

(4) by redesignating subsections (b) and (c), as amended by paragraphs (1) and (2), as subsections (a) and (b), respectively.

10 USC 2922
note.

SEC. 353. TEST AND EVALUATION OF POTENTIAL BIOBASED SOLUTION FOR CORROSION CONTROL AND MITIGATION.

(a) TEST AND EVALUATION.—Not later than 120 days after the date of the enactment of this Act, the Director of the Strategic Environmental Research and Development Program and the Environmental Security Technology Certification Program shall test and evaluate at least one existing covered biobased solution for

Deadline.

	use as an alternative to current solutions of the Department of Defense for the control and mitigation of corrosion.
Requirements.	(b) DETERMINATION.—Following the test and evaluation of a covered biobased solution under subsection (a), the Director shall determine, based on such test and evaluation, whether the solution meets the following requirements: (1) The solution is capable of being produced domestically in sufficient quantities. (2) The solution is at least as effective at the control and mitigation of corrosion as current alternative solutions. (3) The solution reduces environmental exposures.
Determination.	(c) RECOMMENDATIONS.—The Director shall develop recommendations for the Department of Defense-wide deployment of covered biobased solutions that the Director has determined meet the requirements under subsection (b). (d) COVERED BIOBASED SOLUTION DEFINED.—In this section, the term “covered biobased solution” means a solution for the control and mitigation of corrosion that is domestically produced, commercial, and biobased.
10 USC 2476 note.	SEC. 354. PILOT PROGRAM ON DIGITAL OPTIMIZATION OF ORGANIC INDUSTRIAL BASE MAINTENANCE AND REPAIR OPERATIONS.
Deadline. Coordination.	(a) IN GENERAL.—Beginning not later than 180 days after the date of the enactment of this Act, the Assistant Secretary of Defense for Sustainment, in coordination with the Secretaries of the military departments, shall undertake a pilot program under which the digitization of the facilities and operations of at least one covered depot shall be provided for by the Secretary concerned. (b) ELEMENTS OF PILOT PROGRAM.—In carrying out the pilot program under this section, the Secretary concerned shall provide for each of the following at the covered depot or depots at which the program is carried out: (1) The creation of a digital twin model of the maintenance, repair, and remanufacturing infrastructure and activities. (2) The modeling and simulation of optimized facility configuration, logistics systems, and processes.
Analysis.	(3) The analysis of material flow and resource use to achieve key performance metrics for all levels of maintenance and repair.
Assessment.	(4) An assessment of automated, advanced, and additive manufacturing technologies that could improve maintenance, repair, and remanufacturing operations. (c) REPORT.—Not later than 60 days after the completion of the digital twin model and associated analysis, the Assistant Secretary of Defense for Sustainment shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the pilot program. Such report shall include—
Summary.	(1) a summary of the cost of the pilot program; (2) a description of the efficiencies identified under the pilot program; (3) a description of the infrastructure, workforce, and capital equipment investments necessary to achieve such efficiencies;
Plans.	(4) any plans to undertake such investments; and

(5) the assessment of the Assistant Secretary of the value of the pilot program and the potential applicability of the findings of the pilot program to other covered depots. Assessment.

(d) DEFINITIONS.—In this section:

(1) The term “covered depot” includes any depot covered under section 2476(e) of title 10, United States Code, except for the following:

- (A) Portsmouth Naval Shipyard, Maine.
- (B) Pearl Harbor Naval Shipyard, Hawaii.
- (C) Puget Sound Naval Shipyard, Washington.
- (D) Norfolk Naval Shipyard, Virginia.

(2) The terms “military departments” and “Secretary concerned” have the meanings given such terms in section 101 of title 10, United States Code.

SEC. 355. IMPROVED OVERSIGHT FOR IMPLEMENTATION OF SHIPYARD INFRASTRUCTURE OPTIMIZATION PROGRAM OF THE NAVY. 10 USC 8013 note.

(a) UPDATED PLAN.—

(1) IN GENERAL.—Not later than September 30, 2022, the Secretary of the Navy shall submit to the congressional defense committees an update to the plan of the Secretary for implementation of the Shipyard Infrastructure Optimization Program of the Department of the Navy, with the objective of providing increased transparency for the actual costs and schedules associated with infrastructure optimization activities for shipyards covered by such program. Deadline.

(2) UPDATED COST ESTIMATES.—The updated plan required under paragraph (1) shall include updated cost estimates comprising the most recent costs of capital improvement projects for each of the four public shipyards covered by the Shipyard Infrastructure Optimization Program.

(b) BRIEFING REQUIREMENT.—

(1) IN GENERAL.—Before the start of physical construction with respect to a covered project, the Secretary of the Navy or a designee of the Secretary shall brief each of the congressional defense committees on such project, regardless of the source of funding for such project.

(2) WRITTEN INFORMATION.—Before conducting a briefing under paragraph (1) with respect to a covered project, the Secretary of the Navy or a designee of the Secretary shall submit to the congressional defense committees in writing the following information:

- (A) An updated cost estimate for such project that—
 - (i) meets the standards of the Association for the Advancement of Cost Engineering for a Level 1 or Level 2 cost estimate; or
 - (ii) is an independent cost estimate.Update.
Cost estimate.

(B) A schedule for such project that is comprehensive, well-constructed, credible, and controlled pursuant to the Schedule Assessment Guide: Best Practices for Project Schedules (GAO–16–89G) set forth by the Comptroller General of the United States in December 2015, or successor guide. Schedule.

(C) An estimate of the likelihood that programmed and planned funds for such project will be sufficient for the completion of the project. Estimate.

(3) COVERED PROJECT DEFINED.—In this subsection, the term “covered project” means a shipyard project under the Shipyard Infrastructure Optimization Program—

(A) with a contract awarded on or after October 1, 2024; and

(B) valued at \$250,000,000 or more.

(c) ANNUAL REPORT.—

Coordination.

(1) IN GENERAL.—Not later than December 31, 2022, and not later than December 31 of each year thereafter, the Commander of the Naval Sea Systems Command, in coordination with the Program Manager Ships 555, shall submit to the congressional defense committees a report detailing the use by the Department of the Navy of funding for all efforts associated with the Shipyard Infrastructure Optimization Program, including the use of amounts made available by law to support the projects identified in the plan to implement such program, including any update to such plan under subsection (a).

Updates.
Estimates.

(2) ELEMENTS.—Each report required by paragraph (1) shall include updated cost and schedule estimates—

(A) for the plan to implement the Shipyard Optimization Program, including any update to such plan under subsection (a); and

(B) for each dry dock, major facility, and infrastructure project valued at \$250,000,000 or more under such program.

(d) COMPTROLLER GENERAL REPORT.—

(1) REPORT.—

(A) IN GENERAL.—Not later than May 1, 2023, the Comptroller General of the United States shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the progress of the Secretary of the Navy in implementing the Shipyard Infrastructure Optimization Program, including—

(i) the progress of the Secretary in completing the first annual report required under such program; and

Estimates.

(ii) the cost and schedule estimates for full implementation of such program.

Assessments.

(B) ELEMENTS.—The report required by subparagraph

(A) shall include the following:

(i) An assessment of the extent to which the cost estimate for the updated optimization plan for the Shipyard Infrastructure Optimization Program is consistent with leading practices for cost estimation.

(ii) An assessment of the extent to which the project schedule for such program is comprehensive, well-constructed, credible, and controlled.

(iii) An assessment of whether programmed and planned funds for a project under such program will be sufficient for the completion of the project.

(iv) Such other related matters as the Comptroller General considers appropriate.

Deadline.

(2) INITIAL BRIEFING.—Not later than April 1, 2023, the Comptroller General shall brief the Committees on Armed Services of the Senate and the House of Representatives on the preliminary findings of the report under paragraph (1).

SEC. 356. REPORT AND CERTIFICATION REQUIREMENTS REGARDING SUSTAINMENT COSTS FOR FIGHTER AIRCRAFT PROGRAMS.

(a) **REPORT.**—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report on individual aircraft fleet sustainment costs for the F–35 A/B/C, F/A–18 C/D/E/F/G, AV–8B, A–10C, F–16 C/D, F–22, and F–15 C/E/EX aircraft fleets. Such report shall include the following:

(1) A detailed description and explanation of, and the actual cost data related to, current sustainment costs for the aircraft fleets specified in this subsection, including an identification and assessment of cost elements attributable to the Federal Government or to contractors (disaggregated by the entity responsible for each portion of the cost element, including for a prime contractor and any first-tier subcontractor) with respect to such sustainment costs.

Assessment.

(2) An identification of sustainment cost metrics for each aircraft fleet specified in this subsection for each of fiscal years 2022 through 2026, expressed in cost-per-tail-per-year format.

Time period.

(b) **LIMITATION ON CERTAIN F–35 CONTRACTS.**—

(1) **IN GENERAL.**—The Secretary of Defense may not enter into a performance-based logistics sustainment contract for the F–35 airframe or engine programs, or modify an existing contract for the F–35 airframe or engine programs to require the use of a performance-based logistics sustainment contract, unless the Secretary submits to the congressional defense committees a certification that the Secretary has determined such a performance-based logistics contract will—

Certification.
Determination.

(A) reduce sustainment or operating costs for the F–35 airframe or engine programs; or

(B) increase readiness rates, full and partial mission capability rates, or airframe and engine availability rates of the F–35 weapon system.

(2) **CERTIFICATION.**—Any certification submitted pursuant to paragraph (1) shall include a cost-benefit analysis comparing an existing contract for the F–35 airframe or engine programs with a performance-based logistics sustainment contract for the F–35 airframe or engine programs.

Analysis.

(3) **APPLICABILITY.**—The limitation under paragraph (1) shall not apply with respect to the termination, modification, exercise of a contract option for, or other action relating to, a contract for the F–35 program entered into prior to the date of the enactment of this Act unless such termination, modification, exercise, or other action would require the use of a performance-based logistics sustainment contract as specified in paragraph (1).

(c) **COST-PER-TAIL-PER-YEAR CALCULATION.**—For purposes of this section, the average cost-per-tail of a variant of an aircraft of an Armed Force shall be determined by—

Determination.

(1) adding the total amount expended for a fiscal year (in base year fiscal 2012 dollars) for all such aircraft in the inventory of an Armed Force for—

- (A) unit level manpower;
- (B) unit operations;
- (C) maintenance;
- (D) sustaining support;

(E) continuing system support; and
 (F) modifications; and

(2) dividing the sum resulting under paragraph (1) by the average number of such aircraft in the inventory of an Armed Force during such fiscal year.

SEC. 357. COMPTROLLER GENERAL ANNUAL REVIEWS OF F-35 SUSTAINMENT EFFORTS.

Deadlines.

(a) ANNUAL REVIEWS AND BRIEFINGS.—Not later than March 1 of each year of 2022, 2023, 2024, and 2025, the Comptroller General of the United States shall—

(1) conduct an annual review of the sustainment efforts of the Department of Defense with respect to the F-35 aircraft program (including the air vehicle and propulsion elements of such program); and

(2) provide to the Committees on Armed Services of the House of Representatives and the Senate a briefing on such review, including any findings of the Comptroller General as a result of such review.

Assessments.

(b) ELEMENTS.—Each review under subsection (a)(1) shall include an assessment of the following:

(1) The status of the sustainment strategy of the Department for the F-35 Lightning II aircraft program.

(2) The Department oversight and prime contractor management of key sustainment functions with respect to the F-35 aircraft program.

(3) The ability of the Department to reduce the costs, or otherwise maintain the affordability, of the sustainment of the F-35 fleet.

Determination.

(4) Any other matters regarding the sustainment or affordability of the F-35 aircraft program that the Comptroller General determines to be of critical importance to the long-term viability of such program.

(c) REPORTS.—Following the provision of each briefing under subsection (a)(2), at such time as is mutually agreed upon by the Committees on Armed Services of the House of Representatives and the Senate and the Comptroller General, the Comptroller General shall submit to such committees a report on the matters covered by the briefing.

Subtitle F—Reports

SEC. 361. INCLUSION OF INFORMATION REGARDING BORROWED MILITARY MANPOWER IN READINESS REPORTS.

Section 482(b) of title 10, United States Code, is amended—

(1) by redesignating paragraph (10) as paragraph (11); and

(2) by inserting after paragraph (9) the following new paragraph:

“(10) Information regarding the extent to which any member of the armed forces is assigned or detailed outside the member’s unit or away from training in order to perform any function that had previously been performed by civilian employees of the Federal Government.”.

SEC. 362. ANNUAL REPORT ON MATERIAL READINESS OF NAVY SHIPS.

Section 8674(d) of title 10, United States Code, is amended—

(1) in paragraph (1)—

(A) by striking “submit to the” and inserting “provide to the”;

(B) by inserting “a briefing and submit to such committees” after “congressional defense committees”; and

(C) by striking “setting forth” and inserting “regarding”;

(2) in paragraph (2)—

(A) by striking “in an unclassified form that is releasable to the public without further redaction.” and inserting “in—”; and

(B) by adding at the end the following new subparagraphs:

“(A) a classified form; and

“(B) an unclassified form that is releasable to the public without further redaction.”; and

(3) by striking paragraph (3).

SEC. 363. INCIDENT REPORTING REQUIREMENTS FOR DEPARTMENT OF DEFENSE REGARDING LOST OR STOLEN WEAPONS.

10 USC 2722
note.

(a) **IN GENERAL.**—For each of fiscal years 2022, 2023, and 2024, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on security, control, thefts, losses, and recoveries of sensitive conventional arms, ammunition, and explosives (commonly referred to as “AA&E”) of the Department of Defense during such year, including the following:

Time periods.

(1) M–16 or M4s.

(2) Light automatic weapons up to and including M249, M2, and 40mm MK19 machine guns.

(3) Functional launch tube with umbilical squib installed and grip stock for the Stinger missile.

(4) Launch tube, sight assembly, and grip stock for missiles.

(5) Tracker for the Dragon missile.

(6) Mortar tubes up to and including 81mm.

(7) Grenade launchers.

(8) Rocket and missile launchers with an unpacked weight of 100 pounds or less.

(9) Flame throwers.

(10) The launcher, missile guidance system, or the optical sight for the TOW and the Javelin Command Launch Unit.

(11) Single shot and semi-automatic (non-automatic) shoulder-fired weapons such as shotguns and bolt action rifles and weapons barrels.

(12) Handguns.

(13) Recoil-less rifles up to and including 106mm.

(14) Man-portable missiles and rockets in a ready-to-fire configuration or when jointly stored or transported with the launcher tube or grip-stock and the explosive round.

(15) Stinger missiles.

(16) Dragon, Javelin, light antitank weapon (66mm), shoulder-launched multi-purpose assault weapon rocket (83mm), M136 (AT4) anti-armor launcher and cartridge (84mm).

(17) Missiles and rockets that are crew-served or require platform-mounted launchers and other equipment to function,

including HYDRA–70 rockets and tube-launched optically wire guided (TOW) missiles.

(18) Missiles and rockets that require platform-mounted launchers and complex hardware equipment to function including the HELLFIRE missile.

(19) Explosive rounds of any missile or rocket listed in paragraphs (1) through (18).

(20) Hand or rifle grenades (high-explosive and white phosphorous).

(21) Antitank or antipersonnel mines.

(22) Explosives used in demolition operations, C–4, military dynamite, and trinitrotoluene (TNT).

(23) Warheads for sensitive missiles and rockets weighing less than 50 pounds each.

(24) Ammunition that is .50 caliber or larger with explosive-filled projectile.

(25) Incendiary grenades and fuses for high-explosive grenades.

(26) Blasting caps.

(27) Supplementary charges.

(28) Bulk explosives.

(29) Detonating cord.

(30) Riot control agents.

Deadline. (b) IMMEDIATE REPORTING OF CONFIRMED THEFTS, LOSSES, AND RECOVERIES.—Not later than 72 hours after a confirmed theft, loss, or recovery of a sensitive conventional arm, ammunition, or explosive covered by the report required by subsection (a), the Secretary shall report such theft, loss, or recovery to the National Crime Information Center and local law enforcement.

10 USC note
prec. 501.

SEC. 364. STRATEGY AND ANNUAL REPORT ON CRITICAL LANGUAGE PROFICIENCY OF SPECIAL OPERATIONS FORCES.

(a) STRATEGY.—

Deadline.
Coordination.

(1) STRATEGY REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Assistant Secretary of Defense for Special Operations and Low-Intensity Conflict, in coordination with the Secretaries of the military departments, shall submit to the congressional defense committees a strategy to improve the language proficiency of the special operations forces of the Armed Forces, including by identifying individuals who have proficiency in a critical language and recruiting and retaining such individuals in the special operations forces.

(2) ELEMENTS.—The strategy under paragraph (1) shall include the following:

Requirements.

(A) A baseline of foreign language proficiency requirements to be implemented within the special operations forces, disaggregated by Armed Force and by critical language.

(B) Annual recruitment targets for the number of candidates with demonstrated proficiency in a critical language to be selected for participation in the initial assessment and qualification programs of the special operations forces.

(C) A description of current and planned efforts of the Secretaries concerned and the Assistant Secretary to meet such annual recruitment targets.

(D) A description of any training programs used to enhance or maintain foreign language proficiency within the special operations forces, including any nongovernmental programs used.

(E) An annual plan to enhance and maintain foreign language proficiency within the special operations forces of each Armed Force. Plan.

(F) An annual plan to retain members of the special operation forces of each Armed Force who have proficiency in a foreign language. Plan.

(G) A description of current and projected capabilities and activities that the Assistant Secretary determines are necessary to maintain proficiency in critical languages within the special operations forces. Determination.

(H) A plan to implement a training program for members of the special operations forces who serve in positions that the Assistant Secretary determines require proficiency in a critical language to support the Department of Defense in strategic competition. Plan.
Determination.

(b) **REPORTS REQUIRED.**—Not later than December 31, 2022, and annually thereafter until December 31, 2025, the Assistant Secretary of Defense for Special Operations and Low-Intensity Conflict, in coordination with the Secretaries of the military departments, shall submit to the congressional defense committees a report on the strategy required under subsection (a), including progress in achieving the objectives of the strategy with respect to the recruitment, training, and retention of members of the special operations forces who have proficiency in a critical language. Time period.
Coordination.

(c) **DEFINITIONS.**—In this section:

(1) The term “critical language” means a language identified by the Director of the National Security Education Program as critical to national security.

(2) The terms “military departments” and “Secretary concerned” have the meanings given such terms in section 101 of title 10, United States Code.

(3) The term “proficiency” means proficiency in a language, as assessed by the Defense Language Proficiency Test.

(4) The term “special operations forces” means forces described under section 167(j) of title 10, United States Code.

Subtitle G—Other Matters

SEC. 371. MILITARY AVIATION AND INSTALLATION ASSURANCE CLEARINGHOUSE MATTERS.

(a) **STRATEGY TO TEST AND INTEGRATE WIND TURBINE INTERFERENCE MITIGATION STRATEGIES.**—The Secretary of Defense and the Secretary of the Air Force, in coordination with the Commander of United States Northern Command and the Commander of North American Aerospace Defense Command, shall develop a strategy to test and integrate wind turbine interference mitigation technologies into radars and the air surveillance command and control architecture of the Department of Defense. Coordination.

(b) **MODIFICATION OF CLEARINGHOUSE REQUIREMENTS.**—Section 183a(c) of title 10, United States Code, is amended—

(1) in paragraph (2), by adding at the end the following new subparagraph:

Notice.
Assessment.

“(C) A notice of presumed risk issued under subparagraph (A) is a preliminary assessment only and does not represent a formal objection pursuant to subsection (e). Discussions of possible mitigation actions under such subparagraph could favorably resolve any concerns identified in the notice of presumed risk.”; and

Deadline.

(2) by adding at the end the following new paragraph: “(8) If, in reviewing an application for an energy project pursuant to paragraph (1), the Clearinghouse finds no adverse impact on military operations under section 44718(b)(1) of title 49, the Clearinghouse shall communicate to the Secretary of Transportation in writing, not later than five business days after making such finding, the following: ‘No Part 77 concerns, national security review ongoing.’”.

SEC. 372. ESTABLISHMENT OF JOINT SAFETY COUNCIL.

(a) IN GENERAL.—Chapter 7 of title 10, United States Code, is amended by inserting after section 183a the following new section:

10 USC 184.

“§ 184. Joint Safety Council

“(a) IN GENERAL.—There is established, within the Office of the Deputy Secretary of Defense, a Joint Safety Council (in this section referred to as the ‘Council’).

“(b) MEMBERSHIP; APPOINTMENT; COMPENSATION.—(1) The Council shall be composed of voting members as follows:

“(A) The Director of Safety for each military department.

“(B) An employee of the Department of Defense who is a career member of the Senior Executive Service and has a demonstrated record of success in the implementation of programs within the Department of Defense (as determined by the Deputy Secretary of Defense), appointed by the Deputy Secretary of Defense.

“(C) One member of the armed forces or civilian employee from each military department, appointed by the Secretary concerned.

“(D) Such additional members as may be determined by the Deputy Secretary of Defense.

“(2)(A) Each member of the Council shall serve at the will of the official who appointed that member.

“(B) Any vacancy on the Council shall be filled in the same manner as the original appointment.

“(3) Members of the Council may not receive additional pay, allowances, or benefits by reason of their service on the Council.

“(c) CHAIRPERSON AND VICE CHAIRPERSON.—(1)(A) The Secretary of Defense, or the designee of the Secretary, shall select one of the members of the Council who is a member of the armed forces to serve as the Chairperson of the Council.

Time period.

“(B) The Chairperson shall serve for a term of two years and shall be responsible for—

“(i) serving as the Director of Safety for the Department of Defense;

“(ii) serving as principal advisor to the Secretary of Defense regarding military safety and related regulations and policy reforms, including issues regarding maintenance, supply chains, personnel management, and training;

“(iii) overseeing all duties and activities of the Council, including the conduct of military safety studies and the issuance of safety guidance to the military departments;

“(iv) working with, and advising, the Secretaries of the military departments through appointed safety chiefs to implement standardized safety guidance across the military departments;

“(v) submitting to the Secretary of Defense and Congress an annual report reviewing the compliance of each military department with the guidance described in clause (iv);

“(vi) advising Congress on issues relating to military safety and reforms; and

“(vii) overseeing coordination with other Federal agencies, including the Federal Aviation Administration, to inform military aviation safety guidance and reforms.

Coordination.

“(2) The individual appointed under subsection (b)(1)(B) shall serve as the Vice Chairperson. The Vice Chairperson shall report to the Chairperson and shall serve as Chairperson in the absence of the Chairperson.

“(d) RESPONSIBILITIES.—The Council shall carry out the following responsibilities:

“(1) Subject to subsection (e), issuing, publishing, and updating regulations related to joint safety, including regulations on the reporting and investigation of mishaps.

“(2) With respect to mishap data—

“(A) establishing uniform data collection standards and a repository, that is accessible Department-wide, of data for mishaps in the Department of Defense;

“(B) reviewing the compliance of each military department in adopting and using the uniform data collection standards established under subparagraph (A); and

“(C) reviewing mishap data to assess, identify, and prioritize risk mitigation efforts and safety improvement efforts across the Department.

“(3) With respect to non-mishap data—

“(A) establishing standards and requirements for the collection of aircraft, equipment, simulator, airfield, range, pilot, and operator data;

“(B) establishing standards and requirements for the collection of ground vehicle equipment and crew data; and

“(C) establishing requirements for each military department to collect and analyze any waivers issued relating to pilot or operator qualifications or standards.

“(4) Reviewing and assessing civil and commercial aviation safety programs and practices to determine the suitability of such programs and practices for implementation in the military departments.

“(5) Establishing, in consultation with the Administrator of the Federal Aviation Administration, a requirement for each military department to implement an aviation safety management system.

“(6) Establishing, in consultation with the heads of appropriate Federal departments and agencies, a requirement for each military department to implement a separate safety management program for ground vehicles and ships.

“(7) Reviewing the proposal of each military department for the safety management systems described in paragraphs (9) and (10).

“(8) Reviewing the implementation of such systems by each military department.

“(9) Ensuring each military department has in place a system to monitor the implementation of recommendations made in safety and legal investigation reports of mishap incidents.

“(e) OVERSIGHT.—The decisions and recommendations of the Council are subject to review and approval by the Deputy Secretary of Defense.

“(f) STAFF.—(1) The Council may appoint staff in accordance with section 3101 of title 5.

“(2) The Council may accept persons on detail from within the Department of Defense and from other Federal departments or agencies on a reimbursable or non-reimbursable basis.

“(g) CONTRACT AUTHORITY.—The Council may enter into contracts for the acquisition of administrative supplies, equipment, and personnel services for use by the Council, to the extent that funds are available for such purposes.

“(h) PROCUREMENT OF TEMPORARY AND INTERMITTENT SERVICES.—The Chairperson may procure temporary and intermittent services under section 3109(b) of title 5 at rates for individuals which do not exceed the daily equivalent of the annual rate of basic pay prescribed for level V of the Executive Schedule under section 5316 of such title.

Regulations.

“(i) DATA COLLECTION.—(1) Under regulations issued by the Secretary of Defense, the Council shall have access to Department of Defense databases necessary to carry out its responsibilities, including causal factors to be used for mishap reduction purposes.

Contracts.

“(2) Under regulations issued by the Secretary of Defense, the Council may enter into agreements with the Federal Aviation Administration, the National Transportation Safety Board, and any other Federal agency regarding the sharing of safety data.

“(3) Data collected by the Council pursuant to this subsection may include privileged safety information that is protected from disclosure or discovery to any person.

Time period.

“(j) MEETINGS.—The Council shall meet quarterly and at the call of the Chairperson.

“(k) REPORT.—The Chair of the Council shall submit to the congressional defense committees semi-annual reports on the activities of the Council.”.

10 USC
prec. 171.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 183a the following new item:

“184. Joint Safety Council.”.

10 USC 184 note.

(c) DEADLINES.—

(1) ESTABLISHMENT.—The Secretary of Defense shall ensure the establishment of the Joint Safety Council under section 184 of title 10, United States Code (as added by subsection (a)), by not later than the date that is 120 days after the date of the enactment of this Act.

(2) APPOINTMENT OF FIRST MEMBERS.—The initial members of the Joint Safety Council established under such section 184 shall be appointed by not later than the date that is 120 days after the date of the enactment of this Act.

(3) DIRECTORS OF SAFETY.—Not later than 30 days after the date of the enactment of this Act, the Secretary of each military department shall ensure there is appointed as the Director of Safety for the military department concerned an officer of that military department in pay grade O–8 or above.

(d) **REPORT.**—Not later than 120 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report that includes the following:

(1) A description of the measures the Secretary plans to take to correct the issues identified in the report of the National Commission on Military Aviation Safety submitted to the President and Congress and dated December 1, 2020.

(2) A statement as to whether the Secretary concurs or disagrees with the findings of such report.

(3) A detailed plan of action for the implementation of each recommendation included in such report. Plan.

(4) Any additional recommendations the Secretary determines are necessary to apply the findings of the National Commission on Military Aviation Safety in such report to all aspects of military safety. Recommendations. Determination.

(e) **AUTHORIZATION OF APPROPRIATIONS.**—Of the amounts authorized to be appropriated or otherwise made available by this Act for Military Personnel Appropriations for fiscal year 2022, \$4,000,000 shall be made available for the Joint Safety Council established under section 184 of title 10, United States Code, as added by subsection (a).

SEC. 373. IMPROVEMENTS AND CLARIFICATIONS RELATED TO MILITARY WORKING DOGS.

(a) **PROHIBITION ON CHARGE FOR TRANSFER OF MILITARY ANIMALS.**—Section 2583(d) of title 10, United States Code, is amended by striking “may” and inserting “shall”.

(b) **INCLUSION OF MILITARY WORKING DOGS IN CERTAIN RESEARCH.**—Section 708(b) of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114–328; 10 U.S.C. 1071 note) is amended—

(1) in paragraph (7), by striking “of members of the Armed Forces” and inserting “with respect to both members of the Armed Forces and military working dogs”; and

(2) by striking paragraph (9) and inserting the following new paragraph:

“(9) To inform and advise the conduct of research on the leading causes of morbidity and mortality of members of the Armed Forces and military working dogs in combat.”.

SEC. 374. EXTENSION OF TEMPORARY AUTHORITY TO EXTEND CONTRACTS AND LEASES UNDER THE ARMS INITIATIVE.

Section 343 of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114–92; 10 U.S.C. 7554 note) is amended by striking “the date that is five years after the date of the enactment of this Act” and inserting “November 25, 2025,”.

SEC. 375. AUTHORITY TO MAINTAIN ACCESS TO CATEGORY 3 SUBTERRANEAN TRAINING FACILITY.

10 USC note
prec. 2001.

(a) **IN GENERAL.**—The Secretary of Defense may ensure that the Department of Defense maintains access to a covered category 3 subterranean training facility on a continuing basis.

(b) **AUTHORITY TO ENTER INTO LEASE.**—The Secretary of Defense is authorized to enter into a short-term lease with a provider of a covered category 3 subterranean training facility for purposes of carrying out subsection (a).

(c) COVERED CATEGORY 3 SUBTERRANEAN TRAINING FACILITY DEFINED.—In this section, the term “covered category 3 subterranean training facility” means a category 3 subterranean training facility that is—

- Effective date. (1) operational as of the date of the enactment of this Act; and
(2) deemed safe for use as of such date.

SEC. 376. ACCIDENT INVESTIGATION REVIEW BOARD.

(a) PROPOSAL FOR ESTABLISHMENT OF BOARD.—The Deputy Secretary of Defense shall develop a proposal for the establishment of an Accident Investigation Review Board (in this section referred to as the “Board”) to provide independent oversight and review of the legal investigations conducted by the Department of Defense outside of the safety process into the facts and circumstances surrounding operational and training accidents. The proposal shall include recommendations relating to—

Recommendations.

- (1) the size and composition of the Board;
(2) the process by which the Board would screen accident investigations to identify unsatisfactory, biased, incomplete, or insufficient investigations requiring subsequent review by the Board, including whether the Board should review investigations meeting a predetermined threshold (such as all fatal accidents or all Class A mishaps);
(3) the process by which the military departments and other components of the Department of Defense could refer pending or completed accident investigations to the Board for review;
(4) the process by which the Board would evaluate a particular accident investigation for accuracy, thoroughness, and objectivity;

Requirements.

- (5) the requirements for and process by which the convening component of an investigation reviewed by the Board should address the findings of the Board’s review of that particular investigation;

Procedures.

- (6) proposed procedures for safeguarding privileged and sensitive data and safety information collected during the investigation review process; and

Reports.
Assessment.

- (7) how and when the Board would be required to report to the Deputy Secretary of Defense on the activities of the Board, the outcomes of individual investigation reviews performed by the Board, and the assessment of the Board regarding cross-cutting themes and trends identified by those reviews.

Deadline.
Timeline.

(b) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Deputy Secretary of Defense shall submit to the congressional defense committee the proposal required by subsection (a) and a timeline for establishing the Board.

Deadlines.
10 USC note
prec. 2001.

SEC. 377. IMPLEMENTATION OF COMPTROLLER GENERAL RECOMMENDATIONS ON PREVENTING TACTICAL VEHICLE TRAINING ACCIDENTS.

(a) PLAN REQUIRED.—Not later than 180 days after the date of the enactment of this Act, each Secretary concerned shall submit to the congressional defense committees and to the Comptroller General of the United States a plan to address the recommendations in the report of the Government Accountability Office entitled

“Army and Marine Corps Should Take Additional Actions to Mitigate and Prevent Training Accidents” (GAO–21–361). Each such plan shall include, with respect to each recommendation in such report that the Secretary concerned has implemented or intends to implement—

(1) a summary of actions that have been or will be taken to implement the recommendation; and Summary.

(2) a schedule, with specific milestones, for completing implementation of the recommendation. Schedule.

(b) DEADLINE FOR IMPLEMENTATION.—

(1) IN GENERAL.—Except as provided in paragraph (2), not later than 18 months after the date of the enactment of this Act, each Secretary concerned shall carry out activities to implement the plan of the Secretary developed under subsection (a).

(2) EXCEPTION FOR IMPLEMENTATION OF CERTAIN RECOMMENDATIONS.—

(A) DELAYED IMPLEMENTATION.—A Secretary concerned may initiate implementation of a recommendation in the report referred to in subsection (a) after the date specified in paragraph (1) if, on or before such date, the Secretary provides to the congressional defense committees a specific justification for the delay in implementation of such recommendation.

(B) NONIMPLEMENTATION.—A Secretary concerned may decide not to implement a recommendation in the report referred to in subsection (a) if, on or before the date specified in paragraph (1), the Secretary provides to the congressional defense committees—

(i) a specific justification for the decision not to implement the recommendation; and

(ii) a summary of alternative actions the Secretary plans to take to address the conditions underlying the recommendation. Summary.

(c) SECRETARY CONCERNED.—In this section, the term “Secretary concerned” means— Definition.

(1) the Secretary of the Army, with respect to the Army; and

(2) the Secretary of the Navy, with respect to the Navy.

SEC. 378. REQUIREMENTS RELATING TO EMISSIONS CONTROL TACTICS, TECHNIQUES, AND PROCEDURES.

Deadlines.
10 USC 113 note.

(a) REVIEW.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall conduct a review of current electromagnetic spectrum emissions control tactics, techniques, and procedures across the joint force.

(b) REQUIREMENTS.—Not later than 60 days after completing the review under subsection (a), the Secretary of Defense shall direct each Secretary of a military department to update or establish, as applicable, standard tactics, techniques, and procedures, including down to the operational level, pertaining to emissions control discipline during all phases of operations. Updates.

(c) REPORT.—Not later than one year after the date of the enactment of this Act, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the implementation status of the tactics, techniques, and procedures updated or established, as

applicable, under subsection (b) by each of the military departments, including—

- (1) incorporation into doctrine of the military departments;
- (2) integration into training of the military departments;
- and
- (3) efforts to coordinate with the militaries of partner countries and allies to develop similar standards and associated protocols, including through the use of working groups.

SEC. 379. MANAGEMENT OF FATIGUE AMONG CREW OF NAVAL SURFACE SHIPS AND RELATED IMPROVEMENTS.

10 USC 8605
note.

(a) **REQUIREMENT.**—The Secretary of the Navy shall implement each recommendation for executive action set forth in the report of the Government Accountability Office titled “Navy Readiness: Additional Efforts Are Needed to Manage Fatigue, Reduce Crewing Shortfalls, and Implement Training” (GAO–21–366).

(b) **REPORT.**—Not later than one year after the date of the enactment of this Act, the Secretary of the Navy shall submit to the congressional defense committees and the Comptroller General a report on the status of actions taken by the Secretary to monitor crew fatigue and ensure equitable fatigue management throughout the naval surface ship fleet in accordance with subsection (a). Such report shall include the following:

Assessment.

(1) An assessment of the extent of crew fatigue throughout the naval surface ship fleet.

(2) A description of the metrics used to assess the extent of fatigue pursuant to paragraph (1).

(3) An identification of results-oriented goals for effective fatigue management.

Timeframes.

(4) An identification of timeframes for achieving the goals identified pursuant to paragraph (3).

Deadline.

(c) **COMPTROLLER GENERAL BRIEFING.**—Not later than 90 days after the date on which the Comptroller General receives the report under subsection (b), the Comptroller General shall provide to the congressional defense committees a briefing on the extent to which the actions and goals described in the report meet the requirements of subsection (a).

10 USC 4001
note.

SEC. 380. AUTHORITY FOR ACTIVITIES TO IMPROVE NEXT GENERATION RADAR SYSTEMS CAPABILITIES.

(a) **AUTHORITY.**—The Secretary of Defense may undertake activities to enhance future radar systems capabilities, including the following:

(1) Designating specific industry, academic, government, or public-private partnership entities to provide expertise in the repair, sustainment, and support of radar systems to meet current and future defense requirements, as appropriate.

(2) Facilitating collaboration among academia, the Federal Government, the defense industry, and the commercial sector, including with respect to radar system repair and sustainment activities.

(3) Establishing advanced research and workforce training and educational programs to enhance future radar systems capabilities.

(4) Establishing goals for research in areas of study relevant to advancing technology and facilitating better understanding of radar systems in defense systems and operational activities, including continuing education and training goals.

(5) Increasing communications and personnel exchanges with radar systems experts in industry to support adoption of state-of-the-art technologies and operational practices, especially to support meeting future defense needs related to radar systems in autonomous systems.

(6) Establishing agreements with one or more institutions of higher education or other organizations in academia or industry to provide for activities authorized under this section.

(7) Partnering with nonprofit institutions and private industry with expertise in radar systems to support activities authorized under this section.

(8) Establishing research centers and facilities, including centers of excellence, as appropriate to support activities authorized under this section, especially to promote partnerships between government, industry, and academia.

(b) INSTITUTION OF HIGHER EDUCATION DEFINED.—The term “institution of higher education” has the meaning given that term in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001).

SEC. 381. PILOT PROGRAM ON MILITARY WORKING DOG AND EXPLOSIVES DETECTION CANINE HEALTH AND EXCELLENCE.

10 USC 3062 note.

(a) PILOT PROGRAM.—Not later than September 31, 2022, the Secretary of Defense shall carry out a pilot program to ensure the health and excellence of explosives detection military working dogs. Under such pilot program, the Secretary shall consult with domestic breeders of working dog lines, covered institutions of higher education, and covered national domestic canine associations, to—

Deadline.

Consultation.

(1) facilitate the presentation, both in a central location and at regional field evaluations in the United States, of domestically-bred explosives detection military working dogs for assessment for procurement by the Department of Defense, at a rate of at least 250 canines presented per fiscal year;

(2) facilitate the delivery and communication to domestic breeders, covered institutions of higher education, and covered national domestic canine associations, of information regarding—

(A) any specific needs or requirements for the future acquisition by the Department of explosives detection military working dogs; and

(B) any factors identified as relevant to the success or failure of explosives detection military working dogs presented for assessment pursuant to this section;

(3) collect information on the biological and health factors of explosives detection military working dogs procured by the Department, and make such information available for academic research and to domestic breeders;

(4) collect and make available genetic and phenotypic information, including canine rearing and training data for study by domestic breeders and covered institutions of higher education, for the further development of working canines that are bred, raised, and trained domestically; and

(5) evaluate current Department guidance for the procurement of military working dogs to ensure that pricing structures and procurement requirements for foreign and domestic canine

Evaluation.

procurements accurately account for input cost differences between foreign and domestic canines.

(b) **TERMINATION.**—The authority to carry out the pilot program under subsection (a) shall terminate on October 1, 2024.

(c) **DEFINITIONS.**—In this section:

(1) The term “covered institution of higher education” means an institution of higher education, as such term is defined in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001), with demonstrated expertise in veterinary medicine for working canines.

(2) The term “covered national domestic canine association” means a national domestic canine association with demonstrated expertise in the breeding and pedigree of working canine lines.

(3) The term “explosives detection military working dog” means a canine that, in connection with the work duties of the canine performed for the Department of Defense, is certified and trained to detect odors indicating the presence of explosives in a given object or area, in addition to the performance of such other duties for the Department as may be assigned.

10 USC 113 note. **SEC. 382. DEPARTMENT OF DEFENSE RESPONSE TO MILITARY LAZING INCIDENTS.**

(a) **INVESTIGATION INTO LAZING OF MILITARY AIRCRAFT.**—

Time period.

(1) **INVESTIGATION REQUIRED.**—The Secretary of Defense shall conduct a formal investigation into all incidents of lazing of military aircraft that occurred during fiscal year 2021. The Secretary shall carry out such investigation in coordination and collaboration with appropriate non-Department of Defense entities.

Coordination.
Collaboration.

(2) **REPORT TO CONGRESS.**—Not later than March 31, 2022, the Secretary shall submit to the congressional defense committees a report on the findings of the investigation conducted pursuant to paragraph (1).

Memorandum.

(b) **INFORMATION SHARING.**—The Secretary shall seek to increase information sharing between the Department of Defense and the States with respect to incidents of lazing of military aircraft, including by entering into memoranda of understanding with State law enforcement agencies on information sharing in connection with such incidents to provide for procedures for closer cooperation with local law enforcement in responding to such incidents as soon as they are reported.

(c) **DATA COLLECTION AND TRACKING.**—The Secretary shall collect such data as may be necessary to track the correlation between noise complaints and incidents of military aircraft lazing.

(d) **OPERATING PROCEDURES.**—The Secretary shall give consideration to adapting local operating procedures in areas with high incidence of military aircraft lazing incidents to reduce potential injury to aircrew.

Determination.
Research and
development.

(e) **EYE PROTECTION.**—The Secretary shall examine the availability of commercial off-the-shelf laser eye protection equipment that protects against the most commonly available green light lasers that are available to the public. If the Secretary determines that no such laser eye protection equipment is available, the Secretary shall conduct research and develop such equipment.

TITLE IV—MILITARY PERSONNEL AUTHORIZATIONS

Subtitle A—Active Forces

- Sec. 401. End strengths for active forces.
- Sec. 402. Revisions in permanent active duty end strength minimum levels.
- Sec. 403. Additional authority to vary Space Force end strength.

Subtitle B—Reserve Forces

- Sec. 411. End strengths for Selected Reserve.
- Sec. 412. End strengths for Reserves on active duty in support of the reserves.
- Sec. 413. End strengths for military technicians (dual status).
- Sec. 414. Maximum number of reserve personnel authorized to be on active duty for operational support.
- Sec. 415. Accounting of reserve component members performing active duty or full-time National Guard duty towards authorized end strengths.

Subtitle C—Authorization of Appropriations

- Sec. 421. Military personnel.

Subtitle A—Active Forces

SEC. 401. END STRENGTHS FOR ACTIVE FORCES.

The Armed Forces are authorized strengths for active duty personnel as of September 30, 2022, as follows:

- (1) The Army, 485,000.
- (2) The Navy, 346,920.
- (3) The Marine Corps, 178,500.
- (4) The Air Force, 329,220.
- (5) The Space Force, 8,400.

SEC. 402. REVISIONS IN PERMANENT ACTIVE DUTY END STRENGTH MINIMUM LEVELS.

Section 691(b) of title 10, United States Code, is amended by striking paragraphs (1) through (5) and inserting the following new paragraphs:

- “(1) For the Army, 485,000.
- “(2) For the Navy, 346,920.
- “(3) For the Marine Corps, 178,500.
- “(4) For the Air Force, 329,220.
- “(5) For the Space Force, 8,400.”.

SEC. 403. ADDITIONAL AUTHORITY TO VARY SPACE FORCE END STRENGTH.

(a) IN GENERAL.—Notwithstanding section 115(g) of title 10, United States Code, upon determination by the Secretary of the Air Force that such action would enhance manning and readiness in essential units or in critical specialties, the Secretary may vary the end strength authorized by Congress for each fiscal year as follows:

- (1) Increase the end strength authorized pursuant to section 115(a)(1)(A) for a fiscal year for the Space Force by a number equal to not more than 5 percent of such authorized end strength.
- (2) Decrease the end strength authorized pursuant to section 115(a)(1)(A) for a fiscal year for the Space Force by a number equal to not more than 10 percent of such authorized end strength.

Determination.

(b) **TERMINATION.**—The authority provided under subsection (a) shall terminate on December 31, 2022.

Subtitle B—Reserve Forces

SEC. 411. END STRENGTHS FOR SELECTED RESERVE.

(a) **IN GENERAL.**—The Armed Forces are authorized strengths for Selected Reserve personnel of the reserve components as of September 30, 2022, as follows:

- (1) The Army National Guard of the United States, 336,000.
- (2) The Army Reserve, 189,500.
- (3) The Navy Reserve, 58,600.
- (4) The Marine Corps Reserve, 36,800.
- (5) The Air National Guard of the United States, 108,300.
- (6) The Air Force Reserve, 70,300.
- (7) The Coast Guard Reserve, 7,000.

(b) **END STRENGTH REDUCTIONS.**—The end strengths prescribed by subsection (a) for the Selected Reserve of any reserve component shall be proportionately reduced by—

(1) the total authorized strength of units organized to serve as units of the Selected Reserve of such component which are on active duty (other than for training) at the end of the fiscal year; and

(2) the total number of individual members not in units organized to serve as units of the Selected Reserve of such component who are on active duty (other than for training or for unsatisfactory participation in training) without their consent at the end of the fiscal year.

(c) **END STRENGTH INCREASES.**—Whenever units or individual members of the Selected Reserve of any reserve component are released from active duty during any fiscal year, the end strength prescribed for such fiscal year for the Selected Reserve of such reserve component shall be increased proportionately by the total authorized strengths of such units and by the total number of such individual members.

SEC. 412. END STRENGTHS FOR RESERVES ON ACTIVE DUTY IN SUPPORT OF THE RESERVES.

Within the end strengths prescribed in section 411(a), the reserve components of the Armed Forces are authorized, as of September 30, 2022, the following number of Reserves to be serving on full-time active duty or full-time duty, in the case of members of the National Guard, for the purpose of organizing, administering, recruiting, instructing, or training the reserve components:

- (1) The Army National Guard of the United States, 30,845.
- (2) The Army Reserve, 16,511.
- (3) The Navy Reserve, 10,293.
- (4) The Marine Corps Reserve, 2,386.
- (5) The Air National Guard of the United States, 25,333.
- (6) The Air Force Reserve, 6,003.

SEC. 413. END STRENGTHS FOR MILITARY TECHNICIANS (DUAL STATUS).

(a) **IN GENERAL.**—The minimum authorized number of military technicians (dual status) as of the last day of fiscal year 2022

for the reserve components of the Army and the Air Force (notwithstanding section 129 of title 10, United States Code) shall be the following:

(1) For the Army National Guard of the United States, 22,294.

(2) For the Army Reserve, 6,492.

(3) For the Air National Guard of the United States, 10,994.

(4) For the Air Force Reserve, 7,111.

(b) **LIMITATION ON NUMBER OF TEMPORARY MILITARY TECHNICIANS (DUAL STATUS).**—The number of temporary military technicians (dual-status) employed under the authority of subsection (a) may not exceed 25 percent of the total authorized number specified in such subsection.

(c) **LIMITATION.**—Under no circumstances may a military technician (dual status) employed under the authority of this section be coerced by a State into accepting an offer of realignment or conversion to any other military status, including as a member of the Active Guard and Reserve program of a reserve component. If a military technician (dual status) declines to participate in such realignment or conversion, no further action will be taken against the individual or the individual's position.

SEC. 414. MAXIMUM NUMBER OF RESERVE PERSONNEL AUTHORIZED TO BE ON ACTIVE DUTY FOR OPERATIONAL SUPPORT.

During fiscal year 2022, the maximum number of members of the reserve components of the Armed Forces who may be serving at any time on full-time operational support duty under section 115(b) of title 10, United States Code, is the following:

(1) The Army National Guard of the United States, 17,000.

(2) The Army Reserve, 13,000.

(3) The Navy Reserve, 6,200.

(4) The Marine Corps Reserve, 3,000.

(5) The Air National Guard of the United States, 16,000.

(6) The Air Force Reserve, 14,000.

SEC. 415. ACCOUNTING OF RESERVE COMPONENT MEMBERS PERFORMING ACTIVE DUTY OR FULL-TIME NATIONAL GUARD DUTY TOWARDS AUTHORIZED END STRENGTHS.

Section 115(b)(2)(B) of title 10, United States Code, is amended by striking “1095 days in the previous 1460 days” and inserting “1825 days in the previous 2190 days”.

Subtitle C—Authorization of Appropriations

SEC. 421. MILITARY PERSONNEL.

(a) **AUTHORIZATION OF APPROPRIATIONS.**—Funds are hereby authorized to be appropriated for fiscal year 2022 for the use of the Armed Forces and other activities and agencies of the Department of Defense for expenses, not otherwise provided for, for military personnel, as specified in the funding table in section 4401.

(b) **CONSTRUCTION OF AUTHORIZATION.**—The authorization of appropriations in the subsection (a) supersedes any other authorization of appropriations (definite or indefinite) for such purpose for fiscal year 2022.

TITLE V—MILITARY PERSONNEL POLICY

Subtitle A—Officer Personnel Policy

- Sec. 501. Authority with respect to authorized strengths for general and flag officers within the Armed Forces for emerging requirements.
- Sec. 502. Time in grade requirements.
- Sec. 503. Authority to vary number of Space Force officers considered for promotion to major general.
- Sec. 504. Seaman to Admiral-21 program: credit towards retirement.
- Sec. 505. Independent assessment of retention of female surface warfare officers.
- Sec. 506. Reports on Air Force personnel performing duties of a Nuclear and Missile Operations Officer (13N).

Subtitle B—Reserve Component Management

- Sec. 511. Modification of grant program supporting science, technology, engineering, and math education in the Junior Reserve Officers' Training Corps to include quantum information sciences.
- Sec. 512. Prohibition on private funding for interstate deployment of National Guard.
- Sec. 513. Access to Tour of Duty system.
- Sec. 514. Implementation of certain recommendations regarding use of unmanned aircraft systems by the National Guard.
- Sec. 515. Continued National Guard support for FireGuard program.
- Sec. 516. Enhancement of National Guard Youth Challenge Program.
- Sec. 517. Report on methods to enhance support from the reserve components in response to catastrophic incidents.
- Sec. 518. Study on reapportionment of National Guard force structure based on domestic responses.
- Sec. 519. Briefing on Junior Reserve Officers' Training Corps program.

Subtitle C—General Service Authorities and Military Records

- Sec. 521. Reduction in service commitment required for participation in career intermission program of a military department.
- Sec. 522. Improvements to military accessions in Armed Forces under the jurisdiction of the Secretaries of the military departments.
- Sec. 523. Notice program relating to options for naturalization.
- Sec. 524. Appeals to Physical Evaluation Board determinations of fitness for duty.
- Sec. 525. Command oversight of military privatized housing as element of performance evaluations.
- Sec. 526. Feasibility study on establishment of housing history for members of the Armed Forces who reside in housing provided by the United States.
- Sec. 527. Enhancements to national mobilization exercises.
- Sec. 528. Temporary exemption from end strength grade restrictions for the Space Force.
- Sec. 529. Report on exemptions and deferments for a possible military draft.
- Sec. 529A. Report on processes and procedures for appeal of denial of status or benefits for failure to register for Selective Service.
- Sec. 529B. Study and report on administrative separation boards.

Subtitle D—Military Justice Reform

PART 1—SPECIAL TRIAL COUNSEL

- Sec. 531. Special trial counsel.
- Sec. 532. Policies with respect to special trial counsel.
- Sec. 533. Definition of military magistrate, covered offense, and special trial counsel.
- Sec. 534. Clarification relating to who may convene courts-martial.
- Sec. 535. Detail of trial counsel.
- Sec. 536. Preliminary hearing.
- Sec. 537. Advice to convening authority before referral for trial.
- Sec. 538. Former jeopardy.
- Sec. 539. Plea agreements.
- Sec. 539A. Determinations of impracticability of rehearing.
- Sec. 539B. Applicability to the United States Coast Guard.
- Sec. 539C. Effective date.

PART 2—SEXUAL HARASSMENT; SENTENCING REFORM

- Sec. 539D. Inclusion of sexual harassment as general punitive article.

Sec. 539E. Sentencing reform.

PART 3—REPORTS AND OTHER MATTERS

Sec. 539F. Briefing and report on resourcing required for implementation.

Sec. 539G. Briefing on implementation of certain recommendations of the Independent Review Commission on Sexual Assault in the Military.

Subtitle E—Other Military Justice and Legal Matters

Sec. 541. Rights of the victim of an offense under the Uniform Code of Military Justice.

Sec. 542. Conduct unbecoming an officer.

Sec. 543. Independent investigation of complaints of sexual harassment.

Sec. 544. Department of Defense tracking of allegations of retaliation by victims of sexual assault or sexual harassment and related persons.

Sec. 545. Modification of notice to victims of pendency of further administrative action following a determination not to refer to trial by court-martial.

Sec. 546. Civilian positions to support Special Victims' Counsel.

Sec. 547. Plans for uniform document management system, tracking pretrial information, and assessing changes in law.

Sec. 548. Determination and reporting of members missing, absent unknown, absent without leave, and duty status-whereabouts unknown.

Sec. 549. Activities to improve family violence prevention and response.

Sec. 549A. Annual primary prevention research agenda.

Sec. 549B. Primary prevention workforce.

Sec. 549C. Reform and improvement of military criminal investigative organizations.

Sec. 549D. Military defense counsel.

Sec. 549E. Full functionality of Military Justice Review Panel.

Sec. 549F. Military service independent racial disparity review.

Sec. 549G. Inclusion of race and ethnicity in annual reports on sexual assaults; reporting on racial and ethnic demographics in the military justice system.

Sec. 549H. DoD Safe Helpline authorization to perform intake of official restricted and unrestricted reports for eligible adult sexual assault victims.

Sec. 549I. Extension of annual report regarding sexual assaults involving members of the Armed Forces.

Sec. 549J. Study and report on Sexual Assault Response Coordinator military occupational specialty.

Sec. 549K. Amendments to additional Deputy Inspector General of the Department of Defense.

Sec. 549L. Improved Department of Defense prevention of, and response to, bullying in the Armed Forces.

Sec. 549M. Recommendations on separate punitive article in the Uniform Code of Military Justice on violent extremism.

Sec. 549N. Combating foreign malign influence.

Subtitle F—Member Education, Training, and Transition

Sec. 551. Troops-to-Teachers Program.

Sec. 552. Codification of human relations training for certain members of the Armed Forces.

Sec. 553. Allocation of authority for nominations to the military service academies in the event of the death, resignation, or expulsion from office of a Member of Congress.

Sec. 554. Authority of President to appoint successors to members of Board of Visitors of military academies whose terms have expired.

Sec. 555. Meetings of the Board of Visitors of a military service academy: votes required to call; held in person or remotely.

Sec. 556. Defense Language Institute Foreign Language Center.

Sec. 557. United States Naval Community College.

Sec. 558. Codification of establishment of United States Air Force Institute of Technology.

Sec. 559. Concurrent use of Department of Defense Tuition Assistance and Montgomery GI Bill-Selected Reserve benefits.

Sec. 559A. Regulations on certain parental guardianship rights of cadets and midshipmen.

Sec. 559B. Defense language continuing education program.

Sec. 559C. Prohibition on implementation by United States Air Force Academy of civilian faculty tenure system.

Sec. 559D. Professional military education: report; definition.

Sec. 559E. Report on training and education of members of the Armed Forces regarding social reform and unhealthy behaviors.

Sec. 559F. Report on status of Army Tuition Assistance Program Army IgnitED program.

Sec. 559G. Briefing on cadets and midshipmen with speech disorders.

Subtitle G—Military Family Readiness and Dependents' Education

Sec. 561. Expansion of support programs for special operations forces personnel and immediate family members.

Sec. 562. Improvements to the Exceptional Family Member Program.

Sec. 563. Certain assistance to local educational agencies that benefit dependents of military and civilian personnel.

Sec. 564. Pilot program to establish employment fellowship opportunities for military spouses.

Sec. 565. Policy regarding remote military installations.

Sec. 566. Implementation of GAO recommendation on improved communication of best practices to engage military spouses with career assistance resources.

Sec. 567. Study on employment of military spouses.

Sec. 568. Briefing on efforts of commanders of military installations to connect military families with local entities that provide services to military families.

Sec. 569. Briefing on process to certify reporting of eligible federally connected children for purposes of Federal impact aid programs.

Sec. 569A. Briefing on legal services for families enrolled in the Exceptional Family Member Program.

Sec. 569B. GAO review of Preservation of the Force and Family Program of United States Special Operations Command: briefing; report.

Subtitle H—Diversity and Inclusion

Sec. 571. Reduction of gender-related inequities in costs of uniforms to members of the Armed Forces.

Sec. 572. Study on number of members of the Armed Forces who identify as Hispanic or Latino.

Sec. 573. Inclusion of military service academies, Officer Candidate and Training Schools, and the Senior Reserve Officers' Training Corps data in diversity and inclusion reporting.

Sec. 574. Extension of deadline for GAO report on equal opportunity at the military service academies.

Subtitle I—Decorations and Awards, Miscellaneous Reports, and Other Matters

Sec. 581. Modified deadline for establishment of special purpose adjunct to Armed Services Vocational Aptitude Battery test.

Sec. 582. Authorizations for certain awards.

Sec. 583. Establishment of the Atomic Veterans Commemorative Service Medal.

Sec. 584. Updates and preservation of memorials to chaplains at Arlington National Cemetery.

Sec. 585. Reports on security force personnel performing protection level one duties.

Sec. 586. GAO study on tattoo policies of the Armed Forces.

Sec. 587. Briefing regarding best practices for community engagement in Hawaii.

Subtitle A— Officer Personnel Policy

SEC. 501. AUTHORITY WITH RESPECT TO AUTHORIZED STRENGTHS FOR GENERAL AND FLAG OFFICERS WITHIN THE ARMED FORCES FOR EMERGING REQUIREMENTS.

(a) AUTHORITY ON AND BEFORE DECEMBER 31, 2022.—Section 526 of title 10, United States Code, is amended—

(1) by redesignating subsection (k) as subsection (l); and

(2) by inserting after subsection (j) the following new subsection:

“(k) TRANSFER OF AUTHORIZATIONS AMONG THE MILITARY SERVICES.—(1) The Secretary of Defense may increase the maximum number of brigadier generals or major generals in the Army, Air Force, Marine Corps, or Space Force, or rear admirals (lower half) or rear admirals in the Navy, allowed under subsection (a) and section 525 of this title, and the President may appoint officers

President.
Appointments.

in the equivalent grades equal to the number increased by the Secretary of Defense, if each appointment is made in conjunction with an offsetting reduction under paragraph (2).

“(2) For each increase and appointment made under the authority of paragraph (1) in the Army, Navy, Air Force, Marine Corps, or Space Force, the number of appointments that may be made in the equivalent grade in one of the other armed forces (other than the Coast Guard) shall be reduced by one. When such an increase and appointment is made, the Secretary of Defense shall specify the armed force in which the reduction required by this paragraph is to be made.

“(3) The total number of general officers and flag officers increased under paragraph (1), combined with the total number of general officers and flag officers increased under section 526a(i)(1) of this title, may not exceed 15 at any one time.

“(4) The Secretary may not increase the maximum number of general officers or flag officers under paragraph (1) until the date that is 30 days after the date on which the Secretary provides, to the Committees on Armed Services of the Senate and the House of Representatives, written notice of—

Effective date.
Time period.
Notice.

“(A) such increase; and

“(B) each offsetting reduction under paragraph (2), specifying the armed force and billet so reduced.”.

(b) **AUTHORITY AFTER DECEMBER 31, 2022.**—Section 526a of title 10, United States Code, is amended by adding at the end the following new subsection:

“(i) **TRANSFER OF AUTHORIZATIONS AMONG THE MILITARY SERVICES.**—(1) The Secretary of Defense may increase the maximum number of brigadier generals or major generals in the Army, Air Force, Marine Corps, or Space Force, or rear admirals (lower half) or rear admirals in the Navy, allowed under subsection (a) and section 525 of this title and the President may appoint officers in the equivalent grades equal to the number increased by the Secretary of Defense if each appointment is made in conjunction with an offsetting reduction under paragraph (2).

President.
Appointments.

“(2) For each increase and appointment made under the authority of paragraph (1) in the Army, Navy, Air Force, Marine Corps, or Space Force, the number of appointments that may be made in the equivalent grade in one of the other armed forces (other than the Coast Guard) shall be reduced by one. When such an increase and appointment is made, the Secretary of Defense shall specify the armed force in which the reduction required by this paragraph is to be made.

“(3) The total number of general officers and flag officers increased under paragraph (1), combined with the total number of general officers and flag officers increased under section 526(k)(1) of this title, may not exceed 15 at any one time.

“(4) The Secretary may not increase the maximum number of general officers or flag officers under paragraph (1) until the date that is 30 days after the date on which the Secretary provides, to the Committees on Armed Services of the Senate and the House of Representatives, written notice of—

Effective date.
Time period.
Notice.

“(A) such increase; and

“(B) each offsetting reduction under paragraph (2), specifying the armed force and billet so reduced.”.

SEC. 502. TIME IN GRADE REQUIREMENTS.

Section 619(a) of title 10, United States Code, is amended—

(1) in paragraph (2), by striking “paragraph (4)” and inserting “paragraph (5)”;

(2) by redesignating paragraphs (4) and (5) as paragraphs (5) and (6), respectively; and

(3) by inserting after paragraph (3) the following new paragraph:

“(4) When the needs of the service require, the Secretary of the military department concerned may prescribe a shorter period of service in grade, but not less than two years, for eligibility for consideration for promotion, in the case of officers designated for limited duty to whom paragraph (2) applies.”.

SEC. 503. AUTHORITY TO VARY NUMBER OF SPACE FORCE OFFICERS CONSIDERED FOR PROMOTION TO MAJOR GENERAL.

(a) **IN GENERAL.**—Notwithstanding section 616(d) of title 10, United States Code, the number of officers recommended for promotion by a selection board convened by the Secretary of the Air Force under section 611(a) of title 10, United States Code, to consider officers on the Space Force active duty list for promotion to major general may not exceed the number equal to 95 percent of the total number of brigadier generals eligible for consideration by the board.

(b) **TERMINATION.**—The authority provided under subsection (a) shall terminate on December 31, 2022.

SEC. 504. SEAMAN TO ADMIRAL-21 PROGRAM: CREDIT TOWARDS RETIREMENT.

Time period.

(a) **CREDIT.**—For each participant in the Seaman to Admiral-21 program during fiscal years 2010 through 2014 for whom the Secretary of the Navy cannot find evidence of an acknowledgment that, before entering a baccalaureate degree program, service during the baccalaureate degree program would not be included when computing years of service for retirement, the Secretary shall include service during the baccalaureate degree program when computing—

(1) years of service; and

(2) retired or retainer pay.

(b) **REPORT REQUIRED.**—The Secretary shall submit a report to the Committees on Armed Services of the Senate and House of Representatives regarding the number of participants credited with service under subsection (a).

(c) **DEADLINE.**—The Secretary shall carry out this section not later than 180 days after the date of the enactment of this Act.

SEC. 505. INDEPENDENT ASSESSMENT OF RETENTION OF FEMALE SURFACE WARFARE OFFICERS.

Contracts.
Analysis.

(a) **IN GENERAL.**—The Secretary of Defense shall seek to enter into an agreement with a nonprofit entity or a federally funded research and development center independent of the Department of Defense to conduct research and analysis on the gender gap in retention of surface warfare officers in the Navy.

(b) **ELEMENTS.**—The research and analysis conducted under subsection (a) shall include consideration of the following:

(1) Demographics of surface warfare officers, disaggregated by gender, including—

(A) race;

- (B) ethnicity;
- (C) socioeconomic status;
- (D) marital status (including whether the spouse is a member of the Armed Forces and, if so, the length of service of such spouse);
- (E) whether the officer has children (including number and age or ages of children);
- (F) whether an immediate family member serves or has served as a member of the Armed Forces; and
- (G) the percentage of such officers who—
 - (i) indicate an intent to complete only an initial service agreement; and
 - (ii) complete only an initial service agreement.
- (2) Whether there is a correlation between the number of female surface warfare officers serving on a vessel and responses of such officers to command climate surveys.
- (3) An anonymous but traceable study of command climate results to—
 - (A) correlate responses from particular female surface warfare officers with resignation; and
 - (B) compare attitudes of first-tour and second-tour female surface warfare officers.
- (4) Recommendations based on the findings under paragraphs (1), (2), and (3). Study.
- (c) **REPORTS.**—
 - (1) **IN GENERAL.**—Not later than 270 days after the date on which a nonprofit entity or federally funded research and development center enters into an agreement under subsection (a) with the Secretary of Defense, such entity or center shall submit to the Secretary of Defense a report on the results of the research and analysis under subsection (a). Recommendations.
 - (2) **SUBMISSION TO CONGRESS.**—Not later than one year after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees each of the following:
 - (A) A copy of the report submitted under paragraph (1) without change. Records.
 - (B) Any comments, changes, recommendations, or other information provided by the Secretary of Defense relating to the research and analysis under subsection (a) and contained in such report. Recommendations.

SEC. 506. REPORTS ON AIR FORCE PERSONNEL PERFORMING DUTIES OF A NUCLEAR AND MISSILE OPERATIONS OFFICER (13N).

- (a) **IN GENERAL.**—The Secretary of the Air Force shall submit to the congressional defense committees a report on personnel performing the duties of a Nuclear and Missile Operations Officer (13N)—
 - (1) not later than 90 days after the date of the enactment of this Act; and
 - (2) concurrent with the submission to Congress of the budget of the President for each of fiscal years 2023 through 2027 pursuant to section 1105(a) of title 31, United States Code.
- (b) **ELEMENTS.**—Each report required by subsection (a) shall include the following:

- Assessment.
- Plan.
Time period.
- Time period.
- (1) The number of Nuclear and Missile Operations Officers commissioned, by commissioning source, during the most recent fiscal year that ended before submission of the report.
 - (2) A description of the rank structure and number of such officers by intercontinental ballistic missile operational group during that fiscal year.
 - (3) The retention rate of such officers by intercontinental ballistic missile operational group during that fiscal year and an assessment of reasons for any loss in retention of such officers.
 - (4) A description of the rank structure and number of officers by intercontinental ballistic missile operational group performing alert duties by month during that fiscal year.
 - (5) A description of the structure of incentive pay for officers performing 13N duties during that fiscal year.
 - (6) A personnel manning plan for managing officers performing alert duties during the period of five fiscal years after submission of the report.
 - (7) A description of methods, with metrics, to manage the transition of Nuclear and Missile Operations Officers, by intercontinental ballistic missile operational group, to other career fields in the Air Force.
 - (8) Such other matters as the Secretary considers appropriate to inform the congressional defense committees with respect to the 13N career field during the period of five to ten fiscal years after submission of the report.

Subtitle B—Reserve Component Management

SEC. 511. MODIFICATION OF GRANT PROGRAM SUPPORTING SCIENCE, TECHNOLOGY, ENGINEERING, AND MATH EDUCATION IN THE JUNIOR RESERVE OFFICERS' TRAINING CORPS TO INCLUDE QUANTUM INFORMATION SCIENCES.

Section 2036(g)(2) of title 10, United States Code, is amended—

(1) by redesignating subparagraphs (J) through (M) as subparagraphs (K) through (N), respectively; and

(2) by inserting after subparagraph (I) the following new subparagraph:

“(J) quantum information sciences;”.

SEC. 512. PROHIBITION ON PRIVATE FUNDING FOR INTERSTATE DEPLOYMENT OF NATIONAL GUARD.

(a) PROHIBITION.—Chapter 3 of title 32, United States Code, is amended by adding at the end the following new section:

32 USC 329. “§ 329. Prohibition on private funding for interstate deployment

“A member of the National Guard may not be ordered to cross a border of a State to perform duty (under this title or title 10) if such duty is paid for with private funds, unless such duty is in response to a major disaster or emergency under section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170).”.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

32 USC
prec. 301.

“329. Prohibition on private funding for interstate deployment.”.

SEC. 513. ACCESS TO TOUR OF DUTY SYSTEM.

10 USC 7013
note.

(a) ACCESS.—

Deadline.

(1) IN GENERAL.—Not later than one year after the date of the enactment of this Act, the Secretary of the Army shall ensure, subject to paragraph (2), that a member of the reserve components of the Army may access the Tour of Duty system using a personal internet-enabled device.

(2) EXCEPTION.—The Secretary of the Army may restrict access to the Tour of Duty system on personal internet-enabled devices if the Secretary determines such restriction is necessary to ensure the security and integrity of information systems and data of the United States.

Determination.

(b) TOUR OF DUTY SYSTEM DEFINED.—In this Act, the term “Tour of Duty system” means the online system of listings for opportunities to serve on active duty for members of the reserve components of the Army and through which such a member may apply for such an opportunity, known as “Tour of Duty”, or any successor to such system.

SEC. 514. IMPLEMENTATION OF CERTAIN RECOMMENDATIONS REGARDING USE OF UNMANNED AIRCRAFT SYSTEMS BY THE NATIONAL GUARD.

Deadline.
32 USC 901 note.

Not later than September 30, 2022, the Secretary of Defense shall implement recommendations of the Secretary described in section 519C(a)(2) of the William M. (Mac) Thornberry National Defense Authorization Act for Fiscal Year 2021 (Public Law 116–283).

SEC. 515. CONTINUED NATIONAL GUARD SUPPORT FOR FIREGUARD PROGRAM.

Termination
date.
Analysis.
Assessment.

Until September 30, 2026, the Secretary of Defense shall continue to support the FireGuard program with personnel of the California National Guard to aggregate, analyze, and assess multi-source remote sensing information for interagency partnerships in the initial detection and monitoring of wildfires.

SEC. 516. ENHANCEMENT OF NATIONAL GUARD YOUTH CHALLENGE PROGRAM.

(a) AUTHORITY.—During fiscal year 2022, the Secretary of Defense may provide assistance to a National Guard Youth Challenge Program of a State—

Time period.

(1) in addition to assistance under subsection (d) of section 509 of title 32, United States Code;

(2) that is not subject to the matching requirement under such subsection; and

(3) for—

(A) new program start-up costs; or

(B) a workforce development program.

(b) LIMITATIONS.—

(1) MATCHING.—The Secretary may not provide additional assistance under this section to a State that does not comply with the fund matching requirement under such subsection regarding assistance under such subsection.

(2) **TOTAL ASSISTANCE.**—Total assistance under this section to all States may not exceed \$5,000,000 of the funds appropriated for the National Guard Youth Challenge Program for fiscal year 2022.

(c) **REPORTING.**—Any assistance provided under this section shall be included in the annual report under subsection (k) of section 509 of such title.

SEC. 517. REPORT ON METHODS TO ENHANCE SUPPORT FROM THE RESERVE COMPONENTS IN RESPONSE TO CATASTROPHIC INCIDENTS.

Consultation.
Coordination.

(a) **IN GENERAL.**—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense, in consultation and coordination with the Federal Emergency Management Agency, the National Security Council, the Council of Governors, and the National Governors Association, shall submit to the appropriate congressional committees a report that includes—

Examination.

(1) a detailed examination of the policy framework for the reserve components, consistent with existing authorities, to provide support to other Federal agencies in response to catastrophic incidents;

(2) identify major statutory or policy impediments to such support; and

Recommendations.
Plans.

(3) recommendations for legislation as appropriate.

(b) **CONTENTS.**—The report submitted under this section shall include a description of—

Assessment.
Consultation.

(1) the assessment of the Secretary, informed by consultation with the Federal Emergency Management Agency, the National Security Council, the Council of Governors, and the National Governors Association, regarding—

(A) the sufficiency of current authorities for the reimbursement of reserve component personnel during catastrophic incidents under title 10 and title 32, United States Code; and

(B) specifically whether reimbursement authorities are sufficient to ensure that military training and readiness are not degraded to fund disaster response, or use of such authorities degrades the effectiveness of the Disaster Relief Fund;

Recommendations.

(2) the plan of the Secretary to ensure there is parallel and consistent policy in the application of the authorities granted under section 12304a of title 10, United States Code, and section 502(f) of title 32, United States Code, including—

(A) a description of the disparities between benefits and protections under Federal law versus State active duty;

(B) recommended solutions to achieve parity at the Federal level; and

(C) recommended changes at the State level, if appropriate;

(3) the plan of the Secretary to ensure there is parity of benefits and protections for members of the Armed Forces employed as part of the response to catastrophic incidents under title 32 or title 10, United States Code, and recommendations for addressing shortfalls; and

Review.
Assessment.

(4) a review, by the Federal Emergency Management Agency, of the current policy for, and an assessment of the sufficiency of, reimbursement authority for the use of the

reserve components, both to the Department of Defense and to the States, during catastrophic incidents, including any policy and legal limitations, and cost assessment impact on Federal funding.

(c) DEFINITIONS.—In this section:

(1) The term “appropriate congressional committees” means the following:

- (A) The congressional defense committees;
- (B) The Committee on Homeland Security of the House of Representatives.
- (C) The Committee on Homeland Security and Governmental Affairs of the Senate.
- (D) The Committee on Transportation and Infrastructure of the House of Representatives.
- (E) The Committee on Commerce, Science, and Transportation of the Senate.

(2) The term “catastrophic incident” has the meaning given that term in section 501 of the Homeland Security Act of 2002 (Public Law 107–296; 6 U.S.C. 311).

SEC. 518. STUDY ON REAPPORTIONMENT OF NATIONAL GUARD FORCE STRUCTURE BASED ON DOMESTIC RESPONSES.

(a) STUDY.—The Secretary of Defense shall conduct a study to determine whether to reapportion the current force structure of the National Guard based on wartime and domestic response requirements. The study shall include the following elements:

Assessments.

(1) An assessment of how domestic response missions affect recruitment and retention of qualified personnel, especially in States—

- (A) with the lowest ratios of National Guard members to the general population; and
- (B) that are most prone to natural disasters.

(2) An assessment of how domestic response missions affect the ability of the National Guard of a State to ability to staff, equip, and ready a unit for its Federal missions.

(3) A comparison of the costs of a response to a domestic incident in a State with—

- (A) units of the National Guard of such State; and
- (B) units of the National Guards of other States pursuant to an emergency management assistance compact.

(4) Based on the recommendations in the 2021 report of the National Guard Bureau titled “Impact of U.S. Population Trends on National Guard Force Structure”, an assessment of—

- (A) challenges to recruiting members of the National Guard;
- (B) allocating mission sets to other geographic regions;
- (C) the ability to track and respond to domestic migration trends in order to establish a baseline for force structure requirements;
- (D) the availability of training ranges for Federal missions;
- (E) the availability of transportation and other support infrastructure; and
- (F) the cost of operation in each State.

(5) In light of the limited authority of the President under section 104(c) of title 32, United States Code, an assessment

of whether the number of members of the National Guard is sufficient to reapportion force structure to meet the requirements of domestic responses and shifting populations.

(b) **REPORT.**—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives a report on the results of the study under subsection (a).

(c) **STATE DEFINED.**—In this section, the term “State” includes the various States and Territories, the Commonwealth of Puerto Rico, and the District of Columbia.

SEC. 519. BRIEFING ON JUNIOR RESERVE OFFICERS’ TRAINING CORPS PROGRAM.

Deadline.

Not later than one year after the date of the enactment of this Act, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a briefing on the status of the Junior Reserve Officers’ Training Corps programs of each Armed Force. The briefing shall include—

Assessment.

(1) an assessment of the current usage of the program, including the number of individuals enrolled in the program, the demographic information of individuals enrolled in the program, and the number of units established under the program;

(2) a description of the efforts of the Armed Forces to meet current enrollment targets for the program;

(3) an explanation of the reasons such enrollment targets have not been met, if applicable;

(4) a description of any obstacles preventing the Armed Forces from meeting such enrollment targets;

(5) a comparison of the potential benefits and drawbacks of expanding the program; and

(6) a description of program-wide diversity and inclusion recruitment and retention efforts.

Subtitle C—General Service Authorities and Military Records

SEC. 521. REDUCTION IN SERVICE COMMITMENT REQUIRED FOR PARTICIPATION IN CAREER INTERMISSION PROGRAM OF A MILITARY DEPARTMENT.

Section 710(c)(3) of title 10, United States Code, is amended by striking “two months” and inserting “one month”.

Deadlines.
Determinations.
10 USC note
prec. 501.

SEC. 522. IMPROVEMENTS TO MILITARY ACCESSIONS IN ARMED FORCES UNDER THE JURISDICTION OF THE SECRETARIES OF THE MILITARY DEPARTMENTS.

(a) **IN GENERAL.**—Not later than one year after the date of the enactment of this Act, the Secretary of Defense shall take the following steps regarding military accessions in each Armed Force under the jurisdiction of the Secretary of a military department:

Assessment.

(1) Assess the prescribed medical standards for appointment as an officer, or enlistment as a member, in such Armed Force.

(2) Determine how to update the medical screening processes for appointment or enlistment.

(3) Determine how to standardize operations across the military entrance processing stations.

(4) Determine how to improve aptitude testing methods and standardized testing requirements.

(5) Determine how to improve the waiver process for individuals who do not meet medical standards for accession.

(6) Determine, by reviewing data from calendar years 2017 through 2021, whether military accessions (including such accessions pursuant to waivers) vary, by geographic region.

Data review.
Time period.

(7) Determine, by reviewing data from calendar years 2017 through 2021, whether access to military health records has suppressed the number of such military accessions, authorized Secretaries of the military departments, by—

Data review.
Time period.

(A) children of members of such Armed Forces;

(B) retired members of such Armed Forces; or

(C) recently separated members of such Armed Forces.

(8) Implement improvements determined under paragraphs (1) through (7).

(b) BRIEFING.—Not later than one year after the date of the enactment of this Act, the Secretary shall brief the Committees on Armed Services of the Senate and House of Representatives on the results of carrying out this section and recommendations regarding legislation the Secretary determines necessary to improve such military accessions.

Recommendations.

SEC. 523. NOTICE PROGRAM RELATING TO OPTIONS FOR NATURALIZATION.

(a) UPON ENLISTMENT.—The Secretary of each military department shall prescribe regulations that ensure that a military recruit, who is not a citizen of the United States, receives proper notice of options for naturalization under title III of the Immigration and Nationality Act (8 U.S.C. 1401 et seq.) Such notice shall inform the recruit of existing programs or services that may aid in the naturalization process of such recruit.

Regulations.
10 USC 503 note.

(b) UPON SEPARATION.—The Secretary of Homeland Security, acting through the Director of U.S. Citizenship and Immigration Services, and in coordination with the Secretary of Defense, shall provide to a member of the Armed Forces who is not a citizen of the United States, upon separation of such member, notice of options for naturalization under title III of the Immigration and Nationality Act (8 U.S.C. 1401 et seq.) Such notice shall inform the member of existing programs or services that may aid in the naturalization process of such member.

Coordination.
10 USC 1142 note.

SEC. 524. APPEALS TO PHYSICAL EVALUATION BOARD DETERMINATIONS OF FITNESS FOR DUTY.

10 USC 1071 note.

Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall incorporate a formal appeals process (including timelines established by the Secretary of Defense) into the policies and procedures applicable to the implementation of the Integrated Disability Evaluation System of the Department of Defense. The appeals process shall include the following:

Deadline.
Timelines.
Procedures.

(1) The Secretary concerned shall ensure that a member of the Armed Forces may submit a formal appeal made with respect to determinations of fitness for duty to a Physical Evaluation Board of such Secretary.

Hearings.
Determination.

(2) The appeals process shall include, at the request of such member, an impartial hearing on a fitness for duty determination to be conducted by the Secretary concerned.

(3) Such member shall have the option to be represented at a hearing by legal counsel.

10 USC 2871
note.

SEC. 525. COMMAND OVERSIGHT OF MILITARY PRIVATIZED HOUSING AS ELEMENT OF PERFORMANCE EVALUATIONS.

Assessment.

(a) **EVALUATIONS IN GENERAL.**—Each Secretary of a military department shall ensure that the performance evaluations of any individual described in subsection (b) under the jurisdiction of such Secretary provides for an assessment of the extent to which such individual has or has not exercised effective oversight and leadership in the following:

(1) Improving conditions of privatized housing under subchapter IV of chapter 169 of title 10, United States Code.

(2) Addressing concerns with respect to such housing of members of the Armed Forces and their families who reside in such housing on an installation of the military department concerned.

(b) **COVERED INDIVIDUALS.**—The individuals described in this subsection are as follows:

(1) The commander of an installation of a military department at which on-installation housing is managed by a landlord of privatized housing under subchapter IV of chapter 169 of title 10, United States Code.

(2) Each officer or senior enlisted member of the Armed Forces at an installation described in paragraph (1) whose duties include facilities or housing management at such installation.

(3) Any other officer or enlisted member of the Armed Forces (whether or not at an installation described in paragraph (1)) as specified by the Secretary of the military department concerned for purposes of this section.

Records.

SEC. 526. FEASIBILITY STUDY ON ESTABLISHMENT OF HOUSING HISTORY FOR MEMBERS OF THE ARMED FORCES WHO RESIDE IN HOUSING PROVIDED BY THE UNITED STATES.

Deadline.

(a) **STUDY; REPORT.**—Not later than September 30, 2022, the Secretary of Defense shall—

(1) conduct a feasibility study regarding the establishment of a standard record of housing history for members of the Armed Forces who reside in covered housing; and

(2) submit to the appropriate congressional committees a report on the results of such study.

(b) **CONTENTS.**—A record described in subsection (a) includes, with regards to each period during which the member concerned resided in covered housing, the following:

Assessment.

(1) The assessment of the commander of the military installation in which such housing is located, of the condition of such covered housing—

(A) prior to the beginning of such period; and

(B) in which the member concerned left such covered housing upon vacating such covered housing.

(2) Contact information a housing provider may use to inquire about such a record.

(c) **ONLINE ACCESS.**—A record described in subsection (a) would be accessible through a website, maintained by the Secretary of

the military department concerned, through which a member of the Armed Forces under the jurisdiction of such Secretary may access such record of such member.

(d) **ISSUANCE.**—The Secretary concerned would issue a copy of a described in subsection (a) to the member concerned upon the separation, retirement, discharge, or dismissal of such member from the Armed Forces, with the DD Form 214 for such member.

(e) **DEFINITIONS.**—In this section:

(1) The term “appropriate congressional committees” means the following:

(A) The Committee on Armed Services of the House of Representatives.

(B) The Committee on Armed Services of the Senate.

(C) The Committee on Transportation and Infrastructure of the House of Representatives.

(D) The Committee on Commerce, Science, and Transportation of the Senate.

(2) The term “covered housing” means housing provided by the United States to a member of the Armed Forces.

SEC. 527. ENHANCEMENTS TO NATIONAL MOBILIZATION EXERCISES.

(a) **INCLUSION OF PROCESSES OF SELECTIVE SERVICE SYSTEM.**—Section 10208 of title 10, United States Code, is amended by adding at the end the following new subsection:

“(c)(1) The Secretary shall, beginning in the first fiscal year that begins after the date of the enactment of this subsection, and every five years thereafter, as part of the major mobilization exercise under subsection (a), include the processes of the Selective Service System in preparation for induction of personnel into the armed forces under the Military Selective Service Act (50 U.S.C. 3801 et seq.), and submit to Congress a report on the results of this exercise and evaluation. The report may be submitted in classified form.

Effective date.
Time period.
Reports.

“(2) The exercise under this subsection—

“(A) shall include a review of national mobilization strategic and operational concepts; and

Review.

“(B) shall include a simulation of a mobilization of all armed forces and reserve units, with plans and processes for incorporating Selective Service System inductees.”.

Plans.

(b) **BRIEFING; REPORT.**—

(1) **BRIEFING.**—Not later than 180 days after the date on which the Secretary of Defense conducts the first mobilization exercise under section 10208 of title 10, United States Code, after the date of the enactment of this Act, the Secretary shall provide to the Committees of Armed Services of the Senate and House of Representatives a briefing on—

Deadline.

(A) the status of the review and assessments conducted pursuant to subsection (c) of such section, as added by subsection (a); and

(B) any interim recommendations of the Secretary.

Recommendations.

(2) **REPORT.**—Not later than two years after the date on which the Secretary conducts the first mobilization exercise as described in paragraph (1), the Secretary shall submit to the Committees of Armed Services of the Senate and House of Representatives a report that contains the following:

(A) A review of national mobilization strategic and operational concepts.

Review.

	(B) A simulation of a mobilization of all Armed Forces and reserve units, with plans and processes for incorporating Selective Service System inductees.
Assessment.	(C) An assessment of the Selective Service system in the current organizational form.
Assessment.	(D) An assessment of the Selective Service System as a peace-time registration system.
Recommendations.	(E) Recommendations with respect to the challenges, opportunities, cost, and timelines regarding the assessments described in subparagraphs (C) and (D).

SEC. 528. TEMPORARY EXEMPTION FROM END STRENGTH GRADE RESTRICTIONS FOR THE SPACE FORCE.

Effective date. 10 USC 517 note.	(a) EXEMPTION.—Sections 517 and 523 of title 10, United States Code, shall not apply to the Space Force until January 1, 2023.
Deadline.	(b) SUBMITTAL.—Not later than April 1, 2022, the Secretary of the Air Force shall establish and submit to the Committees on Armed Services for the Senate and House of Representatives for inclusion in the National Defense Authorization Act for fiscal year 2023, the number of officers who—
	(1) may be serving on active duty in each of the grades of major, lieutenant colonel, and colonel; and
	(2) may not, as of the end of such fiscal year, exceed a number determined in accordance with section 523(a)(1) of such title.

Consultation. Review.	SEC. 529. REPORT ON EXEMPTIONS AND DEFERMENTS FOR A POSSIBLE MILITARY DRAFT.
	Not later than 120 days after the date of the enactment of this Act, the Director of the Selective Service System, in consultation with the Secretary of Defense and the Secretary of Homeland Security, shall submit to Congress a report providing a review of exemptions and deferments from registration, training, and service under the Military Selective Service Act (50 U.S.C. 3801 et seq.).

SEC. 529A. REPORT ON PROCESSES AND PROCEDURES FOR APPEAL OF DENIAL OF STATUS OR BENEFITS FOR FAILURE TO REGISTER FOR SELECTIVE SERVICE.

Review.	(a) REPORT REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Director of the Selective Service System shall submit to the appropriate committees of Congress a report setting forth the results of a review of the processes and procedures employed by agencies across the Federal Government for the appeal by individuals of a denial of status or benefits under Federal law for failure to register for selective service under the Military Selective Service Act (50 U.S.C. 3801 et seq.).
	(b) CONSULTATION.—The Director of the Selective Service System shall carry out this section in consultation with the Secretary of Homeland Security, the Secretary of Education, the Director of the Office of Personnel Management, and the heads of other appropriate Federal agencies.
	(c) ELEMENTS.—The report required by subsection (a) shall include the following:
Assessment.	(1) A description and assessment of the various appeals processes and procedures described in subsection (a), including—

(A) a description of such processes and procedures;
and

(B) an assessment of—

Assessment.

(i) the adequacy of notice provided for appeals under such processes and procedures;

(ii) the fairness of each such process and procedure;

(iii) the ease of use of each such process and procedure;

(iv) consistency in the application of such processes and procedures across the Federal Government; and

(v) the applicability of an appeal granted by one Federal agency under such processes and procedures to the actions and decisions of another Federal agency on a similar appeal.

(2) Information on the number of waivers requested, and the number of waivers granted, during the 15-year period ending on the date of the enactment of this Act in connection with denial of status or benefits for failure to register for selective service.

Time period.

(3) An analysis and assessment of the recommendations of the National Commission on Military, National, and Public Service for reforming the rules and policies concerning failure to register for selective service.

Analysis.
Assessment.

(4) Such recommendations for legislative or administrative action as the Director of the Selective Service System, and the consulting officers pursuant to subsection (b), consider appropriate in light of the review conducted pursuant to subsection (a).

Recommendations.

(5) Such other matters in connection with the review conducted pursuant to subsection (a) as the Director considers appropriate.

(d) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this section, the term “appropriate committee of Congress” means—

(1) the Committee on Armed Services and the Committee on Homeland Security and Governmental Affairs of the Senate; and

(2) the Committee on Armed Services and the Committee on Oversight and Reform of the House of Representatives.

SEC. 529B. STUDY AND REPORT ON ADMINISTRATIVE SEPARATION BOARDS.

(a) IN GENERAL.—The Comptroller General of the United States shall conduct a study on the use of administrative separation boards within the Armed Forces.

(b) ELEMENTS.—The study under subsection (a) shall evaluate—

Evaluations.

(1) the process each Armed Force uses to convene administrative separation boards, including the process used to select the board president, the recorder, the legal advisor, and board members; and

(2) the effectiveness of the operations of such boards.

(c) REPORT.—Not later than one year after the date of the enactment of this Act, the Comptroller General shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the results of the study conducted under subsection (a).

Subtitle D—Military Justice Reform

PART 1—SPECIAL TRIAL COUNSEL

SEC. 531. SPECIAL TRIAL COUNSEL.

(a) IN GENERAL.—Subchapter V of chapter 47 of title 10, United States Code, is amended by inserting after section 824 (article 24 of the Uniform Code of Military Justice) the following new section:

10 USC 824a.

“§ 824a. Art 24a. Special trial counsel

Regulations.

“(a) DETAIL OF SPECIAL TRIAL COUNSEL.—Each Secretary concerned shall promulgate regulations for the detail of commissioned officers to serve as special trial counsel.

“(b) QUALIFICATIONS.—A special trial counsel shall be a commissioned officer who—

“(1)(A) is a member of the bar of a Federal court or a member of the bar of the highest court of a State; and

“(B) is certified to be qualified, by reason of education, training, experience, and temperament, for duty as a special trial counsel by—

“(i) the Judge Advocate General of the armed force of which the officer is a member; or

“(ii) in the case of the Marine Corps, the Staff Judge Advocate to the Commandant of the Marine Corps; and

“(2) in the case of a lead special trial counsel appointed pursuant to section 1044f(a)(2) of this title, is in a grade no lower than O–7.

“(c) DUTIES AND AUTHORITIES.—

Regulations.

“(1) IN GENERAL.—Special trial counsel shall carry out the duties described in this chapter and any other duties prescribed by the Secretary concerned, by regulation.

“(2) DETERMINATION OF COVERED OFFENSE; RELATED CHARGES.—

“(A) AUTHORITY.—A special trial counsel shall have exclusive authority to determine if a reported offense is a covered offense and shall exercise authority over any such offense in accordance with this chapter. Any determination to prefer or refer charges shall not act to disqualify the special trial counsel as an accuser.

“(B) KNOWN AND RELATED OFFENSES.—If a special trial counsel determines that a reported offense is a covered offense, the special trial counsel may also exercise authority over any offense that the special trial counsel determines to be related to the covered offense and any other offense alleged to have been committed by a person alleged to have committed the covered offense.

“(3) DISMISSAL; REFERRAL; PLEA BARGAINS.—Subject to paragraph (4), with respect to charges and specifications alleging any offense over which a special trial counsel exercises authority, a special trial counsel shall have exclusive authority to, in accordance with this chapter—

“(A) on behalf of the Government, withdraw or dismiss the charges and specifications or make a motion to withdraw or dismiss the charges and specifications;

“(B) refer the charges and specifications for trial by a special or general court-martial;

“(C) enter into a plea agreement; and

“(D) determine if an ordered rehearing is impracticable.

Determination.

“(4) BINDING DETERMINATION.—The determination of a special trial counsel to refer charges and specifications to a court-martial for trial shall be binding on any applicable convening authority for the referral of such charges and specifications.

“(5) DEFERRAL TO COMMANDER OR CONVENING AUTHORITY.—If a special trial counsel exercises authority over an offense and elects not to prefer charges and specifications for such offense or, with respect to charges and specifications for such offense preferred by a person other than a special trial counsel, elects not to refer such charges and specifications, a commander or convening authority may exercise any of the authorities of such commander or convening authority under this chapter with respect to such offense, except that such commander or convening authority may not refer charges and specifications for a covered offense for trial by special or general court-martial.”.

(b) TABLE OF SECTIONS AMENDMENT.—The table of sections at the beginning of subchapter V of chapter 47 of title 10, United States Code (the Uniform Code of Military Justice), is amended by inserting after the item relating to section 824 (article 24) the following new item:

10 USC
prec. 822.

“824a. Art 24a. Special trial counsel.”.

(c) REPORT REQUIRED.—

Plans.

(1) IN GENERAL.—Not later than one year after the date of the enactment of this Act, each Secretary concerned shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report setting forth the plan of the Secretary for detailing officers to serve as special trial counsel pursuant to section 824a of title 10, United States Code (article 24a of the Uniform Code of Military Justice) (as added by subsection (a) of this section).

(2) ELEMENTS.—Each report under paragraph (1) shall include the following—

(A) The plan of the Secretary concerned—

(i) for staffing billets for—

(I) special trial counsel who meet the requirements set forth in section 824a of title 10, United States Code (article 24a of the Uniform Code of Military Justice) (as added by subsection (a) of this section); and

(II) defense counsel for cases involving covered offenses; and

(ii) for supporting and ensuring the continuing professional development of military justice practitioners.

(B) An estimate of the resources needed to implement such section 824a (article 24a).

Estimate.

(C) An explanation of other staffing required to implement such section 824a (article 24a), including staffing levels required for military judges, military magistrates, military defense attorneys, and paralegals and other support staff.

(D) A description of how the use of special trial counsel will affect the military justice system as a whole.

(E) A description of how the Secretary concerned plans to place appropriate emphasis and value on litigation experience for judge advocates in order to ensure judge advocates are experienced, prepared, and qualified to handle covered offenses, both as special trial counsel and as defense counsel. Such a description shall address promotion considerations and explain how the Secretary concerned plans to instruct promotion boards to value litigation experience.

(F) Any additional resources, authorities, or information that each Secretary concerned deems relevant or important to the implementation of the requirements of this title.

(3) DEFINITIONS.—In this subsection—

(A) The term “Secretary concerned” has the meaning given that term in section 101(a) of title 10, United States Code.

(B) The term “covered offense” has the meaning given that term in section 801(17) of title 10, United States Code (as added by section 533 of this part).

SEC. 532. POLICIES WITH RESPECT TO SPECIAL TRIAL COUNSEL.

(a) IN GENERAL.—Chapter 53 of title 10, United States Code, is amended by inserting after section 1044e the following new section:

10 USC 1044f.

“§ 1044f. Policies with respect to special trial counsel

“(a) POLICIES REQUIRED.—The Secretary of Defense shall establish policies with respect to the appropriate mechanisms and procedures that the Secretaries of the military departments shall establish relating to the activities of special trial counsel, including expected milestones for such Secretaries to fully implement such mechanisms and procedures. The policies shall—

Establishment.

“(1) provide for the establishment of a dedicated office within each military service from which office the activities of the special trial counsel of the military service concerned shall be supervised and overseen;

Appointment.

“(2) provide for the appointment of one lead special trial counsel, who shall—

“(A) be a judge advocate of that service in a grade no lower than O–7, with significant experience in military justice;

“(B) be responsible for the overall supervision and oversight of the activities of the special trial counsel of that service; and

“(C) report directly to the Secretary concerned, without intervening authority;

“(3) ensure that within each office created pursuant to paragraph (1), the special trial counsel and other personnel assigned or detailed to the office—

“(A) are independent of the military chains of command of both the victims and those accused of covered offenses and any other offenses over which a special trial counsel at any time exercises authority in accordance with section 824a of this title (article 24a); and

“(B) conduct assigned activities free from unlawful or unauthorized influence or coercion;

“(4) provide that special trial counsel shall be well-trained, experienced, highly skilled, and competent in handling cases involving covered offenses; and

“(5) provide that commanders of the victim and the accused in a case involving a covered offense shall have the opportunity to provide input to the special trial counsel regarding case disposition, but that the input is not binding on the special trial counsel.

“(b) **UNIFORMITY.**—The Secretary of Defense shall ensure that any lack of uniformity in the implementation of policies, mechanisms, and procedures established under subsection (a) does not render unconstitutional any such policy, mechanism, or procedure.

“(c) **MILITARY SERVICE DEFINED.**—In this section, the term ‘military service’ means the Army, Navy, Air Force, Marine Corps, and Space Force.”.

(b) **CLERICAL AMENDMENT.**—The table of sections at the beginning of chapter 53 of title 10, United States Code, is amended by inserting after the item relating to section 1044e the following new item:

10 USC
prec. 1030.

“1044f. Policies with respect to special trial counsel.”.

(c) **QUARTERLY BRIEFING.**—Beginning not later than 180 days after the date of the enactment of this Act, and at the beginning of each fiscal quarter thereafter until the policies established pursuant to section 1044f(a) of title 10, United States Code (as added by subsection (a)) and the mechanisms and procedures to which they apply are fully implemented and operational, the Secretary of Defense and the Secretaries of the military departments shall jointly provide to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives a briefing detailing the actions taken and progress made by the Office of the Secretary of Defense and each of the military departments in meeting the milestones established as required by such section.

Deadline.

SEC. 533. DEFINITION OF MILITARY MAGISTRATE, COVERED OFFENSE, AND SPECIAL TRIAL COUNSEL.

Section 801 of title 10, United States Code (article 1 of the Uniform Code of Military Justice), is amended—

(1) by inserting after paragraph (10) the following new paragraph:

“(11) The term ‘military magistrate’ means a commissioned officer certified for duty as a military magistrate in accordance with section 826a of this title (article 26a).”; and

(2) by adding at the end the following new paragraphs:

“(17) The term ‘covered offense’ means—

“(A) an offense under section 917a (article 117a), section 918 (article 118), section 919 (article 119), section 920 (article 120), section 920b (article 120b), section 920c (article 120c), section 925 (article 125), section 928b (article 128b), section 930 (article 130), section 932 (article 132), or the standalone offense of child pornography punishable under section 934 (article 134) of this title;

“(B) a conspiracy to commit an offense specified in subparagraph (A) as punishable under section 881 of this title (article 81);

“(C) a solicitation to commit an offense specified in subparagraph (A) as punishable under section 882 of this title (article 82); or

“(D) an attempt to commit an offense specified in subparagraph (A), (B), or (C) as punishable under section 880 of this title (article 80).

“(18) The term ‘special trial counsel’ means a judge advocate detailed as a special trial counsel in accordance with section 824a of this title (article 24a) and includes a judge advocate appointed as a lead special trial counsel pursuant to section 1044f(a)(2) of this title.”.

SEC. 534. CLARIFICATION RELATING TO WHO MAY CONVENE COURTS-MARTIAL.

(a) **GENERAL COURTS-MARTIAL.**—Section 822(b) of title 10, United States Code (article 22(b) of the Uniform Code of Military Justice), is amended—

(1) by striking “If any” and inserting “(1) If any”; and

(2) by adding at the end the following new paragraph:

“(2) A commanding officer shall not be considered an accuser solely due to the role of the commanding officer in convening a general court-martial to which charges and specifications were referred by a special trial counsel in accordance with this chapter.”.

(b) **SPECIAL COURTS-MARTIAL.**—Section 823(b) of title 10, United States Code (article 23(b) of the Uniform Code of Military Justice), is amended—

(1) by striking “If any” and inserting “(1) If any”; and

(2) by adding at the end the following new paragraph:

“(2) A commanding officer shall not be considered an accuser solely due to the role of the commanding officer in convening a special court-martial to which charges and specifications were referred by a special trial counsel in accordance with this chapter.”.

SEC. 535. DETAIL OF TRIAL COUNSEL.

Section 827 of title 10, United States Code (article 27 of the Uniform Code of Military Justice), is amended by adding at the end the following new subsection:

“(e) For each general and special court-martial for which charges and specifications were referred by a special trial counsel—

“(1) a special trial counsel shall be detailed as trial counsel;

and

“(2) a special trial counsel may detail other trial counsel as necessary who are judge advocates.”.

SEC. 536. PRELIMINARY HEARING.

(a) **DETAIL OF HEARING OFFICER; WAIVER.**—Subsection (a)(1) of section 832 of title 10, United States Code (article 32 of the Uniform Code of Military Justice), is amended—

(1) in subparagraph (A), by striking “hearing officer” and all that follows through the period at the end and inserting “hearing officer detailed in accordance with subparagraph (C).”;

(2) in subparagraph (B), by striking “written waiver” and all that follows through the period at the end and inserting the following: “written waiver to—

“(i) except as provided in clause (ii), the convening authority and the convening authority determines that a hearing is not required; and

Determinations.

“(ii) with respect to charges and specifications over which the special trial counsel is exercising authority in accordance with section 824a of this title (article 24a), the special trial counsel and the special trial counsel determines that a hearing is not required.”; and

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

“(C)(i) Except as provided in clause (ii), the convening authority shall detail a hearing officer.

“(ii) If a special trial counsel is exercising authority over the charges and specifications subject to a preliminary hearing under this section (article), the special trial counsel shall request a hearing officer and a hearing officer shall be provided by the convening authority, in accordance with regulations prescribed by the President.”.

(b) REPORT OF PRELIMINARY HEARING OFFICER.—Subsection (c) of such section is amended—

(1) in the heading, by inserting “OR SPECIAL TRIAL COUNSEL” after “CONVENING AUTHORITY”; and

(2) in the matter preceding paragraph (1) by striking “to the convening authority” and inserting “to the convening authority or, in the case of a preliminary hearing in which the hearing officer is provided at the request of a special trial counsel to the special trial counsel,”.

SEC. 537. ADVICE TO CONVENING AUTHORITY BEFORE REFERRAL FOR TRIAL.

Section 834 of title 10, United States Code (article 34 of the Uniform Code of Military Justice), is amended—

(1) in subsection (a)(1), by striking “Before referral” and inserting “Subject to subsection (c), before referral”

(2) in subsection (b), by striking “Before referral” and inserting “Subject to subsection (c), before referral”;

(3) by redesignating subsections (c) and (d) as subsections (d) and (e) respectively;

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

“(c) COVERED OFFENSES.—A referral to a general or special court-martial for trial of charges and specifications over which a special trial counsel exercises authority may only be made—

“(1) by a special trial counsel, subject to a special trial counsel’s written determination accompanying the referral that—

Determination.

“(A) each specification under a charge alleges an offense under this chapter;

“(B) there is probable cause to believe that the accused committed the offense charged; and

“(C) a court-martial would have jurisdiction over the accused and the offense; or

“(2) in the case of charges and specifications that do not allege a covered offense and as to which a special trial counsel declines to prefer or, in the case of charges and specifications preferred by a person other than a special trial counsel, refer charges, by the convening authority in accordance with this section.”; and

(5) in subsection (e), as so redesignated, by inserting “or, with respect to charges and specifications over which a special trial counsel exercises authority in accordance with section

824a of this title (article 24a), a special trial counsel,” after “convening authority”.

SEC. 538. FORMER JEOPARDY.

Section 844(c) of title 10, United States Code (article 44(c) of the Uniform Code of Military Justice), is amended by inserting “or the special trial counsel” after “the convening authority” each place it appears.

SEC. 539. PLEA AGREEMENTS.

(a) **AUTHORITY TO ENTER INTO AGREEMENTS.**—Subsection (a) of section 853a of title 10, United States Code (article 53a of the Uniform Code of Military Justice), is amended—

(1) in paragraph (1), by striking “At any time” and inserting “Subject to paragraph (3), at any time”; and

(2) by adding at the end the following new paragraph:

“(3) With respect to charges and specifications over which a special trial counsel exercises authority pursuant to section 824a of this title (article 24a), a plea agreement under this section may only be entered into between a special trial counsel and the accused. Such agreement shall be subject to the same limitations and conditions applicable to other plea agreements under this section (article).”.

(b) **BINDING EFFECT.**—Subsection (d) of such section (article) is amended by inserting after “parties” the following: “(including the convening authority and the special trial counsel in the case of a plea agreement entered into under subsection (a)(3))”.

SEC. 539A. DETERMINATIONS OF IMPRACTICABILITY OF REHEARING.

(a) **TRANSMITTAL AND REVIEW OF RECORDS.**—Section 865(e)(3)(B) of title 10, United States Code (article 65(e)(3)(B) of the Uniform Code of Military Justice), is amended—

(1) by striking “IMPRACTICAL.—If the Judge Advocate General” and inserting the following: “IMPRACTICABLE.—”

“(i) **IN GENERAL.**—Subject to clause (ii), if the Judge Advocate General”;

(2) by striking “impractical” and inserting “impracticable”; and

(3) by adding at the end the following new clause:

“(ii) **CASES REFERRED BY SPECIAL TRIAL COUNSEL .—**
If a case was referred to trial by a special trial counsel, a special trial counsel shall determine if a rehearing is impracticable and shall dismiss the charges if the special trial counsel so determines.”.

(b) **COURTS OF CRIMINAL APPEALS.**—Section 866(f)(1)(C) of title 10, United States Code (article 66(f)(1)(C) of the Uniform Code of Military Justice), is amended—

(1) by striking “IMPRACTICABLE.—If the Court of Criminal Appeals” and inserting the following: “IMPRACTICABLE.—”

“(i) **IN GENERAL.**—Subject to clause (ii), if the Court of Criminal Appeals”; and

(2) by adding at the end the following new clause:

“(ii) **CASES REFERRED BY SPECIAL TRIAL COUNSEL .—**
If a case was referred to trial by a special trial counsel, a special trial counsel shall determine if a rehearing is impracticable and shall dismiss the charges if the special trial counsel so determines.”.

(c) REVIEW BY THE COURT OF APPEALS FOR THE ARMED FORCES.—Section 867(e) of title 10, United States Code (article 67(e) of the Uniform Code of Military Justice), is amended by adding at the end the following new sentence: “Notwithstanding the preceding sentence, if a case was referred to trial by a special trial counsel, a special trial counsel shall determine if a rehearing is impracticable and shall dismiss the charges if the special trial counsel so determines.”.

(d) REVIEW BY JUDGE ADVOCATE GENERAL.—Section 869(c)(1)(D) of title 10, United States Code (article 69(c)(1)(D) of the Uniform Code of Military Justice), is amended—

(1) by striking “If the Judge Advocate General” and inserting “(i) Subject to clause (ii), if the Judge Advocate General”;

(2) by striking “impractical” and inserting “impracticable”; and

(3) by adding at the end the following new clause:

“(ii) If a case was referred to trial by a special trial counsel, a special trial counsel shall determine if a rehearing is impracticable and shall dismiss the charges if the special trial counsel so determines.”.

SEC. 539B. APPLICABILITY TO THE UNITED STATES COAST GUARD.

The Secretary of Defense shall consult and enter into an agreement with the Secretary of Homeland Security to apply the provisions of this part and the amendments made by this part, and the policies, mechanisms, and processes established pursuant to such provisions, to the United States Coast Guard when it is operating as a service in the Department of Homeland Security.

Consultation.
Contracts.
10 USC 801 note.

SEC. 539C. EFFECTIVE DATE.

(a) IN GENERAL.—Except as provided in subsection (b), the amendments made by this part shall take effect on the date that is two years after the date of the enactment of this Act and shall apply with respect to offenses that occur after that date.

10 USC 801 note.
Applicability.

(b) REGULATIONS.—

(1) REQUIREMENT.—The President shall prescribe regulations to carry out this part not later than two years after the date of the enactment of this Act.

President.
Deadline.

(2) IMPACT OF DELAY OF ISSUANCE.—If the President does not prescribe the regulations necessary to carry out this part before the date that is two years after the date of the enactment of this Act, the amendments made by this part shall take effect on the date on which such regulations are prescribed and shall apply with respect to offenses that occur on or after that date.

Applicability.

PART 2—SEXUAL HARASSMENT; SENTENCING REFORM

SEC. 539D. INCLUSION OF SEXUAL HARASSMENT AS GENERAL PUNITIVE ARTICLE.

10 USC 934 note.

(a) IN GENERAL.—Not later than 30 days after the date of the enactment of this Act, the President shall—

Deadline.
President.

(1) prescribe regulations establishing sexual harassment, as described in this section, as an offense punishable under

Regulations.

Revision.

section 934 of title 10, United States Code (article 134 of the Uniform Code of Military Justice); and

(2) revise the Manual for Courts-Martial to include such offense.

(b) **ELEMENTS OF OFFENSE.**—The regulations and the revisions to the Manual for Courts-Martial required under subsection (a) shall provide that the required elements constituting the offense of sexual harassment are—

(1) that the accused knowingly made sexual advances, demands or requests for sexual favors, or knowingly engaged in other conduct of a sexual nature;

(2) that such conduct was unwelcome;

(3) that, under the circumstances, such conduct—

(A) would cause a reasonable person to believe, and a certain person did believe, that submission to such conduct would be made, either explicitly or implicitly, a term or condition of that person’s job, pay, career, benefits, or entitlements;

(B) would cause a reasonable person to believe, and a certain person did believe, that submission to, or rejection of, such conduct would be used as a basis for decisions affecting that person’s job, pay, career, benefits, or entitlements; or

(C) was so severe, repetitive, or pervasive that a reasonable person would perceive, and a certain person did perceive, an intimidating, hostile, or offensive working environment; and

(4) that, under the circumstances, the conduct of the accused was—

(A) to the prejudice of good order and discipline in the armed forces;

(B) of a nature to bring discredit upon the armed forces; or

(C) to the prejudice of good order and discipline in the armed forces and of a nature to bring discredit upon the armed forces.

SEC. 539E. SENTENCING REFORM.

(a) **ARTICLE 53; FINDINGS AND SENTENCING.**—Section 853 of title 10, United States Code (article 53 of the Uniform Code of Military Justice), is amended—

(1) in subsection (b), by amending paragraph (1) to read as follows:

“(1) **GENERAL AND SPECIAL COURTS-MARTIAL.**—Except as provided in subsection (c) for capital offenses, if the accused is convicted of an offense in a trial by general or special court-martial, the military judge shall sentence the accused. The sentence determined by the military judge constitutes the sentence of the court-martial.”; and

(2) in subsection (c)—

(A) by amending paragraph (1) to read as follows:

“(1) **IN GENERAL.**—In a capital case, if the accused is convicted of an offense for which the court-martial may sentence the accused to death—

Determinations.

“(A) the members shall determine—

“(i) whether the sentence for that offense shall be death or life in prison without eligibility for parole; or

“(ii) whether the matter shall be returned to the military judge for determination of a lesser punishment; and

“(B) the military judge shall sentence the accused for that offense in accordance with the determination of the members under subparagraph (A).”; and

(B) in paragraph (2), by striking “the court-martial” and inserting “the military judge”.

(b) ARTICLE 53A; PLEA AGREEMENTS.—Section 853a of title 10, United States Code (article 53a of the Uniform Code of Military Justice), as amended by section 539 of this Act, is further amended—

(1) by redesignating subsections (b), (c), and (d), as subsections (c), (d), and (e), respectively; and

(2) by inserting after subsection (a) the following new subsection:

“(b) ACCEPTANCE OF PLEA AGREEMENT.—Subject to subsection (c), the military judge of a general or special court-martial shall accept a plea agreement submitted by the parties, except that—

Determinations.

“(1) in the case of an offense with a sentencing parameter set forth in regulations prescribed by the President pursuant to section 539E(e) of the National Defense Authorization Act for Fiscal Year 2022, the military judge may reject a plea agreement that proposes a sentence that is outside the sentencing parameter if the military judge determines that the proposed sentence is plainly unreasonable; and

“(2) in the case of an offense for which the President has not established a sentencing parameter pursuant to section 539E(e) of the National Defense Authorization Act for Fiscal Year 2022, the military judge may reject a plea agreement that proposes a sentence if the military judge determines that the proposed sentence is plainly unreasonable.”.

(c) ARTICLE 56; SENTENCING.—Section 856 of title 10, United States Code (article 56 of the Uniform Code of Military Justice), is amended—

(1) in subsection (c)—

(A) in paragraph (1)—

(i) in subparagraph (C)(vii), by striking “and” at the end;

(ii) in subparagraph (D), by striking the period at the end and inserting “; and”; and

(iii) by adding at the end the following new subparagraph:

“(E) the applicable sentencing parameters or sentencing criteria set forth in regulations prescribed by the President pursuant to section 539E(e) of the National Defense Authorization Act for Fiscal Year 2022.”; and

(B) by striking paragraphs (2) through (4) and inserting the following new paragraphs:

“(2) APPLICATION OF SENTENCING PARAMETERS IN GENERAL AND SPECIAL COURTS-MARTIAL.—

“(A) REQUIREMENT TO SENTENCE WITHIN PARAMETERS.—Except as provided in subparagraph (B), in a general or special court-martial in which the accused is convicted of an offense for which the President has established a sentencing parameter pursuant to section 539E(e) of the National Defense Authorization Act for Fiscal Year 2022, the military judge shall sentence the accused for that offense within the applicable parameter.

Statement.

“(B) EXCEPTION.—The military judge may impose a sentence outside a sentencing parameter upon finding specific facts that warrant such a sentence. If the military judge imposes a sentence outside a sentencing parameter under this subparagraph, the military judge shall include in the record a written statement of the factual basis for the sentence.

“(3) USE OF SENTENCING CRITERIA IN GENERAL AND SPECIAL COURTS-MARTIAL.—In a general or special court-martial in which the accused is convicted of an offense for which the President has established sentencing criteria pursuant to section 539E(e) of the National Defense Authorization Act for Fiscal Year 2022, the military judge shall consider the applicable sentencing criteria in determining the sentence for that offense.

“(4) OFFENSE-BASED SENTENCING IN GENERAL AND SPECIAL COURTS-MARTIAL.—In announcing the sentence under section 853 of this title (article 53) in a general or special court-martial, the military judge shall, with respect to each offense of which the accused is found guilty, specify the term of confinement, if any, and the amount of the fine, if any. If the accused is sentenced to confinement for more than one offense, the military judge shall specify whether the terms of confinement are to run consecutively or concurrently.

“(5) INAPPLICABILITY TO DEATH PENALTY.—Sentencing parameters and sentencing criteria shall not apply to a determination of whether an offense should be punished by death.

“(6) SENTENCE OF CONFINEMENT FOR LIFE WITHOUT ELIGIBILITY FOR PAROLE.—

“(A) IN GENERAL.—If an offense is subject to a sentence of confinement for life, a court-martial may impose a sentence of confinement for life without eligibility for parole.

“(B) TERM OF CONFINEMENT.—An accused who is sentenced to confinement for life without eligibility for parole shall be confined for the remainder of the accused’s life unless—

“(i) the sentence is set aside or otherwise modified as a result of—

“(I) action taken by the convening authority or the Secretary concerned; or

“(II) any other action taken during post-trial procedure or review under any other provision of subchapter IX of this chapter;

“(ii) the sentence is set aside or otherwise modified as a result of action taken by a court of competent jurisdiction; or

“(iii) the accused receives a pardon or another form of Executive clemency.”; and

(4) in subsection (d)(1)—

(A) in subparagraph (A), by striking “or” at the end;
 (B) by redesignating subparagraph (B) as subparagraph (C);

(C) by inserting after subparagraph (A) the following new subparagraph:

“(B) in the case of a sentence for an offense for which the President has established a sentencing parameter pursuant to section 539E(e) of the National Defense Authorization Act for Fiscal Year 2022, the sentence is a result of an incorrect application of the parameter; or”;
 and

(D) in subparagraph (C), as redesignated by subparagraph (B) of this paragraph, by striking “, as determined in accordance with standards and procedures prescribed by the President”.

(d) ARTICLE 66; COURTS OF CRIMINAL APPEALS.—Section 866 of title 10, United States Code (article 66 of the Uniform Code of Military Justice), as amended by section 539A of this Act, is further amended—

(1) in subsection (d)(1)(A), by striking the third sentence;
 and

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

“(e) CONSIDERATION OF SENTENCE.—

“(1) IN GENERAL.—In considering a sentence on appeal, other than as provided in section 856(d) of this title (article 56(d)), the Court of Criminal Appeals may consider—

“(A) whether the sentence violates the law;

“(B) whether the sentence is inappropriately severe—

“(i) if the sentence is for an offense for which the President has not established a sentencing parameter pursuant to section 539E(e) of the National Defense Authorization Act for Fiscal Year 2022; or

“(ii) in the case of an offense for which the President has established a sentencing parameter pursuant to section 539E(e) of the National Defense Authorization Act for Fiscal Year 2022, if the sentence is above the upper range of such sentencing parameter;

“(C) in the case of a sentence for an offense for which the President has established a sentencing parameter pursuant to section 539E(e) of the National Defense Authorization Act for Fiscal Year 2022, whether the sentence is a result of an incorrect application of the parameter;

“(D) whether the sentence is plainly unreasonable; and

“(E) in review of a sentence to death or to life in prison without eligibility for parole determined by the members in a capital case under section 853(c) of this title (article 53(c)), whether the sentence is otherwise appropriate, under rules prescribed by the President.

“(2) RECORD ON APPEAL.—In an appeal under this subsection or section 856(d) of this title (article 56(d)), other than review under subsection (b)(2) of this section, the record on appeal shall consist of—

“(A) any portion of the record in the case that is designated as pertinent by any party;

“(B) the information submitted during the sentencing proceeding; and

Review.

	“(C) any information required by rule or order of the Court of Criminal Appeals.”.
10 USC 856 note.	(e) ESTABLISHMENT OF SENTENCING PARAMETERS AND SENTENCING CRITERIA.—
Deadline. President. Regulations.	(1) IN GENERAL.—Not later than two years after the date of the enactment of this Act, the President shall prescribe regulations establishing sentencing parameters and sentencing criteria related to offenses under chapter 47 of title 10, United States Code (the Uniform Code of Military Justice), in accordance with this subsection. Such parameters and criteria—
	(A) shall cover sentences of confinement; and
Determination.	(B) may cover lesser punishments, as the President determines appropriate.
	(2) SENTENCING PARAMETERS.—Sentencing parameters established under paragraph (1) shall—
	(A) identify a delineated sentencing range for an offense that is appropriate for a typical violation of the offense, taking into consideration—
	(i) the severity of the offense;
	(ii) the guideline or offense category that would apply to the offense if the offense were tried in a United States district court;
	(iii) any military-specific sentencing factors;
	(iv) the need for the sentencing parameter to be sufficiently broad to allow for individualized consideration of the offense and the accused; and
	(v) any other relevant sentencing guideline.
	(B) include no fewer than 5 and no more than 12 offense categories;
	(C) assign such offense under this chapter to an offense category unless the offense is identified as unsuitable for sentencing parameters under paragraph (4)(F)(ii); and
	(D) delineate the confinement range for each offense category by setting an upper confinement limit and a lower confinement limit.
	(3) SENTENCING CRITERIA.—Sentencing criteria established under paragraph (1) shall identify offense-specific factors the military judge should consider and any collateral effects of available punishments that may aid the military judge in determining an appropriate sentence when there is no applicable sentencing parameter for a specific offense.
Designations.	(4) MILITARY SENTENCING PARAMETERS AND CRITERIA BOARD.—
Establishment.	(A) IN GENERAL.—There is established within the Department of Defense a board, to be known as the “Military Sentencing Parameters and Criteria Board” (referred to in this subsection as the “Board”).
	(B) VOTING MEMBERS.—The Board shall have 5 voting members, as follows:
	(i) The 4 chief trial judges designated under section 826(g) of title 10, United States Code (article 26(g) of the Uniform Code of Military Justice), except that, if the chief trial judge of the Coast Guard is not available, the Judge Advocate General of the Coast Guard may designate as a voting member a judge advocate of the Coast Guard with substantial military justice experience.

(ii) A trial judge of the Navy, designated under regulations prescribed by the President, if the chief trial judges designated under section 826(g) of title 10, United States Code (article 26(g) of the Uniform Code of Military Justice), do not include a trial judge of the Navy.

(iii) A trial judge of the Marine Corps, designated under regulations prescribed by the President, if the chief trial judges designated under section 826(g) of title 10, United States Code (article 26(g) of the Uniform Code of Military Justice), do not include a trial judge of the Marine Corps.

(C) NONVOTING MEMBERS.—The Chief Judge of the Court of Appeals for the Armed Forces, the Chairman of the Joint Chiefs of Staff, and the General Counsel of the Department of Defense shall each designate one nonvoting member of the Board. The Secretary of Defense may appoint one additional nonvoting member of the Board at the Secretary's discretion.

Appointment.

(D) CHAIR AND VICE-CHAIR.—The Secretary of Defense shall designate one voting member as chair of the Board and one voting member as vice-chair.

(E) VOTING REQUIREMENT.—An affirmative vote of at least three members is required for any action of the Board under this subsection.

(F) DUTIES OF BOARD.—The Board shall have the following duties:

(i) As directed by the Secretary of Defense, the Board shall submit to the President for approval—

(I) sentencing parameters for all offenses under chapter 47 of title 10, United States Code (the Uniform Code of Military Justice) (other than offenses that the Board identifies as unsuitable for sentencing parameters in accordance with clause (ii)); and

(II) sentencing criteria to be used by military judges in determining appropriate sentences for offenses that are identified as unsuitable for sentencing parameters in accordance with clause (ii).

(ii) Identify each offense under chapter 47 of title 10, United States Code (the Uniform Code of Military Justice), that is unsuitable for sentencing parameters. The Board shall identify an offense as unsuitable for sentencing parameters if—

(I) the nature of the offense is indeterminate and unsuitable for categorization; and

(II) there is no similar criminal offense under the laws of the United States or the laws of the District of Columbia.

(iii) In developing sentencing parameters and criteria, the Board shall consider the sentencing data collected by the Military Justice Review Panel pursuant to section 946(f)(2) of title 10, United States Code (article 146(f)(2) of the Uniform Code of Military Justice).

(iv) In addition to establishing parameters for sentences of confinement under clause (i)(I), the Board

shall consider the appropriateness of establishing sentencing parameters for punitive discharges, fines, reductions, forfeitures, and other lesser punishments authorized under chapter 47 of title 10, United States Code (the Uniform Code of Military Justice).

(v) The Board shall regularly—

Reviews.
Revisions.

(I) review, and propose revision to, in consideration of comments and data coming to the Board's attention, the sentencing parameters and sentencing criteria prescribed under paragraph (1); and

Proposals.
Statements.

(II) submit to the President, through the Secretary of Defense, proposed amendments to the sentencing parameters and sentencing criteria, together with statements explaining the basis for the proposed amendments.

(vi) The Board shall develop means of measuring the degree to which applicable sentencing, penal, and correctional practices are effective with respect to the sentencing factors and policies set forth in this section.

Consultation.

(vii) In fulfilling its duties and in exercising its powers, the Board shall consult authorities on, and individual and institutional representatives of, various aspects of the military criminal justice system. The Board may establish separate advisory groups consisting of individuals with current or recent experience in command and in senior enlisted positions, individuals with experience in the trial of courts-martial, and such other groups as the Board deems appropriate.

Proposals.
Statements.

(viii) The Board shall submit to the President, through the Secretary of Defense, proposed amendments to the rules for courts-martial with respect to sentencing proceedings and maximum punishments, together with statements explaining the basis for the proposed amendments.

Applicability.
10 USC 853 note.

(f) **EFFECTIVE DATE.**—The amendments made by this section shall take effect on the date that is two years after the date of the enactment of this Act and shall apply to sentences adjudged in cases in which all findings of guilty are for offenses that occurred after the date that is two years after the date of the enactment of this Act.

(g) **REPEAL OF SECRETARIAL GUIDELINES ON SENTENCES FOR OFFENSES COMMITTED UNDER THE UNIFORM CODE OF MILITARY JUSTICE.**—Section 537 of the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116–92; 133 Stat. 1363; 10 U.S.C. 856 note) is repealed.

PART 3—REPORTS AND OTHER MATTERS

SEC. 539F. BRIEFING AND REPORT ON RESOURCING REQUIRED FOR IMPLEMENTATION.

(a) **BRIEFING AND REPORT REQUIRED.**—

Deadline.

(1) **BRIEFING.**—Not later than March 1, 2022, each Secretary concerned shall provide to the appropriate congressional committees a briefing that details the resourcing necessary to implement this subtitle and the amendments made by this subtitle.

(2) REPORT.—On a date occurring after the briefing under paragraph (1), but not later than one year after the date of the enactment of this Act, each Secretary concerned shall submit to the appropriate congressional committees a report that details the resourcing necessary to implement this subtitle and the amendments made by this subtitle.

(3) FORM OF BRIEFING AND REPORT.—Each Secretary concerned may provide the briefing and report required under paragraphs (1) and (2) jointly, or separately, as determined appropriate by such Secretaries.

(b) ELEMENTS.—The briefing and report required under subsection (a) shall address the following:

(1) The number of additional personnel and personnel authorizations (military and civilian) required by the Armed Forces to implement and execute the provisions of this subtitle and the amendments made by this subtitle by the effective date specified in section 539C.

(2) The basis for the number provided pursuant to paragraph (1), including the following:

(A) A description of the organizational structure in which such personnel or groups of personnel are or will be aligned.

(B) The nature of the duties and functions to be performed by any such personnel or groups of personnel across the domains of policy-making, execution, assessment, and oversight.

(C) The optimum caseload goal assigned to the following categories of personnel who are or will participate in the military justice process: criminal investigators of different levels and expertise, laboratory personnel, defense counsel, special trial counsel, military defense counsel, military judges, and military magistrates.

(D) Any required increase in the number of personnel currently authorized in law to be assigned to the Armed Force concerned.

(3) The nature and scope of any contract required by the Armed Force concerned to implement and execute the provisions of this subtitle and the amendments made by this subtitle by the effective date specified in section 539C.

(4) The amount and types of additional funding required by the Armed Force concerned to implement the provisions of this subtitle and the amendments made by this subtitle by the effective date specified in section 539C.

(5) Any additional authorities required to implement the provisions of this subtitle and the amendments made by this subtitle by the effective date specified in section 539C.

(6) Any additional information the Secretary concerned determines is necessary to ensure the manning, equipping, and resourcing of the Armed Forces to implement and execute the provisions of this subtitle and the amendments made by this subtitle.

Determination.

(c) DEFINITIONS.—In this section:

(1) The term “appropriate congressional committees” means—

(A) the Committee on Armed Services and the Committee on Commerce, Science, and Transportation of the Senate; and

(B) the Committee on Armed Services and the Committee on Transportation and Infrastructure of the House of Representatives.

(2) The term “Secretary concerned” has the meaning given that term in section 101(a) of title 10, United States Code.

SEC. 539G. BRIEFING ON IMPLEMENTATION OF CERTAIN RECOMMENDATIONS OF THE INDEPENDENT REVIEW COMMISSION ON SEXUAL ASSAULT IN THE MILITARY.

Deadline.

(a) **BRIEFING REQUIRED.**—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall provide to the Committees on Armed Services of the Senate and the House of Representatives a briefing on the status of the implementation of the recommendations set forth in the report of the Independent Review Commission on Sexual Assault in the Military titled “Hard Truths and the Duty to Change: Recommendations from the Independent Review Commission on Sexual Assault in the Military”, and dated July 2, 2021.

(b) **ELEMENTS.**—The briefing under subsection (a) shall address the following:

(1) The status of the implementation of each recommendation, including—

(A) whether, how, and to what extent the recommendation has been implemented; and

(B) any rules, regulations, policies, or other guidance that have been issued, revised, changed, or cancelled as a result of the implementation of the recommendation.

Plan.

(2) For each recommendation that has not been fully implemented or superseded by statute as of the date of the briefing, a description of any plan for the implementation of the recommendation, including identification of—

(A) intermediate actions, milestone dates, and any expected completion date for implementation of the recommendation; and

(B) any rules, regulations, policies, or other guidance that are expected to be issued, revised, changed, or cancelled as a result of the implementation of the recommendation.

Subtitle E—Other Military Justice and Legal Matters

SEC. 541. RIGHTS OF THE VICTIM OF AN OFFENSE UNDER THE UNIFORM CODE OF MILITARY JUSTICE.

Section 806b(a) of title 10, United States Code (article 6b(a) of the Uniform Code of Military Justice), is amended—

(1) by redesignating paragraph (8) as paragraph (9); and

(2) by inserting after paragraph (7) the following new paragraph:

“(8) The right to be informed in a timely manner of any plea agreement, separation-in-lieu-of-trial agreement, or non-prosecution agreement relating to the offense, unless providing such information would jeopardize a law enforcement proceeding or would violate the privacy concerns of an individual other than the accused.”

SEC. 542. CONDUCT UNBECOMING AN OFFICER.

(a) **IN GENERAL.**—Section 933 of title 10, United States Code (article 133 of the Uniform Code of Military Justice) is amended—

(1) in the section heading, by striking “**and a gentleman**”;

and

(2) by striking “and a gentleman”.

(b) **CLERICAL AMENDMENT.**—The table of sections at the beginning of subchapter X of chapter 47 of such title is amended by striking the item relating to section 933 (article 133) and inserting the following new item:

10 USC
prec. 877.

“933. 133. Conduct unbecoming an officer.”.

SEC. 543. INDEPENDENT INVESTIGATION OF COMPLAINTS OF SEXUAL HARASSMENT.

(a) **IN GENERAL.**—Section 1561 of title 10, United States Code, is amended to read as follows:

“§ 1561. Complaints of sexual harassment: independent investigation

“(a) **ACTION ON COMPLAINTS ALLEGING SEXUAL HARASSMENT.**—A commanding officer or officer in charge of a unit, vessel, facility, or area of the Army, Navy, Air Force, Marine Corps, or Space Force who receives from a member of the command or a civilian employee under the supervision of the officer a formal complaint alleging a claim of sexual harassment by a member of the armed forces or a civilian employee of the Department of Defense shall, to the extent practicable, direct that an independent investigation of the matter be carried out in accordance with this section.

“(b) **COMMENCEMENT OF INVESTIGATION.**—To the extent practicable, a commanding officer or officer in charge receiving such a formal complaint shall forward such complaint to an independent investigator within 72 hours after receipt of the complaint, and shall further—

Deadline.

“(1) forward the formal complaint or a detailed description of the allegation to the next superior officer in the chain of command who is authorized to convene a general court-martial; and

“(2) advise the complainant of the commencement of the investigation.

“(c) **DURATION OF INVESTIGATION.**—To the extent practicable, a commanding officer or officer in charge shall ensure that an independent investigator receiving a formal complaint of sexual harassment under this section completes the investigation of the complaint not later than 14 days after the date on which the investigation is commenced, and that the findings of the investigation are forwarded to the commanding officer or officer in charge specified in subsection (a) for action as appropriate.

Deadline.

“(d) **REPORT ON INVESTIGATION.**—To the extent practicable, a commanding officer or officer in charge shall—

“(1) submit a final report on the results of the independent investigation, including any action taken as a result of the investigation, to the next superior officer referred to in subsection (b)(1) within 20 days after the date on which the investigation is commenced; or

“(2) submit a report on the progress made in completing the investigation to the next superior officer referred to in subsection (b)(1) within 20 days after the date on which the

Time period.

investigation is commenced and every 14 days thereafter until the investigation is completed and, upon completion of the investigation, then submit a final report on the results of the investigation, including any action taken as a result of the investigation, to that next superior officer.

“(e) SEXUAL HARASSMENT DEFINED.—In this section, the term ‘sexual harassment’ means conduct that constitutes the offense of sexual harassment as punishable under section 934 of this title (article 134) pursuant to the regulations prescribed by the Secretary of Defense for purposes of such section (article).”.

10 USC
prec. 1561.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 80 of title 10, United States Code, is amended by striking the item relating to section 1561 and inserting the following new item:

“1561. Complaints of sexual harassment: independent investigation.”.

10 USC 1561
note.

(c) EFFECTIVE DATE.—The amendments made by subsections (a) and (b) shall—

(1) take effect on the date that is two years after the date of the enactment of this Act; and

Applicability.

(2) apply to any investigation of a formal complaint of sexual harassment (as defined in section 1561 of title 10, United States Code, as amended by subsection (a)) made on or after that date.

Deadline.
10 USC 1561
note.

(d) REGULATIONS.—Not later than 18 months after the date of the enactment of this Act the Secretary of Defense shall prescribe regulations providing for the implementation of section 1561 of title 10, United States Code, as amended by subsection (a).

(e) REPORT ON IMPLEMENTATION.—Not later than one year after the date of the enactment of this Act, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the preparation of the Secretary to implement section 1561 of title 10, United States Code, as amended by subsection (a).

SEC. 544. DEPARTMENT OF DEFENSE TRACKING OF ALLEGATIONS OF RETALIATION BY VICTIMS OF SEXUAL ASSAULT OR SEXUAL HARASSMENT AND RELATED PERSONS.

(a) IN GENERAL.—Chapter 80 of title 10, United States Code, is amended by inserting after section 1562 the following new section:

10 USC 1562a.

“§ 1562a. Complaints of retaliation by victims of sexual assault or sexual harassment and related persons: tracking by Department of Defense

“(a) DESIGNATION OF RESPONSIBLE COMPONENT.—The Secretary of Defense shall designate a component of the Office of the Secretary of Defense to be responsible for documenting and tracking all covered allegations of retaliation and shall ensure that the Secretaries concerned and the Inspector General of the Department of Defense provide to such component the information required to be documented and tracked as described in subsection (b).

“(b) TRACKING OF ALLEGATIONS.—The head of the component designated by the Secretary under subsection (a) shall document and track each covered allegation of retaliation, including—

“(1) that such an allegation has been reported and by whom;

“(2) the date of the report;

“(3) the nature of the allegation and the name of the person or persons alleged to have engaged in such retaliation;

“(4) the Department of Defense component or other entity responsible for the investigation of or inquiry into the allegation;

“(5) the entry of findings;

“(6) referral of such findings to a decisionmaker for review and action, as appropriate;

“(7) the outcome of final action; and

“(8) any other element of information pertaining to the allegation determined appropriate by the Secretary or the head of the component designated by the Secretary.

“(c) COVERED ALLEGATION OF RETALIATION DEFINED.—In this section, the term ‘covered allegation of retaliation’ means an allegation of retaliation—

“(1) made by—

“(A) an alleged victim of sexual assault or sexual harassment;

“(B) an individual charged with providing services or support to an alleged victim of sexual assault or sexual harassment;

“(C) a witness or bystander to an alleged sexual assault or sexual harassment; or

“(D) any other person associated with an alleged victim of a sexual assault or sexual harassment; and

“(2) without regard to whether the allegation is reported to or investigated or inquired into by—

“(A) the Department of Defense Inspector General or any other inspector general;

“(B) a military criminal investigative organization;

“(C) a commander or other person at the direction of the commander;

“(D) another military or civilian law enforcement organization; or

“(E) any other organization, officer, or employee of the Department of Defense.”.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 80 of title 10, United States Code, is amended by inserting after the item relating to section 1562 the following new item:

10 USC
prec. 1561.

“1562a. Complaints of retaliation by victims of sexual assault or sexual harassment and related persons: tracking by Department of Defense.”.

SEC. 545. MODIFICATION OF NOTICE TO VICTIMS OF PENDENCY OF FURTHER ADMINISTRATIVE ACTION FOLLOWING A DETERMINATION NOT TO REFER TO TRIAL BY COURT-MARTIAL.

Section 549 of the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116–92; 10 U.S.C. 806b note) is amended—

(1) in the section heading, by striking “ALLEGED SEXUAL ASSAULT” and inserting “ALLEGED SEX-RELATED OFFENSE”;

(2) by striking “Under regulations” and inserting “Notwithstanding section 552a of title 5, United States Code, and under regulations”;

(3) by striking “alleged sexual assault” and inserting “an alleged sex-related offense (as defined in section 1044e(h) of title 10, United States Code)”; and

(4) by adding at the end the following new sentence: “Upon such final determination, the commander shall notify the victim of the type of action taken on such case, the outcome of the action (including any punishments assigned or characterization of service, as applicable), and such other information as the commander determines to be relevant.”

10 USC 1044e
note.

SEC. 546. CIVILIAN POSITIONS TO SUPPORT SPECIAL VICTIMS’ COUNSEL.

(a) CIVILIAN SUPPORT POSITIONS.—Each Secretary of a military department may establish one or more civilian positions within each office of the Special Victims’ Counsel under the jurisdiction of such Secretary.

(b) DUTIES.—The duties of each position under subsection (a) shall be—

(1) to provide support to Special Victims’ Counsel, including legal, paralegal, and administrative support; and

(2) to ensure the continuity of legal services and the preservation of institutional knowledge in the provision of victim legal services notwithstanding transitions in the military personnel assigned to offices of the Special Victims’ Counsel.

(c) SPECIAL VICTIMS’ COUNSEL DEFINED.—In this section, the term “Special Victims’ Counsel” means Special Victims’ Counsel described in section 1044e of title 10, United States Code, and in the case of the Navy and Marine Corps, includes counsel designated as “Victims’ Legal Counsel”.

Deadlines.
Consultations.
Publications.

SEC. 547. PLANS FOR UNIFORM DOCUMENT MANAGEMENT SYSTEM, TRACKING PRETRIAL INFORMATION, AND ASSESSING CHANGES IN LAW.

(a) PLAN FOR DOCUMENT MANAGEMENT SYSTEM.—

(1) IN GENERAL.—Not later than one year after the date of the enactment of this Act, the Secretary of Defense, in consultation with the Secretary of Homeland Security (with respect to the Coast Guard when it is not operating as a service in the Navy), the Secretaries of the military departments, and the Judge Advocates specified in subsection (e), shall publish a plan pursuant to which the Secretary of Defense shall establish a single document management system for use by each Armed Force to collect and present information on matters within the military justice system, including information collected and maintained for purposes of section 940a of title 10, United States Code (article 140a of the Uniform Code of Military Justice).

Criteria.

(2) ELEMENTS.—The plan under subsection (a) shall meet the following criteria:

(A) CONSISTENCY OF DATA FIELDS.—The plan shall ensure that each Armed Force uses consistent data collection fields, definitions, and other criteria for the document management system described in subsection (a).

Strategy.

(B) BEST PRACTICES.—The plan shall include a strategy for incorporating into the document management system the features of the case management and electronic case filing system of the Federal courts to the greatest extent possible.

(C) PROSPECTIVE APPLICATION.—The plan shall require the document management system to be used for the collection and presentation of information about matters occurring after the date of the implementation of the system. The plan shall not require the collection and presentation of historical data about matters occurring before the implementation date of the system.

(D) RESOURCES.—The plan shall include an estimate of the resources (including costs, staffing, and other resources) required to implement the document management system. Estimate.

(E) AUTHORITIES.—The plan shall include an analysis of any legislative actions, including any changes to law, that may be required to implement the document management system for each Armed Force. Analysis.

(b) PLAN FOR TRACKING PRETRIAL INFORMATION.—Not later than one year after the date of the enactment of this Act, the Secretary of Defense, in consultation with the Secretary of Homeland Security (with respect to the Coast Guard when it is not operating as a service in the Navy), the Secretaries of the military departments, and the Judge Advocates specified in subsection (e), shall publish a plan addressing how the Armed Forces will collect, track, and maintain pretrial records, data, and other information regarding the reporting, investigation, and processing of all offenses under chapter 47 of title 10, United States Code (the Uniform Code of Military Justice), arising in any Armed Force in a manner such that each Armed Force uses consistent data collection fields, definitions, and criteria.

(c) PLAN FOR ASSESSING EFFECTS OF CHANGES IN LAW.—Not later than one year after the date of the enactment of this Act, the Secretary of Defense, in consultation with the Secretary of Homeland Security (with respect to the Coast Guard when it is not operating as a service in the Navy), the Secretaries of the military departments, and the Judge Advocates specified in subsection (e), shall publish a plan addressing the manner in which the Department of Defense will analyze the effects of the changes in law and policy required under subtitle D and the amendments made by such subtitle with respect to the disposition of offenses over which a special trial counsel at any time exercises authority in accordance with section 824a of title 10, United States Code (article 24a of the Uniform Code of Military Justice) (as added by section 531 of this Act).

(d) INTERIM BRIEFINGS.—

(1) IN GENERAL.—Not less frequently than once every 90 days during the covered period, the Secretary of Defense, in consultation with the Secretary of Homeland Security (with respect to the Coast Guard when it is not operating as a service in the Navy), the Secretaries of the military departments, and the Judge Advocates specified in subsection (e), shall provide to the Committees on Armed Services of the Senate and the House of Representatives, the Committee on Commerce, Science, and Transportation of the Senate, and the Committee on Transportation and Infrastructure of the House of Representatives a briefing on the status of the development of the plans required under subsections (a) through (c). Time period.

Definition.

(2) COVERED PERIOD.—In this subsection, the term “covered period” means the period beginning on the date of the enactment of this Act and ending on the date that is one year after the date of the enactment of this Act.

(e) JUDGE ADVOCATES SPECIFIED.—The Judge Advocates specified in this subsection are the following:

- (1) The Judge Advocate General of the Army.
- (2) The Judge Advocate General of the Navy.
- (3) The Judge Advocate General of the Air Force.
- (4) The Staff Judge Advocate to the Commandant of the Marine Corps.
- (5) The Judge Advocate General of the Coast Guard.

10 USC note
prec. 1501.

SEC. 548. DETERMINATION AND REPORTING OF MEMBERS MISSING, ABSENT UNKNOWN, ABSENT WITHOUT LEAVE, AND DUTY STATUS-WHEREABOUTS UNKNOWN.

(a) COMPREHENSIVE REVIEW OF MISSING PERSONS REPORTING.—The Secretary of Defense shall instruct each Secretary of a military department to perform a comprehensive review of the policies and procedures of the military department concerned to determine and report a member of an Armed Force under the jurisdiction of such Secretary of a military department as missing, absent unknown, absent without leave, or duty status-whereabouts unknown.

(b) REVIEW OF INSTALLATION-LEVEL PROCEDURES.—In addition to such other requirements as may be set forth by the Secretary of Defense pursuant to subsection (a), each Secretary of a military department shall, with regard to the military department concerned—

(1) direct each commander of a military installation, including any tenant command or activity present on such military installation, to review policies and procedures for carrying out the determination and reporting activities described in subsection (a); and

Updates.

(2) update such installation-level policies and procedures, including any tenant command or activity policies and procedures, to improve force protection, enhance security for members living on the military installation, and promote reporting at the earliest practicable time to local law enforcement (at all levels) and Federal law enforcement field offices with overlapping jurisdiction with that installation, when a member is determined to be missing, absent unknown, absent without leave, or duty status-whereabouts unknown.

(c) INSTALLATION-SPECIFIC REPORTING PROTOCOLS.—

Notification.

(1) IN GENERAL.—Each commander of a military installation shall establish a protocol applicable to all persons and organizations present on the military installation, including tenant commands and activities, for sharing information with local and Federal law enforcement agencies about members who are missing, absent-unknown, absent without leave, or duty status-whereabouts unknown. The protocol shall provide for the immediate entry regarding the member concerned in the Missing Persons File of the National Crimes Information Center data and for the commander to immediately notify all local law enforcement agencies with jurisdictions in the immediate area of the military installation, when the status of a member assigned to such installation has been determined

to be missing, absent unknown, absent without leave, or duty status-whereabouts unknown.

(2) REPORTING TO MILITARY INSTALLATION COMMAND.—Each commander of a military installation shall submit the protocol established pursuant to paragraph (1) to the Secretary of the military department concerned.

(d) REPORT REGARDING NATIONAL GUARD.—Not later than June 1, 2022, the Secretary of Defense shall submit, to the Committees on Armed Services of the Senate and House of Representatives, a report on the feasibility of implementing subsections (a), (b), and (c), with regards to facilities of the National Guard. Such report shall include recommendations of the Secretary, including a proposed timeline for implementing the provisions of such subsections that the Secretary determines feasible.

Recommendations.
Timeline.
Determination.

SEC. 549. ACTIVITIES TO IMPROVE FAMILY VIOLENCE PREVENTION AND RESPONSE.

(a) DELEGATION OF AUTHORITY TO AUTHORIZE EXCEPTIONAL ELIGIBILITY FOR CERTAIN BENEFITS.—Paragraph (4) of section 1059(m) of title 10, United States Code, is amended to read as follows:

“(4)(A) Except as provided in subparagraph (B), the authority of the Secretary concerned under paragraph (1) may not be delegated.

“(B) During the two year period following the date of the enactment of the National Defense Authorization Act for Fiscal Year 2022, the authority of the Secretary concerned under paragraph (1) may be delegated to an official at the Assistant Secretary-level or above. Any exercise of such delegated authority shall be reported to the Secretary concerned on a quarterly basis.”.

Time period.

Reports.

(b) EXTENSION OF REQUIREMENT FOR ANNUAL FAMILY ADVOCACY PROGRAM REPORT REGARDING CHILD ABUSE AND DOMESTIC VIOLENCE.—Section 574(a) of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114–328; 130 Stat. 2141) is amended by striking “April 30, 2021” and inserting “April 30, 2026”.

(c) IMPLEMENTATION OF COMPTROLLER GENERAL RECOMMENDATIONS.—

10 USC 1781
note.

Consultations.

(1) IN GENERAL.—Consistent with the recommendations set forth in the report of the Comptroller General of the United States titled “Domestic Abuse: Actions Needed to Enhance DOD’s Prevention, Response, and Oversight” (GAO–21–289), the Secretary of Defense, in consultation with the Secretaries of the military departments, shall carry out the activities specified in subparagraphs (A) through (K).

(A) DOMESTIC ABUSE DATA.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense, in consultation with the Secretaries of the military departments, shall carry out each of the following:

Deadline.

(i) Issue guidance to the Secretaries of the military departments to clarify and standardize the process for collecting and reporting data on domestic abuse in the Armed Forces, including—

(I) data on the numbers and types of domestic abuse incidents involving members of the Armed Forces; and

	(II) data for inclusion in the reports required to be submitted under section 574 of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114–328; 130 Stat. 2141). (ii) Develop a quality control process to ensure the accurate and complete reporting of data on allegations of abuse involving a member of the Armed Forces, including allegations of abuse that do not meet the Department of Defense definition of domestic abuse. (iii) Expand the scope of any reporting to Congress that includes data on domestic abuse in the Armed Forces to include data on and analysis of the types of allegations of domestic abuse.
Deadline.	(B) DOMESTIC VIOLENCE AND COMMAND ACTION DATA.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense, in consultation with the Secretaries of the military departments, shall—
Evaluation.	(i) evaluate the organizations and elements of the Department of Defense that are responsible for tracking domestic violence incidents and the command actions taken in response to such incidents to determine if there are actions that may be carried out to— (I) eliminate gaps and redundancies in the activities of such organizations; (II) ensure consistency in the approaches of such organizations to the tracking of such incidents and actions; and (III) otherwise improve the tracking of such incidents and actions across the Department; (ii) based on the evaluation under clause (i), clarify or adjust— (I) the duties of such organizations and elements; and (II) the manner in which such organizations and elements coordinate their activities; and (iii) issue guidance to the Secretaries of the military departments to clarify and standardize the information required to be collected and reported to the database on domestic violence incidents under section 1562 of title 10, United States Code.
Notice.	(C) REGULATIONS FOR VIOLATION OF CIVILIAN ORDERS OF PROTECTION.—The Secretary of Defense shall revise or issue regulations (as applicable) to ensure that each Secretary of a military department provides, to any member of the Armed Forces under the jurisdiction of such Secretary who is subject to a civilian order of protection, notice that the violation of such order may be punishable under chapter 47 of title 10, United States Code (the Uniform Code of Military Justice).
Memorandum.	(D) AGREEMENTS WITH CIVILIAN VICTIM SERVICE ORGANIZATIONS.— (i) GUIDANCE REQUIRED.—The Secretary of Defense, in consultation with the Secretaries of the military departments, shall issue guidance pursuant to which personnel of a Family Advocacy Program at a military installation may enter into memoranda

of understanding with qualified civilian victim service organizations for purposes of providing services to victims of domestic abuse in accordance with clause (ii).

(ii) CONTENTS OF AGREEMENT.—A memorandum of understanding entered into under clause (i) shall provide that personnel of a Family Advocacy Program at a military installation may refer a victim of domestic abuse to a qualified civilian victim service organization if such personnel determine that—

Determination.

(I) the services offered at the installation are insufficient to meet the victim’s needs; or

(II) such a referral would otherwise benefit the victim.

(E) SCREENING AND REPORTING OF INITIAL ALLEGATIONS.—The Secretary of Defense, in consultation with the Secretaries of the military departments, shall develop and implement a standardized process—

(i) to ensure consistency in the manner in which allegations of domestic abuse are screened and documented at military installations, including by ensuring that allegations of domestic abuse are documented regardless of the severity of the incident; and

(ii) to ensure consistency in the form and manner in which such allegations are presented to Incident Determination Committees.

(F) IMPLEMENTATION AND OVERSIGHT OF INCIDENT DETERMINATION COMMITTEES.—

(i) IMPLEMENTATION.—The Secretary of Defense, in consultation with the Secretaries of the military departments, shall ensure that Incident Determination Committees are fully implemented within each Armed Force.

(ii) OVERSIGHT AND MONITORING.—The Secretary of Defense shall—

(I) direct the Under Secretary of Defense for Personnel and Readiness to conduct oversight of the activities of the Incident Determination Committees of the Armed Forces on an ongoing basis; and

(II) establish a formal process through which the Under Secretary will monitor Incident Determination Committees to ensure that the activities of such Committees are conducted in a consistent manner in accordance with the applicable policies of the Department of Defense and the Armed Forces.

(G) REASONABLE SUSPICION STANDARD FOR INCIDENT REPORTING.—Not later than 90 days after the date of the enactment of the Act, the Secretary of Defense, in consultation with the Secretaries of the military departments, shall issue regulations—

Deadline.
Regulations.

(i) under which the personnel of a Family Advocacy Program shall be required to report an allegation of domestic abuse to an Incident Determination Committee if there is reasonable suspicion that the abuse occurred; and

Requirement.

(ii) that fully define and establish standardized criteria for determining whether an allegation of abuse meets the reasonable suspicion standard referred to in clause (i).

(H) GUIDANCE FOR VICTIM RISK ASSESSMENT.—The Secretary of Defense, in consultation with the Secretaries of the military departments, shall issue guidance that—

(i) identifies the risk assessment tools that must be used by Family Advocacy Program personnel to assess reports of domestic abuse; and

(ii) establishes minimum qualifications for the personnel responsible for using such tools.

(I) IMPROVING FAMILY ADVOCACY PROGRAM AWARENESS CAMPAIGNS.—The Secretary of Defense, in consultation with the Secretaries of the military departments, shall develop and implement—

Strategy.

(i) a communications strategy to support the Armed Forces in increasing awareness of the options and resources available for reporting incidents of domestic abuse; and

(ii) metrics to evaluate the effectiveness of domestic abuse awareness campaigns within the Department of Defense and the Armed Forces, including by identifying a target audience and defining measurable objectives for such campaigns.

(J) ASSESSMENT OF THE DISPOSITION MODEL FOR DOMESTIC VIOLENCE.—As part of the independent analysis required by section 549C of the William M. (Mac) Thornberry National Defense Authorization Act for Fiscal Year 2021 (Public Law 116–283) the Secretary of Defense shall include an assessment of—

Effective date.

(i) the risks and consequences of the disposition model for domestic violence in effect as of the date of the enactment of this Act, including the risks and consequences of such model with respect to—

(I) the eligibility of victims for transitional compensation and other benefits; and

(II) the eligibility of perpetrators of domestic violence to possess firearms and any related effects on the military service of such individuals; and

(ii) the feasibility and advisability of establishing alternative disposition models for domestic violence, including an assessment of the advantages and disadvantages of each proposed model.

(K) FAMILY ADVOCACY PROGRAM TRAINING.—

(i) TRAINING FOR COMMANDERS AND SENIOR ENLISTED ADVISORS.—The Secretary of Defense, in consultation with the Secretaries of the military departments, shall—

(I) ensure that the Family Advocacy Program training provided to installation-level commanders and senior enlisted advisors of the Armed Forces meets the applicable requirements of the Department of Defense; and

(II) shall provide such additional guidance and sample training materials as may be necessary to improve the consistency of such training.

(ii) TRAINING FOR CHAPLAINS.—The Secretary of Defense shall— Requirements.

(I) require that chaplains of the Armed Forces receive Family Advocacy Program training;

(II) establish content requirements and learning objectives for such training; and

(III) provide such additional guidance and sample training materials as may be necessary to effectively implement such training.

(iii) TRAINING COMPLETION DATA.—The Secretary of Defense, in consultation with the Secretaries of the military departments, shall develop a process to ensure the quality and completeness of data indicating whether members of the Armed Forces who are required to complete Family Advocacy Program training, including installation-level commanders and senior enlisted advisors, have completed such training.

(2) GENERAL IMPLEMENTATION DATE.—Except as otherwise provided in paragraph (1), the Secretary of Defense shall complete the implementation of the activities specified in such paragraph by not later than one year after the date of the enactment of this Act. Deadline.

(3) QUARTERLY STATUS BRIEFING.—Not later than 90 days after the date of the enactment of this Act and on a quarterly basis thereafter until the date on which all of the activities specified in paragraph (1) have been implemented, the Secretary of Defense shall provide to the appropriate congressional committees a briefing on the status of the implementation of such activities. Deadline.

(d) INFORMATION ON SERVICES FOR MILITARY FAMILIES.—Each Secretary of a military department shall ensure that a military family member who reports an incident of domestic abuse or child abuse and neglect to a Family Advocacy Program under the jurisdiction of such Secretary receives comprehensive information, in a clear and easily understandable format, on the services available to such family member in connection with such incident. Such information shall include a complete guide to the following:

(1) The Family Advocacy Program of the Armed Force or military department concerned.

(2) Military law enforcement services, including an explanation of the process that follows a report of an incident of domestic abuse or child abuse or neglect.

(3) Other applicable victim services.

(e) REPORTS ON STAFFING LEVELS FOR FAMILY ADVOCACY PROGRAMS.—

(1) IN GENERAL.—Not later than 180 days after the date on which the staffing tool described in paragraph (2) becomes operational, and on an annual basis thereafter for the following five years, the Secretary of Defense shall submit to the appropriate congressional committees a report setting forth the following: Time period.

(A) Military, civilian, and contract support staffing levels for the Family Advocacy Programs of the Armed Forces at each military installation so staffed as of the date of the report.

Recommendations.

(B) Recommendations for ideal staffing levels for the Family Advocacy Programs, as identified by the staffing tool.

(2) STAFFING TOOL DESCRIBED.—The staffing tool described in this paragraph is a tool that will be used to assist the Department in determining adequate staffing levels for Family Advocacy Programs.

(3) COMPTROLLER GENERAL REVIEW.—

(A) IN GENERAL.—Following the submission of the first annual report required under paragraph (1), the Comptroller General of the United States shall conduct a review of the staffing of the Family Advocacy Programs of the Armed Forces.

Assessments.

(B) ELEMENTS.—The review conducted under subparagraph (A) shall include an assessment of each of the following:

(i) The extent to which the Armed Forces have filled authorized billets for Family Advocacy program manager, clinician, and victim advocate positions.

(ii) The extent to which the Armed Forces have experienced challenges filling authorized Family Advocacy Program positions, and how such challenges, if any, have affected the provision of services.

(iii) The extent to which the Department of Defense and Armed Forces have ensured that Family Advocacy Program clinicians and victim advocates meet qualification and training requirements.

(iv) The extent to which the Department of Defense has established metrics to evaluate the effectiveness of the staffing tool described in paragraph (2).

(C) BRIEFING AND REPORT.—

Deadline.

(i) BRIEFING.—Not later than one year following the submission of the first annual report required under paragraph (1), the Comptroller General shall provide to the Committees on Armed Services of the Senate and the House of Representatives a briefing on the preliminary observations made by the Comptroller General as part of the review required under subparagraph (A).

(ii) REPORT.—Not later than 90 days after the date of the briefing under clause (i), the Comptroller General shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the results of the review conducted under subparagraph (A).

(f) STUDY AND BRIEFING ON INITIAL ENTRY POINTS.—

(1) STUDY.—The Secretary of Defense shall conduct a study to identify initial entry points (including anonymous entry points) through which military family members may seek information or support relating to domestic abuse or child abuse and neglect. Such study shall include an assessment of—

Assessments.

(A) points at which military families interact with the Armed Forces or the Department of Defense through which such information or support may be provided to family members, including points such as enrollment in the Defense Enrollment Eligibility Reporting System, and the issuance of identification cards; and

(B) other existing and potential routes through which such family members may seek information or support from the Armed Forces or the Department, including online chat rooms, text-based support capabilities, and software applications for smartphones.

(2) BRIEFING.—Not later than one year after the date of the enactment of this Act, the Secretary of Defense shall provide to the Committees on Armed Services of the Senate and the House of Representatives a briefing setting forth the results of the study conducted under paragraph (1).

Deadline.

(g) DEFINITIONS.—In this section:

10 USC 1781
note.

(1) The term “appropriate congressional committees” means the Committees on Armed Services of the Senate and the House of Representatives.

(2) The term “civilian order of protection” has the meaning given that term in section 1561a of title 10, United States Code.

(3) The term “disposition model for domestic violence” means the process to determine—

(A) the disposition of charges of an offense of domestic violence under section 928b of title 10, United States Code (article 128b of the Uniform Code of Military Justice); and

(B) consequences of such disposition for members of the Armed Forces determined to have committed such offense and the victims of such offense.

(4) The term “Incident Determination Committee” means a committee established at a military installation that is responsible for reviewing reported incidents of domestic abuse and determining whether such incidents constitute harm to the victims of such abuse according to the applicable criteria of the Department of Defense.

(5) The term “qualified civilian victim service organization” means an organization outside the Department of Defense that—

(A) is approved by the Secretary of Defense for the purpose of providing legal or other services to victims of domestic abuse; and

(B) is located in a community surrounding a military installation.

(6) The term “risk assessment tool” means a process or technology that may be used to evaluate a report of an incident of domestic abuse to determine the likelihood that the abuse will escalate or recur.

SEC. 549A. ANNUAL PRIMARY PREVENTION RESEARCH AGENDA.

10 USC note
prec. 1561.
Effective date.
Time period.
Publication.

(a) IN GENERAL.—Beginning on October 1, 2022, and annually on the first day of each fiscal year thereafter, the Secretary of Defense shall publish a Department of Defense research agenda for that fiscal year, focused on the primary prevention of interpersonal and self-directed violence, including sexual assault, sexual harassment, domestic violence, child abuse and maltreatment, problematic juvenile sexual behavior, suicide, workplace violence, and substance misuse.

(b) ELEMENTS.—Each annual primary prevention research agenda published under subsection (a) shall—

(1) identify research priorities for that fiscal year;

Determination.

(2) assign research projects and tasks to the military departments and other components of the Department of Defense, as the Secretary of Defense determines appropriate;

(3) allocate or direct the allocation of appropriate resourcing for each such project and task; and

(4) be directive in nature and enforceable across all components of the Department of Defense, including with regard to—

Records.
Data.

(A) providing for timely access to records, data and information maintained by any component of the Department of Defense that may be required in furtherance of an assigned research project or task;

(B) ensuring the sharing across all components of the Department of Defense of the findings and the outcomes of any research project or task; and

Determination.

(C) any other matter determined by the Secretary of Defense.

(c) **GUIDING PRINCIPLES.**—The primary prevention research agenda should, as determined by the Secretary of Defense—

(1) reflect a preference for research projects and tasks with the potential to yield or contribute to the development and implementation of actionable primary prevention strategies in the Department of Defense;

(2) be integrated, so as to discover or test cross-cutting interventions across the spectrum of interpersonal and self-directed violence;

(3) incorporate collaboration with other Federal departments and agencies, State governments, academia, industry, federally funded research and development centers, non-profit organizations, and other organizations outside of the Department of Defense; and

(4) minimize unnecessary duplication of effort.

(d) **BUDGETING.**—The Secretary of Defense shall create a unique Program Element for and shall prioritize recurring funding to ensure the continuity of research pursuant to the annual primary prevention research agenda.

10 USC note
prec. 501.

SEC. 549B. PRIMARY PREVENTION WORKFORCE.

(a) **ESTABLISHMENT.**—The Secretary of Defense shall establish a Primary Prevention Workforce to provide a comprehensive and integrated program across the Department of Defense enterprise for the primary prevention of interpersonal and self-directed violence, including sexual assault, sexual harassment, domestic violence, child abuse and maltreatment, problematic juvenile sexual behavior, suicide, workplace violence, and substance misuse.

(b) **PRIMARY PREVENTION WORKFORCE MODEL.**—

Reports.

(1) **IN GENERAL.**—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives a report setting forth a holistic model for a dedicated and capable Primary Prevention Workforce in the Department of Defense.

(2) **ELEMENTS.**—The model required under paragraph (1) shall include the following elements:

(A) A description of Primary Prevention Workforce roles, responsibilities, and capabilities, including—

- (i) the conduct of research and analysis;
- (ii) advising all levels of military commanders and leaders;
- (iii) designing and writing strategic and operational primary prevention policies and programs;
- (iv) integrating and analyzing data; and
- (v) implementing, evaluating, and adapting primary prevention programs and activities, to include developing evidence-based training and education programs for Department personnel that is appropriately tailored by rank, occupation, and environment.

(B) The design and structure of the Primary Prevention Workforce, including—

- (i) consideration of military, civilian, and hybrid manpower options;
- (ii) the comprehensive integration of the workforce from strategic to tactical levels of the Department of Defense and its components; and
- (iii) mechanisms for individuals in workforce roles to report to and align with installation-level and headquarters personnel.

(C) Strategies, plans, and systematic approaches for recruiting, credentialing, promoting, and sustaining the diversity of work force roles comprising a professional workforce dedicated to primary prevention. Strategies.
Plans.

(D) The creation of a professional, primary prevention credential that standardizes a common base of education and experience across the prevention workforce, coupled with knowledge development and skill building requirements built into the career cycle of prevention practitioners such that competencies and expertise increase over time.

(E) Any other matter the Secretary of Defense determines necessary and appropriate to presenting an accurate and complete model of the Primary Prevention Workforce. Determination.

(c) REPORTS.—

(1) IN GENERAL.—Not later than one year after the date of the enactment of this Act, the Secretaries of the military departments and the Chief of the National Guard Bureau each shall submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives a report detailing how the military services and the National Guard, as applicable, will adapt and implement the primary prevention workforce model set forth in the report required under subsection (b).

(2) ELEMENTS.—Each report submitted under subsection (a) shall include a description of—

- (A) expected milestones to implement the prevention workforce in the component at issue;
- (B) challenges associated with implementation of the workforce and the strategies for addressing such challenges; and
- (C) additional authorities that may be required to optimize implementation and operation of the workforce.

(d) OPERATING CAPABILITY DEADLINE.—The Primary Prevention Workforce authorized under this section shall attain initial operating capability in each military department and military service

and in the National Guard by not later than the effective date specified in section 539C.

SEC. 549C. REFORM AND IMPROVEMENT OF MILITARY CRIMINAL INVESTIGATIVE ORGANIZATIONS.

Deadline.	(a) EVALUATION AND PLAN FOR REFORM.—Not later than one year after the date of the enactment of this Act, each Secretary concerned shall—
	(1) complete an evaluation of the effectiveness of the military criminal investigative organization under the jurisdiction of such Secretary: and
Reports.	(2) submit to the appropriate congressional committees a report that includes—
	(A) the results of the evaluation conducted under paragraph (1); and
Determination. Proposal.	(B) based on such results, if the Secretary determines that reform to the military criminal investigative organization under the jurisdiction of such Secretary is advisable, a proposal for reforming such organization to ensure that the organization effectively meets the demand for complex investigations and other emerging mission requirements.
	(b) IMPLEMENTATION PLAN.—
Deadline. Determination.	(1) IN GENERAL.—Not later than two years after the date of the enactment of this Act, each Secretary concerned shall submit to the appropriate congressional committees a plan to implement, to the extent determined appropriate by such Secretary, the reforms to the military criminal investigative organization proposed by such Secretary under subsection (a) to ensure that such organization is capable of professionally investigating criminal misconduct under its jurisdiction.
	(2) ELEMENTS.—Each plan under paragraph (1) shall include, with respect to the military criminal investigative organization under the jurisdiction of the Secretary concerned, the following:
Requirements.	(A) The requirements that such military criminal investigative organization must meet to effectively carry out criminal investigative and other law enforcement missions in 2022 and subsequent years.
	(B) The resources that will be needed to ensure that each such military criminal investigative organization can achieve its mission.
Analysis.	(C) An analysis of factors affecting the performance of such military criminal investigative organization, including—
	(i) whether appropriate technological investigative tools are available and accessible to such organization; and
	(ii) whether the functions of such organization would be better supported by civilian rather than military leadership.
	(D) For each such military criminal investigative organization—
	(i) the number of military personnel assigned to the organization;
	(ii) the number of civilian personnel assigned to the organization; and

(iii) the functions of such military and civilian personnel.

(E) A description of any plans of the Secretary concerned to develop a more professional workforce of military and civilian investigators. Plans.

(F) A proposed timeline for the reform of such military investigative organization. Timeline.

(G) An explanation of the potential benefits of such reforms, including a description of—

(i) specific improvements that are expected to result from the reforms; and

(ii) whether the reforms will improve information sharing across military criminal investigative organizations.

(H) With respect to the military criminal investigative organization of the Army, an explanation of how the plan will—

(i) address the findings of the report of the Fort Hood Independent Review Committee, dated November 6, 2020; and

(ii) coordinate with any other internal reform efforts of the Army.

(c) LIMITATION ON THE CHANGES TO TRAINING LOCATIONS.—In carrying out this section, the Secretary concerned may not change the locations at which military criminal investigative training is provided to members of the military criminal investigative organization under the jurisdiction of such Secretary until—

(1) the implementation plan under subsection (b) is submitted to the appropriate congressional committees; and

(2) a period of 60 days has elapsed following the date on which the Secretary notifies the appropriate congressional committees of the Secretary's intent to move such training to a different location. Time period. Notification.

(d) DEFINITIONS.—In this section:

(1) The term “appropriate congressional committees” means—

(A) the Committee on Armed Services and the Committee on Commerce, Science, and Transportation of the Senate; and

(B) the Committee on Armed Services and the Committee on Transportation and Infrastructure of the House of Representatives.

(2) The term “military criminal investigative organization” means each organization or element of the Department of Defense or the Armed Forces that is responsible for conducting criminal investigations, including—

(A) the Army Criminal Investigation Command;

(B) the Naval Criminal Investigative Service;

(C) the Air Force Office of Special Investigations;

(D) the Coast Guard Investigative Service; and

(E) the Defense Criminal Investigative Service.

(3) The term “Secretary concerned” means—

(A) the Secretary of the Army, with respect to the Army Criminal Investigation Command;

(B) the Secretary of the Navy, with respect to the Naval Criminal Investigative Service;

(C) the Secretary of the Air Force, with respect to the Air Force Office of Special Investigations;

(D) the Secretary of Homeland Security, with respect to the Coast Guard Investigative Service; and

(E) the Secretary of Defense, with respect to the Defense Criminal Investigative Service.

10 USC 827 note. **SEC. 549D. MILITARY DEFENSE COUNSEL.**

Each Secretary of a military department shall—

(1) ensure that military defense counsel have timely and reliable access to and funding for defense investigators, expert witnesses, trial support, pre-trial and post-trial support, paralegal support, counsel travel, and other necessary resources;

(2) ensure that military defense counsel detailed to represent a member of the Armed Forces accused of a covered offense (as defined in section 801(17) of title 10, United States Code (article 1(17) of the Uniform Code of Military Justice), as added by section 533 of this Act) are well-trained and experienced, highly skilled, and competent in the defense of cases involving covered offenses; and

(3) take or direct such other actions regarding military defense counsel as may be warranted in the interest of the fair administration of justice.

Deadline.
10 USC 946 note.

SEC. 549E. FULL FUNCTIONALITY OF MILITARY JUSTICE REVIEW PANEL.

Not later than 30 days after the date of the enactment of this Act, the Secretary of Defense shall establish or reconstitute, maintain, and ensure the full functionality of the Military Justice Review Panel established pursuant to section 946 of title 10, United States Code (article 146 of the Uniform Code of Military Justice)).

SEC. 549F. MILITARY SERVICE INDEPENDENT RACIAL DISPARITY REVIEW.

Assessment.

(a) **REVIEW REQUIRED.**—Each Secretary of a military department shall conduct an assessment of racial disparity in military justice and discipline processes and military personnel policies, as they pertain to minority populations.

Recommendations.
Determination.

(b) **REPORT REQUIRED.**—Not later than one year after the date of the enactment of this Act, each Secretary of a military department shall submit to the Committees on Armed Services of the Senate and the House of Representatives and the Comptroller General of the United States a report detailing the results of the assessment required by subsection (a), together with recommendations for statutory or regulatory changes as the Secretary concerned determines appropriate.

(c) **COMPTROLLER GENERAL REPORT.**—Not later than 180 days after receiving the reports submitted under subsection (b), the Comptroller General shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report comparing the military service assessments on racial disparity conducted under subsection (a) to existing reports assessing racial disparity in civilian criminal justice systems in the United States.

(d) **DEFINITIONS.**—In this section:

(1) **MILITARY JUSTICE; DISCIPLINE PROCESSES.**—The terms “military justice” and “discipline processes” refer to all facets of the military justice system, including investigation, the use

of administrative separations and other administrative sanctions, non-judicial punishment, panel selection, pre-trial confinement, the use of solitary confinement, dispositions of courts-martial, sentencing, and post-trial processes.

(2) **MILITARY PERSONNEL POLICIES.**—The term “military personnel policies” includes accession rates and policies, retention rates and policies, promotion rates, assignments, professional military education selection and policies, and career opportunity for minority members of the Armed Forces.

(3) **MINORITY POPULATIONS.**—The term “minority populations” includes Black, Hispanic, Asian/Pacific Islander, American Indian, and Alaska Native populations.

SEC. 549G. INCLUSION OF RACE AND ETHNICITY IN ANNUAL REPORTS ON SEXUAL ASSAULTS; REPORTING ON RACIAL AND ETHNIC DEMOGRAPHICS IN THE MILITARY JUSTICE SYSTEM.

(a) **ANNUAL REPORTS ON RACIAL AND ETHNIC DEMOGRAPHICS IN THE MILITARY JUSTICE SYSTEM.**—

(1) **IN GENERAL.**—Chapter 23 of title 10, United States Code, is amended by inserting after section 485 the following new section:

“§ 486. Annual reports on racial and ethnic demographics in the military justice system 10 USC 486.

“(a) **IN GENERAL.**—Not later than March 1 of each year, the Secretary of each military department shall submit to the Secretary of Defense a report on racial, ethnic, and sex demographics in the military justice system during the preceding year. In the case of the Secretary of the Navy, separate reports shall be prepared for the Navy and for the Marine Corps. In the case of the Secretary of the Air Force, separate reports shall be prepared for the Air Force and for the Space Force.

“(b) **CONTENTS.**—The report of a Secretary of a military department for an armed force under subsection (a) shall contain, to the extent possible, statistics on offenses under chapter 47 of this title (the Uniform Code of Military Justice), during the year covered by the report, including—

“(1) the number of offenses in the armed force that were reported to military officials, disaggregated by—

“(A) statistical category as related to the victim; and

“(B) statistical category as related to the principal;

“(2) the number of offenses in the armed forces that were investigated, disaggregated by statistical category as related to the principal;

“(3) the number of offenses in which administrative action was imposed, disaggregated by statistical category as related to the principal and each type of administrative action imposed;

“(4) the number of offenses in which non judicial punishment was imposed under section 815 of this title (article 15 of the Uniform Code of Military Justice), disaggregated by statistical category as related to the principal;

“(5) the number of offenses in which charges were preferred, disaggregated by statistical category as related to the principal;

“(6) the number of offenses in which charges were referred to court-martial, disaggregated by statistical category as related to the principal and type of court-martial;

“(7) the number of offenses which resulted in conviction at court-martial, disaggregated by statistical category as related to the principal and type of court-martial; and

“(8) the number of offenses which resulted in acquittal at court-martial, disaggregated by statistical category as related to the principal and type of court-martial.

“(c) SUBMISSION TO CONGRESS.—Not later than April 30 of each year in which the Secretary of Defense receives reports under subsection (a), the Secretary of Defense shall forward the reports to the Committees on Armed Services of the Senate and the House of Representatives.

“(e) DEFINITIONS.—In this section:

“(1) The term ‘statistical category’ means each of the following categories:

“(A) race;

“(B) sex;

“(C) ethnicity;

“(D) rank; and

“(E) offense enumerated under chapter 47 of this title (the Uniform Code of Military Justice).

“(2) The term ‘principal’ has the meaning given that term in section 877 of this title (article 77 of the Uniform Code of Military Justice).”.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 23 of such title is amended by inserting after the item relating to section 485 the following new item:

“486. Annual reports on racial and ethnic demographics in the military justice system.”.

10 USC
prec. 480.

10 USC 1561
note.
Deadline.

(b) POLICY REQUIRED.—

(1) REQUIREMENT.—Not later than two years after the date of the enactment of this Act, the Secretary of Defense shall prescribe a policy requiring information on the race and ethnicity of accused individuals to be included to the maximum extent practicable in the annual report required under section 1631 of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (Public Law 111–383; 10 U.S.C. 1561 note).

Determination.

(2) EXCLUSION.—The policy prescribed under paragraph (1) may provide for the exclusion of such information based on privacy concerns, impacts on accountability efforts, or other matters of importance as determined and identified in such policy by the Secretary.

(3) PUBLICLY AVAILABLE.—The Secretary of Defense shall make publicly available the information described in paragraph (1), subject to the exclusion of such information pursuant to paragraph (2).

(4) SUNSET.—The requirements of this subsection shall terminate on May 1, 2028.

SEC. 549H. DOD SAFE HELPLINE AUTHORIZATION TO PERFORM INTAKE OF OFFICIAL RESTRICTED AND UNRESTRICTED REPORTS FOR ELIGIBLE ADULT SEXUAL ASSAULT VICTIMS.

Section 584 of the National Defense Authorization Act for Fiscal Year 2012 (Public Law 112–81; 10 U.S.C. 1561 note) is amended—

(1) by redesignating subsection (d) as subsection (e); and

(2) by inserting after subsection (c) the following new subsection:

“(d) AUTHORIZATIONS FOR DoD SAFE HELPLINE.—

“(1) PROVIDING SUPPORT AND RECEIVING OFFICIAL REPORTS.—DoD Safe Helpline (or any successor service to DoD Safe Helpline, if any, as identified by the Secretary of Defense) is authorized to provide crisis intervention and support and to perform the intake of official reports of sexual assault from eligible adult sexual assault victims who contact the DoD Safe Helpline or other reports as directed by the Secretary of Defense.

“(2) TRAINING AND OVERSIGHT.—DoD Safe Helpline staff shall have specialized training and appropriate certification to support eligible adult sexual assault victims.

“(3) ELIGIBILITY AND PROCEDURES.—The Secretary of Defense shall prescribe regulations regarding eligibility for DoD Safe Helpline services, procedures for providing crisis intervention and support, and accepting reports.

Regulations.

“(4) ELECTRONIC RECEIPT OF OFFICIAL REPORTS OF ADULT SEXUAL ASSAULTS.—DoD Safe Helpline shall provide the ability to receive reports of adult sexual assaults through the DoD Safe Helpline website and mobile phone applications, in a secure manner consistent with appropriate protection of victim privacy, and may offer other methods of receiving electronic submission of adult sexual assault reports, as appropriate, in a manner that appropriately protects victim privacy.

“(5) TYPES OF REPORTS.—Reports of sexual assault from eligible adult sexual assault victims received by DoD Safe Helpline (or a successor as determined by the Secretary of Defense) shall include unrestricted and restricted reports, or other reports as directed by the Secretary of Defense.

“(6) OPTION FOR ENTRY INTO THE CATCH A SERIAL OFFENDER SYSTEM.—An individual making a restricted report (or a relevant successor type of report or other type of appropriate report, as determined by the Secretary of Defense) to the DoD Safe Helpline (or a successor as determined by the Secretary of Defense) shall have the option to submit information related to their report to the Catch a Serial Offender system (or its successor or similar system as determined by the Secretary of Defense).”.

SEC. 549I. EXTENSION OF ANNUAL REPORT REGARDING SEXUAL ASSAULTS INVOLVING MEMBERS OF THE ARMED FORCES.

Section 1631(a) of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (Public Law 111–383; 10 U.S.C. 1561 note) is amended by striking “through March 1, 2021” and inserting “through March 1, 2026”.

SEC. 549J. STUDY AND REPORT ON SEXUAL ASSAULT RESPONSE COORDINATOR MILITARY OCCUPATIONAL SPECIALTY.

(a) STUDY.—Beginning not later than 30 days after the date of the enactment of this Act, the Secretary of Defense shall initiate a personnel study to determine—

Deadline.
Determination.

(1) the feasibility and advisability of creating a military occupational speciality for Sexual Assault Response Coordinators; and

(2) if determined to be feasible and advisable, the optimal approach to establishing and maintaining such a military occupational speciality.

(b) REPORT AND BRIEFING.—

(1) REPORT.—Not later than 180 days after the date of the enactment of this Act the Secretary of Defense shall submit to the congressional defense committees a report on the results of the study conducted under subsection (a).

Deadline.

(2) BRIEFING.—Not later than 30 days after the date on which the report is submitted under paragraph (1), the Secretary of Defense shall provide to the congressional defense committees a briefing on the results of the study conducted under subsection (a).

(c) ELEMENTS.—The report and briefing under subsection (b) shall include the following:

Determination.

(1) The determination of the Secretary of Defense as to whether creating a military occupational speciality for Sexual Assault Response Coordinators is feasible and advisable.

Determination.
Analyses.

(2) If the Secretary determines that the creation of such a speciality is feasible and advisable—

Recommendations.

(A) a recommendation on the rank and level of experience required for a military occupational speciality for Sexual Assault Response Coordinators;

Recommendations.

(B) recommendations for strengthening recruitment and retention of members of the Armed Forces of the required rank and experience identified under subparagraph (A), including recommendations with respect to—

(i) designating Sexual Assault Response Coordinators as a secondary military occupational speciality instead of a primary military occupational speciality;

(ii) providing initial or recurrent bonuses or duty stations of choice to members who qualify for the military occupational speciality for Sexual Assault Response Coordinators;

(iii) limiting the amount of time that a member who has qualified for such military occupational speciality can serve as a Sexual Assault Response Coordinator in a given period; or

(iv) requiring evaluations, completed by an officer in the rank of O–6 or higher, for members who have qualified for such military occupational speciality and are serving as a Sexual Assault Response Coordinator;

Recommendations.

(C) recommendations for standardizing training and education for members of the Armed Forces seeking a military occupational speciality for Sexual Assault Response Coordinators or those serving as a Sexual Assault Response Coordinator, including by establishing dedicated educational programs for such members within each Armed Force;

(D) an analysis of the impact of a military occupational speciality for Sexual Assault Response Coordinators on the personnel management of the existing Sexual Assault Response Coordinator program, including recruitment and retention;

(E) an analysis of the requirements for a Sexual Assault Response Coordinator-specific chain of command;

(F) analysis of the costs of establishing and maintaining a military occupational speciality for Sexual Assault Response Coordinators;

(G) analysis of the potential impacts of a military occupational specialty for Sexual Assault Response Coordinators on the mental health of personnel within the specialty; and

(H) any other matters the Secretary of Defense determines relevant for inclusion. Determination.

SEC. 549K. AMENDMENTS TO ADDITIONAL DEPUTY INSPECTOR GENERAL OF THE DEPARTMENT OF DEFENSE.

Section 554(a) of the William M. (Mac) Thornberry National Defense Authorization Act for Fiscal Year 2021 (Public Law 116–283) is amended—

10 USC 141 note.

(1) in the section heading, by striking “DEPUTY” and inserting “ASSISTANT”;

(2) in paragraph (1)—

(A) in the matter preceding subparagraph (A)—

(i) by striking “Secretary of Defense” and inserting “Inspector General of the Department of Defense”; and

(ii) by striking “Deputy” and inserting “Assistant”;

(B) in subparagraph (A), by striking “of the Department”; and

(C) in subparagraph (B), by striking “report directly to and serve” and inserting “be”;

(3) in paragraph (2)—

(A) in the matter preceding clause (i) of subparagraph (A)—

(i) by striking “Conducting and supervising” and inserting “Developing and carrying out a plan for the conduct of comprehensive oversight, including through the conduct and supervision of”; and

(ii) by striking “evaluations” and inserting “inspections”;

(B) in clause (ii) of subparagraph (A), by striking “, including the duties of the Inspector General under subsection (b)”;

(C) in subparagraph (B), by striking “Secretary or”;

(4) in paragraph (3)(A) in the matter preceding subparagraph (A), by striking “Deputy” and inserting “Assistant”;

(5) in paragraph (4)—

(A) in subparagraph (A), by striking “Deputy” each place it appears and inserting “Assistant”;

(B) in subparagraph (B)—

(i) by striking “Deputy” the first place it appears;

(ii) by striking “and the Inspector General”;

(iii) by striking “Deputy” the second place it appears and inserting “Assistant”; and

(iv) by inserting before the period at the end the following: “, for inclusion in the next semiannual report of the Inspector General under section 5 of the Inspector General Act of 1978 (5 U.S.C. App.)”;

(C) in subparagraph (C)—

(i) by striking “Deputy”; and

(ii) by striking “and Inspector General”;

(D) in subparagraph (D)—

- (i) by striking “Deputy”;
 - (ii) by striking “and the Inspector General”;
 - (iii) by striking “Secretary or”; and
 - (iv) by striking “direct” and inserting “determine”;
- and
- (E) in subparagraph (E)—
- (i) by striking “Deputy”; and
 - (ii) by striking “of the Department” and all that follows through “Representatives” and inserting “consistent with the requirements of the Inspector General Act of 1978 (5 U.S.C. App.).”.

SEC. 549L. IMPROVED DEPARTMENT OF DEFENSE PREVENTION OF, AND RESPONSE TO, BULLYING IN THE ARMED FORCES.

Section 549 of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114–328; 10 U.S.C. 113 note) is amended—

- (1) in the section heading, by inserting “**AND BULLYING**” after “**HAZING**”;
- (2) in subsection (a)—
 - (A) in the heading, by inserting “and anti-bullying” after “Anti-hazing”; and
 - (B) by inserting “or bullying” after “hazing” both places it appears;
- (3) in subsection (b), by inserting “and bullying” after “hazing”; and
- (4) in subsection (c)—
 - (A) in the heading, by inserting “and bullying” after “hazing”;
 - (B) in paragraph (1)—
 - (i) in the matter preceding subparagraph (A)—
 - (I) by striking “January 31 of each year through January 31, 2021” and inserting “May 31, 2023, and annually thereafter for five years,”; and
 - (II) by striking “each Secretary of a military department, in consultation with the Chief of Staff of each Armed Force under the jurisdiction of such Secretary,” and inserting “the Secretary of Defense”;
 - (ii) in subparagraph (A), by inserting “or bullying” after “hazing”; and
 - (iii) in subparagraph (C), by inserting “and anti-bullying” after “anti-hazing”; and
 - (C) in amending paragraph (2) to read as follows:

“(2) **ADDITIONAL ELEMENTS.**—Each report required by this subsection shall include the following:

 - “(A) A description of comprehensive data-collection systems of each Armed Force described in subsection (b) and the Office of the Secretary of Defense for collecting hazing or bullying reports involving a member of the Armed Forces.
 - “(B) A description of processes of each Armed Force described in subsection (b) to identify, document, and report alleged instances of hazing or bullying. Such description shall include the methodology each such Armed Force uses to categorize and count potential instances of hazing or bullying.

“(C) An assessment by each Secretary of a military department of the quality and need for training on recognizing and preventing hazing and bullying provided to members under the jurisdiction of such Secretary. Assessment.

“(D) An assessment by the Office of the Secretary of Defense of— Assessment.

“(i) the effectiveness of each Armed Force described in subsection (b) in tracking and reporting instances of hazing or bullying;

“(ii) whether the performance of each such Armed Force was satisfactory or unsatisfactory in the preceding fiscal year.

“(E) Recommendations of the Secretary to improve— Recommendations.

“(i) elements described in subparagraphs (A) through (D).
“(ii) the Uniform Code of Military Justice or the Manual for Courts-Martial to improve the prosecution of persons alleged to have committed hazing or bullying in the Armed Forces.

“(F) The status of efforts of the Secretary to evaluate the prevalence of hazing and bullying in the Armed Forces.

“(G) Data on allegations of hazing and bullying in the Armed Forces, including final disposition of investigations. Data.

“(H) Plans of the Secretary to improve hazing and bullying prevention and response during the next reporting year.”. Plans.

SEC. 549M. RECOMMENDATIONS ON SEPARATE PUNITIVE ARTICLE IN THE UNIFORM CODE OF MILITARY JUSTICE ON VIOLENT EXTREMISM. Reports.

Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report containing such recommendations as the Secretary considers appropriate with respect to the establishment of a separate punitive article in chapter 47 of title 10, United States Code (the Uniform Code of Military Justice), on violent extremism.

SEC. 549N. COMBATING FOREIGN MALIGN INFLUENCE.

Section 589E of the William M. (Mac) Thornberry National Defense Authorization Act for Fiscal Year 2021 (Public Law 116–283) is amended—

(1) by striking subsections (d) and (e); and

(2) by inserting after subsection (c) the following new subsections:

“(d) ESTABLISHMENT OF WORKING GROUP.—(1) Not later than one year after the date of the enactment of this subsection, the Secretary of Defense shall establish a working group to assist the official designated under subsection (b), as follows: Deadline.

“(A) In the identification of mediums used by covered foreign countries to identify, access, and endeavor to influence servicemembers and Department of Defense civilian employees through foreign malign influence campaigns and the themes conveyed through such mediums.

10 USC note
prec. 2001.

Coordination.

“(B) In coordinating and integrating the training program under this subsection in order to enhance and strengthen servicemember and Department of Defense civilian employee awareness of and defenses against foreign malign influence, including by bolstering information literacy.

“(C) In such other tasks deemed appropriate by the Secretary of Defense or the official designated under subsection (b).

Consultation.

“(2) The official designated under subsection (b) and the working group established under this subsection shall consult with the Foreign Malign Influence Response Center established pursuant to section 3059 of title 50, United States Code.

“(e) REPORT REQUIRED.—Not later than 18 months after the establishment of the working group, the Secretary shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the results of the working group, its activities, the effectiveness of the counter foreign malign influence activities carried out under this section, the metrics applied to determined effectiveness, and the actual costs associated with actions undertaken pursuant to this section.

“(f) DEFINITIONS.—In this section:

“(1) FOREIGN MALIGN INFLUENCE.—The term ‘foreign malign influence’ has the meaning given that term in section 119C of the National Security Act of 1947 (50 U.S.C. 3059).

“(2) COVERED FOREIGN COUNTRY.—The term ‘covered foreign country’ has the meaning given that term in section 119C of the National Security Act of 1947 (50 U.S.C. 3059)

“(3) INFORMATION LITERACY.—The term ‘information literacy’ means the set of skills needed to find, retrieve, understand, evaluate, analyze, and effectively use information (which encompasses spoken and broadcast words and videos, printed materials, and digital content, data, and images).”.

Subtitle F—Member Education, Training, and Transition

SEC. 551. TROOPS-TO-TEACHERS PROGRAM.

(a) REQUIREMENT TO CARRY OUT PROGRAM.—Section 1154(b) of title 10, United States Code, is amended by striking “may” and inserting “shall”.

(b) REPORTING REQUIREMENT.—Section 1154 of title 10, United States Code, is amended—

(1) by redesignating subsection (i) as subsection (j); and

(2) by inserting after subsection (h) the following new subsection:

“(i) ANNUAL REPORT.—(1) Not later than December 1, 2022, and annually thereafter, the Secretary of Defense shall submit to the appropriate congressional committees a report on the Program.

“(2) The report required under paragraph (1) shall include the following elements:

“(A) The total cost of the Program for the most recent fiscal year.

“(B) The total number of teachers placed during such fiscal year and the locations of such placements.

“(C) An assessment of the STEM backgrounds of the teachers placed, the number of placements in high-need schools, and any other metric or information the Secretary considers appropriate to illustrate the cost and benefits of the program to members of the armed forces, veterans, and local educational agencies. Assessment.

“(3) In this subsection, the term ‘appropriate congressional committees’ means— Definition.

“(A) the Committee on Armed Services and the Committee on Help, Education, Labor, and Pensions of the Senate; and

“(B) the Committee on Armed Services and the Committee on Education and Labor of the House of Representatives.”.

(c) SUNSET.—Section 1154 of title 10, United States Code, as amended by subsection (b), is further amended by adding at the end the following new subsection:

“(k) SUNSET.—The Program shall terminate on July 1, 2025, with respect to the selection of new participants for the program. Participants in the Program as of that date may complete their program, and remain eligible for benefits under this section.”.

SEC. 552. CODIFICATION OF HUMAN RELATIONS TRAINING FOR CERTAIN MEMBERS OF THE ARMED FORCES.

(a) IN GENERAL.—Chapter 101 of title 10, United States Code, is amended by inserting before section 2002 the following new section:

“§ 2001. Human relations training

10 USC 2001.

“(a) HUMAN RELATIONS TRAINING.—(1)(A) The Secretary of Defense shall ensure that the Secretary of each military department conducts ongoing programs for human relations training for all members of the armed forces under the jurisdiction of the Secretary.

“(B) Matters covered by such training include race relations, equal opportunity, opposition to gender discrimination, and sensitivity to hate group activity.

“(C) Such training shall be provided during basic training (or other initial military training) and on a regular basis thereafter.

“(2) The Secretary of Defense shall ensure that a unit commander is aware of the responsibility to ensure that impermissible activity, based upon discriminatory motives, does not occur in a unit under the command of such commander.

“(b) INFORMATION PROVIDED TO PROSPECTIVE RECRUITS.—The Secretary of Defense shall ensure that—

“(1) each individual preparing to enter an officer accession program or to execute an original enlistment agreement is provided information concerning the meaning of the oath of office or oath of enlistment for service in the armed forces in terms of the equal protection and civil liberties guarantees of the Constitution; and

“(2) each such individual is informed that if supporting such guarantees is not possible personally for that individual, then that individual should decline to enter the armed forces.”.

(b) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) TECHNICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting before the item relating to section 2002 the following new item:

10 USC
prec. 2001.

“2001. Human relations training.”.

Repeal.

(2) CONFORMING AMENDMENT.—Section 571 of the National Defense Authorization Act for Fiscal Year 1997 (Public Law 104–201; 10 U.S.C. 113 note) is repealed.

Deadline.

(c) BRIEFING.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall brief the Committees on Armed Services of the Senate and House of Representatives regarding—

(1) implementation of section 2001 of such title, as added by subsection (a); and

Determination.

(2) legislation the Secretary determines necessary to complete such implementation.

SEC. 553. ALLOCATION OF AUTHORITY FOR NOMINATIONS TO THE MILITARY SERVICE ACADEMIES IN THE EVENT OF THE DEATH, RESIGNATION, OR EXPULSION FROM OFFICE OF A MEMBER OF CONGRESS.

(a) UNITED STATES MILITARY ACADEMY.—

(1) IN GENERAL.—Chapter 753 of title 10, United States Code, is amended by inserting after section 7442 the following new section:

10 USC 7442a.

“§ 7442a. Cadets: nomination in event of death, resignation, or expulsion from office of Member of Congress otherwise authorized to nominate

“(a) SENATORS.—In the event a Senator does not submit all nominations for cadets allocated to such Senator for an academic year in accordance with section 7442(a)(3) of this title, due to death, resignation from office, or expulsion from office, and the date of the swearing-in of the Senator’s successor as Senator occurs after the date of the deadline for submittal of nominations for cadets for the academic year, the nominations for cadets for such academic year, otherwise authorized to be made by the Senator pursuant to such section, may be made instead by the other Senator from the State of such Representative.

“(b) REPRESENTATIVES.—In the event a Representative does not submit all nominations for cadets allocated to such Representative for an academic year in accordance with section 7442(a)(4) of this title, due to death, resignation from office, or expulsion from office, and the date of the swearing-in of the Representative’s successor as Representative occurs after the date of the deadline for submittal of nominations for cadets for the academic year, the nominations for cadets for such academic year, otherwise authorized to be made by the Representative pursuant to such section, may be made instead by the Senators from the State of such Representative, with such nominations divided equally among such Senators and any remainder going to the senior Senator from the State.

“(c) RULE OF CONSTRUCTION.—The nomination of a cadet by a Member of Congress pursuant to this section shall not be construed to permanently reallocate nominations under section 7442 of this title.”.

10 USC
prec. 7431.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 753 of such title is amended by inserting after the item relating to section 7442 the following new item:

“7442a. Cadets: nomination in event of death, resignation, or expulsion from office of Member of Congress otherwise authorized to nominate.”.

(b) UNITED STATES NAVAL ACADEMY.—

(1) IN GENERAL.—Chapter 853 of title 10, United States Code, is amended by inserting after section 8454 the following new section:

“§ 8454a. Midshipmen: nomination in event of death, resignation, or expulsion from office of Member of Congress otherwise authorized to nominate

10 USC 8454a.

“(a) SENATORS.—In the event a Senator does not submit all nominations for midshipmen allocated to such Senator for an academic year in accordance with section 8454(a)(3) of this title, due to death, resignation from office, or expulsion from office, and the date of the swearing-in of the Senator’s successor as Senator occurs after the date of the deadline for submittal of nominations for midshipmen for the academic year, the nominations for midshipmen for such academic year, otherwise authorized to be made by the Senator pursuant to such section, may be made instead by the other Senator from the State of such Representative.

“(b) REPRESENTATIVES.—In the event a Representative does not submit all nominations for midshipmen allocated to such Representative for an academic year in accordance with section 8454(a)(4) of this title, due to death, resignation from office, or expulsion from office, and the date of the swearing-in of the Representative’s successor as Representative occurs after the date of the deadline for submittal of nominations for midshipmen for the academic year, the nominations for midshipmen for such academic year, otherwise authorized to be made by the Representative pursuant to such section, may be made instead by the Senators from the State of such Representative, with such nominations divided equally among such Senators and any remainder going to the senior Senator from the State.

“(c) RULE OF CONSTRUCTION.—The nomination of a midshipman by a Member of Congress pursuant to this section shall not be construed to permanently reallocate nominations under section 8454 of this title.”.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 853 of such title is amended by inserting after the item relating to section 8454 the following new item:

10 USC
prec. 8451.

“8454a. Midshipmen: nomination in event of death, resignation, or expulsion from office of Member of Congress otherwise authorized to nominate.”.

(c) AIR FORCE ACADEMY.—

(1) IN GENERAL.—Chapter 953 of title 10, United States Code, is amended by inserting after section 9442 the following new section:

“§ 9442a. Cadets: nomination in event of death, resignation, or expulsion from office of Member of Congress otherwise authorized to nominate

10 USC 9442a.

“(a) SENATORS.—In the event a Senator does not submit all nominations for cadets allocated to such Senator for an academic year in accordance with section 9442(a)(3) of this title, due to death, resignation from office, or expulsion from office, and the date of the swearing-in of the Senator’s successor as Senator occurs after the date of the deadline for submittal of nominations for cadets for the academic year, the nominations for cadets for such academic year, otherwise authorized to be made by the Senator pursuant to such section, may be made instead by the other Senator from the State of such Representative.

“(b) REPRESENTATIVES.—In the event a Representative does not submit all nominations for cadets allocated to such Representative for an academic year in accordance with section 9442(a)(4) of this title, due to death, resignation from office, or expulsion from office, and the date of the swearing-in of the Representative’s successor as Representative occurs after the date of the deadline for submittal of nominations for cadets for the academic year, the nominations for cadets for such academic year, otherwise authorized to be made by the Representative pursuant to such section, may be made instead by the Senators from the State of such Representative, with such nominations divided equally among such Senators and any remainder going to the senior Senator from the State.

“(c) RULE OF CONSTRUCTION.—The nomination of a cadet by a Member of Congress pursuant to this section shall not be construed to permanently reallocate nominations under section 9442 of this title.”.

10 USC
prec. 9431.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 953 of such title is amended by inserting after the item relating to section 9442 the following new item:

“9442a. Cadets: nomination in event of death, resignation, or expulsion from office of Member of Congress otherwise authorized to nominate.”.

Estimate.

(d) REPORT.—Not later than September 30, 2022, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives a report regarding implementation of the amendments under this section, including—

(1) the estimate of the Secretary regarding the frequency with which the authorities under such amendments will be used each year; and

(2) the number of times a Member of Congress has failed to submit nominations to the military academies due to death, resignation from office, or expulsion from office.

SEC. 554. AUTHORITY OF PRESIDENT TO APPOINT SUCCESSORS TO MEMBERS OF BOARD OF VISITORS OF MILITARY ACADEMIES WHOSE TERMS HAVE EXPIRED.

(a) UNITED STATES MILITARY ACADEMY.—Section 7455(b) of title 10, United States Code, is amended by striking “is appointed” and inserting “is appointed by the President”.

(b) UNITED STATES NAVAL ACADEMY.—Section 8468(b) of title 10, United States Code, is amended by striking “is appointed” and inserting “is appointed by the President”.

(c) UNITED STATES AIR FORCE ACADEMY.—Section 9455(b)(1) of title 10, United States Code, is amended by striking “is designated” and inserting “is designated by the President”.

(d) UNITED STATES COAST GUARD ACADEMY.—Section 1903(b)(2)(B) of title 14, United States Code, is amended by striking “is appointed” and inserting “is appointed by the President”.

Time periods.

SEC. 555. MEETINGS OF THE BOARD OF VISITORS OF A MILITARY SERVICE ACADEMY: VOTES REQUIRED TO CALL; HELD IN PERSON OR REMOTELY.

(a) UNITED STATES MILITARY ACADEMY.—Section 7455 of title 10, United States Code, is amended by adding at the end the following new subsection:

“(i)(1) A majority of the members of the Board may call an official meeting of the Board once per year.

“(2) A member may attend such meeting—

“(A) in person, at the Academy; or

“(B) remotely, at the election of such member.”.

(b) UNITED STATES NAVAL ACADEMY.—Section 8468 of title 10, United States Code, is amended by adding at the end the following new subsection:

“(i)(1) A majority of the members of the Board may call an official meeting of the Board once per year.

“(2) A member may attend such meeting—

“(A) in person, at the Academy; or

“(B) remotely, at the election of such member.”.

(c) UNITED STATES AIR FORCE ACADEMY.—Section 9455 of title 10, United States Code, is amended by adding at the end the following new subsection:

“(i)(1) A majority of the members of the Board may call an official meeting of the Board once per year.

“(2) A member may attend such meeting—

“(A) in person, at the Academy; or

“(B) remotely, at the election of such member.”.

SEC. 556. DEFENSE LANGUAGE INSTITUTE FOREIGN LANGUAGE CENTER.

(a) AUTHORITY TO AWARD BACHELOR’S DEGREES.—Section 2168 of title 10, United States Code, is amended—

(1) in the section heading, by striking “**Associate**” and inserting “**Associate or Bachelor**”; and

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

“(a) Subject to subsection (b), the Commandant of the Defense Language Institute may confer—

“(1) an Associate of Arts degree in a foreign language upon any graduate of the Foreign Language Center of the Institute who fulfills the requirements for that degree; or

“(2) a Bachelor of Arts degree in a foreign language upon any graduate of the Foreign Language Center of the Institute who fulfills the requirements for that degree.”.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 108 of title 10, United States Code, is amended by striking the item relating to section 2168 and inserting the following new item:

“2168. Defense Language Institute Foreign Language Center: degree of Associate or Bachelor of Arts in foreign language.”.

10 USC
prec. 2161.

SEC. 557. UNITED STATES NAVAL COMMUNITY COLLEGE.

(a) ESTABLISHMENT.—Chapter 859 of title 10, United States Code, is amended by adding at the end the following new section:

“§ 8595. United States Naval Community College: establishment and degree granting authority

10 USC 8595.

“(a) ESTABLISHMENT AND FUNCTION.—There is a United States Naval Community College. The primary function of such College shall be to provide—

“(1) programs of academic instruction and professional and technical education for individuals described in subsection (b) in—

“(A) academic and technical fields of the liberal arts and sciences which are relevant to the current and future needs of the Navy and Marine Corps, including in designated fields of national and economic importance such

as cybersecurity, artificial intelligence, machine learning, data science, and software engineering; and

“(B) their practical duties;

“(2) remedial, developmental, or continuing education programs, as prescribed by the Secretary of the Navy, which are necessary to support, maintain, or extend programs under paragraph (1);

“(3) support and advisement services for individuals pursuing such programs; and

“(4) continuous monitoring of the progress of such individuals.

“(b) INDIVIDUALS ELIGIBLE FOR PROGRAMS.—Subject to such other eligibility requirements as the Secretary of the Navy may prescribe, the following individuals are eligible to participate in programs and services under subsection (a):

“(1) Enlisted members of the Navy and Marine Corps.

“(2) Officers of the Navy and Marine Corps who hold a commission but have not completed a postsecondary degree.

“(3) Civilian employees of the Department of the Navy.

“(4) Other individuals, as determined by the Secretary of the Navy, so long as access to programs and services under subsection (a) by such individuals is—

“(A) in alignment with the mission of the United States Naval Community College; and

“(B) determined to support the mission or needs of the Department of the Navy.

“(c) DEGREE AND CREDENTIAL GRANTING AUTHORITY.—

“(1) IN GENERAL.—Under regulations prescribed by the Secretary of the Navy, the head of the United States Naval Community College may, upon the recommendation of the directors and faculty of the College, confer appropriate degrees or academic credentials upon graduates who meet the degree or credential requirements.

“(2) LIMITATION.—A degree or credential may not be conferred under this subsection unless—

“(A) the Secretary of Education has recommended approval of the degree or credential in accordance with the Federal Policy Governing Granting of Academic Degrees by Federal Agencies; and

“(B) the United States Naval Community College is accredited by the appropriate civilian academic accrediting agency or organization to award the degree or credential, as determined by the Secretary of Education.

“(3) CONGRESSIONAL NOTIFICATION REQUIREMENTS.—

“(A) When seeking to establish degree or credential granting authority under this subsection, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives—

“(i) a copy of the self assessment questionnaire required by the Federal Policy Governing Granting of Academic Degrees by Federal Agencies, at the time the assessment is submitted to the Department of Education’s National Advisory Committee on Institutional Quality and Integrity; and

“(ii) the subsequent recommendations and rationale of the Secretary of Education regarding the

Recommendations.
Regulations.

Reports.

Records.

establishment of the degree or credential granting authority.

“(B) Upon any modification or redesignation of existing degree or credential granting authority, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives a report containing the rationale for the proposed modification or redesignation and any subsequent recommendation of the Secretary of Education on the proposed modification or redesignation.

“(C) The Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives a report containing an explanation of any action by the appropriate academic accrediting agency or organization not to accredit the United States Naval Community College to award any new or existing degree or credential.

“(d) CIVILIAN FACULTY MEMBERS.—

“(1) AUTHORITY OF SECRETARY.—The Secretary of the Navy may employ as many civilians as professors, instructors, and lecturers at the United States Naval Community College as the Secretary considers necessary.

“(2) COMPENSATION.—The compensation of persons employed under this subsection shall be prescribed by the Secretary of the Navy.”.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 859 of title 10, United States Code, is amended by adding at the end the following new item:

10 USC
prec. 8591.

“8595. United States Naval Community College: establishment and degree granting authority.”.

SEC. 558. CODIFICATION OF ESTABLISHMENT OF UNITED STATES AIR FORCE INSTITUTE OF TECHNOLOGY.

(a) IN GENERAL.—Chapter 951 of title 10, United States Code, is amended by inserting before section 9414 the following new section:

“§ 9413. United States Air Force Institute of Technology: establishment

10 USC 9413.

“There is in the Department of the Air Force a United States Air Force Institute of Technology, the purposes of which are to perform research and to provide, to members of the Air Force and Space Force (including the reserve components) and civilian employees of such Department, advanced instruction and technical education regarding their duties.”.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting, before the item relating to section 9414, the following new item:

10 USC
prec. 9401.

“9413. United States Air Force Institute of Technology: establishment.”.

SEC. 559. CONCURRENT USE OF DEPARTMENT OF DEFENSE TUITION ASSISTANCE AND MONTGOMERY GI BILL-SELECTED RESERVE BENEFITS.

(a) IN GENERAL.—Section 16131 of title 10, United States Code, is amended by adding at the end the following new subsection:

“(k)(1) In the case of an individual entitled to educational assistance under this chapter who is pursuing education or training described in subsection (a) or (c) of section 2007 of this title on

a half-time or more basis, the Secretary concerned shall, at the election of the individual, pay the individual educational assistance allowance under this chapter for pursuit of such education or training as if the individual were not also eligible to receive or in receipt of educational assistance under section 2007 for pursuit of such education or training.

“(2) Concurrent receipt of educational assistance under section 2007 of this title and educational assistance under this chapter shall not be considered a duplication of benefits if the individual is enrolled in a program of education on a half-time or more basis.”.

(b) CONFORMING AMENDMENTS.—Section 2007(d) of such title is amended—

(1) in paragraph (1), by inserting “or chapter 1606 of this title” after “of title 38”; and

(2) in paragraph (2), by inserting “, in the case of educational assistance under chapter 30 of such title, and section 16131(k), in the case of educational assistance under chapter 1606 of this title” before the period at the end.

10 USC 7431
note.

Deadline.
Consultation.

Deadlines.

SEC. 559A. REGULATIONS ON CERTAIN PARENTAL GUARDIANSHIP RIGHTS OF CADETS AND MIDSHIPMEN.

(a) REGULATIONS REQUIRED.—Not later than one year after the date of the enactment of this Act, the Secretary of Defense, after consultation with the Secretaries of the military departments and the Superintendent of each military service academy, shall prescribe regulations that include the option to preserve parental guardianship rights of a cadet or midshipman who becomes pregnant or fathers a child while attending a military service academy, consistent with the individual and academic responsibilities of such cadet or midshipman.

(b) BRIEFINGS; REPORT.—

(1) INTERIM BRIEFING.—Not later than May 1, 2022, the Secretary of Defense shall provide to the Committees on Armed Services of the Senate and House of Representatives an interim briefing on the development of the regulations prescribed under subsection (a).

(2) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives a report on any legislation the Secretary determines necessary to implement the regulations prescribed under subsection (a).

(3) FINAL BRIEFING.—Not later than one year after the date of the enactment of this Act, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives a final briefing on the regulations prescribed under subsection (a).

(c) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to change, or require a change to, any admission requirement at a military service academy.

(d) MILITARY SERVICE ACADEMY DEFINED.—In this section, the term “military service academy” means the following:

(1) The United States Military Academy.

(2) The United States Naval Academy.

(3) The United States Air Force Academy.

SEC. 559B. DEFENSE LANGUAGE CONTINUING EDUCATION PROGRAM.

Deadlines.
Procedures.
10 USC note
prec. 2001.

(a) **IN GENERAL.**—Not later than 180 days after the date of the enactment of this Act, the Under Secretary of Defense for Personnel and Readiness shall establish policies and procedures to provide, to linguists of the covered Armed Forces who have made the transition from formal training programs to operational and staff assignments, continuing language education to maintain their respective language proficiencies.

(b) **REIMBURSEMENT AUTHORITY.**—

(1) **IN GENERAL.**—Not later than one year after the date of the enactment of this Act, the Under Secretary, in coordination with the chief of each covered Armed Force, shall establish a procedure by which the covered Armed Force concerned may reimburse an organization of the Department of Defense that provides, to members of such covered Armed Force, continuing language education, described in subsection (a), for the costs of such education.

Coordination.

(2) **SUNSET.**—The authority under this subsection shall expire on September 30, 2025.

(c) **BRIEFING.**—Not later than July 1, 2022, the Under Secretary shall brief the Committees on Armed Services of the Senate and House of Representatives on implementation of this section and plans regarding continuing language education described in subsection (a).

(d) **COVERED ARMED FORCE DEFINED.**—In this section, the term “covered Armed Force” means the Army, Navy, Air Force, Marine Corps, or Space Force.

SEC. 559C. PROHIBITION ON IMPLEMENTATION BY UNITED STATES AIR FORCE ACADEMY OF CIVILIAN FACULTY TENURE SYSTEM.

The Secretary of Defense may not implement a civilian faculty tenure system for the United States Air Force Academy (in this section referred to as the “Academy”) until the Secretary submits to the Committees on Armed Services of the Senate and the House of Representatives a report assessing the following:

Reports.
Assessments.

(1) How a civilian faculty tenure system would promote the mission of the Academy.

(2) How a civilian faculty tenure system would affect the current curricular governance process of the Academy.

(3) How the Academy will determine the number of civilian faculty at the Academy who would be granted tenure.

(4) How a tenure system would be structured for Federal employees at the Academy, including exact details of specific protections and limitations.

(5) The budget implications of implementing a tenure system for the Academy.

(6) The faculty qualifications that would be required to earn and maintain tenure.

(7) The reasons for termination of tenure that will be implemented and how a tenure termination effort would be conducted.

SEC. 559D. PROFESSIONAL MILITARY EDUCATION: REPORT; DEFINITION.

10 USC 2151
note.

(a) **REPORT.**—

Consultation.

(1) IN GENERAL.—Not later than July 1, 2022, the Secretary of Defense, in consultation with the Chairman of the Joint Chiefs of Staff, shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report setting forth the results of a review and assessment of the definition of professional military education in the Department of Defense and the military departments as specified in subsection (c).

Analysis.

(2) ELEMENTS.—The report under this subsection shall include the following elements:

Summary.

(A) A consolidated summary of all definitions of the term “professional military education” used in the Department of Defense and the military departments.

(B) A description of how such term is used in the Department of Defense in educational institutions, associated schools, programs, think tanks, research centers, and support activities.

(C) An analysis of how such term—

(i) applies to tactical, operational, and strategic settings; and

(ii) is linked to mission requirements.

(D) An analysis of how professional military education has been applied and linked through all levels of Department of Defense education and training.

(E) The applicability of professional military education to the domains of warfare, including land, air, sea, space, and cyber.

(F) With regards to online and virtual learning in professional military education—

(i) an analysis of the use of such learning; and

(ii) student satisfaction in comparison to traditional classroom learning.

Deadline.

Coordination.

(b) DEFINITION.—Not later than one year after the date of the enactment of this Act, the Secretary of Defense, in coordination with the Chairman of the Joint Chiefs of Staff and the Secretaries of the military departments, using the report under subsection (a), shall standardize the definition of “professional military education” across the military departments and the Department of Defense.

SEC. 559E. REPORT ON TRAINING AND EDUCATION OF MEMBERS OF THE ARMED FORCES REGARDING SOCIAL REFORM AND UNHEALTHY BEHAVIORS.

Consultation.

(a) REPORT REQUIRED.—Not later than June 1, 2022, the Secretary of Defense, in consultation with the Secretaries of the military departments, shall submit to the Committees on Armed Services of the Senate and House of Representatives a report on training and courses of education offered to covered members regarding—

(1) sexual assault;

(2) sexual harassment;

(3) extremism;

(4) domestic violence;

(5) diversity, equity, and inclusion;

(6) military equal opportunity;

(7) suicide prevention; and

(8) substance abuse.

(b) ELEMENTS.—The report under subsection (a) shall identify, with regard to each training or course of education, the following:

- (1) Sponsor.
- (2) Location.
- (3) Method.
- (4) Frequency.
- (5) Number of covered members who have participated.
- (6) Legislation, regulation, instruction, or guidance that requires such training or course (if applicable).

(7) Metrics of—

- (A) performance;
- (B) effectiveness; and
- (C) data collection.

(8) Responsibilities of the Secretary of Defense or Secretary of a military department to—

- (A) communicate with non-departmental entities;
- (B) process feedback from trainers, trainees, and such entities;
- (C) connect such training or course to tactical, operational, and strategic goals; and
- (D) connect such training or course to other training regarding social reform and unhealthy behavior.

(9) Analyses of—

- (A) whether the metrics described in paragraph (7) are standardized across the military departments;
- (B) mechanisms used to engage non-departmental entities to assist in the development of such training or courses;
- (C) incentives used to ensure the effectiveness of such training or courses;
- (D) how each training or courses is intended to change behavior; and
- (E) costs of such training and courses.

Analyses.

(10) Recommendations of the Secretary of Defense to improve such training or courses, including the estimated costs to implement such improvements.

Recommendations.

(11) Any other information the Secretary of Defense determines relevant.

Determination.

(c) COVERED MEMBER DEFINED.—In this section, the term “covered member” means a member of an Armed Force under the jurisdiction of the Secretary of a military department.

SEC. 559F. REPORT ON STATUS OF ARMY TUITION ASSISTANCE PROGRAM ARMY IGNITED PROGRAM.

(a) IN GENERAL.—Not later than 60 days after the date of the enactment of this Act, the Secretary of the Army shall submit to the congressional defense committees a report on the status of the Army IgnitED program of the Army’s Tuition Assistance Program.

(b) ELEMENTS.—The report required under subsection (a) shall describe—

- (1) the estimated date when the Army IgnitED program will be fully functional;
- (2) the estimated date when service members will be reimbursed for out of pocket expenses caused by processing delays and errors under the Army IgnitED program; and
- (3) the estimated date when institutions of higher education will be fully reimbursed for all costs typically provided through

the Tuition Assistance Program but delayed due to processing delays and errors under the Army IgnitED program.

SEC. 559G. BRIEFING ON CADETS AND MIDSHIPMEN WITH SPEECH DISORDERS.

Deadline.

Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall brief the Committees on Armed Services of the Senate and House of Representatives regarding nominees, who have speech disorders, to each military service academy. Such briefing shall include the following:

- (1) The number of such nominees were offered admission to the military service academy concerned.
- (2) The number of nominees described in paragraph (1) who were denied admission on the basis of such disorder.
- (3) Whether the admission process to a military service academy includes testing for speech disorders.
- (4) The current medical standards of each military service academy regarding speech disorders.
- (5) Whether the Superintendent of each military service academy provides speech therapy to mitigate speech disorders—
 - (A) of nominees to such military service academy to facilitate admission of such nominees; and
 - (B) of the cadets or midshipman at such military service academy.

Subtitle G—Military Family Readiness and Dependents’ Education

SEC. 561. EXPANSION OF SUPPORT PROGRAMS FOR SPECIAL OPERATIONS FORCES PERSONNEL AND IMMEDIATE FAMILY MEMBERS.

Section 1788a(e) of title 10, United States Code, is amended—

- (1) in paragraph (4), by striking “covered personnel” and inserting “covered individuals”; and
- (2) in paragraph (5)—
 - (A) by striking “covered personnel” and inserting “covered individuals”;
 - (B) in subparagraph (B), by striking “and” at the end;
 - (C) in subparagraph (C), by striking the period at the end and inserting “; and”; and
 - (D) by adding at the end the following new subparagraph:

“(D) immediate family members of individuals described in subparagraphs (A) or (B) in a case in which such individual died—

 - “(i) as a direct result of armed conflict;
 - “(ii) while engaged in hazardous service;
 - “(iii) in the performance of duty under conditions simulating war; or
 - “(iv) through an instrumentality of war.”.

SEC. 562. IMPROVEMENTS TO THE EXCEPTIONAL FAMILY MEMBER PROGRAM.

(a) EXPANSION OF ADVISORY PANEL ON COMMUNITY SUPPORT FOR MILITARY FAMILIES WITH SPECIAL NEEDS.—Section 563(d)(2)

of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84; 10 U.S.C. 1781c note) is amended—

(1) by striking “seven” and inserting “nine”;

(2) by inserting “, appointed by the Secretary of Defense,” after “individuals”;

(3) by inserting “each” before “a member”;

(4) by striking the second sentence and inserting “In appointing individuals to the panel, the Secretary shall ensure that—”; and

(5) by adding at the end the following:

“(A) one individual is the spouse of an enlisted member;

“(B) one individual is the spouse of an officer in a grade below O-6;

“(C) one individual is a junior enlisted member;

“(D) one individual is a junior officer;

“(E) individuals reside in different geographic regions;

“(F) one individual is a member serving at a remote installation or is a member of the family of such a member; and

“(G) at least two individuals are members serving on active duty, each with a dependent who—

“(i) is enrolled in the Exceptional Family Member Program; and

“(ii) has an individualized education program.”.

(b) RELOCATION.—The Secretary of the military department concerned may, if such Secretary determines it feasible, permit a covered member who receives permanent change of station orders to elect, not later than 14 days after such receipt, from at least two locations that provide support for the dependent of such covered member with a special need.

Determination.
Deadline.
10 USC 1781c
note.

(c) FAMILY MEMBER MEDICAL SUMMARY.—The Secretary of a military department, in coordination with the Director of the Defense Health Agency, shall require that a family member medical summary, completed by a licensed and credentialed medical provider, is accessible in the electronic health record of the Department of Defense for subsequent review by a licensed medical provider.

Coordination.
Requirement.
Records.

(d) COVERED MEMBER DEFINED.—In this section, the term “covered member” means a member of an Armed Force—

(1) under the jurisdiction of the Secretary of a military department; and

(2) with a dependent with a special need.

SEC. 563. CERTAIN ASSISTANCE TO LOCAL EDUCATIONAL AGENCIES THAT BENEFIT DEPENDENTS OF MILITARY AND CIVILIAN PERSONNEL.

(a) CONTINUATION OF AUTHORITY TO ASSIST LOCAL EDUCATIONAL AGENCIES THAT BENEFIT DEPENDENTS OF MEMBERS OF THE ARMED FORCES AND DEPARTMENT OF DEFENSE CIVILIAN EMPLOYEES.—

(1) ASSISTANCE TO SCHOOLS WITH SIGNIFICANT NUMBERS OF MILITARY DEPENDENT STUDENTS.—Of the amount authorized to be appropriated for fiscal year 2022 by section 301 and available for operation and maintenance for Defense-wide activities as specified in the funding table in section 4301, \$50,000,000 shall be available only for the purpose of providing assistance to local educational agencies under subsection (a)

of section 572 of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163; 20 U.S.C. 7703b).

(2) LOCAL EDUCATIONAL AGENCY DEFINED.—In this subsection, the term “local educational agency” has the meaning given that term in section 7013(9) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7713(9)).

(b) IMPACT AID FOR CHILDREN WITH SEVERE DISABILITIES.—

(1) IN GENERAL.—Of the amount authorized to be appropriated for fiscal year 2022 pursuant to section 301 and available for operation and maintenance for Defense-wide activities as specified in the funding table in section 4301, \$10,000,000 shall be available for payments under section 363 of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted into law by Public Law 106–398; 114 Stat. 1654A–77; 20 U.S.C. 7703a).

(2) ADDITIONAL AMOUNT.—Of the amount authorized to be appropriated for fiscal year 2022 pursuant to section 301 and available for operation and maintenance for Defense-wide activities as specified in the funding table in section 4301, \$10,000,000 shall be available for use by the Secretary of Defense to make payments to local educational agencies determined by the Secretary to have higher concentrations of military children with severe disabilities.

(3) REPORT.—Not later than March 31, 2022, the Secretary shall brief the Committees on Armed Services of the Senate and the House of Representatives on the Department’s evaluation of each local educational agency with higher concentrations of military children with severe disabilities and subsequent determination of the amounts of impact aid each such agency shall receive.

Deadline.
Briefing.
Evaluation.
Determination.

10 USC 1784
note.

SEC. 564. PILOT PROGRAM TO ESTABLISH EMPLOYMENT FELLOWSHIP OPPORTUNITIES FOR MILITARY SPOUSES.

Deadline.
Time period.

(a) ESTABLISHMENT.—Not later than one year after the date of the enactment of this Act, the Secretary of Defense may establish a three-year pilot program to provide employment support to the spouses of members of the Armed Forces through a paid fellowship with employers across a variety of industries. In carrying out the pilot program, the Secretary shall take the following steps:

Determinations.

Contracts.

(1) Enter into a contract or other agreement to conduct a career fellowship pilot program for military spouses.

(2) Determine the appropriate capacity for the pilot program based on annual funding availability.

Criteria.

(3) Establish evaluation criteria to determine measures of effectiveness and cost-benefit analysis of the pilot program in supporting military spouse employment.

(b) LIMITATION ON TOTAL AMOUNT OF ASSISTANCE.—The total amount of the pilot program may not exceed \$5,000,000 over the life of the pilot.

(c) REPORTS.—Not later than two years after the Secretary establishes the pilot program, the Secretary shall submit to the Committees on Armed Services of the Senate and the House of Representatives an interim report that includes the following elements:

(1) The number of spouses who participated in the pilot program annually.

(2) The amount of funding spent through the pilot program annually.

(3) A recommendation of the Secretary regarding whether to discontinue, expand, or make the pilot program permanent.

Recommendations.

(d) **FINAL REPORT.**—Not later than 180 days after the pilot program ends, the Secretary shall submit to the Committees on Armed Services of the Senate and the House of Representatives a final report that includes the following elements:

(1) The number of spouses who participated in the pilot program.

(2) The amount of funding spent through the pilot program.

(3) An evaluation of outcomes.

Evaluation.
Recommendations.

(4) A recommendation of the Secretary regarding whether to make the pilot program permanent.

(e) **TERMINATION.**—The pilot program shall terminate three years after the date on which the Secretary establishes the pilot program.

SEC. 565. POLICY REGARDING REMOTE MILITARY INSTALLATIONS.

10 USC 1781b
note.
Deadline.
Consultation.

(a) **POLICY.**—Not later than December 1, 2022, the Secretary of Defense, in consultation with the Secretaries of the military departments, shall develop a uniform policy for how to—

(1) identify remote military installations; and

(2) assess and manage challenges associated with remote military installations and military personnel assigned to remote locations.

Assessment.

(b) **ELEMENTS.**—The policy under subsection (a) shall address the following:

(1) Activities and facilities for the morale, welfare, and recreation of members of the Armed Forces.

(2) Availability of housing, located on and off remote military installations.

(3) Educational services for dependents of members of the Armed Forces, located on and off remote military installations.

(4) Availability of health care.

(5) Employment opportunities for military spouses.

(6) Risks associated with having insufficient support services for members of the Armed Forces and their dependents.

(c) **REPORT.**—Not later than March 1, 2023, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report setting forth the policy under this section.

(d) **MILITARY INSTALLATION DEFINED.**—In this section, the term “military installation” has the meaning given that term in section 2801 of title 10, United States Code.

SEC. 566. IMPLEMENTATION OF GAO RECOMMENDATION ON IMPROVED COMMUNICATION OF BEST PRACTICES TO ENGAGE MILITARY SPOUSES WITH CAREER ASSISTANCE RESOURCES.

10 USC 1784
note.

(a) **PLAN REQUIRED.**—The Secretary of Defense shall develop a plan to implement the recommendation of the Comptroller General of the United States, to address strategies for sharing information on outreach to military spouses regarding career assistance resources, in the report of the Government Accountability Office titled “Military Spouse Employment: DOD Should Continue Assessing State Licensing Practices and Increase Awareness of

- Summaries. Resources” (GAO–21–193). The plan shall include the following elements:
- (1) A summary of actions that have been taken to implement the recommendation.
 - (2) A summary of actions that will be taken to implement the recommendation, including how the Secretary plans to—
 - (A) engage military services and installations, members of the Spouse Ambassador Network, and other local stakeholders to obtain information on the outreach approaches and best practices used by military installations and stakeholders;
 - (B) overcome factors that may limit use of best practices;
 - (C) disseminate best practices to relevant stakeholders; and
 - (D) identify ways to and better coordinate with the Secretaries of Veterans Affairs, Labor, and Housing and Urban Development; and
- Schedule. (E) a schedule, with specific milestones, for completing implementation of the recommendation.
- (b) IMPLEMENTATION; DEADLINE.—Not later than 18 months after the date of the enactment of this Act, the Secretary of Defense shall carry out activities to implement the plan developed under subsection (a).

SEC. 567. STUDY ON EMPLOYMENT OF MILITARY SPOUSES.

- (a) STUDY.—
- (1) IN GENERAL.—The Secretary of Defense shall conduct a study to identify employment barriers affecting military spouses.
- Determination. (2) ELEMENTS.—The study conducted under paragraph (1) shall determine the following:
- (A) The rate or prevalence of military spouses who are currently employed and whether such military spouses have children.
 - (B) The rate or prevalence of military spouses who are underemployed.
 - (C) In connection with subparagraph (B), whether a military spouse would have taken a different position of employment if the military spouse were not impacted by the spouse who is a member of the Armed Forces.
 - (D) The rate or prevalence of military spouses who, due to military affiliation, have experienced discrimination by civilian employers, including loss of employment, denial of a promotion, and difficulty in being hired.
 - (E) Any other barriers of entry into the local workforce for military spouses, including—
 - (i) state licensure requirements;
 - (ii) availability of childcare;
 - (iii) access to broadband;
 - (iv) job availability in military communities; and
 - (v) access to housing.
- Recommendations. (b) REPORT.—Not later than one year after the date of the enactment of this section, the Secretary of Defense shall submit to the congressional defense committees a report containing the results of the study conducted under this section, including any

policy recommendations to address employment barriers identified by the study.

(c) **DEFINITIONS.**—In this section:

(1) **MILITARY SPOUSE.**—The term “military spouse” means the spouse of a member of the Armed Forces serving on active duty.

(2) **CONGRESSIONAL DEFENSE COMMITTEES.**—The term “congressional defense committees” has the meaning given that term in section 101(a)(16) of title 10, United States Code.

SEC. 568. BRIEFING ON EFFORTS OF COMMANDERS OF MILITARY INSTALLATIONS TO CONNECT MILITARY FAMILIES WITH LOCAL ENTITIES THAT PROVIDE SERVICES TO MILITARY FAMILIES.

Deadline.

Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall brief the Committees on Armed Services of the Senate and House of Representatives on how and the extent to which commanders of military installations connect military families with local nonprofit and government entities that provide services to military families, including assistance with housing.

SEC. 569. BRIEFING ON PROCESS TO CERTIFY REPORTING OF ELIGIBLE FEDERALLY CONNECTED CHILDREN FOR PURPOSES OF FEDERAL IMPACT AID PROGRAMS.

Deadline.

(a) **BRIEFING.**—Not later April 1, 2022, the Secretary of Defense shall brief the Committees on Armed Services of the Senate and House of Representatives on the following:

(1) The feasibility of developing a written process whereby an installation commander can certify the information contained in impact aid source check forms received by such installation commander from local educational agencies.

(2) Benefits of working with local educational agencies to certify impact aid source check forms are submitted in the appropriate manner.

(3) An estimated timeline to implement such a certification process.

Timeline.

(b) **DEFINITIONS.**—In this section:

(1) The term “impact aid source check form” means a form submitted to a military installation by a local educational agency to confirm the number and identity of children eligible to be counted for purposes of the Federal impact aid program under section 7003(a) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7703(a)).

(2) The term “local educational agency” has the meaning given that term in section 8101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801).

SEC. 569A. BRIEFING ON LEGAL SERVICES FOR FAMILIES ENROLLED IN THE EXCEPTIONAL FAMILY MEMBER PROGRAM.

(a) **BRIEFING REQUIRED.**—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall brief the Committees on Armed Services of the Senate and House of Representatives on the provision of legal services, under section 582(b)(7) of the William M. (Mac) Thornberry National Defense Authorization Act for Fiscal Year 2021 (Public Law 116–283), to families enrolled in EFMP.

Deadline.

(b) **ELEMENTS.**—The briefing shall include the following elements:

(1) Training, provided by civilian attorneys or judge advocates general, regarding special education.

(2) Casework, relating to special education, of such civilian attorneys and judge advocates general.

(3) Information on how such legal services tie in to broader EFMP support under the Individuals with Disabilities Education Act (Public Law 91–230), including the geographic support model.

Determination.

(4) Other matters regarding such legal services that the Secretary of Defense determines appropriate.

Costs.

(5) Costs of such elements described in paragraphs (1) through (4).

(c) **DEFINITIONS.**—In this section:

(1) The term “EFMP” means the Exceptional Family Member Program.

(2) The terms “child with a disability”, “free appropriate public education”, and “special education” have the meanings given those terms in section 602 of the Individuals with Disabilities Education Act (20 U.S.C. 1401).

SEC. 569B. GAO REVIEW OF PRESERVATION OF THE FORCE AND FAMILY PROGRAM OF UNITED STATES SPECIAL OPERATIONS COMMAND: BRIEFING; REPORT.

(a) **REVIEW.**—The Comptroller General of the United States shall conduct a review of POTFF. Such review shall include the following:

Assessment.

(1) With regards to current programs and activities of POTFF, an assessment of the sufficiency of the following domains:

(A) Human performance.

(B) Psychological and behavioral health.

(C) Social and family readiness.

(D) Spiritual.

Assessment.

(2) A description of efforts of the Commander of United States Special Operations Command to assess the unique needs of members of special operations forces, including women and minorities.

(3) A description of plans of the Commander to improve POTFF to better address the unique needs of members of special operations forces.

(4) Changes in costs to the United States to operate POTFF since implementation.

(5) Rates of participation in POTFF, including—

(A) the number of individuals who participate;

(B) frequency of use by such individuals; and

(C) geographic locations where such individuals participate.

Data analysis.

(6) Methods by which data on POTFF is collected and analyzed.

Determination.

(7) Outcomes used to determine the effects of POTFF on members of special operations forces and their immediate family members, including a description of the effectiveness of POTFF in addressing unique needs of such individuals.

Determination.

(8) Any other matter the Comptroller General determines appropriate.

(b) **BRIEFING.**—Not later than 90 days after the date of the enactment of this Act, the Comptroller General shall brief the appropriate committees on the preliminary findings of the Comptroller General under such review. Deadline.

(c) **REPORT.**—The Comptroller General shall submit to the appropriate committees a final report on such review at a date mutually agreed upon by the Comptroller General and the appropriate committees.

(d) **DEFINITIONS.**—In this section:

(1) The term “appropriate committees” means the Committees on Armed Services of the Senate and House of Representatives.

(2) The term “POTFF” means the Preservation of the Force and Family Program of United States Special Operations Command under section 1788a of title 10, United States Code.

(3) The term “special operations forces” means the forces described in section 167(j) of title 10, United States Code.

Subtitle H—Diversity and Inclusion

SEC. 571. REDUCTION OF GENDER-RELATED INEQUITIES IN COSTS OF UNIFORMS TO MEMBERS OF THE ARMED FORCES. 37 USC 418 note.

(a) **ESTABLISHMENT OF CRITERIA.**—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense, acting through the Under Secretary of Defense for Personnel and Readiness and in coordination with the Secretaries of the military departments, shall establish criteria, consistent across the Armed Forces, for determining which uniform or clothing items across the Armed Forces are considered uniquely military for purposes of calculating the standard cash clothing replacement allowances, in part to reduce differences in out-of-pocket costs incurred by enlisted members of the Armed Forces across the military services and by gender within an Armed Force. Deadline.
Coordination.
Determinations.

(b) **REVIEWS.**—

(1) **QUINQUENNIAL REVIEW.**—The Under Secretary shall review the criteria established under subsection (a) every five years after such establishment and recommend to the Secretaries of the military departments adjustments to clothing allowances for enlisted members if such allowances are insufficient to pay for uniquely military items determined pursuant to such criteria. Recommendations.

(2) **PERIODIC REVIEWS.**—The Secretary of Defense, acting through the Under Secretary of Defense for Personnel and Readiness, and in coordination with the Secretaries of the military departments, shall periodically review— Coordination.
Data.
Recommendations.

(A) all uniform clothing plans of each Armed Force under the jurisdiction of the Secretary of a military department to identify data needed to facilitate cost discussions and make recommendations described in paragraph (1);

(B) not less than once every five years, calculations of each Armed Force for standard clothing replacement allowances for enlisted members, in order to develop a standard by which to identify differences described in subsection (a);

(C) not less than once every 10 years, initial clothing allowances for officers, in order to identify data necessary

	to facilitate cost discussions and make recommendations described in paragraph (1); and
Plans. Determination.	(D) all plans of each Armed Force under the jurisdiction of the Secretary of a military department for changing uniform items to determine if such planned changes will result in differences described in subsection (a).
Deadline.	(c) REGULATIONS.—Not later than September 30, 2022, each Secretary of a military department shall prescribe regulations that ensure the following: (1) The out-of-pocket cost to an officer or enlisted member of an Armed Force for a mandatory uniform item (or part of such uniform) may not exceed such cost to another officer or enlisted member of that Armed Force for such uniform (or part, or equivalent part, of such uniform) solely based on gender. (2) If a change to a uniform of an Armed Force affects only enlisted members of one gender, an enlisted member of such gender in such Armed Force shall be entitled to an allowance equal to the out-of-pocket cost to the officer or enlisted member relating to such change. (3) An individual who has separated or retired, or been discharged or dismissed, from the Armed Forces, shall not be entitled to an allowance under paragraph (2).
Coordination. Costs.	(d) REPORT.—Not later than December 31, 2022, the Secretary of Defense, in coordination with the Secretaries of the military departments, shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on— (1) the estimated production costs and average retail prices of military clothing items for members (including officers and enlisted members) of each Armed Force; and (2) a comparison of costs for male and female military clothing items for members of each Armed Force.
	SEC. 572. STUDY ON NUMBER OF MEMBERS OF THE ARMED FORCES WHO IDENTIFY AS HISPANIC OR LATINO.
Contracts.	The Secretary of Defense shall seek to enter into an agreement with a federally funded research and development center to conduct a study of the following: (1) The number of members of the regular components of the Armed Forces (including cadets and midshipmen at the military service academies) who identify as Hispanic or Latino, separated by rank. (2) A comparison of the percentage of the members described in paragraph (1) with the percentage of the population of the United States who are eligible to enlist or commission in the Armed Forces who identify as Hispanic or Latino. (3) A comparison of how each of the Armed Forces recruits individuals who identify as Hispanic or Latino. (4) A comparison of how each of the Armed Forces retains both officer and enlisted members who identify as Hispanic or Latino. (5) A comparison of how each of the Armed Forces promotes both officer and enlisted members who identify as Hispanic or Latino.

SEC. 573. INCLUSION OF MILITARY SERVICE ACADEMIES, OFFICER CANDIDATE AND TRAINING SCHOOLS, AND THE SENIOR RESERVE OFFICERS' TRAINING CORPS DATA IN DIVERSITY AND INCLUSION REPORTING.

Section 113 of title 10, United States Code, is amended—

(1) in subsection (c)(2), by inserting before the semicolon the following: “, including the status of diversity and inclusion in the military service academies, the Officer Candidate and Training Schools, and the Senior Reserve Officers' Training Corps programs of such department”; and

(2) in subsection (m)—

(A) by redesignating paragraphs (5), (6), and (7) as paragraphs (6), (7), and (8), respectively; and

(B) by inserting after paragraph (4) the following new paragraph:

“(5) The number of graduates of the Senior Reserve Officers' Training Corps during the fiscal year covered by the report, disaggregated by gender, race, and ethnicity, for each military department.”.

SEC. 574. EXTENSION OF DEADLINE FOR GAO REPORT ON EQUAL OPPORTUNITY AT THE MILITARY SERVICE ACADEMIES.

Section 558 of the William M. (Mac) Thornberry National Defense Authorization Act for Fiscal Year 2021 (Public Law 116–283) is amended, in the matter preceding paragraph (1), by striking “one year after the date of the enactment of this Act” and inserting “May 31, 2022”.

134 Stat. 3639.

Subtitle I—Decorations and Awards, Miscellaneous Reports, and Other Matters

SEC. 581. MODIFIED DEADLINE FOR ESTABLISHMENT OF SPECIAL PURPOSE ADJUNCT TO ARMED SERVICES VOCATIONAL APTITUDE BATTERY TEST.

Section 594 of the William M. (Mac) Thornberry National Defense Authorization Act for Fiscal Year 2021 (Public Law 116–283) is amended by striking “Not later than one year after the date of the enactment of this Act” and inserting “Not later than October 1, 2024”.

10 USC 503 note.

SEC. 582. AUTHORIZATIONS FOR CERTAIN AWARDS.

President.

(a) MEDAL OF HONOR TO CHARLES R. JOHNSON FOR ACTS OF VALOR DURING THE KOREAN WAR.—

(1) AUTHORIZATION.—Notwithstanding the time limitations specified in section 7274 of title 10, United States Code, or any other time limitation with respect to the awarding of certain medals to persons who served in the Armed Forces, the President may award the Medal of Honor under section 7271 of such title to Charles R. Johnson for the acts of valor described in paragraph (2).

(2) ACTS OF VALOR DESCRIBED.—The acts of valor described in this paragraph are the actions of Charles R. Johnson on June 11 and 12, 1953, as a member of the Army serving in Korea, for which he was awarded the Silver Star.

(b) MEDAL OF HONOR TO WATARU NAKAMURA FOR ACTS OF VALOR DURING THE KOREAN WAR.—

(1) AUTHORIZATION.—Notwithstanding the time limitations specified in section 7274 of title 10, United States Code, or any other time limitation with respect to the awarding of certain medals to persons who served in the Armed Forces, the President may award the Medal of Honor under section 7271 of such title to Wataru Nakamura for the acts of valor described in paragraph (2).

(2) ACTS OF VALOR DESCRIBED.—The acts of valor described in this paragraph are the actions of Wataru Nakamura on May 18, 1951, as a member of the Army serving in Korea, for which he was awarded the Distinguished-Service Cross.

(c) MEDAL OF HONOR TO BRUNO R. ORIG FOR ACTS OF VALOR DURING THE KOREAN WAR.—

(1) AUTHORIZATION.—Notwithstanding the time limitations specified in section 7274 of title 10, United States Code, or any other time limitation with respect to the awarding of certain medals to persons who served in the Armed Forces, the President may award the Medal of Honor under section 7271 of such title to Bruno R. Orig for the acts of valor described in paragraph (2).

(2) ACTS OF VALOR DESCRIBED.—The acts of valor described in this paragraph are the actions of Bruno R. Orig on February 15, 1951, as a member of the Army serving in Korea, for which he was awarded the Distinguished-Service Cross.

(d) MEDAL OF HONOR TO DENNIS M. FUJII FOR ACTS OF VALOR DURING THE VIETNAM WAR.—

(1) AUTHORIZATION.—Notwithstanding the time limitations specified in section 7274 of title 10, United States Code, or any other time limitation with respect to the awarding of certain medals to persons who served in the Armed Forces, the President may award the Medal of Honor under section 7271 of such title to Dennis M. Fujii for the acts of valor described in paragraph (2).

(2) ACTS OF VALOR DESCRIBED.—The acts of valor described in this paragraph are the actions of Dennis M. Fujii on February 18 through 22, 1971, as a member of the Army serving in the Republic of Vietnam, for which he was awarded the Distinguished-Service Cross.

(e) MEDAL OF HONOR TO EDWARD N. KANESHIRO, FOR ACTS OF VALOR DURING THE VIETNAM WAR.—

(1) AUTHORIZATION.—Notwithstanding the time limitations specified in section 7274 of title 10, United States Code, or any other time limitation with respect to the awarding of certain medals to persons who served in the Armed Forces, the President may award the Medal of Honor under section 7271 of such title to Edward N. Kaneshiro for the acts of valor described in paragraph (2).

(2) ACTS OF VALOR DESCRIBED.—The acts of valor described in this paragraph are the actions of Edward N. Kaneshiro on December 1, 1966, as a member of the Army serving in Vietnam, for which he was awarded the Distinguished-Service Cross.

(f) DISTINGUISHED-SERVICE CROSS TO EARL R. FILLMORE, JR. FOR ACTS OF VALOR IN SOMALIA.—

(1) AUTHORIZATION.—Notwithstanding the time limitations specified in section 7274 of title 10, United States Code, or

any other time limitation with respect to the awarding of certain medals to persons who served in the Armed Forces, the President may award the Distinguished-Service Cross under section 7272 of such title to Earl R. Fillmore, Jr. for the acts of valor described in paragraph (2).

(2) ACTS OF VALOR DESCRIBED.—The acts of valor described in this paragraph are the actions of Earl R. Fillmore, Jr. on October 3, 1993, as a member of the Army serving in Somalia, for which he was awarded the Silver Star.

(g) DISTINGUISHED-SERVICE CROSS TO ROBERT L. MABRY FOR ACTS OF VALOR IN SOMALIA.—

(1) AUTHORIZATION.—Notwithstanding the time limitations specified in section 7274 of title 10, United States Code, or any other time limitation with respect to the awarding of certain medals to persons who served in the Armed Forces, the President may award the Distinguished-Service Cross under section 7272 of such title to Robert L. Mabry for the acts of valor described in paragraph (2).

(2) ACTS OF VALOR DESCRIBED.—The acts of valor described in this paragraph are the actions of Robert L. Mabry on October 3 and 4, 1993, as a member of the Army serving in Somalia, for which he was awarded the Silver Star.

(h) DISTINGUISHED-SERVICE CROSS TO JOHN G. MACEJUNAS FOR ACTS OF VALOR IN SOMALIA.—

(1) AUTHORIZATION.—Notwithstanding the time limitations specified in section 7274 of title 10, United States Code, or any other time limitation with respect to the awarding of certain medals to persons who served in the Armed Forces, the President may award the Distinguished-Service Cross under section 7272 of such title to John G. Macejunas for the acts of valor described in paragraph (2).

(2) ACTS OF VALOR DESCRIBED.—The acts of valor described in this paragraph are the actions of John G. Macejunas on October 3 and 4, 1993, as a member of the Army serving in Somalia, for which he was awarded the Silver Star.

(i) DISTINGUISHED-SERVICE CROSS TO WILLIAM F. THETFORD FOR ACTS OF VALOR IN SOMALIA.—

(1) AUTHORIZATION.—Notwithstanding the time limitations specified in section 7274 of title 10, United States Code, or any other time limitation with respect to the awarding of certain medals to persons who served in the Armed Forces, the President may award the Distinguished-Service Cross under section 7272 of such title to William F. Thetford for the acts of valor described in paragraph (2).

(2) ACTS OF VALOR DESCRIBED.—The acts of valor described in this paragraph are the actions of William F. Thetford on October 3 and 4, 1993, as a member of the Army serving in Somalia, for which he was awarded the Silver Star.

SEC. 583. ESTABLISHMENT OF THE ATOMIC VETERANS COMMEMORATIVE SERVICE MEDAL.

(a) SERVICE MEDAL REQUIRED.—The Secretary of Defense shall design and produce a commemorative military service medal, to be known as the “Atomic Veterans Commemorative Service Medal”, to commemorate the service and sacrifice of veterans who were instrumental in the development of our nations atomic and nuclear weapons programs.

10 USC note
prec. 1121.

Deadline.	(b) ELIGIBILITY REQUIREMENTS.—(1) The Secretary of Defense shall, within 180 days after the date of enactment of this Act, determine eligibility requirements for this medal.
Determination.	(2) Sixty days prior to publishing the eligibility requirements for this medal, the Secretary of Defense shall submit proposed eligibility criteria under paragraph (1) to the Committees on Armed Services of the Senate and House of Representatives for comment.
Time period.	(3) The Secretary of Defense may require persons to submit supporting documentation for the medal authorized in subsection (a) to determine eligibility under paragraph (1).
Criteria.	(c) DISTRIBUTION OF MEDAL.—
	(1) ISSUANCE TO RETIRED AND FORMER MEMBERS.—At the request of an eligible veteran, the Secretary of Defense shall issue the Atomic Veterans Commemorative Service Medal to the eligible veteran.
	(2) ISSUANCE TO NEXT-OF-KIN.—In the case of a veteran who is deceased, the Secretary may provide for issuance of the Atomic Veterans Commemorative Service Medal to the next-of-kin of the persons. If applications for a medal are filed by more than one next of kin of a person eligible to receive a medal under this section, the Secretary of Defense shall determine which next-of-kin will receive the medal.
Determination.	(3) APPLICATION.—The Secretary shall prepare and disseminate as appropriate an application by which veterans and their next-of-kin may apply to receive the Atomic Veterans Service Medal.
	(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated such sum as may be necessary to carry out this section.
38 USC 2409 note.	SEC. 584. UPDATES AND PRESERVATION OF MEMORIALS TO CHAPLAINS AT ARLINGTON NATIONAL CEMETERY.
	(a) UPDATES AND PRESERVATION OF MEMORIALS.—
	(1) PROTESTANT CHAPLAINS MEMORIAL.—The Secretary of the Army may permit NCMAF—
	(A) to modify the memorial to Protestant chaplains located on Chaplains Hill to include a granite, marble, or other stone base for the bronze plaque of the memorial;
	(B) to provide an updated bronze plaque, described in subparagraph (A), including the name of each chaplain, verified as described in subsection (b), who died while serving on active duty in the Armed Forces after the date on which the original memorial was placed; and
Determination.	(C) to make such other updates and corrections to the memorial that the Secretary determines necessary.
Determination.	(2) CATHOLIC AND JEWISH CHAPLAIN MEMORIALS.—The Secretary of the Army may permit NCMAF to update and make corrections to the Catholic and Jewish chaplain memorials located on Chaplains Hill that the Secretary determines necessary.
	(3) NO COST TO FEDERAL GOVERNMENT.—The activities of NCMAF authorized by this subsection shall be carried out at no cost to the Federal Government.
	(b) VERIFICATION OF NAMES.—NCMAF may not include the name of a chaplain on a memorial on Chaplains Hill under subsection (a) unless that name has been verified by the Chief of Chaplains of the Army, Navy, or Air Force or the Chaplain of

the United States Marine Corps, depending on the branch of the Armed Forces in which the chaplain served.

(c) PROHIBITION ON EXPANSION OF MEMORIALS.—Except as provided in subsection (a)(1)(A), this section may not be construed as authorizing the expansion of any memorial that is located on Chaplains Hill as of the date of the enactment of this Act. Effective date.

(d) DEFINITIONS.—In this section:

(1) The term “Chaplains Hill” means the area in Arlington National Cemetery that, as of the date of the enactment of this Act, is generally identified and recognized as Chaplains Hill. Effective date.

(2) The term “NCMAF” means the National Conference on Ministry to the Armed Forces or any successor organization recognized in law for purposes of the operation of this section.

SEC. 585. REPORTS ON SECURITY FORCE PERSONNEL PERFORMING PROTECTION LEVEL ONE DUTIES.

(a) IN GENERAL.—The Secretary of the Air Force shall submit to the congressional defense committees a report on the status of security force personnel performing protection level one (PL–1) duties—

(1) not later than 90 days after the date of the enactment of this Act; and

(2) concurrent with the submission to Congress of the budget of the President for each of fiscal years 2023 through 2027 pursuant to section 1105(a) of title 31, United States Code.

(b) ELEMENTS.—Each report required by subsection (a) shall include the following:

(1) The number of Air Force personnel performing, and the number of unfilled billets designated for performance of, PL–1 duties on a full-time basis during the most recent fiscal year that ended before submission of the report.

(2) The number of such personnel disaggregated by mission assignment during that fiscal year.

(3) The number of such personnel and unfilled billets at each major PL–1 installation during that fiscal year and a description of the rank structure of such personnel.

(4) A statement of the time, by rank structure, such personnel were typically assigned to perform PL–1 duties at each major PL–1 installation during that fiscal year. Statement.

(5) The retention rate for security personnel performing such duties during that fiscal year.

(6) The number of Air Force PL–1 security force members deployed to support another Air Force mission or a joint mission with another military department during that fiscal year.

(7) A description of the type of training for security personnel performing PL–1 duties during that fiscal year.

(8) An assessment of the status of replacing the existing fleet of high mobility multipurpose wheeled vehicles (HMMWV) and BearCat armored vehicles, by PL–1 installation. Assessment.

(9) Such other matters as the Secretary considers appropriate relating to security force personnel performing PL–1 duties during the period of five fiscal years after submission of the report. Time period.

SEC. 586. GAO STUDY ON TATTOO POLICIES OF THE ARMED FORCES.

Evaluation.

(a) **STUDY.**—The Comptroller General of the United States shall evaluate the tattoo policies of each Armed Force, including—

(1) the effects of such policies on recruitment, retention, reenlistment of members of the Armed Forces; and

(2) processes for waivers to such policies to recruit, retain, or reenlist members who have unauthorized tattoos.

Deadline.

(b) **BRIEFING.**—Not later than March 31, 2022, the Comptroller General shall brief the Committees on Armed Services of the Senate and House of Representatives on preliminary findings of such evaluation.

(c) **REPORT.**—Not later than July 1, 2022, the Comptroller General shall submit to the Committees on Armed Services of the Senate and House of Representatives a report containing the final results of such evaluation.

SEC. 587. BRIEFING REGARDING BEST PRACTICES FOR COMMUNITY ENGAGEMENT IN HAWAII.

Deadline.

(a) **BRIEFING REQUIRED.**—Not later than 90 days after the date of the enactment of this Act, the Assistant Secretary of Defense and the Secretaries of the military departments shall jointly submit to Congress a briefing on best practices for coordinating relations with State and local governmental entities in the State of Hawaii.

(b) **BEST PRACTICES.**—The best practices referred to in subsection (a) shall address each of the following issues:

Summaries.

(1) Identify comparable locations with joint base military installations or of other densely populated metropolitan areas with multiple military installations and summarize lessons learned from any similar efforts to engage with the community and public officials.

(2) Identify all the major community engagement efforts by the services, commands, installations and other military organizations in the State of Hawaii.

Evaluation.

(3) Evaluate the current community outreach efforts to identify any outreach gaps or coordination challenges that undermine the military engagement with the local community and elected official in the State of Hawaii.

Proposal.

(4) Propose options available to create an enhanced, coordinated community engagement effort in the State of Hawaii based on the department's evaluation.

(5) Resources to support the coordination described in this subsection, including the creation of joint liaison offices that are easily accessible to public officials to facilitate coordinating relations with State and local governmental agencies.

TITLE VI—COMPENSATION AND OTHER PERSONNEL BENEFITS

Subtitle A—Pay and Allowances

Sec. 601. Basic needs allowance for members on active service in the Armed Forces.

Sec. 602. Equal incentive pay for members of the reserve components of the Armed Forces.

Sec. 603. Expansions of certain travel and transportation authorities.

Sec. 604. Repeal of expiring travel and transportation authorities.

Sec. 605. Requirements in connection with suspension of retired pay and retirement annuities.

Sec. 606. Report on relationship between basic allowance for housing and sizes of military families.

- Sec. 607. Report on certain moving expenses for members of the Armed Forces.
- Sec. 608. Report on temporary lodging expenses in competitive housing markets.
- Sec. 609. Report on rental partnership programs.

Subtitle B—Bonus and Incentive Pays

- Sec. 611. One-year extension of certain expiring bonus and special pay authorities.

Subtitle C—Family and Survivor Benefits

- Sec. 621. Extension of paid parental leave.
- Sec. 622. Bereavement leave for members of the Armed Forces.
- Sec. 623. Travel and transportation allowances for family members to attend the funeral and memorial services of members.
- Sec. 624. Expansion of pilot program to provide financial assistance to members of the Armed Forces for in-home child care.
- Sec. 625. Pilot program on direct hire authority for spouses of members of the uniformed services at locations outside the United States.
- Sec. 626. Casualty assistance program: reform; establishment of working group.

Subtitle D—Defense Resale Matters

- Sec. 631. Additional sources of funds available for construction, repair, improvement, and maintenance of commissary stores.

Subtitle E—Miscellaneous Rights and Benefits

- Sec. 641. Alexander Lofgren Veterans in Parks program.

Subtitle A—Pay and Allowances

SEC. 601. BASIC NEEDS ALLOWANCE FOR MEMBERS ON ACTIVE SERVICE IN THE ARMED FORCES.

(a) IN GENERAL.—Chapter 7 of title 37, United States Code, is amended by inserting after section 402a the following new section:

“§ 402b. Basic needs allowance for members on active service in the Armed Forces 37 USC 402b.

“(a) ALLOWANCE REQUIRED.—The Secretary concerned shall pay Determination. to each member who is eligible under subsection (b) a basic needs allowance in the amount determined for such member under subsection (c).

“(b) ELIGIBLE MEMBERS.—A member on active service in the armed forces is eligible for the allowance under subsection (a) if—

“(1) the member has completed initial entry training;

“(2) the gross household income of the member during the most recent calendar year did not exceed an amount equal to 130 percent of the Federal poverty guidelines of the Department of Health and Human Services for the location of the member and the number of individuals in the household of the member for such year; and

“(3) the member—

“(A) is not ineligible for the allowance under subsection (d); and

“(B) does not elect under subsection (g) not to receive the allowance.

“(c) AMOUNT OF ALLOWANCE.—The amount of the monthly allowance payable to a member under subsection (a) shall be the amount equal to—

“(1)(A) 130 percent of the Federal poverty guidelines of the Department of Health and Human Services for the calendar year during which the allowance is paid based on the location of the member and the number of individuals in the household

of the member during the month for which the allowance is paid; minus

“(B) the gross household income of the member during the preceding calendar year; divided by

“(2) 12.

“(d) BASES OF INELIGIBILITY.—

“(1) IN GENERAL.—The following members are ineligible for the allowance under subsection (a):

“(A) A member who does not have any dependents.

“(B) A cadet at the United States Military Academy, the United States Air Force Academy, or the Coast Guard Academy, a midshipman at the United States Naval Academy, or a cadet or midshipman serving elsewhere in the armed forces.

“(2) HOUSEHOLD WITH MORE THAN ONE ELIGIBLE MEMBER.—In the event a household contains two or more members determined under subsection (f) to be eligible to receive the allowance under subsection (a), only one allowance may be paid to a member among such members as such members shall jointly elect.

“(3) AUTOMATIC INELIGIBILITY OF MEMBERS RECEIVING CERTAIN PAY INCREASES.—A member determined to be eligible under subsection (f) for the allowance under subsection (a) whose monthly gross household income increases as a result of a promotion or other permanent increase to pay or allowances under this title to an amount that, on an annualized basis, would exceed the amount described in subsection (b)(2) is ineligible for the allowance. If such member is receiving the allowance, payment of the allowance shall automatically terminate within a reasonable time, as determined by the Secretary of Defense in regulations prescribed under subsection (j).

“(4) INELIGIBILITY OF CERTAIN CHANGES IN INCOME.—A member whose gross household income for the preceding year decreases because of a fine, forfeiture, or reduction in rank imposed as a part of disciplinary action or an action under chapter 47 of title 10 (the Uniform Code of Military Justice) is not eligible for the allowance under subsection (a) solely as a result of the fine, forfeiture, or reduction in rank.

“(e) APPLICATION BY MEMBERS SEEKING ALLOWANCE.—

Determination.

“(1) IN GENERAL.—A member who seeks to receive the allowance under subsection (a) shall submit to the Secretary concerned an application for the allowance that includes such information as the Secretary may require in order to determine whether or not the member is eligible to receive the allowance.

Update.

“(2) TIMING OF SUBMISSION.—A member who receives the allowance under subsection (a) and seeks to continue to receive the allowance shall submit to the Secretary concerned an updated application under paragraph (1) at such times as the Secretary may require, but not less frequently than annually.

“(3) VOLUNTARY SUBMISSION.—The submission of an application under paragraph (1) is voluntary.

“(4) SCREENING OF MEMBERS FOR ELIGIBILITY.—The Secretary of Defense shall—

“(A) ensure that all members of the armed forces are screened during initial entry training and regularly thereafter for eligibility for the allowance under subsection (a); and

“(B) notify any member so screened who may be eligible that the member may apply for the allowance by submitting an application under paragraph (1). Notification.

“(f) DETERMINATIONS OF ELIGIBILITY.—

“(1) IN GENERAL.—The Secretary concerned shall—

“(A) determine which members of the armed forces are eligible under subsection (b); and

“(B) notify each such member, in writing, of that determination. Notification.

“(2) INFORMATION INCLUDED IN NOTICE.—The notice under paragraph (1) shall include information regarding financial management and assistance programs for which the member may be eligible.

“(g) ELECTION NOT TO RECEIVE ALLOWANCE.—

“(1) IN GENERAL.—A member determined under subsection (f) to be eligible for the allowance under subsection (a) may elect, in writing, not to receive the allowance.

“(2) DEEMED INELIGIBLE.—A member who does not submit an application under subsection (e) within a reasonable time (as determined by the Secretary concerned) shall be deemed ineligible for the allowance under subsection (a).

“(h) SPECIAL RULE FOR MEMBERS STATIONED OUTSIDE UNITED STATES.—In the case of a member assigned to a duty location outside the United States, the Secretary concerned shall make the calculations described in subsections (b)(2) and (c)(1) using the Federal poverty guidelines of the Department of Health and Human Services for the continental United States.

“(i) REGULATIONS.—Not later than one year after the date of the enactment of the National Defense Authorization Act for Fiscal Year 2022, the Secretary of Defense shall prescribe regulations for the administration of this section. Deadline.

“(j) EFFECTIVE PERIOD.—

“(1) IMPLEMENTATION PERIOD.—The allowance under subsection (a) is payable for months beginning on or after the date that is one year after the date of the enactment of the National Defense Authorization Act for Fiscal Year 2022.

“(2) TERMINATION.—The allowance under subsection (a) may not be paid for any month beginning after December 31, 2027.

“(k) DEFINITIONS.—In this section:

“(1) GROSS HOUSEHOLD INCOME.—The term ‘gross household income’, with respect to a member of the armed forces, includes—

“(A) all household income, derived from any source; minus

“(B) in the case of a member whom the Secretary concerned determines resides in an area with a high cost of living, any portion of the basic allowance for housing under section 403 of this title that the Secretary concerned elects to exclude.

“(2) HOUSEHOLD.—The term ‘household’ means a member of the armed forces and any dependents of the member enrolled in the Defense Enrollment Eligibility Reporting System, regardless of the location of those dependents.”.

(b) STUDY.—

- (1) IN GENERAL.—The Secretary of Defense shall conduct a study on food insecurity in the Armed Forces. Results of such study shall include the following elements:
- Analysis. (A) An analysis of food deserts that affect members of the Armed Forces, and their families, who live in areas with high costs of living.
- (B) A comparison of—
- Determination. (i) the current method employed by the Secretary of Defense to determine areas with high costs of living;
- (ii) local level indicators used by the Bureau of Labor Statistics that indicate buying power and consumer spending in specific geographic areas;
- (iii) indicators used by the Department of Agriculture in market basket analyses and other measures of local and regional food costs.
- (C) The feasibility of implementing a web portal for a member of any Armed Force to apply for the allowance under section 402b of title 37, United States Code, added by subsection (a), including—
- (i) cost;
- (ii) ease of use;
- (iii) access;
- (iv) privacy; and
- Determination. (v) any other factor the Secretary determines appropriate.
- Determination. (D) The development of a process to determine an appropriate allowance to supplement the income of members who suffer food insecurity.
- (E) Outcomes of forums with beneficiaries, military service organizations, and advocacy groups to elicit information regarding the effects of food insecurity on members and their dependents. The Secretary of Defense and each Secretary of a military department shall conduct at least one such forum, only one of which may be conducted in the National Capital Region.
- Cost estimate. (F) An estimate of costs to implement each recommendation of the Secretary developed pursuant to this paragraph.
- (G) Any other information the Secretary determines appropriate.
- Deadline. (2) BRIEFING.—Not later than April 1, 2022, the Secretary shall brief the Committees on Armed Services of the Senate and House of Representatives on initial findings of the study.
- (3) REPORT.—Not later than October 1, 2022, the Secretary shall submit to the Committees on Armed Services of the Senate and House of Representatives a report containing the final results of the study.
- (4) DEFINITIONS.—In this subsection:
- (A) The term “food desert” means an area, determined by the Secretary of Defense, where it is difficult to obtain affordable or high-quality fresh food.
- (B) The term “National Capital Region” has the meaning given such term in section 2674 of title 10, United States Code.
- (c) REPORTS ON EFFECTS OF ALLOWANCE ON FOOD INSECURITY.—Not later than December 31, 2025, and June 1, 2028, the Secretary of Defense shall submit to the congressional defense

committees a report regarding the effect of the allowance under section 402b of title 37, United States Code, added by subsection (a), on food insecurity among members of the Armed Forces.

(d) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 7 of such title is amended by inserting after the item relating to section 402a the following new item:

37 USC
prec. 401.

“402b. Basic needs allowance for members on active service in the Armed Forces.”.

SEC. 602. EQUAL INCENTIVE PAY FOR MEMBERS OF THE RESERVE COMPONENTS OF THE ARMED FORCES.

(a) IN GENERAL.—Subchapter II of chapter 5 of title 37, United States Code, is amended by adding at the end the following new section:

“§ 357. Incentive pay authorities for members of the reserve components of the armed forces

37 USC 357.

“Notwithstanding section 1004 of this title, the Secretary concerned shall pay a member of the reserve component of an armed force incentive pay in the same monthly amount as that paid to a member in the regular component of such armed force performing comparable work requiring comparable skills.”.

(b) TECHNICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 356 the following:

37 USC
prec. 301.

“357. Incentive pay authorities for members of the reserve components of the armed forces.”.

(c) REPORT.—Not later than September 30, 2022, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives a report containing—

37 USC 357 note.

(1) the plan of the Secretary to implement section 357 of such title, as added by subsection (a);

Plan.

(2) an estimate of the costs of such implementation;

Cost estimate.

(3) the number of members described in such section; and

(4) any other matter the Secretary determines relevant.

Determination.

(d) IMPLEMENTATION DATE.—The Secretary may not implement section 357 of such title, as added by subsection (a) until after—

(1) submission of the report under subsection (b); and

(2) the Secretary determines and certifies in writing to the Committees on Armed Services of the Senate and House of Representatives that such implementation shall not have a detrimental effect on the force structure of an Armed Force concerned, including with regard to recruiting or retention of members in the regular component of such Armed Force.

Determination.
Certification.

SEC. 603. EXPANSIONS OF CERTAIN TRAVEL AND TRANSPORTATION AUTHORITIES.

(a) LODGING IN KIND FOR RESERVE COMPONENT MEMBERS PERFORMING TRAINING.—

(1) IN GENERAL.—Section 12604 of title 10, United States Code, is amended by adding at the end the following new subsection:

“(c) LODGING IN KIND.—(1) In the case of a member of a reserve component performing active duty for training or inactive-duty training who is not otherwise entitled to travel and transportation allowances in connection with such duty, the Secretary concerned may reimburse the member for housing service charge

Reimbursement.

Regulations.

expenses incurred by the member in occupying transient government housing during the performance of such duty. If transient government housing is unavailable or inadequate, the Secretary concerned may provide the member with lodging in kind.

“(2) Any payment or other benefit under this subsection shall be provided in accordance with regulations prescribed by the Secretary concerned.

“(3) The Secretary may pay service charge expenses under paragraph (1) and expenses of providing lodging in kind under such paragraph out of funds appropriated for operation and maintenance for the reserve component concerned. Use of a Government charge card is authorized for payment of these expenses.

“(4) Decisions regarding the availability or adequacy of government housing at a military installation under paragraph (1) shall be made by the installation commander.”.

(2) CONFORMING AMENDMENT.—Section 474 of title 37, United States Code, is amended by striking subsection (i).

(b) MANDATORY PET QUARANTINE FEES FOR HOUSEHOLD PETS.—Section 451(b)(8) of title 37, United States Code, is amended by adding at the end the following: “Such costs include pet quarantine expenses.”.

(c) STUDENT DEPENDENT TRANSPORTATION.—

(1) IN GENERAL.—Section 452(b) of title 37, United States Code, is amended by adding at the end the following new paragraphs:

“(18) Travel by a dependent child to the United States to obtain formal secondary, undergraduate, graduate, or vocational education, if the permanent duty assignment location of the member of the uniformed services is outside the continental United States (other than in Alaska or Hawaii).

“(19) Travel by a dependent child within the United States to obtain formal secondary, undergraduate, graduate, or vocational education, if the permanent duty assignment location of the member of the uniformed services is in Alaska or Hawaii and the school is located in a State outside of the permanent duty assignment location.”.

(2) DEFINITIONS.—Section 451 of title 37, United States Code, as amended by subsection (b) of this section, is amended—

(A) in subsection (a)(2)(H), by adding at the end the following new clauses:

“(vii) Transportation of a dependent child of a member of the uniformed services to the United States to obtain formal secondary, undergraduate, graduate, or vocational education, if the permanent duty assignment location of the member is outside the continental United States (other than in Alaska or Hawaii).

“(viii) Transportation of a dependent child of a member of the uniformed services within the United States to obtain formal secondary, undergraduate, graduate, or vocational education, if the permanent duty assignment location of the member is in Alaska or Hawaii and the school is located in a State outside of the permanent duty assignment location.”; and

(B) in subsection (b), by adding at the end the following

new paragraph:

“(10)(A) The term ‘permanent duty assignment location’ means—

“(i) the official station of a member of the uniformed services; or

“(ii) the residence of a dependent of a member of the uniformed services.

“(B) As used in subparagraph (A)(ii), the residence of a dependent who is a student not living with the member while at school is the permanent duty assignment location of the dependent student.”.

(d) DEPENDENT TRANSPORTATION INCIDENT TO SHIP CONSTRUCTION, INACTIVATION, AND OVERHAULING.—

(1) IN GENERAL.—Section 452 of title 37, United States Code, as amended by subsection (c) of this section, is further amended—

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

“(20) Subject to subsection (i), travel by a dependent to a location where a member of the uniformed services is on permanent duty aboard a ship that is overhauling, inactivating, or under construction.”; and

(B) by adding at the end the following new subsection:

“(i) DEPENDENT TRANSPORTATION INCIDENT TO SHIP CONSTRUCTION, INACTIVATION, AND OVERHAULING.—The authority under subsection (a) for travel in connection with circumstances described in subsection (b)(20) shall be subject to the following terms and conditions:

“(1) The member of the uniformed services must be permanently assigned to the ship for 31 or more consecutive days to be eligible for allowances, and the transportation allowances accrue on the 31st day and every 60 days thereafter.

Time periods.

“(2) Transportation in kind, reimbursement for personally procured transportation, or a monetary allowance for mileage in place of the cost of transportation may be provided, in lieu of the member’s entitlement to transportation, for the member’s dependents from the location that was the home port of the ship before commencement of overhaul or inactivation to the port of overhaul or inactivation.

Reimbursement.

“(3) The total reimbursement for transportation for the member’s dependents may not exceed the cost of one Government-procured commercial round-trip travel.”.

(2) DEFINITIONS.—Section 451(a)(2)(H) of title 37, United States Code, as amended by subsection (c) of this section, is further amended by adding at the end the following new clause:

“(ix) Transportation of a dependent to a location where a member of the uniformed services is on permanent duty aboard a ship that is overhauling, inactivating, or under construction.”.

(e) TECHNICAL CORRECTION.—Section 2784a(a)(3) of title 10, United States Code, is amended by striking “section 474” and inserting “section 452”.

SEC. 604. REPEAL OF EXPIRING TRAVEL AND TRANSPORTATION AUTHORITIES.

(a) IN GENERAL.—Effective December 31, 2021, subchapter III of chapter 8 of title 37, United States Code, is repealed.

Effective date.
37 USC
prec. 471, 471
and
note, 472,
474–474b,
475a–481f,
481h–481i, 484,
488–492, 494.

37 USC
prec. 451.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 8 of such title is amended by striking the items relating to subchapter III and sections 471 through 495.

SEC. 605. REQUIREMENTS IN CONNECTION WITH SUSPENSION OF RETIRED PAY AND RETIREMENT ANNUITIES.

Deadline.
Regulations.
10 USC 1401
note.

(a) ANNUAL ELIGIBILITY DETERMINATION PROCEDURES.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall prescribe in regulations a single annual eligibility determination procedure for determinations of eligibility for military retired or retainer pay and survivor annuities in connection with military service as a replacement of the current procedures in connection with the Certificate of Eligibility and Report of Existence for military retirees and annuitants.

(b) REPORT.—Not later than one year after the date of the enactment of this Act, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives a report on a process by which notifications of the death of a military retiree or annuitant may be determined with respect to the termination of eligibility for benefits.

SEC. 606. REPORT ON RELATIONSHIP BETWEEN BASIC ALLOWANCE FOR HOUSING AND SIZES OF MILITARY FAMILIES.

Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives a report on whether the basic allowance for housing under section 403 of title 37, United States Code, is sufficient for the average family size of members of the Armed Forces, disaggregated by rank and military housing area.

SEC. 607. REPORT ON CERTAIN MOVING EXPENSES FOR MEMBERS OF THE ARMED FORCES.

Examination.

Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives a report on moving expenses incurred by members of the Armed Forces and their families that exceed such expenses covered by the Joint Travel Regulations for the Uniformed Services, disaggregated by Armed Force, rank, and military housing area. In such report, the Secretary shall examine the root causes of such expenses.

SEC. 608. REPORT ON TEMPORARY LODGING EXPENSES IN COMPETITIVE HOUSING MARKETS.

Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives a report on the appropriateness of the maximum payment period of 10 days under subsection (c) of section 474a of title 37, United States Code in highly competitive housing markets. Such report shall include how the Secretary educates members of the Armed Forces and their families about their ability to request payment under such section.

SEC. 609. REPORT ON RENTAL PARTNERSHIP PROGRAMS.

Not later than 120 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the Committees

on Armed Services of the Senate and House of Representatives a report on the rental partnership programs of the Armed Forces. Such report shall include—

(1) the numbers and percentages of members of the Armed Forces who do not live in housing located on military installations who participate in such programs; and

(2) the recommendation of the Secretary whether Congress should establish annual funding for such programs and, if so, what in amounts.

Recommendations.

Subtitle B—Bonus and Incentive Pays

SEC. 611. ONE-YEAR EXTENSION OF CERTAIN EXPIRING BONUS AND SPECIAL PAY AUTHORITIES.

(a) **AUTHORITIES RELATING TO RESERVE FORCES.**—Section 910(g) of title 37, United States Code, relating to income replacement payments for reserve component members experiencing extended and frequent mobilization for active duty service, is amended by striking “December 31, 2021” and inserting “December 31, 2022”.

(b) **TITLE 10 AUTHORITIES RELATING TO HEALTH CARE PROFESSIONALS.**—The following sections of title 10, United States Code, are amended by striking “December 31, 2021” and inserting “December 31, 2022”:

(1) Section 2130a(a)(1), relating to nurse officer candidate accession program.

(2) Section 16302(d), relating to repayment of education loans for certain health professionals who serve in the Selected Reserve.

(c) **AUTHORITIES RELATING TO NUCLEAR OFFICERS.**—Section 333(i) of title 37, United States Code, is amended by striking “December 31, 2021” and inserting “December 31, 2022”.

(d) **AUTHORITIES RELATING TO TITLE 37 CONSOLIDATED SPECIAL PAY, INCENTIVE PAY, AND BONUS AUTHORITIES.**—The following sections of title 37, United States Code, are amended by striking “December 31, 2021” and inserting “December 31, 2022”:

(1) Section 331(h), relating to general bonus authority for enlisted members.

(2) Section 332(g), relating to general bonus authority for officers.

(3) Section 334(i), relating to special aviation incentive pay and bonus authorities for officers.

(4) Section 335(k), relating to special bonus and incentive pay authorities for officers in health professions.

(5) Section 336(g), relating to contracting bonus for cadets and midshipmen enrolled in the Senior Reserve Officers’ Training Corps.

(6) Section 351(h), relating to hazardous duty pay.

(7) Section 352(g), relating to assignment pay or special duty pay.

(8) Section 353(i), relating to skill incentive pay or proficiency bonus.

(9) Section 355(h), relating to retention incentives for members qualified in critical military skills or assigned to high priority units.

(e) **AUTHORITY TO PROVIDE TEMPORARY INCREASE IN RATES OF BASIC ALLOWANCE FOR HOUSING.**—Section 403(b)(7)(E) of title

37, United States Code, is amended by striking “December 31, 2021” and inserting “December 31, 2022”.

Subtitle C—Family and Survivor Benefits

SEC. 621. EXTENSION OF PAID PARENTAL LEAVE.

(a) IN GENERAL.—Section 701 of title 10, United States Code, is amended—

(1) in subsection (i)—

(A) in paragraph (1)—

(i) in subparagraph (A), by striking “a member” and all that follows through the period at the end and inserting the following: “a member of the armed forces described in paragraph (2) is allowed up to a total of 12 weeks of parental leave during the one-year period beginning after the following events:

“(i) The birth or adoption of a child of the member and in order to care for such child.

“(ii) The placement of a minor child with the member for adoption or long-term foster care.”; and

(ii) by striking subparagraph (B) and inserting the following:

“(B)(i) The Secretary concerned, under uniform regulations to be prescribed by the Secretary of Defense, may authorize leave described under subparagraph (A) to be taken after the one-year period described in such paragraph in the case of a member described in paragraph (2) who, except for this subparagraph, would lose unused parental leave at the end of the one-year period described in subparagraph (A) as a result of—

“(I) operational requirements;

“(II) professional military education obligations; or

“(III) other circumstances that the Secretary determines reasonable and appropriate.

“(ii) The regulations prescribed under clause (i) shall require that any leave authorized to be taken after the one-year period described in subparagraph (A) shall be taken within a reasonable period of time, as determined by the Secretary of Defense, after cessation of the circumstances warranting the extended deadline.”;

(B) by striking paragraphs (3), (8), and (10) and redesignating paragraphs (4), (5), (6), (7), and (9) as paragraphs (3), (4), (5), (6), and (7), respectively;

(C) in paragraph (3), as redesignated by subparagraph (B), by striking the matter preceding the em dash and inserting “A member who has given birth may receive medical convalescent leave in conjunction with such birth. Medical convalescent leave in excess of the leave under paragraph (1) may be authorized if such additional medical convalescent leave”;

(D) in paragraph (4), as so redesignated, by striking “paragraphs (1) and (4)” and inserting “paragraphs (1) and (3)”;

(E) in paragraph (5)(A), as so redesignated, by inserting “, subject to the exceptions in paragraph (1)(B)(ii)” after “shall be forfeited”; and

Time period.

Determination.

Requirements.

(F) in paragraph (7)(B), as so redesignated, by striking “paragraph (4)” and inserting “paragraph (3)”;

(2) by striking subsection (j) and redesignating subsections (k) and (l) as subsections (j) and (k), respectively; and

(3) by adding at the end the following new subsection

(l):

“(l) A member of the armed forces who gives birth while on active duty may be required to meet body composition standards or pass a physical fitness test during the period of 12 months beginning on the date of such birth only with the approval of a health care provider employed at a military medical treatment facility and—

Time period.

“(1) at the election of such member; or

“(2) in the interest of national security, as determined by the Secretary of Defense.”.

(b) **EFFECTIVE DATE.**—The amendments made by subsection (a) shall take effect one year after the date of the enactment of this Act.

10 USC 701 note.

(c) **REGULATIONS.**—Not later than one year after the date of the enactment of this Act, the Secretary of Defense shall prescribe regulations implementing the amendments made by subsection (a).

Deadline.
10 USC 701 note.

(d) **REPORTING.**—Not later than January 1, 2023, and annually thereafter, each Secretary of a military department shall submit, to the Committees on Armed Services of the Senate and House of Representatives, a report regarding the use, during the preceding fiscal year, of leave under subsections (i) and (j) of section 701 of such title, as amended by subsection (a), disaggregated by births, adoptions, and foster placements, including the number of members of the Armed Forces who—

10 USC 701 note.

(1) used the maximum amount of primary caregiver leave;

and

(2) used leave in multiple increments.

SEC. 622. BEREAVEMENT LEAVE FOR MEMBERS OF THE ARMED FORCES.

(a) **IN GENERAL.**—Section 701 of title 10, United States Code, is amended by adding at the end the following new subsection:

“(m)(1)(A) Under regulations prescribed by the Secretary of Defense, a member of the armed forces described in subparagraph (B) is allowed up to two weeks of leave to be used in connection with the death of an immediate family member.

Time period.

“(B) Subparagraph (A) applies to the following members:

Applicability.

“(A) A member on active duty.

“(B) A member of a reserve component performing active Guard and Reserve duty.

“(C) A member of a reserve component subject to an active duty recall or mobilization order in excess of 12 months.

“(2) Under the regulations prescribed for purposes of this subsection, a member taking leave under paragraph (1) shall not have his or her leave account reduced as a result of taking such leave if such member’s accrued leave is fewer than 30 days. Members with 30 or more days of accrued leave shall be charged for bereavement leave until such point that the member’s accrued leave is less than 30 days. Any remaining bereavement leave taken by such member in accordance with paragraph (1) after such point shall not be chargeable to the member.

Time period.

- Definition. “(3) In this section, the term ‘immediate family member’, with respect to a member of the armed forces, means—
 “(A) the member’s spouse; or
 “(B) a child of the member.”.
- 10 USC 701 note. (b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect 180 days after the date of the enactment of this Act.
- SEC. 623. TRAVEL AND TRANSPORTATION ALLOWANCES FOR FAMILY MEMBERS TO ATTEND THE FUNERAL AND MEMORIAL SERVICES OF MEMBERS.**
- Section 452(b) of title 37, United States Code, is amended by adding at the end the following new paragraph:
 “(18) Presence of family members at the funeral and memorial services of members.”.
- SEC. 624. EXPANSION OF PILOT PROGRAM TO PROVIDE FINANCIAL ASSISTANCE TO MEMBERS OF THE ARMED FORCES FOR IN-HOME CHILD CARE.**
- Section 589(b) of the William M. (Mac) Thornberry National Defense Authorization Act for Fiscal Year 2021 (Public Law 116–283) is amended—
- 10 USC 1791 note. (1) by inserting “(1)” before “The Secretary”; and
 (2) by adding at the end the following new paragraph:
- Determination. “(2) The Secretary may carry out the pilot program at other locations the Secretary determines appropriate.”.
- 10 USC 1784 note. **SEC. 625. PILOT PROGRAM ON DIRECT HIRE AUTHORITY FOR SPOUSES OF MEMBERS OF THE UNIFORMED SERVICES AT LOCATIONS OUTSIDE THE UNITED STATES.**
- Assessment. (a) IN GENERAL.—The Secretary of Defense may carry out a pilot program to assess the feasibility and advisability of using the authority under subsection (b) to hire spouses of members of the uniformed services at locations outside the United States.
- Appointments. (b) AUTHORITY.—In carrying out the pilot program under this section, the Secretary may appoint, without regard to the provisions of subchapter I of chapter 33 of title 5, United States Code (other than sections 3303 and 3328 of such chapter), a spouse of a member of the uniformed services stationed at a duty location outside the United States to a position described in subsection (c) if—
 (1) the spouse has been authorized to accompany the member to the duty location at Government expense; and
 (2) the duty location is within reasonable commuting distance, as determined by the Secretary concerned, of the location of the position.
 (c) POSITION DESCRIBED.—A position described in this subsection is a competitive service position within the Department of Defense that is located outside the United States.
 (d) TERM OF APPOINTMENT.—
 (1) IN GENERAL.—An appointment made under this section shall be for a term not exceeding two years.
 (2) RENEWAL.—The Secretary of Defense may renew an appointment made under this section for not more than two additional terms, each not exceeding two years.
 (3) TERMINATION.—An appointment made under this section shall terminate on the date on which the member of the uniformed services relocates back to the United States in connection with a permanent change of station.

(e) PAYMENT OF TRAVEL AND TRANSPORTATION ALLOWANCES.—Nothing in this section may be construed to authorize additional travel or transportation allowances in connection with an appointment made under this section.

(f) RELATIONSHIP TO OTHER LAW.—Nothing in this section may be construed to interfere with—

(1) the authority of the President under section 3304 of title 5, United States Code;

(2) the authority of the President under section 1784 of title 10, United States Code;

(3) the ability of the head of an agency to make noncompetitive appointments pursuant to section 3330d of title 5, United States Code; or

(4) any obligation under any applicable treaty, status of forces agreement, or other international agreement between the United States Government and the government of the country in which the position is located.

(g) REPORTS REQUIRED.—

(1) IN GENERAL.—Not later than one year after the date of the enactment of this Act, and annually thereafter, the Secretary of Defense shall submit to the appropriate committees of Congress a report setting forth the following:

(A) The number of individuals appointed under this section.

(B) The position series and grade to which each individual described in subparagraph (A) was appointed.

(C) Demographic data on the individuals described in subparagraph (A), including with respect to race, gender, age, and education level attained.

(D) Data on the members of the uniformed services whose spouses have been appointed under this section, including the rank of each such member. Data.

(E) Such recommendations for legislative or administrative action as the Secretary considers appropriate relating to continuing or expanding the pilot program. Recommendations.

(2) FINAL REPORT.—Not later than December 31, 2026, the Secretary shall submit to the appropriate committees of Congress a final report setting forth the information under paragraph (1).

(h) TERMINATION.—The pilot program under this section shall terminate on December 31, 2026.

(i) DEFINITIONS.—In this section:

(1) APPROPRIATE COMMITTEES OF CONGRESS.—The term “appropriate committees of Congress” means—

(A) the Committee on Armed Services and the Committee on Homeland Security and Governmental Affairs of the Senate; and

(B) the Committee on Armed Services and the Committee on Oversight and Reform of the House of Representatives.

(2) SECRETARY CONCERNED.—The term “Secretary concerned”—

(A) has the meaning given the term in section 101(a)(9) of title 10, United States Code; and

(B) includes—

(i) the Secretary of Commerce, with respect to matters concerning the commissioned officer corps of

the National Oceanic and Atmospheric Administration; and

(ii) the Secretary of Health and Human Services, with respect to matters concerning the commissioned corps of the Public Health Service.

(3) **UNIFORMED SERVICES.**—The term “uniformed services” has the meaning given the term in section 101(a)(5) of title 10, United States Code.

(4) **UNITED STATES.**—The term “United States” has the meaning given that term in section 101(a)(1) of title 10, United States Code.

SEC. 626. CASUALTY ASSISTANCE PROGRAM: REFORM; ESTABLISHMENT OF WORKING GROUP.

(a) **CASUALTY ASSISTANCE REFORM WORKING GROUP.**—

Deadline.

(1) **ESTABLISHMENT.**—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall establish a working group to be known as the “Casualty Assistance Reform Working Group” (in this section referred to as the “Working Group”).

(2) **DUTIES.**—The Working Group shall perform the following duties:

(A) Create standards and training for CAOs across the military departments.

(B) Explore the possibility of establishing a unique badge designation for—

(i) CAOs who have performed CAO duty more than five times; or

(ii) professional CAOs.

(C) Examine the current workflow of casualty affairs support across the military departments, including administrative processes and survivor engagements.

(D) Perform a gap analysis and solution document that clearly identifies and prioritizes critical changes to modernize and professionalize the casualty experience for survivors.

(E) Review the organization of the Office of Casualty, Mortuary Affairs and Military Funeral Honors to ensure it is positioned to coordinate policy and assist in all matters under its jurisdiction, across the Armed Forces, including any potential intersections with the Defense Prisoner of War and Missing in Action Accounting Agency.

(F) Explore the establishment of—

(i) an annual meeting, led by the Secretary of Defense, with gold star families; and

(ii) a surviving and gold star family leadership council.

(G) Recommend improvements to the family notification process of Arlington National Cemetery.

(H) Explore the redesign of the Days Ahead Binder, including creating an electronic version.

(I) Consider the expansion of the DD Form 93 to include more details regarding the last wishes of the deceased member.

(J) Assess coordination between the Department of Defense and the Office of Survivors Assistance of the Department of Veterans Affairs.

(3) **MEMBERSHIP.**—The membership of the Working Group shall be composed of the following:

(A) The Under Secretary of Defense for Personnel and Readiness, who shall serve as Chair of the Working Group.

(B) At least one person furnished with a gold star lapel button under section 1126 of title 10, United States Code, by each Secretary of a military department.

(C) Other members of the Armed Forces or civilian employees of the Department of Defense, appointed by the Secretary of Defense, based on knowledge of, and experience with, matters described in paragraph (2).

Appointments.

(4) **REPORT.**—Not later than September 30, 2022, the Working Group shall submit to the Secretary of Defense a report containing the determinations and recommendations of the Working Group.

Determinations.
Recommendations.

(5) **TERMINATION.**—The Working Group shall terminate upon submission of the report under paragraph (4).

(b) **REPORT REQUIRED.**—Not later than November 1, 2022, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report setting forth the results of a review and assessment of the casualty assistance officer program, including the report of the Working Group.

Review.
Assessment.

(c) **ESTABLISHMENT OF CERTAIN DEFINITIONS.**—Not later than one year after the date of the enactment of this Act, the Secretary of Defense, in coordination with the Secretaries of the military departments, shall publish an interim rule that establishes standard definitions, for use across the military departments, of the terms “gold star family” and “gold star survivor”.

Deadline.
Coordination.
Publication.
Regulations.
10 USC 101 note.

(d) **CAO DEFINED.**—In this section, the term “CAO” means a casualty assistance officer of the Armed Forces.

Subtitle D—Defense Resale Matters

SEC. 631. ADDITIONAL SOURCES OF FUNDS AVAILABLE FOR CONSTRUCTION, REPAIR, IMPROVEMENT, AND MAINTENANCE OF COMMISSARY STORES.

Section 2484(h) of title 10, United States Code, is amended—

(1) in paragraph (5), by adding at the end the following new subparagraphs:

“(F) Amounts made available for any purpose set forth in paragraph (1) pursuant to an agreement with a host nation.

“(G) Amounts appropriated for repair or reconstruction of a commissary store in response to a disaster or emergency.”; and

(2) by adding at the end the following new paragraph:

“(6) Revenues made available under paragraph (5) for the purposes set forth in paragraphs (1), (2), and (3) may be supplemented with additional funds derived from—

“(A) improved management practices implemented pursuant to sections 2481(c)(3), 2485(b), and 2487(c) of this title; and

“(B) the variable pricing program implemented pursuant to subsection (i).”.

Subtitle E—Miscellaneous Rights and Benefits

SEC. 641. ALEXANDER LOFGREN VETERANS IN PARKS PROGRAM.

Section 805 of the Federal Lands Recreation Enhancement Act (Public Law 108–447; 118 Stat. 3385; 16 U.S.C. 6804) is amended—

(1) in subsection (a)(4), by striking “age and disability discounted” and inserting “age discount and lifetime”; and

(2) in subsection (b)—

(A) in the heading, by striking “DISCOUNTED” and inserting “FREE AND DISCOUNTED”; and

(B) in paragraph (2)—

(i) in the heading, by striking “DISABILITY DISCOUNT” and inserting “LIFETIME PASSES”; and

(ii) by striking subparagraph (B) and inserting the following:

“(B) Any veteran who provides adequate proof of military service as determined by the Secretary.

“(C) Any member of a Gold Star Family who meets the eligibility requirements of section 3.2 of Department of Defense Instruction 1348.36 (or a successor instruction).”; and

(C) in paragraph (3)—

(i) in the heading, by striking “GOLD STAR FAMILIES PARKS PASS” and inserting “ANNUAL PASSES”; and

(ii) by striking “members of” and all that follows through the end of the sentence and inserting “members of the Armed Forces and their dependents who provide adequate proof of eligibility for such pass as determined by the Secretary.”.

TITLE VII—HEALTH CARE PROVISIONS

TITLE VII—HEALTH CARE PROVISIONS

Subtitle A—TRICARE and Other Health Care Benefits

- Sec. 701. Eating disorders treatment for certain members of the Armed Forces and dependents.
- Sec. 702. Addition of preconception and prenatal carrier screening coverage as benefits under TRICARE program.
- Sec. 703. Revisions to TRICARE provider networks.
- Sec. 704. Self-initiated referral process for mental health evaluations of members of the Armed Forces.
- Sec. 705. Modifications to pilot program on health care assistance system.
- Sec. 706. Modification of pilot program on receipt of non-generic prescription maintenance medications under TRICARE pharmacy benefits program.
- Sec. 707. Improvement of postpartum care for members of the Armed Forces and dependents.

Subtitle B—Health Care Administration

- Sec. 711. Modification of certain Defense Health Agency organization requirements.
- Sec. 712. Requirement for consultations relating to military medical research and Defense Health Agency Research and Development.
- Sec. 713. Authorization of program to prevent fraud and abuse in the military health system.
- Sec. 714. Authority of Secretary of Defense and Secretary of Veterans Affairs to enter into agreements for planning, design, and construction of facilities to be operated as shared medical facilities.
- Sec. 715. Extension of authority for Joint Department of Defense-Department of Veterans Affairs Medical Facility Demonstration Fund.

- Sec. 716. Establishment of Department of Defense system to track and record information on vaccine administration.
- Sec. 717. Exemption from required physical examination and mental health assessment for certain members of the reserve components.
- Sec. 718. Authorization of provision of instruction at Uniformed Services University of the Health Sciences to certain Federal employees.
- Sec. 719. Removal of requirement for one year of participation in certain medical and lifestyle incentive programs of the Department of Defense to receive benefits under such programs.
- Sec. 720. Department of Defense standards for exemptions from mandatory COVID–19 vaccines.
- Sec. 721. Establishment of centers of excellence for enhanced treatment of ocular injuries.
- Sec. 722. Implementation of integrated product for management of population health across military health system.
- Sec. 723. Digital health strategy of Department of Defense.
- Sec. 724. Development and update of certain policies relating to military health system and integrated medical operations.
- Sec. 725. Mandatory training on health effects of burn pits.
- Sec. 726. Standardization of definitions used by the Department of Defense for terms related to suicide.

Subtitle C—Reports and Other Matters

- Sec. 731. Modifications and reports related to military medical manning and medical billets.
- Sec. 732. Access by United States Government employees and their family members to certain facilities of Department of Defense for assessment and treatment of anomalous health conditions.
- Sec. 733. Pilot program on cardiac screening at certain military service academies.
- Sec. 734. Pilot program on assistance for mental health appointment scheduling at military medical treatment facilities.
- Sec. 735. Prohibition on availability of funds for certain research connected to China.
- Sec. 736. Limitation on certain discharges solely on the basis of failure to obey lawful order to receive COVID–19 vaccine.
- Sec. 737. Independent analysis of Department of Defense Comprehensive Autism Care Demonstration program.
- Sec. 738. Independent review of suicide prevention and response at military installations.
- Sec. 739. Feasibility and advisability study on establishment of aeromedical squadron at Joint Base Pearl Harbor-Hickam.
- Sec. 740. Study on incidence of breast cancer among members of the Armed Forces serving on active duty.
- Sec. 741. GAO biennial study on Individual Longitudinal Exposure Record program.
- Sec. 742. Comptroller General study on implementation by Department of Defense of recent statutory requirements to reform the military health system.
- Sec. 743. Study to determine need for a joint fund for Federal Electronic Health Record Modernization Office.
- Sec. 744. Briefing on domestic production of critical active pharmaceutical ingredients for national security purposes.
- Sec. 745. Briefing on substance abuse in the Armed Forces.

Subtitle A—TRICARE and Other Health Care Benefits

SEC. 701. EATING DISORDERS TREATMENT FOR CERTAIN MEMBERS OF THE ARMED FORCES AND DEPENDENTS.

(a) EATING DISORDERS TREATMENT FOR CERTAIN DEPENDENTS.—Section 1079 of title 10, United States Code, is amended—
(1) in subsection (a), by adding at the end the following new paragraph:

“(18) Treatment for eating disorders may be provided in accordance with subsection (r).”; and

(2) by adding at the end the following new subsection:

“(r)(1) The provision of health care services for an eating disorder under subsection (a)(18) may include the following services:

“(A) Outpatient services for in-person or telehealth care, including partial hospitalization services and intensive outpatient services.

“(B) Inpatient services, which shall include residential services only if medically indicated for treatment of a primary diagnosis of an eating disorder.

“(2) A dependent provided health care services for an eating disorder under subsection (a)(18) shall be provided such services without regard to—

“(A) the age of the dependent, except with respect to residential services under paragraph (1)(B), which may be provided only to a dependent who is not eligible for hospital insurance benefits under part A of title XVIII of the Social Security Act (42 U.S.C. 1395c et seq.); and

“(B) except as otherwise specified in paragraph (1)(B), whether the eating disorder is the primary or secondary diagnosis of the dependent.

Definition.

“(3) In this section, the term ‘eating disorder’ has the meaning given the term ‘feeding and eating disorders’ in the Diagnostic and Statistical Manual of Mental Disorders, 5th Edition (or successor edition), published by the American Psychiatric Association.”.

(b) LIMITATION WITH RESPECT TO RETIREES.—

(1) IN GENERAL.—Section 1086(a) of title 10, United States Code, is amended by inserting “and (except as provided in subsection (i)) treatments for eating disorders” after “eye examinations”.

(2) EXCEPTION.—Such section is further amended by adding at the end the following new subsection:

“(i) If, prior to October 1, 2022, a category of persons covered by this section was eligible to receive a specific type of treatment for eating disorders under a plan contracted for under subsection (a), the general prohibition on the provision of treatments for eating disorders specified in such subsection shall not apply with respect to the provision of the specific type of treatment to such category of persons.”.

(c) IDENTIFICATION AND TREATMENT OF EATING DISORDERS FOR MEMBERS OF THE ARMED FORCES.—

(1) IN GENERAL.—Chapter 55 of title 10, United States Code, is amended by—

(A) redesignating section 1090a as section 1090b; and

(B) inserting after section 1090 the following new section:

10 USC 1090a.

“§ 1090a. Identifying and treating eating disorders.

Regulations.
Procedures.

“(a) IDENTIFICATION, TREATMENT, AND REHABILITATION.—The Secretary of Defense, and the Secretary of Homeland Security with respect to the Coast Guard when it is not operating as a service in the Navy, shall prescribe regulations, implement procedures using each practical and available method, and provide necessary facilities to identify, treat, and rehabilitate members of the armed forces who have an eating disorder.

Definition.

“(b) FACILITIES AVAILABLE.—(1) In this section, the term ‘necessary facilities’ includes facilities that provide the services specified in section 1079(r)(1) of this title.

“(2) Consistent with section 1079(r)(1)(B) of this title, residential services shall be provided to a member pursuant to this section only if the member has a primary diagnosis of an eating disorder

and treatment at such facility is medically indicated for treatment of that eating disorder.

“(c) EATING DISORDER DEFINED.—In this section, the term ‘eating disorder’ has the meaning given that term in section 1079(r) of this title.”.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 55 of title 10, United States Code, is amended by striking the item relating to section 1090a and inserting the following new items:

10 USC
prec. 1071.

“1090a. Identifying and treating eating disorders.

“1090b. Commanding officer and supervisor referrals of members for mental health evaluations.”.

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

10 USC 1079
note.

SEC. 702. ADDITION OF PRECONCEPTION AND PRENATAL CARRIER SCREENING COVERAGE AS BENEFITS UNDER TRICARE PROGRAM.

Section 1079(a) of title 10, United States Code, as amended by section 701, is further amended by adding at the end the following new paragraph:

“(19) Preconception and prenatal carrier screening tests shall be provided to eligible covered beneficiaries, with a limit per beneficiary of one test per condition per lifetime, for the following conditions:

“(A) Cystic Fibrosis.

“(B) Spinal Muscular Atrophy.

“(C) Fragile X Syndrome.

“(D) Tay-Sachs Disease.

“(E) Hemoglobinopathies.

“(F) Conditions linked with Ashkenazi Jewish descent.”.

SEC. 703. REVISIONS TO TRICARE PROVIDER NETWORKS.

(a) TRICARE SELECT.—Section 1075 of title 10, United States Code, is amended—

(1) by redesignating subsection (h) as subsection (i); and

(2) by inserting after subsection (g) the following new subsection (h):

“(h) AUTHORITY FOR MULTIPLE NETWORKS IN THE SAME GEOGRAPHIC AREA.—(1) The Secretary may establish a system of multiple networks of providers under TRICARE Select in the same geographic area or areas.

“(2) Under a system established under paragraph (1), the Secretary may—

“(A) require a covered beneficiary enrolling in TRICARE Select to enroll in a specific provider network established pursuant to such system, in which case any provider not in that specific provider network shall be deemed an out-of-network provider with respect to the covered beneficiary (regardless of whether the provider is in a different TRICARE Select provider network) for purposes of this section or any other provision of law limiting the coverage or provision of health care services to those provided by network providers under the TRICARE program; and

Requirements.

“(B) include beneficiaries covered by subsection (c)(2).”.

(b) TRICARE PRIME.—Section 1097a of such title is amended—

(1) by redesignating subsection (e) as subsection (f); and

(2) by inserting after subsection (d) the following new subsection (e):

“(e) **AUTHORITY FOR MULTIPLE NETWORKS IN THE SAME GEOGRAPHIC AREA.**—(1) The Secretary may establish a system of multiple networks of providers under TRICARE Prime in the same geographic area or areas.

Requirements.

“(2) Under a system established under paragraph (1), the Secretary may require a covered beneficiary enrolling in TRICARE Prime to enroll in a specific provider network established pursuant to such system, in which case any provider not in that specific provider network shall be deemed an out-of-network provider with respect to the covered beneficiary (regardless of whether the provider is in a different TRICARE Prime provider network) for purposes of this section or any other provision of law limiting the coverage or provision of health care services to those provided by network providers under the TRICARE program.”.

SEC. 704. SELF-INITIATED REFERRAL PROCESS FOR MENTAL HEALTH EVALUATIONS OF MEMBERS OF THE ARMED FORCES.

Section 1090a of title 10, United States Code, is amended—

(1) in subsection (c), by inserting “or is required to make such a referral pursuant to the process described in subsection (e)(1)(A)” after “mental health evaluation”;

(2) by redesignating subsection (e) as subsection (g); and

(3) by inserting after subsection (d) the following new subsections:

“(e) **SELF-INITIATED REFERRAL PROCESS.**—(1) The regulations required by subsection (a) shall, with respect to a member of the armed forces—

“(A) provide for a self-initiated process that enables the member to trigger a referral for a mental health evaluation by requesting such a referral from a commanding officer or supervisor who is in a grade above E-5;

“(B) ensure the function of the process described in subparagraph (A) by—

Requirement.

“(i) requiring the commanding officer or supervisor of the member to refer the member to a mental health provider for a mental health evaluation as soon as practicable following the request of the member (including by providing to the mental health provider the name and contact information of the member and providing to the member the date, time, and place of the scheduled mental health evaluation); and

“(ii) ensure the member may request a referral pursuant to subparagraph (A) on any basis (including on the basis of a concern relating to fitness for duty, occupational requirements, safety issues, significant changes in performance, or behavioral changes that may be attributable to possible changes in mental status); and

“(C) ensure that the process described in subparagraph (A)—

“(i) reduces stigma in accordance with subsection (b), including by treating referrals for mental health evaluations made pursuant to such process in a manner similar to referrals for other medical services, to the maximum extent practicable; and

“(ii) protects the confidentiality of the member to the maximum extent practicable, in accordance with requirements for the confidentiality of health information under the Health Insurance Portability and Accountability Act of 1996 (Public Law 104–191) and applicable privacy laws.

“(2) In making a referral for an evaluation of a member of the armed forces triggered by a request made pursuant to the process described in paragraph (1)(A), if the member has made such a request on the basis of a concern that the member is a potential or imminent danger to self or others, the commanding officer or supervisor of the member shall observe the following principles:

“(A) With respect to safety, if the commander or supervisor determines the member is exhibiting dangerous behavior, the first priority of the commander or supervisor shall be to ensure that precautions are taken to protect the safety of the member, and others, prior to the arrival of the member at the location of the evaluation.

Determination.

“(B) With respect to communication, prior to such arrival, the commander or supervisor shall communicate to the provider to which the member is being referred (in a manner and to an extent consistent with paragraph (1)(C)(ii)), information on the circumstances and observations that led to—

“(i) the member requesting the referral; and

“(ii) the commander or supervisor making such referral based on the request.

“(f) ANNUAL TRAINING REQUIREMENT.—On an annual basis, each Secretary concerned shall provide to the members of the Armed Forces under the jurisdiction of such Secretary a training on how to recognize personnel who may require mental health evaluations on the basis of the individual being an imminent danger to self or others, as demonstrated by the behavior or apparent mental state of the individual.”

SEC. 705. MODIFICATIONS TO PILOT PROGRAM ON HEALTH CARE ASSISTANCE SYSTEM.

Section 731(d) of the National Defense Authorization Act for Fiscal Year 2018 (10 U.S.C. 1075 note) is amended—

(1) in the matter preceding paragraph (1), by striking “January 1, 2021” and inserting “November 1, 2022”;

(2) in paragraph (1), by striking “; and” and inserting a semicolon;

(3) in paragraph (2), by striking the period and inserting “; and”; and

(4) by adding at the end the following new paragraph:
“(3) input from covered beneficiaries who have participated in the pilot program regarding their satisfaction with, and any benefits attained from, such participation.”

SEC. 706. MODIFICATION OF PILOT PROGRAM ON RECEIPT OF NON-GENERIC PRESCRIPTION MAINTENANCE MEDICATIONS UNDER TRICARE PHARMACY BENEFITS PROGRAM.

Section 706 of the William M. (Mac) Thornberry National Defense Authorization Act for Fiscal Year 2021 (Public Law 116–283) is amended—

(1) in subsection (a)(1), by striking “may carry out” and inserting “shall carry out”;

10 USC 1074g note.

(2) in subsection (b), by striking “March 1, 2021” and inserting “March 1, 2022”;

(3) by redesignating subsections (e), (f), and (g) as subsections (f), (g), and (h), respectively;

(4) by inserting after subsection (d) the following new subsection (e):

“(e) REIMBURSEMENT.—If the Secretary carries out the pilot program under subsection (a)(1), reimbursement of retail pharmacies for medication under the pilot program may not exceed the amount of reimbursement paid to the national mail-order pharmacy program under section 1074g of title 10, United States Code, for the same medication, after consideration of all manufacturer discounts, refunds, rebates, pharmacy transaction fees, and other costs.”; and

(5) in subsection (f), as redesignated by paragraph (3)—
(A) by striking paragraph (1) and inserting the following new paragraph (1):

Deadline.

“(1) BRIEFING.—Not later than 90 days after the date of the enactment of the National Defense Authorization Act for Fiscal Year 2022, the Secretary shall provide to the Committees on Armed Services of the House of Representatives and the Senate a briefing on the implementation of the pilot program under subsection (a)(1) or on the determination of the Secretary under subsection (a)(2) that the Secretary is not permitted to carry out the pilot program.”; and

(B) in paragraph (3)(A), by striking “March 1, 2024” and inserting “March 1, 2025”.

Deadlines.
10 USC 1071
note.

SEC. 707. IMPROVEMENT OF POSTPARTUM CARE FOR MEMBERS OF THE ARMED FORCES AND DEPENDENTS.

(a) CLINICAL PRACTICE GUIDELINES FOR POSTPARTUM CARE IN MILITARY MEDICAL TREATMENT FACILITIES.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall establish clinical practice guidelines for the provision of postpartum care in military medical treatment facilities. Such guidelines shall take into account the recommendations of established professional medical associations and address the following matters:

Assessments.

(1) Postpartum mental health assessments, including the appropriate intervals for furnishing such assessments and screening questions for such assessments (including questions relating to postpartum anxiety and postpartum depression).

Evaluations.
Consultations.

(2) Pelvic health evaluation and treatment, including the appropriate timing for furnishing a medical evaluation for pelvic health, considerations for providing consultations for physical therapy for pelvic health (including pelvic floor health), and the appropriate use of telehealth services.

(3) Pelvic health rehabilitation services.

(4) Obstetric hemorrhage treatment, including through the use of pathogen reduced resuscitative products.

(b) POLICY ON SCHEDULING OF APPOINTMENTS FOR POSTPARTUM HEALTH CARE SERVICES.—

(1) POLICY REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall establish a policy for the scheduling of appointments for postpartum health care services in military medical treatment facilities. In developing the policy, the Secretary shall consider the extent

to which it is appropriate to facilitate concurrent scheduling of appointments for postpartum care with appointments for well-baby care.

(2) **PILOT PROGRAM AUTHORIZED.**—The Secretary may carry out a pilot program in one or more military medical treatment facilities to evaluate the effect of concurrent scheduling, to the degree clinically appropriate, of the appointments specified in paragraph (1).

Evaluation.

(c) **POLICY ON POSTPARTUM PHYSICAL FITNESS TESTS AND BODY COMPOSITION ASSESSMENTS.**—Not later than 180 days after the date of enactment of this Act, the Secretary shall establish a policy, which shall be standardized across each Armed Force to the extent practicable, for the time periods after giving birth that a member of the Armed Forces (including the reserve components) may be excused from, or provided an alternative to, a physical fitness test or a body composition assessment.

(d) **BRIEFING.**—Not later than 270 days after the date of enactment of this Act, the Secretary shall provide to the Committees on Armed Services of the House of Representatives and the Senate a briefing on the implementation of the requirements under this section.

Subtitle B—Health Care Administration

SEC. 711. MODIFICATION OF CERTAIN DEFENSE HEALTH AGENCY ORGANIZATION REQUIREMENTS.

Section 1073c(c)(5) of title 10, United States Code, is amended by striking “paragraphs (1) through (4)” and inserting “paragraph (3) or (4)”.

SEC. 712. REQUIREMENT FOR CONSULTATIONS RELATING TO MILITARY MEDICAL RESEARCH AND DEFENSE HEALTH AGENCY RESEARCH AND DEVELOPMENT.

(a) **CONSULTATIONS REQUIRED.**—Section 1073c of title 10, United States Code, as amended by section 711, is further amended—

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

(2) by inserting after subsection (e) the following new subsection:

“(f) **CONSULTATIONS ON MEDICAL RESEARCH OF MILITARY DEPARTMENTS.**—In establishing the Defense Health Agency Research and Development pursuant to subsection (e)(1), and on a basis that is not less frequent than semiannually thereafter, the Secretary of Defense shall carry out recurring consultations with each military department regarding the plans and requirements for military medical research organizations and activities of the military department.”.

Time period.
Plans.

(b) **REQUIREMENTS FOR CONSULTATIONS.**—The Secretary of Defense shall ensure that consultations are carried out under section 1073c(f) of title 10, United States Code (as added by subsection (a)), to include the plans of each military department to ensure a comprehensive transition of any military medical research organizations of the military department with respect to the establishment of the Defense Health Agency Research and Development.

Plans.
10 USC 1073c
note.

(c) **DEADLINE FOR INITIAL CONSULTATIONS.**—Initial consultations shall be carried out under section 1073c(f) of title 10, United States Code (as added by subsection (a)), with each military department by not later than March 1, 2022.

SEC. 713. AUTHORIZATION OF PROGRAM TO PREVENT FRAUD AND ABUSE IN THE MILITARY HEALTH SYSTEM.

(a) **IN GENERAL.**—Chapter 55 of title 10, United States Code, is amended by inserting after section 1073e the following new section:

10 USC 1073f.

“§ 1073f. Health care fraud and abuse prevention program

“(a) **PROGRAM AUTHORIZED.**—(1) The Secretary of Defense may carry out a program under this section to prevent and remedy fraud and abuse in the health care programs of the Department of Defense.

“(2) At the discretion of the Secretary, such program may be administered jointly by the Inspector General of the Department of Defense and the Director of the Defense Health Agency.

“(3) In carrying out such program, the authorities granted to the Secretary of Defense and the Inspector General of the Department of Defense under section 1128A(m) of the Social Security Act (42 U.S.C. 1320a–7a(m)) shall be available to the Secretary and the Inspector General.

Applicability.

“(b) **CIVIL MONETARY PENALTIES.**—(1) Except as provided in paragraph (2), the provisions of section 1128A of the Social Security Act (42 U.S.C. 1320a–7a) shall apply with respect to any civil monetary penalty imposed in carrying out the program authorized under subsection (a).

“(2) Consistent with section 1079a of this title, amounts recovered in connection with any such civil monetary penalty imposed—

“(A) shall be credited to appropriations available as of the time of the collection for expenses of the health care program of the Department of Defense affected by the fraud and abuse for which such penalty was imposed; and

“(B) may be used to support the administration of the program authorized under subsection (a), including to support any interagency agreements entered into under subsection (d).

Contracts.

“(c) **INTERAGENCY AGREEMENTS.**—The Secretary of Defense may enter into agreements with the Secretary of Health and Human Services, the Attorney General, or the heads of other Federal agencies, for the effective and efficient implementation of the program authorized under subsection (a).

“(d) **RULE OF CONSTRUCTION.**—Joint administration of the program authorized under subsection (a) may not be construed as limiting the authority of the Inspector General of the Department of Defense under any other provision of law.

“(e) **FRAUD AND ABUSE DEFINED.**—In this section, the term ‘fraud and abuse’ means any conduct specified in subsection (a) or (b) of section 1128A of the Social Security Act (42 U.S.C. 1320a–7a).”.

10 USC
prec. 1071.

(b) **CLERICAL AMENDMENT.**—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 1073e the following new item:

“1073f. Health care fraud and abuse prevention program.”.

SEC. 714. AUTHORITY OF SECRETARY OF DEFENSE AND SECRETARY OF VETERANS AFFAIRS TO ENTER INTO AGREEMENTS FOR PLANNING, DESIGN, AND CONSTRUCTION OF FACILITIES TO BE OPERATED AS SHARED MEDICAL FACILITIES.

(a) **AUTHORITY OF SECRETARY OF DEFENSE.**—

(1) **IN GENERAL.**—Chapter 55 of title 10, United States Code, is amended by inserting after section 1104 the following new section:

“§ 1104a. Shared medical facilities with Department of Veterans Affairs

10 USC 1104a.

“(a) **AGREEMENTS.**—Secretary of Defense may enter into agreements with the Secretary of Veterans Affairs for the planning, design, and construction of facilities to be operated as shared medical facilities.

Contracts.

“(b) **TRANSFER OF FUNDS BY SECRETARY OF DEFENSE.**—(1) The Secretary of Defense may transfer to the Secretary of Veterans Affairs amounts as follows:

“(A) For the construction of a shared medical facility, amounts not in excess of the amount authorized under subsection (a)(2) of section 2805 of this title, if—

“(i) the amount of the share of the Department of Defense for the estimated cost of the project does not exceed the amount authorized under such subsection; and

“(ii) the other requirements of such section have been met with respect to funds identified for transfer.

“(B) For the planning, design, and construction of space for a shared medical facility, amounts appropriated for the Defense Health Program.

“(2) The authority to transfer funds under this section is in addition to any other authority to transfer funds available to the Secretary of Defense.

“(3) Section 2215 of this title does not apply to a transfer of funds under this subsection.

“(c) **TRANSFER OF FUNDS TO SECRETARY OF DEFENSE.**—(1) Any amount transferred to the Secretary of Defense by the Secretary of Veterans Affairs for necessary expenses for the planning, design, and construction of a shared medical facility, if the amount of the share of the Department of Defense for the cost of such project does not exceed the amount specified in section 2805(a)(2) of this title, may be credited to accounts of the Department of Defense available for the construction of a shared medical facility.

“(2) Any amount transferred to the Secretary of Defense by the Secretary of Veterans Affairs for the purpose of the planning and design of space for a shared medical facility may be credited to accounts of the Department of Defense available for such purposes, and may be used for such purposes.

“(3) Using accounts credited with transfers from the Secretary of Veterans Affairs under paragraph (1), the Secretary of Defense may carry out unspecified minor military construction projects, if the share of the Department of Defense for the cost of such project does not exceed the amount specified in section 2805(a)(2) of this title.

“(d) **MERGER OF AMOUNTS TRANSFERRED.**—Any amount transferred to the Secretary of Veterans Affairs under subsection (b) and any amount transferred to the Secretary of Defense under subsection (c) shall be merged with and available for the same

purposes and the same period as the appropriation or fund to which transferred.

“(e) APPROPRIATION IN ADVANCE.—Amounts may be transferred pursuant to the authority under this section only to the extent and in the amounts provided in advance in appropriations Acts.

“(f) SHARED MEDICAL FACILITY DEFINED.—In this section, the term ‘shared medical facility’—

“(1) means a building or buildings, or a campus, intended to be used by both the Department of Veterans Affairs and the Department of Defense for the provision of health care services, whether under the jurisdiction of the Secretary of Veterans Affairs or the Secretary of Defense, and whether or not located on a military installation or on real property under the jurisdiction of the Secretary of Veterans Affairs; and

“(2) includes any necessary building and auxiliary structure, garage, parking facility, mechanical equipment, abutting and covered sidewalks, and accommodations for attending personnel.”.

10 USC
prec. 1071.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 55 of such title is amended by inserting after the item relating to section 1104 the following new item:

“1104a. Shared medical facilities with Department of Veterans Affairs.”.

(b) AUTHORITY OF SECRETARY OF VETERANS AFFAIRS.—

(1) IN GENERAL.—Chapter 81 of title 38, United States Code, is amended by inserting after section 8111A the following new section:

38 USC 8111B.

“§ 8111B. Shared medical facilities with Department of Defense

Contracts.

“(a) AGREEMENTS.—The Secretary of Veterans Affairs may enter into agreements with the Secretary of Defense for the planning, design, and construction of facilities to be operated as shared medical facilities.

“(b) TRANSFER OF FUNDS BY SECRETARY OF VETERANS AFFAIRS.—(1) The Secretary of Veterans Affairs may transfer to the Department of Defense amounts appropriated to the Department of Veterans Affairs for ‘Construction, minor projects’ for use for the planning, design, or construction of a shared medical facility if the estimated share of the project costs of the Department of Veterans Affairs does not exceed the amount specified in section 8104(a)(3)(A) of this title.

“(2) The Secretary of Veterans Affairs may transfer to the Department of Defense amounts appropriated to the Department of Veterans Affairs for ‘Construction, major projects’ for use for the planning, design, or construction of a shared medical facility if—

“(A) the estimated share of the project costs of the Department of Veterans Affairs exceeds the amount specified in section 8104(a)(3)(A) of this title; and

“(B) the other requirements of section 8104 of this title have been met with respect to amounts identified for transfer.

“(c) TRANSFER OF FUNDS TO SECRETARY OF VETERANS AFFAIRS.—(1) Any amount transferred to the Secretary of Veterans Affairs by the Secretary of Defense for necessary expenses for the planning, design, or construction of a shared medical facility, if the estimated share of the project costs of the Department of

Veterans Affairs does not exceed the amount specified in section 8104(a)(3)(A) of this title, may be credited to the ‘Construction, minor projects’ account of the Department of Veterans Affairs and used for the necessary expenses of constructing such shared medical facility.

“(2) Any amount transferred to the Secretary of Veterans Affairs by the Secretary of Defense for necessary expenses for the planning, design, or construction of a shared medical facility, if the estimated share of the project costs of the Department of Veterans Affairs exceeds the amount specified in section 8104(a)(3)(A) of this title, may be credited to the ‘Construction, major projects’ account of the Department of Veterans Affairs and used for the necessary expenses of constructing such shared medical facility if the other requirements of section 8104 of this title have been met with respect to amounts identified for transfer.

“(d) MERGER OF AMOUNTS TRANSFERRED.—Any amount transferred to the Secretary of Defense under subsection (b) and any amount transferred to the Secretary of Veterans Affairs under subsection (c) shall be merged with and available for the same purposes and the same period as the appropriation or fund to which transferred.

“(e) APPROPRIATION IN ADVANCE.—Amounts may be transferred pursuant to the authority under this section only to the extent and in the amounts provided in advance in appropriations Acts.

“(f) SHARED MEDICAL FACILITY DEFINED.—In this section, the term ‘shared medical facility’—

“(1) means a building or buildings, or a campus, intended to be used by both the Department of Veterans Affairs and the Department of Defense for the provision of health care services, whether under the jurisdiction of the Secretary of Veterans Affairs or the Secretary of Defense, and whether or not located on a military installation or on real property under the jurisdiction of the Secretary of Veterans Affairs; and

“(2) includes any necessary building and auxiliary structure, garage, parking facility, mechanical equipment, abutting and covered sidewalks, and accommodations for attending personnel.”.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of subchapter I of chapter 81 of such title is amended by inserting after the item relating to section 8111A the following new item:

38 USC
prec. 8010.

“8111B. Shared medical facilities with Department of Defense.”.

SEC. 715. EXTENSION OF AUTHORITY FOR JOINT DEPARTMENT OF DEFENSE-DEPARTMENT OF VETERANS AFFAIRS MEDICAL FACILITY DEMONSTRATION FUND.

Section 1704(e) of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84; 123 Stat. 2567), as most recently amended by section 743 of the William M. (Mac) Thornberry National Defense Authorization Act for Fiscal Year 2021 (Public Law 116–283), is amended by striking “September 30, 2022” and inserting “September 30, 2023”.

134 Stat. 3708.

SEC. 716. ESTABLISHMENT OF DEPARTMENT OF DEFENSE SYSTEM TO TRACK AND RECORD INFORMATION ON VACCINE ADMINISTRATION.

(a) ESTABLISHMENT OF SYSTEM.—Section 1110 of title 10, United States Code, is amended—

(1) by redesignating subsections (a) and (b) as subsections (b) and (c), respectively; and

(2) by inserting after the heading the following new subsection:

Consultation.
Coordination.

“(a) OVERALL SYSTEM TO TRACK AND RECORD VACCINE INFORMATION.—(1) The Secretary of Defense, in consultation with the Director of the Defense Health Agency and in coordination with the Secretaries of the military departments, shall establish a system to track and record the following information:

“(A) Each vaccine administered by a health care provider of the Department of Defense to a member of an armed force under the jurisdiction of the Secretary of a military department.

“(B) Any adverse reaction of the member related to such vaccine.

“(C) Each refusal by such a member of any vaccine that is being so administered, including vaccines licensed by the Food and Drug Administration under section 351 of the Public Health Service Act (42 U.S.C. 262) and vaccines otherwise approved or authorized.

“(D) Each refusal by such a member of a vaccine on the basis that the vaccine is being administered by a health care provider of the Department pursuant to an emergency use authorization granted by the Commissioner of Food and Drugs under section 564 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360bbb–3).

“(E) Each refusal by such a member of an investigational new drug or a drug unapproved for its applied use that is being administered pursuant to a request or requirement of the Secretary of Defense and with respect to which the President has granted a waiver of the prior consent requirement pursuant to section 1107(f)(1) of this title.

“(2) In carrying out paragraph (1), the Secretary of Defense shall ensure that—

Updates.

“(A) any electronic health record maintained by the Secretary for a member of an armed force under the jurisdiction of the Secretary of a military department is updated with the information specified in such paragraph with respect to the member;

Determination.

“(B) any collection, storage, or use of such information is conducted through means involving such cyber protections as the Secretary determines necessary to safeguard the personal information of the member; and

“(C) the system established under such paragraph is interoperable and compatible with the electronic health record system known as ‘MHS GENESIS’, or such successor system.”.

(b) CONFORMING AMENDMENTS.—Such section is further amended—

(1) in the heading, by striking “**Anthrax vaccine immunization program; procedures for exemptions and monitoring reactions**” and inserting “**System for tracking and recording vaccine information; anthrax vaccine immunization program**”;

(2) in subsection (b), as redesignated by subsection (a)(1)—

(A) in the heading, by inserting “FROM ANTHRAX VACCINE IMMUNIZATION PROGRAM” after “EXEMPTIONS” ; and

(B) by striking “Secretary of Defense” and inserting “Secretary”; and

(3) in the heading of subsection (c), as redesignated by subsection (a)(1), by inserting “TO ANTHRAX VACCINE” after “REACTIONS”.

(c) CLERICAL AMENDMENT.—The table of sections for chapter 55 of title 10, United States Code, is amended by striking the item relating to section 1110 and inserting the following new item:

10 USC
prec. 1071.

“1110. System for tracking and recording vaccine information; anthrax vaccine immunization program.”.

(d) DEADLINE FOR ESTABLISHMENT OF SYSTEM.—The Secretary of Defense shall establish the system under section 1110 of title 10, United States Code, as added by subsection (a), by not later than January 1, 2023.

10 USC 1110
note.

(e) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the Committees on Armed Services of the House of Representatives and the Senate a report on the administration of vaccines to members of the Armed Forces under the jurisdiction of the Secretary of a military department and on the status of establishing the system under section 1110(a) of title 10, United States Code (as added by subsection (a)). Such report shall include information on the following:

(1) The process by which such members receive vaccines, and the process by which the Secretary tracks, records, and reports on, vaccines received by such members (including with respect to any transfers by a non-Department provider to the Department of vaccination records or other medical information of the member related to the administration of vaccines by the non-Department provider).

(2) The storage of information related to the administration of vaccines in the electronic health records of such members, and the cyber protections involved in such storage, as required under such section 1110(a)(2) of title 10, United States Code.

(3) The general process by which medical information of beneficiaries under the TRICARE program is collected, tracked, and recorded, including the process by which medical information from providers contracted by the Department or from a State or local department of health is transferred to the Department and associated with records maintained by the Secretary.

(4) Any gaps or challenges relating to the vaccine administration process of the Department and any legislative or budgetary recommendations to address such gaps or challenges.

Recommendations.

(f) DEFINITIONS.—In this section:

(1) The term “military departments” has the meaning given such term in section 101 of title 10, United States Code.

(2) The term “TRICARE program” has the meaning given such term in section 1072 of such title.

SEC. 717. EXEMPTION FROM REQUIRED PHYSICAL EXAMINATION AND MENTAL HEALTH ASSESSMENT FOR CERTAIN MEMBERS OF THE RESERVE COMPONENTS.

Section 1145(a)(5) of title 10, United States Code is amended—

(1) in subparagraph (A), by striking “The Secretary” and inserting “Except as provided in subparagraph (D), the Secretary”; and

(2) by adding at the end the following new subparagraph:
 “(D) The requirement for a physical examination and mental health assessment under subparagraph (A) shall not apply with respect to a member of a reserve component described in paragraph (2)(B) unless the member is retiring, or being discharged or dismissed, from the armed forces.”.

SEC. 718. AUTHORIZATION OF PROVISION OF INSTRUCTION AT UNIFORMED SERVICES UNIVERSITY OF THE HEALTH SCIENCES TO CERTAIN FEDERAL EMPLOYEES.

Section 2114(h) of title 10, United States Code, is amended—

(1) by striking “The Secretary of Defense” and inserting “(1) The Secretary of Defense, in coordination with the Secretary of Health and Human Services and the Secretary of Veterans Affairs,”; and

(2) by adding at the end the following new paragraph:

“(2)(A) A covered employee whose employment or service with the Department of Veterans Affairs, Public Health Service, or Coast Guard (as applicable) is in a position relevant to national security or health sciences may receive instruction at the University within the scope of such employment or service.

Reimbursement.

“(B) If a covered employee receives instruction at the University pursuant to subparagraph (A), the head of the Federal agency concerned shall reimburse the University for the cost of providing such instruction to the covered employee. Amounts received by the University under this subparagraph shall be retained by the University to defray the costs of such instruction.

Determination.

“(C) Notwithstanding subsections (b) through (e) and subsection (i), the head of the Federal agency concerned shall determine the service obligations of the covered employee receiving instruction at the University pursuant to subparagraph (A) in accordance with applicable law.

Definitions.

“(D) In this paragraph—

“(i) the term ‘covered employee’ means an employee of the Department of Veterans Affairs, a civilian employee of the Public Health Service, a member of the commissioned corps of the Public Health Service, a member of the Coast Guard, or a civilian employee of the Coast Guard; and

“(ii) the term ‘head of the Federal agency concerned’ means the head of the Federal agency that employs, or has jurisdiction over the uniformed service of, a covered employee permitted to receive instruction at the University under subparagraph (A) in the relevant position described in such subparagraph.”.

SEC. 719. REMOVAL OF REQUIREMENT FOR ONE YEAR OF PARTICIPATION IN CERTAIN MEDICAL AND LIFESTYLE INCENTIVE PROGRAMS OF THE DEPARTMENT OF DEFENSE TO RECEIVE BENEFITS UNDER SUCH PROGRAMS.

Section 729 of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114–328; 10 U.S.C. 1073 note) is amended—

(1) in subsection (a)(1), by striking “in the previous year”;

(2) in subsection (b), by striking “in the previous year”;

and

(3) in subsection (c), by striking “in the previous year”.

SEC. 720. DEPARTMENT OF DEFENSE STANDARDS FOR EXEMPTIONS FROM MANDATORY COVID-19 VACCINES. 10 USC 1110 note.

(a) **STANDARDS.**—The Secretary of Defense shall establish uniform standards under which covered members may be exempted from receiving an otherwise mandated COVID-19 vaccine for administrative, medical, or religious reasons.

(b) **DEFINITIONS.**—In this section:

(1) The term “covered member” means a member of an Armed Force under the jurisdiction of the Secretary of a military department.

(2) The term “COVID-19 vaccine” means any vaccine for the coronavirus disease 2019 (COVID-19), including any subsequent booster shot for COVID-19.

SEC. 721. ESTABLISHMENT OF CENTERS OF EXCELLENCE FOR ENHANCED TREATMENT OF OCULAR INJURIES. Deadlines. 10 USC 1073d note.

(a) **IN GENERAL.**—Not later than October 1, 2023, the Secretary of Defense, acting through the Director of the Defense Health Agency, shall establish within the Defense Health Agency not fewer than four regional centers of excellence for the enhanced treatment of—

(1) ocular wounds or injuries; and

(2) vision dysfunction related to traumatic brain injury.

(b) **LOCATION OF CENTERS.**—Each center of excellence established under subsection (a) shall be located at a military medical center that provides graduate medical education in ophthalmology and related subspecialties and shall be the primary center for providing specialized medical services for vision for members of the Armed Forces in the region in which the center of excellence is located.

(c) **POLICIES FOR REFERRAL OF BENEFICIARIES.**—Not later than October 1, 2023, the Director of the Defense Health Agency shall publish on a publicly available internet website of the Department of Defense policies for the referral of eligible beneficiaries of the Department to centers of excellence established under subsection (a) for evaluation and treatment.

Public information. Web posting.

(d) **IDENTIFICATION OF MEDICAL PERSONNEL BILLETS AND STAFFING.**—The Secretary of each military department, in conjunction with the Joint Staff Surgeon and the Director of the Defense Health Agency, shall identify specific medical personnel billets essential for the evaluation and treatment of ocular sensory injuries and ensure that centers of excellence established under subsection (a) are staffed with such personnel at the level required for the enduring medical support of each such center.

(e) **BRIEFING.**—Not later than December 31, 2023, the Secretary of Defense shall provide to the Committees on Armed Services of the Senate and the House of Representatives a briefing that—

(1) describes the establishment of each center of excellence established under subsection (a), to include the location, capability, and capacity of each such center;

(2) describes the referral policy published by the Defense Health Agency under subsection (c);

(3) identifies the medical personnel billets identified under subsection (d); and

(4) provides a plan for the staffing of personnel at such centers to ensure the enduring medical support of each such center.

Plan.

(f) **MILITARY MEDICAL CENTER DEFINED.**—In this section, the term “military medical center” means a medical center described in section 1073d(b) of title 10, United States Code.

Data.
10 USC 1071
note.

SEC. 722. IMPLEMENTATION OF INTEGRATED PRODUCT FOR MANAGEMENT OF POPULATION HEALTH ACROSS MILITARY HEALTH SYSTEM.

(a) **INTEGRATED PRODUCT.**—The Secretary of Defense shall develop and implement an integrated product for the management of population health across the military health system. Such integrated product shall serve as a repository for the health care, demographic, and other relevant data of all covered beneficiaries, including with respect to data on health care services furnished to such beneficiaries through the purchased care and direct care components of the TRICARE program, and shall—

(1) be compatible with the electronic health record system maintained by the Secretary for members of the Armed Forces;

(2) enable the collection and stratification of data from multiple sources to measure population health goals, facilitate disease management programs of the Department, improve patient education, and integrate wellness services across the military health system; and

(3) enable predictive modeling to improve health outcomes for patients and to facilitate the identification and correction of medical errors in the treatment of patients, issues regarding the quality of health care services provided, and gaps in health care coverage.

Coordination.

(b) **CONSIDERATIONS IN DEVELOPMENT.**—In developing the integrated product under subsection (a), the Secretary shall harmonize such development with any policies of the Department relating to a digital health strategy (including the digital health strategy under section 723), coordinate with improvements to the electronic health record system specified in subsection (a)(1) to ensure the compatibility required under such subsection, and consider methods to improve beneficiary interface.

(c) **DEFINITIONS.**—In this section:

(1) The terms “covered beneficiary” and “TRICARE program” have the meanings given such terms in section 1072 of title 10, United States Code.

(2) The term “integrated product” means an electronic system of systems (or solutions or products) that provides for the integration and sharing of data to meet the needs of an end user in a timely and cost-effective manner.

Deadlines.

SEC. 723. DIGITAL HEALTH STRATEGY OF DEPARTMENT OF DEFENSE.

(a) **DIGITAL HEALTH STRATEGY.**—

(1) **STRATEGY.**—Not later than April 1, 2022, the Secretary of Defense shall develop a digital health strategy of the Department of Defense to incorporate new and emerging technologies and methods (including three-dimensional printing, virtual reality, wearable devices, big data and predictive analytics, distributed ledger technologies, and other innovative methods that leverage new or emerging technologies) in the provision of clinical care within the military health system.

(2) **ELEMENTS.**—The strategy under paragraph (1) shall address, with respect to future use within the military health system, the following:

(A) Emerging technology to improve the delivery of clinical care and health services.

(B) Emerging technology to improve the patient experience in matters relating to medical case management, appointing, and referrals in both the direct care and purchased care components of the TRICARE program, as such term is defined in section 1072 of title 10, United States Code.

(C) Design thinking to improve the delivery of clinical care and health services.

(D) Advanced clinical decision support systems.

(E) Simulation technologies for clinical training (including through simulation immersive training) and clinical education, and for the training of health care personnel in the adoption of emerging technologies for clinical care delivery.

(F) Wearable devices.

(G) Three-dimensional printing and related technologies.

(H) Data-driven decision making, including through the use of big data and predictive analytics, in the delivery of clinical care and health services.

(b) BRIEFING.—Not later than July 1, 2022, the Secretary shall provide to the Committees on Armed Services of the House of Representatives and the Senate a briefing setting forth—

(1) the strategy under subsection (a); and

(2) a plan to implement such strategy, including the estimated timeline and cost for such implementation.

Plan.
Timeline.
Cost estimates.
Deadlines.
10 USC 1096
note.

SEC. 724. DEVELOPMENT AND UPDATE OF CERTAIN POLICIES RELATING TO MILITARY HEALTH SYSTEM AND INTEGRATED MEDICAL OPERATIONS.

(a) IN GENERAL.—By not later than October 1, 2022, the Secretary of Defense, in coordination with the Secretaries of the military departments and the Chairman of the Joint Chiefs of Staff, shall develop and update certain policies relating to the military health system and integrated medical operations of the Department of Defense as follows:

Coordination.

(1) UPDATED PLAN ON INTEGRATED MEDICAL OPERATIONS IN CONTINENTAL UNITED STATES.—The Secretary of Defense shall develop an updated plan on integrated medical operations in the continental United States and update the Department of Defense Instruction 6010.22, titled “National Disaster Medical System (NDMS)” (or such successor instruction) accordingly. Such updated plan shall—

(A) be informed by the operational plans of the combatant commands and by the joint medical estimate under section 732 of the John S. McCain National Defense Authorization Act for Fiscal Year 2019 (Public Law 115–232; 132 Stat. 1817);

(B) include an updated bed plan, to include bed space available through the military health system and through hospitals participating in the National Disaster Medical System established pursuant to section 2812 of the Public Health Service Act (42 U.S.C. 300hh–11);

(C) include a determination as to whether combat casualties should receive medical care under the direct care

Determination.
Risk analysis.

or purchased care component of the military health system and a risk analysis in support of such determination;

(D) identify the manning levels required to furnish medical care under the updated plan, including with respect to the levels of military personnel, civilian employees of the Department, and contractors of the Department; and

Cost estimate.

(E) include a cost estimate for the furnishment of such medical care.

(2) **UPDATED PLAN ON GLOBAL PATIENT MOVEMENT.**—The Secretary of Defense shall develop an updated plan on global patient movement and update the Department of Defense Instruction 5154.06, relating to medical military treatment facilities and patient movement (or such successor instruction) accordingly. Such updated plan shall—

(A) be informed by the operational plans of the combatant commands and by the joint medical estimate under section 732 of the John S. McCain National Defense Authorization Act for Fiscal Year 2019 (Public Law 115–232; 132 Stat. 1817);

Risk assessment.

(B) include a risk assessment with respect to patient movement compared against overall operational plans;

(C) include a description of any capabilities-based assessment of the Department that informed the updated plan or that was in progress during the time period in which the updated plan was developed;

(D) identify the manning levels, equipment and consumables, and funding levels, required to carry out the updated plan; and

(E) address airlift capability, medical evacuation capability, and access to ports of embarkation.

(3) **ASSESSMENT OF BIOSURVEILLANCE AND MEDICAL RESEARCH CAPABILITIES.**—The Secretary of Defense shall conduct an assessment of the biosurveillance and medical research capabilities of the Department of Defense. Such assessment shall include the following:

(A) An identification of the location and strategic value of the overseas medical laboratories and overseas medical research programs of the Department.

(B) An assessment of the current capabilities of such laboratories and programs with respect to force health protection and evidence-based medical research.

Determination.

(C) A determination as to whether such laboratories and programs have the capabilities, including as a result of the geographic location of such laboratories and programs, to provide force health protection and evidence-based medical research, including by actively monitoring for future pandemics, infectious diseases, and other potential health threats to members of the Armed Forces.

(D) The current biosurveillance and medical research capabilities of the Department.

(E) The current manning levels of the biosurveillance and medical research entities of the Department, including an assessment of whether such entities are manned at a level necessary to support the missions of the combatant commands (including with respect to missions related to pandemic influenza or homeland defense).

(F) The current funding levels of such entities, including a risk assessment as to whether such funding is sufficient to sustain the manning levels necessary to support missions as specified in subparagraph (E).

(b) INTERIM BRIEFING.—Not later than April 1, 2022, the Secretary of Defense, in coordination with the Secretaries of the military departments and the Chairman of the Joint Chiefs of Staff, shall provide to the Committees on Armed Services of the House of Representatives and the Senate an interim briefing on the progress of implementation of the plans and assessment required under subsection (a).

Coordination.

(c) REPORT.—Not later than December 1, 2022, the Secretary of Defense shall submit to the Committees on Armed Services of the House of Representatives and the Senate a report describing each updated plan and assessment required under subsection (a).

SEC. 725. MANDATORY TRAINING ON HEALTH EFFECTS OF BURN PITS.

10 USC 1071
note.

The Secretary of Defense shall provide to each medical provider of the Department of Defense mandatory training with respect to the potential health effects of burn pits.

SEC. 726. STANDARDIZATION OF DEFINITIONS USED BY THE DEPARTMENT OF DEFENSE FOR TERMS RELATED TO SUICIDE.

Deadlines.
10 USC 101 note.

(a) STANDARDIZATION OF DEFINITIONS.—Not later than 120 days after the date of the enactment of this Act, the Secretary of Defense, in coordination with the Secretaries of the military departments, shall develop standardized definitions for the following terms:

Coordination.

- (1) “Suicide”.
- (2) “Suicide attempt”.
- (3) “Suicidal ideation”.

(b) REQUIRED USE OF STANDARDIZED DEFINITIONS.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall issue policy guidance requiring the exclusive and uniform use across the Department of Defense and within each military department of the standardized definitions developed under subsection (a) for the terms specified in such subsection.

(c) BRIEFING.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall provide to the Committees on Armed Services of the House of Representatives and the Senate a briefing that sets forth the standardized definitions developed under subsection (a) and includes—

- (1) a description of the process that was used to develop such definitions;
- (2) a description of the methods by which data shall be collected on suicide, suicide attempts, and suicidal ideations (as those terms are defined pursuant to such definitions) in a standardized format across the Department and within each military department; and
- (3) an implementation plan to ensure the use of such definitions as required pursuant to subsection (b).

Plan.

Subtitle C—Reports and Other Matters

SEC. 731. MODIFICATIONS AND REPORTS RELATED TO MILITARY MEDICAL MANNING AND MEDICAL BILLETS.

(a) MILITARY MEDICAL MANNING AND MEDICAL BILLETS.—

(1) MODIFICATIONS TO LIMITATION ON REDUCTION OR REALIGNMENT.—Section 719 of the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116–92; 133 Stat. 1454), as amended by section 717 of the William M. (Mac) Thornberry National Defense Authorization Act for Fiscal Year 2021 (Public Law 116–283), is further amended—

134 Stat. 3695.

(A) in subsection (a), by striking “180 days following the date of the enactment of the William M. (Mac) Thornberry National Defense Authorization Act for Fiscal Year 2021” and inserting “the year following the date of the enactment of the National Defense Authorization Act for Fiscal Year 2022”; and

(B) in subsection (b)(1), by inserting “, including any billet validation requirements determined pursuant to estimates provided in the joint medical estimate under section 732 of the John S. McCain National Defense Authorization Act for Fiscal Year 2019 (Public Law 115–232),” after “requirements of the military department of the Secretary”.

(2) GAO REPORT ON REDUCTION OR REALIGNMENT OF MILITARY MEDICAL MANNING AND MEDICAL BILLETS.—

(A) REPORT.—Not later than one year after the date of the enactment of this Act, the Comptroller General of the United States shall submit to the Committees on Armed Services of the House of Representatives and the Senate a report on the analyses used to support any reduction or realignment of military medical manning, including any reduction or realignment of medical billets of the military departments.

Assessments.

(B) ELEMENTS.—The report under subparagraph (A) shall include the following:

Analysis.
Determination.

(i) An analysis of the use of the joint medical estimate under section 732 of the John S. McCain National Defense Authorization Act for Fiscal Year 2019 (Public Law 115–232; 132 Stat. 1817) and war-time scenarios to determine military medical manpower requirements, including with respect to pandemic influenza and homeland defense missions.

(ii) An assessment of whether the Secretaries of the military departments have used the processes under section 719(b) of the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116–92; 133 Stat. 1454) to ensure that a sufficient combination of skills, specialties, and occupations are validated and filled prior to the transfer of any medical billets of a military department to fill other military medical manpower needs.

(iii) An assessment of the effect of the reduction or realignment of such billets on local health care networks and whether the Director of the Defense Health Agency has conducted such an assessment in coordination with the Secretaries of the military departments.

(b) ASSIGNMENT OF MEDICAL AND DENTAL PERSONNEL OF THE MILITARY DEPARTMENTS TO MILITARY MEDICAL TREATMENT FACILITIES.—

10 USC 1073c
note.

(1) DEADLINE FOR ASSIGNMENT.—The Secretaries of the military departments shall ensure that the Surgeons General

of the Armed Forces carry out fully the requirements of section 712(b)(3) of the John S. McCain National Defense Authorization Act for Fiscal Year 2019 (Public Law 115–232; 10 U.S.C. 1073c note) by not later than September 30, 2022.

(2) **ADDITIONAL REQUIREMENT FOR WALTER REED NATIONAL MILITARY MEDICAL CENTER.**—

(A) **ASSIGNMENT OF MILITARY PERSONNEL.**—For fiscal years 2023 through 2027, except as provided in subparagraph (B), the Secretary of Defense shall ensure that the Secretaries of the military departments assign to the Walter Reed National Military Medical Center sufficient military personnel to meet not less than 85 percent of the joint table of distribution in effect for such facility on December 23, 2016.

Time period.

(B) **EXCEPTION.**—Subparagraph (A) shall not apply to any fiscal year for which the Secretary of Defense certifies at the beginning of such fiscal year to the Committees on Armed Services of the Senate and the House of Representatives that notwithstanding the failure to meet the requirement under such paragraph, the Walter Reed National Military Medical Center is fully capable of carrying out all significant activities as the premier medical center of the military health system.

Certification.

(3) **REPORTS.**—

(A) **IN GENERAL.**—Not later than September 30, 2022, each Secretary of a military department shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the compliance of the military department concerned with this subsection. Each such report shall include—

Compliance.

- (i) an accounting of the number of uniformed personnel and civilian personnel assigned to a military medical treatment facility as of October 1, 2019; and
- (ii) a comparable accounting as of September 30, 2022.

Effective dates.

(B) **EXPLANATION.**—If the number specified in clause (ii) of subparagraph (A) is less than the number specified in clause (i) of such subparagraph, the Secretary concerned shall provide a full explanation for the reduction.

SEC. 732. ACCESS BY UNITED STATES GOVERNMENT EMPLOYEES AND THEIR FAMILY MEMBERS TO CERTAIN FACILITIES OF DEPARTMENT OF DEFENSE FOR ASSESSMENT AND TREATMENT OF ANOMALOUS HEALTH CONDITIONS.

10 USC 1071 note.

(a) **ASSESSMENT.**—The Secretary of Defense shall provide to employees of the United States Government and their family members who the Secretary determines are experiencing symptoms of certain anomalous health conditions, as defined by the Secretary for purposes of this section, timely access for medical assessment, subject to space availability, to the National Intrepid Center of Excellence, an Intrepid Spirit Center, or an appropriate military medical treatment facility, as determined by the Secretary.

Determination.

(b) **TREATMENT.**—With respect to an individual described in subsection (a) diagnosed with an anomalous health condition or a related affliction, whether diagnosed under an assessment under subsection (a) or otherwise, the Secretary of Defense shall furnish to the individual treatment for the condition or affliction, subject

Consultation. Deadline.	to space availability, at the National Intrepid Center of Excellence, an Intrepid Spirit Center, or an appropriate military medical treatment facility, as determined by the Secretary. (c) DEVELOPMENT OF PROCESS.—The Secretary of Defense, in consultation with the heads of such Federal agencies as the Secretary considers appropriate, shall develop a process to ensure that employees from those agencies and their family members are afforded timely access to the National Intrepid Center of Excellence, an Intrepid Spirit Center, or an appropriate military medical treatment facility pursuant to subsection (a) by not later than 60 days after the date of the enactment of this Act.
Data.	(d) MODIFICATION OF DEPARTMENT OF DEFENSE TRAUMA REGISTRY.—The Secretary of Defense shall modify the Trauma Registry of the Department of Defense to include data on the demographics, condition-producing event, diagnosis and treatment, and outcomes of anomalous health conditions experienced by employees of the United States Government and their family members assessed or treated under this section, subject to an agreement by the employing agency and the consent of the employee.
10 USC 7431 note.	SEC. 733. PILOT PROGRAM ON CARDIAC SCREENING AT CERTAIN MILITARY SERVICE ACADEMIES.
Termination date. Determination.	(a) PILOT PROGRAM.—The Secretary of Defense shall establish a pilot program to furnish mandatory electrocardiograms to individuals who have been admitted to a covered military service academy in connection with the military accession screening process, at no cost to such candidates. (b) SCOPE.—The scope of the pilot program under subsection (a) shall include at least 25 percent of the incoming class of individuals who have been admitted to a covered military service academy during the first fall semester that follows the date of the enactment of this Act, and the pilot program shall terminate on the date on which the Secretary determines the military accession screening process for such class has concluded.
Deadline.	(c) FURNISHING OF ELECTROCARDIOGRAMS.—In carrying out the pilot program under subsection (a), the Secretary shall furnish each mandatory electrocardiogram under the pilot program in a facility of the Department of Defense or by medical personnel within the military health system.
Costs.	(d) BRIEFING.—Not later than 180 days after the date on which the pilot program under subsection (a) terminates, the Secretary shall provide to the Committees on Armed Services of the Senate and the House of Representatives a briefing on the pilot program. Such briefing shall include the following: (1) The results of all electrocardiograms furnished to individuals under the pilot program, disaggregated by military service academy, race, and gender. (2) The rate of significant cardiac issues detected pursuant to electrocardiograms furnished under the pilot program, disaggregated by military service academy, race, and gender. (3) The cost of carrying out the pilot program. (4) The number of individuals, if any, who were disqualified from admission based solely on the result of an electrocardiogram furnished under the pilot program.
	(e) COVERED MILITARY SERVICE ACADEMY DEFINED.—In this section, the term “covered military service academy” does not

include the United States Coast Guard Academy or the United States Merchant Marine Academy.

SEC. 734. PILOT PROGRAM ON ASSISTANCE FOR MENTAL HEALTH APPOINTMENT SCHEDULING AT MILITARY MEDICAL TREATMENT FACILITIES.

Deadlines.
10 USC 1073
note.

(a) **PILOT PROGRAM.**—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall commence a pilot program, to be carried out for at least a one-year period, to provide direct assistance for mental health appointment scheduling under the direct care and purchased care components of the TRICARE program, through facilities and clinics selected by the Secretary for participation in the pilot program in a number determined by the Secretary.

Time period.

(b) **BRIEFINGS.**—

(1) **FIRST BRIEFING.**—Not later than 180 days after the date of the enactment of this Act, the Secretary shall provide to the Committees on Armed Services of the House of Representatives and the Senate a briefing on the nature of the pilot program under subsection (a).

(2) **FINAL BRIEFING.**—Not later than 90 days after the date on which the pilot program under subsection (a) terminates, the Secretary shall provide to the Committees on Armed Services of the House of Representatives and the Senate a briefing on the pilot program. Such briefing shall include an assessment of—

Assessments.

(A) the effectiveness of the pilot program with respect to improved access to mental health appointments; and

(B) any barriers to scheduling mental health appointments under the pilot program observed by health care professionals or other individuals involved in scheduling such appointments.

(c) **TRICARE PROGRAM DEFINED.**—In this section, the term “TRICARE program” has the meaning given such term in section 1072 of title 10, United States Code.

SEC. 735. PROHIBITION ON AVAILABILITY OF FUNDS FOR CERTAIN RESEARCH CONNECTED TO CHINA.

(a) **PROHIBITION.**—None of the funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2022 for the Department of Defense may be obligated or expended to fund any work to be performed by EcoHealth Alliance, Inc. in China on research supported by the government of China.

(b) **WAIVER.**—The Secretary of Defense may waive the prohibition under subsection (a) if the Secretary—

(1) determines that the waiver is in the national security interests of the United States; and

Determination.

(2) not later than 14 days after granting the waiver, submits to the congressional defense committees a detailed justification for the waiver, including—

Deadline.

(A) an identification of the Department of Defense entity obligating or expending the funds;

(B) an identification of the amount of such funds;

(C) an identification of the intended purpose of such funds;

(D) an identification of the recipient or prospective recipient of such funds (including any third-party entity recipient, as applicable);

	(E) an explanation for how the waiver is in the national security interests of the United States; and (F) any other information the Secretary determines appropriate.
Determination.	
10 USC note prec. 1161.	SEC. 736. LIMITATION ON CERTAIN DISCHARGES SOLELY ON THE BASIS OF FAILURE TO OBEY LAWFUL ORDER TO RECEIVE COVID-19 VACCINE.
Time period.	(a) LIMITATION.—During the period of time beginning on August 24, 2021, and ending on the date that is two years after the date of the enactment of this Act, any administrative discharge of a covered member, on the sole basis that the covered member failed to obey a lawful order to receive a vaccine for COVID-19, shall be— (1) an honorable discharge; or (2) a general discharge under honorable conditions. (b) DEFINITIONS.—In this section: (1) The terms “Armed Forces” and “military departments” have the meanings given such terms in section 101 of title 10, United States Code. (2) The term “covered member” means a member of an Armed Force under the jurisdiction of the Secretary of a military department.
	SEC. 737. INDEPENDENT ANALYSIS OF DEPARTMENT OF DEFENSE COMPREHENSIVE AUTISM CARE DEMONSTRATION PROGRAM.
Contracts.	(a) AGREEMENT.— (1) IN GENERAL.—The Secretary of Defense shall seek to enter into an agreement with the National Academies of Sciences, Engineering, and Medicine (in this section referred to as the “National Academies”) for the National Academies to carry out the activities described in subsections (b) and (c). (2) TIMING.—The Secretary shall seek to enter into the agreement described in paragraph (1) not later than 60 days after the date of the enactment of this Act.
Deadline.	(b) ANALYSIS BY THE NATIONAL ACADEMIES.— (1) ANALYSIS.—Under an agreement between the Secretary and the National Academies entered into pursuant to subsection (a), the National Academies shall conduct an analysis of the effectiveness of the Department of Defense Comprehensive Autism Care Demonstration program (in this section referred to as the “demonstration program”) and develop recommendations for the Secretary based on such analysis. (2) ELEMENTS.—The analysis conducted and recommendations developed under paragraph (1) shall include the following: (A) An assessment of all methods used to assist in the assessment of domains related to autism spectrum disorder, including a determination as to whether the Secretary is applying such methods appropriately under the demonstration project. (B) An assessment of the methods used under the demonstration project to measure the effectiveness of applied behavior analysis in the treatment of autism spectrum disorder.
Recommendations.	
Assessment. Determination.	(C) A review of any guidelines or industry standards of care adhered to in the provision of applied behavior
Assessment.	
Reviews.	

analysis services under the demonstration program, including a review of the effects of such adherence with respect to dose-response or health outcomes for an individual who has received such services.

(D) A review of the health outcomes for an individual who has received applied behavior analysis treatments over time. Review.

(E) An analysis of the increased utilization of the demonstration program by beneficiaries under the TRICARE program, to improve understanding of such utilization.

(F) Such other analyses to measure the effectiveness of the demonstration program as may be determined appropriate by the National Academies.

(G) An analysis on whether the incidence of autism is higher among the children of military families.

(H) The development of a list of recommendations related to the measurement, effectiveness, and increased understanding of the demonstration program and its effect on beneficiaries under the TRICARE program. List.
Recommendations.

(c) **REPORT.**—Under an agreement entered into between the Secretary and the National Academies under subsection (a), the National Academies, not later than nine months after the date of the execution of the agreement, shall—

(1) submit to the congressional defense committees a report on the findings of the National Academies with respect to the analysis conducted and recommendations developed under subsection (b); and

(2) make such report available on a public website in unclassified form. Public
information.
Web posting.

SEC. 738. INDEPENDENT REVIEW OF SUICIDE PREVENTION AND RESPONSE AT MILITARY INSTALLATIONS.

(a) **ESTABLISHMENT OF COMMITTEE.**—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall establish an independent suicide prevention and response review committee. Deadline.

(b) **MEMBERSHIP.**—The committee established under subsection (a) shall be composed of not fewer than five individuals—

(1) designated by the Secretary;

(2) with expertise determined to be relevant by the Secretary, including at least one individual who is an experienced provider of mental health services; and Designations.

(3) none of whom may be a member of an Armed Force or a civilian employee of the Department of Defense.

(c) **SELECTION OF MILITARY INSTALLATIONS.**—

(1) **IN GENERAL.**—The Secretary shall select, for review by the committee established under subsection (a), at least one military installation under the jurisdiction of each military department. Review.

(2) **INCLUSION OF REMOTE INSTALLATION.**—The Secretary shall ensure that, of the total military installations selected for review under paragraph (1), at least one such installation is a remote installation of the Department of Defense located outside the contiguous United States.

(d) **DUTIES.**—The committee established under subsection (a) shall review the suicide prevention and response programs and other factors that may contribute to the incidence or prevention

of suicide at the military installations selected for review pursuant to subsection (c). Such review shall be conducted through means including—

- (1) a confidential survey;
- (2) focus groups; and
- (3) individual interviews.

(e) COORDINATION.—In carrying out this section, the Secretary shall ensure that the Director of the Office of People Analytics of the Department of Defense and the Director of the Office of Force Resiliency of the Department of Defense coordinate and cooperate with the committee established under subsection (a).

(f) REPORTS.—

(1) REPORT TO SECRETARY.—Not later than 270 days after the date of the establishment of the committee under subsection (a), the committee shall submit to the Secretary a report containing the results of the reviews conducted by the committee and recommendations of the committee to reduce the incidence of suicide at the military installations reviewed.

(2) REPORT TO CONGRESS.—Not later than 330 days after the date of the establishment of the committee under subsection (a), the committee shall submit to the Committees on Armed Services of the House of Representatives and the Senate the report under paragraph (1).

(g) TERMINATION.—The committee established under subsection (a) shall terminate on a date designated by the Secretary as the date on which the work of the committee has been completed.

(h) NONAPPLICABILITY OF FACa.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the committee established under subsection (a).

Recommendations.

Hawaii.
Deadlines.

SEC. 739. FEASIBILITY AND ADVISABILITY STUDY ON ESTABLISHMENT OF AEROMEDICAL SQUADRON AT JOINT BASE PEARL HARBOR-HICKAM.

Consultation.

(a) STUDY.—Not later than April 1, 2022, the Secretary of Defense, in consultation with the Chief of the National Guard Bureau and the Director of the Air National Guard, shall complete a study on the feasibility and advisability of establishing at Joint Base Pearl Harbor-Hickam an aeromedical squadron of the Air National Guard in Hawaii to support the aeromedical mission needs of the United States Indo-Pacific Command.

Assessments.

(b) ELEMENTS.—The study under subsection (a) shall assess the following:

(1) The manpower required for the establishment of an aeromedical squadron of the Air National Guard in Hawaii as specified in subsection (a).

Costs.

(2) The overall cost of such establishment.

Requirements.

(3) The length of time required for such establishment.

(4) The mission requirements for such establishment.

(5) Such other matters as may be determined relevant by the Secretary.

(c) BRIEFING.—Not later than April 1, 2022, the Secretary shall provide to the Committees on Armed Services of the House of Representatives and the Senate a briefing on the findings of the feasibility and advisability study under subsection (a), including with respect to each element specified in subsection (b).

SEC. 740. STUDY ON INCIDENCE OF BREAST CANCER AMONG MEMBERS OF THE ARMED FORCES SERVING ON ACTIVE DUTY.

(a) **STUDY.**—The Secretary of Defense shall conduct a study on the incidence of breast cancer among members of the Armed Forces serving on active duty.

(b) **ELEMENTS.**—The study under subsection (a) shall include the following:

(1) A determination of the number of members of the Armed Forces who served on active duty at any time during the period beginning on January 1, 2011, and ending on the date of the enactment of this Act who were diagnosed with breast cancer during such period. Determination.
Time period.

(2) A determination of demographic information regarding such members, including race, ethnicity, sex, age, military occupational specialty, and rank. Determination.

(3) A comparison of the rates of members of the Armed Forces serving on active duty who have breast cancer to civilian populations with comparable demographic characteristics.

(4) An identification of potential factors associated with service in the Armed Forces that could increase the risk of breast cancer for members of the Armed Forces serving on active duty.

(5) To the extent the data are available, an identification of overseas locations associated with airborne hazards, such as burn pits, and members of the Armed Forces diagnosed with breast cancer who served on active duty in such locations.

(6) An assessment of the effectiveness of outreach by the Department of Defense to members of the Armed Forces to identify risks of, prevent, detect, and treat breast cancer. Assessment.

(7) An assessment of the feasibility and advisability of changing the current mammography screening policy of the Department to incorporate all members of the Armed Forces who deployed overseas to an area associated with airborne hazards, such as burn pits. Assessment.

(8) An assessment of the feasibility and advisability of conducting digital breast tomosynthesis at facilities of the Department that provide mammography services. Assessment.

(9) Such recommendations as the Secretary may have for changes to policy or law that could improve the prevention, early detection, awareness, and treatment of breast cancer among members of the Armed Forces serving on active duty, including any additional resources needed. Recommendations.

(c) **REPORT.**—Not later than one year after the date of the enactment of this Act, the Secretary shall submit to the congressional defense committees a report on the findings and recommendations of the study under subsection (a), including a description of any further unique military research needed with respect to breast cancer.

SEC. 741. GAO BIENNIAL STUDY ON INDIVIDUAL LONGITUDINAL EXPOSURE RECORD PROGRAM.

(a) **STUDIES AND REPORTS REQUIRED.**—Not later than December 31, 2023, and once every two years thereafter until December 31, 2030, the Comptroller General of the United States shall— Deadline.
Time period.

(1) conduct a study on the implementation and effectiveness of the Individual Longitudinal Exposure Record program of

the Department of Defense and the Department of Veterans Affairs; and

(2) submit to the appropriate congressional committees a report containing the findings of the most recently conducted study.

Assessments.

(b) ELEMENTS.—The biennial studies under subsection (a) shall include an assessment of elements as follows:

(1) INITIAL STUDY.—The initial study conducted under subsection (a) shall assess, at a minimum, the following:

(A) Statistics relating to use of the Individual Longitudinal Exposure Record program, including the total number of individuals the records of whom are contained therein and the total number of records accessible under the program.

Costs.

(B) Costs associated with the program, including any cost overruns associated with the program.

(C) The capacity to expand the program to include the medical records of veterans who served prior to the establishment of the program.

(D) Any illness recently identified as relating to a toxic exposure (or any guidance relating to such an illness recently issued) by either the Secretary of Defense or the Secretary of Veterans Affairs, including any such illness or guidance that relates to open burn pit exposure.

(E) How the program has enabled (or failed to enable) the discovery, notification, and medical care of individuals affected by an illness described in subparagraph (D).

(F) Physician and patient feedback on the program, particularly feedback that relates to ease of use.

Data.

(G) Cybersecurity and privacy protections of patient data stored under the program, including whether any classified or restricted data has been stored under the program (such as data relating to deployment locations or duty stations).

Data.

(H) Any technical or logistical impediments to the implementation or expansion of the program, including any impediments to the inclusion in the program of databases or materials originally intended to be included.

Data.

(I) Any issues relating to read-only access to data under the program by veterans.

(J) Any issues relating to the interoperability of the program between the Department of Defense and the Department of Veterans Affairs.

(2) SUBSEQUENT STUDIES.—Except as provided in paragraph (3), each study conducted under subsection (a) following the initial study specified in paragraph (1) shall assess—

(A) statistics relating to use of the Individual Longitudinal Exposure Record program, including the total number of individuals the records of whom are contained therein and the total number of records accessible under the program; and

Determination.

(B) such other elements as the Comptroller General determines appropriate, which may include any other element specified in paragraph (1).

(3) FINAL STUDY.—The final study conducted under subsection (a) shall assess—

(A) the elements specified in subparagraphs (A), (B), (D), (E), (F), and (H) of paragraph (1); and

(B) such other elements as the Comptroller General determines appropriate, which may include any other element specified in paragraph (1). Determination.

(c) ACCESS BY COMPTROLLER GENERAL.—

(1) INFORMATION AND MATERIALS.—Upon request of the Comptroller General, the Secretary of Defense and the Secretary of Veterans Affairs shall make available to the Comptroller General any information or other materials necessary for the conduct of each biennial study under subsection (a).

(2) INTERVIEWS.—In addition to such other authorities as are available, the Comptroller General shall have the right to interview officials and employees of the Department of Defense and the Department of Veterans Affairs (including clinicians, claims adjudicators, and researchers) as necessary for the conduct of each biennial study under subsection (a).

(d) DEFINITIONS.—In this section:

(1) The term “appropriate congressional committees” means—

(A) the Committee on Armed Services and the Committee on Veterans’ Affairs of the House of Representatives; and

(B) the Committee on Armed Services and the Committee on Veterans’ Affairs of the Senate.

(2) The term “Secretary concerned” means—

(A) the Secretary of Defense, with respect to matters concerning the Department of Defense; and

(B) the Secretary of Veterans Affairs, with respect to matters concerning the Department of Veterans Affairs.

SEC. 742. COMPTROLLER GENERAL STUDY ON IMPLEMENTATION BY DEPARTMENT OF DEFENSE OF RECENT STATUTORY REQUIREMENTS TO REFORM THE MILITARY HEALTH SYSTEM.

(a) STUDY.—

(1) IN GENERAL.—The Comptroller General of the United States shall conduct a study on the implementation by the Department of Defense of statutory requirements to reform the military health system contained in a covered Act.

(2) ELEMENTS.—The study required by paragraph (1) shall include the following elements:

(A) A compilation of a list of, and citation for, each statutory requirement on reform of the military health system contained in a covered Act. List.

(B) An assessment of the extent to which such requirement was implemented, or is currently being implemented. Assessment.

(C) An evaluation of the actions taken by the Department of Defense to assess and determine the effectiveness of actions taken pursuant to such requirement. Evaluation.

(D) Such other matters in connection with the implementation of such requirement as the Comptroller General considers appropriate.

(b) BRIEFING AND REPORT.—

(1) BRIEFING.—Not later than May 1, 2022, the Comptroller General shall brief the Committees on Armed Services of the Deadline.

Senate and the House of Representatives on the status of the study conducted under subsection (a).

(2) **REPORT.**—Not later than May 1, 2023, the Comptroller General shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the study conducted under subsection (a) that includes the elements specified in paragraph (2) of such subsection.

(c) **COVERED ACT DEFINED.**—In this section, the term “covered Act” means any of the following:

(1) The William M. (Mac) Thornberry National Defense Authorization Act for Fiscal Year 2021 (Public Law 116–283).

(2) The National Defense Authorization Act for Fiscal Year 2020 (Public Law 116–92).

(3) The John S. McCain National Defense Authorization Act for Fiscal Year 2019 (Public Law 115–232).

(4) The National Defense Authorization Act for Fiscal Year 2018 (Public Law 115–91).

(5) The National Defense Authorization Act for Fiscal Year 2017 (Public Law 114–328).

(6) The National Defense Authorization Act for Fiscal Year 2016 (Public Law 114–92).

(7) The Carl Levin and Howard P. “Buck” McKeon National Defense Authorization Act for Fiscal Year 2015 (Public Law 113–291).

(8) The National Defense Authorization Act for Fiscal Year 2014 (Public Law 113–66).

(9) The National Defense Authorization Act for Fiscal Year 2013 (Public Law 112–239).

(10) The National Defense Authorization Act for Fiscal Year 2012 (Public Law 112–81).

SEC. 743. STUDY TO DETERMINE NEED FOR A JOINT FUND FOR FEDERAL ELECTRONIC HEALTH RECORD MODERNIZATION OFFICE.

Coordination.

(a) **STUDY.**—The Secretary of Defense, in coordination with the Secretary of Veterans Affairs, shall conduct a study to determine—

(1) whether there is a validated need or military requirement for the development of a joint fund of the Department of Defense and the Department of Veterans Affairs for the Federal Electronic Health Record Modernization Office; and

(2) whether the operations of the Federal Electronic Health Record Modernization Office since its establishment, including how the Office has supported the implementation of the Individual Longitudinal Exposure Record program of the Department of Defense and the Department of Veterans Affairs, justify the development of a potential joint fund.

Assessments.

(b) **ELEMENTS.**—The study under subsection (a) shall assess the following:

(1) Justifications for the development of the joint fund.

(2) The potential resource allocation and funding commitments for the Department of Defense and Department of Veterans Affairs with respect to the joint fund.

(3) Options for the governance structure of the joint fund, including how accountability would be divided between the Department of Defense and the Department of Veterans Affairs.

(4) The anticipated contents of the joint fund, including the anticipated process for annual transfers to the joint fund from the Department of Defense and the Department of Veterans Affairs, respectively.

(5) An estimated timeline for the potential establishment of the joint fund. Timeline.

(6) The progress and accomplishments of the Federal Electronic Health Record Modernization Office during fiscal year 2021 in fulfilling the purposes specified in subparagraphs (C) through (R) of section 1635(b)(2) of the Wounded Warrior Act (title XVI of Public Law 110–181; 10 U.S.C. 1071 note).

(c) REPORT.—Not later than July 1, 2022, the Secretary of Defense, in coordination with the Secretary of Veterans Affairs, shall submit to the appropriate congressional committees a report on the findings of the study under subsection (a), including recommendations on the development of the joint fund specified in such subsection. Such recommendations shall address— Coordination. Recommendations.

- (1) the purpose of the joint fund; and
- (2) requirements related to the joint fund. Requirements.

(d) DEFINITIONS.—In this section:

(1) The term “appropriate congressional committees” means—

(A) the Committees on Armed Services of the House of Representatives and the Senate; and

(B) the Committees on Veterans’ Affairs of the House of Representatives and the Senate.

(2) The term “Electronic Health Record Modernization Program” has the meaning given such term in section 503(e) of the Veterans Benefits and Transition Act of 2018 (Public Law 115–407; 132 Stat. 5376).

(3) The term “Federal Electronic Health Record Modernization Office” means the Office established under section 1635(b) of the Wounded Warrior Act (title XVI of Public Law 110–181; 10 U.S.C. 1071 note).

SEC. 744. BRIEFING ON DOMESTIC PRODUCTION OF CRITICAL ACTIVE PHARMACEUTICAL INGREDIENTS FOR NATIONAL SECURITY PURPOSES.

Not later than April 1, 2022, the Secretary of Defense shall provide to the Committees on Armed Services of the House of Representatives and the Senate a briefing on the development of a capability for the domestic production of critical active pharmaceutical ingredients and drug products in finished dosage form for national security purposes. Such briefing shall include a description of the following: Deadline.

(1) The anticipated cost over the period covered by the most recent future-years defense program submitted under section 221 of title 10, United States Code (as of the date of the briefing), to develop such a domestic production capability for critical active pharmaceutical ingredients. Costs.

(2) The cost of producing critical active pharmaceutical ingredients through such a domestic production capability, as compared with the cost of standard manufacturing processes used by the pharmaceutical industry. Costs.

(3) The average time to produce critical active pharmaceutical ingredients through such a domestic production capability, as compared with the average time to produce such

ingredients through standard manufacturing processes used by the pharmaceutical industry.

(4) Any intersections between the development of such a domestic production capability, the military health system, and defense-related medical research or operational medical requirements.

(5) Lessons learned from the progress made in developing such a domestic production capability as of the date of the briefing, including from any contracts entered into by the Secretary with respect to such a domestic production capability.

(6) Any critical active pharmaceutical ingredients that are under consideration by the Secretary for future domestic production as of the date of the briefing.

Plan.

(7) The plan of the Secretary regarding the future use of such a domestic production capability for critical active pharmaceutical ingredients.

SEC. 745. BRIEFING ON SUBSTANCE ABUSE IN THE ARMED FORCES.

Deadline.

(a) **BRIEFING.**—Not later than June 1, 2022, the Under Secretary of Defense for Personnel and Readiness shall provide to the Committees on Armed Services of the Senate and the House of Representatives a briefing on substance abuse policy, strategy, and programs within the Department of Defense.

(b) **ELEMENTS.**—The briefing required under subsection (a) shall include each of the following elements:

(1) With respect to policy, an overview of the policies of the Department of Defense and the military departments with respect to substance abuse, including for covered beneficiaries, and how each such policy is synchronized, including any definitions of the term “substance abuse”.

Analyses.
Time periods.
Determinations.

(2) With respect to background data—

(A) an analysis of the trends in substance abuse across the active and reserve components of the Armed Forces over the preceding 10-year period, including the types of care (residential, outpatient, or other), any variation in such trends for demographics or geographic locations of members who have been deployed, and any other indicators that the Under Secretary determines may allow for further understanding of substance abuse programs; and

(B) an analysis of trends in substance abuse for covered beneficiaries over the preceding 10-year period, including any variation in such trends for demographics, geographic location, or other indicators that the Under Secretary determines may allow for further understanding of substance abuse programs.

(3) With respect to strategic communication, an overview of the strategic communication plan on substance abuse, including different forms of media and initiatives being undertaken.

(4) With respect to treatment—

(A) a description of the treatment options available and prescribed for substance abuse for members of the Armed Forces and covered beneficiaries, including the different environments of care, such as hospitals, residential treatment facilities, outpatient care, and other care as appropriate;

(B) a description of any non-catchment area care which resulted in the nonavailability of military medical treatment facility or military installation capabilities for substance use disorder treatment and the costs associated with sending members of the Armed Forces and covered beneficiaries to non-catchment areas for such treatment;

(C) a description of the synchronization between substance abuse programs, mental health treatment, and case management, where appropriate;

(D) a description of how substance abuse treatment clinical practice guidelines are used and how frequently such guidelines are updated; and

(E) the metrics and outcomes that are used to determine whether substance abuse treatments are effective.

(5) The funding lines and the amount of funding the Secretary of Defense and the Secretary of each of the military departments have obligated for substance abuse programs for each of the preceding 10 fiscal years.

Time period.

(c) DEFINITIONS.—In this section:

(1) The term “catchment area” means the approximately 40-mile radius surrounding a military medical treatment facility or military installation, as the case may be.

(2) The term “covered beneficiary” has the meaning given such term in section 1072 of title 10, United States Code.

TITLE VIII—ACQUISITION POLICY, ACQUISITION MANAGEMENT, AND RELATED MATTERS

TITLE VIII—ACQUISITION POLICY, ACQUISITION MANAGEMENT, AND RELATED MATTERS

Subtitle A—Acquisition Policy and Management

- Sec. 801. Acquisition workforce educational partnerships.
- Sec. 802. Prohibition on acquisition of personal protective equipment from non-allied foreign nations.
- Sec. 803. Authority to acquire innovative commercial products and commercial services using general solicitation competitive procedures.
- Sec. 804. Modifications to contracts subject to cost or pricing data certification.
- Sec. 805. Two-year extension of Selected Acquisition Report requirement.
- Sec. 806. Annual report on highest and lowest performing acquisition programs of the Department of Defense.
- Sec. 807. Assessment of impediments and incentives to improving the acquisition of commercial products and commercial services.
- Sec. 808. Briefing on transparency for certain domestic procurement waivers.
- Sec. 809. Report on violations of certain domestic preference laws.

Subtitle B—Amendments to General Contracting Authorities, Procedures, and Limitations

- Sec. 811. Certain multiyear contracts for acquisition of property: budget justification materials.
- Sec. 812. Extension of demonstration project relating to certain acquisition personnel management policies and procedures.
- Sec. 813. Office of Corrosion Policy and Oversight employee training requirements.
- Sec. 814. Modified condition for prompt contract payment eligibility.
- Sec. 815. Modification to procurement of services: data analysis and requirements validation.
- Sec. 816. Limitation on procurement of welded shipboard anchor and mooring chain for naval vessels.
- Sec. 817. Repeal of preference for fixed-price contracts.

Subtitle C—Provisions Relating to Other Transaction Authority

- Sec. 821. Modification of other transaction authority for research projects.
- Sec. 822. Modification of prize authority for advanced technology achievements.
- Sec. 823. Pilot program on systems engineering determinations.
- Sec. 824. Recommendations on the use of other transaction authority.
- Sec. 825. Reporting requirement for certain defense acquisition activities.

Subtitle D—Provisions Relating to Software and Technology

- Sec. 831. Technology protection features activities.
- Sec. 832. Modification of enhanced transfer of technology developed at Department of Defense laboratories.
- Sec. 833. Pilot program on acquisition practices for emerging technologies.
- Sec. 834. Pilot program to accelerate the procurement and fielding of innovative technologies.
- Sec. 835. Independent study on technical debt in software-intensive systems.
- Sec. 836. Cadre of software development and acquisition experts.

Subtitle E—Provisions Relating to Supply Chain Security

- Sec. 841. Modernization of acquisition processes to ensure integrity of industrial base.
- Sec. 842. Modification to analyses of certain activities for action to address sourcing and industrial capacity.
- Sec. 843. Assuring integrity of overseas fuel supplies.
- Sec. 844. Assessment of requirements for certain items to address supply chain vulnerabilities.
- Sec. 845. Department of Defense research and development priorities.
- Sec. 846. Report on the Manufacturing Engineering Education Program.
- Sec. 847. Plan and report on reduction of reliance on services, supplies, or materials from covered countries.
- Sec. 848. Prohibition on certain procurements from the Xinjiang Uyghur Autonomous Region.

Subtitle F—Industrial Base Matters

- Sec. 851. Modifications to printed circuit board acquisition restrictions.
- Sec. 852. Modification of pilot program for development of technology-enhanced capabilities with partnership intermediaries.
- Sec. 853. Additional testing of commercial e-commerce portal models.
- Sec. 854. Requirement for industry days and requests for information to be open to allied defense contractors.
- Sec. 855. Employment transparency regarding individuals who perform work in the People's Republic of China.
- Sec. 856. Briefing on compliance with contractor lobbying restrictions.
- Sec. 857. Congressional oversight of personnel and contracts of private security contractors.

Subtitle G—Small Business Matters

- Sec. 861. Exemption of certain contracts from the periodic inflation adjustments to the acquisition-related dollar threshold.
- Sec. 862. Modification to the pilot program for streamlining awards for innovative technology projects.
- Sec. 863. Protests and appeals relating to eligibility of business concerns.
- Sec. 864. Authority for the Office of Hearings and Appeals to decide appeals relating to qualified HUBZone small business concerns.
- Sec. 865. Report on unfunded priorities of the Small Business Innovation Research and Small Business Technology Transfer program.
- Sec. 866. Report on Cybersecurity Maturity Model Certification effects on small business.
- Sec. 867. Data on Phase III Small Business Innovation Research and Small Business Technology Transfer program awards.

Subtitle H—Other Matters

- Sec. 871. Mission management pilot program.
- Sec. 872. Establishment of mission-oriented pilot programs to close significant capabilities gaps.
- Sec. 873. Independent study on acquisition practices and policies.
- Sec. 874. Pilot program to incentivize contracting with employee-owned businesses.
- Sec. 875. Guidance, training, and report on place of performance contract requirements.
- Sec. 876. Notification of certain intergovernmental support agreements.
- Sec. 877. Report on requests for equitable adjustment in Department of the Navy.
- Sec. 878. Military standards for armor materials in vehicle specifications.

Subtitle A—Acquisition Policy and Management

SEC. 801. ACQUISITION WORKFORCE EDUCATIONAL PARTNERSHIPS.

(a) IN GENERAL.—Subchapter IV of chapter 87 of title 10, United States Code, is amended by inserting after section 1746 the following new section:

“§ 1746a. Acquisition workforce educational partnerships

10 USC 1746a.

“(a) ESTABLISHMENT.—The Secretary of Defense, acting through the Under Secretary of Defense for Acquisition and Sustainment, shall establish a program within Defense Acquisition University to—

“(1) facilitate the engagement of relevant experts, including with the acquisition research activities established under section 2361a of this title, with the faculty of the Defense Acquisition University to assess and modify the curriculum of the Defense Acquisition University, as appropriate, to enhance the capabilities of the Defense Acquisition University to support educational, training, and research activities in support of acquisition missions of the Department of Defense;

Assessment.

“(2) establish a cross-discipline, peer mentoring program for academic advising and to address critical retention concerns with respect to the acquisition workforce;

“(3) partner with extramural institutions and military department functional leadership to offer training and on-the-job learning support to all members of the acquisition workforce addressing operational challenges that affect procurement decisionmaking;

“(4) support the partnerships between the Department of Defense and extramural institutions with missions relating to the training and continuous development of members of the acquisition workforce;

“(5) accelerate the adoption, appropriate design and customization, and use of flexible acquisition practices by the acquisition workforce by expanding the availability of training and on-the-job learning and guidance on such practices and incorporating such training into the curriculum of the Defense Acquisition University; and

“(6) support and enhance the capabilities of the faculty of the Defense Acquisition University, and the currency and applicability of the knowledge possessed by such faculty, by—

“(A) building partnerships between the faculty of the Defense Acquisition University and the director of, and individuals involved with, the activities established under section 2361a of this title;

“(B) supporting the preparation and drafting of the reports required under subsection (f)(2); and

“(C) instituting a program under which each member of the faculty of the Defense Acquisition University shall be detailed to an operational acquisition position in a military department or Defense Agency, or to an extramural institution, for not less than six months out of every five year period.

Time periods.

“(b) SENIOR OFFICIAL.—Not later than 180 days after the enactment of this section, the President of the Defense Acquisition

Deadline.
Designation.

University shall designate a senior official to execute activities under this section.

“(c) SUPPORT FROM OTHER DEPARTMENT OF DEFENSE ORGANIZATIONS.—The Secretary of Defense may direct other elements of the Department of Defense to provide personnel, resources, and other support to the program established under this section, as the Secretary determines appropriate.

“(d) FUNDING.—Subject to the availability of appropriations, the Under Secretary of Defense for Acquisition and Sustainment may use amounts available in the Defense Acquisition Workforce and Development Account (as established under section 1705 of this title) to carry out the requirements of this section.

Time period.

“(e) ANNUAL REPORTS.—Not later than September 30, 2022, and annually thereafter, the President of the Defense Acquisition University shall submit to the Secretary of Defense and the congressional defense committees a report describing the activities conducted under this section during the one-year period ending on the date on which such report is submitted.

“(f) EXEMPTION TO REPORT TERMINATION REQUIREMENTS.—Section 1080(a) of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114–92; 129 Stat. 1000; 10 U.S.C. 111 note), as amended by section 1061(j) of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114–328; 130 Stat. 2405; 10 U.S.C. 111 note), does not apply with respect to the reports required to be submitted to Congress under this section.

“(g) DEFINITIONS.—In this section:

“(1) ACQUISITION WORKFORCE.—The term ‘acquisition workforce’ has the meaning given such term in section 1705(g) of this title.

“(2) EXTRAMURAL INSTITUTIONS.—The term ‘extramural institutions’ means participants in an activity established under section 2361a of this title, public sector organizations, and nonprofit credentialing organizations.”

10 USC
prec. 1741.

(b) CLERICAL AMENDMENT.—The table of sections for subchapter IV of chapter 87 of title 10, United States Code, is amended by inserting after the item relating to section 1746 the following new item:

“1746a. Acquisition workforce educational partnerships.”

SEC. 802. PROHIBITION ON ACQUISITION OF PERSONAL PROTECTIVE EQUIPMENT FROM NON-ALLIED FOREIGN NATIONS.

(a) PROHIBITION.—

(1) IN GENERAL.—Chapter 148 of title 10, United States Code, is amended by inserting after section 2533d the following new section:

10 USC 2533e.

“§ 2533e. Prohibition on acquisition of personal protective equipment and certain other items from non-allied foreign nations

“(a) IN GENERAL.—Except as provided in subsection (c), the Secretary of Defense may not procure any covered item from any covered nation.

“(b) APPLICABILITY.—Subsection (a) shall apply to prime contracts and subcontracts at any tier.

“(c) EXCEPTIONS.—

“(1) IN GENERAL.—Subsection (a) does not apply under the following circumstances:

“(A) If the Secretary of Defense determines that covered materials of satisfactory quality and quantity, in the required form, cannot be procured as and when needed from nations other than covered nations to meet requirements at a reasonable price.

Determination.

“(B) The procurement of a covered item for use outside of the United States.

“(C) Purchases for amounts not greater than \$150,000.

“(2) LIMITATION.—A proposed procurement in an amount greater than \$150,000 may not be divided into several purchases or contracts for lesser amounts in order to qualify for this exception.

“(d) DEFINITIONS.—In this section:

“(1) COVERED ITEM.—The term ‘covered item’ means an article or item of—

“(A) personal protective equipment for use in preventing spread of disease, such as by exposure to infected individuals or contamination or infection by infectious material (including nitrile and vinyl gloves, surgical masks, respirator masks and powered air purifying respirators and required filters, face shields and protective eyewear, surgical and isolation gowns, and head and foot coverings) or clothing, and the materials and components thereof, other than sensors, electronics, or other items added to and not normally associated with such personal protective equipment or clothing; or

“(B) sanitizing and disinfecting wipes, testing swabs, gauze, and bandages.

“(2) COVERED NATION.—The term ‘covered nation’ means—

“(A) the Democratic People’s Republic of North Korea;

“(B) the People’s Republic of China;

“(C) the Russian Federation; and

“(D) the Islamic Republic of Iran.”

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 2533d the following:

10 USC
prec. 2531.

“2533e. Prohibition on acquisition of personal protective equipment and certain other items from non-allied foreign nations.”

(b) FUTURE TRANSFER.—

(1) TRANSFER AND REDESIGNATION.—Section 2533e of title 10, United States Code, as added by subsection (a), is transferred to the end of subchapter III of chapter 385 of such title, as added by section 1870(d) of the William M. (Mac) Thornberry National Defense Authorization Act for Fiscal Year 2021 (Public Law 116–283) and amended by this Act, and redesignated as section 4875.

(2) CLERICAL AMENDMENTS.—

(A) TARGET CHAPTER TABLE OF SECTIONS.—The table of sections for subchapter III of chapter 385 of title 10, United States Code, as added by section 1870(d) of the

10 USC
prec. 4871. William M. (Mac) Thornberry National Defense Authorization Act for Fiscal Year 2021 (Public Law 116–283), is amended by adding at the end the following new item:

“4875. Prohibition on acquisition of personal protective equipment and certain other items from non-allied foreign nations.”.

10 USC
prec. 2531. (B) ORIGIN CHAPTER TABLE OF SECTIONS.—The table of sections at the beginning of chapter 148 of title 10, United States Code, as amended by subsection (a), is further amended by striking the item relating to section 2533e.

10 USC 2533e
note. (3) EFFECTIVE DATE.—The transfer, redesignation, and amendments made by this subsection shall take effect immediately after the amendments made by title XVIII of the William M. (Mac) Thornberry National Defense Authorization Act for Fiscal Year 2021 take effect.

Applicability.
10 USC 2533e
note. (4) REFERENCES; SAVINGS PROVISION; RULE OF CONSTRUCTION.—Sections 1883 through 1885 of the William M. (Mac) Thornberry National Defense Authorization Act for Fiscal Year 2021 (Public Law 116–283) shall apply with respect to the transfers, redesignations, and amendments made under this subsection as if such transfers, redesignations, and amendments were made under title XVIII of such Act.

SEC. 803. AUTHORITY TO ACQUIRE INNOVATIVE COMMERCIAL PRODUCTS AND COMMERCIAL SERVICES USING GENERAL SOLICITATION COMPETITIVE PROCEDURES.

(a) AUTHORITY.—

(1) IN GENERAL.—Chapter 140 of title 10, United States Code, is amended by adding at the end the following new section:

10 USC 2380c. **“§ 2380c. Authority to acquire innovative commercial products and commercial services using general solicitation competitive procedures**

“(a) AUTHORITY.—The Secretary of Defense and the Secretaries of the military departments may acquire innovative commercial products and commercial services through a competitive selection of proposals resulting from a general solicitation and the peer review of such proposals.

“(b) TREATMENT AS COMPETITIVE PROCEDURES.—Use of general solicitation competitive procedures under subsection (a) shall be considered to be use of competitive procedures for purposes of chapter 137 of this title.

Determination. “(c) LIMITATIONS.—(1) The Secretary may not enter into a contract or agreement in excess of \$100,000,000 using the authority under subsection (a) without a written determination from the Under Secretary of Defense for Acquisition and Sustainment or the relevant service acquisition executive of the efficacy of the effort to meet mission needs of the Department of Defense or the relevant military department.

“(2) Contracts or agreements entered into using the authority under subsection (a) shall be fixed-price, including fixed-price incentive fee contracts.

“(3) Notwithstanding section 2376(1) of this title, products and services acquired using the authority under subsection (a) shall be treated as commercial products and commercial services.

Deadline. “(d) CONGRESSIONAL NOTIFICATION REQUIRED.—(1) Not later than 45 days after the award of a contract for an amount exceeding

\$100,000,000 using the authority in subsection (a), the Secretary shall notify the congressional defense committees of such award.

“(2) Notice of an award under paragraph (1) shall include the following:

“(A) Description of the innovative commercial product or commercial service acquired.

“(B) Description of the requirement, capability gap, or potential technological advancement with respect to which the innovative commercial product or commercial service acquired provides a solution or a potential new capability.

“(C) Amount of the contract awarded.

“(D) Identification of the contractor awarded the contract.

“(e) INNOVATIVE DEFINED.—In this section, the term ‘innovative’ means—

“(1) any technology, process, or method, including research and development, that is new as of the date of submission of a proposal; or

“(2) any application that is new as of the date of submission of a proposal of a technology, process, or method existing as of such date.”.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 140 of title 10, United States Code, is amended by inserting after the item relating to section 2380b the following new item:

10 USC
prec. 2375.

“2380c. Authority to acquire innovative commercial products and commercial services using general solicitation competitive procedures.”.

(3) DATA COLLECTION.—

(A) IN GENERAL.—The Secretary of Defense and each Secretary of a military department shall collect and analyze data on the use of the authority under section 2380c of title 10, United States Code, as added by paragraph (1), for the purposes of—

10 USC 3458
note.
Analysis.

(i) developing and sharing best practices for achieving the objectives of the authority;

(ii) gathering information on the implementation of the authority and related policy issues; and

(iii) informing the congressional defense committees on the use of the authority.

(B) PLAN REQUIRED.—The authority under section 2380c of title 10, United States Code, as added by paragraph (1), may not be exercised by the Secretary of Defense or any Secretary of a military department during the period beginning on October 1, 2022, and ending on the date on which the Secretary of Defense submits to the congressional defense committees a completed plan for carrying out the data collection required under paragraph (1).

Time period.

(C) CONGRESSIONAL DEFENSE COMMITTEES; MILITARY DEPARTMENT DEFINED.—In this paragraph, the terms “congressional defense committees” and “military department” have the meanings given such terms in section 101(a) of title 10, United States Code.

(b) FUTURE TRANSFER.—

(1) TRANSFER AND REDESIGNATION.—Section 2380c of title 10, United States Code, as added by subsection (a), is transferred to chapter 247 of such title, added after section 3457, as transferred and redesignated by section 1821(a) of the William M. (Mac) Thornberry National Defense Authorization Act

for Fiscal Year 2021 (Public Law 116–283), and redesignated as section 3458.

10 USC
prec. 3451.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 247 of title 10, United States Code, as added by section 1821(a) of the William M. (Mac) Thornberry National Defense Authorization Act for Fiscal Year 2021 (Public Law 116–283), is amended by inserting after the item related to section 3457 the following new item:

“3458. Authority to acquire innovative commercial products and commercial services using general solicitation competitive procedures.”.

(3) CONFORMING AMENDMENTS TO INTERNAL CROSS-REFERENCES.—Section 3458 of title 10, United States Code, as redesignated by paragraph (1), is amended—

(A) in subsection (b), by striking “chapter 137” and inserting “chapter 221”; and

(B) in subsection (c)(3), by striking “section 2376(1)” and inserting “section 3451(1)”.

10 USC 3458
note.

(4) EFFECTIVE DATE.—The transfer, redesignation, and amendments made by this subsection shall take as if included in title XVIII of the William M. (Mac) Thornberry National Defense Authorization Act for Fiscal Year 2021 (Public Law 116–283).

Applicability.
10 USC 3458
note.

(5) REFERENCES; SAVINGS PROVISION; RULE OF CONSTRUCTION.—Sections 1883 through 1885 of the William M. (Mac) Thornberry National Defense Authorization Act for Fiscal Year 2021 (Public Law 116–283) shall apply with respect to the transfers, redesignations, and amendments made under this subsection as if such transfers, redesignations, and amendments were made under title XVIII of such Act.

(c) REPEAL OF OBSOLETE AUTHORITY.—Section 879 of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114–328; 10 U.S.C. 2302 note) is hereby repealed.

SEC. 804. MODIFICATIONS TO CONTRACTS SUBJECT TO COST OR PRICING DATA CERTIFICATION.

(a) IN GENERAL.—Section 2306a(a)(6) of title 10, United States Code, is amended—

(1) by striking “Upon the request” and all that follows through “paragraph (1)” and inserting “Under paragraph (1),”; and

(2) by striking “modify the contract” and all that follows through “consideration.” and inserting “modify the contract as soon as practicable to reflect subparagraphs (B) and (C) of such paragraph, without requiring consideration.”.

10 USC 3702.

(b) TECHNICAL AMENDMENT.—Section 1831(c)(8)(A) of the William M. (Mac) Thornberry National Defense Authorization Act for Fiscal Year 2021 (Public Law 116–283; 134 Stat. 4211) is amended by striking “before” and all that follows through the semicolon at the end and inserting “after the subsection designation;”.

SEC. 805. TWO-YEAR EXTENSION OF SELECTED ACQUISITION REPORT REQUIREMENT.

(a) EXTENSION.—Section 2432(j) of title 10, United States Code, is amended by striking “fiscal year 2021” and inserting “fiscal year 2023”.

(b) DEMONSTRATION REQUIRED.—

(1) IN GENERAL.—Not later than March 1, 2022, and every six months thereafter, the Secretary of Defense shall provide to the congressional defense committees a demonstration of the capability improvements necessary to achieve the full operational capability of the reporting system that will replace the Selected Acquisition Report requirements under section 2432 of title 10, United States Code, as amended by subsection (a).

Deadline.
Time period.

(2) ELEMENTS.—

(A) IN GENERAL.—The demonstration required under paragraph (1) shall incorporate the following elements:

(i) A demonstration of the full suite of data sharing capabilities of the reporting system referred to in paragraph (1) that can be accessed by authorized external users, including the congressional defense committees, for a range of covered programs across acquisition categories, including those selected under section 831 of the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116–92; 133 Stat. 1492).

(ii) The plans required under subsection (c), as available.

(B) INITIAL REPORT.—In addition to the elements described in subparagraph (A), the first demonstration provided under paragraph (1) shall incorporate the findings of the report required under section 830(b) of the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116–92; 133 Stat. 1492).

(3) TERMINATION.—The requirements under this subsection shall terminate upon the date on which the Secretary of Defense submits to the congressional defense committees a written certification of the determination of the Secretary that the reporting system referred to in paragraph (1) has achieved full operational capability.

Certification.
Determination.

(c) PLANS REQUIRED FOR DATA GATHERING AND SHARING.—

Deadlines.

(1) DATA REQUIRED FOR IMPROVED DECISION MAKING.—

(A) IN GENERAL.—Not later than March 1, 2022, the Director of Cost Assessment and Program Evaluation shall prepare a plan for identifying and gathering the data required for effective decision making by program managers and Department of Defense leadership regarding covered programs.

(B) CONTENTS.—The plan required under subparagraph (A) shall include—

(i) data that—

(I) address covered program progress compared to covered program cost, schedule, and performance goals;

(II) provide an assessment of covered program risks; and

Assessment.

(III) can be collected throughout the fiscal year without significant additional burden;

(ii) the data, information, and analytical capabilities supported by the reporting system referred to in subsection (b)(1);

(iii) the specific data elements needed to assess covered program performance and associated risks, including software development and cybersecurity

Assessment.

risks, and an identification of any data elements that cannot be publicly released;

(iv) the types of covered programs to be included in the reporting system referred to in subsection (b)(1), including the dollar value threshold for inclusion, and the acquisition methodologies and pathways that are to be included;

Criteria.

(v) the criteria for initiating, modifying, and terminating reporting for covered programs in the reporting system referred to in subsection (b)(1), including program characteristics, acquisition methodology or pathway being used, cost growth or changes, and covered program performance; and

Schedule.

(vi) the planned reporting schedule for the reporting system referred to in subsection (b)(1), including when reports will be available to authorized external users and the intervals at which data will be updated.

(2) IMPROVED DATA SHARING WITHIN THE DEPARTMENT OF DEFENSE AND WITH OUTSIDE STAKEHOLDERS.—

(A) IN GENERAL.—Not later than July 1, 2022, the Under Secretary of Defense for Acquisition and Sustainment shall submit to the congressional defense committees the plan of the Department of Defense for the reporting system referred to in subsection (b)(1) to report to the congressional defense committees and effectively share information related to covered programs.

(B) CONTENTS.—The plan required under subparagraph (A) shall—

(i) incorporate the plan required under paragraph (1);

Time period.
Updates.

(ii) provide for reporting not less frequently than once per year and continuous or periodic updates for authorized external users, as appropriate, to increase the efficiency of, and reduce the bureaucratic burdens for, reporting data and information on acquisition programs;

(iii) identify the organizations responsible for implementation and overall operation of the reporting system referred to in subsection (b)(1);

Data.

(iv) identify the organizations responsible for providing data for inclusion in such reporting system and ensuring that data is provided in a timely fashion;

Schedule.

(v) include the schedule and milestones for implementing such reporting system;

(vi) identify, for such implementation—

(I) the resources required, including personnel and funding; and

(II) the implementation risks and how such risks will be mitigated;

(vii) identify the mechanisms by which reporting will be provided to the congressional defense committees and other authorized external users, including—

(I) identification of types of organizations that will have access to the system, including those outside the Department of Defense;

(II) how the system will be accessed by users, including those outside the Department of Defense; and

(III) how such users will be trained on the use of the system and what level of support will be available for such users on an ongoing basis; and

(viii) identify any changes to policy, guidance, or legislation that are required to begin reporting to the congressional defense committees in accordance with the plan.

(d) **COVERED PROGRAM DEFINED.**—In this section, the term “covered program” means a program required to be included in a report submitted under section 2432 of title 10, United States Code.

SEC. 806. ANNUAL REPORT ON HIGHEST AND LOWEST PERFORMING ACQUISITION PROGRAMS OF THE DEPARTMENT OF DEFENSE.

(a) **IN GENERAL.**—Not later than January 31, 2023, and annually thereafter for the following three years, the Component Acquisition Executive of each element or organization of the Department of Defense shall rank each covered acquisition program based on the criteria selected under subsection (b)(1) and submit to the congressional defense committees a report that contains a ranking of the five highest performing and five lowest performing covered acquisition programs for such element or organization based on such criteria. Time period.

(b) **RANKING CRITERIA.**—

(1) **IN GENERAL.**—In completing the report required under subsection (a), each Component Acquisition Executive, in consultation with other officials of the Department of Defense as determined appropriate by the Component Acquisition Executive, shall select the criteria for ranking each covered acquisition program. Consultation.

(2) **INCLUSION IN REPORT.**—Each Component Acquisition Executive shall include in the report submitted under subsection (a) an identification of the specific ranking criteria selected under paragraph (1), including a description of how those criteria are consistent with best acquisition practices.

(c) **ADDITIONAL REPORT ELEMENTS.**—Each Component Acquisition Executive shall include in the report required under subsection (a) for each of the five acquisition programs ranked as the lowest performing the following:

(1) A description of the factors that contributed to the ranking of the program as low performing.

(2) An assessment of the underlying causes of the poor performance of the program. Assessment.

(3) A plan for addressing the challenges of the program and improving performance, including specific actions that will be taken and proposed timelines for completing such actions. Plan.

(d) **DEFINITIONS.**—In this section:

(1) **COMPONENT ACQUISITION EXECUTIVE.**—The term “Component Acquisition Executive” means—

(A) a service acquisition executive; or

(B) an individual designated by the head of an element or organization of the Department of Defense, other than

a military department, as the Component Acquisition Executive for that element or organization.

(2) COVERED ACQUISITION PROGRAM.—In this section the term “covered acquisition program” means—

(A) a major defense acquisition program as defined in section 2430 of title 10, United States Code; or

(B) an acquisition program that is estimated by the Component Acquisition Executive to require an eventual total expenditure described in section 2430(a)(1)(B) of title 10, United States Code.

(3) MILITARY DEPARTMENT; SERVICE ACQUISITION EXECUTIVE.—The terms “military department” and “service acquisition executive” have the meanings given such terms in section 101(a) of title 10, United States Code.

SEC. 807. ASSESSMENT OF IMPEDIMENTS AND INCENTIVES TO IMPROVING THE ACQUISITION OF COMMERCIAL PRODUCTS AND COMMERCIAL SERVICES.

(a) ASSESSMENT REQUIRED.—The Under Secretary of Defense for Acquisition and Sustainment and the Chairman of the Joint Requirements Oversight Council shall jointly assess impediments and incentives to fulfilling the goals of section 3307 of title 41, United States Code, and section 2377 of title 10, United States Code, regarding preferences for commercial products and commercial services to—

(1) enhance the innovation strategy of the Department of Defense to compete effectively against peer adversaries; and

(2) encourage the rapid adoption of commercial advances in technology.

(b) ELEMENTS OF ASSESSMENT.—The assessment shall include a review of the use of preferences for commercial products and commercial services in procurement, including an analysis of—

(1) relevant policies, regulations, and oversight processes;

(2) relevant acquisition workforce training and education;

(3) the role of requirements in the adaptive acquisition framework (as described in Department of Defense Instruction 5000.02, “Operation of the Adaptive Acquisition Framework”), including—

(A) the ability to accommodate evolving commercial functionality and new opportunities identified during market research; and

(B) how phasing and uncertainty in requirements are treated;

(4) the role of competitive procedures and source selection procedures, including the ability to structure acquisition processes to accommodate—

(A) multiple or unequal solutions; and

(B) emerging solutions that could fulfill program requirements;

(5) the role of planning, programming, and budgeting structures and processes, including appropriations categories;

(6) systemic biases in favor of custom solutions;

(7) allocation of technical data rights;

(8) strategies to control modernization and sustainment costs;

(9) the risk to contracting officers and other members of the acquisition workforce of acquiring commercial products and

Reviews.
Analyses.

commercial services, and incentives and disincentives for taking such risks; and

(10) potential reforms that do not impose additional burdensome and time-consuming constraints on the acquisition process.

(c) BRIEFING.—Not later than 120 days after the date of the enactment of this Act, the Under Secretary of Defense for Acquisition and Sustainment and the Chairman of the Joint Requirements Oversight Council shall brief the congressional defense committees on the results of the required assessment and any actions undertaken to improve compliance with the statutory preference for commercial products and commercial services, including any recommendations to Congress for legislative action.

Deadline.
Compliance.
Recommendations.

SEC. 808. BRIEFING ON TRANSPARENCY FOR CERTAIN DOMESTIC PROCUREMENT WAIVERS.

Deadline.

Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall brief the congressional defense committees on the extent to which information relating to the use of domestic procurement waivers by the Department of Defense is publicly available.

SEC. 809. REPORT ON VIOLATIONS OF CERTAIN DOMESTIC PREFERENCE LAWS.

(a) REPORT REQUIRED.—Not later than February 1 of each of 2023, 2024, and 2025, the Secretary of Defense, in coordination with each Secretary of a military department, shall submit to the congressional defense committees a report on violations of certain domestic preference laws reported to the Department of Defense and the military departments. Each report shall include such violations that occurred during the previous fiscal year covered by the report.

Coordination.
Time periods.

(b) ELEMENTS.—Each report required under subsection (a) shall include the following for each reported violation:

- (1) The name of the contractor.
- (2) The contract number.
- (3) The nature of the violation, including which of the certain domestic preference laws was violated.
- (4) The origin of the report of the violation.
- (5) Actions taken or pending by the Secretary concerned in response to the violation.
- (6) Other related matters deemed appropriate by the Secretary concerned.

(c) CERTAIN DOMESTIC PREFERENCE LAWS DEFINED.—In this section, the term “certain domestic preference laws” means any provision of section 2533a or 2533b of title 10, United States Code, or chapter 83 of title 41 of such Code, that requires or creates a preference for the procurement of goods, articles, materials, or supplies, that are grown, mined, reprocessed, reused, manufactured, or produced in the United States.

Subtitle B—Amendments to General Contracting Authorities, Procedures, and Limitations

SEC. 811. CERTAIN MULTIYEAR CONTRACTS FOR ACQUISITION OF PROPERTY: BUDGET JUSTIFICATION MATERIALS.

(a) IN GENERAL.—Chapter 9 of title 10, United States Code, is amended by adding at the end the following new section:

10 USC 239c.

“§ 239c. Certain multiyear contracts for acquisition of property: budget justification materials

Proposal.

“(a) IN GENERAL.—In the budget justification materials submitted to Congress in support of the Department of Defense budget for fiscal year 2023 and each fiscal year thereafter (as submitted with the budget of the President under section 1105(a) of title 31), the Secretary of Defense shall include a proposal for any multiyear contract of the Department entered into under section 2306b of this title that—

“(1) the head of an agency intends to cancel during the fiscal year; or

“(2) with respect to which the head of an agency intends to effect a covered modification during the fiscal year.

Assessments.

“(b) ELEMENTS.—Each proposal required by subsection (a) shall include the following:

Costs.

“(1) A detailed assessment of any expected termination costs associated with the proposed cancellation or covered modification of the multiyear contract.

Update.

“(2) An updated assessment of estimated savings of such cancellation or carrying out the multiyear contract as modified by such covered modification.

“(3) An explanation of the proposed use of previously appropriated funds for advance procurement or procurement of property planned under the multiyear contract before such cancellation or covered modification.

“(4) An assessment of expected impacts of the proposed cancellation or covered modification on the defense industrial base, including workload stability, loss of skilled labor, and reduced efficiencies.

“(c) DEFINITIONS.—In this section:

“(1) The term ‘covered modification’ means a modification that will result in a reduction in the quantity of end items to be procured.

“(2) The term ‘head of an agency’ means—

“(A) the Secretary of Defense;

“(B) the Secretary of the Army;

“(C) the Secretary of the Navy; or

“(D) the Secretary of the Air Force.”.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 9 of such title is amended by adding at the end the following new item:

10 USC
prec. 221.

“239c. Certain multiyear contracts for acquisition of property: budget justification materials.”.

SEC. 812. EXTENSION OF DEMONSTRATION PROJECT RELATING TO CERTAIN ACQUISITION PERSONNEL MANAGEMENT POLICIES AND PROCEDURES.

Section 1762(g) of title 10, United States Code, is amended by striking “December 31, 2023” and inserting “December 31, 2026”.

SEC. 813. OFFICE OF CORROSION POLICY AND OVERSIGHT EMPLOYEE TRAINING REQUIREMENTS.

Section 2228 of title 10, United States Code, is amended—
(1) in subsection (b), by adding at the end the following new paragraph:

“(6) The Director shall ensure that contractors of the Department of Defense carrying out activities for the prevention and mitigation of corrosion of the military equipment and infrastructure of the Department of Defense employ for such activities a substantial number of individuals who have completed, or who are currently enrolled in, a qualified training program.”;

(2) in subsection (c)—

(A) in paragraph (2), by striking “and” at the end and inserting a semicolon;

(B) in paragraph (3), by striking the period at the end and inserting “; and”; and

(C) by adding at the end the following new paragraph:

“(4) require that any training or professional development activities for military personnel or civilian employees of the Department of Defense for the prevention and mitigation of corrosion of the military equipment and infrastructure of the Department of Defense are conducted under a qualified training program that trains and certifies individuals in meeting corrosion control standards that are recognized industry-wide.”; and

Certification.

(3) in subparagraph (f), by adding at the end the following new paragraph:

“(6) The term ‘qualified training program’ means a training program in corrosion control, mitigation, and prevention that is—

Definitions.

“(A) offered or accredited by an organization that sets industry corrosion standards; or

“(B) an industrial coatings applicator training program registered under the Act of August 16, 1937 (popularly known as the ‘National Apprenticeship Act’; 29 U.S.C. 50 et seq.).”.

SEC. 814. MODIFIED CONDITION FOR PROMPT CONTRACT PAYMENT ELIGIBILITY.

Section 2307(a)(2)(B) of title 10, United States Code, is amended by striking “if the prime contractor agrees or proposes to make payments to the subcontractor” and inserting “if the prime contractor agrees to make payments to the subcontractor”.

SEC. 815. MODIFICATION TO PROCUREMENT OF SERVICES: DATA ANALYSIS AND REQUIREMENTS VALIDATION.

(a) IN GENERAL.—Section 2329 of title 10, United States Code, is amended—

(1) in subsection (b)—

(A) in the matter preceding paragraph (1), by striking “October 1, 2021” and inserting “February 1, 2023”; and

(B) by striking paragraphs (4) and (5) and inserting the following new paragraphs:

“(4) be informed by the review of the inventory required by section 2330a(c) using standard guidelines developed under subsection (d); and

“(5) clearly and separately identify the amount requested and projected for the procurement of contract services for each Defense Agency, Department of Defense Field Activity, command, or military installation for the budget year and the subsequent four fiscal years in the future-years defense program submitted to Congress under section 221.”;

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

“(d) REQUIREMENTS EVALUATION.—(1) Each Services Requirements Review Board shall evaluate each requirement for a services contract, taking into consideration total force management policies and procedures, available resources, the analyses conducted under subsection (c), and contracting efficacy and efficiency. An evaluation of a services contract for compliance with contracting policies and procedures may not be considered to be an evaluation of a requirement for such services contract.

Guidelines. “(2) The Secretary of Defense shall establish and issue standard guidelines within the Department of Defense for the evaluation of requirements for services contracts. Any such guidelines issued—

“(A) shall be consistent with the ‘Handbook of Contract Function Checklists for Services Acquisition’ issued by the Department of Defense in May 2018, or a successor or other appropriate policy; and

Updates. “(B) shall be updated as necessary to incorporate applicable statutory changes to total force management policies and procedures and any other guidelines or procedures relating to the use of Department of Defense civilian employees to perform new functions and functions that are performed by contractors.

Certifications. “(3) The acquisition decision authority for each services contract shall certify—

Compliance. “(A) that a task order or statement of work being submitted to a contracting office is in compliance with the standard guidelines;

“(B) that all appropriate statutory risk mitigation efforts have been made; and

“(C) that such task order or statement of work does not include requirements formerly performed by Department of Defense civilian employees.

Audits. “(4) The Inspector General of the Department of Defense may
Compliance. conduct annual audits to ensure compliance with this subsection.”;

(3) by striking subsection (f) and redesignating the subsequent subsections accordingly; and

(4) in subsection (f), as so redesignated—

(A) in paragraph (3), by striking “January 5, 2016” and inserting “January 10, 2020”; and

(B) by adding at the end the following new paragraph:

“(4) The term ‘acquisition decision authority’ means the designated decision authority for each designated special interest services acquisition category, described in such Department of Defense Instruction.”. Definition.

(b) REPEALS.—

(1) Section 235 of title 10, United States Code, is repealed.

(2) Section 852 of the National Defense Authorization Act for Fiscal Year 2018 (Public Law 115–91; 131 Stat. 1492; 10 U.S.C. 2329 note) is repealed.

SEC. 816. LIMITATION ON PROCUREMENT OF WELDED SHIPBOARD ANCHOR AND MOORING CHAIN FOR NAVAL VESSELS.

Section 2534 of title 10, United States Code, is amended—

(1) in subsection (a)(2), by adding at the end the following new subparagraph:

“(F) Welded shipboard anchor and mooring chain.”;

and

(2) in subsection (b)—

(A) by striking “A manufacturer” and inserting “(1)

Except as provided in paragraph (2), a manufacturer”; and

(B) by adding at the end the following new paragraph:

“(2) A manufacturer of welded shipboard anchor and mooring chain for naval vessels meets the requirements of this subsection if the manufacturer is part of the national technology and industrial base.”.

SEC. 817. REPEAL OF PREFERENCE FOR FIXED-PRICE CONTRACTS.

Section 829 of the National Defense Authorization Act for Fiscal Year 2017 (10 U.S.C. 2306 note) is repealed.

Subtitle C—Provisions Relating to Other Transaction Authority

SEC. 821. MODIFICATION OF OTHER TRANSACTION AUTHORITY FOR RESEARCH PROJECTS.

(a) IN GENERAL.—Section 2371 of title 10, United States Code, is amended—

(1) in subsection (e)—

(A) by striking paragraph (2);

(B) in paragraph (1), in the matter preceding subparagraph (A), by striking “(1)”; and

(C) by redesignating subparagraphs (A) and (B) as paragraphs (1) and (2), respectively; and

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

“(h) GUIDANCE.—The Secretary of Defense shall issue guidance to carry out this section.”.

(b) CONFORMING AMENDMENT.—Section 2371b(b)(1) of title 10, United States Code, is amended by striking “Subsections (e)(1)(B) and (e)(2)” and inserting “Subsection (e)(2)”.

SEC. 822. MODIFICATION OF PRIZE AUTHORITY FOR ADVANCED TECHNOLOGY ACHIEVEMENTS.

Section 2374a of title 10, United States Code, is amended—

(1) in subsection (a), by inserting “, including procurement contracts and other agreements,” after “other types of prizes”;

(2) in subsection (b), in the first sentence, by inserting “and for the selection of recipients of procurement contracts and other agreements” after “cash prizes”;

(3) in subsection (c)(1), by inserting “without the approval of the Under Secretary of Defense for Research and Engineering” before the period at the end; and

(4) by adding at the end the following new subsection: “(g) CONGRESSIONAL NOTICE.—

Deadline.

“(1) IN GENERAL.—Not later than 15 days after a procurement contract or other agreement that exceeds a fair market value of \$10,000,000 is awarded under the authority under a program under subsection (a), the Secretary of Defense shall submit to the congressional defense committees written notice of such award.

“(2) CONTENTS.—Each notice submitted under paragraph (1) shall include—

“(A) the value of the relevant procurement contract or other agreement, as applicable, including all options;

“(B) a brief description of the research result, technology development, or prototype for which such procurement contract or other agreement, as applicable, was awarded; and

“(C) an explanation of the benefit to the performance of the military mission of the Department of Defense resulting from the award.”.

Deadlines.
10 USC 4001
note.

SEC. 823. PILOT PROGRAM ON SYSTEMS ENGINEERING DETERMINATIONS.

(a) REQUIREMENT.—As soon as practicable but not later than September 30, 2023, the Secretary of Defense shall ensure that each covered entity enters into at least two covered transactions under an authority described in subsection (b), where each such covered transaction includes the system engineering determinations described under subsection (c).

(b) COVERED AUTHORITIES.—The authorities described under this subsection are as follows:

(1) Section 2371 of title 10, United States Code, with respect to applied and advanced research project transactions relating to weapons systems.

(2) Section 2371b of such title, with respect to transactions relating to weapons systems.

(3) Section 2373 of such title.

(4) Section 2358 of such title, with respect to transactions relating to weapons systems.

(c) SYSTEMS ENGINEERING DETERMINATIONS.—

(1) FIRST DETERMINATION.—

(A) SUCCESS CRITERIA.—The head of a covered entity that enters into a covered transaction under this section shall identify, in writing, not later than 30 days after entering into such covered transaction, measurable success criteria related to potential military applications of such covered transaction, to be demonstrated not later than the last day of the period of performance for such covered transaction.

(B) TYPES OF DETERMINATIONS.—Not later than 30 days after the end of such period of performance, the head

of the covered entity shall make one of the following determinations:

(i) A “Discontinue” determination, under which such head discontinues support of the covered transaction and provides a rationale for such determination.

(ii) A “Retain and Extend” determination, under which such head ensures continued performance of such covered transaction and extends the period of performance for a specified period of time in order to achieve the success criteria described under subparagraph (A).

(iii) An “Endorse and Refer” determination, under which such head endorses the covered transaction and refers it to the most appropriate Service Systems Engineering Command, based on the technical attributes of the covered transaction and the associated potential military applications, based on meeting or exceeding the success criteria.

(C) WRITTEN NOTICE.—A determination made pursuant to subparagraph (B) shall be documented in writing and provided to the person performing the covered transaction to which the determination relates.

(D) FURTHER DETERMINATION.—If the head of a covered entity issued a “Retain and Extend” determination described in subparagraph (B)(ii), such head shall, at the end of the extension period—

(i) issue an “Endorse and Refer” determination described in subparagraph (B)(iii) if the success criteria are met; or

(ii) issue a “Discontinue” determination described in subparagraph (B)(i) if the success criteria are not met.

(2) SECOND DETERMINATION.—

(A) SYSTEMS ENGINEERING PLAN.—The head of the Service Systems Engineering Command that receives a referral from an “Endorse and Refer” determination described in paragraph (1)(B)(iii) shall, not later than 30 days after receipt of such referral, formulate a systems engineering plan with the person performing the referred covered transaction, technical experts of the Department of Defense, and any prospective program executive officers.

(B) ELEMENTS.—The systems engineering plan required under subparagraph (A) shall include the following:

(i) Measurable baseline technical capability, based on meeting the success criteria described in paragraph (1)(A).

(ii) Measurable transition technical capability, based on the technical needs of the prospective program executive officers to support a current or future program of record.

(iii) Discrete technical development activities necessary to progress from the baseline technical capability to the transition technical capability, including an approximate cost and schedule, including activities that provide resolution to issues relating to—

(I) interfaces;

Costs.
Schedule.

- (II) data rights;
- (III) Federal Government technical requirements;
- (IV) specific platform technical integration;
- (V) software development;
- (VI) component, subsystem, or system prototyping;
- (VII) scale models;
- (VIII) technical manuals;
- (IX) lifecycle sustainment needs; and
- (X) other needs identified by the relevant program executive officer.

(iv) Identification and commitment of funding sources to complete the activities under clause (iii).

(C) TYPES OF DETERMINATIONS.—Not later than 30 days after the end of the schedule required by subparagraph (B)(iii), the head of the Service Systems Engineering Command shall make one of the following determinations:

(i) A “Discontinue” determination, under which such head discontinues support of the covered transaction and provides a rationale for such determination.

(ii) A “Retain and Extend” determination, under which such head ensures continued performance of such covered transaction within the Service Systems Engineering Command and extends the period of performance for a specified period of time in order to—

(I) successfully complete the systems engineering plan required under subparagraph (A); and

(II) issue specific remedial or additional activities to the person performing the covered transaction.

(iii) An “Endorse and Refer” determination, under which such head endorses the covered transaction and refers it to a program executive officer, based on successful completion of the systems engineering plan required under subparagraph (A).

(D) WRITTEN NOTICE.—A determination made pursuant to subparagraph (C) shall be documented in writing and provided to the person performing the covered transaction to which the determination relates and any prospective program executive officers for such covered transaction.

(E) FURTHER DETERMINATION.—If the head of the Service Systems Engineering Command issued a “Retain and Extend” determination described in subparagraph (C)(ii), such head shall, at the end of the extension period—

(i) issue an “Endorse and Refer” determination described in subparagraph (C)(iii) if the transition technical capability criteria are met; or

(ii) issue a “Discontinue” determination described in subparagraph (B)(i) if the success criteria are not met.

(d) PRIORITY FOR COVERED TRANSACTION SELECTION.—In selecting a covered transaction under this section, the Secretary shall prioritize those covered transactions that—

- (1) are being initially demonstrated at a covered entity;

(2) demonstrate a high potential to be further developed by a Service Systems Engineering Command; and

(3) demonstrate a high potential to be used in a program of the Department of Defense.

(e) NOTIFICATIONS.—

(1) IN GENERAL.—Not later than 30 days after a covered transaction is entered into pursuant to subsection (a), the Secretary of Defense shall notify the congressional defense committees of such covered transaction.

(2) UPDATES.—Not later than 120 days after such a covered transaction is entered into, and every 120 days thereafter until the action specified in subsection (c)(1)(B)(i), (c)(2)(C)(i), or (c)(2)(C)(iii) occurs, the Secretary of Defense shall provide written updates to the congressional defense committees on the actions being taken by the Department to comply with the requirements of this section.

Time period.
Compliance.

(f) BRIEFING REQUIRED.—Not later than 60 days after the date of the enactment of this Act, the Secretary of Defense shall provide a briefing to the Committees on Armed Services of the Senate and the House of Representatives with a detailed plan to implement the requirements of this section.

Plan.

(g) DEFINITIONS.—In this section:

(1) The term “covered entity” means—

(A) the Defense Innovation Unit;

(B) the Strategic Capabilities Office; or

(C) the Defense Advanced Research Projects Agency.

(2) The term “covered transaction” means a transaction, procurement, or project conducted pursuant to an authority listed in subsection (b).

(3) The term “Service Systems Engineering Command” means the specific Department of Defense command that reports through a chain of command to the head of a military department that specializes in the systems engineering of a system, subsystem, component, or capability area.

SEC. 824. RECOMMENDATIONS ON THE USE OF OTHER TRANSACTION AUTHORITY.

(a) REVIEW AND RECOMMENDATIONS REQUIRED.—

(1) IN GENERAL.—The Secretary of Defense shall review the current use, and the authorities, regulations, and policies related to the use, of other transaction authority under sections 2371 and 2371b of title 10, United States Code, and assess the merits of modifying or expanding such authorities with respect to—

Assessment.

(A) the inclusion in such transactions for the Government and contractors to include force majeure provisions to deal with unforeseen circumstances in execution of the transaction;

(B) the determination of the traditional or nontraditional status of an entity based on the parent company or majority owner of the entity;

Determination.

(C) the determination of the traditional or nontraditional status of an entity based on the status of an entity as a qualified businesses wholly-owned through an Employee Stock Ownership Plan;

Determination.

(D) the ability of the Department of Defense to award agreements for prototypes with all of the costs of the prototype project provided by private sector partners of the participant to the transaction for such prototype project, to allow for expedited transition into follow-on production agreements for appropriate technologies;

(E) the ability of the Department of Defense to award agreements for procurement, including without the need for prototyping;

(F) the ability of the Department of Defense to award agreements for sustainment of capabilities, including without the need for prototyping;

(G) the ability of the Department of Defense to award agreements to support the organic industrial base;

(H) the ability of the Department of Defense to award agreements for prototyping of services or acquisition of services;

(I) the need for alternative authorities or policies to more effectively and efficiently execute agreements with private sector consortia;

(J) the ability of the Department of Defense to monitor and report on individual awards made under consortium-based other transactions; and

(K) other issues as identified by the Secretary.

(2) **QUALIFIED BUSINESSES WHOLLY-OWNED THROUGH AN EMPLOYEE STOCK OWNERSHIP PLAN DEFINED.**—The term “qualified businesses wholly-owned through an Employee Stock Ownership Plan” means an S corporation (as defined in section 1361(a)(1) of the Internal Revenue Code of 1986) for which 100 percent of the outstanding stock is held through an employee stock ownership plan (as defined in section 4975(e)(7) of the Internal Revenue Code).

(b) **ISSUES IDENTIFIED AND RECOMMENDATIONS FOR CHANGES TO POLICIES OR AUTHORITIES.**—In carrying out the review under paragraph (1) of subsection (a), with respect to each issue described in subparagraphs (A) through (K) of such paragraph, the Secretary of Defense shall—

(1) identify relevant issues and challenges with the use of the authority under section 2371 or 2371b of title 10, United States Code;

(2) discuss the advantages and disadvantages of modifying or expanding the authority under section 2371 or 2371b of title 10, United States Code, to address issues under paragraph (1);

(3) identify policy changes that will be made to address issues identified under paragraph (1);

(4) make recommendations to the congressional defense committees for new or modified statutory authorities to address issues identified under paragraph (1); and

(5) provide such other information as determined appropriate by the Secretary.

(c) **REPORT.**—Not later than December 31, 2022, the Secretary of Defense shall submit to the congressional defense committees a report describing activities undertaken pursuant to this section, as well as issues identified, policy changes proposed, justifications for such proposed policy changes, and recommendations for legislative changes.

Recommendations.

Recommendations.

SEC. 825. REPORTING REQUIREMENT FOR CERTAIN DEFENSE ACQUISITION ACTIVITIES.10 USC 4021
note.

(a) **PROCEDURES FOR IDENTIFYING CERTAIN ACQUISITION AGREEMENTS AND ACTIVITIES.**—The Secretary of Defense shall establish procedures to identify organizations performing on individual projects under the following types of awards:

(1) Other transaction agreements pursuant to the authorities under section 2371 and 2371b of title 10, United States Code.

(2) Individual task orders awarded under a task order contract (as defined in section 2304d of title 10, United States Code), including individual task orders issued to a federally funded research and development center.

(b) For initial agreements covered under subsection (a), the procedures required under subsection (a) shall include, but not be limited to—

(1) the participants to the transaction (other than the Federal Government);

(2) each business selected to perform work under the transaction by a participant to the transaction that is a consortium of private entities;

(3) the date on which each participant entered into the transaction;

(4) the amount of the transaction; and

(5) other related matters the Secretary deems appropriate.

(c) For follow-on contracts, agreements, or transactions covered under subsection (a), the procedures required under subsection (a) shall include, but not be limited to—

(1) identification of the initial covered contract or transaction and each subsequent follow-on contract or transaction;

(2) the awardee;

(3) the amount;

(4) the date awarded; and

(5) other related matters the Secretary deems appropriate.

(d) The Administrator of the General Services Administration shall update the Federal Procurement Data System (FPDS) within 180 days to collect the data required under this section.

Update.
Deadline.
Data.

(e) **REPORTING.**—Not later than one year after the date of the enactment of this Act, and not less than annually thereafter, the Secretary of Defense shall submit to the congressional defense committees a report on the use of agreements and activities described in subsection (a) and associated funding.

(f) **PUBLICATION OF INFORMATION.**—Not later than one year after the date of enactment of this Act, the Secretary of Defense shall establish procedures to collect information on individual agreements and activities described in this section and associated funding in an online, public, searchable database, unless the Secretary deems such disclosure inappropriate for individual agreements based on national security concerns.

Deadline.
Web posting.
Database.

Subtitle D—Provisions Relating to Software and Technology

SEC. 831. TECHNOLOGY PROTECTION FEATURES ACTIVITIES.

(a) IN GENERAL.—Section 2357 of title 10, United States Code, is amended—

(1) in subsection (b)—

(A) by inserting “(1)” before “Any”;

(B) by adding at the end the following new paragraph:

Costs. “(2) The Secretary may deem the portion of the costs of the contractor described in paragraph (1) with respect to a designated system as allowable independent research and development costs under the regulations issued under section 2372 of this title if—

“(A) the designated system receives Milestone B approval; and

Determination. “(B) the Secretary determines that doing so would further the purposes of this section.”; and

(2) in subsection (c)—

(A) by redesignating paragraph (2) as paragraph (4);

and

Definitions. (B) by inserting after paragraph (1) the following new paragraphs:

“(2) The term ‘independent research and development costs’ has the meaning given the term in section 31.205-18 of title 48, Code of Federal Regulations.

“(3) The term ‘Milestone B approval’ has the meaning given the term in section 2366(e)(7) of this title.”.

Deadline. (b) CONFORMING REGULATIONS.—Not later than 120 days after the date of the enactment of this Act, the Secretary of Defense shall revise the Department of Defense Supplement to the Federal Acquisition Regulation to conform with section 2357 of title 10, United States Code, as amended by subsection (a).

Revision.
10 USC 4067
note.

SEC. 832. MODIFICATION OF ENHANCED TRANSFER OF TECHNOLOGY DEVELOPED AT DEPARTMENT OF DEFENSE LABORATORIES.

Section 801(e) of the National Defense Authorization Act for Fiscal Year 2014 (10 U.S.C. 2514 note) is amended—

(1) by redesignating subsection (e) as subsection (f);

(2) by striking subsection (d) and inserting the following new subsections:

Plan. Analysis. “(d) DATA COLLECTION.—The Secretary of Defense shall develop and implement a plan to collect and analyze data on the use of authority under this section for the purposes of—

“(1) developing and sharing best practices; and

“(2) providing information to the Secretary of Defense and Congress on the use of authority under this section and related policy issues.

“(e) REPORT.—The Secretary of Defense shall submit a report to the congressional defense committees on the activities carried out under this section not later than December 31, 2025.”; and

(3) in subsection (f) (as so redesignated), by striking “December 31, 2021” and inserting “December 31, 2026”.

SEC. 833. PILOT PROGRAM ON ACQUISITION PRACTICES FOR EMERGING TECHNOLOGIES. 10 USC 4001 note.

(a) **IN GENERAL.**—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense, acting through the Under Secretary of Defense for Acquisition and Sustainment or the Under Secretary’s designee, shall establish a pilot program (in this section referred to as the “Pilot Program”) to develop and implement unique acquisition mechanisms for emerging technologies in order to increase the speed of transition of emerging technologies into acquisition programs or into operational use. Deadline.

(b) **ELEMENTS.**—In carrying out the Pilot Program, the Under Secretary of Defense for Acquisition and Sustainment shall—

(1) identify, and award agreements to, not less than four new projects supporting high-priority defense modernization activities, consistent with the National Defense Strategy, with consideration given to—

- (A) offensive missile capabilities;
- (B) space-based assets;
- (C) personnel and quality of life improvement;
- (D) energy generation and storage; and
- (E) any other area activities the Under Secretary determines appropriate;

(2) develop a unique acquisition plan for each project identified pursuant to paragraph (1) that is significantly novel from standard Department of Defense acquisition practices, including the use of— Acquisition plan.

- (A) alternative price evaluation models;
- (B) alternative independent cost estimation methodologies;

(C) alternative market research methods;

(D) continuous assessment of performance metrics to measure project value for use in program management and oversight; Assessment.

(E) alternative intellectual property strategies, including activities to support modular open system approaches (as defined in section 2446a(b) of title 10, United States Code) and reduce life-cycle and sustainment costs; and Strategies.

(F) other alternative practices identified by the Under Secretary;

(3) execute the acquisition plans described in paragraph (2) and award agreements in an expedited manner; and

(4) determine if existing authorities are sufficient to carry out the activities described in this subsection and, if not, submit to the congressional defense committees recommendations for statutory reforms that will provide sufficient authority. Determination. Recommendations.

(c) **REGULATION WAIVER.**—The Under Secretary of Defense for Acquisition and Sustainment shall establish mechanisms for the Under Secretary to waive, upon request, regulations, directives, or policies of the Department of Defense, a military service, or a Defense Agency with respect to a project awarded an agreement under the Pilot Program if the Under Secretary determines that such a waiver furthers the purposes of the Pilot Program, unless such waiver would be prohibited by a provision of a Federal statute or common law. Determination.

(d) **AGREEMENT TERMINATION.**—

	(1) IN GENERAL.—The Secretary of Defense may establish procedures to terminate agreements awarded under the Pilot Program.
Deadline.	(2) NOTIFICATION REQUIRED.—Any procedure established under paragraph (1) shall require that, not later than 30 days prior to the termination of any agreement under such procedure, notice of such termination shall be provided to the congressional defense committees.
Establishment.	(e) PILOT PROGRAM ADVISORY GROUP.— (1) IN GENERAL.—The Under Secretary of Defense for Acquisition and Sustainment shall establish a Pilot Program advisory group to advise the Under Secretary on— (A) the selection, management and elements of projects under the Pilot Program; (B) the collection of data regarding the use of the Pilot Program; and (C) the termination of agreements under the Pilot Program. (2) MEMBERSHIP.— (A) IN GENERAL.—The members of the advisory group established under paragraph (1) shall be appointed as follows: (i) One member from each military department (as defined under section 101(a) of title 10, United States Code), appointed by the Secretary of the military department concerned. (ii) One member appointed by the Under Secretary of Defense for Research and Engineering. (iii) One member appointed by the Under Secretary of Defense for Acquisition and Sustainment. (iv) One member appointed by the Director of the Strategic Capabilities Office of the Department of Defense. (v) One member appointed by the Director of the Defense Advanced Research Projects Agency. (vi) One member appointed by the Director of Cost Assessment and Program Evaluation. (vii) One member appointed by the Director of Operational Test and Evaluation. (B) DEADLINE FOR APPOINTMENT.—Members of the advisory group shall be appointed not later than 30 days after the date of the establishment of the pilot program under subsection (a). (3) FACA NON-APPLICABILITY.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the advisory group established under paragraph (1).
Appointments.	(f) INFORMATION TO CONGRESS.— (1) BRIEFING REQUIREMENT.—Not later than 180 days after the date of the enactment of this Act, and not less than annually thereafter, the Secretary of Defense shall provide to the congressional defense committees a briefing on activities performed under this section. (2) BUDGET JUSTIFICATION MATERIALS.—The Secretary shall establish procedures to clearly identify all projects under the Pilot Program in budget justification materials submitted to Congress.
Deadline.	(g) DATA REQUIREMENTS.—

(1) **COLLECTION AND ANALYSIS OF DATA.**—The Secretary shall establish mechanisms to collect and analyze data on the execution of the Pilot Program for the purpose of—

(A) developing and sharing best practices for achieving goals established for the Pilot Program;

(B) providing information to the Secretary and the congressional defense committees on the execution of the Pilot Program; and

(C) providing information to the Secretary and the congressional defense committees on related policy issues.

(2) **DATA STRATEGY REQUIRED.**—The Secretary may not establish the Pilot Program prior to completion of a plan for—

(A) meeting the requirements of this subsection;

(B) collecting the data required to carry out an evaluation of the lessons learned from the Pilot Program; and

(C) conducting such evaluation.

(h) **TERMINATION.**—The Pilot Program shall terminate on the earlier of—

(1) the date on which each project identified under subsection (b)(1) has either been completed or has had all agreements awarded to such project under the Pilot Program terminated; or

(2) the date that is five years after the date of the enactment of this Act.

Plan.

Evaluation.

Time period.

SEC. 834. PILOT PROGRAM TO ACCELERATE THE PROCUREMENT AND FIELDING OF INNOVATIVE TECHNOLOGIES.

10 USC 4061 note.

(a) **PILOT PROGRAM.**—Subject to availability of appropriations, the Secretary of Defense shall establish a competitive, merit-based pilot program to accelerate the procurement and fielding of innovative technologies by, with respect to such technologies—

(1) reducing acquisition or life-cycle costs;

(2) addressing technical risks;

(3) improving the timeliness and thoroughness of test and evaluation outcomes; and

(4) rapidly implementing such technologies to directly support defense missions.

(b) **GUIDELINES.**—Not later than one year after the date of the enactment of this Act, the Secretary shall issue guidelines for the operation of the pilot program established under this section. At a minimum such guidelines shall provide for the following:

Deadline.

(1) The issuance of one or more solicitations for proposals by the Department of Defense in support of the pilot program, with a priority established for technologies developed by small business concerns (as defined under section 3 of the Small Business Act (15 U.S.C. 632)) or nontraditional defense contractors (as defined under section 2302 of title 10, United States Code).

(2) A process for—

(A) the review of proposals received in response to a solicitation issued under paragraph (1) by the Secretary of Defense and by each Secretary of a military department;

(B) the merit-based selection of the most promising cost-effective proposals; and

(C) the procurement of goods or services offered by such a proposal through contracts, cooperative agreements,

Reviews.

other transaction authority, or by another appropriate process.

(c) **MAXIMUM AMOUNT.**—The total amount of funding provided for any proposal selected for an award under the pilot program established under this section shall not exceed \$50,000,000, unless the Secretary (or designee of the Secretary) approves a greater amount of funding.

(d) **DATA COLLECTION.**—

Effective date.

(1) **PLAN REQUIRED BEFORE IMPLEMENTATION.**—The Secretary of Defense may not provide funding under this section until the date on which the Secretary—

(A) completes a plan for carrying out the data collection required under paragraph (2); and

(B) submits the plan to the congressional defense committees.

Analysis.

(2) **DATA COLLECTION REQUIRED.**—The Secretary of Defense shall collect and analyze data on the pilot program established under this section for the purposes of—

(A) developing and sharing best practices for achieving the objectives of the pilot program;

(B) providing information on the implementation of the pilot program and related policy issues; and

(C) reporting to the congressional defense committees as required under subsection (e).

Time period.

(e) **BIANNUAL REPORTS.**—Not later than March 1 and September 1 of each year beginning after the date of the enactment of this Act until the termination of the pilot program established under this section, the Secretary of Defense shall submit to the congressional defense committees a report on the pilot program.

(f) **TERMINATION.**—The authority to carry out a pilot program under this section shall terminate on September 30, 2027.

SEC. 835. INDEPENDENT STUDY ON TECHNICAL DEBT IN SOFTWARE-INTENSIVE SYSTEMS.

Deadline.

(a) **STUDY REQUIRED.**—Not later than May 1, 2022, the Secretary of Defense shall enter into an agreement with a federally funded research and development center to study technical debt in software-intensive systems, as determined by the Under Secretary of Defense for Acquisition and Sustainment.

Analyses.
Recommendations.

(b) **STUDY ELEMENTS.**—The study required under subsection (a) shall include analyses and recommendations, including actionable and specific guidance and any recommendations for statutory or regulatory modifications, on the following:

(1) Qualitative and quantitative measures which can be used to identify a desired future state for software-intensive systems.

(2) Qualitative and quantitative measures that can be used to assess technical debt.

(3) Policies for data access to identify and assess technical debt and best practices for software-intensive systems to make such data appropriately available for use.

(4) Forms of technical debt which are suitable for objective or subjective analysis.

(5) Current practices of Department of Defense software-intensive systems to track and use data related to technical debt.

(6) Appropriate individuals or organizations that should be responsible for the identification and assessment of technical debt, including the organization responsible for independent assessments.

(7) Scenarios, frequency, or program phases during which technical debt should be assessed.

(8) Best practices to identify, assess, and monitor the accumulating costs technical debt.

Assessment.
Costs.

(9) Criteria to support decisions by appropriate officials on whether to incur, carry, or reduce technical debt.

Criteria.

(10) Practices for the Department of Defense to incrementally adopt to initiate practices for managing or reducing technical debt.

(c) ACCESS TO DATA AND RECORDS.—The Secretary of Defense shall ensure that the federally funded research and development center selected under subsection (a) has sufficient resources and access to technical data, individuals, organizations, and records necessary to complete the study required under this section.

(d) REPORT REQUIRED.—Not later than 18 months after entering the agreement described in subsection (a), the Secretary shall submit to the congressional defense committees a report on the study required under subsection (b), along with any additional information and views as desired in publicly releasable and unclassified forms. The Secretary may also include a classified annex to the study as necessary.

(e) BRIEFINGS REQUIRED.—

Deadlines.
Recommendations.

(1) INITIAL BRIEFING.—Not later than March 1, 2022, the Secretary of Defense shall provide a briefing to the congressional defense committees on activities undertaken and planned to conduct the study required by subsection (a), including any barriers to conducting such activities and the resources to be provided to conduct such activities.

(2) INTERIM BRIEFING REQUIRED.—Not later than 12 months after entering into the agreement under subsection (a), the Secretary of Defense shall provide a briefing to the congressional defense committees on interim analyses and recommendations described in subsection (b) including those that could require modifications to guidance, regulations, or statute.

Analyses.

(3) FINAL BRIEFING REQUIRED.—Not later than 60 days after the date on which the report required by subsection (d) is submitted, the Secretary of Defense shall brief the congressional defense committees on a plan and schedule for implementing the recommendations provided in the report.

Plan.
Schedule.

(f) TECHNICAL DEBT DEFINED.—In this section, the term “technical debt” means an element of design or implementation that is expedient in the short term, but that would result in a technical context that can make a future change costlier or impossible.

SEC. 836. CADRE OF SOFTWARE DEVELOPMENT AND ACQUISITION EXPERTS.

10 USC note
prec. 501.

(a) IN GENERAL.—Not later than January 1, 2023, the Secretary of Defense, acting through the Under Secretary of Defense for Acquisition and Sustainment, shall establish a cadre of personnel who are experts in software development, acquisition, and sustainment to improve the effectiveness of software development, acquisition, and sustainment programs or activities of the Department of Defense.

Deadline.

- (b) **STRUCTURE.**—The Under Secretary of Defense for Acquisition and Sustainment—
- (1) shall ensure the cadre has the appropriate number of members;
 - (2) shall establish an appropriate leadership structure and office within which the cadre shall be managed; and
 - (3) shall determine the appropriate officials to whom members of the cadre shall report.
- Determination.
- (c) **ASSIGNMENT.**—The Under Secretary of Defense for Acquisition and Sustainment shall establish processes to assign members of the cadre to provide—
- (1) expertise on matters relating to software development, acquisition, and sustainment; and
 - (2) support for appropriate programs or activities of the Department of Defense.
- (d) **ADMINISTRATION.**—
- (1) **IN GENERAL.**—The Under Secretary of Defense for Acquisition and Sustainment, in coordination with the President of the Defense Acquisition University and in consultation with academia and industry, shall develop a career path, including development opportunities, exchanges, talent management programs, and training, for the cadre. The Under Secretary may use existing personnel and acquisition authorities to establish the cadre, as appropriate, including—
 - (A) section 9903 of title 5, United States Code;
 - (B) authorities relating to services contracting;
 - (C) the Intergovernmental Personnel Act of 1970 (42 U.S.C. 4701 et seq.); and
 - (D) authorities relating to exchange programs with industry.
 - (2) **ASSIGNMENTS.**—Civilian personnel from within the Office of the Secretary of Defense, Joint Staff, military departments, Defense Agencies, and combatant commands may be assigned to serve as members of the cadre.
 - (3) **PREFERENCE.**—In establishing the cadre, the Under Secretary shall give preference to civilian employees of the Department of Defense.
- Coordination.
Consultation.
- (e) **SUPPORT OF MEMBERS OF THE ARMED FORCES.**—The Under Secretary of Defense for Acquisition and Sustainment shall continue to support efforts of the Secretaries concerned to place members of the Armed Forces in software development, acquisition, and sustainment positions and develop software competence in members of the Armed Forces, including those members with significant technical skill sets and experience but who lack formal education, training, or a technology-focused military occupation specialty.
- Time period.
- (f) **FUNDING.**—The Under Secretary of Defense for Acquisition and Sustainment is authorized to use amounts in the Defense Acquisition Workforce Development Account (established under section 1705 of title 10, United States Code) for the purpose of recruitment, training, and retention of members of the cadre, including by using such amounts to pay salaries of newly hired members of the cadre for up to three years.
- (g) **COMPLIANCE.**—In carrying out this section, the Under Secretary of Defense for Acquisition and Sustainment shall ensure compliance with applicable total force management policies, requirements, and restrictions provided in sections 129a, 2329, and 2461 of title 10, United States Code.

Subtitle E—Provisions Relating to Supply Chain Security

SEC. 841. MODERNIZATION OF ACQUISITION PROCESSES TO ENSURE INTEGRITY OF INDUSTRIAL BASE.

Section 2509 of title 10, United States Code is amended—

(1) in subsection (a)—

(A) by striking “existing”; and

(B) by striking “across the acquisition process” and all that follows through “in the Department”;

(2) by striking subsections (f) and (g);

(3) by redesignating subsections (b) through (e) as subsections (c) through (f), respectively;

(4) by inserting after subsection (a) the following new subsection:

“(b) **OBJECTIVE.**—The objective of subsection (a) shall be to employ digital tools, technologies, and approaches to ensure the accessibility of relevant defense industrial base data to key decision-makers in the Department.”;

(5) in subsection (c), as so redesignated—

(A) in paragraph (1), by adding “in implementing subsections (a) and (b)” before the period at the end; and

(B) in paragraph (2)—

(i) in subparagraph (A)(viii), by inserting “by the Secretary of Defense” before the period at the end; and

(ii) in subparagraph (B)—

(I) in the text preceding clause (i), by striking “constitute” and inserting “constitutes or may constitute”; and

(II) in clause (vii), by inserting “by the Secretary of Defense” before the period at the end;

(6) in subsection (d)(11), as so redesignated, by adding “as deemed appropriate by the Secretary” before the period at the end; and

(7) in subsection (e), as so redesignated—

(A) in paragraph (1)—

(i) in subparagraph (A), by striking “timely”; and

(ii) in subparagraph (B)—

(I) by striking clause (ii) and inserting the following new clause:

“(ii) A description of modern data infrastructure, tools, and applications and an assessment of the extent to which new capabilities would improve the effectiveness and efficiency of mitigating the risks described in subsection (c)(2).”; and

(II) in clause (iii), by inserting “, including the following” after “provides data”; and

(B) by striking paragraph (2) and inserting the following new paragraph:

“(2)(A) Based on the findings pursuant to paragraph (1), the Secretary of Defense shall develop a unified set of activities to modernize the systems of record, data sources and collection methods, and data exposure mechanisms. The unified set of activities should include—

“(i) the ability to continuously collect data on, assess, and mitigate risks;

Assessment.

Records.
Data.

Assessment.

“(ii) data analytics and business intelligence tools and methods; and

“(iii) continuous development and continuous delivery of secure software to implement the activities.

Risk assessments. “(B) In connection with the assessments described in this section, the Secretary shall develop capabilities to map supply chains and to assess risks to the supply chain for major end items by business sector, vendor, program, part, and other metrics as determined by the Secretary.”.

SEC. 842. MODIFICATION TO ANALYSES OF CERTAIN ACTIVITIES FOR ACTION TO ADDRESS SOURCING AND INDUSTRIAL CAPACITY.

Section 849 of the William M. (Mac) Thornberry National Defense Authorization Act for Fiscal Year 2021 (Public Law 116–283) is amended—

10 USC 4811 note.

(1) in subsection (b)—

(A) in paragraph (1), by striking “Not later than January 15, 2022,” and inserting “With respect to items listed in paragraphs (1) through (13) of subsection (c), not later than January 15, 2022, and with respect to items listed in paragraphs (14) through (19) of such subsection, not later than January 15, 2023,”; and

(B) in paragraph (2)—

(i) by striking “The Secretary of Defense” and inserting “With respect to items listed in paragraphs (1) through (13) of subsection (c), during the 2022 calendar year, and with respect to items listed in paragraphs (14) through (19) of such subsection, during the 2023 calendar year”; and

(ii) by striking “submitted during the 2022 calendar year”; and

(2) in subsection (c), by adding at the end the following new paragraphs:

“(14) Beef products.

“(15) Molybdenum and molybdenum alloys.

“(16) Optical transmission equipment, including optical fiber and cable equipment.

“(17) Armor on tactical ground vehicles.

“(18) Graphite processing.

“(19) Advanced AC–DC power converters.”.

10 USC note prec. 3344.

SEC. 843. ASSURING INTEGRITY OF OVERSEAS FUEL SUPPLIES.

(a) IN GENERAL.—Before awarding a contract to an offeror for the supply of fuel for any overseas contingency operation, the Secretary of Defense shall—

(1) ensure, to the maximum extent practicable, that no otherwise responsible offeror is disqualified for such award on the basis of an unsupported denial of access to a facility or equipment by the host nation government; and

(2) require assurances that the offeror will comply with the requirements of subsections (b) and (c).

Requirement. Compliance.

(b) REQUIREMENT.—An offeror for the supply of fuel for any overseas contingency operation shall—

Certification.

(1) certify that the provided fuel, in whole or in part, or derivatives of such fuel, is not sourced from a nation or region prohibited from selling petroleum to the United States; and

(2) furnish such records as are necessary to verify compliance with such anticorruption statutes and regulations as the Secretary determines necessary, including—

Records.
Verification.
Compliance.
Determination.

(A) the Foreign Corrupt Practices Act (15 U.S.C. 78dd–1 et seq.);

(B) the regulations contained in parts 120 through 130 of title 22, Code of Federal Regulations, or successor regulations (commonly known as the “International Traffic in Arms Regulations”);

(C) the regulations contained in parts 730 through 774 of title 15, Code of Federal Regulations, or successor regulations (commonly known as the “Export Administration Regulations”); and

(D) such regulations as may be promulgated by the Office of Foreign Assets Control of the Department of the Treasury.

(c) **APPLICABILITY.**—Subsections (a) and (b) of this section shall apply with respect to contracts entered into on or after the date of the enactment of this Act.

Effective date.

(d) **CONSIDERATION OF TRADEOFF PROCESSES.**—If the Secretary of Defense awards a contract for fuel procurement for an overseas contingency operation, the contracting officer for such contract shall consider tradeoff processes (as described in subpart 15 of the Federal Acquisition Regulation, or any successor regulation), including consideration of past performance evaluation, cost, anticorruption training, and compliance. With respect to any such contract awarded for which the contracting officer does not consider tradeoff processes, the contracting officer shall, before issuing a solicitation for such contract, submit to the Secretary a written justification for not considering tradeoff processes in awarding such contract.

SEC. 844. ASSESSMENT OF REQUIREMENTS FOR CERTAIN ITEMS TO ADDRESS SUPPLY CHAIN VULNERABILITIES.

10 USC 4811
note.

(a) **DEFINITIONS.**—In this section, the term “dual-use” has the meaning given in section 2500 of title 10, United States Code.

(b) **ASSESSMENT.**—The Secretary of Defense shall assess the requirements of the Department of Defense for dual-use items covered by section 2533a of title 10, United States Code.

(c) **POLICIES.**—The Secretary of Defense shall develop or revise and implement relevant policies to track and reduce fluctuations in supply chain forecasting and encourage predictable demand requirements for annual procurements of such dual-use items by the Office the Secretary of Defense, each military department, and the Defense Logistics Agency.

(d) **REPORT AND BRIEFINGS.**—

(1) **ASSESSMENT REPORT.**—

(A) **IN GENERAL.**—Not later than December 31, 2022, the Secretary of Defense shall submit to the congressional defense committees a report on the findings of the assessment conducted under subsection (b).

(B) **FORM.**—The report required by subparagraph (A) shall be submitted in an unclassified form, but may include a classified annex to the extent required to protect the national security of the United States.

(2) **QUARTERLY BRIEFINGS.**—

(A) **IN GENERAL.**—Not later than March 1, 2023, and quarterly thereafter until March 1, 2026, each Secretary

Deadline.
Termination
date.

of a military department and the Director of the Defense Logistics Agency shall brief the Under Secretary of Defense for Acquisition and Sustainment on the fluctuations in supply chain forecasting and demand requirements for each dual-use item covered by section 2533a of title 10, United States Code.

(B) DOCUMENTATION.—Each briefing under subparagraph (A) shall be accompanied by documentation regarding the particular points of discussion for that briefing, including the fluctuations described in such subparagraph, expressed as a percentage.

30 USC 1606
note.

SEC. 845. DEPARTMENT OF DEFENSE RESEARCH AND DEVELOPMENT PRIORITIES.

The Secretary of Defense shall cooperate with the Secretary of Energy to ensure that the priorities of the Department of Defense with respect to the research and development of alternative technologies to, and methods for the extraction, processing, and recycling of, critical minerals (as defined in section 2(b) of the National Materials and Minerals Policy, Research, and Development Act of 1980 (30 U.S.C. 1601(b))) are considered and included where feasible in the associated research and development activities funded by the Secretary of Energy pursuant to the program established under paragraph (g) of section 7002 of division Z of the Consolidated Appropriations Act, 2021 (Public Law 116–260).

SEC. 846. REPORT ON THE MANUFACTURING ENGINEERING EDUCATION PROGRAM.

Coordination.

(a) REPORT REQUIRED.—Not later than March 1, 2023, the Under Secretary of Defense for Acquisition and Sustainment, in coordination with the Under Secretary of Defense for Research and Engineering, shall submit to the congressional defense committees a report on the Manufacturing Engineering Education Program established under section 2196 of title 10, United States Code (referred to in this section as the “Program”).

(b) ELEMENTS.—The report required under subsection (a) shall include the following elements for the Program:

Summary.
Grants.

(1) A summary of activities conducted, and grants or awards made, during the previous fiscal year.

(2) The extent to which the Program can be modified to improve collaboration among institutions of higher education, career and technical education programs, workforce development boards, labor organizations, and organizations representing defense industrial base contractors to focus on career pathways for individuals seeking careers in manufacturing.

Assessment.
Costs.

(3) An assessment of the benefits and costs of enhancing or expanding the Program to include individuals attending secondary schools and career and technical education programs not considered institutions of higher education.

Recommendations.

(4) Recommendations for legislative changes or other incentives that could improve career pathways for individuals seeking careers in manufacturing, particularly in support of the defense industrial base.

(5) Other related matters the Secretary deems appropriate.

(c) DEFINITIONS.—In this section:

(1) The term “career and technical education” has the meaning given such term in section 3 of the Carl D. Perkins Career and Technical Education Act of 2006 (20 U.S.C. 2302).

(2) The term “defense industrial base contractor” means a prime contractor or subcontractor (at any tier) in the defense industrial base.

(3) The term “institution of higher education” has the meaning given such term in section 1001 of title 20, United States Code.

(4) The term “labor organization” has the meaning given such term in section 2 of the National Labor Relations Act (29 U.S.C. 152).

(5) The term “workforce development board” means a State board or a local board, as such terms are defined in section 3 of the Workforce Innovation and Opportunity Act (29 U.S.C. 3102).

SEC. 847. PLAN AND REPORT ON REDUCTION OF RELIANCE ON SERVICES, SUPPLIES, OR MATERIALS FROM COVERED COUNTRIES.

10 USC 4811
note.

(a) **PLAN.**—The Secretary of Defense, in consultation with the Secretary of State, shall develop and implement a plan to—

Consultation.

(1) reduce the reliance of the United States on services, supplies, or materials obtained from sources located in geographic areas controlled by covered countries; and

(2) mitigate the risks to national security and the defense supply chain arising from the reliance of the United States on such sources for services, supplies, or materials to meet critical defense requirements.

(b) **REPORT.**—Not later than two years after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report describing the plan required under subsection (a).

(c) **COVERED COUNTRY DEFINED.**—In this section, the term “covered country” means North Korea, China, Russia, and Iran.

SEC. 848. PROHIBITION ON CERTAIN PROCUREMENTS FROM THE XINJIANG UYGHUR AUTONOMOUS REGION.

China.
10 USC note
prec. 4651.

(a) **PROHIBITION ON THE AVAILABILITY OF FUNDS FOR CERTAIN PROCUREMENTS FROM XUAR.**—None of the funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2022 for the Department of Defense may be obligated or expended to knowingly procure any products mined, produced, or manufactured wholly or in part by forced labor from XUAR or from an entity that has used labor from within or transferred from XUAR as part of a “poverty alleviation” or “pairing assistance” program.

(b) **RULEMAKING.**—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall issue rules to require a certification from offerors for contracts with the Department of Defense stating the offeror has made a good faith effort to determine that forced labor from XUAR, as described in subsection (a), was not or will not be used in the performance of such contract.

Deadline.
Certification.

(c) **DEFINITIONS.**—In this section:

(1) The term “forced labor” means all work or service which is exacted from any person under the menace of any penalty for its nonperformance and for which the worker does not offer himself voluntarily.

(2) The term “person” means—

(A) a natural person, corporation, company, business association, partnership, society, trust, or any other non-governmental entity, organization, or group; or

(B) any successor, subunit, parent entity, or subsidiary of, or any entity under common ownership or control with, any entity described in subparagraph (A).

(3) The term “XUAR” means the Xinjiang Uyghur Autonomous Region of the People’s Republic of China.

Subtitle F—Industrial Base Matters

SEC. 851. MODIFICATIONS TO PRINTED CIRCUIT BOARD ACQUISITION RESTRICTIONS.

(a) IN GENERAL.—Section 2533d of title 10, United States Code, is amended—

(1) in subsection (a)—

(A) in paragraph (1), by striking “January 1, 2023” and inserting “the date determined under paragraph (3)”; and

(B) by adding at the end the following new paragraph: “(3) Paragraph (1) shall take effect on January 1, 2027.”;

(2) in subsection (c)—

(A) in paragraph (2)—

(i) in the matter preceding subparagraph (A), by inserting “specified type of” after “means any”;

(ii) in subparagraph (A), by striking “(as such terms are defined under sections 103 and 103a of title 41, respectively)”;

(iii) by amending subparagraph (B) to read as follows:

“(B) is a component of—

“(i) a defense security system; or

“(ii) a system, other than a defense security system, that transmits or stores information and which the Secretary identifies as national security sensitive in the contract under which such printed circuit board is acquired.”; and

(B) by adding at the end the following new paragraphs:

“(4) COMMERCIAL PRODUCT; COMMERCIAL SERVICE; COMMERCIALLY AVAILABLE OFF-THE SHELF ITEM.—The terms ‘commercial product’, ‘commercial service’, and ‘commercially available off-the-shelf item’ have the meanings given such terms in sections 103, 103a, and 104 of title 41, respectively.

“(5) DEFENSE SECURITY SYSTEM.—

“(A) The term ‘defense security system’ means an information system (including a telecommunications system) used or operated by the Department of Defense, by a contractor of the Department, or by another organization on behalf of the Department, the function, operation, or use of which—

“(i) involves command and control of an armed force;

“(ii) involves equipment that is an integral part of a weapon or weapon system; or

“(iii) subject to subparagraph (B), is critical to the direct fulfillment of military missions.

Definitions.

“(B) Subparagraph (A)(iii) does not include a system that is to be used for routine administrative and business applications (including payroll, finance, logistics, and personnel management applications).

“(6) SPECIFIED TYPE.—The term ‘specified type’ means a printed circuit board that is—

“(A) a component of an electronic device that facilitates the routing, connecting, transmitting or securing of data and is commonly connected to a network, and

“(B) any other end item, good, or product specified by the Secretary in accordance with subsection (d)(2).”; and

(3) by amending subsection (d) to read as follows:

“(d) RULEMAKING.—

“(1) The Secretary may issue rules providing that subsection (a) may not apply with respect to an acquisition of commercial products, commercial services, and commercially available off-the-shelf items if—

“(A) the contractor is capable of meeting minimum requirements that the Secretary deems necessary to provide for the security of national security networks and weapon systems; including, at a minimum, compliance with section 224 of the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116–92; 10 U.S.C. 2302 note); and

“(B) either—

“(i) the Government and the contractor have agreed to a contract requiring the contractor to take certain actions to ensure the integrity and security of the item, including protecting the item from unauthorized access, use, disclosure, disruption, modification, or destruction; or

“(ii) the Secretary has determined that the contractor has adopted such procedures, tools, and methods for identifying the sources of components of such item, based on commercial best practices, that meet or exceed the applicable trusted supply chain and operational security standards of the Department of Defense.

“(2) The Secretary may issue rules specifying end items, goods, and products for which a printed circuit board that is a component thereof shall be a specified type if the Secretary has promulgated final regulations, after an opportunity for notice and comment that is not less than 12 months, implementing this section.

Time period.

“(3) In carrying out this section, the Secretary shall, to the maximum extent practicable, avoid imposing contractual certification requirements with respect to the acquisition of commercial products, commercial services, or commercially available off-the-shelf items.”.

(b) MODIFICATION OF INDEPENDENT ASSESSMENT OF PRINTED CIRCUIT BOARDS.—Section 841(d) of the William M. (Mac) Thornberry National Defense Authorization Act for Fiscal Year 2021 (Public Law 116–283) is amended—

134 Stat. 3764.

(1) in paragraph (1)—

(A) by striking “the date of enactment of this Act” and inserting “the date of the enactment of the National Defense Authorization Act for Fiscal Year 2022”;

(B) by striking “shall seek to enter” and inserting “shall enter”;

(C) by striking “to include printed circuit boards in commercial products or services, or in” and inserting “to include printed circuit boards in other commercial or”; and

(D) by striking “the scope of mission critical” and all that follows through the period at the end and inserting “types of systems, other than defense security systems (as defined in section 2533d(c) of title 10, United States Code), that should be subject to the prohibition in section 2533d(a) of title 10, United States Code.”;

(2) in the heading for paragraph (2), by striking “DEPARTMENT OF DEFENSE” and inserting “DEPARTMENT OF DEFENSE”;

(3) in paragraph (2), by striking “one year after entering into the contract described in paragraph (1)” and inserting “January 1, 2023”;

(4) in the heading for paragraph (3), by striking “CONGRESS” and inserting “CONGRESS”; and

(5) in paragraph (3), by inserting after “the recommendations of the report.” the following: “The Secretary shall use the report to determine whether any systems, other than defense security systems (as defined in section 2533d(c) of title 10, United States Code), or other types of printed circuit boards should be subject to the prohibition in section 2533d(a) of title 10, United States Code.”.

Determination.

SEC. 852. MODIFICATION OF PILOT PROGRAM FOR DEVELOPMENT OF TECHNOLOGY-ENHANCED CAPABILITIES WITH PARTNERSHIP INTERMEDIARIES.

Section 851 of the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116–92; 133 Stat. 1510; 10 U.S.C. 2283 note) is amended to read as follows:

“SEC. 851. PILOT PROGRAM FOR DEVELOPMENT OF TECHNOLOGY-ENHANCED CAPABILITIES WITH PARTNERSHIP INTERMEDIARIES.

“(a) **ESTABLISHMENT.**—The Secretary of Defense may authorize the Commander of the United States Special Operations Command to use funds described in subsection (b) for a pilot program under which the Commander shall make, through the use of a partnership intermediary, covered awards to small business concerns to develop technology-enhanced capabilities for special operations forces.

“(b) **FUNDS.**—

“(1) **IN GENERAL.**—The funds described in this subsection are funds transferred to the Commander of the United States Special Operations Command to carry out the pilot program established under this section from funds available to be expended by each covered entity pursuant to section 9(f) of the Small Business Act (15 U.S.C. 638(f)).

“(2) **LIMITATIONS.**—

“(A) **FISCAL YEAR.**—A covered entity may not transfer to the Commander an amount greater than 10 percent of the funds available to be expended by such covered entity pursuant to such section 9(f) for a fiscal year.

“(B) AGGREGATE AMOUNT.—The aggregate amount of funds to be transferred to the Commander may not exceed \$20,000,000.

“(c) PARTNERSHIP INTERMEDIARIES.—

“(1) AUTHORIZATION.—The Commander may modify an existing agreement with a partnership intermediary to assist the Commander in carrying out the pilot program under this section, including with respect to the award of contracts and agreements to small business concerns.

“(2) LIMITATION.—None of the funds described in subsection (b) may be used to pay a partnership intermediary for any costs associated with the pilot program.

“(3) DATA.—With respect to a covered award made under this section, the Commander shall gather data on the role of the partnership intermediary to include the—

“(A) staffing structure;

“(B) funding sources; and

“(C) methods for identifying and evaluating small business concerns eligible for a covered award.

“(d) REPORT.—

“(1) ANNUAL REPORT.—Not later than October 1 of each year until October 1, 2026, the Commander of the United States Special Operations Command, in coordination with the Under Secretary of Defense for Research and Engineering, shall submit to the congressional defense committees, the Committee on Small Business of the House of Representatives, and the Committee on Small Business and Entrepreneurship of the Senate a report including—

Coordination.

“(A) a description of each agreement with a partnership intermediary entered into pursuant to this section;

“(B) for each covered award made under this section—

“(i) a description of the role served by the partnership intermediary;

“(ii) the amount of funds obligated;

“(iii) an identification of the small business concern that received such covered award;

“(iv) a description of the use of such covered award;

“(v) a description of the role served by the program manager (as defined in section 1737 of title 10, United States Code) of the covered entity with respect to the small business concern that received such covered award, including a description of interactions and the process of the program manager in producing a past performance evaluation of such concern; and

“(vi) the benefits achieved as a result of the use of a partnership intermediary for the pilot program established under this section as compared to previous efforts of the Commander to increase participation by small business concerns in the development of technology-enhanced capabilities for special operations forces; and

“(C) a plan detailing how each covered entity will apply lessons learned from the pilot program to improve processes for directly working with and supporting small business concerns to develop technology-enhanced capabilities for special operations forces.

Plan.

Recommendations.

“(2) FINAL REPORT.—The final report required under this subsection shall include, along with the requirements of paragraph (1), a recommendation regarding—

“(A) whether and for how long the pilot program established under this section should be extended; and

“(B) whether to increase funding for the pilot program, including a justification for such an increase.

“(e) TERMINATION.—The authority to carry out a pilot program under this section shall terminate on September 30, 2025.

“(f) DEFINITIONS.—In this section:

“(1) The term ‘covered award’ means an award made under the Small Business Innovation Research Program.

“(2) The term ‘covered entity’ means—

“(A) the Army;

“(B) the Navy;

“(C) the Air Force;

“(D) the Marine Corps;

“(E) the Space Force; and

“(F) any element of the Department of Defense that makes awards under the Small Business Innovation Research Program.

“(3) The term ‘partnership intermediary’ has the meaning given the term in section 23(c) of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3715(c)).

“(4) The term ‘small business concern’ has the meaning given the term under section 3 of the Small Business Act (15 U.S.C. 632).

“(5) The term ‘Small Business Innovation Research Program’ has the meaning given the term in section 9(e) of the Small Business Act (15 U.S.C. 638(e)).

“(6) The term ‘technology-enhanced capability’ means a product, concept, or process that improves the ability of a member of the Armed Forces to achieve an assigned mission.”.

SEC. 853. ADDITIONAL TESTING OF COMMERCIAL E-COMMERCE PORTAL MODELS.

Section 846(c) of the National Defense Authorization Act for Fiscal Year 2018 (41 U.S.C. 1901 note) is amended by adding at the end the following new paragraphs:

Deadline.

“(5) ADDITIONAL TESTING.—Not later than 180 days after the date of the enactment of this paragraph, the Administrator shall—

“(A) begin testing commercial e-commerce portal models (other than any such model selected for the initial proof of concept) identified pursuant to paragraph (2); and

Reports.

“(B) submit to the congressional defense committees, the Committee on Oversight and Reform of the House of Representatives, and the Committee on Homeland Security and Governmental Affairs of the Senate a report that includes—

Summary.
Assessments.

“(i) a summary of the assessments conducted under paragraph (2) with respect to a commercial e-commerce portal model identified pursuant to such paragraph;

List.

“(ii) a list of the types of commercial products that could be procured using models tested pursuant to subparagraph (A);

“(iii) an estimate of the amount that could be spent by the head of a department or agency under the program, disaggregated by type of commercial e-commerce portal model; and

Estimate.

“(iv) an update on the models tested pursuant to subparagraph (A) and a timeline for completion of such testing.

Update.

“(6) REPORT.—Upon completion of testing conducted under paragraph (5) and before taking any action with respect to the commercial e-commerce portal models tested, the Administrator of General Services shall submit to the congressional defense committees, the Committee on Oversight and Reform of the House of Representatives, and the Committee on Homeland Security and Governmental Affairs of the Senate, a report on the results of such testing that includes—

“(A) an assessment and comparison of commercial e-commerce portal models with respect to—

Assessment.

“(i) price and quality of the commercial products supplied by each commercial e-commerce portal model;

“(ii) supplier reliability and service;

“(iii) safeguards for the security of Government information and third-party supplier proprietary information;

“(iv) protections against counterfeit commercial products;

“(v) supply chain risks, particularly with respect to complex commercial products; and

“(vi) overall adherence to Federal procurement rules and policies; and

“(B) an analysis of the costs and benefits of the convenience to the Federal Government of procuring commercial products from each such commercial e-commerce portal model.”.

Analysis.

SEC. 854. REQUIREMENT FOR INDUSTRY DAYS AND REQUESTS FOR INFORMATION TO BE OPEN TO ALLIED DEFENSE CONTRACTORS.

10 USC 4811
note.

(a) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, each service acquisition executive shall implement a requirement that industry days and requests for information regarding acquisition programs and research and development efforts of the Department of Defense shall, to the maximum extent practicable, be open to defense contractors of the national technology and industrial base, including when such contractors are acting as subcontractors in partnership with a United States contractor, provided such access is granted only if the Secretary of Defense or the relevant Secretary concerned determines that there is reciprocal access for United States companies to equivalent information related to contracting opportunities in the associated country that is part of the national technology and industrial base.

Deadline.
Determination.

(b) DEFINITIONS.—In this section:

(1) NATIONAL TECHNOLOGY AND INDUSTRIAL BASE.—The term “national technology and industrial base” has the meaning given the term in section 2500 of title 10, United States Code.

(2) SECRETARY CONCERNED; SERVICE ACQUISITION EXECUTIVE.—The terms “Secretary concerned” and “service acquisition

executive” have the meanings given such terms in section 101(a) of title 10, United States Code.

Contracts.
10 USC note
prec. 4651.

SEC. 855. EMPLOYMENT TRANSPARENCY REGARDING INDIVIDUALS WHO PERFORM WORK IN THE PEOPLE’S REPUBLIC OF CHINA.

(a) DISCLOSURE REQUIREMENTS.—

Determination.

(1) INITIAL DISCLOSURES.—The Secretary of Defense shall require each covered entity to disclose to the Secretary of Defense if the entity employs one or more individuals who will perform work in the People’s Republic of China on a covered contract when the entity submits a bid or proposal for such covered contract, except that such disclosure shall not be required to the extent that the Secretary determines that such disclosure would not be in the interest of national security.

Time period.

(2) RECURRING DISCLOSURES.—For each of fiscal years 2023 and 2024, the Secretary of Defense shall require each covered entity that is a party to one or more covered contracts in the fiscal year to disclose to the Secretary if the entity employs one or more individuals who perform work in the People’s Republic of China on any such contract.

(3) MATTERS TO BE INCLUDED.—If a covered entity required to make a disclosure under paragraph (1) or (2) employs any individual who will perform work in the People’s Republic of China on a covered contract, such disclosure shall include—

(A) the total number of such individuals who will perform work in the People’s Republic of China on the covered contracts funded by the Department of Defense; and

(B) a description of the physical presence in the People’s Republic of China where work on the covered contract will be performed.

(b) FUNDING FOR COVERED ENTITIES.—The Secretary of Defense may not award a covered contract to, or renew a covered contract with, a covered entity unless such covered entity has submitted each disclosure such covered entity is required to submit under subsection (a).

Effective date.
Summaries.

(c) SEMI-ANNUAL BRIEFING.—Beginning on January 1, 2023, the Secretary of Defense shall provide to the congressional defense committees semi-annual briefings that summarize the disclosures received by the Department over the previous 180 days pursuant to this section, and such briefings may be classified.

(d) DEFINITIONS.—In this section:

(1) COVERED CONTRACT.—The term “covered contract” means any Department of Defense contract or subcontract with a value in excess of \$5,000,000, excluding contracts for commercial products or services.

(2) COVERED ENTITY.—The term “covered entity” means any corporation, company, limited liability company, limited partnership, business trust, business association, or other similar entity, including any subsidiary thereof, performing work on a covered contract in the People’s Republic of China, including by leasing or owning real property used in the performance of the covered contract in the People’s Republic of China.

(e) EFFECTIVE DATE.—This section shall take effect on July 1, 2022.

SEC. 856. BRIEFING ON COMPLIANCE WITH CONTRACTOR LOBBYING RESTRICTIONS.

(a) **BRIEFING REQUIRED.**—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall provide the congressional defense committees with a briefing on the progress of the Department in ensuring compliance with the requirements of section 1045 of the National Defense Authorization Act for Fiscal Year 2018 (10 U.S.C. 971 note prec; Public Law 115-91; 131 Stat. 155). Deadline.

(b) **ELEMENTS.**—The briefing required in paragraph (a) shall include—

(1) the number, title, and status of any open Defense Federal Acquisition Regulation Supplement case relating to such section;

(2) the timeline for closing any such Defense Federal Acquisition Regulation Supplement case; and Timeline.

(3) other related matters the Secretary deems appropriate.

SEC. 857. CONGRESSIONAL OVERSIGHT OF PERSONNEL AND CONTRACTS OF PRIVATE SECURITY CONTRACTORS.

(a) **REPORT ON ACTIONS TAKEN TO IMPLEMENT GOVERNMENT ACCOUNTABILITY OFFICE RECOMMENDATIONS.**—Not later than October 1, 2022, the Secretary of Defense, in consultation with each Secretary of a military department (as defined in section 101 of title 10, United States Code), shall submit to the congressional defense committees a report on the efforts and plans of the Department of Defense to implement the recommendations contained in the report of the Government Accountability Office titled “Private Security Contractors: DOD Needs to Better Identify and Monitor Personnel and Contracts” (GAO–21–255), dated July 29, 2021. Consultation.
Reports.
Recommendations.

(b) **CONTENTS.**—The report required by subsection (a) shall include—

(1) a summary of the actions planned or taken by the Secretary of Defense to implement the recommendations in the report of the Government Accountability Office described in such subsection; and Summary.

(2) a schedule for completing the implementation of each such recommendation, including specific milestones for such implementation. Schedule.

(c) **FORM.**—The report required by subsection (a) shall be submitted in unclassified form but may include a classified annex.

Subtitle G—Small Business Matters

SEC. 861. EXEMPTION OF CERTAIN CONTRACTS FROM THE PERIODIC INFLATION ADJUSTMENTS TO THE ACQUISITION-RELATED DOLLAR THRESHOLD.

(a) **IN GENERAL.**—Section 1908(b)(2) of title 41, United States Code, is amended—

(1) in subparagraph (B), by striking “or” at the end;

(2) in subparagraph (C), by striking the period at the end and inserting “; or”; and

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

“(D) in sections 3131 through 3134 of title 40, except any modification of any such dollar threshold made by

regulation in effect on the date of the enactment of this subparagraph shall remain in effect.”.

(b) TECHNICAL AMENDMENT.—Section 1908(d) of such title is amended by striking the period at the end.

SEC. 862. MODIFICATION TO THE PILOT PROGRAM FOR STREAMLINING AWARDS FOR INNOVATIVE TECHNOLOGY PROJECTS.

(a) EXTENSION.—Subsection (f) of section 873 of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114–92; 10 U.S.C. 2306a note) is amended by striking “October 1, 2022” and inserting “October 1, 2024”.

Plan.
10 USC 3702
note.

(b) DATA COLLECTION.—The Secretary of Defense shall develop and implement a plan to collect and analyze data on the use of authority under such section 873 for the purposes of—

(1) developing and sharing best practices; and

(2) providing information to the Secretary of Defense and Congress on the use of authority under such section 873 and related policy issues.

Deadline.

(c) RECOMMENDATION ON EXTENSION.—Not later than April 1, 2023, the Secretary of Defense shall submit to the congressional defense committees a recommendation regarding a further extension of the pilot program for streamlining awards for innovative technology projects established under such section 873, and if applicable, the duration of any such extension.

SEC. 863. PROTESTS AND APPEALS RELATING TO ELIGIBILITY OF BUSINESS CONCERNS.

Section 5(i) of the Small Business Act (15 U.S.C. 634(i)) is amended—

(1) by redesignating paragraph (4) as paragraph (5); and

(2) by inserting after paragraph (3) the following new paragraph:

Deadlines.
Update.

“(4) DETERMINATIONS REGARDING STATUS OF CONCERNS.—

“(A) IN GENERAL.—Not later than 2 days after the date on which a final determination that a business concern does not meet the requirements of the status such concern claims to hold is made, such concern or the Administrator, as applicable, shall update the status of such concern in the System for Award Management (or any successor system).

“(B) ADMINISTRATOR UPDATES.—If such concern fails to update the status of such concern as described in subparagraph (A), not later than 2 days after such failure the Administrator shall make such update.

“(C) NOTIFICATION.—A concern required to make an update described under subparagraph (A) shall notify a contracting officer for each contract with respect to which such concern has an offer or bid pending of the determination made under subparagraph (A), if the concern finds, in good faith, that such determination affects the eligibility of the concern to perform such a contract.”.

Deadline.
Regulations.
15 USC 634 note.

SEC. 864. AUTHORITY FOR THE OFFICE OF HEARINGS AND APPEALS TO DECIDE APPEALS RELATING TO QUALIFIED HUBZONE SMALL BUSINESS CONCERNS.

Not later than 1 year after the date of the enactment of this Act, the Administrator of the Small Business Administration shall issue a rule authorizing the Office of Hearings and Appeals of

the Administration to decide all appeals from formal protest determinations in connection with the status of a concern as a qualified HUBZone small business concern (as such term is defined in section 31(b) of the Small Business Act (15 U.S.C. 657a(b))).

SEC. 865. REPORT ON UNFUNDED PRIORITIES OF THE SMALL BUSINESS INNOVATION RESEARCH AND SMALL BUSINESS TECHNOLOGY TRANSFER PROGRAM.

10 USC 4901
note.

(a) **IN GENERAL.**—Not later than 10 days after the date on which the budget of the President for fiscal years 2022 through 2032 is submitted to Congress pursuant to section 1105 of title 31, United States Code, each Secretary of a military department and the Under Secretary of Defense for Research and Engineering shall submit to the Secretary of Defense, the Chairman of the Joint Chiefs of Staff, and the congressional defense committees a report on unfunded priorities of the Department of Defense related to high-priority Small Business Innovation Research and Small Business Technology Transfer projects.

Time period.

(b) **ELEMENTS.**—

(1) **IN GENERAL.**—Each report under subsection (a) shall include identification of not more than five unfunded priority projects and the following information for each such unfunded priority project:

(A) A summary description of the unfunded priority project, including the objectives to be achieved if such project were to be funded (either in whole or in part).

(B) The additional amount of funds recommended to achieve the objectives identified under subparagraph (A).

(C) Account information with respect to such unfunded priority project, including, as applicable, the following:

(i) Line item number, in the case of applicable procurement accounts.

(ii) Program element number, in the case of applicable research, development, test, and evaluation accounts.

(iii) Subactivity group, in the case of applicable operation and maintenance accounts.

(2) **PRIORITY.**—Each Secretary of a military department and the Under Secretary of Defense for Research and Engineering shall ensure that the unfunded priorities covered by a report submitted under subsection (a) are listed in the order of urgency of priority.

(c) **DEFINITIONS.**—In this section:

(1) **UNFUNDED PRIORITY.**—The term “unfunded priority”, with respect to a fiscal year, means a specific project related to a project successfully funded under Phase II of the Small Business Innovation Research or Small Business Technology Transfer program that—

(A) is not funded in the budget of the President for that fiscal year, as submitted to Congress pursuant to section 1105 of title 31, United States Code;

(B) has the potential to—

(i) advance the national security capabilities of the United States;

(ii) provide new technologies or processes, or new applications of existing technologies or processes, that will enable new alternatives to existing programs; and

(iii) provide future cost savings; and
 (C) would have been recommended for funding through the budget referred to in subparagraph (A) if—

(i) additional resources had been available to fund the program, activity, or mission requirement to which the specific project relates; or

(ii) the program, activity, or mission requirement for such specific project had emerged before the budget was formulated.

(2) PHASE II; SMALL BUSINESS INNOVATION RESEARCH; SMALL BUSINESS TECHNOLOGY TRANSFER.—The terms “Phase II”, “Small Business Innovation Research”, and “Small Business Technology Transfer” have the meanings given such terms, respectively, in section 9(e) of the Small Business Act (15 U.S.C. 638(e)).

SEC. 866. REPORT ON CYBERSECURITY MATURITY MODEL CERTIFICATION EFFECTS ON SMALL BUSINESS.

Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees, the Committee on Small Business and Entrepreneurship of the Senate, and the Committee on Small Business of the House of Representatives a report on the effects of the Cybersecurity Maturity Model Certification framework of the Department of Defense on small business concerns (as defined under section 3 of the Small Business Act (15 U.S.C. 632), including—

Cost estimate. (1) the estimated costs of complying with each level of the framework based on verified representative samples of actual costs of compliance small business concerns and an explanation of how these costs will be recoverable by such small business concerns;

Estimate. (2) the estimated change in the number of small business concerns that are part of the defense industrial base resulting from the implementation and use of the framework;

(3) explanations of how the Department of Defense will—

(A) mitigate negative effects to such small business concerns resulting from the implementation and use of the framework;

(B) ensure small business concerns are trained on the requirements for passing a third-party assessment, self-assessment, or Government-assessment, as applicable, for compliance with the relevant level of the framework; and

(C) work with small business concerns and nontraditional defense contractors (as defined under section 2302 of title 10, United States Code) to enable such concerns and contractors to bid on and win contracts with the Department without first having to risk funds on costly security certifications; and

Plan. (4) the plan of the Department for conducting oversight of third parties conducting assessments of compliance with the applicable protocols under the framework.

10 USC 221 note. **SEC. 867. DATA ON PHASE III SMALL BUSINESS INNOVATION RESEARCH AND SMALL BUSINESS TECHNOLOGY TRANSFER PROGRAM AWARDS.**

(a) DEFINITIONS.—In this section, the terms “Phase I”, “Phase II”, “Phase III”, “SBIR”, and “STTR” have the meanings given

those terms in section 9(e) of the Small Business Act (15 U.S.C. 638(e)).

(b) DATA ON PHASE III AWARDS.—Each Secretary of a military department (as defined in section 101 of title 10, United States Code) shall collect and submit to the President for inclusion in each budget submitted to Congress under section 1105 of title 31, United States Code, data on the Phase III awards under the SBIR and STTR programs of the military department of the Secretary for the immediately preceding fiscal year, including—

- (1) the cumulative funding amount for Phase III awards;
- (2) the number of Phase III award topics;
- (3) the total funding obligated for Phase III awards by State;
- (4) the original Phase I or Phase II award topics and the associated Phase III contracts awarded;
- (5) where possible, an identification of the specific program executive office involved in each Phase III transition; and
- (6) a list of the five highest performing projects, as determined by the Secretary. List.

Subtitle H—Other Matters

SEC. 871. MISSION MANAGEMENT PILOT PROGRAM.

10 USC 191 note.

(a) IN GENERAL.—Subject to the availability of appropriations, the Secretary of Defense shall establish a pilot program to identify lessons learned and improved mission outcomes achieved by quickly delivering solutions that fulfill critical operational needs arising from cross-service missions undertaken by combatant commands through the use of a coordinated and iterative approach to develop, evaluate, and transition such solutions.

Evaluation.

(b) MISSIONS SELECTION.—

(1) IN GENERAL.—Except as provided in paragraph (3), the Deputy Secretary of Defense shall select missions with respect to which to carry out the pilot program.

(2) SELECTION CRITERIA.—When selecting missions under paragraph (1), the Deputy Secretary of Defense shall—

(A) select missions with critical cross-service operational needs; and

(B) consider—

(i) the strategic importance of the critical cross-service operational needs to the operational plans of the relevant combatant commands; and

(ii) the advice of key stakeholders, including the Joint Staff, regarding mission selection.

(3) INITIAL MISSION.—

(A) IN GENERAL.—Not later than four months after the date of the enactment of this section, the Director of the Strategic Capabilities Office shall select the initial mission under the pilot program that has critical cross-service operational needs and which is of strategic importance to the operational plans of the United States Indo-Pacific Command.

Deadline.

(B) RESPONSIBILITY.—The mission selected under subparagraph (A) shall be established within the Strategic Capabilities Office of the Department of Defense, in

coordination with the Office of the Under Secretary of Defense for Research and Engineering.

(C) MISSION SELECTION APPROVAL.—The mission selected by the Director of the Strategic Capabilities Office under subparagraph (A) shall be subject to the approval of the Technology Cross-Functional Team of the Strategic Capabilities Office that is chaired by the Under Secretary of Defense for Research and Engineering.

(c) MISSION MANAGERS.—

(1) IN GENERAL.—A mission manager shall carry out the pilot program with respect to each mission.

(2) RESPONSIBILITIES.—With respect to each mission, the relevant mission manager shall—

(A) identify critical cross-service, cross-program, and cross-domain operational needs by enumerating the options available to the combatant command responsible for carrying out such mission and determining the resiliency of such options to threats from adversaries;

(B) in coordination with the military services and appropriate Defense Agencies and Field Activities, develop and deliver solutions, including software and information technology solutions and other functionalities unaligned with any one weapon system of a covered Armed Service, to—

(i) fulfill critical cross-service, cross-program, and cross-domain operational needs; and

(ii) address future changes to existing critical cross-service, cross-program, and cross-domain operational needs by providing additional capabilities;

(C) work with the combatant command responsible for such mission and the related planning organizers, program managers of a covered Armed Force, and defense research and development activities to carry out iterative testing and support to initial operational fielding of the solutions described in subparagraph (B);

(D) conduct research, development, test, evaluation, and transition support activities with respect to the delivery of the solutions described in subparagraph (B);

(E) seek to integrate existing, emerging, and new capabilities available to the Department of Defense in the development of the solutions described in subparagraph (B), including by incenting and working with program managers of a covered Armed Force; and

(F) provide to the Deputy Secretary of Defense mission management activity updates and reporting on the use of funds under the pilot program with respect to such mission.

(3) APPOINTMENT.—Each mission selected under subsection (b) shall have a mission manager—

(A) appointed at the time of mission approval; and

(B) who may be from any suitable organization, except that the mission manager with respect to the initial mission under (b)(3) shall be the Director of the Strategic Capabilities Office.

(4) ITERATIVE APPROACH.—The mission manager shall, to the extent practicable, carry out the pilot program with respect to each mission selected under subsection (b) by integrating

existing, emerging, and new military capabilities, and managing a portfolio of small, iterative development and support to initial operational fielding efforts.

(5) OTHER PROGRAM MANAGEMENT RESPONSIBILITIES.—The activities undertaken by the mission manager with respect to a mission, including mission management, do not supersede or replace the program management responsibilities of any other individual that are related to such missions.

(d) DATA COLLECTION REQUIREMENT.—The Deputy Secretary of Defense shall develop and implement a plan to collect and analyze data on the pilot program for the purposes of—

Plan.
Analysis.

(1) developing and sharing best practices for applying emerging technology and supporting new operational concepts to improve outcomes on key military missions and operational challenges; and

(2) providing information to the leadership of the Department on the implementation of the pilot program and related policy issues.

(e) ASSESSMENTS.—During the five-year period beginning on the date of the enactment of this Act, the Deputy Secretary of Defense shall regularly assess—

Time period.
Effective date.

(1) the authorities required by the mission managers to effectively and efficiently carry out the pilot program with respect to the missions selected under subsection (b); and

(2) whether the mission managers have access to sufficient funding to carry out the research, development, test, evaluation, and support to initial operational fielding activities required to deliver solutions fulfilling the critical cross-service, cross-program, and cross-domain operational needs of the missions.

(f) BRIEFINGS.—

Deadline.
Termination
date.

(1) SEMIANNUAL BRIEFING.—

(A) IN GENERAL.—Not later than July 1, 2022, and every six months thereafter until the date that is five years after the date of the enactment of this Act, the mission manager shall provide to the congressional defense committees a briefing on the progress of the pilot program with respect to each mission selected under subsection (b), the anticipated mission outcomes, and the funds used to carry out the pilot program with respect to such mission.

(B) INITIAL BRIEFING.—The Deputy Secretary of Defense shall include in the first briefing submitted under subparagraph (A) a briefing on the implementation of the pilot program, including—

(i) the actions taken to implement the pilot program;

(ii) an assessment of the pilot program;

(iii) requests for Congress to provide authorities required to successfully carry out the pilot program; and

Assessment.

(iv) a description of the data plan required under subsection (d).

(2) ANNUAL BRIEFING.—Not later than one year after the date on which the pilot program is established, and annually thereafter until the date that is five years after the date of the enactment of this Act, the Deputy Secretary of Defense shall submit to the congressional defense committees a briefing on the pilot program, including—

Deadline.
Time period.
Termination
date.

- Data. (A) the data collected and analysis performed under subsection (d);
 (B) lessons learned;
 (C) the priorities for future activities of the pilot program; and
 (D) such other information as the Deputy Secretary determines appropriate.
- (3) RECOMMENDATION.—Not later than two years after the date of the enactment of this Act, the Deputy Secretary of Defense shall submit to Congress a briefing on the recommendations of the Deputy Secretary with respect to the pilot program and shall concurrently submit to Congress—
- Assessment. (A) a written assessment of the pilot program;
 (B) a written recommendation on continuing or expanding the mission integration pilot program;
 (C) requests for Congress to provide authorities required to successfully carry out the pilot program; and
 Data. (D) the data collected and analysis performed under subsection (d).
- Effective date. (g) TRANSITION.—Beginning in fiscal year 2025, the Deputy Secretary of Defense may transition responsibilities for research, development, test, evaluation, and support to initial operational fielding activities started under the pilot program to other elements of the Department for purposes of delivering solutions fulfilling critical cross-service, cross-program, and cross-domain operational needs.
- (h) TERMINATION DATE.—The pilot program shall terminate on the date that is five years after the date of the enactment of this Act.
- (i) RULE OF CONSTRUCTION.—Nothing in this section shall be construed as providing any authority not otherwise provided by law to procure, or enter agreements to procure, any goods, materials, or services.
- (j) DEFINITIONS.—In this section:
- (1) COVERED ARMED FORCE.—The term “covered Armed Force” means—
 (A) the Army;
 (B) the Navy;
 (C) the Air Force;
 (D) the Marine Corps; or
 (E) the Space Force.
- (2) CROSS-FUNCTIONAL TEAMS OF THE STRATEGIC CAPABILITIES OFFICE.—The term “Cross-Functional Teams of the Strategic Capabilities Office” means the teams established in the Strategic Capabilities Office of the Department of Defense pursuant to section 233(b) of the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116–92; 133 Stat. 1277; 10 U.S.C. 132 note).
- (3) CROSS-SERVICE.—The term “cross-service” means pertaining to multiple covered Armed Forces.
- (4) CROSS-DOMAIN.—The term “cross-domain” means pertaining to multiple operational domains of land, maritime, air, space, and cyberspace.
- (4) CROSS-SERVICE OPERATIONAL NEED.—The term “cross-service operational need” means an operational need arising from a mission undertaken by a combatant command which involves multiple covered Armed Forces.

(5) **DEFENSE AGENCY; MILITARY DEPARTMENT.**—The terms “Defense Agency” and “military department” have the meanings given such terms in section 101(a) of title 10, United States Code.

(6) **FIELD ACTIVITY.**—The term “Field Activity” has the meaning given the term “Department of Defense Field Activity” in section 101(a) of title 10, United States Code.

(7) **MISSION MANAGEMENT.**—The term “mission management” means the integration of materiel, digital, and operational elements to improve defensive and offensive options and outcomes for a specific mission or operational challenge.

(8) **PILOT PROGRAM.**—The term “pilot program” means the pilot program established under subsection (a).

SEC. 872. ESTABLISHMENT OF MISSION-ORIENTED PILOT PROGRAMS TO CLOSE SIGNIFICANT CAPABILITIES GAPS. 10 USC 191 note.

(a) **IN GENERAL.**—The Secretary of Defense shall establish, within the Strategic Capabilities Office of the Office of the Secretary of Defense, not fewer than two mission-oriented integration pilot programs with the objective of closing significant capabilities gaps by developing and implementing capabilities and by synchronizing and integrating missions across covered Armed Forces and Defense Agencies.

(b) **ELEMENTS.**—The pilot programs established under subsection (a) shall—

(1) seek to address specific outstanding operational challenges of high importance to the operational plans of the United States Indo-Pacific Command and the United States European Command;

(2) be designed to leverage industry cost sharing by using sources such as private equity and venture capital funding to develop technologies and overall capabilities that resolve significant capability gaps for delivery to the Department of Defense, as a product or as a service;

(3) not later than three years after the date on which the pilot program commences, demonstrate the efficacy of the solutions being developed under the pilot program; Deadline.

(4) deliver an operational capability not later than five years after the pilot program commences; Deadline.

(5) provide an operationally relevant solution for—

(A)(i) maintaining resilient aircraft operations in and around Guam in the face of evolving regional threats, including large salvo supersonic and hypersonic missile threats; or

(ii) an operational challenge of similar strategic importance and relevance to the responsibilities and plans of the United States Indo-Pacific Command or the United States European Command; and

(B)(i) providing a resilient logistic and resupply capability in the face of evolving regional threats, including operations within an anti-access-area denial environment; or

(ii) an operational challenge of similar strategic importance and relevance to the responsibilities and plans of the United States Indo-Pacific Command; and

(6) incorporate—

(A) existing and planned Department of Defense systems and capabilities to achieve mission objectives; and

(B) to the extent practicable, technologies that have military applications and the potential for nonmilitary applications.

(c) ROLE OF STRATEGIC CAPABILITIES OFFICE.—

Consultation.

(1) IN GENERAL.—With respect to the pilot programs established under subsection (a), the Director of the Strategic Capabilities Office, in consultation with the Under Secretary of Defense for Research and Engineering, shall—

Coordination.

(A) assign mission managers or program managers—

(i) to coordinate and collaborate with entities awarded contracts or agreements under the pilot program, parties to cost sharing agreements for such awarded contracts or agreements, combatant commands, and military departments to define mission requirements and solutions; and

(ii) to coordinate and monitor pilot program implementation;

(B) provide technical assistance for pilot program activities, including developing and implementing metrics, which shall be used—

Assessment.

(i) to assess each operational challenge such pilot programs are addressing; and

(ii) to characterize the resilience of solutions being developed under the pilot programs to known threats and single points of failure;

(C) provide operational use case expertise to the entities awarded contracts or agreements under the pilot program and parties to cost sharing agreements for such awarded contracts or agreements;

(D) serve as the liaison between the Armed Forces, the combatant commanders, and the participants in the pilot programs; and

(E) use flexible acquisition practices and authorities, including—

(i) the authorities under section 2371 and 2371b of title 10, United States Code;

(ii) payments for demonstrated progress;

(iii) authorities under the Defense Production Act of 1950 (50 U.S.C. 4501 et seq.); and

(iv) other acquisition practices that support efficient and effective access to emerging technologies and capabilities, including technologies and capabilities from companies funded with private investment.

(2) REPORTS TO CONGRESS.—Not later than 180 days after the date of the enactment of this Act, and every 180 days thereafter, the Director of the Strategic Capabilities Office shall submit to the congressional defense committees a report on the pilot programs.

Assessment.

(d) ADDITIONAL AUTHORITIES.—The Secretary of Defense shall assess authorities required for such mission managers and program managers to effectively and efficiently fulfill their responsibilities under the pilot programs, including the delegation of personnel hiring and contracting authorities.

(e) DATA.—The Secretary of Defense shall establish mechanisms to collect and analyze data on the implementation of the pilot programs for the purposes of—

- (1) developing and sharing best practices for achieving goals established for the pilot programs; and
- (2) providing information to the Secretary and the congressional defense committees on—
 - (A) the implementation of the pilot programs; and
 - (B) related policy issues.

(f) RECOMMENDATIONS.—Not later than two years after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a recommendation with respect to continuing or expanding the pilot program.

Deadline.

(g) TRANSITION OF PILOT PROGRAM RESPONSIBILITIES.—Beginning in fiscal year 2025, the Secretary may transition the responsibility for the pilot programs to another organization.

Effective date.

(h) DEFINITIONS.—In this section:

(1) COVERED ARMED FORCE.—The term “covered Armed Force” means—

- (A) the Army;
- (B) the Navy;
- (C) the Air Force;
- (D) the Marine Corps; or
- (E) the Space Force.

(2) DEFENSE AGENCY.—The term “Defense Agency” has the meaning given such term in section 101(a) of title 10, United States Code.

(3) MISSION MANAGER.—The term “mission manager” means an individual that, with respect to a mission under a pilot program established under subsection (a), shall have the responsibilities described in subparagraphs (B) through (F) of section 871(c)(2) of this Act.

SEC. 873. INDEPENDENT STUDY ON ACQUISITION PRACTICES AND POLICIES.

(a) STUDY REQUIRED.—Not later than March 30, 2022, the Secretary of Defense shall enter into an agreement with a federally funded research and development center under which such center shall conduct a study on the acquisition practices and policies described in subsection (b).

Deadline.
Contracts.

(b) STUDY ELEMENTS.—The study required under subsection (a) shall identify the knowledge and tools needed for the acquisition workforce of the Department of Defense to—

- (1) engage in acquisition planning practices that assess the cost, resource, and energy preservation differences resulting from selecting environmentally preferable goods or services when identifying requirements or drafting statements of work;
- (2) engage in acquisition planning practices that promote the acquisition of resilient and resource-efficient goods and services and that support innovation in environmental technologies, including—

(A) technical specifications that establish performance levels for goods and services to diminish greenhouse gas emissions;

(B) statements of work or specifications restricted to environmentally preferable goods or services where the

quality, availability, and price is comparable to traditional goods or services;

(C) engaging in public-private partnerships to design, build, and fund resilient, low-carbon infrastructure;

(D) collaborating with local jurisdictions surrounding military installations, with a focus on reducing environmental costs; and

(E) technical specifications that consider risk to supply chains from extreme weather and changes in environmental conditions;

(3) employ source selection practices that promote the acquisition of resilient and resource-efficient goods and services and that support innovation in environmental technologies, including—

(A) considering resilience, low-carbon, or low-toxicity criteria as competition factors on the basis of which the award is made in addition to cost, past performance, and quality factors;

(B) using accepted standards, emissions data, certifications, and labels to verify the environmental impact of a good or service and enhance procurement efficiency;

Evaluation.

(C) evaluating the veracity of certifications and labels purporting to convey information about the environmental impact of a good or service; and

(D) considering the costs of a good or service that will be incurred throughout its lifetime, including operating costs, maintenance, end of life costs, and residual value, including costs resulting from the carbon dioxide and other greenhouse gas emissions associated with the good or service; and

(4) consider external effects, including economic, environmental, and social, arising over the entire life cycle of an acquisition when making acquisition planning and source selection decisions.

Reports.

(c) SUBMISSION TO DEPARTMENT OF DEFENSE.—Not later than one year after the date of the enactment of this Act, the federally funded research and development center that conducts the study under subsection (a) shall submit to the Secretary of Defense a report on the results of the study in an unclassified form but may include a classified annex.

Records.

(d) SUBMISSION TO CONGRESS.—Not later than 30 days after the date on which the Secretary of Defense receives the report under subsection (c), the Secretary shall submit to the congressional defense committees an unaltered copy along with any comments the Secretary may have with respect to the report.

(e) DEFINITIONS.—In this section:

(1) The term “environmentally preferable”, with respect to a good or service, means that the good or service has a lesser or reduced effect on human health and the environment when compared with competing goods or services that serve the same purpose or achieve the same or substantially similar result. The comparison may consider raw materials acquisition, production, manufacturing, packaging, distribution, reuse, operation, maintenance, or disposal of the good or service.

(2) The term “resource-efficient goods and services” means goods and services—

(A) that use fewer resources than competing goods and services to serve the same purposes or achieve the same or substantially similar result as such competing goods and services; and

(B) for which the negative environmental impacts across the full life cycle of such goods and services are minimized.

SEC. 874. PILOT PROGRAM TO INCENTIVIZE CONTRACTING WITH EMPLOYEE-OWNED BUSINESSES.

10 USC 3204
note.

(a) **QUALIFIED BUSINESS WHOLLY-OWNED THROUGH AN EMPLOYEE STOCK OWNERSHIP PLAN DEFINED.**—The term “qualified businesses wholly-owned through an Employee Stock Ownership Plan” means an S corporation (as defined in section 1361(a)(1) of the Internal Revenue Code of 1986) for which 100 percent of the outstanding stock is held through an employee stock ownership plan (as defined in section 4975(e)(7) of such Code).

(b) **PILOT PROGRAM TO USE NONCOMPETITIVE PROCEDURES FOR CERTAIN FOLLOW-ON CONTRACTS TO QUALIFIED BUSINESSES WHOLLY-OWNED THROUGH AN EMPLOYEE STOCK OWNERSHIP PLAN.**—

(1) **ESTABLISHMENT.**—The Secretary of Defense may establish a pilot program to carry out the requirements of this section.

(2) **FOLLOW-ON CONTRACTS.**—Notwithstanding the requirements of section 2304 of title 10, United States Code, and with respect to a follow-on contract for the continued development, production, or provision of products or services that are the same as or substantially similar to the products or services procured by the Department of Defense under a prior contract held by a qualified business wholly-owned through an Employee Stock Ownership Plan, the products or services to be procured under the follow-on contract may be procured by the Department of Defense through procedures other than competitive procedures if the performance of the qualified business wholly-owned through an Employee Stock Ownership Plan on the prior contract was rated as satisfactory (or the equivalent) or better in the applicable past performance database.

(3) **LIMITATION.**—A qualified business wholly-owned through an Employee Stock Ownership Plan may have a single opportunity for award of a sole-source follow-on contract under this section, unless a senior contracting official (as defined in section 1737 of title 10, United States Code) approves a waiver of the requirements of this section.

(c) **VERIFICATION AND REPORTING OF QUALIFIED BUSINESSES WHOLLY-OWNED THROUGH AN EMPLOYEE STOCK OWNERSHIP PLAN.**—Under a pilot program established under this section, the Secretary of Defense shall establish procedures—

Procedures.

(1) for businesses to verify status as a qualified businesses wholly-owned through an Employee Stock Ownership Plan for the purposes of this section by using existing Federal reporting mechanisms;

Verification.

(2) for a qualified businesses wholly-owned through an Employee Stock Ownership Plan to certify that not more than 50 percent of the amount paid under the contract will be expended on subcontracts, subject to such necessary and reasonable waivers as the Secretary may prescribe; and

Certification.

(3) to record information on each follow-on contract awarded under subsection (b), including details relevant to the nature of such contract and the qualified business wholly-owned through an Employee Stock Ownership Plan that received such contract, and to provide such information to the Comptroller General of the United States.

(d) DATA.—

Analysis.

(1) IN GENERAL.—If the Secretary of Defense establishes a pilot program under this section, the Secretary shall establish mechanisms to collect and analyze data on the pilot program for the purposes of—

(A) developing and sharing best practices relating to the pilot program;

(B) providing information to leadership and the congressional defense committees on the pilot program, including with respect to each qualified business wholly-owned through an Employee Stock Ownership Plan that received a follow-on contract under this section—

(i) the size of such business;

(ii) performance of the follow-on contract; and

(iii) other information as determined necessary;

and

(C) providing information to leadership and the congressional defense committees on policy issues related to the pilot program.

(2) LIMITATION.—The Secretary of Defense may not carry out the pilot program under this section before—

(A) completing a data collection and reporting strategy and plan to meet the requirements of this subsection; and

Strategy.
Plan.

(B) submitting the strategy and plan to the congressional defense committees.

(e) SUNSET.—Any pilot program established under this section shall expire on the date that is five years after the date of the enactment of this Act.

(f) COMPTROLLER GENERAL REPORT.—

(1) IN GENERAL.—Not later than three years after the date of the enactment of this Act, the Comptroller General of the United States shall submit to Congress a report on any individual and aggregate uses of the authority under a pilot program established under this section.

(2) ELEMENTS.—The report under paragraph (1) shall include the following elements:

Assessment.

(A) An assessment of the frequency and nature of the use of the authority under the pilot program.

Assessment.

(B) An assessment of the impact of the pilot program in supporting the national defense strategy required under section 113(g) of title 10, United States Code.

(C) The number of businesses that became qualified businesses wholly-owned through an Employee Stock Ownership Plan in order to benefit from the pilot program and the factors that influenced that decision.

(D) Acquisition authorities that could incentivize businesses to become qualified businesses wholly-owned through an Employee Stock Ownership Plan, including an extension of the pilot program.

(E) Any related matters the Comptroller General considers appropriate.

SEC. 875. GUIDANCE, TRAINING, AND REPORT ON PLACE OF PERFORMANCE CONTRACT REQUIREMENTS.10 USC note
prec. 3344.

(a) **GUIDANCE AND TRAINING.**—Not later than July 1, 2022, the Secretary of Defense shall—

(1) issue guidance on covered contracts to ensure that, to the maximum extent practicable, the terms of such covered contract avoid specifying an unnecessarily restrictive place of performance for such covered contract; and

(2) implement any necessary training for appropriate individuals relating to the guidance required under paragraph (1).

(b) **REPORT.**—

(1) **IN GENERAL.**—Not later than July 1, 2022, the Secretary of Defense shall submit to the congressional defense committees a report on covered contracts.

(2) **ELEMENTS.**—The report required under paragraph (1) shall include the following elements:

(A) A description of the criteria that is considered when the Secretary specifies a particular place of performance in a covered contract.

(B) The number of covered contracts awarded during each of fiscal years 2016 through 2020.

Time period.

(C) An assessment of the extent to which revisions to guidance or regulations related to the use of covered contracts could improve the effectiveness and efficiency of the Department of Defense, including a description of such revisions.

Assessment.

(c) **COVERED CONTRACT DEFINED.**—In this section, the term “covered contract” means a contract for which the Secretary of Defense specifies the place of performance for such contract.

SEC. 876. NOTIFICATION OF CERTAIN INTERGOVERNMENTAL SUPPORT AGREEMENTS.Deadlines.
Contracts.
10 USC 2679
note.
Time periods.
Reports.

(a) **NOTIFICATION REQUIRED.**—During fiscal years 2022 and 2023, not less than 60 days before entering into an intergovernmental support agreement under section 2679 of title 10, United States Code, that is an exception to the requirements of chapter 85 of title 41, United States Code, the Secretary concerned shall submit, in writing, to the congressional defense committees a report including the following relating to such agreement:

(1) The circumstances that resulted in the need to enter into an intergovernmental support agreement that included such exception.

(2) The anticipated benefits of entering into such agreement that included such exception.

(3) The anticipated impact on persons covered under such chapter 85 because of such exception.

(4) The extent to which such agreement complies with applicable policies, directives, or other guidance of the Department of Defense.

(b) **RECOMMENDATIONS.**—

(1) **IN GENERAL.**—The Secretary of Defense shall submit to the congressional defense committees, along with the budget request materials for fiscal year 2023, specific recommendations for modifications to the legislative text of subsection (a)(1) of section 2679 of title 10, United States Code, along with

Time period.

a rationale for any such modifications, to identify specific provisions of Federal contracting law appropriate for waiver or exemption to ensure effective use of intergovernmental support agreements under such section.

(2) BUDGET REQUEST MATERIALS DEFINED.—In this subsection, the term “budget request materials” means the materials submitted to Congress by the President under section 1105(a) of title 31, United States Code.

Deadline.

(c) BRIEFING REQUIRED.—Not later than 6 months after the date of enactment of this Act the Secretary of Defense shall provide to the congressional defense committees a briefing on activities taken to carry out the requirements of this section.

Deadline.

(d) POLICY REQUIRED.—Not later than one year after the date of the enactment of this Act, the Secretary of Defense shall issue guidance to clarify the use of the authority under section 2679 of title 10, United States Code, including with respect to—

(1) the application of other requirements of acquisition law and policy; and

(2) chapter 85 of title 41, United States Code.

(e) SECRETARY CONCERNED DEFINED.—In this section, the term “Secretary concerned” means—

(1) the Secretary of the Army, with respect to matters concerning the Army;

(2) the Secretary of the Navy, with respect to matters concerning the Navy and the Marine Corps; and

(3) the Secretary of the Air Force, with respect to matters concerning the Air Force and the Space Force.

Time period.

SEC. 877. REPORT ON REQUESTS FOR EQUITABLE ADJUSTMENT IN DEPARTMENT OF THE NAVY.

(a) REPORT REQUIRED.—Not later than 60 days after the date of the enactment of this Act, the Secretary of the Navy shall submit to the congressional defense committees a report describing in detail the processing of requests for equitable adjustment by the Department of the Navy between October 1, 2011, and the date of the enactment of this Act, including progress by components within the Department of the Navy in complying with the covered directive.

(b) CONTENTS.—The report required under subsection (a) shall include, at a minimum, the following:

(1) The number of requests for equitable adjustment submitted between October 1, 2011, and the date of the enactment of this Act.

(2) The components within the Department of the Navy to which each such request was submitted.

(3) The number of requests for equitable adjustment outstanding as of the date of the enactment of this Act.

(4) The number of requests for equitable adjustment settled but not paid as of the date of the enactment of this Act, including a description of why each such request has not been paid.

(5) A detailed explanation of the efforts by the Secretary of the Navy to ensure compliance of components within the Department of the Navy with the covered directive.

(c) COVERED DIRECTIVE DEFINED.—In this section, the term “covered directive” means the directive of the Assistant Secretary of the Navy for Research, Development, and Acquisition, dated

March 20, 2020, and titled “(Intent and Direction) Withholds and Retentions During COVID-19” requiring—

- (1) payment to contractors of all settled requests for equitable adjustment; and
- (2) the expeditious resolution of all outstanding requests for equitable adjustment.

SEC. 878. MILITARY STANDARDS FOR ARMOR MATERIALS IN VEHICLE SPECIFICATIONS.

10 USC note
prec. 7532.

(a) **IN GENERAL.**—Not later than June 30, 2022, the Secretary of the Army shall establish technical specification standards for all metal and non-metal armor for incorporation into specifications for current and future armored vehicles developed or procured by the Department of the Army.

Deadline.

(b) **REPORT REQUIRED.**—

(1) **IN GENERAL.**—On the date on which the standards described in subsection (a) are established under such subsection, the Secretary of the Army shall submit to the congressional defense committees a report describing—

(A) the establishment of such standards; and

(B) the strategy for incorporating such standards as requirements for armored vehicles developed and procured by the Department of the Army.

Strategy.

(2) **FORM.**—The report required by paragraph (1) shall be in an unclassified form, but may include a classified annex.

(c) **ARMORED VEHICLE DEFINED.**—For purposes of this section, the term “armored vehicle” means a tracked or wheeled tactical vehicle incorporating armor in its manufacture.

TITLE IX—DEPARTMENT OF DEFENSE ORGANIZATION AND MANAGEMENT

- Sec. 901. Change in eligibility requirements for appointment to certain Department of Defense leadership positions.
- Sec. 902. Clarification of treatment of Office of Local Defense Community Cooperation as a Department of Defense Field Activity.
- Sec. 903. Enhanced role of the Under Secretary of Defense for Research and Engineering on the Joint Requirements Oversight Council.
- Sec. 904. Implementation of repeal of Chief Management Officer of the Department of Defense.
- Sec. 905. Space Force organizational matters and modification of certain space-related acquisition authorities.
- Sec. 906. Assignments for participants in the John S. McCain Strategic Defense Fellows Program.
- Sec. 907. Designation of senior official for implementation of Electromagnetic Spectrum Superiority Strategy.
- Sec. 908. Management innovation activities.
- Sec. 909. Digital talent recruiting officer.
- Sec. 910. Cross-functional team for emerging threat relating to anomalous health incidents.
- Sec. 911. Alignment of Close Combat Lethality Task Force.
- Sec. 912. Independent review of and report on the Unified Command Plan.
- Sec. 913. Study and report on the role and organization of space assets in the reserve components.

SEC. 901. CHANGE IN ELIGIBILITY REQUIREMENTS FOR APPOINTMENT TO CERTAIN DEPARTMENT OF DEFENSE LEADERSHIP POSITIONS.

(a) **SECRETARY OF DEFENSE.**—Subsection (a) of section 113 of title 10, United States Code, is amended to read as follows:

- Time periods.
- “(a)(1) There is a Secretary of Defense, who is the head of the Department of Defense, appointed from civilian life by the President, by and with the advice and consent of the Senate.
- “(2) A person may not be appointed as Secretary of Defense—
- “(A) within seven years after relief from active duty as a commissioned officer of a regular component of an armed force in a grade below O–7; or
- “(B) within 10 years after relief from active duty as a commissioned officer of a regular component of an armed force in the grade of O–7 or above.”
- (b) ASSISTANT SECRETARY OF DEFENSE FOR SPECIAL OPERATIONS AND LOW INTENSITY CONFLICT.—Section 138(b)(2)(A) of title 10, United States Code, is amended by inserting after the third sentence the following: “A person may not be appointed as Assistant Secretary within seven years after relief from active duty as a commissioned officer of a regular component of an armed force.”
- (c) SECRETARY OF THE ARMY.—Section 7013(a)(2) of title 10, United States Code, is amended by striking “five” and inserting “seven”.
- (d) SECRETARY OF THE NAVY.—Section 8013(a)(2) of title 10, United States Code, is amended by striking “five” and inserting “seven”.
- (e) SECRETARY OF THE AIR FORCE.—Section 9013(a)(2) of title 10, United States Code, is amended by striking “five” and inserting “seven”.
- (f) TECHNICAL CORRECTIONS RELATING TO OTHER POSITIONS.—
- (1) UNDER SECRETARY OF DEFENSE (COMPTROLLER).—Section 135(a)(1) of title 10, United States Code, is amended by striking “the armed forces” and inserting “an armed force”.
- (2) UNDER SECRETARY OF DEFENSE FOR PERSONNEL AND READINESS.—Section 136(a) of title 10, United States Code, is amended by striking “the armed forces” and inserting “an armed force”.
- (3) UNDER SECRETARY OF DEFENSE FOR INTELLIGENCE AND SECURITY.—Section 137(a) of title 10, United States Code, is amended by striking “the armed forces” and inserting “an armed force”.
- 10 USC 113 note. (g) APPLICABILITY.—The amendments made by subsections (a) through (e) shall apply with respect to appointments made on or after the date of the enactment of this Act.

SEC. 902. CLARIFICATION OF TREATMENT OF OFFICE OF LOCAL DEFENSE COMMUNITY COOPERATION AS A DEPARTMENT OF DEFENSE FIELD ACTIVITY.

(a) TREATMENT OF OFFICE OF LOCAL DEFENSE COMMUNITY COOPERATION AS A DEPARTMENT OF DEFENSE FIELD ACTIVITY.—

(1) TRANSFER TO CHAPTER 8.—Section 146 of title 10, United States Code, is transferred to subchapter I of chapter 8 of such title, inserted after section 197, and redesignated as section 198.

(2) TREATMENT AS DEPARTMENT OF DEFENSE FIELD ACTIVITY.—Section 198(a) of such title, as transferred and redesignated by subsection (a) of this subsection, is amended—

(A) by striking “in the Office of the Secretary of Defense an office to be known as the” and inserting “in the Department of Defense an”; and

(B) by adding at the end the following: “The Secretary shall designate the Office as a Department of Defense Field Activity pursuant to section 191, effective as of the date of the enactment of the William M. (Mac) Thornberry National Defense Authorization Act for Fiscal Year 2021 (Public Law 116–283).”.

Designation.
Effective date.

(3) APPOINTMENT OF DIRECTOR.—Such section 198 is further amended—

(A) in subsection (b) in the matter preceding paragraph (1), by striking “Under Secretary of Defense for Acquisition and Sustainment” and inserting “Secretary of Defense”; and

(B) in subsection (c)(4), by striking “Under Secretary of Defense for Acquisition and Sustainment” and inserting “Secretary”.

(4) CLERICAL AMENDMENTS.—

(A) CHAPTER 4.—The table of sections at the beginning of chapter 4 of title 10, United States Code, is amended by striking the item relating to section 146.

10 USC
prec. 131.

(B) CHAPTER 8.—The table of sections at the beginning of subtitle I of chapter 8 of such title is amended by inserting after the item relating to section 197 the following new item:

10 USC
prec. 191.

“198. Office of Local Defense Community Cooperation.”.

(b) LIMITATION ON INVOLUNTARY SEPARATION OF PERSONNEL.—No personnel of the Office of Local Defense Community Cooperation under section 198 of title 10, United States Code (as added by subsection (a)), may be involuntarily separated from service with that Office during the one-year period beginning on the date of the enactment of this Act, except for cause.

Time period.
10 USC 198 note.

(c) ADMINISTRATION OF PROGRAMS.—Any program, project, or other activity administered by the Office of Economic Adjustment of the Department of Defense as of the date of the enactment of the William M. (Mac) Thornberry National Defense Authorization Act for Fiscal Year 2021 (Public Law 116–283) shall be administered by the Office of Local Defense Community Cooperation under section 198 of title 10, United States Code (as added by subsection (a)).

10 USC 198 note.

(d) CONFORMING REPEAL.—Section 905 of the William M. (Mac) Thornberry National Defense Authorization Act for Fiscal Year 2021 (Public Law 116–283) is repealed.

10 USC 146
notes.

SEC. 903. ENHANCED ROLE OF THE UNDER SECRETARY OF DEFENSE FOR RESEARCH AND ENGINEERING ON THE JOINT REQUIREMENTS OVERSIGHT COUNCIL.

(a) IN GENERAL.—Section 181 of title 10, United States Code, is amended—

(1) in subsection (b)—

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

(B) by inserting after paragraph (1) the following new paragraph:

“(2) increasing awareness of global trends, threats, and adversary capabilities to address gaps in joint military capabilities and validate joint requirements developed by the military departments;”;

(2) in subsection (d)(1)(D), by striking the period at the end and inserting the following: “who shall serve as the Chief Technical Advisor to the Council and—

“(i) shall provide assistance in evaluating the technical feasibility of requirements under development; and

“(ii) shall identify options for expanding or generating new requirements based on opportunities provided by new or emerging technologies.”.

(b) INDEPENDENT STUDY.—

Contracts.

(1) STUDY REQUIRED.—The Secretary of Defense shall enter into an agreement with a covered entity to conduct an independent study assessing the role of the Under Secretary of Defense for Research and Engineering on the Joint Requirements Oversight Council.

(2) ELEMENTS.—The study required by paragraph (1) shall include the following:

(A) The current role and contribution of the Under Secretary of Defense for Research and Engineering to the Joint Requirements Oversight Council.

(B) The extent to which the role of the Under Secretary on the Joint Requirements Oversight Council should be adjusted to further maximize Council outcomes as well as the additional resources, if any, such adjustments would require.

(C) The extent to which the Under Secretary of Defense should provide additional views and recommendations on Joint Requirements Oversight Council preparations, deliberations, and outcomes.

(D) Such other matters as the Secretary of Defense determines to be appropriate

Deadline.

(3) SUBMISSION TO CONGRESS.—Not later than December 31, 2022, the Secretary shall submit to the congressional defense committees the results of the study required by paragraph (1).

(4) FORM.—The study required by paragraph (1) shall be submitted in unclassified form but may include a classified annex.

(5) COVERED ENTITY DEFINED.—In this subsection, the term “covered entity” means—

(A) a federally funded research and development center; or

(B) an independent, nongovernmental organization, described under section 501(c)(3) of the Internal Revenue Code of 1986 and which is exempt from taxation under section 501(a) of such Code, which has recognized credentials and expertise in national security and military affairs.

(c) REPORT ON THE ROLE OF THE UNDER SECRETARY OF DEFENSE FOR RESEARCH AND ENGINEERING IN THE JOINT REQUIREMENTS OVERSIGHT COUNCIL.—

Consultation.
Recommendations.

(1) IN GENERAL.—Not later than March 1, 2023, the Secretary of Defense, in consultation with the Chairman of the Joint Chiefs of Staff and the Under Secretary of Defense for Research and Engineering, shall submit to the congressional defense committees a report on the recommendations of the Secretary of Defense on the extent to which adjustments to the role of the Under Secretary of Defense for Research and

Engineering on the Joint Requirements Oversight Council are warranted. The report shall include—

- (A) consideration of the findings of the study required by subsection (b);
- (B) the rationale for recommendations of the Secretary of Defense; and
- (C) a description of additional resources that may be required to support those recommendations.

(2) **ADDITIONAL INPUT.**—The report may also include input from each member or advisor of the Joint Requirements Oversight Council.

SEC. 904. IMPLEMENTATION OF REPEAL OF CHIEF MANAGEMENT OFFICER OF THE DEPARTMENT OF DEFENSE.

Section 901(b)(1) of the William M. (Mac) Thornberry National Defense Authorization Act for Fiscal Year 2021 (Public Law 116–283) is amended by striking “, except that any officer or employee so designated may not be an individual who served as the Chief Management Officer before the date of the enactment of this Act”.

10 USC 132a
note.

SEC. 905. SPACE FORCE ORGANIZATIONAL MATTERS AND MODIFICATION OF CERTAIN SPACE-RELATED ACQUISITION AUTHORITIES.

(a) **IMPLEMENTATION DATE FOR SERVICE ACQUISITION EXECUTIVE OF THE DEPARTMENT OF THE AIR FORCE FOR SPACE SYSTEMS AND PROGRAMS.**—

(1) **IMPLEMENTATION DATE.**—Section 957 of the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116–92; 10 U.S.C. 9016 note) is amended—

(A) in subsection (a), by striking “Effective October 1, 2022, there shall be” and inserting “Effective on the date specified in subsection (d), there shall be”;

(B) in subsection (b)—

(i) in paragraph (1), by striking “Effective as of October 1, 2022,” and inserting “Effective as of the date specified in subsection (d)”;

(ii) in paragraph (2), by striking “as of October 1, 2022,” and inserting “as of the date specified in subsection (d)”;

(C) in subsection (c)(3), by striking “October 1, 2022” and inserting “the date specified in subsection (d)”;

(D) by adding at the end the following new subsection:

“(d) **DATE SPECIFIED.**—The date specified in this subsection is a date determined by the Secretary of the Air Force that is not later than October 1, 2022.”.

Determination.
Deadline.

(2) **CONFORMING AMENDMENTS.**—

(A) **TRANSFER OF ACQUISITION PROJECTS FOR SPACE SYSTEMS AND PROGRAMS.**—Section 956(b)(3) of the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116–92; 10 U.S.C. 9016 note) is amended—

(i) by striking “Effective October 1, 2022,” and inserting “Effective on the date specified in section 957(d).”;

(ii) by striking “as of September 30, 2022” and inserting “as of the day before the date specified in section 957(d)”.

(B) RESPONSIBILITIES OF ASSISTANT SECRETARY OF THE AIR FORCE FOR SPACE ACQUISITION AND INTEGRATION.—Section 9016(b)(6)(B)(vi) of title 10, United States Code, is amended by striking “Effective as of October 1, 2022, in accordance with section 957 of that Act,” and inserting “Effective as of the date specified in section 957(d) of such Act, and in accordance with such section 957,”.

(b) SENIOR PROCUREMENT EXECUTIVE AUTHORITIES.—

(1) OFFICE OF THE SECRETARY OF THE AIR FORCE.—Section 9014(c) of title 10, United States Code, is amended—

(A) in paragraph (2), by striking “The Secretary of the Air Force shall” and inserting “Subject to paragraph (6), the Secretary of the Air Force shall”; and

(B) by inserting after paragraph (5) the following new paragraph:

“(6) Notwithstanding section 1702 of title 41, the Secretary of the Air Force may assign to the Assistant Secretary of the Air Force for Space Acquisition and Integration duties and authorities of the senior procurement executive that pertain to space systems and programs.”.

(2) ASSISTANT SECRETARIES OF THE AIR FORCE.—Section 9016(b)(6)(B)(vi) of title 10, United States Code, as amended by subsection (a)(2)(B) of this section, is further amended by inserting “and discharge any senior procurement executive duties and authorities assigned by the Secretary of the Air Force pursuant to section 9014(c)(6) of this title” after “Space Systems and Programs”.

SEC. 906. ASSIGNMENTS FOR PARTICIPANTS IN THE JOHN S. MCCAIN STRATEGIC DEFENSE FELLOWS PROGRAM.

Section 932(e) of the John S. McCain National Defense Authorization Act for Fiscal Year 2019 (Public Law 115–232; 10 U.S.C. 1580 note prec.) is amended—

(1) in paragraph (2)—

(A) by striking “and each Under Secretary of Defense and Director of a Defense Agency who reports directly to the Secretary of Defense,” and inserting “, each Under Secretary of Defense, and other officials, as designated by the Secretary of Defense, within the Office of the Secretary of Defense (as defined in section 131 of title 10, United States Code) who report directly to the Secretary of Defense”; and

(B) by striking “or Director” and inserting “or official within the Office of the Secretary of Defense”;

(2) in paragraph (3)—

(A) by striking “Under Secretaries and Directors” and inserting “Under Secretaries of Defense and other officials within the Office of the Secretary of Defense”; and

(B) by striking “Under Secretary, or Director” and inserting “Under Secretary of Defense, or other official within the Office of the Secretary of Defense”; and

(3) in paragraph (7), by striking “shall be on a first-come, first-served basis” and inserting “may require a minimum service agreement, as determined by the Secretary”.

**SEC. 907. DESIGNATION OF SENIOR OFFICIAL FOR IMPLEMENTATION
OF ELECTROMAGNETIC SPECTRUM SUPERIORITY
STRATEGY.**

(a) **REQUIREMENTS.**—Section 1053 of the John S. McCain National Defense Authorization Act for Fiscal Year 2019 (Public Law 116–283; 10 U.S.C. 113 note) is amended by adding at the end the following new subsection:

“(f) **ELECTROMAGNETIC SPECTRUM SUPERIORITY STRATEGY.**—

“(1) **DESIGNATION.**—

“(A) **REQUIREMENT.**—Not later than 60 days after the date of the enactment of the National Defense Authorization Act for Fiscal Year 2022, the Secretary of Defense shall designate a senior official of the Department of Defense to be responsible for, and accountable to the Secretary with respect to, the implementation of the electromagnetic spectrum superiority strategy. The Secretary shall designate the senior official from among individuals who are appointed to a position in the Department by the President, by and with the advice and consent of the Senate. Deadline.

“(B) **CONDITIONS RELATING TO DESIGNATION OF CHIEF INFORMATION OFFICER.**—

“(i) **CERTIFICATION.**—The Secretary may not designate the Chief Information Officer of the Department of Defense as the senior official under subparagraph (A) unless the Secretary has first included in the report under paragraph (3)(A) a certification that the Chief Information Officer has the expertise, authority, funding, and personnel to ensure the successful implementation of the electromagnetic spectrum superiority strategy.

“(ii) **CAPE ASSESSMENT.**—If the Secretary designates the Chief Information Officer of the Department of Defense as the senior official under subparagraph (A), not later than 180 days after the date of the enactment of the National Defense Authorization Act for Fiscal Year 2022, the Director of Cost Assessment and Program Evaluation shall submit to the congressional defense committees an evaluation of the ability of the Chief Information Officer to ensure the successful implementation of the electromagnetic spectrum superiority strategy, including, at a minimum, an evaluation of the expertise, authority, funding, and personnel of the Chief Information Officer. Deadline.
Evaluation.

“(2) **RESPONSIBILITIES.**—The senior official designated under paragraph (1)(A) shall be responsible for the following:

“(A) Oversight of policy, strategy, planning, resource management, operational considerations, personnel, and technology development necessary to implement the electromagnetic spectrum superiority strategy.

“(B) Evaluating whether the amount that the Department of Defense expends on electromagnetic warfare and electromagnetic spectrum operations capabilities is properly aligned.

“(C) Evaluating whether the Department is effectively incorporating electromagnetic spectrum operations capabilities and considerations into current and future operational plans and concepts.

“(D) Such other matters relating to electromagnetic spectrum operations as the Secretary specifies for purposes of this paragraph.

“(3) REPORTS.—

“(A) IMPLEMENTATION REPORT.—Not later than 60 days after the date of the enactment of the National Defense Authorization Act for Fiscal Year 2022, the Secretary shall submit to the congressional defense committees a report on the implementation of the Electromagnetic Spectrum Superiority Strategy published in October 2020, including—

Evaluation.

“(i) an evaluation of the additional personnel, resources, and authorities the Secretary determines will be needed by the senior official designated under paragraph (1)(A) who is responsible for implementing the electromagnetic spectrum superiority strategy; and

“(ii) a description of how the Secretary will ensure that such implementation will be successful.

“(B) RULES OF ENGAGEMENT REPORT.—Not later than 270 days after the date of the National Defense Authorization Act for Fiscal Year 2022, the Secretary shall submit to the congressional defense committees a report that includes the following:

Review.

“(i) A review of the sufficiency of the authorities and rules of engagement of the Department of Defense relating to electromagnetic spectrum operations, in particular with respect to operating below the level of armed conflict short of or in advance of kinetic activity and to protect the Department from electronic attack and disruption.

Recommendations.

“(ii) Recommended changes to the authorities or rules of engagement to ensure the Department can effectively compete, deter conflict, and maintain protection from electronic attack and disruption.

“(iii) Any other matters the Secretary determines relevant.

Time period.

“(4) SEMIANNUAL BRIEFINGS.—On a semiannual basis during the five-year period beginning on the date of the enactment of the National Defense Authorization Act for Fiscal Year 2022, the Secretary shall provide to the congressional defense committees a briefing on the status of the implementation of the electromagnetic spectrum superiority strategy. Each briefing shall include, at a minimum, the following:

Update.

“(A) An update on the efforts of the Department of Defense to—

“(i) achieve the strategic goals set out in the electromagnetic spectrum superiority strategy; and

“(ii) implement such strategy through various elements of the Department.

Determination.

“(B) An identification of any additional authorities or resources relating to electromagnetic spectrum operations that the Secretary determines is necessary to implement the strategy.

“(5) ELECTROMAGNETIC SPECTRUM SUPERIORITY STRATEGY DEFINED.—In this subsection, the term ‘electromagnetic spectrum superiority strategy’ means the Electromagnetic Spectrum Superiority Strategy of the Department of Defense published in October 2020, and any such successor strategy.”.

(b) CLARIFICATION OF CROSS-FUNCTIONAL TEAM PLANS.—Subsection (d)(2) of such section is amended by striking “biennially thereafter” and inserting “biennially thereafter during the life of the cross-functional team established pursuant to subsection (c)”.

(c) TRANSFER OF CERTAIN PROVISION.—Section 152 of the William M. (Mac) Thornberry National Defense Authorization Act for Fiscal Year 2021 (Public Law 116–283) is—

10 USC 113 note.

(1) amended—

(A) in subsection (a), by striking “two years after the date of the enactment of this Act and in accordance with the plan developed pursuant to subsection (b)” and inserting “January 1, 2023, and in accordance with the plan developed pursuant to paragraph (2)”;

(B) by striking “paragraph (1)” each place it appears and inserting “subparagraph (A)”;

(C) by striking “subsection (a)” each place it appears and inserting “paragraph (1)”;

(D) in subsection (b)(2)(D), by striking “subsections (c) and (d)” and inserting “paragraphs (3) and (4)”;

(E) in subsection (e), by striking “this section” and inserting “this subsection”;

(2) transferred to such section 1053, redesignated as subsection (g) (including by redesignating its subsections as paragraphs, paragraphs as subparagraphs, and clauses as subclauses, respectively, and indenting such provisions accordingly) and added so as to appear after subsection (f), as added by subsection (a) of this section.

SEC. 908. MANAGEMENT INNOVATION ACTIVITIES.

10 USC 129a note.

(a) IN GENERAL.—The Secretary of Defense shall carry out a set of activities to improve the effectiveness of management activities within the Department of Defense, with the goals of incorporating appropriate private sector management practices and technologies and enhancing the capabilities of the defense management workforce.

(b) MANAGEMENT ACTIVITIES.—Subject to the total force management requirements under section 129a of title 10, United States Code, the activities carried out under subsection (a) may include the following:

(1) Public-private partnerships with appropriate private sector and government organizations.

(2) Personnel exchange programs with appropriate industry, academic, and government organizations to enhance the capabilities of the defense management workforce.

(3) Research, development, and technology and business process prototyping activities to create new technological capabilities to support management missions, or development and testing of new management concepts and business transformation activities.

(4) The designation of appropriate organizations to lead management innovation activities.

(5) A process by which defense business process owners and other personnel of the Department of Defense can identify management and business process challenges and opportunities that could be addressed by activities carried out under this section.

(6) Processes to develop, prototype, test, and field new business processes and practices to improve defense management capabilities.

(7) Academic research and educational activities related to defense management missions to promote—

(A) development of innovative management concepts;

(B) analyses and addressing of appropriate management challenges; and

(C) development of programs and activities to develop the defense management workforce.

(8) Academic research and independent studies from federally funded research and development centers assessing lessons learned from previous Departmental management reform initiatives and whether legacy organizations exist and should be consolidated.

Deadline.

(c) **PLAN REQUIRED.**—Not later than February 1, 2023, the Secretary of Defense shall submit to the congressional defense committees a plan for carrying out the activities under this section.

Deadlines.

(d) **BRIEFINGS.**—

(1) **INITIAL BRIEFING.**—Not later than July 1, 2022, the Secretary of Defense shall provide to the congressional defense committees an initial briefing on the activities carried out and plans developed under this section.

(2) **SUBSEQUENT BRIEFING.**—On a date occurring after the briefing under paragraph (1), but not later than July 1, 2023, the Secretary of Defense shall provide to the congressional defense committees a briefing on the activities carried out and plans developed under this section.

10 USC note
prec. 501.

SEC. 909. DIGITAL TALENT RECRUITING OFFICER.

(a) **DIGITAL TALENT RECRUITING FOR THE DEPARTMENT OF DEFENSE.**—

Deadline.

(1) **IN GENERAL.**—Not later than 270 days after the date of the enactment of this Act, the Secretary of Defense shall designate a chief digital recruiting officer within the office of the Under Secretary of Defense for Personnel and Readiness to carry out the responsibilities set forth in paragraph (2).

(2) **RESPONSIBILITIES.**—The chief digital recruiting officer shall be responsible for—

(A) identifying Department of Defense needs for, and skills gaps in, specific types of civilian digital talent;

(B) recruiting individuals with the skills that meet the needs and skills gaps identified under subparagraph (A), in partnership with the military departments and other organizations and elements of the Department;

(C) ensuring Federal scholarship for service programs are incorporated into civilian recruiting strategies;

(D) when appropriate and within authority granted under other Federal law, offering recruitment and referral bonuses; and

(E) partnering with human resource teams in the military departments and other organizations and elements

of the Department to help train all Department of Defense human resources staff on the available hiring flexibilities to accelerate the hiring of individuals with the skills that fill the needs and skills gaps identified under subparagraph (A).

(3) **RESOURCES.**—The Secretary of Defense shall ensure that the chief digital recruiting officer is provided with personnel and resources sufficient to carry out the duties set forth in paragraph (2).

(4) **ROLE OF CHIEF HUMAN CAPITAL OFFICER.**—

(A) **IN GENERAL.**—The chief digital recruiting officer shall report directly to the Chief Human Capital Officer of the Department of Defense.

(B) **INCORPORATION.**—The Chief Human Capital Officer shall ensure that the chief digital recruiting officer is incorporated into the agency human capital operating plan and recruitment strategy. In carrying out this paragraph, the Chief Human Capital Officer shall ensure that the chief digital recruiting officer’s responsibilities are deconflicted with any other recruitment initiatives and programs.

(b) **DIGITAL TALENT DEFINED.**—For the purposes of this section, the term “digital talent” includes positions and capabilities in, or related to, software development, engineering, and product management; data science; artificial intelligence; distributed ledger technologies; autonomy; data management; product and user experience design; and cybersecurity.

(c) **ANNUAL BRIEFING REQUIREMENT.**—Not later than one year after the date of the enactment of this Act, and on an annual basis thereafter, the chief digital recruiting officer shall provide to the congressional defense committees a briefing on—

(1) the efforts of the Department of Defense to recruit digital talent to positions in the Department; and

(2) a summary of any accomplishments and challenges with respect to such recruiting.

(d) **SUNSET.**—The requirements under subsection (a) shall expire on September 30, 2025.

SEC. 910. CROSS-FUNCTIONAL TEAM FOR EMERGING THREAT RELATING TO ANOMALOUS HEALTH INCIDENTS.

(a) **ESTABLISHMENT.**—Using the authority provided pursuant to section 911(c) of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114–328; 10 U.S.C. 111 note), the Secretary of Defense shall establish a cross-functional team to address national security challenges posed by anomalous health incidents (as defined by the Secretary) and ensure that individuals affected by anomalous health incidents receive timely and comprehensive health care and treatment pursuant to title 10, United States Code, for symptoms consistent with an anomalous health incident.

(b) **DUTIES.**—The duties of the cross-functional team established under subsection (a) shall be—

(1) to assist the Secretary of Defense with addressing the challenges posed by anomalous health incidents and any other efforts regarding such incidents that the Secretary determines necessary; and

(2) to integrate the efforts of the Department of Defense regarding anomalous health incidents with the efforts of other

Deadline.

Summaries.

10 USC 111 note.

departments or agency of the Federal Government regarding such incidents.

(c) **TEAM LEADERSHIP.**—The Secretary shall select an Under Secretary of Defense to lead the cross-functional team and a senior military officer to serve as the deputy to the Under Secretary so selected.

Consultation. (d) **DETERMINATION OF ORGANIZATIONAL ROLES AND RESPONSIBILITIES.**—The Secretary, in consultation with the Director of National Intelligence and acting through the cross-functional team established under subsection (a), shall determine the roles and responsibilities of the organizations and elements of the Department of Defense with respect to addressing anomalous health incidents, including the roles and responsibilities of the Office of the Secretary of Defense, the intelligence components of the Department, Defense agencies, Department of Defense field activities, the military departments, combatant commands, and the Joint Staff.

Deadlines. (e) **BRIEFINGS.**—

(1) **INITIAL BRIEFING.**—Not later than 45 days after the date of the enactment of this Act, the Secretary shall provide to the appropriate congressional committees a briefing on—

(A) the progress of the Secretary in establishing the cross-functional team; and

(B) the progress the team has made in—

(i) determining the roles and responsibilities of the organizations and elements of the Department of Defense with respect to the cross-functional team; and

(ii) carrying out the duties under subsection (b).

(2) **UPDATES.**—Not later than 90 days after the date of the enactment of this Act, and once every 60 days thereafter during the one-year period following such date of enactment, the Secretary shall provide to the appropriate congressional committees a briefing containing updates with respect to the efforts of the Department regarding anomalous health incidents.

(f) **APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.**—In this section, the term “appropriate congressional committees” means—

(1) the congressional defense committees; and

(2) the Permanent Select Committee on Intelligence of the House of Representatives and the Select Committee on Intelligence of the Senate.

SEC. 911. ALIGNMENT OF CLOSE COMBAT LETHALITY TASK FORCE.

Deadline.
Time period. (a) **IN GENERAL.**—Beginning not later than 60 days after the date of the enactment of this Act, and continuing until the date on which the Secretary of Defense submits to the congressional defense committees the report described in subsection (b), the Secretary shall reinstate—

(1) the initial alignment of the Close Combat Lethality Task Force so that the Task Force reports directly to the Secretary; and

(2) the designation of the Task Force as a cross-functional team under section 911 of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114–328; 10 U.S.C. 111 note).

(b) **REPORT DESCRIBED.**—The report described in this subsection is a report on a proposed alternative alignment for the Close Combat Lethality Task Force that includes—

(1) a description of—

(A) how the proposed alternative alignment of the Task Force would—

(i) facilitate the effective pursuit of, and support for, both materiel and non-materiel initiatives by the Task Force;

(ii) maintain benefits for the Task Force similar to the benefits associated with reporting directly to the Secretary of Defense and designation as a cross-functional team; and

(iii) ensure collaboration and support from the primary stakeholders in the Task Force, including the Army, the Marine Corps, and the United States Special Operations Command; and

(B) how the Task Force would be funded and gain appropriate resourcing for cross-functional team initiatives supported by the Secretary; and

(2) supporting analysis for the matters described in paragraph (1).

(c) **EXCEPTION.**—Subsection (a) does not apply if the President submits to the congressional defense committees—

(1) a certification that implementing that subsection would be detrimental to the defense interests of the United States; and

(2) a justification for the certification.

President.

Certification.

SEC. 912. INDEPENDENT REVIEW OF AND REPORT ON THE UNIFIED COMMAND PLAN.

(a) **REVIEW REQUIRED.**—

(1) **IN GENERAL.**—The Secretary of Defense shall provide for an independent review of the current Unified Command Plan.

(2) **ELEMENTS.**—The review required by paragraph (1) shall include the following:

(A) An assessment of the most recent Unified Command Plan with respect to—

(i) current and anticipated threats;

(ii) deployment and mobilization of the Armed Forces; and

(iii) the most current versions of the National Defense Strategy and Joint Warfighting Concept.

(B) An evaluation of the missions, responsibilities, and associated force structure of each geographic and functional combatant command.

(C) An assessment of the feasibility of alternative Unified Command Plan structures.

(D) Recommendations, if any, for alternative Unified Command Plan structures.

(E) Recommendations, if any, on refining the manner by which combatant commanders identify priority capabilities, gaps, and operational requirements and how the Department of Defense incorporates those identified elements into planning, programming, budgeting, execution, and modernization processes.

Assessment.

Evaluation.

Assessment.

Recommendations.

Recommendations.

Recommendations.

(F) Recommendations, if any, for modifications to sections 161 through 169 of title 10, United States Code.

(G) Any other matter the Secretary of Defense determines appropriate.

(3) CONDUCT OF REVIEW BY INDEPENDENT ENTITY.—

Contracts.

(A) IN GENERAL.—The Secretary of Defense shall—

(i) seek to enter into an agreement with an entity described in subparagraph (B) to conduct the review required by paragraph (1); and

(ii) ensure that the review is conducted independently of the Department of Defense.

(B) ENTITY DESCRIBED.—An entity described in this subparagraph is—

(i) a federally funded research and development center; or

(ii) an independent, nongovernmental institute that—

(I) is described in section 501(c)(3) of the Internal Revenue Code of 1986;

(II) is exempt from tax under section 501(a) of that Code; and

(III) has recognized credentials and expertise in national security and military affairs.

(b) REPORT TO CONGRESS.—

(1) IN GENERAL.—Not later than October 1, 2022, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report that includes the results of the review conducted under subsection (a).

(2) FORM.—The report required by paragraph (1) shall be submitted in unclassified form, but may include a classified annex.

SEC. 913. STUDY AND REPORT ON THE ROLE AND ORGANIZATION OF SPACE ASSETS IN THE RESERVE COMPONENTS.

Determination.

(a) STUDY.—The Secretary of Defense shall conduct a study to determine the appropriate role and organization of space-related assets within the reserve components of the Armed Forces.

(b) REPORT.—Not later than March 31, 2022, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the results of the study conducted under subsection (a).

(c) ELEMENTS.—The report under subsection (b) shall include the following:

Determinations.

(1) The determinations of the Secretary of Defense with respect to the—

(A) the organization and integration of space-related units within the reserve components of the Armed Forces;

(B) the staffing of such units, including the recruitment and retention of personnel for such units (including any reserve units of the Space force);

(C) the missions of such units; and

(D) the operational requirements applicable to such units.

Analysis.

(2) An analysis of—

(A) the costs of establishing a Space National Guard in accordance with subtitle C of title IX of H.R. 4350,

One Hundred Seventeenth Congress, as passed by the House of Representatives on September 23, 2021; and

(B) how a Space National Guard established in accordance with such subtitle would operate as part of the reserve components.

(3) Based on the analysis under paragraph (2), the recommendations of the Secretary with respect to the potential establishment of a Space National Guard.

Recommendations.

(4) If applicable, any savings or costs that may result from the preservation of the space-related force structures of the Air National Guard, as such force structures are in effect on the date of the enactment of this Act.

TITLE X—GENERAL PROVISIONS

Subtitle A—Financial Matters

- Sec. 1001. General transfer authority.
- Sec. 1002. Revision of limitation on funding for combatant commands through Combatant Commander Initiative Fund.
- Sec. 1003. Plan for consolidation of information technology systems used in Department of Defense planning, programming, budgeting, and execution process.
- Sec. 1004. Commission on Planning, Programming, Budgeting, and Execution Reform.

Subtitle B—Counterdrug Activities

- Sec. 1007. Extension of authority to support a unified counterdrug and counterterrorism campaign in Colombia.
- Sec. 1008. Authority for joint task forces to provide support to law enforcement agencies conducting counter-terrorism activities.

Subtitle C—Naval Vessels and Shipyards

- Sec. 1011. Modification to annual naval vessel construction plan.
- Sec. 1012. Improving oversight of Navy contracts for shipbuilding, conversion, and repair.
- Sec. 1013. Codification of requirement for assessments prior to start of construction on first ship of a shipbuilding program.
- Sec. 1014. Limitation on decommissioning or inactivating a battle force ship before the end of expected service life.
- Sec. 1015. Biennial report on shipbuilder training and the defense industrial base.
- Sec. 1016. Annual report on ship maintenance.
- Sec. 1017. Navy battle force ship assessment and requirement reporting.
- Sec. 1018. Prohibition on use of funds for retirement of Mark VI patrol boats.
- Sec. 1019. Availability of funds for retirement or inactivation of guided missile cruisers.
- Sec. 1020. Review of sustainment key performance parameters for shipbuilding programs.
- Sec. 1021. Assessment of security of global maritime chokepoints.
- Sec. 1022. Report on acquisition, delivery, and use of mobility assets that enable implementation of expeditionary advanced base operations.

Subtitle D—Counterterrorism

- Sec. 1031. Inclusion in counterterrorism briefings of information on use of military force in collective self-defense.
- Sec. 1032. Extension of prohibition on use of funds for transfer or release of individuals detained at United States Naval Station, Guantanamo Bay, Cuba, to certain countries.
- Sec. 1033. Extension of prohibition on use of funds for transfer or release of individuals detained at United States Naval Station, Guantanamo Bay, Cuba, to the United States.
- Sec. 1034. Extension of prohibition on use of funds to construct or modify facilities in the United States to house detainees transferred from United States Naval Station, Guantanamo Bay, Cuba.
- Sec. 1035. Extension of prohibition on use of funds to close or relinquish control of United States Naval Station, Guantanamo Bay, Cuba.
- Sec. 1036. Report on medical care provided to detainees at United States Naval Station, Guantanamo Bay, Cuba.

Subtitle E—Miscellaneous Authorities and Limitations

- Sec. 1041. Congressional oversight of alternative compensatory control measures.
- Sec. 1042. Modification of notification requirements for sensitive military operations.
- Sec. 1043. Authority to provide space and services to military welfare societies.
- Sec. 1044. Congressional notification of significant Army force structure changes.
- Sec. 1045. Prohibition on use of Navy, Marine Corps, and Space Force as posse comitatus.
- Sec. 1046. Comparative testing reports for certain aircraft.
- Sec. 1047. Special operations forces joint operating concept for competition and conflict.
- Sec. 1048. Limitation on availability of certain funding for operation and maintenance.
- Sec. 1049. Limitation on use of certain funds pending submission of report, strategy, and posture review relating to information environment.
- Sec. 1050. Briefing by Comptroller General and limitation on use of funds pending compliance with requirement for independent studies regarding potential cost savings.
- Sec. 1051. Survey on relations between members of the Armed Forces and military communities.
- Sec. 1052. Limitation on use of funds pending compliance with certain statutory reporting requirements.
- Sec. 1053. Navy coordination with Coast Guard and Space Force on aircraft, weapons, tactics, technique, organization, and equipment of joint concern.

Subtitle F—Studies and Reports

- Sec. 1061. Inclusion of support services for Gold Star families in quadrennial quality of life review.
- Sec. 1062. Public availability of semi-annual summaries of reports.
- Sec. 1063. Extension of reporting requirement regarding enhancement of information sharing and coordination of military training between Department Of Homeland Security and Department Of Defense.
- Sec. 1064. Continuation of certain Department of Defense reporting requirements.
- Sec. 1065. Updated review and enhancement of existing authorities for using Air Force and Air National Guard modular airborne fire-fighting systems and other Department of Defense assets to fight wildfires.
- Sec. 1066. Geographic combatant command risk assessment of Air Force airborne intelligence, surveillance, and reconnaissance modernization plan.
- Sec. 1067. Biennial assessments of Air Force Test Center.
- Sec. 1068. Report on 2019 World Military Games.
- Sec. 1069. Reports on oversight of Afghanistan.
- Sec. 1070. Study and report on Department of Defense excess personal property program.
- Sec. 1071. Optimization of Irregular Warfare Technical Support Directorate.
- Sec. 1072. Assessment of requirements for and management of Army three-dimensional geospatial data.
- Sec. 1073. Required review of Department of Defense unmanned aircraft systems categorization.
- Sec. 1074. Annual report and briefing on Global Force Management Allocation Plan.
- Sec. 1075. Report on World War I and Korean War era Superfund facilities.
- Sec. 1076. Report on implementation of irregular warfare strategy.
- Sec. 1077. Study on providing end-to-end electronic voting services for absent uniformed services voters in locations with limited or immature postal service.
- Sec. 1078. Report on Air Force strategy for acquisition of combat rescue aircraft and equipment.

Subtitle G—Other Matters

- Sec. 1081. Technical, conforming, and clerical amendments.
- Sec. 1082. Modification to Regional Centers for Security Studies.
- Sec. 1083. Improvement of transparency and congressional oversight of civil reserve air fleet.
- Sec. 1084. Observance of National Atomic Veterans Day.
- Sec. 1085. Update of Joint Publication 3-68: Noncombatant Evacuation Operations.
- Sec. 1086. National Museum of the Surface Navy.
- Sec. 1087. Authorization for memorial for members of the Armed Forces killed in attack on Hamid Karzai International Airport.
- Sec. 1088. Treatment of operational data from Afghanistan.
- Sec. 1089. Responsibilities for national mobilization; personnel requirements.
- Sec. 1090. Independent assessment with respect to Arctic region.

- Sec. 1091. National Security Commission on Emerging Biotechnology.
- Sec. 1092. Quarterly security briefings on Afghanistan.
- Sec. 1093. Transition of funding for non-conventional assisted recovery capabilities.
- Sec. 1094. Afghanistan War Commission Act of 2021.
- Sec. 1095. Commission on the National Defense Strategy.

Subtitle A—Financial Matters

SEC. 1001. GENERAL TRANSFER AUTHORITY.

(a) AUTHORITY TO TRANSFER AUTHORIZATIONS.—

(1) AUTHORITY.—Upon determination by the Secretary of Defense that such action is necessary in the national interest, the Secretary may transfer amounts of authorizations made available to the Department of Defense in this division for fiscal year 2022 between any such authorizations for that fiscal year (or any subdivisions thereof). Amounts of authorizations so transferred shall be merged with and be available for the same purposes as the authorization to which transferred. Determination.

(2) LIMITATION.—Except as provided in paragraph (3), the total amount of authorizations that the Secretary may transfer under the authority of this section may not exceed \$6,000,000,000.

(3) EXCEPTION FOR TRANSFERS BETWEEN MILITARY PERSONNEL AUTHORIZATIONS.—A transfer of funds between military personnel authorizations under title IV shall not be counted toward the dollar limitation in paragraph (2).

(b) LIMITATIONS.—The authority provided by subsection (a) to transfer authorizations—

(1) may only be used to provide authority for items that have a higher priority than the items from which authority is transferred; and

(2) may not be used to provide authority for an item that has been denied authorization by Congress.

(c) EFFECT ON AUTHORIZATION AMOUNTS.—A transfer made from one account to another under the authority of this section shall be deemed to increase the amount authorized for the account to which the amount is transferred by an amount equal to the amount transferred.

(d) NOTICE TO CONGRESS.—The Secretary shall promptly notify Congress of each transfer made under subsection (a).

SEC. 1002. REVISION OF LIMITATION ON FUNDING FOR COMBATANT COMMANDS THROUGH COMBATANT COMMANDER INITIATIVE FUND.

Section 166a(e)(1) of title 10, United States Code, is amended—

(1) in subparagraph (A)—

(A) by striking “\$20,000,000” and inserting “\$25,000,000”; and

(B) by striking “\$250,000” and inserting “\$300,000”;

(2) in subparagraph (B), by striking “\$10,000,000” and inserting “\$15,000,000”; and

(3) in subparagraph (C), by striking “\$5,000,000” and inserting “\$10,000,000”.

SEC. 1003. PLAN FOR CONSOLIDATION OF INFORMATION TECHNOLOGY SYSTEMS USED IN DEPARTMENT OF DEFENSE PLANNING, PROGRAMMING, BUDGETING, AND EXECUTION PROCESS.

Deadline.
Consultation.

Not later than 180 days after the date of the enactment of this Act, the Under Secretary of Defense (Comptroller), in consultation with the Chief Information Officer and the Chief Data Officer of the Department of Defense, shall submit to the congressional defense committees a plan to consolidate the information technology systems used to manage data and support the planning, programming, budgeting, and execution process of the Department of Defense. The plan shall include the consolidation of such systems used by each of the military departments and such systems used by the Defense Agencies, and shall address the retirement or elimination of such systems.

SEC. 1004. COMMISSION ON PLANNING, PROGRAMMING, BUDGETING, AND EXECUTION REFORM.

(a) ESTABLISHMENT.—

(1) IN GENERAL.—There is hereby established an independent commission in the legislative branch to be known as the “Commission on Planning, Programming, Budgeting, and Execution Reform” (in this section referred to as the “Commission”).

Deadline.

(2) DATE OF ESTABLISHMENT.—The Commission shall be established not later 30 days after the date of the enactment of this Act.

(b) MEMBERSHIP.—

(1) NUMBER AND APPOINTMENT.—The Commission shall be composed of 14 civilian individuals not employed by the Federal Government who are recognized experts and have relevant professional experience one or more of the following:

(A) Matters relating to the planning, programming, budgeting, and execution process of the Department of Defense.

(B) Innovative budgeting and resource allocation methods of the private sector.

(C) Iterative design and acquisition process.

(D) Budget or program execution data analysis.

Appointments.

(2) MEMBERS.—The members shall be appointed as follows:

(A) The Secretary of Defense shall appoint two members.

(B) The Majority Leader and the Minority Leader of the Senate shall each appoint one member.

(C) The Speaker of the House of Representatives and the Minority Leader shall each appoint one member.

(D) The Chair and the Ranking Member of the Committee on Armed Services of the Senate shall each appoint one member.

(E) The Chair and the Ranking Member of the Committee on Armed Services of the House of Representatives shall each appoint one member.

(F) The Chair and the Ranking Member of the Committee on Appropriations of the Senate shall each appoint one member.

(G) The Chair and the Ranking Member of the Committee on Appropriations of the House of Representatives shall each appoint one member.

(3) DEADLINE FOR APPOINTMENT.—Not later than 30 days after the date described in subsection (a)(2), members shall be appointed to the Commission.

(4) EXPIRATION OF APPOINTMENT AUTHORITY.—The authority to make appointments under this subsection shall expire on the date described in subsection (a)(2), and the number of members of the Commission shall be reduced by the number equal to the number of appointments so not made.

(c) CHAIR AND VICE CHAIR.—The Commission shall elect a Chair and Vice Chair from among its members.

(d) PERIOD OF APPOINTMENT AND VACANCIES.—Members shall be appointed for the term of the Commission. A vacancy in the Commission shall not affect its powers and shall be filled in the same manner as the original appointment was made.

(e) PURPOSE.—The purpose of the Commission is to—

(1) examine the effectiveness of the planning, programming, budgeting, and execution process and adjacent practices of the Department of Defense, particularly with respect to facilitating defense modernization;

(2) consider potential alternatives to such process and practices to maximize the ability of the Department of Defense to respond in a timely manner to current and future threats; and

(3) make legislative and policy recommendations to improve such process and practices in order to field the operational capabilities necessary to outpace near-peer competitors, provide data and analytical insight, and support an integrated budget that is aligned with strategic defense objectives.

(f) SCOPE AND DUTIES.—The Commission shall perform the following duties:

(1) Compare the planning, programming, budgeting, and execution process of the Department of Defense, including the development and production of documents including the Defense Planning Guidance (described in section 113(g) of title 10, United States Code), the Program Objective Memorandum, and the Budget Estimate Submission, with similar processes of private industry, other Federal agencies, and other countries.

(2) Conduct a comprehensive assessment of the efficacy and efficiency of all phases and aspects of the planning, programming, budgeting, and execution process, which shall include an assessment of—

(A) the roles of Department officials and the timelines to complete each such phase or aspect;

(B) the structure of the budget of Department of Defense, including the effectiveness of categorizing the budget by program, appropriations account, major force program, budget activity, and line item, and whether this structure supports modern warfighting requirements for speed, agility, iterative development, testing, and fielding;

(C) a review of how the process supports joint efforts, capability and platform lifecycles, and transitioning technologies to production;

(D) the timelines, mechanisms, and systems for presenting and justifying the budget of Department of Defense, monitoring program execution and Department of Defense budget execution, and developing requirements and performance metrics;

(E) a review of the financial management systems of the Department of Defense, including policies, procedures, past and planned investments, and recommendations related to replacing, modifying, and improving such systems to ensure that such systems and related processes of the Department result in—

- (i) effective internal controls;
- (ii) the ability to achieve auditable financial statements; and
- (iii) the ability to meet other financial management and operational needs; and

(F) a review of budgeting methodologies and strategies of near-peer competitors to understand if and how such competitors can address current and future threats more or less successfully than the United States.

(3) Develop and propose recommendations to improve the effectiveness of the planning, programming, budgeting, and execution process.

(g) COMMISSION REPORT AND RECOMMENDATIONS.—

(1) INTERIM REPORT.—Not later than February 6, 2023, the Commission shall submit to the Secretary of Defense and the congressional defense committees an interim report including the following:

- Examination. (A) An examination of the development of the documents described in subsection (f)(1).
- Analysis. (B) An analysis of the timelines involved in developing an annual budget request and the future-years defense program (as described in section 221 of title 10, United States Code), including the ability to make changes to such request or such program within those timelines.
- Review. (C) A review of the sufficiency of the civilian personnel workforce in the Office of the Secretary of Defense and the Office of Cost Assessment and Program Evaluation to conduct budgetary and program evaluation analysis.
- Examination. (D) An examination of efforts by the Department of Defense to develop new and agile programming and budgeting to enable the United States to more effectively counter near-peer competitors.
- Review. (E) A review of the frequency and sufficiency of budget and program execution analysis, to include any existing data analytics tools and any suggested improvements.
- (F) Recommendations for internal reform to the Department relating to the planning, programming, budgeting, and execution process for the Department of Defense to make internally.
- (G) Recommendations for reform to the planning, programming, budgeting, and execution process that require statutory changes.
- (H) Any other matters the Commission considers appropriate.

(2) FINAL REPORT.—Not later than September 1, 2023, the Commission shall submit to the Secretary of Defense and the congressional defense committees a final report that includes the elements required under paragraph (1).

(3) BRIEFINGS.—Not later than 180 days after the date specified in subsection (a)(2), and not later than 30 days after each of the interim and final reports are submitted, the

Commission shall provide to the congressional defense committees a briefing on the status of the review and assessment conducted under subsection (f) and include a discussion of any interim or final recommendations.

(4) FORM.—The reports submitted to Congress under paragraphs (1) and (2) shall be submitted in unclassified form but may include a classified annex.

(h) GOVERNMENT COOPERATION.—

(1) COOPERATION.—In carrying out its duties, the Commission shall receive the full and timely cooperation of the Secretary of Defense in providing the Commission with analysis, briefings, and other information necessary for the fulfillment of its responsibilities.

(2) LIAISON.—The Secretary shall designate at least one officer or employee of the Department of Defense to serve as a liaison between the Department and the Commission.

Designation.

(3) DETAILEES AUTHORIZED.—The Secretary may provide, and the Commission may accept and employ, personnel detailed from the Department of Defense, without reimbursement.

(4) FACILITATION.—

(A) INDEPENDENT, NON-GOVERNMENT INSTITUTE.—Not later than 45 days after the date specified in subsection (a)(2), the Secretary of Defense shall make available to the Commission the services of an independent, nongovernmental organization, described under section 501(c)(3) of the Internal Revenue Code of 1986 and which is exempt from taxation under section 501(a) of such Code, which has recognized credentials and expertise in national security and military affairs, in order to facilitate the discharge of the duties of the Commission under this section.

Deadline.

(B) FEDERALLY FUNDED RESEARCH AND DEVELOPMENT CENTER.—On request of the Commission, the Secretary of Defense shall make available the services of a federally funded research and development center in order to enhance the discharge of the duties of the Commission under this section.

(i) STAFF.—

(1) STATUS AS FEDERAL EMPLOYEES.—Notwithstanding the requirements of section 2105 of title 5, United States Code, including the required supervision under subsection (a)(3) of such section, the members of the commission shall be deemed to be Federal employees.

(2) EXECUTIVE DIRECTOR.—The Commission shall appoint and fix the rate of basic pay for an Executive Director in accordance with section 3161(d) of title 5, United States Code.

(3) PAY.—The Executive Director, with the approval of the Commission, may appoint and fix the rate of basic pay for additional personnel as staff of the Commission in accordance with section 3161(d) of title 5, United States Code.

(j) PERSONAL SERVICES.—

(1) AUTHORITY TO PROCURE.—The Commission may—

(A) procure the services of experts or consultants (or of organizations of experts or consultants) in accordance with the provisions of section 3109 of title 5, United States Code; and

(B) pay in connection with such services the travel expenses of experts or consultants, including transportation

and per diem in lieu of subsistence, while such experts or consultants are traveling from their homes or places of business to duty stations.

(2) MAXIMUM DAILY PAY RATES.—The daily rate paid an expert or consultant procured pursuant to paragraph (1) may not exceed the daily rate paid a person occupying a position at level IV of the Executive Schedule under section 5315 of title 5, United States Code.

(k) AUTHORITY TO ACCEPT GIFTS.—The Commission may accept, use, and dispose of gifts or donations of services, goods, and property from non-Federal entities for the purposes of aiding and facilitating the work of the Commission. The authority in this subsection does not extend to gifts of money. Gifts accepted under this authority shall be documented, and conflicts of interest or the appearance of conflicts of interest shall be avoided. Subject to the authority in this section, commissioners shall otherwise comply with rules set forth by the Select Committee on Ethics of the Senate and the Committee on Ethics of the House of Representatives governing Senate and House employees.

Compliance.

(l) LEGISLATIVE ADVISORY COMMITTEE.—The Commission shall operate as a legislative advisory committee and shall not be subject to the provisions of the Federal Advisory Committee Act (Public Law 92–463; 5 U.S.C. App) or section 552b, United States Code (commonly known as the Government in the Sunshine Act).

(m) CONTRACTING AUTHORITY.—The Commission may acquire administrative supplies and equipment for Commission use to the extent funds are available.

(n) USE OF GOVERNMENT INFORMATION.—The Commission may secure directly from any department or agency of the Federal Government such information as the Commission considers necessary to carry out its duties. Upon such request of the chair of the Commission, the head of such department or agency shall furnish such information to the Commission.

(o) POSTAL SERVICES.—The Commission may use the United States mail in the same manner and under the same conditions as departments and agencies of the United States.

Deadline.
Consultation.

(p) SPACE FOR USE OF COMMISSION.—Not later than 30 days after the establishment date of the Commission, the Administrator of General Services, in consultation with the Commission, shall identify and make available suitable excess space within the Federal space inventory to house the operations of the Commission. If the Administrator is not able to make such suitable excess space available within such 30-day period, the Commission may lease space to the extent the funds are available.

(q) REMOVAL OF MEMBERS.—A member may be removed from the Commission for cause by the individual serving in the position responsible for the original appointment of such member under subsection (b)(1), provided that notice has first been provided to such member of the cause for removal and voted and agreed upon by three quarters of the members serving. A vacancy created by the removal of a member under this subsection shall not affect the powers of the Commission, and shall be filled in the same manner as the original appointment was made.

(r) TERMINATION.—The Commission shall terminate 180 days after the date on which it submits the final report required by subsection (g)(2).

Subtitle B—Counterdrug Activities

SEC. 1007. EXTENSION OF AUTHORITY TO SUPPORT A UNIFIED COUNTERDRUG AND COUNTERTERRORISM CAMPAIGN IN COLOMBIA.

Section 1021 of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 (Public Law 108–375; 118 Stat. 2042), as most recently amended by section 1021 of the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116–92; 133 Stat. 1577), is further amended—

- (1) in subsection (a)(1), by striking “2022” and inserting “2023”; and
- (2) in subsection (c), by striking “2022” and inserting “2023”.

SEC. 1008. AUTHORITY FOR JOINT TASK FORCES TO PROVIDE SUPPORT TO LAW ENFORCEMENT AGENCIES CONDUCTING COUNTER-TERRORISM ACTIVITIES.

(a) EXTENSION.—Subsection (b) of section 1022 of the National Defense Authorization Act for Fiscal Year 2004 (Public Law 108–136; 10 U.S.C. 271 note) is amended by striking “2022” and inserting “2027”.

- (b) CONDITIONS.—Subsection (d) of such section is amended—
- (1) by striking paragraph (1);
 - (2) by striking (2);
 - (3) by redesignating subparagraphs (A) and (B) as paragraphs (1) and (2), respectively, and adjusting the margins accordingly; and
 - (4) in paragraph (2), as so redesignated, by striking “subparagraph (A)” and inserting “paragraph (1)”.

Subtitle C—Naval Vessels and Shipyards

SEC. 1011. MODIFICATION TO ANNUAL NAVAL VESSEL CONSTRUCTION PLAN.

(a) IN GENERAL.—Section 231 of title 10, United States Code, is amended—

- (1) in subsection (b)(2), by adding at the end the following new subparagraphs:

“(G) The expected service life of each vessel in the naval vessel force provided for under the naval vessel construction plan, disaggregated by ship class, and the rationale for any changes to such expectations from the previous year’s plan.

“(H) A certification by the appropriate Senior Technical Authority designated under section 8669b of this title of the expected service life of each vessel in the naval vessel force provided for under the naval vessel construction plan, disaggregated by ship class, and the rationale for any changes to such expectations from the previous year’s plan.

Certification.

“(I) For each battle force ship planned to be inactivated during the five-year period beginning on the date of the submittal of the report, a description of the planned disposition of each such ship following such inactivation and the potential gaps in warfighting capability that will result from such ship being removed from service.”; and

(2) in subsection (f), by adding at the end the following new paragraph:

“(6) The term ‘expected service life’ means the number of years a naval vessel is expected to be in service.”.

(b) REPEAL OF TERMINATION OF ANNUAL NAVAL VESSEL CONSTRUCTION PLAN.—Section 1061(c) of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114–328; 10 U.S.C. 111 note) is amended by striking paragraph (15).

SEC. 1012. IMPROVING OVERSIGHT OF NAVY CONTRACTS FOR SHIPBUILDING, CONVERSION, AND REPAIR.

(a) IN GENERAL.—Chapter 805 title 10, United States Code, is amended by adding at the end the following new section:

10 USC 8039.

“§ 8039. Deputy Commander of the Naval Sea Systems Command for the Supervision of Shipbuilding, Conversion, and Repair

Appointment.

“(a) IN GENERAL.—The Secretary of the Navy shall establish and appoint an individual to the position of Deputy Commander of the Naval Sea Systems Command for the Supervision of Shipbuilding, Conversion, and Repair (in this section referred to as the ‘Deputy Commander’).

“(b) QUALIFICATIONS.—The Deputy Commander shall be a flag officer of the Navy or an employee of the Navy in a Senior Executive Service position who possesses the expertise required to carry out the responsibilities specified in this section.

“(c) REPORTING.—The Deputy Commander shall report directly to the Commander of the Naval Sea Systems Command.

“(d) GENERAL RESPONSIBILITIES.—The Deputy Commander shall oversee—

“(1) the independent administration and management of the execution of Department of Defense contracts awarded to commercial entities for shipbuilding, conversion, and repair at the facilities of such entities;

“(2) the designated contract administration office of the Department responsible for performing contract administration services for such contracts;

“(3) enforcement of requirements of such contracts to ensure satisfaction of all contractual obligations;

“(4) the work performed on such contracts to facilitate greater quality and economy in the products and services being procured; and

“(5) on-site quality assurance by the Government for such contracts, including inspections.

“(e) NON-CONTRACT ADMINISTRATION SERVICES FUNCTIONS.—The Deputy Commander shall manage the complexities and unique demands of shipbuilding, conversion, and repair by overseeing the performance of the following non-contract administration services functions for Navy Program Executives Offices, fleet commanders, and the Naval Sea Systems Command headquarters:

“(1) Project oversight, including the following:

“(A) Coordinating responses to non-contractual emergent problems, as assigned by the Commander of Naval Sea Systems Command.

“(B) Jointly coordinating activities of precommissioning crews and ship’s force, and other Government activities.

“(C) Communicating with customers and higher authority regarding matters that may affect project execution.

“(D) Contract planning and procurement, including participation in acquisition planning and pre-award activities, including assessment of contractor qualifications.

“(2) Technical authority, including the following:

“(A) Execution of the technical authority responsibilities by the Waterfront Chief Engineer.

“(B) Execution of the waterfront technical authority responsibilities of the Naval Sea Systems Command for providing Government direction and coordination in the resolution of technical issues.

“(f) COMPREHENSIVE CONTRACT MANAGEMENT.—The Deputy Commander shall maintain direct relationships with the Director of the Defense Contract Management Agency and the Director of the Defense Contract Audit Agency to facilitate comprehensive contract management and oversight of commercial entities awarded a contract described in subsection (d)(1) and subcontractors (at any tier).

“(g) SUBCONTRACTOR AUDITS.—The Deputy Commander shall request that the Director of the Defense Contract Audit Agency perform periodic audits of subcontractors that perform cost-type subcontracts or incentive subcontracts—

“(1) that are valued at \$50,000,000 or more; and

“(2) for which the Deputy Commander oversees the designated contract administration office of the Department pursuant to subsection (d)(2).

“(h) ANNUAL WRITTEN ASSESSMENT.—(1) Not later than March 1 of each year, the Deputy Commander shall submit to the congressional defense committees a written assessment summarizing the activities and results associated with the contracts for which the Deputy Commander oversees the designated contract administration office of the Department.

Deadline.
Summaries.

“(2) Each written assessment required by paragraph (1) shall include the following:

“(A) A summary of shipbuilding performance that—

“(i) includes common critical process metrics documented by the appropriate Navy supervisor of shipbuilding, conversion, and repair for each commercial entity described in subsection (d)(1);

“(ii) outlines corrective action requests for critical defects and any actions planned or taken to address them;

“(iii) indicates waivers approved to support acceptance trials, combined trials, and Navy acceptance of ship delivery from the commercial entity described in subsection (d)(1), to include the conditions requiring the approval of each waiver; and

“(iv) includes information on the extent to which letters of delegation are used for each shipbuilding program to provide for quality assurance oversight of subcontractors (at any tier) by the Defense Contract Management Agency.

“(B) A summary of any significant deficiencies in contractor business systems or other significant contract discrepancies documented by the appropriate Navy supervisor of shipbuilding, conversion, and repair, the Defense Contract Management

Agency, or the Defense Contract Audit Agency for such contracts, and any actions planned or taken in response.

“(C) A summary of the results from audits and inspections completed by Naval Sea Systems Command that evaluate the performance of the appropriate Navy supervisor of shipbuilding, conversion, and repair in executing their quality assurance and contract administration responsibilities.

“(D) A summary of any dedicated evaluation, such as a review by a task force or working group, of the organizational structure and resourcing plans and requirements that support the supervision of shipbuilding, conversion, and repair, that—

“(i) includes key findings, recommendations, and implementation plans; and

“(ii) indicates any additional support needed from other organizations of the Department, such as the Defense Contract Audit Agency and the Defense Contract Management Agency, for implementation.”.

10 USC
prec. 8031.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 805 of such title is amended by adding at the end the following new item:

“8039. Deputy Commander of the Naval Sea Systems Command for the Supervision of Shipbuilding, Conversion, and Repair.”.

10 USC
prec. 8039.

(c) EFFECTIVE DATE.—On the date that is 30 days after the date of enactment of the National Defense Authorization Act for Fiscal Year 2023—

(1) this section and the amendments made by this section shall take effect; and

Appointment.
Notification.

(2) the Secretary of the Navy shall appoint an individual to the position of Deputy Commander of the Naval Sea Systems Command for the Supervision of Shipbuilding, Conversion, and Repair and notify the congressional defense committees of such appointment.

SEC. 1013. CODIFICATION OF REQUIREMENT FOR ASSESSMENTS PRIOR TO START OF CONSTRUCTION ON FIRST SHIP OF A SHIPBUILDING PROGRAM.

(a) IN GENERAL.—Chapter 863 of title 10, United States Code, is amended by inserting after section 8669b the following new section:

10 USC 8669c.

“§ 8669c. Assessments required prior to start of construction on first ship of a shipbuilding program

Time period.

“(a) IN GENERAL.—The Secretary of the Navy may not approve the start of construction of the first ship for any major shipbuilding program until a period of 30 days has elapsed following the date on which the Secretary—

Reports.

“(1) submits a report to the congressional defense committees on the results of any production readiness review;

Certification.

“(2) certifies to the congressional defense committees that the findings of any such review support commencement of construction; and

Certification.

“(3) certifies to the congressional defense committees that the basic and functional design of the vessel is complete.

“(b) REPORT.—The report required by subsection (a)(1) shall include, at a minimum, an assessment of each of the following:

“(1) The maturity of the ship’s design, as measured by stability of the ship contract specifications and the degree of completion of detail design and production design drawings.

“(2) The maturity of developmental command and control systems, weapon and sensor systems, and hull, mechanical and electrical systems.

“(3) The readiness of the shipyard facilities and workforce to begin construction.

“(4) The Navy’s estimated cost at completion and the adequacy of the budget to support the estimate.

Cost estimate.

“(5) The Navy’s estimated delivery date and description of any variance to the contract delivery date.

Estimate.

“(6) The extent to which adequate processes and metrics are in place to measure and manage program risks.

“(c) DEFINITIONS.—For the purposes of subsection (a):

“(1) BASIC AND FUNCTIONAL DESIGN.—The term ‘basic and functional design’, when used with respect to a vessel, means design through computer aided models, that—

“(A) fixes the major hull structure of the vessel;

“(B) sets the hydrodynamics of the vessel; and

“(C) routes major portions of all distributive systems of the vessel, including electricity, water, and other utilities.

“(2) FIRST SHIP.—The term ‘first ship’ applies to a ship if—

“(A) the ship is the first ship to be constructed under that shipbuilding program; or

“(B) the shipyard at which the ship is to be constructed has not previously started construction on a ship under that shipbuilding program.

“(3) MAJOR SHIPBUILDING PROGRAM.—The term ‘major shipbuilding program’ means a program for the construction of combatant and support vessels required for the naval vessel force, as reported within the annual naval vessel construction plan required by section 231 of this title.

“(4) PRODUCTION READINESS REVIEW.—The term ‘production readiness review’ means a formal examination of a program prior to the start of construction to determine if the design is ready for production, production engineering problems have been resolved, and the producer has accomplished adequate planning for the production phase.

“(5) START OF CONSTRUCTION.—The term ‘start of construction’ means the beginning of fabrication of the hull and superstructure of the ship.”

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 8669b the following new item:

10 USC
prec. 8661.

“8669c. Assessments required prior to start of construction on first ship of a shipbuilding program.”

(c) CONFORMING REPEAL.—Section 124 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 28; 10 U.S.C. 8661 note) is repealed.

SEC. 1014. LIMITATION ON DECOMMISSIONING OR INACTIVATING A BATTLE FORCE SHIP BEFORE THE END OF EXPECTED SERVICE LIFE.

(a) IN GENERAL.—Chapter 863 of title 10, United States Code, is amended by inserting after section 8678 the following new section:

10 USC 8678a.

“§ 8678a. Limitation on decommissioning or inactivating a battle force ship before the end of expected service life

“(a) LIMITATION.—The Secretary of the Navy may not decommission or inactivate a battle force ship before the end of the expected service life of the ship.

“(b) WAIVER.—The Secretary of the Navy may waive the limitation under subsection (a) with respect to a battle force ship if—

“(1) the Secretary submits to the congressional defense committees the certification described in subsection (c) with respect to such ship; and

Time period.

“(2) a period of 30 days has elapsed following the date on which such certification was submitted.

“(c) CERTIFICATION DESCRIBED.—A certification described in this subsection is a certification that—

“(1)(A) maintaining the battle force ship in a reduced operating status is not feasible;

“(B) maintaining the ship with reduced capability is not feasible;

“(C) maintaining the ship as a Navy Reserve unit is not feasible;

“(D) transferring the ship to the Coast Guard is not feasible; and

“(E) maintaining the ship is not required to support the most recent national defense strategy required by section 113(g) of this title; and

“(2) includes an explanation of—

“(A) the options assessed and the rationale for the determinations under subparagraphs (A) through (D) of paragraph (1); and

“(B) the rationale for the determination under subparagraph (E) of such paragraph.

“(d) FORM.—A certification submitted under subsection (b) shall be submitted in unclassified form, but may include a classified annex.

“(e) DEFINITIONS.—In this section:

“(1) The term ‘battle force ship’ means the following:

“(A) A commissioned United States Ship warship capable of contributing to combat operations.

“(B) A United States Naval Ship that contributes directly to Navy warfighting or support missions.

“(2) The term ‘expected service life’ means the number of years a naval vessel is expected to be in service.”.

10 USC
prec. 8661.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 863 of such title is amended by inserting after the item relating to section 8678 the following new item:

“8678a. Limitation on decommissioning or inactivating a battle force ship before the end of expected service life.”.

SEC. 1015. BIENNIAL REPORT ON SHIPBUILDER TRAINING AND THE DEFENSE INDUSTRIAL BASE.

(a) TECHNICAL CORRECTION.—The second section 8692 of title 10, United States Code, as added by section 1026 of the William M. (Mac) Thornberry National Defense Authorization Act for Fiscal Year 2021 (Public Law 116–283), is redesignated as section 8693 and the table of sections at the beginning of chapter 863 of such title is conformed accordingly.

10 USC
prec. 8661.

(b) **MODIFICATION OF REPORT.**—Such section is further amended—

(1) by striking “Not later” and inserting “(a) IN GENERAL.—Not later”;

(2) in subsection (a), as so redesignated, by adding at the end the following new paragraph:

“(7) An analysis of the potential benefits of multi-year procurement contracting for the stability of the shipbuilding defense industrial base.”; and

Analysis.
Contracts.

(3) by adding at the end the following new subsection:

“(b) **SOLICITATION AND ANALYSIS OF INFORMATION.**—In order to carry out subsection (a)(2), the Secretary of the Navy and Secretary of Labor shall—

“(1) solicit information regarding the age demographics and occupational experience level from the private shipyards of the shipbuilding defense industrial base; and

“(2) analyze such information for findings relevant to carrying out subsection (a)(2), including findings related to the current and projected defense shipbuilding workforce, current and projected labor needs, and the readiness of the current and projected workforce to supply the proficiencies analyzed in subsection (a)(1).”.

SEC. 1016. ANNUAL REPORT ON SHIP MAINTENANCE.

(a) **IN GENERAL.**—Chapter 863 of title 10, United States Code, is amended by adding at the end the following new section:

“§ 8694. Annual report on ship maintenance

10 USC 8694.

“(a) **REPORT REQUIRED.**—Not later than October 15 of each year, the Secretary of the Navy shall submit to the Committees on Armed Services of the Senate and House of Representatives a report setting forth each of the following:

“(1) A description of all ship maintenance planned for the fiscal year during which the report is submitted, by hull.

“(2) The estimated cost of the maintenance described pursuant to paragraph (1).

Cost estimate.

“(3) A summary of all ship maintenance conducted by the Secretary during the previous fiscal year.

Summary.

“(4) A detailed description of any ship maintenance that was deferred during the previous fiscal year, including specific reasons for the delay or cancellation of any availability.

“(5) A detailed description of the effect of each of the planned ship maintenance actions that were delayed or cancelled during the previous fiscal year, including—

“(A) a summary of the effects on the costs and schedule for each delay or cancellation; and

Summary.
Schedule.

“(B) the accrued operational and fiscal cost of all the deferments over the fiscal year.

Deferment costs.

“(b) **FORM OF REPORT.**— Each report submitted under subsection (a) shall be submitted in unclassified form and made publicly available on an appropriate internet website in a searchable format, but may contain a classified annex.”.

Public
information.
Web posting.

(b) **CLERICAL AMENDMENT.**—The table of sections at the beginning of such chapter is amended by adding at the end the following new section:

10 USC
prec. 8661.

“8694. Annual report on ship maintenance.”.

SEC. 1017. NAVY BATTLE FORCE SHIP ASSESSMENT AND REQUIREMENT REPORTING.

(a) IN GENERAL.—Chapter 863 of title 10, United States Code, as amended by section 1023, is further amended by adding at the end the following new section:

10 USC 8695. **“SEC. 8695. NAVY BATTLE FORCE SHIP ASSESSMENT AND REQUIREMENT REPORTING.**

Deadline. **“(a) IN GENERAL.**—Not later than 180 days after the date on which a covered event occurs, the Chief of Naval Operations shall submit to the congressional defense committees a battle force ship assessment and requirement.

“(b) ASSESSMENT.—Each assessment required by subsection (a) shall include the following:

Review. **“(1)** A review of the strategic guidance of the Federal Government, the Department of Defense, and the Navy for identifying priorities, missions, objectives, and principles, in effect as of the date on which the assessment is submitted, that the force structure of the Navy must follow.

“(2) An identification of the steady-state demand for maritime security and security force assistance activities.

“(3) An identification of the force options that can satisfy the steady-state demands for activities required by theater campaign plans of combatant commanders.

Analysis. **“(4)** A force optimization analysis that produces a day-to-day global posture required to accomplish peacetime and steady-state tasks assigned by combatant commanders.

“(5) A modeling of the ability of the force to fight and win scenarios approved by the Department of Defense.

“(6) A calculation of the number and global posture of each force element required to meet steady-state presence demands and warfighting response timelines.

“(c) REQUIREMENT.—(1) Each requirement required by subsection (a) shall—

“(A) be based on the assessment required by subsection (b); and

Time periods. **“(B)** identify, for each of the fiscal years that are five, 10, 15, 20, 25, and 30 years from the date of the covered event—

“(i) the total number of battle force ships required;

“(ii) the number of battle force ships required in each of the categories described in paragraph (2);

“(iii) the classes of battle force ships included in each of the categories described in paragraph (2); and

“(iv) the number of battle force ships required in each class.

“(2) The categories described in this paragraph are the following:

“(A) Aircraft carriers.

“(B) Large surface combatants.

“(C) Small surface combatants.

“(D) Amphibious warfare ships.

“(E) Attack submarines.

“(F) Ballistic missile submarines.

“(G) Combat logistics force.

“(H) Expeditionary fast transport.

“(I) Expeditionary support base.

“(J) Command and support.

“(K) Other.

“(d) DEFINITIONS.—In this section:

“(1) The term ‘battle force ship’ means the following:

“(A) A commissioned United States Ship warship capable of contributing to combat operations.

“(B) A United States Naval Ship that contributes directly to Navy warfighting or support missions.

“(2) The term ‘covered event’ means a significant change to any of the following:

“(A) Strategic guidance that results in changes to theater campaign plans or warfighting scenarios.

“(B) Strategic laydown of vessels or aircraft that affects sustainable peacetime presence or warfighting response timelines.

“(C) Operating concepts, including employment cycles, crewing constructs, or operational tempo limits, that affect peacetime presence or warfighting response timelines.

“(D) Assigned missions that affect the type or quantity of force elements.”.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 863 of such title is further amended by adding at the end the following new item:

10 USC
prec. 8661.

“8695. Navy battle force ship assessment and requirement reporting.”.

(c) BASELINE ASSESSMENT AND REQUIREMENT REQUIRED.—The date of the enactment of this Act is deemed to be a covered event for the purposes of establishing a baseline battle force ship assessment and requirement under section 8695 of title 10, United States Code, as added by subsection (a).

10 USC 8695
note.

SEC. 1018. PROHIBITION ON USE OF FUNDS FOR RETIREMENT OF MARK VI PATROL BOATS.

(a) PROHIBITION.—None of the funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2022 for the Navy may be obligated or expended to retire, prepare to retire, or place in storage any Mark VI patrol boat.

(b) REPORT.—Not later than February 15, 2022, the Secretary of the Navy, in consultation with the Commandant of the Marine Corps, shall submit to the congressional defense committees a report that includes each of the following:

Consultation.

(1) The rationale for the retirement of existing Mark VI patrol boats, including an operational analysis of the effect of such retirements on the warfighting requirements of the commanders of each of the combatant commands.

(2) A review of how the Fifth Fleet requirements, which are currently being met by Mark VI patrol boats, will continue to be met without such boats, including an evaluation of the cumulative effect of eliminating Mark VI patrol boats in addition to other recent reductions in Navy riverine force structure, such as riverine command boats, in the theater.

Review.

(3) An update on the implementation of the corrective actions and lessons learned from the Navy’s investigation of the January 12, 2016, incident in which 10 United States sailors were detained by Iranian forces near Farsi Island, the extent to which retiring existing Mark VI patrol boats will affect such implementation, and how such implementation will be sustained in the absence of Mark VI patrol boats.

Update.

Review.

(4) A review of operating concepts for escorting high value units without Mark VI patrol boats.

(5) A description of the manner and concept of operations in which the Marine Corps could use Mark VI patrol boats to support distributed maritime operations, advanced expeditionary basing operations, and persistent presence near maritime choke points and strategic littorals in the Indo-Pacific region.

Assessment.

(6) An assessment of the potential for modification, and the associated costs, of the Mark VI patrol boat for the inclusion of loitering munitions or anti-ship cruise missiles, such as the Long Range Anti-Ship Missile and the Naval Strike Missile, particularly to support the concept of operations described in paragraph (5).

(7) A description of resources required for the Marine Corps to possess, man, train, and maintain Mark VI patrol boats in the performance of the concept of operations described in paragraph (5) and modifications described in paragraph (6).

Determination.
Effective date.

(8) A determination of whether the Marine Corps should take possession of the Mark VI patrol boats effective on or before September 30, 2022.

(9) Such other matters the Secretary determines appropriate.

SEC. 1019. AVAILABILITY OF FUNDS FOR RETIREMENT OR INACTIVATION OF GUIDED MISSILE CRUISERS.

None of the funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2022 for the Department of Defense may be obligated or expended to retire, prepare to retire, inactivate, or place in storage more than 5 guided missile cruisers.

SEC. 1020. REVIEW OF SUSTAINMENT KEY PERFORMANCE PARAMETERS FOR SHIPBUILDING PROGRAMS.

Deadline.

(a) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Chairman of the Joint Chiefs of Staff shall initiate a review of the Joint Capabilities Integration and Development System policy related to the setting of sustainment key performance parameters and key system attributes for shipbuilding programs to ensure such parameters and attributes account for a comprehensive range of factors that could affect the operational availability and materiel availability of a ship. Such review shall include the extent to which—

(1) the term “operational availability” should be redefined by mission area and to include equipment failures that affect the ability of a ship to perform primary missions; and

(2) the term “materiel availability” should be redefined to take into account factors that could result in a ship being unavailable for operations, including unplanned maintenance, unplanned losses, and training.

(b) REPORT REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Chairman of the Joint Chiefs of Staff shall submit to congressional defense committees a report on the findings and recommendations of the review required under paragraph (a).

SEC. 1021. ASSESSMENT OF SECURITY OF GLOBAL MARITIME CHOKEPOINTS.

(a) **IN GENERAL.**—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report on the security of global maritime chokepoints from the threat of hostile kinetic attacks, cyber disruptions, and other form of sabotage. The report shall include an assessment of each of the following with respect to each global maritime chokepoint covered by the report: Reports.

(1) The expected length of time and resources required for operations to resume at the chokepoint in the event of attack, sabotage, or other disruption of regular maritime operations.

(2) The security of any secondary chokepoint that could be affected by a disruption at the global maritime chokepoint.

(3) Options to mitigate any vulnerabilities resulting from a hostile kinetic attack, cyber disruption, or other form of sabotage at the chokepoint.

(b) **FORM OF REPORT.**—The report required by subsection (a) shall be submitted in unclassified form, but may contain a classified annex.

(c) **GLOBAL MARITIME CHOKEPOINT.**—In this section, the term “global maritime chokepoint” means any of the following:

(1) The Panama Canal.

(2) The Suez Canal.

(3) The Strait of Malacca.

(4) The Strait of Hormuz.

(5) The Bab el-Mandeb Strait.

(6) Any other chokepoint determined appropriate by the Secretary.

SEC. 1022. REPORT ON ACQUISITION, DELIVERY, AND USE OF MOBILITY ASSETS THAT ENABLE IMPLEMENTATION OF EXPEDITIONARY ADVANCED BASE OPERATIONS.

(a) **REPORT REQUIRED.**—Not later than 180 days after the date of the enactment of this Act, the Secretary of the Navy shall submit to the congressional defense committees a report that includes a detailed description of each of the following:

(1) The doctrine, organization, training, materiel, leadership and education, personnel, and facilities required to operate and maintain a force of 24 to 35 Light Amphibious Warships, including—

(A) the estimated timeline for procuring and delivering such warships; Timeline.

(B) the estimated cost to procure, man, train, operate, maintain, and modernize such warships for each of the 10 years following the year in which the report is submitted, together with the notional Department of Defense appropriations account associated with each such cost; and Cost estimate.
Time period.

(C) the feasibility of accelerating the current Light Amphibious Warship procurement plan and delivery schedule.

(2) The specific number, type, and mix of manned and unmanned platforms required to support distributed maritime operations and expeditionary advanced base operations.

(3) The feasibility of Marine Littoral Regiments using other joint and interagency mobility platforms prior to, in addition

to, or in lieu of the operational availability of Light Amphibious Warships, including—

(A) Army LCU-2000, Runnymede-class and General Frank S. Besson-class logistics support vessels;

(B) Navy LCU-1610 or LCU-1700, Landing Craft Air Cushioned, and Ship-to-Shore Connector vessels;

(C) commercial vessel options that—

(i) are available as of the date of the enactment of this Act; and

(ii) meet Marine Littoral Regiment requirements for movement, maneuver, sustainment, training, interoperability, and cargo capacity and delivery;

(D) maritime prepositioning force vessels; and

(E) Coast Guard vessels.

(4) The specific number, type, and mix of long range unmanned surface vessel platforms required to support distributed maritime operations, expeditionary advanced base operations, along with their operational interaction with the warfighting capabilities of the fleet, including—

(A) the estimated timeline for procuring and delivering such platforms; and

(B) the estimated cost to procure, man, train, operate, maintain, and modernize such platforms for each of the 10 years following the year in which the report is submitted, together with the notional Department of Defense appropriations account associated with each such cost.

(5) The feasibility of integrating Marine Littoral Regiments with—

(A) special operations activities;

(B) joint and interagency planning;

(C) information warfare operations; and

(D) command, control, communications, computer, intelligence, surveillance and reconnaissance, and security cooperation activities.

(6) The projected cost and timeline for deploying Marine Littoral Regiments, including—

(A) the extent to which such regiments will deploy with the capabilities listed in paragraphs (1) through (5) during each of the 10 years following the year in which the report is submitted; and

(B) options to accelerate such deployments or increase the capabilities of such regiments if additional resources are available, together with a description of such resources.

(b) FORM OF REPORT.—The report required by subsection (a) shall be submitted in a publicly accessible, unclassified form, but may contain a classified annex.

Timeline.

Cost estimate.
Time period.

Time period.

Public
information.

Subtitle D—Counterterrorism

SEC. 1031. INCLUSION IN COUNTERTERRORISM BRIEFINGS OF INFORMATION ON USE OF MILITARY FORCE IN COLLECTIVE SELF-DEFENSE.

Section 485(a) of title 10, United States Code, is amended by inserting after “activities” the following: “, including the use of military force under the notion of collective self-defense of foreign partners”.

**SEC. 1032. EXTENSION OF PROHIBITION ON USE OF FUNDS FOR
TRANSFER OR RELEASE OF INDIVIDUALS DETAINED AT
UNITED STATES NAVAL STATION, GUANTANAMO BAY,
CUBA, TO CERTAIN COUNTRIES.**

Section 1035 of the John S. McCain National Defense Authorization Act for Fiscal Year 2019 (Public Law 115–232; 132 Stat. 1954), as most recently amended by section 1043 of the William M. (Mac) Thornberry National Defense Authorization Act for Fiscal Year 2021 (Public Law 116–283), is further amended by striking “December 31, 2021” and inserting “December 31, 2022”. 134 Stat. 3847.

**SEC. 1033. EXTENSION OF PROHIBITION ON USE OF FUNDS FOR
TRANSFER OR RELEASE OF INDIVIDUALS DETAINED AT
UNITED STATES NAVAL STATION, GUANTANAMO BAY,
CUBA, TO THE UNITED STATES.**

Section 1033 of the John S. McCain National Defense Authorization Act for Fiscal Year 2019 (Public Law 115–232; 132 Stat. 1953), as most recently amended by section 1041 of the William M. (Mac) Thornberry National Defense Authorization Act for Fiscal Year 2021 (Public Law 116–283), is further amended by striking “December 31, 2021” and inserting “December 31, 2022”. 134 Stat. 3846.

**SEC. 1034. EXTENSION OF PROHIBITION ON USE OF FUNDS TO CON-
STRUCT OR MODIFY FACILITIES IN THE UNITED STATES
TO HOUSE DETAINEES TRANSFERRED FROM UNITED
STATES NAVAL STATION, GUANTANAMO BAY, CUBA.**

Section 1034(a) of the John S. McCain National Defense Authorization Act for Fiscal Year 2019 (Public Law 115–232; 132 Stat. 1954), as most recently amended by section 1042 of the William M. (Mac) Thornberry National Defense Authorization Act for Fiscal Year 2021 (Public Law 116–283), is further amended by striking “December 31, 2021” and inserting “December 31, 2022”. 134 Stat. 3847.

**SEC. 1035. EXTENSION OF PROHIBITION ON USE OF FUNDS TO CLOSE
OR RELINQUISH CONTROL OF UNITED STATES NAVAL
STATION, GUANTANAMO BAY, CUBA.**

Section 1036 of the National Defense Authorization Act for Fiscal Year 2018 (Public Law 115–91; 131 Stat. 1551), as most recently amended by section 1044 of the William M. (Mac) Thornberry National Defense Authorization Act for Fiscal Year 2021 (Public Law 116–283), is further amended by striking “fiscal years 2018 through 2021” and inserting “any of fiscal years 2018 through 2022”. 134 Stat. 3847.

**SEC. 1036. REPORT ON MEDICAL CARE PROVIDED TO DETAINEES AT
UNITED STATES NAVAL STATION, GUANTANAMO BAY,
CUBA.**

(a) **REPORT.**—Not later than 120 days after the date of the enactment of this Act, the Chief Medical Officer of United States Naval Station, Guantanamo Bay (in this section referred to as the “Chief Medical Officer”), shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the provision of medical care to individuals detained at Guantanamo.

(b) **ELEMENTS.**—The report required by subsection (a) shall include the following:

Assessment.

(1) An assessment of the quality of medical care provided to individuals detained at Guantanamo, including whether such care meets applicable standards of care.

(2) A description of the medical facilities and resources at United States Naval Station, Guantanamo Bay, Cuba, available to individuals detained at Guantanamo.

(3) A description of the medical facilities and resources not at United States Naval Station, Guantanamo Bay, that would be made available to individuals detained at Guantanamo as necessary to meet applicable standards of care.

(4) A description of the range of medical conditions experienced by individuals detained at Guantanamo as of the date on which the report is submitted.

(5) A description of the range of medical conditions likely to be experienced by individuals detained at Guantanamo, given the medical conditions of such individuals as of the date on which the report is submitted and the likely effects of aging.

Assessment.

(6) An assessment of any gaps between—

(A) the medical facilities and resources described in paragraphs (2) and (3); and

(B) the medical facilities and resources required to provide medical care necessary to meet applicable standards of care for the medical conditions described in paragraphs (4) and (5).

Plan.
Cost estimates.

(7) The plan of the Chief Medical Officer to address the gaps described in paragraph (6), including the estimated costs associated with addressing such gaps.

Assessment.

(8) An assessment of whether the Chief Medical Officer has secured from the Department of Defense access to individuals, information, or other assistance that the Chief Medical Officer considers necessary to enable the Chief Medical Officer to carry out the Chief Medical Officer's duties, including full and expeditious access to the following:

(A) Any individual detained at Guantanamo.

(B) Any medical records of any individual detained at Guantanamo.

(C) Medical professionals of the Department who are working, or have worked, at United States Naval Station, Guantanamo Bay.

Classified
information.

(c) FORM OF REPORT.—The report required by subsection (a) shall be submitted in classified form.

(d) DEFINITIONS.—In this section, the terms “individual detained at Guantanamo”, “medical care”, and “standard of care” have the meanings given those terms in section 1046(e) of the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116–92; 133 Stat. 1586; 10 U.S.C. 801 note).

Subtitle E—Miscellaneous Authorities and Limitations

SEC. 1041. CONGRESSIONAL OVERSIGHT OF ALTERNATIVE COMPENSATORY CONTROL MEASURES.

(a) LIMITATION ON AVAILABILITY OF FUNDS PENDING SUBMISSION OF REPORT.—Of the funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2022 for the Department of Defense for the Office of the Under Secretary of

Defense for Policy, not more than 75 percent may be obligated or expended until the date on which the Secretary of Defense submits to the congressional defense committees the report required under section 119a(a) for 2021.

(b) CONGRESSIONAL OVERSIGHT.—Section 119a of title 10, United States Code, is amended by adding at the end the following new subsection:

“(g) CONGRESSIONAL OVERSIGHT.—(1) Neither the Secretary of Defense nor the Director of National Intelligence may take any action that would have the effect of limiting the access of the congressional defense committees to—

“(A) any classified program, or any information about any classified program, to which such committees have access as of the date of the enactment of the National Defense Authorization Act for Fiscal Year 2022; or

“(B) any classified program established, or any information about any classified program that becomes available, after the date of the enactment of such Act that is within the jurisdiction of such committees.

“(2) In this subsection, the term ‘classified program’ includes any special access program, alternative compensatory control measure, or any other controlled access program.”.

SEC. 1042. MODIFICATION OF NOTIFICATION REQUIREMENTS FOR SENSITIVE MILITARY OPERATIONS.

Section 130f(d) of title 10, United States Code, is amended—

(1) by striking “(1) Except as provided in paragraph (2), in” and inserting “In”;

(2) by striking paragraph (2);

(3) by redesignating subparagraphs (A) and (B) as paragraphs (1) and (2), respectively;

(4) in paragraph (1), as so redesignated, by striking “; or” and inserting a semicolon;

(5) in paragraph (2), as so redesignated, by striking the period at the end and inserting “; or”; and

(6) by adding at the end the following new paragraph:

“(3) an operation conducted by the armed forces to free an individual from the control of hostile foreign forces.”.

SEC. 1043. AUTHORITY TO PROVIDE SPACE AND SERVICES TO MILITARY WELFARE SOCIETIES.

Section 2566 of title 10, United States Code is amended—

(1) in subsection (a), by striking “of a military department” and inserting “concerned”; and

(2) in subsection (b)(1), by adding at the end the following new subparagraph:

“(D) The Coast Guard Mutual Assistance.”.

SEC. 1044. CONGRESSIONAL NOTIFICATION OF SIGNIFICANT ARMY FORCE STRUCTURE CHANGES.

(a) NOTIFICATION REQUIREMENT.—

(1) IN GENERAL.—Chapter 711 of title 10, United States Code, is amended by inserting after section 7101 the following new section:

10 USC 7102.

“§ 7102. Congressional notification of significant Army force structure changes

“(a) NOTIFICATION REQUIRED.—Except as provided in subsection (c), the Secretary of the Army shall submit to the congressional defense committees written notification of any decision to make a significant change to Army force structure prior to implementing or announcing such change.

“(b) CONTENTS.—A notification required under subsection (a) shall include each of the following:

“(1) The justification for the planned change.

“(2) A description of the details of the planned change and timing for implementation.

“(3) A description of the operational implications of the planned change.

“(4) The estimated costs of such change.

Cost estimates.
Certification.

“(c) EXCEPTION.—The notification requirement under subsection (a) shall not apply if the Secretary of Defense certifies to the congressional defense committees in advance that the planned Army force structure change must be implemented immediately for reasons of military urgency.

“(d) DEFINITION OF SIGNIFICANT CHANGE TO ARMY FORCE STRUCTURE.—In this section, the term ‘significant change to Army force structure’ means—

“(1) a change in the number, type, or component of brigade-level organizations or higher-echelon headquarters;

“(2) a change in the number or component of theater-level capabilities, such as a multi-domain task force, Terminal High Altitude Area Defense, long range fires unit, or headquarters; or

“(3) a permanent or temporary activation or inactivation of an experimental unit or brigade-size or higher task force.”.

10 USC
prec. 7101.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 7101 the following new item:

“7102. Congressional notification of significant Army force structure changes.”.

(b) BRIEFING ON ARMY STRUCTURE MEMORANDUM.—Prior to issuing the Army Structure Memorandum derived from the Total Army Analysis, the Secretary of the Army shall provide to the congressional defense committees a briefing on the memorandum. The briefing shall include a description of each of the following:

(1) The guidance and direction provided to the Army by the Secretary of Defense in the Defense Planning Guidance or other directives.

(2) Any scenarios and assumptions used to conduct the analysis.

(3) Any significant force design updates incorporated in the analysis.

(4) Any significant Army force structure changes directed in the Army Structure Memorandum.

(5) Any substantive changes of assessed risk associated with changes directed in the memorandum.

SEC. 1045. PROHIBITION ON USE OF NAVY, MARINE CORPS, AND SPACE FORCE AS POSSE COMITATUS.

(a) IN GENERAL.—Section 1385 of title 18, United States Code, is amended—

(1) by striking “or” after “Army” and inserting “, the Navy, the Marine Corps,”;

(2) by inserting “, or the Space Force” after “Air Force”; and

(3) in the section heading, by striking “**Army and Air Force**” and inserting “**Army, Navy, Marine Corps, Air Force, and Space Force**”.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 67 of such title is amended by striking the item relating to section 1385 and inserting the following new item:

18 USC
prec. 1381.

“1385. Use of Army, Navy, Marine Corps, Air Force, and Space Force as posse comitatus”.

SEC. 1046. COMPARATIVE TESTING REPORTS FOR CERTAIN AIRCRAFT.

(a) MODIFICATION OF LIMITATION.—Section 134(b) of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114–328; 130 Stat. 2037) is amended by striking “the report under subsection (e)(2)” and inserting “a report that includes the information described in subsection (e)(2)(C)”.

(b) COMPARATIVE TESTING REPORTS REQUIRED.—

(1) REPORT FROM DIRECTOR OF OPERATIONAL TEST AND EVALUATION.—Not later than 53 days after the date of the enactment of this Act, the Director of Operational Test and Evaluation shall submit to the congressional defense committees a report that includes the information described in section 134(e)(1)(B) of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114–328; 130 Stat. 2038).

(2) REPORT FROM SECRETARY OF THE AIR FORCE.—Not later than 53 days after the date of the submission of the report under paragraph (1), the Secretary of the Air Force shall submit to the congressional defense committees a report that includes the information described in section 134(e)(2)(C) of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114–328; 130 Stat. 2038).

SEC. 1047. SPECIAL OPERATIONS FORCES JOINT OPERATING CONCEPT FOR COMPETITION AND CONFLICT.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Assistant Secretary of Defense for Special Operations and Low-Intensity Conflict and the Commander of the United States Special Operations Command shall jointly submit to the congressional defense committees a Special Operations Forces joint operating concept for competition and conflict.

Deadline.

(b) ELEMENTS.—The joint operating concept required by subsection (a) shall include the following:

(1) A detailed description of the manner in which special operations forces will be expected to operate in the future across the spectrum of operations, including operations below the threshold of traditional armed conflict, crisis, and armed conflict.

(2) An explanation of the roles and responsibilities of the national mission force and the theater special operations forces, including how such forces will be integrated with each other and with general purpose forces.

(3) An articulation of the required capabilities of the special operations forces.

(4) An explanation of the manner in which the joint operating concept relates to and fits within the joint warfighting concept produced by the Joint Chiefs of Staff.

(5) An explanation of the manner in which the joint operating concept relates to and integrates into the operating concepts of the Armed Forces.

(6) Any other matter the Assistant Secretary and the Commander consider relevant.

Time period.
Reports.

SEC. 1048. LIMITATION ON AVAILABILITY OF CERTAIN FUNDING FOR OPERATION AND MAINTENANCE.

Of the amounts authorized to be appropriated by this Act for fiscal year 2022 for operation and maintenance, Defense-wide, and available for the Office of the Secretary of Defense, not more than 75 percent may be obligated or expended until the date that is 15 days after the date on which the Secretary submits to the congressional defense committees the following:

(1) The first quarterly report identifying and summarizing all execute orders approved by the Secretary of Defense or the commander of a combatant command in effect for the Department of Defense as required by section 1744(c) of the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116–92; 10 U.S.C. 113 note).

(2) The report on the policy of the Department of Defense relating to civilian casualties resulting from United States military operations required by section 936(d) of the John S. McCain National Defense Authorization Act for Fiscal Year 2019 (Public Law 115–232; 10 U.S.C. 134 note).

SEC. 1049. LIMITATION ON USE OF CERTAIN FUNDS PENDING SUBMISSION OF REPORT, STRATEGY, AND POSTURE REVIEW RELATING TO INFORMATION ENVIRONMENT.

Of the amounts authorized to be appropriated for fiscal year 2022 by section 301 for operation and maintenance and available for the Office of the Secretary of Defense for the travel of persons as specified in the table in section 4301, not more than 75 percent shall be available until the date on which all of the following are submitted to the Committee on Armed Services of the Senate and the Committee on Armed Services House of Representatives:

(1) The report required by subsection (h)(1) of section 1631 of the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116–92).

(2) The strategy and posture review required by subsection (g) of such section.

SEC. 1050. BRIEFING BY COMPTROLLER GENERAL AND LIMITATION ON USE OF FUNDS PENDING COMPLIANCE WITH REQUIREMENT FOR INDEPENDENT STUDIES REGARDING POTENTIAL COST SAVINGS.

Deadline.

(a) **BRIEFING REQUIREMENT.**—Not later than March 31, 2022, the Comptroller General of the United States shall provide to the congressional defense committees a briefing on the status of the ongoing efforts of the Comptroller General with respect to the effectiveness of each of the following:

(1) Department of Defense programming and planning for the nuclear enterprise.

(2) Department of Defense processes for identifying the relevance of legacy military systems.

(3) Defense weapon system acquisition and contracting.

(b) **LIMITATION ON AVAILABILITY OF FUNDS.**—Of the funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2022 for the Office of the Secretary of Defense for travel expenses, not more than 90 percent may be obligated or expended before the date on which the Secretary of Defense has entered into agreements for the conduct of the independent reviews required under section 1753 of the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116–92; 133 Stat. 1852).

SEC. 1051. SURVEY ON RELATIONS BETWEEN MEMBERS OF THE ARMED FORCES AND MILITARY COMMUNITIES.

(a) **SURVEY.**—

(1) **IN GENERAL.**—Not later than one year after the date of the enactment of this Act, the Secretary of Defense, acting through the Under Secretary of Defense for Personnel and Readiness, shall conduct a survey of covered individuals regarding relations between covered individuals and covered communities. Deadline.

(2) **CONTENTS OF SURVEY.**—The survey shall be designed to solicit information from covered individuals regarding each of the following:

(A) The rank, age, racial, ethnic, and gender demographics of the covered individuals.

(B) Relationships between covered individuals and the covered community, including support services and acceptance of the military community.

(C) The availability of housing, health care, mental health services, and education for covered individuals, employment opportunities for military spouses, and other relevant issues.

(D) Initiatives of local government and community organizations with respect to covered individuals and covered communities.

(E) The physical safety of covered individuals while in a covered community but outside the military installation located in such covered community.

(F) Any other matters designated by the Secretary of Defense.

(3) **LOCATIONS.**—For purposes of conducting the survey under this subsection, the Secretary of Defense shall select ten geographically diverse military installations where the survey will be conducted.

(b) **ADDITIONAL ACTIVITIES.**—In the course of conducting surveys under this section, the Secretary may carry out any of the following activities with respect to covered individuals and covered communities:

(1) Facilitating local listening sessions and information exchanges.

(2) Developing educational campaigns.

(3) Supplementing existing local and national defense community programs.

(4) Sharing best practices and activities.

(c) **COORDINATION.**—To support activities under this section, the Secretary of Defense may coordinate with local governments and not-for-profit organizations that represent covered individuals.

Deadline.

(d) **BRIEFING.**—Not later than September 30, 2023, the Secretary of Defense shall provide to the Committees on Armed Services of the Senate and the House of Representatives a briefing on the survey conducted under subsection (a). Such briefing shall include—

- (1) with respect to each covered community—
 - (A) the results of the survey; and
 - (B) the activities conducted to address racial inequity in the community;
- (2) the aggregate results of the survey; and
- (3) best practices for creating positive relationships between covered individuals and covered communities.

(e) **DEFINITIONS.**—In this section:

(1) The term “covered community” means a military installation and any geographic area within 10 miles of such military installation.

(2) The term “covered individual” means any of the following individuals who live in a covered community or work on a military installation in a covered community:

(A) A member of the Armed Forces.

(B) A family member of an individual described in subparagraph (A).

(3) The term “military installation” has the meaning given such term in section 2801 of title 10, United States Code.

SEC. 1052. LIMITATION ON USE OF FUNDS PENDING COMPLIANCE WITH CERTAIN STATUTORY REPORTING REQUIREMENTS.

(a) **LIMITATION.**—Of the funds authorized to be appropriated or otherwise made available for fiscal year 2022 for the Office of the Secretary of Defense for travel expenses, not more than 90 percent may be obligated or expended before the date on which all of the following reports are submitted to Congress and the unclassified portions thereof made publicly available:

(1) The report required under section 589F(c) of the William M. (Mac) Thornberry National Defense Authorization Act for Fiscal Year 2021 (Public Law 116–283).

(2) The reports required under section 1299H(d) of the William M. (Mac) Thornberry National Defense Authorization Act for Fiscal Year 2021 (Public Law 116–283).

(3) The report required under section 888(b) of the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116–92).

(4) The report required under section 1752(b) of the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116–92).

Deadline.

(b) **BRIEFING REQUIREMENT.**—Not later than 30 days after the date of the enactment of this Act, the Secretary of Defense shall provide to the Committees on Armed Services of the Senate and House of Representatives a briefing on obstacles to compliance with congressional mandated reporting requirements.

SEC. 1053. NAVY COORDINATION WITH COAST GUARD AND SPACE FORCE ON AIRCRAFT, WEAPONS, TACTICS, TECHNIQUE, ORGANIZATION, AND EQUIPMENT OF JOINT CONCERN.

Section 8062(d) of title 10, United States Code, is amended by inserting “the Coast Guard, the Space Force,” after “the Air Force,”.

Subtitle F—Studies and Reports

SEC. 1061. INCLUSION OF SUPPORT SERVICES FOR GOLD STAR FAMILIES IN QUADRENNIAL QUALITY OF LIFE REVIEW.

(a) TECHNICAL AMENDMENT.—

(1) IN GENERAL.—The second section 118a of title 10, United States Code (relating to the quadrennial quality of life review) is redesignated as section 118b.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 2 of such title is amended by striking the item relating to the second section 118a and inserting the following new item:

10 USC
prec. 111.

“118b. Quadrennial quality of life review.”.

(b) INCLUSION IN REVIEW.—Subsection (c) of section 118b of title 10, United States Code, as redesignated under subsection (a), is amended by adding at the end the following new paragraph:
“(15) Support services for Gold Star families.”.

SEC. 1062. PUBLIC AVAILABILITY OF SEMI-ANNUAL SUMMARIES OF REPORTS.

(a) IN GENERAL.—Section 122a of title 10, United States Code, is amended by adding at the end the following new subsection:

“(c) SEMI-ANNUAL SUMMARIES.—Not later than January 1 and July 1 of each year, the Secretary of Defense shall make publicly available on an appropriate internet website a summary of all reports submitted to Congress by the Department of Defense for the preceding six-month period that are required to be submitted by statute. Each such summary shall include, for each report covered by the summary, the title of report, the date of delivery, and the section of law under which such report is required.”.

Web posting.

(b) APPLICABILITY.—Subsection (c) of section 122a of title 10, United States Code, as added by subsection (a), shall apply beginning on the date that is one year after the date of the enactment of this Act.

10 USC 122a
note.

SEC. 1063. EXTENSION OF REPORTING REQUIREMENT REGARDING ENHANCEMENT OF INFORMATION SHARING AND COORDINATION OF MILITARY TRAINING BETWEEN DEPARTMENT OF HOMELAND SECURITY AND DEPARTMENT OF DEFENSE.

Section 1014(d)(3) of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114–328) is amended by striking “December 31, 2022” and inserting “December 31, 2023”.

SEC. 1064. CONTINUATION OF CERTAIN DEPARTMENT OF DEFENSE REPORTING REQUIREMENTS.

Section 1061 of the National Defense Authorization Act for Fiscal Year 2017 (10 U.S.C. 111 note) is amended—

(1) in subsection (b)(2), by adding at the end the following new subparagraphs:

“(E) The submission of the report required under section 14 of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98h–5).

“(F) The submission of the report required under section 2504 of title 10, United States Code.”;

(2) in subsection (c), by striking paragraph (47); and

(3) in subsection (i), by striking paragraph (30).

SEC. 1065. UPDATED REVIEW AND ENHANCEMENT OF EXISTING AUTHORITIES FOR USING AIR FORCE AND AIR NATIONAL GUARD MODULAR AIRBORNE FIRE-FIGHTING SYSTEMS AND OTHER DEPARTMENT OF DEFENSE ASSETS TO FIGHT WILDFIRES.

Section 1058 of the National Defense Authorization Act for Fiscal Year 2004 (Public Law 108–136; 31 U.S.C. 1535 note) is amended by adding at the end the following new subsection:

“(g) **UPDATED REVIEW AND ENHANCEMENT OF AUTHORITIES.**—

Deadline. (1) Not later than 120 days after the date of the enactment of the National Defense Authorization Act for Fiscal Year 2022, the Director shall—

Determination. “(A) conduct a second review under subsection (a) and make a second determination under subsection (b); and

Reports. “(B) submit to Congress a report that includes—

“(i) the results of the second review and second determination required by subparagraph (A); and

“(ii) a description, based on such second determination, of any new modifications proposed to be made to existing authorities under subsection (c) or (d), including whether there is a need for legislative changes to further improve the procedures for using Department of Defense assets to fight wildfires.

Procedures. “(2) Pursuant to the second determination under subsection

Determination. (b) required by paragraph (1)(A), the Director shall develop and implement such modifications, regulations, policies, and interagency procedures as the Director determines appropriate pursuant to subsections (c) and (d). Any such modification, regulation, policy, or interagency procedure shall not take effect until the end of the 30-day period beginning on the date on which the report is submitted to Congress under paragraph (1)(B).”.

Effective date. Time period.

SEC. 1066. GEOGRAPHIC COMBATANT COMMAND RISK ASSESSMENT OF AIR FORCE AIRBORNE INTELLIGENCE, SURVEILLANCE, AND RECONNAISSANCE MODERNIZATION PLAN.

Reports. (a) **IN GENERAL.**—Not later than March 31, 2022, each commander of a geographic combatant command shall submit to the congressional defense committees a report containing an assessment of the level of operational risk to that command posed by the plan of the Air Force to modernize and restructure airborne intelligence, surveillance, and reconnaissance capabilities to meet near-, mid-, and far-term contingency and steady-state operational requirements against adversaries in support of the objectives of the current national defense strategy.

(b) **PLAN ASSESSED.**—The plan of the Air Force referred to in subsection (a) is the plan required under section 142 of the William M. (Mac) Thornberry National Defense Authorization Act for Fiscal Year 2021 (Public Law 116–283).

(c) **ASSESSMENT OF RISK.**—In assessing levels of operational risk for purposes of subsection (a), a commander shall use the military risk matrix of the Chairman of the Joint Chiefs of Staff, as described in CJCS Instruction 3401.01E.

(d) **GEOGRAPHIC COMBATANT COMMAND.**—In this section, the term “geographic combatant command” means each of the following:

(1) United States European Command.

(2) United States Indo-Pacific Command.

- (3) United States Africa Command.
- (4) United States Southern Command.
- (5) United States Northern Command.
- (6) United States Central Command.

SEC. 1067. BIENNIAL ASSESSMENTS OF AIR FORCE TEST CENTER.

Not later than December 1 of each of 2022, 2024, and 2026, the Secretary of the Air Force shall submit to the congressional defense committees an assessment of the Air Force Test Center. Each such assessment shall include, for the period covered by the assessment, a description of—

Deadlines.
Time periods.

- (1) any challenges of the Air Force Test Center with respect to completing its mission; and
- (2) the plan of the Secretary to address such challenges.

SEC. 1068. REPORT ON 2019 WORLD MILITARY GAMES.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives a report on the participation of the United States in the 2019 World Military Games. Such report shall include a detailed description of each of the following:

(1) The number of United States athletes and staff who attended the 2019 World Military Games and became ill with COVID–19-like symptoms during or shortly after their return to the United States.

(2) The results of any blood testing conducted on athletes and staff returning from the 2019 World Military Games, including whether those blood samples were subsequently tested for COVID–19.

(3) The number of home station Department of Defense facilities of the athletes and staff who participated in the 2019 World Military Games that experienced outbreaks of illnesses consistent with COVID–19 symptoms upon the return of members of the Armed Forces from Wuhan, China.

(4) The number of Department of Defense facilities visited by team members after returning from Wuhan, China, that experienced COVID–19 outbreaks during the first quarter of 2020, including in relation to the share of other Department of Defense facilities that experienced COVID–19 outbreaks through March 31, 2020.

Time period.

(5) Whether the Department tested members of the Armed Forces who traveled to Wuhan, China, for the World Military Games for COVID–19 antibodies, and if so, what portion, if any, of those results were positive, and when such testing was conducted.

(6) Whether there are, or have been, any investigations, including under the auspices of an Inspector General, across the Department of Defense or the military departments into possible connections between United States athletes who traveled to Wuhan, China, and the outbreak of COVID–19.

(7) Whether the Department has engaged with the militaries of allied or partner countries about illnesses surrounding the 2019 World Military Games, and if so, how many participating militaries have indicated to the Department that their athletes or staff may have contracted COVID–19-like symptoms during or immediately after the Games.

Public
information.
Web posting.

(b) **FORM OF REPORT.**—Except to the extent prohibited by law, the report required under this section shall be submitted in unclassified form and made publicly available on an internet website in a searchable format, but may contain a classified annex.

SEC. 1069. REPORTS ON OVERSIGHT OF AFGHANISTAN.

Coordination.
Termination
date.

(a) **REPORTS.**—Not later than 60 days after the date of the enactment of this Act, and annually thereafter until December 31, 2026, the Secretary of Defense, in coordination with the Director of National Intelligence and consistent with the protection of intelligence sources and methods, shall submit to the appropriate congressional committees a report on Afghanistan. Each such report shall address, with respect to Afghanistan, the following matters:

Assessment.

(1) An up-to-date assessment of the over-the-horizon capabilities of the United States.

(2) A description of the concept of force with respect to the over-the-horizon force of the United States.

(3) The size of such over-the-horizon force.

(4) The location of such over-the-horizon force, including the locations of the forces as of the date of the submission of the report and any plans to adjust such locations.

Criteria.
Plans.

(5) The chain of command for such over-the-horizon force.

(6) The launch criteria for such over-the-horizon force.

(7) Any plans to expand or adjust such over-the-horizon force capabilities in the future, to account for evolving terrorist threats in Afghanistan.

Assessment.
Assessment.

(8) An assessment of the terrorist threat in Afghanistan.

(9) An assessment of the quantity and types of United States military equipment remaining in Afghanistan, including an indication of whether the Secretary plans to leave, recover, or destroy such equipment.

Plans.

(10) Contingency plans for the retrieval or hostage rescue of United States citizens located in Afghanistan.

Plans.

(11) Contingency plans related to the continued evacuation of Afghans who hold special immigrant visa status under section 602 of the Afghan Allies Protection Act of 2009 (8 U.S.C. 1101 note) or who have filed a petition for such status, following the withdrawal of the United States Armed Forces from Afghanistan.

(12) A concept of logistics support to support the over-the-horizon force of the United States, including all basing and transportation plans.

Assessment.

(13) An assessment of changes in the ability of al-Qaeda and ISIS-K to conduct operations within Taliban-held Afghanistan or outside of Afghanistan against the United States and allies of the United States.

Assessment.

(14) An assessment of the threat posed by prisoners released by the Taliban from the Pul-e-Charkhi prison and Parwan detention facility, Afghanistan, in August 2021, including, for each such prisoner—

(A) the country of origin of the prisoner;

(B) any affiliation of the prisoner with a foreign terrorist organization; and

(C) in the case of any such prisoner determined to pose a risk for external operations outside of Afghanistan, the assessed location of the prisoner.

(15) The status of any military cooperation between the Taliban and China, Russia, or Iran.

(16) Any other matters the Secretary determines appropriate.

(b) FORM.—Each report required under this section may be submitted in either unclassified or classified form, as determined appropriate by the Secretary.

(c) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term “appropriate congressional committees” means—

(1) the Committee on Armed Services and the Permanent Select Committee on Intelligence of the House of Representatives; and

(2) the Committee on Armed Services and the Select Committee on Intelligence of the Senate.

SEC. 1070. STUDY AND REPORT ON DEPARTMENT OF DEFENSE EXCESS PERSONAL PROPERTY PROGRAM.

(a) STUDY.—The Director of the Defense Logistics Agency shall conduct a study on the excess personal property program of the Department of Defense under section 2576a of title 10, United States Code, and the administration of such program by the Law Enforcement Support Office. Such study shall include—

(1) an analysis of the degree to which personal property transferred under such program has been distributed equitably between larger, well-resourced municipalities and units of government and smaller, less well-resourced municipalities and units of government; and

Analysis.

(2) an identification of potential reforms to such program to ensure that such property is transferred in a manner that provides adequate opportunity for participation by smaller, less well-resourced municipalities and units of government.

(b) REPORT.—Not later than one year after the date of the enactment of this Act, the Director shall submit to the congressional defense committees a report on the results of a study required under subsection (a).

SEC. 1071. OPTIMIZATION OF IRREGULAR WARFARE TECHNICAL SUPPORT DIRECTORATE.

10 USC 139b
note.

(a) PLAN REQUIRED.—Not later than 90 days after the date of the enactment of this Act, the Assistant Secretary of Defense for Special Operations and Low Intensity Conflict shall submit to the congressional defense committees a plan for improving the support provided by the Irregular Warfare Technical Support Directorate to meet military requirements. Such plan shall include the following:

Deadline.

(1) Specific actions to—

(A) ensure adequate focus on rapid fielding of required capabilities;

(B) improve metrics and methods for tracking projects that have transitioned into programs of record; and

(C) minimize overlap with other research, development, and acquisition efforts.

(2) Such other matters as the Assistant Secretary of Defense for Special Operations and Low Intensity Conflict considers relevant.

(b) DEPARTMENT OF DEFENSE INSTRUCTION REQUIRED.—Not later than 270 days after the date of the enactment of this Act,

Deadline.
Publication.

the Assistant Secretary of Defense for Special Operations and Low Intensity Conflict, in coordination with the Under Secretary of Defense for Research and Engineering, the Under Secretary of Defense for Acquisition and Sustainment, and the Secretaries of the military departments, shall publish an updated Department of Defense Instruction in order to—

(1) define the objectives, organization, mission, customer base, and role of the Irregular Warfare Technical Support Directorate;

(2) ensure coordination with external program managers assigned to the military departments and the United States Special Operations Command;

(3) facilitate adequate oversight by the Assistant Secretary of Defense for Special Operations and Low Intensity Conflict, the Under Secretary of Defense for Research and Engineering, and the Under Secretary of Defense for Acquisition and Sustainment; and

(4) address such other matters as the Assistant Secretary of Defense for Special Operations and Low Intensity Conflict considers relevant.

SEC. 1072. ASSESSMENT OF REQUIREMENTS FOR AND MANAGEMENT OF ARMY THREE-DIMENSIONAL GEOSPATIAL DATA.

Consultation.

(a) **JOINT ASSESSMENTS AND DETERMINATIONS.**—The Vice Chairman of the Joint Chiefs of Staff, the Under Secretary of Defense for Intelligence and Security, and the Secretary of the Army, in consultation with other appropriate officials of the Department of Defense, shall jointly carry out each of the following:

(1) An assessment of the requirements of the joint force with respect to three-dimensional geospatial data in order to achieve Combined Joint All-Domain Command and Control, including the use of such data for each of the following:

(A) Training.

(B) Planning.

(C) Modeling and simulation.

(D) Mission rehearsal.

(E) Operations.

(F) Intelligence, including geolocation support to intelligence collection systems.

(G) Dynamic and precision targeting.

(H) After action reviews.

Determination.

(2) A determination of whether three-dimensional geospatial data derived from Government sources, commercial sources, or both (referred to as “derivative three-dimensional geospatial data”) meets the accuracy, resolution, community sensor model compliance, and currency required for precision targeting.

Determination.

(3) A determination of the optimum management, joint funding structure, and resources required for the collection, tasking, acquisition, production, storage, and consumption of three-dimensional geospatial data, including a consideration of—

(A) designating the Army as the Executive Agent for warfighter collection, production, and consumption of three-dimensional geospatial content at the point-of-need;

(B) designating the National Geospatial Intelligence Agency, in its role as the Geospatial Intelligence Functional

Manager, as the Executive Agent for quality assessment, testing, evaluation, validation, and enterprise storage and retrieval of derivative three-dimensional geospatial data;

(C) existing governance structures across the Department of Defense and the National Geospatial Intelligence Agency for the procurement and production of three-dimensional geospatial data and the development of tools and plans, from either commercial or Government sources; and

(D) identifying potential commercial and Government capabilities that could be established as a three-dimensional geospatial intelligence program of record.

(b) **ARMY MANAGEMENT CONSIDERATIONS.**—If the Vice Chairman, the Under Secretary, and the Secretary of the Army determine that the Army should serve as the Executive Agent for Department of Defense three-dimensional geospatial data, the Secretary shall determine the respective roles within the Army.

Determination.

(c) **ADDITIONAL ARMY DETERMINATIONS.**—The Secretary of the Army shall determine whether operational use of the Integrated Visual Augmentation System and Army intelligence and mission command systems require three-dimensional geospatial data for assigned operational missions, including targeting.

(d) **BRIEFING REQUIRED.**—Not later than 180 days after the date of the enactment of this Act, the Vice Chairman, the Under Secretary, and the Secretary of the Army shall complete the assessments and determinations required by this section and provide to the congressional defense committees a briefing on such assessments and determinations.

Deadline.

SEC. 1073. REQUIRED REVIEW OF DEPARTMENT OF DEFENSE UNMANNED AIRCRAFT SYSTEMS CATEGORIZATION.

(a) **IN GENERAL.**—The Under Secretary of Defense for Acquisition and Sustainment shall initiate a process—

(1) to review the system used by the Department of Defense for categorizing unmanned aircraft systems, as described in Joint Publication 3–30 titled “Joint Air Operations”; and

(2) to determine whether modifications should be made in the Department of Defense grouping of unmanned aerial systems into five broad categories, as in effect on the date of the enactment of this Act.

Determination.

(b) **REQUIRED ELEMENTS FOR REVISION.**—If the Under Secretary determines under subsection (a) that the characteristics associated with any of the five categories of unmanned aircraft systems should be revised, the Under Secretary shall consider the effect a revision would have on—

(1) the future capability and employment needs to support current and emerging warfighting concepts;

(2) advanced systems and technologies available in the current commercial marketplace;

(3) the rapid fielding of unmanned aircraft systems technology; and

(4) the integration of unmanned aircraft systems into the National Airspace System.

(c) **CONSULTATION REQUIREMENTS.**—In carrying out the review required under subsection (a), the Under Secretary shall consult with—

(1) the Secretary of each of the military departments;

(2) the Chairman of the Joint Chiefs of Staff;

(3) the Secretary of State; and

(4) the Administrator of the Federal Aviation Administration.

(d) **REPORT REQUIRED.**—Not later than October 1, 2022, the Under Secretary shall submit to the congressional defense committees, the Committee on Transportation and Infrastructure and the Committee on Foreign Affairs of the House of Representatives, and the Committee on Commerce, Science, and Transportation and the Committee on Foreign Relations of the Senate a report that includes a description of—

(1) the results of the review initiated under subsection

(a);

(2) any revisions planned to the system used by the Department of Defense for categorizing unmanned aircraft systems as a result of such review;

(3) the costs and benefits of any planned revisions; and

(4) a proposed implementation plan and timelines for such revisions.

SEC. 1074. ANNUAL REPORT AND BRIEFING ON GLOBAL FORCE MANAGEMENT ALLOCATION PLAN.

Time period.
Classified
information.

(a) **IN GENERAL.**—Not later than October 31, 2022, and annually thereafter through 2024, the Secretary of Defense shall provide to the Committees on Armed Services of the Senate and House of Representatives a classified report and a classified briefing on the Global Force Management Allocation Plan and its implementation.

(b) **REPORT.**—Each report required by subsection (a) shall include a summary describing the Global Force Management Allocation Plan being implemented as of October 1 of the year in which the report is provided.

(c) **BRIEFING.**—Each briefing required by subsection (a) shall include the following:

Summary.

(1) A summary of the major modifications to global force allocation made during the preceding fiscal year that deviated from the Global Force Management Allocation Plan for that fiscal year as a result of a shift in strategic priorities, requests for forces, or other contingencies, and an explanation for such modifications.

(2) A description of the major differences between the Global Force Management Allocation Plan for the current fiscal year and the Global Force Management Allocation Plan for the preceding fiscal year.

(3) A description of any difference between the actual global allocation of forces, as of October 1 of the year in which the briefing is provided, and the forces stipulated in the Global Force Management Allocation Plan being implemented on that date.

SEC. 1075. REPORT ON WORLD WAR I AND KOREAN WAR ERA SUPERFUND FACILITIES.

(a) **IN GENERAL.**—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress a report on active Superfund facilities where a hazardous substance originated from Department of Defense activities occurring between the beginning of World War I and the end of the Korean War. Such report shall include a description of such Superfund facilities as well as any actions, planned actions,

communication with communities, and cooperation with relevant agencies, including the Environmental Protection Agency, carried out or planned to be carried out by the Department of Defense.

(b) **SUPERFUND FACILITY.**—In this section, the term “Superfund facility” means a facility included on the National Priorities List pursuant to section 105 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9605).

Definition.

SEC. 1076. REPORT ON IMPLEMENTATION OF IRREGULAR WARFARE STRATEGY.

(a) **REPORT.**—Not later than 180 days after the date of the enactment of this Act, and annually thereafter through fiscal year 2027, the Secretary of Defense shall submit to the congressional defense committees a report on the activities and programs of the Department of Defense to implement the irregular warfare strategy consistent with the 2019 Irregular Warfare Annex to the National Defense Strategy, as amended by any subsequent national defense strategy.

Time period.

(b) **ELEMENTS OF REPORT.**—Each report required by subsection (a) shall include the following elements for the year covered by the report:

Assessment.

(1) A description and assessment of efforts to institutionalize the approach of the Department of Defense to irregular warfare and maintain a baseline of capabilities and expertise in irregular warfare in both conventional and special operations forces, including efforts to—

(A) institutionalize irregular warfare in force development and design;

(B) transform the approach of the Department of Defense to prioritize investments in, and development of, human capital for irregular warfare;

(C) ensure an approach to irregular warfare that is agile, efficient, and effective by investing and developing capabilities in a cost-informed and resource-sustainable manner; and

(D) integrate irregular warfare approaches into operational plans and warfighting concepts for competition, crisis, and conflict.

(2) A description and assessment of efforts to operationalize the approach of the Department of Defense to irregular warfare to meet the full range of challenges posed by adversaries and competitors, including efforts to—

(A) execute proactive, enduring campaigns using irregular warfare capabilities to control the tempo of competition, shape the environment, and increase the cost of hostilities against the United States and its allies;

(B) adopt a resource-sustainable approach to countering violent extremist organizations and consolidating gains against the enduring threat from these organizations;

(C) improve the ability of the Department of Defense to understand and operate within the networked, contested, and multi-domain environment in which adversaries and competitors operate;

(D) foster and sustain unified action in irregular warfare including through collaboration and support of inter-agency partners in the formulation of assessments, plans, and the conduct of operations; and

(E) expand networks of allies and partners, including for the purpose of increasing the ability and willingness of allies and partners to defend their sovereignty, contribute to coalition operations, and advance common security initiatives.

(3) A description of—

(A) the status of the plan required to be produced by the Assistant Secretary of Defense for Special Operations and Low Intensity Conflict and the Chairman of the Joint Chiefs of Staff, in coordination with the combatant commands and the Secretaries of the military departments, to implement the objectives described in the 2019 Irregular Warfare Annex to the National Defense Strategy; and

(B) the efforts by the relevant components of the Department of Defense to expeditiously implement such plan, including the allocation of resources to implement the plan.

(4) An assessment by the Secretary of Defense of the resources, plans, and authorities required to establish and sustain irregular warfare as a fully-integrated core competency for the Joint Forces.

(c) FORM.—The report required by subsection (a) shall be submitted in unclassified form, but may include a classified annex.

SEC. 1077. STUDY ON PROVIDING END-TO-END ELECTRONIC VOTING SERVICES FOR ABSENT UNIFORMED SERVICES VOTERS IN LOCATIONS WITH LIMITED OR IMMATURE POSTAL SERVICE.

Consultation.

(a) STUDY.—In consultation with the Chief Information Officer of the Department of Defense, the Presidential designee under the Uniformed and Overseas Citizens Absentee Voting Act (52 U.S.C. 20301 et seq.) shall conduct a study on providing end-to-end electronic voting services (including services for registering to vote, requesting an electronic ballot, completing the ballot, and returning the ballot) in participating States for absent uniformed services voters under such Act who are deployed or mobilized to locations with limited or immature postal service (as determined by the Presidential designee).

(b) SPECIFICATIONS.—In conducting the study under subsection (a), the Presidential designee shall include—

(1) methods that would ensure voters have the opportunity to verify that their ballots are received and tabulated correctly by the appropriate State and local election officials;

(2) methods that would generate a verifiable and auditable vote trail for the purposes of any recount or audit conducted with respect to an election;

Plan.

(3) a plan of action and milestones on steps that would need to be achieved prior to implementing end-to-end electronic voting services for absentee uniformed services voters;

Assessment.

(4) an assessment of whether commercially available technologies may be used to carry out any of the elements of the plan; and

Assessment.

(5) an assessment of the resources needed to implement the plan of action and milestones referred to in paragraph (3).

(c) CONSULTATION WITH STATE AND LOCAL ELECTION OFFICIALS.—The Presidential designee shall conduct the study under

subsection (a) in consultation with appropriate State and local election officials.

(d) **USE OF CONTRACTORS.**—To the extent the Presidential designee determines to be appropriate, the Presidential designee may include in the study conducted under subsection (a) an analysis of the potential use of contractors to provide voting services and how such contractors could be used to carry out the elements of the plan referred to in subsection (b)(3).

Determination.
Analysis.

(e) **BRIEFING; REPORT.**—

(1) **BRIEFING.**—Not later than 180 days after the date of the enactment of this Act, the Presidential designee shall provide to the Committees on Armed Services of the Senate and House of Representatives a briefing on the interim results of the study conducted under subsection (a).

Deadline.

(2) **REPORT.**—Not later than one year after the date of the enactment of this Act, the Presidential designee shall submit to the Committees on Armed Services of the Senate and House of Representatives a report on the results of the study conducted under subsection (a).

SEC. 1078. REPORT ON AIR FORCE STRATEGY FOR ACQUISITION OF COMBAT RESCUE AIRCRAFT AND EQUIPMENT.

Not later than June 1, 2022, the Secretary of the Air Force shall submit to the congressional defense committees a report containing—

(1) a strategy for the acquisition of combat rescue aircraft and equipment that aligns with the stated capability and capacity requirements of the Air Force; and

(2) an analysis of how such strategy meets the requirements of the national defense strategy required under section 113(g) of title 10, United States Code.

Analysis.

Subtitle G—Other Matters

SEC. 1081. TECHNICAL, CONFORMING, AND CLERICAL AMENDMENTS.

(a) **TITLE 10, UNITED STATES CODE.**—Title 10, United States Code, is amended as follows:

(1) The table of chapters at the beginning of part I of subtitle A is amended by striking the item relating to the second chapter 19 (relating to cyber matters).

10 USC
prec. 101.

(2) The table of sections at the beginning of chapter 2 is amended by striking the item relating to section 118 and inserting the following new item:

10 USC
prec. 111.

“118. Materiel readiness metrics and objectives for major weapon systems.”.

(3) The second section 118a, as added by section 341 of the William M. (Mac) Thornberry National Defense Authorization Act for Fiscal Year 2021 (Public Law 116–283), is redesignated as section 118b, and the table of sections at the beginning of chapter 2 of such title is conformed accordingly.

10 USC
prec. 111.

(4) Section 138(b)(2)(A)(i) is amended by striking the semicolon.

(5) Section 196(d) is amended by striking “,” and inserting “.”.

(6) Section 231a(e)(2) is amended by striking “include the following,” and inserting “include”.

(7) Section 240b(b)(1)(B)(xiii) is amended by striking “An” and inserting “A”.

(8) Section 240g(a)(3) is amended by striking “; and” and inserting “,”.

(9) Section 393(b)(2)(D) is amended by inserting a period at the end.

(10) Section 483(f)(3) is amended by inserting “this” before “title”.

(11) Section 651(a) is amended by inserting a comma after “3806(d)(1)”.

10 USC
prec. 671.

(12) The table of sections at the beginning of chapter 39 is amended by adding a period at the end of the item relating to section 691.

(13) Section 823(a)(2) (article 23(a)(2) of the Uniform Code of Military Justice) is amended by inserting a comma after “Army”.

(14) Section 856(b) (article 56(b) of the Uniform Code of Military Justice) is amended by striking “subsection (d) of section 853a” and inserting “subsection (c) of section 853a”.

(15) Section 1044e(g) is amended by striking “number of Special Victims’ Counsel” and inserting “number of Special Victims’ Counsels”.

10 USC
prec. 1061.

(16) The table of sections at the beginning of chapter 54 is amended by striking the item relating to section 1065 and inserting the following new item:

“1065. Use of commissary stores and MWR facilities: certain veterans, caregivers for veterans, and Foreign Service officers.”.

(17) Section 1463(a)(4) is amended by striking “that that” and inserting “that”.

(18) Section 1465(b)(2) is amended by striking “the the” and inserting “the”.

(19) Section 1466(a) is amended, in the matter preceding paragraph (1), by striking “Coast guard” and inserting “Coast Guard”.

(20) Section 1554a(g)(2) is amended by striking “..” and inserting “.”.

(21) Section 1599h is amended—

(A) in subsection (a), by redesignating the second paragraph (7) and paragraph (8) as paragraphs (8) and (9), respectively; and

(B) in subsection (b)(1), by redesignating the second subparagraph (G) and subparagraph (H) as subparagraphs (H) and (I), respectively.

(22) Section 1705(a) is amended by striking “a fund” and inserting “an account”.

(23) Section 1722a(a) is amended by striking “,” and inserting “.”.

(24) Section 1788a(e) is amended—

(A) in paragraph (3), by striking “section 167(i)” and inserting “section 167(j)”;

(B) in paragraph (4), by striking “covered personnel” and inserting “covered individuals”; and

(C) in paragraph (5), in the matter preceding subparagraph (A), by striking “‘covered personnel’” and inserting “‘covered individuals’”.

(25) The table of chapters at the beginning of part III of subtitle A is amended, in the item relating to chapter 113, by striking the period after “2200g”.

10 USC
prec. 2001.

(26) Section 2107(a) is amended by striking “or Space Force”.

(27) Section 2279b(b) is amended by redesignating the second paragraph (11) as paragraph (12).

(28) Section 2321(f) is amended by striking “the item” both places it appears and inserting “the commercial product”.

(29) The second section 2350m (relating to execution of projects under the North Atlantic Treaty Organization Security Investment Program), as added by section 2503 of the William M. (Mac) Thornberry National Defense Authorization Act for Fiscal Year 2021 (Public Law 116–283), is redesignated as section 2350q and the table of sections at the beginning of subchapter II of chapter 138 is conformed accordingly.

10 USC
prec. 2350a.

(30) Section 2534(a) is amended—

(A) in paragraph (3), by striking “subsection (j)” and inserting “subsection (k)”; and

(B) in paragraph (5), by striking “principle” and inserting “principal”.

(31) Section 2891a(e)(1) is amended by striking “the any” and inserting “the”.

(32) The table of sections at the beginning of chapter 871 is amended—

10 USC
prec. 8742.

(A) by striking the item relating to section 8749 and inserting the following new item:

“8749. Civil service mariners of Military Sealift Command: release of drug and alcohol test results to Coast Guard.”; and

(B) by striking the item relating to section 8749a and inserting the following new item:

“8749a. Civil service mariners of Military Sealift Command: alcohol testing.”.

(33) The second section 9084, as added by section 1601 of the William M. (Mac) Thornberry National Defense Authorization Act for Fiscal Year 2021 (Public Law 116–283), is transferred to appear after section 9085 and redesignated as section 9086, and the table of sections at the beginning of chapter 908 of such title is conformed accordingly.

10 USC
prec. 9081.

(34) The second section 9132 (relating to Regular Air Force and Regular Space Force: reenlistment after service as an officer) is redesignated as section 9138 (and the table of sections at the beginning of chapter 913 is conformed accordingly).

10 USC
prec. 9131.
10 USC
prec. 9401.

(35) The section heading for section 9401 is amended to read as follows (and the table of sections at the beginning of chapter 951 is conformed accordingly):

“§ 9401. Members of Air Force and Space Force: detail as students, observers, and investigators at educational institutions, industrial plants, and hospitals”.

(36) The section heading for section 9402 is amended to read as follows (and the table of sections at the beginning of chapter 951 is conformed accordingly):

10 USC
prec. 9401.

“§ 9402. Enlisted members of Air Force or Space Force: schools”.

(37) Section 9840 is amended in the second sentence by striking “He” and inserting “The officer”.

Effective date. (b) NDAA FOR FISCAL YEAR 2021.—Effective as of January 1, 2021, and as if included therein as enacted, section 1 of the William M. (Mac) Thornberry National Defense Authorization Act for Fiscal Year 2021 (Public Law 116–283) is amended—

134 Stat. 3388. (1) by inserting “(a) IN GENERAL.—” before “This Act”; and

(2) by adding at the end the following:
10 USC 101 note. “(b) REFERENCES.—Any reference in this or any other Act to the ‘National Defense Authorization Act for Fiscal Year 2021’ shall be deemed to be a reference to the ‘William M. (Mac) Thornberry National Defense Authorization Act for Fiscal Year 2021’.”.

Effective date. (c) NDAA FOR FISCAL YEAR 2020.—Effective as of December 20, 2019, and as if included therein as enacted, section 1739(a) of the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116–92) is amended by striking “VI” and inserting “VII”.

50 USC 4027 and note. (d) COORDINATION WITH OTHER AMENDMENTS MADE BY THIS ACT.—For purposes of applying amendments made by provisions of this Act other than this section, the amendments made by this section shall be treated as having been enacted immediately before any such amendments by other provisions of this Act.

10 USC 101 note.

SEC. 1082. MODIFICATION TO REGIONAL CENTERS FOR SECURITY STUDIES.

(a) IN GENERAL.—Section 342(b)(2) of title 10, United States Code, is amended by adding at the end the following new subparagraph:

“(F) The Ted Stevens Center for Arctic Security Studies, established in 2021 and located in Anchorage, Alaska.”.

(b) ACCEPTANCE OF GIFTS AND DONATIONS.—Section 2611(a)(2) of title 10, United States Code, is amended by adding at the end the following new subparagraph:

“(F) The Ted Stevens Center for Arctic Security Studies.”.

SEC. 1083. IMPROVEMENT OF TRANSPARENCY AND CONGRESSIONAL OVERSIGHT OF CIVIL RESERVE AIR FLEET.

(a) DEFINITIONS.—

(1) SECRETARY.—Paragraph (10) of section 9511 of title 10, United States Code, is amended to read as follows:

“(10) The term ‘Secretary’ means the Secretary of Defense.”.

(2) CONFORMING AMENDMENTS.—Chapter 961 of title 10, United States Code, as amended by paragraph (1), is further amended—

(A) in section 9511a by striking “Secretary of Defense” each place it appears and inserting “Secretary”;

(B) in section 9512(e), by striking “Secretary of Defense” and inserting “Secretary”; and

(C) in section 9515, by striking “Secretary of Defense” each place it appears and inserting “Secretary”.

(b) ANNUAL REPORT ON CIVIL RESERVE AIR FLEET.—Section 9516 of title 10, United States Code, is amended—

(1) in subsection (d), by striking “When the Secretary” and inserting “Subject to subsection (e), when the Secretary”;

(2) by redesignating subsection (e) as subsection (f); and

(3) by inserting after subsection (d) the following new subsection:

“(e) ANNUAL REPORT.—Not later than 60 days after the end of each fiscal year, the Secretary shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report that—

“(1) identifies each contract for airlift services awarded in the preceding fiscal year to a provider that does not meet the requirements set forth in subparagraphs (A) and (B) of subsection (a)(1); and

“(2) for each such contract—

“(A) specifies the dollar value of the award; and

“(B) provides a detailed explanation of the reasons for the award.”.

(c) TECHNICAL AMENDMENTS.—

(1) IN GENERAL.—Chapter 961 of title 10, United States Code, as amended by subsections (a) and (b), is further amended—

(A) by redesignating sections 9511a and 9512 as sections 9512 and 9513, respectively;

(B) in section 9511, by striking “section 9512” each place it appears and inserting “section 9513”; and

(C) in section 9514, by redesignating subsection (g) as subsection (f).

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by striking the items relating to sections 9511a and 9512 and inserting the following new items:

10 USC
prec. 9511.

“9512. Civil Reserve Air Fleet contracts: payment rate.

“9513. Contracts for the inclusion or incorporation of defense features.”.

(d) CHARTER AIR TRANSPORTATION OF MEMBERS OF THE ARMED FORCES OR CARGO.—

(1) IN GENERAL.—Section 2640 of title 10, United States Code, is amended—

(A) in the section heading, by inserting “**or cargo**” after “**armed forces**”;

(B) in subsection (a)(1), by inserting “or cargo” after “members of the armed forces”;

(C) in subsection (b), by inserting “or cargo” after “members of the armed forces”;

(D) in subsection (d)(1), by inserting “or cargo” after “members of the armed forces”;

(E) in subsection (e)—

(i) by inserting “or cargo” after “members of the armed forces”; and

(ii) by inserting “or cargo” before the period at the end;

(F) in subsection (f), by inserting “or cargo” after “members of the armed forces”; and

(G) in subsection (j)(1), by inserting “‘cargo,’” after “‘air transportation’”.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 157 of title 10, United States Code, is amended by striking the item relating to section 2640 and inserting the following new item:

10 USC
prec. 2631.

“2640. Charter air transportation of members of the armed forces or cargo.”.

SEC. 1084. OBSERVANCE OF NATIONAL ATOMIC VETERANS DAY.

(a) IN GENERAL.—Chapter 1 of title 36, United States Code, is amended by adding at the end the following new section:

36 USC 146.
President.

“§ 146. National Atomic Veterans Day

“The President shall issue each year a proclamation calling on the people of the United States to—

“(1) observe Atomic Veterans Day with appropriate ceremonies and activities; and

“(2) remember and honor the atomic veterans of the United States whose brave service and sacrifice played an important role in the defense of the Nation.”.

36 USC
prec. 101.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

“146. National Atomic Veterans Day.”.

Deadline.

SEC. 1085. UPDATE OF JOINT PUBLICATION 3-68: NONCOMBATANT EVACUATION OPERATIONS.

Not later than July 1, 2022, the Chairman of the Joint Chiefs of Staff shall update Joint Publication 3-68: Noncombatant Evacuation Operations.

California.
Historic
preservation.

SEC. 1086. NATIONAL MUSEUM OF THE SURFACE NAVY.

(a) DESIGNATION.—The Battleship IOWA Museum, located in Los Angeles, California, and managed by the Pacific Battleship Center, shall be designated as the “National Museum of the Surface Navy”.

(b) PURPOSES.—The purposes of the National Museum of the Surface Navy shall be to—

(1) provide and support—

(A) a museum dedicated to the United States Surface Navy community; and

(B) a platform for education, community, and veterans programs;

(2) preserve, maintain, and interpret artifacts, documents, images, stories, and history collected by the museum; and

(3) ensure that the people of the United States understand the importance of the Surface Navy in the continued freedom, safety, and security of the United States.

40 USC 8903
note.

SEC. 1087. AUTHORIZATION FOR MEMORIAL FOR MEMBERS OF THE ARMED FORCES KILLED IN ATTACK ON HAMID KARZAI INTERNATIONAL AIRPORT.

The Secretary of Defense may establish a commemorative work on Federal land owned by the Department of Defense in the District of Columbia and its environs to commemorate the 13 members of the Armed Forces who died in the bombing attack on Hamid Karzai International Airport, Kabul, Afghanistan, on August 26, 2021.

10 USC 991 note.

SEC. 1088. TREATMENT OF OPERATIONAL DATA FROM AFGHANISTAN.

(a) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) an immense amount of operational data and intelligence has been developed over the past two decades of war in Afghanistan; and

(2) this information is valuable and must be appropriately retained.

(b) **OPERATIONAL DATA.**—The Secretary of Defense shall—

(1) archive and standardize operational data from Afghanistan across the myriad of defense information systems; and

Records.

(2) ensure the Afghanistan operational data is structured, searchable, and usable across the joint force.

(c) **BRIEFING.**—Not later than March 4, 2022, the Under Secretary of Defense for Intelligence and Security shall provide to the Committee on Armed Services of the House of Representatives a briefing on how the Department of Defense has removed, retained, and assured long-term access to operational data from Afghanistan across each military department and command. Such briefing shall address the manner in which the Department of Defense—

Deadline.

(1) is standardizing and archiving intelligence and operational data from Afghanistan across the myriad of defense information systems; and

(2) ensuring access to such data across the joint force.

SEC. 1089. RESPONSIBILITIES FOR NATIONAL MOBILIZATION; PERSONNEL REQUIREMENTS.

10 USC 131 note.

(a) **EXECUTIVE AGENT FOR NATIONAL MOBILIZATION.**—The Secretary of Defense shall designate a senior civilian official within the Office of the Secretary of Defense as the Executive Agent for National Mobilization. The Executive Agent for National Mobilization shall be responsible for—

Designation.

(1) developing, managing, and coordinating policy and plans that address the full spectrum of military mobilization readiness, including full mobilization of personnel from volunteers to other persons inducted into the Armed Forces under the Military Selective Service Act (50 U.S.C. 3801 et seq.);

(2) providing Congress and the Selective Service System with updated requirements and timelines for obtaining inductees in the event of a national emergency requiring mass mobilization and induction of personnel under the Military Selective Service Act for training and service in the Armed Forces; and

(3) providing Congress with a plan, developed in coordination with the Selective Service System, to induct large numbers of volunteers who may respond to a national call for volunteers during an emergency.

(b) **REPORT REQUIRED.**—Not later than one year after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress a plan for obtaining inductees as part of a mobilization timeline for the Selective Service System. The plan shall include a description of resources, locations, and capabilities of the Armed Forces required to train, equip, and integrate personnel inducted into the Armed Forces under the Military Selective Service Act into the total force, addressing scenarios that would include 300,000, 600,000, and 1,000,000 new volunteer and other personnel inducted into the Armed Forces under the Military Selective Service Act. The plan may be provided in classified form.

Deadline.
Plan.

SEC. 1090. INDEPENDENT ASSESSMENT WITH RESPECT TO ARCTIC REGION.

10 USC 113 note.

(a) **INDEPENDENT ASSESSMENT.**—

(1) **IN GENERAL.**—Not later than 90 days after the date of the enactment of this Act, the Commander of the United States Northern Command, in consultation and coordination

Deadline.
Consultation.
Coordination.
Time period.

with the Commander of the United States Indo-Pacific Command, the Commander of the United States European Command, the military services, and the defense agencies, shall complete an independent assessment with respect to the activities and resources required, for fiscal years 2023 through 2027, to achieve the following objectives:

(A) The implementation of the National Defense Strategy and military service-specific strategies with respect to the Arctic region.

(B) The maintenance or restoration of the comparative military advantage of the United States in response to great power competitors in the Arctic region.

(C) The reduction of the risk of executing operation and contingency plans of the Department of Defense.

(D) To maximize execution of Department operation and contingency plans, in the event deterrence fails.

(2) ELEMENTS.—The assessment required by paragraph (1) shall include the following:

Analysis.
Reviews.

(A) An analysis of, and recommended changes to achieve, the required force structure and posture of assigned and allocated forces within the Arctic region for fiscal year 2027 necessary to achieve the objectives described in paragraph (1), which shall be informed by—

(i) a review of United States military requirements based on operation and contingency plans, capabilities of potential adversaries, assessed gaps or shortfalls of the Armed Forces within the Arctic region, and scenarios that consider—

(I) potential contingencies that commence in the Arctic region and contingencies that commence in other regions but affect the Arctic region;

(II) use of near-, mid-, and far-time horizons to encompass the range of circumstances required to test new concepts and doctrine;

(III) supporting analyses that focus on the number of regionally postured military units and the quality of capability of such units;

(ii) a review of current United States military force posture and deployment plans within the Arctic region, especially of Arctic-based forces that provide support to, or receive support from, the United States Northern Command, the United States Indo-Pacific Command, or the United States European Command;

(iii) an analysis of potential future realignments of United States forces in the region, including options for strengthening United States presence, access, readiness, training, exercises, logistics, and pre-positioning; and

(iv) any other matter the Commander of the United States Northern Command considers appropriate.

(B) A discussion of any factor that may influence the United States posture, supported by annual wargames and other forms of research and analysis.

(C) An assessment of capabilities requirements to achieve such objectives.

(D) An assessment of logistics requirements, including personnel, equipment, supplies, storage, and maintenance needs to achieve such objectives.

(E) An assessment and identification of required infrastructure and military construction investments to achieve such objectives.

(3) REPORT.—

(A) IN GENERAL.—Upon completion of the assessment required by paragraph (1), the Commander of the United States Northern Command shall submit to the Secretary of Defense a report on the assessment.

(B) SUBMITTAL TO CONGRESS.—Not later than 30 days after the date on which the Secretary receives the report under subparagraph (A), the Secretary shall provide to the congressional defense committees—

Deadline.

(i) a copy of the report, in its entirety; and

Records.

(ii) any additional analysis or information, as the Secretary considers appropriate.

Analysis.

(C) FORM.—The report required by subparagraph (A), and any additional analysis or information provided under subparagraph (B)(i)(II), may be submitted in classified form, but shall include an unclassified summary.

(b) ARCTIC SECURITY INITIATIVE.—

(1) PLAN.—

(A) IN GENERAL.—Not later than 30 days after the date on which the Secretary receives the report under subsection (a)(3)(A), the Secretary shall provide to the congressional defense committees a briefing on the plan to carry out a program of activities to enhance security in the Arctic region.

Deadline.

Briefing.

(B) OBJECTIVES.—The plan required by subparagraph (A) shall be—

(i) consistent with the objectives described in paragraph (1) of subsection (a); and

(ii) informed by the assessment required by that paragraph.

(C) ACTIVITIES.—The plan shall include, as necessary, the following prioritized activities to improve the design and posture of the joint force in the Arctic region:

(i) Modernize and strengthen the presence of the Armed Forces, including those with advanced capabilities.

(ii) Improve logistics and maintenance capabilities and the pre-positioning of equipment, munitions, fuel, and materiel.

(iii) Conduct exercises, wargames, education, training, experimentation, and innovation for the joint force.

(iv) Improve infrastructure to enhance the responsiveness and resiliency of the Armed Forces.

(2) ESTABLISHMENT.—

(A) IN GENERAL.—Not earlier than 30 days after the submittal of the plan required by paragraph (1), the Secretary may establish a program of activities to enhance security in the Arctic region, to be known as the “Arctic Security Initiative” (in this paragraph referred to as the “Initiative”).

Deadline.

Consultation.	(B) FIVE-YEAR PLAN FOR THE INITIATIVE.— (i) IN GENERAL.—If the Initiative is established, the Secretary, in consultation with the Commander of the United States Northern Command, shall submit to the congressional defense committees a future years plan for the activities and resources of the Initiative that includes the following:
Summary.	(I) A description of the activities and resources for the first fiscal year beginning after the date on which the Initiative is established, and the plan for not fewer than the four subsequent fiscal years, organized by the activities described in paragraph (1)(C).
Summary.	(II) A summary of progress made toward achieving the objectives described in subsection (a)(1). (III) A summary of the activity, resource, capability, infrastructure, and logistics requirements necessary to achieve progress in reducing risk to the ability of the joint force to achieve objectives in the Arctic region, including, as appropriate, investments in— (aa) active and passive defenses against— (AA) manned aircraft, surface vessels, and submarines; (BB) unmanned naval systems; (CC) unmanned aerial systems; and (DD) theater cruise, ballistic, and hypersonic missiles; (bb) advanced long-range precision strike systems; (cc) command, control, communications, computers, intelligence, surveillance, and reconnaissance systems; (dd) training and test range capacity, capability, and coordination; (ee) dispersed resilient and adaptive basing to support distributed operations, including expeditionary airfields and ports, space launch facilities, and command posts; (ff) advanced critical munitions; (gg) pre-positioned forward stocks of fuel, munitions, equipment, and materiel; (hh) distributed logistics and maintenance capabilities; (ii) strategic mobility assets, including ice-breakers; (jj) improved interoperability, logistics, transnational supply lines and infrastructure, and information sharing with allies and partners, including scientific missions; and (kk) information operations capabilities. (IV) A detailed timeline for achieving the requirements identified under subclause (III). (V) A detailed explanation of any significant modification to such requirements, as compared to—
Timeline.	

(aa) the assessment required by subsection (a)(1) for the first fiscal year; and

(bb) the plans previously submitted for each subsequent fiscal year.

(VI) Any other matter the Secretary considers necessary.

(ii) FORM.—A plan under clause (i) shall be submitted in unclassified form, but may include a classified annex.

SEC. 1091. NATIONAL SECURITY COMMISSION ON EMERGING BIOTECHNOLOGY.

(a) ESTABLISHMENT.—

(1) IN GENERAL.—There is hereby established, as of the date specified in paragraph (2), an independent commission in the legislative branch to be known as the “National Security Commission on Emerging Biotechnology” (in this section referred to as the “Commission”).

(2) DATE OF ESTABLISHMENT.—The date of establishment referred to in paragraph (1) is 30 days after the date of the enactment of this Act.

(b) MEMBERSHIP.—

(1) NUMBER AND APPOINTMENT.—The Commission shall be composed of 12 members appointed as follows:

(A) Two members appointed by the Chair of the Committee on Armed Services of the Senate, one of whom is a Member of the Senate and one of whom is not.

(B) Two members appointed by the ranking minority member of the Committee on Armed Services of the Senate, one of whom is a Member of the Senate and one of whom is not.

(C) Two members appointed by the Chair of the Committee on Armed Services of the House of Representatives, one of whom is a Member of the House of Representatives and one of whom is not.

(D) Two members appointed by the ranking minority member of the Committee on Armed Services of the House of Representatives, one of whom is a Member of the House of Representatives and one of whom is not.

(E) One member appointed by the Speaker of the House of Representatives.

(F) One member appointed by the Minority Leader of the House of Representatives.

(G) One member appointed by the Majority Leader of the Senate.

(H) One member appointed by the Minority Leader of the Senate.

(2) DEADLINE FOR APPOINTMENT.—Members shall be appointed to the Commission under paragraph (1) not later than 45 days after the Commission establishment date specified under subsection (a)(2).

(3) EFFECT OF LACK OF APPOINTMENT BY APPOINTMENT DATE.—If one or more appointments under paragraph (1) is not made by the appointment date specified in paragraph (2), the authority to make such appointment or appointments shall expire, and the number of members of the Commission shall

Expiration date.

be reduced by the number equal to the number of appointments so not made.

(4) QUALIFICATIONS.—The members of the Commission who are not members of Congress and who are appointed under subsection (b)(1) shall be individuals from private civilian life who are recognized experts and have relevant professional experience in matters relating to—

(A) emerging biotechnology and associated technologies;

(B) use of emerging biotechnology and associated technologies by national policy makers and military leaders; or

(C) the implementation, funding, or oversight of the national security policies of the United States.

(c) CHAIR AND VICE CHAIR.—

(1) CHAIR.—The Chair of the Committee on Armed Services of the Senate and the Chair of the Committee on Armed Services of the House of Representatives shall jointly designate one member of the Commission to serve as Chair of the Commission.

(2) VICE CHAIR.—The ranking minority member of the Committee on Armed Services of the Senate and the ranking minority member of the Committee on Armed Services of the House of Representatives shall jointly designate one member of the Commission to serve as Vice Chair of the Commission.

(d) PERIOD OF APPOINTMENT AND VACANCIES.—Members shall be appointed for the life of the Commission. A vacancy in the Commission shall not affect its powers and shall be filled in the same manner as the original appointment was made.

(e) PURPOSE.—The purpose of the Commission is to examine and make recommendations with respect to emerging biotechnology as it pertains to current and future missions and activities of the Department of Defense.

(f) SCOPE AND DUTIES.—

(1) IN GENERAL.—The Commission shall carry out a review of advances in emerging biotechnology and associated technologies. In carrying out such review, the Commission shall consider the methods, means, and investments necessary to advance and secure the development of biotechnology, biomanufacturing, and associated technologies by the United States to comprehensively address the national security and defense needs of the United States.

(2) SCOPE OF THE REVIEW.—In conducting the review described in this subsection, the Commission shall consider the following:

(A) The global competitiveness of the United States in biotechnology, biomanufacturing, and associated technologies, including matters related to national security, defense, public-private partnerships, and investments.

(B) Means, methods, and investments for the United States to maintain and protect a technological advantage in biotechnology, biomanufacturing, and associated technologies related to national security and defense.

(C) Developments and trends in international cooperation and competitiveness, including foreign investments in

biotechnology, biomanufacturing, and associated technologies that are scientifically and materially related to national security and defense.

(D) Means by which to foster greater emphasis and investments in basic and advanced research to stimulate government, industry, academic and combined initiatives in biotechnology, biomanufacturing, and associated technologies, to the extent that such efforts have application scientifically and materially related to national security and defense.

(E) Means by which to foster greater emphasis and investments in advanced development and test and evaluation of biotechnology-enabled capabilities to stimulate the growth of the United States bioeconomy and commercial industry, while also supporting and improving acquisition and adoption of biotechnologies for national security purposes.

(F) Workforce and education incentives and programs to attract, recruit, and retain leading talent in fields relevant to the development and sustainment of biotechnology and biomanufacturing, including science, technology, engineering, data science and bioinformatics, and biology and related disciplines.

(G) Risks and threats associated with advances in military employment of biotechnology and biomanufacturing.

(H) Associated ethical, legal, social, and environmental considerations related to biotechnology, biomanufacturing, and associated technologies as it will be used for future applications related to national security and defense.

(I) Means to establish international standards for the tools of biotechnology, biomanufacturing, related cybersecurity, and digital biosecurity.

(J) Means to establish data sharing capabilities within and amongst government, industry, and academia to foster collaboration and accelerate innovation, while maintaining privacy and security for data as required for national security and personal protection purposes.

(K) Consideration of the transformative potential and rapidly-changing developments of biotechnology and biomanufacturing innovation and appropriate mechanisms for managing such technology related to national security and defense.

(L) Any other matters the Commission deems relevant to national security.

(g) COMMISSION REPORT AND RECOMMENDATIONS.—

(1) FINAL REPORT.—Not later than 2 years after the Commission establishment date specified in subsection (a)(2), the Commission shall submit to the congressional defense committees and the President a final report on the findings of the Commission and such recommendations that the Commission may have for action by Congress and the Federal Government.

(2) INTERIM REPORT.—Not later than 1 year after the Commission establishment date specified in subsection (a)(2), the Commission shall submit to the congressional defense committees and the President an interim report on the status

of the Commission's review and assessment, including a discussion of any interim recommendations.

(3) FORM.—The report submitted to Congress under paragraph (1) shall be submitted in unclassified form, but may include a classified annex.

(h) GOVERNMENT COOPERATION.—

(1) COOPERATION.—In carrying out its duties, the Commission shall receive the full and timely cooperation of the Secretary of Defense and other Federal departments and agencies in providing the Commission with analysis, briefings, and other information necessary for the fulfillment of its responsibilities.

Designation.

(2) LIAISON.—The Secretary of Defense shall designate at least one officer or employee of the Department of Defense to serve as a liaison officer between the Department and the Commission.

(3) DETAILEES AUTHORIZED.—The Secretary of Defense and the heads of other departments and agencies of the Federal Government may provide, and the Commission may accept and employ, personnel detailed from the Department of Defense and such other departments and agencies, without reimbursement.

(4) FACILITATION.—

Deadline.

(A) INDEPENDENT, NONGOVERNMENT INSTITUTE.—Not later than 45 days after the Commission establishment date specified in subsection (a)(2), the Secretary of Defense may make available to the Commission the services of an independent, nongovernmental institute described in section 501(c)(3) of the Internal Revenue Code of 1986, and exempt from tax under section 501(a) of such Code, that has recognized credentials and expertise in national security and military affairs in order to facilitate the Commission's discharge of its duties under this section.

(B) FEDERALLY FUNDED RESEARCH AND DEVELOPMENT CENTER.—On request of the Commission, the Secretary of Defense shall make available the services of a federally funded research and development center that is covered by a sponsoring agreement of the Department of Defense in order to enhance the Commission's efforts to discharge its duties under this section.

(5) EXPEDITION OF SECURITY CLEARANCES.—The Office of Senate Security and the Office of House Security shall ensure the expedited processing of appropriate security clearances under processes developed for the clearance of legislative branch employees for any personnel appointed to the Commission by their respective offices of the Senate and House of Representatives and any personnel appointed by the Executive Director appointed under subsection (i).

(6) SERVICES.—

(A) DOD SERVICES.—The Secretary of Defense may provide to the Commission, on a nonreimbursable basis, such administrative services, funds, staff, facilities, and other support services as are necessary for the performance of the Commission's duties under this section.

(B) OTHER AGENCIES.—In addition to any support provided under paragraph (1), the heads of other Federal departments and agencies may provide to the Commission such services, funds, facilities, staff, and other support

as the heads of such departments and agencies determine advisable and as may be authorized by law.

(i) STAFF.—

(1) STATUS AS FEDERAL EMPLOYEES.—Notwithstanding the requirements of section 2105 of title 5, United States Code, including the required supervision under subsection (a)(3) of such section, any member of the Commission who is not a Member of Congress shall be considered to be a Federal employee.

(2) EXECUTIVE DIRECTOR.—The Commission shall appoint and fix the rate of basic pay for an Executive Director in accordance with section 3161(d) of title 5, United States Code.

Appointment.

(3) PAY.—The Executive Director, with the approval of the Commission, may appoint and fix the rate of basic pay for additional personnel as staff of the Commission in accordance with section 3161(d) of title 5, United States Code.

(j) PERSONAL SERVICES.—

(1) AUTHORITY TO PROCURE.—The Commission may—

(A) procure the services of experts or consultants (or of organizations of experts or consultants) in accordance with the provisions of section 3109 of title 5, United States Code; and

(B) pay in connection with such services travel expenses of individuals, including transportation and per diem in lieu of subsistence, while such individuals are traveling from their homes or places of business to duty stations.

(2) MAXIMUM DAILY PAY RATES.—The daily rate paid an expert or consultant procured pursuant to paragraph (1) may not exceed the daily rate paid a person occupying a position at level IV of the Executive Schedule under section 5315 of title 5, United States Code.

(k) AUTHORITY TO ACCEPT GIFTS.—The Commission may accept, use, and dispose of gifts or donations of services, goods, and property from nonfederal entities for the purposes of aiding and facilitating the work of the Commission. The authority in this subsection does not extend to gifts of money. Gifts accepted under this authority shall be documented, and conflicts of interest or the appearance of conflicts of interest shall be avoided. Subject to the authority in this section, members of the Commission shall otherwise comply with rules set forth by the Select Committee on Ethics of the Senate and the Committee on Ethics of the House of Representatives governing employees of the Senate and House of Representatives.

Compliance.

(l) LEGISLATIVE ADVISORY COMMITTEE.—The Commission shall operate as a legislative advisory committee.

(m) CONTRACTING AUTHORITY.—The Commission may acquire administrative supplies and equipment for Commission use to the extent funds are available.

(n) USE OF GOVERNMENT INFORMATION.—The Commission may secure directly from any department or agency of the Federal Government such information as the Commission considers necessary to carry out its duties. Upon such request of the chair of the Commission, the head of such department or agency shall furnish such information to the Commission.

(o) **POSTAL SERVICES.**—The Commission may use the United States mail in the same manner and under the same conditions as Federal departments and agencies.

Deadline.
Consultation.

(p) **SPACE FOR USE OF COMMISSION.**—Not later than 30 days after the establishment date of the Commission, the Administrator of General Services, in consultation with the Commission, shall identify and make available suitable excess space within the Federal space inventory to house the operations of the Commission. If the Administrator is not able to make such suitable excess space available within such 30-day period, the Commission may lease space to the extent the funds are available.

(q) **REMOVAL OF MEMBERS.**—A member may be removed from the Commission for cause by the individual serving in the position responsible for the original appointment of such member under subsection (b)(1), provided that notice has first been provided to such member of the cause for removal and voted and agreed upon by three quarters of the members serving. A vacancy created by the removal of a member under this subsection shall not affect the powers of the Commission, and shall be filled in the same manner as the original appointment was made.

(r) **TERMINATION.**—The Commission shall terminate 18 months after the date on which it submits the final report required by subsection (g).

SEC. 1092. QUARTERLY SECURITY BRIEFINGS ON AFGHANISTAN.

Deadline.
Time period.
Consultation.
Classified
information.

(a) **IN GENERAL.**—Not later than January 15, 2022, and every 90 days thereafter through December 31, 2025, the Under Secretary of Defense for Policy, in consultation with the Chairman of the Joint Chiefs of Staff and the Under Secretary of Defense for Intelligence and Security, shall provide to the congressional defense committees an unclassified and classified briefing on the security situation in Afghanistan and ongoing Department of Defense efforts to counter terrorist groups in Afghanistan.

Assessment.

(b) **ELEMENTS.**—Each briefing required by subsection (a) shall include an assessment of each of the following:

(1) The security situation in Afghanistan.

(2) The disposition of the Taliban, al-Qaeda, the Islamic State of Khorasan, and associated forces, including the respective sizes and geographic areas of control of each such group.

(3) The international terrorism ambitions and capabilities of the Taliban, al-Qaeda, the Islamic State of Khorasan, and associated forces, and the extent to which each such group poses a threat to the United States and its allies.

(4) The capability and willingness of the Taliban to counter the Islamic State of Khorasan.

(5) The capability and willingness of the Taliban to counter al-Qaeda.

Time period.

(6) The extent to which the Taliban have targeted, and continue to target, Afghan nationals who assisted the United States and coalition forces during the United States military operations in Afghanistan between 2001 and 2021.

(7) Basing, overflight, or other cooperative arrangements between the United States and regional partners as part of the over-the-horizon counterterrorism posture for Afghanistan.

(8) The capability and effectiveness of the over-the-horizon counterterrorism posture of the United States for Afghanistan.

(9) The disposition of United States forces in the area of operations of United States Central Command, including the force posture and associated capabilities to conduct operations in Afghanistan.

(10) The activities of regional actors as they relate to promoting stability and countering threats from terrorist groups in Afghanistan, including—

(A) military operations conducted by foreign countries in the region as such operations relate to Afghanistan;

(B) the capabilities of the militaries of foreign countries to execute operations in Afghanistan; and

(C) the relationships between the militaries of foreign countries and the Taliban or foreign terrorist organizations inside Afghanistan.

(11) Any other matter the Under Secretary considers appropriate.

SEC. 1093. TRANSITION OF FUNDING FOR NON-CONVENTIONAL ASSISTED RECOVERY CAPABILITIES.

(a) **PLAN REQUIRED.**—

(1) **IN GENERAL.**—Not later than 270 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a plan to transition the funding of non-conventional assisted recovery capabilities from the authority provided under section 943 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110–417; 122 Stat. 4578) to the authority provided under section 127f of title 10, United States Code.

Deadline.

(2) **ELEMENTS.**—The plan required by paragraph (1) shall include the following:

(A) An identification of the non-conventional assisted recovery capabilities to be transitioned to the authority provided by such section 127f.

(B) An identification of any legislative changes to such section 127f necessary to accommodate the transition of capabilities currently funded under such section 943.

(C) A description of the manner in which the Secretary plans to ensure appropriate transparency of activities for non-conventional assisted recovery capabilities, and related funding, in the annual report required under subsection (e) of such section 127f.

(D) Any other matter the Secretary considers relevant.

(b) **MODIFICATION OF AUTHORITY FOR EXPENDITURE OF FUNDS FOR CLANDESTINE ACTIVITIES THAT SUPPORT OPERATIONAL PREPARATION OF THE ENVIRONMENT.**—Section 127f of title 10, United States Code, is amended by adding at the end the following new subsection:

“(f) **NON-CONVENTIONAL ASSISTED RECOVERY CAPABILITIES.**—Funding used to establish, develop, and maintain non-conventional assisted recovery capabilities under this section may only be obligated and expended with the concurrence of the relevant Chief of Mission or Chiefs of Mission.”.

SEC. 1094. AFGHANISTAN WAR COMMISSION ACT OF 2021.

(a) **SHORT TITLE.**—This section may be cited as the “Afghanistan War Commission Act of 2021”.

Afghanistan War
Commission Act
of 2021.

(b) **DEFINITIONS.**—In this section:

Time period.

(1) The term “applicable period” means the period beginning June 1, 2001, and ending August 30, 2021.

(2) The term “appropriate congressional committees” means—

(A) the Committee on Armed Services of the Senate;
 (B) the Committee on Foreign Relations of the Senate;
 (C) the Select Committee on Intelligence of the Senate;
 (D) the Committee on Appropriations of the Senate;
 (E) the Committee on Armed Services of the House of Representatives;

(F) the Committee on Foreign Affairs of the House of Representatives;

(G) the Permanent Select Committee on Intelligence of the House of Representatives; and

(H) the Committee on Appropriations of the House of Representatives.

(3) The term “intelligence community” has the meaning given that term in section 3(4) of the National Security Act of 1947 (50 U.S.C. 3003(4)).

(c) ESTABLISHMENT OF COMMISSION.—

(1) ESTABLISHMENT.—There is established in the legislative branch an independent commission to be known as the Afghanistan War Commission (in this section referred to as the “Commission”).

(2) MEMBERSHIP.—

Appointments.

(A) COMPOSITION.—The Commission shall be composed of 16 members of whom—

(i) 1 shall be appointed by the Chairman of the Committee on Armed Services of the Senate;

(ii) 1 shall be appointed by the ranking member of the Committee on Armed Services of the Senate;

(iii) 1 shall be appointed by the Chairman of the Committee on Armed Services of the House of Representatives;

(iv) 1 shall be appointed by the ranking member of the Committee on Armed Services of the House of Representatives;

(v) 1 shall be appointed by the Chairman of the Committee on Foreign Relations of the Senate;

(vi) 1 shall be appointed by the ranking member of the Committee on Foreign Relations of the Senate;

(vii) 1 shall be appointed by the Chairman of the Committee on Foreign Affairs of the House of Representatives;

(viii) 1 shall be appointed by the ranking member of the Committee on Foreign Affairs of the House of Representatives;

(ix) 1 shall be appointed by the Chairman of the Select Committee on Intelligence of the Senate;

(x) 1 shall be appointed by the Vice Chairman of the Select Committee on Intelligence of the Senate.

(xi) 1 shall be appointed by the Chairman of the Permanent Select Committee on Intelligence of the House of Representatives;

(xii) 1 shall be appointed by the ranking member of the Permanent Select Committee on Intelligence of the House of Representatives;

(xiii) 1 shall be appointed by the Majority leader of the Senate;

(xiv) 1 shall be appointed by the Minority leader of the Senate;

(xv) 1 shall be appointed by the Speaker of the House of Representatives; and

(xvi) 1 shall be appointed by the Minority Leader of the House of Representatives.

(B) QUALIFICATIONS.—It is the sense of Congress that each member of the Commission appointed under subparagraph (A) should—

(i) have significant professional experience in national security, such as a position in—

(I) the Department of Defense;

(II) the Department of State;

(III) the intelligence community;

(IV) the United States Agency for International Development; or

(V) an academic or scholarly institution; and

(ii) be eligible to receive the appropriate security clearance to effectively execute their duties.

(C) PROHIBITIONS.—A member of the Commission appointed under subparagraph (A) may not—

(i) be a current member of Congress;

(ii) be a former member of Congress who served in Congress after January 3, 2001;

(iii) be a current or former registrant under the Foreign Agents Registration Act of 1938 (22 U.S.C. 611 et seq.);

(iv) have previously investigated Afghanistan policy or the war in Afghanistan through employment in the office of a relevant inspector general;

(v) have been the sole owner or had a majority stake in a company that held any United States or coalition defense contract providing goods or services to activities by the United States Government or coalition in Afghanistan during the applicable period; or

(vi) have served, with direct involvement in actions by the United States Government in Afghanistan during the time the relevant official served, as—

(I) a cabinet secretary or national security adviser to the President; or

(II) a four-star flag officer, Under Secretary, or more senior official in the Department of Defense or the Department of State.

(D) DATE.—

(i) IN GENERAL.—The appointments of the members of the Commission shall be made not later than 60 days after the date of enactment of this Act. Deadline.

(ii) FAILURE TO MAKE APPOINTMENT.—If an appointment under subparagraph (A) is not made by the appointment date specified in clause (i)—

(I) the authority to make such appointment shall expire; and Expiration date.

(II) the number of members of the Commission shall be reduced by the number equal to the number of appointments not made.

(3) PERIOD OF APPOINTMENT; VACANCIES.—

(A) IN GENERAL.—A member of the Commission shall be appointed for the life of the Commission.

(B) VACANCIES.—A vacancy in the Commission—

(i) shall not affect the powers of the Commission; and

(ii) shall be filled in the same manner as the original appointment.

(4) MEETINGS.—

Deadline.

(A) INITIAL MEETING.—Not later than 30 days after the date on which all members of the Commission have been appointed, the Commission shall hold the first meeting of the Commission.

(B) FREQUENCY.—The Commission shall meet at the call of the Co-Chairpersons.

(C) QUORUM.—A majority of the members of the Commission shall constitute a quorum, but a lesser number of members may hold hearings.

(5) CO-CHAIRPERSONS.—Co-Chairpersons of the Commission shall be selected by the Leadership of the Senate and the House of Representatives as follows:

(A) 1 Co-Chairperson selected by the Majority Leader of the Senate and the Speaker of the House of Representatives from the members of the Commission appointed by chairpersons of the appropriate congressional committees, the Majority Leader of the Senate, and the Speaker of the House of Representatives; and

(B) 1 Co-Chairperson selected by the Minority Leader of the Senate and the Minority Leader of the House of Representatives from the members of the Commission appointed by the ranking members of the appropriate congressional committees, the Minority Leader of the Senate, and the Minority Leader of the House of Representatives.

(d) PURPOSE OF COMMISSION.— The purpose of the Commission is—

(1) to examine the key strategic, diplomatic, and operational decisions that pertain to the war in Afghanistan during the relevant period, including decisions, assessments, and events that preceded the war in Afghanistan; and

(2) to develop a series of lessons learned and recommendations for the way forward that will inform future decisions by Congress and policymakers throughout the United States Government.

(e) DUTIES OF COMMISSION.—

(1) STUDY.—

(A) IN GENERAL.—The Commission shall conduct a thorough study of all matters relating to combat operations, reconstruction and security force assistance activities, intelligence activities, and diplomatic activities of the United States pertaining to the Afghanistan during the period beginning June 1, 2001, and ending August 30, 2021.

(B) MATTERS STUDIED.—The matters studied by the Commission shall include—

(i) for the time period specified under subparagraph (A)—

- (I) the policy objectives of the United States Government, including—
 - (aa) military objectives;
 - (bb) diplomatic objectives; and
 - (cc) development objectives;
- (II) significant decisions made by the United States, including the development of options presented to policymakers;
- (III) the efficacy of efforts by the United States Government in meeting the objectives described in clause (i), including an analysis of—
 - (aa) military efforts;
 - (bb) diplomatic efforts;
 - (cc) development efforts; and
 - (dd) intelligence efforts; and
- (IV) the efficacy of counterterrorism efforts against al Qaeda, the Islamic State Khorasan Province, and other foreign terrorist organizations in degrading the will and capabilities of such organizations—
 - (aa) to mount external attacks against the United States or its allies and partners; or
 - (bb) to threaten stability in Afghanistan, neighboring countries, and the region;
- (ii) the efficacy of metrics, measures of effectiveness, and milestones used to assess progress of diplomatic, military, and intelligence efforts;
- (iii) the efficacy of interagency planning and execution process by the United States Government;
- (iv) factors that led to the collapse of the Afghan National Defense Security Forces in 2021, including—
 - (I) training and mentoring from the institutional to the tactical levels within the Afghan National Defense Security Forces;
 - (II) assessment methodologies, including any transition from different methodologies and the consistency of implementation and reporting;
 - (III) the determination of how to establish and develop the Afghan National Defense Security Forces, including the Afghan Air Force, and what determined the security cooperation model used to build such force;
 - (IV) reliance on technology and logistics support;
 - (V) corruption; and
 - (VI) reliance on warfighting enablers provided by the United States;
- (v) the challenges of corruption across the entire spectrum of the Afghan Government and efficacy of counter-corruption efforts to include linkages to diplomatic lines of effort, linkages to foreign and security assistance, and assessment methodologies;
- (vi) the efficacy of counter-narcotic efforts to include alternative livelihoods, eradication, interdiction, and education efforts;

(vii) the role of countries neighboring Afghanistan in contributing to the stability or instability of Afghanistan;

(viii) varying diplomatic approaches between Presidential administrations;

(ix) the extent to which the intelligence community did or did not fail to provide sufficient warning about the probable outcomes of a withdrawal of coalition military personnel from Afghanistan, including as it relates to—

(I) the capability and sustainability of the Afghanistan National Defense Security Forces;

(II) the sustainability of the Afghan central government, absent coalition support;

(III) the extent of Taliban control over Afghanistan over time with respect to geographic territory, population centers, governance, and influence; and

(IV) the likelihood of the Taliban regaining control of Afghanistan at various levels of United States and coalition support, including the withdrawal of most or all United States or coalition support;

(x) the extent to which intelligence products related to the state of the conflict in Afghanistan and the effectiveness of the Afghanistan National Defense Security Forces complied with intelligence community-wide analytic tradecraft standards and fully reflected the divergence of analytic views across the intelligence community;

(xi) an evaluation of whether any element of the United States Government inappropriately restricted access to data from elements of the intelligence community, Congress, or the Special Inspector General for Afghanistan Reconstruction (SIGAR) or any other oversight body such as other inspectors general or the Government Accountability Office, including through the use of overclassification; and

(xii) the extent to which public representations of the situation in Afghanistan before Congress by United States Government officials differed from the most recent formal assessment of the intelligence community at the time those representations were made.

(2) REPORT REQUIRED.—

(A) IN GENERAL.—

(i) ANNUAL REPORT.—

(I) IN GENERAL.—Not later than 1 year after the date of the initial meeting of the Commission, and annually thereafter, the Commission shall submit to the appropriate congressional committees a report describing the progress of the activities of the Commission as of the date of such report, including any findings, recommendations, or lessons learned endorsed by the Commission.

(II) ADDENDA.—Any member of the Commission may submit an addendum to a report required

Recommendations.

under subclause (I) setting forth the separate views of such member with respect to any matter considered by the Commission.

(III) BRIEFING.—On the date of the submission of each report, the Commission shall brief Congress.

(ii) FINAL REPORT.—

(I) SUBMISSION.—Not later than 3 years after the date of the initial meeting of the Commission, the Commission shall submit to Congress a report that contains a detailed statement of the findings, recommendations, and lessons learned endorsed by the Commission.

(II) ADDENDA.—Any member of the Commission may submit an addendum to the report required under subclause (I) setting forth the separate views of such member with respect to any matter considered by the Commission.

(III) EXTENSION.—The Commission may submit the report required under subclause (I) at a date that is not more than 1 year later than the date specified in such clause if agreed to by the chairperson and ranking member of each of the appropriate congressional committees.

(B) FORM.—The report required by paragraph (1)(B) shall be submitted and publicly released on a Government website in unclassified form but may contain a classified annex.

Public
information.
Web posting.

(C) SUBSEQUENT REPORTS ON DECLASSIFICATION.—

(i) IN GENERAL.—Not later than 4 years after the date that the report required by subparagraph (A)(ii) is submitted, each relevant agency of jurisdiction shall submit to the committee of jurisdiction a report on the efforts of such agency to declassify such annex.

(ii) CONTENTS.—Each report required by clause (i) shall include—

(I) a list of the items in the classified annex that the agency is working to declassify at the time of the report and an estimate of the timeline for declassification of such items;

List.

(II) a broad description of items in the annex that the agency is declining to declassify at the time of the report; and

(III) any justification for withholding declassification of certain items in the annex and an estimate of the timeline for declassification of such items.

(f) POWERS OF COMMISSION.—

(1) HEARINGS.—The Commission may hold such hearings, take such testimony, and receive such evidence as the Commission considers necessary to carry out its purpose and functions under this section.

(2) ASSISTANCE FROM FEDERAL AGENCIES.—

(A) INFORMATION.—

(i) IN GENERAL.—The Commission may secure directly from a Federal department or agency such

information as the Commission considers necessary to carry out this section.

(ii) FURNISHING INFORMATION.—Upon receipt of a written request by the Co-Chairpersons of the Commission, the head of the department or agency shall expeditiously furnish the information to the Commission.

(B) SPACE FOR COMMISSION.—

(i) IN GENERAL.—Not later than 30 days after the date of the enactment of this Act, the Architect of the Capitol, in consultation with the Commission, shall identify suitable space to house the operations of the Commission, which shall include—

(I) a dedicated sensitive compartmented information facility or access to a sensitive compartmented information facility; and

(II) the ability to store classified documents.

(ii) AUTHORITY TO LEASE.—If the Architect of the Capitol is not able to identify space in accordance with clause (i) within the 30-day period specified in clause (i), the Commission may lease space to the extent that funds are available for such purpose.

(C) COMPLIANCE BY INTELLIGENCE COMMUNITY.—Elements of the intelligence community shall respond to requests submitted pursuant to paragraph (2) in a manner consistent with the protection of intelligence sources and methods.

(3) POSTAL SERVICES.—The Commission may use the United States mails in the same manner and under the same conditions as other departments and agencies of the Federal Government.

(4) GIFTS.—The Commission may accept, use, and dispose of gifts or donations of services, goods, and property from non-Federal entities for the purposes of aiding and facilitating the work of the Commission. The authority in this subsection does not extend to gifts of money. Gifts accepted under this authority shall be documented, and conflicts of interest or the appearance of conflicts of interest shall be avoided. Subject to the authority in this section, commissioners shall otherwise comply with rules set forth by the Select Committee on Ethics of the Senate.

(5) ETHICS.—

(A) IN GENERAL.—The members and employees of the Commission shall be subject to the ethical rules and guidelines of the Senate.

(B) REPORTING.—For purposes of title I of the Ethics in Government Act of 1978 (5 U.S.C. App.), each member and employee of the Commission—

(i) shall be deemed to be an officer or employee of the Congress (as defined in section 109(13) of such title); and

(ii) shall file any report required to be filed by such member or such employee (including by virtue of the application of subsection (g)(1)) under title I of the Ethics in Government Act of 1978 (5 U.S.C. App.) with the Secretary of the Senate.

(g) COMMISSION PERSONNEL MATTERS.—

(1) COMPENSATION OF MEMBERS.—A member of the Commission who is not an officer or employee of the Federal

Deadline.
Consultation.

Compliance.

Government shall be compensated at a rate equal to the daily equivalent of the annual rate of basic pay prescribed for level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day (including travel time) during which the member is engaged in the performance of the duties of the Commission.

(2) TRAVEL EXPENSES.—A member of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Commission.

(3) STAFF.—

(A) STATUS AS FEDERAL EMPLOYEES.—Notwithstanding the requirements of section 2105 of title 5, United States Code, including the required supervision under subsection (a)(3) of such section, the members of the commission shall be deemed to be Federal employees.

(B) EXECUTIVE DIRECTOR.—The Co-Chairpersons of the Commission shall appoint and fix the rate of basic pay for an Executive Director in accordance with section 3161(d) of title 5, United States Code.

(C) PAY.—The Executive Director, with the approval of the Co-Chairpersons of the Commission, may appoint and fix the rate of basic pay for additional personnel as staff of the Commission in accordance with section 3161(d) of title 5, United States Code.

(D) SECURITY CLEARANCES.—All staff must have or be eligible to receive the appropriate security clearance to conduct their duties.

(4) DETAIL OF GOVERNMENT EMPLOYEES.—A Federal Government employee, with the appropriate security clearance to conduct their duties, may be detailed to the Commission without reimbursement, and such detail shall be without interruption or loss of civil service status or privilege.

(5) PROCUREMENT OF TEMPORARY AND INTERMITTENT SERVICES.—The Co-Chairpersons of the Commission may procure temporary and intermittent services under section 3109(b) of title 5, United States Code, at rates for individuals that do not exceed the daily equivalent of the annual rate of basic pay prescribed for level V of the Executive Schedule under section 5316 of that title.

(6) PAY.—The pay of each employee of the Commission and any member of the Commission who receives pay in accordance with paragraph (1) shall be disbursed by the Secretary of the Senate.

(h) TERMINATION OF COMMISSION.—The Commission shall terminate 90 days after the date on which the Commission submits the report required under subsection (e)(2)(A)(ii).

SEC. 1095. COMMISSION ON THE NATIONAL DEFENSE STRATEGY.

(a) ESTABLISHMENT.—

(1) IN GENERAL.—There is hereby established, as of the date specified in paragraph (2), an independent commission in the legislative branch to be known as the Commission on the National Defense Strategy for the United States (in this subtitle referred to as the “Commission”).

Deadline.

(2) DATE OF ESTABLISHMENT.—The date of establishment referred to in paragraph (1) is the date that is not later than 30 days after the date on which the Secretary of Defense provides a national defense strategy as required by section 113(g) of title 10, United States Code.

(b) MEMBERSHIP.—

(1) NUMBER AND APPOINTMENT.—The Commission shall be composed of 8 members from private civilian life who are recognized experts in matters relating to the national security of the United States. The members shall be appointed as follows:

(A) The Majority Leader of the Senate shall appoint 1 member.

(B) The Minority Leader of the Senate shall appoint 1 member.

(C) The Speaker of the House of Representatives shall appoint 1 member.

(D) The Minority Leader of the House of Representatives shall appoint 1 member.

(E) The Chair of the Committee on Armed Services of the Senate shall appoint 1 member.

(F) The Ranking Member of the Committee on Armed Services of the Senate shall appoint 1 member.

(G) The Chair of the Committee on Armed Services of the House of Representatives shall appoint 1 member.

(H) The Ranking Member of the Committee on Armed Services of the House of Representatives shall appoint 1 member.

(2) DEADLINE FOR APPOINTMENT.—Members shall be appointed to the Commission under paragraph (1) not later than 45 days after the Commission establishment date specified under subsection (a)(2).

Expiration date.

(3) EFFECT OF LACK OF APPOINTMENT BY APPOINTMENT DATE.—If one or more appointments under paragraph (1) is not made by the appointment date specified in paragraph (2), the authority to make such appointment or appointments shall expire, and the number of members of the Commission shall be reduced by the number equal to the number of appointments so not made.

(c) CHAIR AND VICE CHAIR.—

(1) CHAIR.—The Chair of the Committee on Armed Services of the Senate and the Chair of the Committee on Armed Services of the House of Representatives, with the concurrence of the Majority Leader of the Senate and the Speaker of the House of Representatives, shall jointly designate 1 member of the Commission to serve as Chair of the Commission.

(2) VICE CHAIR.—The Ranking Member of the Committee on Armed Services of the Senate and the Ranking Member of the Committee on Armed Services of the House of Representatives, with the concurrence of the Minority Leader of the Senate and the Minority Leader of the House of Representatives, shall jointly designate 1 member of the Commission to serve as Vice Chair of the Commission.

(d) PERIOD OF APPOINTMENT AND VACANCIES.—Members shall be appointed for the life of the Commission. A vacancy in the Commission shall not affect its powers, and shall be filled in the same manner as the original appointment was made.

(e) PURPOSE.—The purpose of the Commission is to examine and make recommendations with respect to the national defense strategy for the United States.

(f) SCOPE AND DUTIES.—In order to provide the fullest understanding of the matters required under subsection (e), the Commission shall perform the following duties:

(1) NATIONAL DEFENSE STRATEGY REVIEW.—The Commission shall review the most recent national defense strategy of the United States including the assumptions, strategic objectives, priority missions, major investments in defense capabilities, force posture and structure, operational concepts, and strategic and military risks associated with the strategy.

(2) ASSESSMENT.—The Commission shall conduct a comprehensive assessment of the strategic environment to include the threats to the national security of the United States, including both traditional and non-traditional threats, the size and shape of the force, the readiness of the force, the posture, structure, and capabilities of the force, allocation of resources, and the strategic and military risks in order to provide recommendations on the national defense strategy for the United States.

(g) COMMISSION REPORT AND RECOMMENDATIONS.—

(1) REPORT.—Not later than one year after the Commission establishment date specified under subsection (a)(2), the Commission shall transmit to the President and Congress a report containing the review and assessment conducted under subsection (f), together with any recommendations of the Commission. The report shall include the following elements:

(A) An appraisal of the strategic environment, including an examination of the traditional and non-traditional threats to the United States, and the potential for conflicts arising from such threats and security challenges.

Appraisal.

(B) An evaluation of the strategic objectives of the Department of Defense for near-peer competition in support of the national security interests of the United States.

Evaluation.

(C) A review of the military missions for which the Department of Defense should prepare, including missions that support the interagency and a whole-of-government strategy.

Review.

(D) Identification of any gaps or redundancies in the roles and missions assigned to the Armed Forces necessary to carry out military missions identified in subparagraph (C), as well as the roles and capabilities provided by other Federal agencies and by allies and international partners.

(E) An assessment of how the national defense strategy leverages other elements of national power across the interagency to counter near-peer competitors.

Assessment.

(F) An evaluation of the resources necessary to support the strategy, including budget recommendations.

Evaluation.

(G) An examination of the Department's efforts to develop new and innovative operational concepts to enable the United States to more effectively counter near-peer competitors.

Examination.

(H) An analysis of the force planning construct, including—

Analysis.

(i) the size and shape of the force;

- (ii) the posture, structure, and capabilities of the force;
- (iii) the readiness of the force;
- (iv) infrastructure and organizational adjustments to the force;
- (v) modifications to personnel requirements, including professional military education; and
- (vi) other elements of the defense program necessary to support the strategy.
- Assessment. (I) An assessment of the risks associated with the strategy, including the relationships and tradeoffs between missions, risks, and resources.
- (J) Any other elements the Commission considers appropriate.
- (2) INTERIM BRIEFINGS.—
- Deadline. (A) Not later than 180 days after the Commission establishment date specified in subsection (a)(2), the Commission shall provide to the Committees on Armed Services of the Senate and the House of Representatives a briefing on the status of its review and assessment to include a discussion of any interim recommendations.
- (B) At the request of the Chair and Ranking Member of the Committee on Armed Services of the Senate, or the Chair and Ranking Member of the Committee on Armed Services of the House of Representatives, the Commission shall provide the requesting Committee with interim briefings in addition to the briefing required by subparagraph (2)(A).
- (3) FORM.—The report submitted to Congress under paragraph (1) of this subsection shall be submitted in unclassified form, but may include a classified annex.
- (h) GOVERNMENT COOPERATION.—
- (1) COOPERATION.—In carrying out its duties, the Commission shall receive the full and timely cooperation of the Secretary of Defense in providing the Commission with analysis, briefings, and other information necessary for the fulfillment of its responsibilities.
- (2) LIAISON.—The Secretary shall designate at least 1 officer or employee of the Department of Defense to serve as a liaison officer between the Department and the Commission.
- (3) DETAILEES AUTHORIZED.—The Secretary may provide, and the commission may accept and employ, personnel detailed from the Department of Defense, without reimbursement.
- (4) FACILITATION.—
- Deadline. (A) INDEPENDENT, NON-GOVERNMENT INSTITUTE.—Not later than 45 days after the Commission establishment date specified in subparagraph (a)(2), the Secretary of Defense shall make available to the Commission the services of an independent, non-governmental institute described in section 501(c)(3) of the Internal Revenue Code of 1986, and exempt from tax under section 501(a) of such Code, that has recognized credentials and expertise in national security and military affairs in order to facilitate the Commission's discharge of its duties under this section.
- (B) FEDERALLY FUNDED RESEARCH AND DEVELOPMENT CENTER.—On request of the Commission, the Secretary

of Defense shall make available the services of a federally funded research and development center that is covered by a sponsoring agreement of the Department of Defense in order to enhance the Commission's efforts to discharge its duties under this section.

(5) EXPEDITION OF SECURITY CLEARANCES.—The Office of Senate Security and the Office of House Security shall ensure the expedited processing of appropriate security clearances for personnel appointed to the commission by their respective Senate and House offices under processes developed for the clearance of legislative branch employees.

(i) STAFF.—

(1) STATUS AS FEDERAL EMPLOYEES.—Notwithstanding the requirements of section 2105 of title 5, United States Code, including the required supervision under subsection (a)(3) of such section, the members of the commission shall be deemed to be Federal employees.

(2) EXECUTIVE DIRECTOR.—The Commission shall appoint and fix the rate of basic pay for an Executive Director in accordance with section 3161(d) of title 5, United States Code.

Appointment.

(3) PAY.—The Executive Director, with the approval of the Commission, may appoint and fix the rate of basic pay for additional personnel as staff of the Commission in accordance with section 3161(d) of title 5, United States Code.

(j) PERSONAL SERVICES.—

(1) AUTHORITY TO PROCURE.—The Commission may—

Contracts.

(A) procure the services of experts or consultants (or of organizations of experts or consultants) in accordance with the provisions of section 3109 of title 5, United States Code; and

(B) pay in connection with such services travel expenses of individuals, including transportation and per diem in lieu of subsistence, while such individuals are traveling from their homes or places of business to duty stations.

(2) MAXIMUM DAILY PAY RATES.—The daily rate paid an expert or consultant procured pursuant to paragraph (1) may not exceed the daily rate paid a person occupying a position at level IV of the Executive Schedule under section 5315 of title 5, United States Code.

(k) AUTHORITY TO ACCEPT GIFTS.—The Commission may accept, use, and dispose of gifts or donations of services, goods, and property from non-Federal entities for the purposes of aiding and facilitating the work of the Commission. The authority in this subsection does not extend to gifts of money. Gifts accepted under this authority shall be documented, and conflicts of interest or the appearance of conflicts of interest shall be avoided. Subject to the authority in this section, commissioners shall otherwise comply with rules set forth by the Select Committee on Ethics of the United States Senate and the Committee on Ethics of the House of Representatives governing Senate and House employees.

Compliance.

(l) FUNDING.—Of the amounts authorized to be appropriated by this Act for fiscal year 2022 for the Department of Defense, up to \$5,000,000 shall be made available to the Commission to carry out its duties under this subtitle. Funds made available to the Commission under the preceding sentence shall remain available until expended.

(m) **LEGISLATIVE ADVISORY COMMITTEE.**—The Commission shall operate as a legislative advisory committee and shall not be subject to the provisions of the Federal Advisory Committee Act (Public Law 92–463; 5 U.S.C. App) or section 552b, United States Code (commonly known as the Government in the Sunshine Act).

(n) **CONTRACTING AUTHORITY.**—The Commission may acquire administrative supplies and equipment for Commission use to the extent funds are available.

(o) **USE OF GOVERNMENT INFORMATION.**—The Commission may secure directly from any department or agency of the Federal Government such information as the Commission considers necessary to carry out its duties. Upon such request of the chair of the Commission, the head of such department or agency shall furnish such information to the Commission.

(p) **POSTAL SERVICES.**—The Commission may use the United States mail in the same manner and under the same conditions as departments and agencies of the United States.

Deadline.
Consultation.

(q) **SPACE FOR USE OF COMMISSION.**—Not later than 30 days after the establishment date of the Commission, the Administrator of General Services, in consultation with the Commission, shall identify and make available suitable excess space within the Federal space inventory to house the operations of the Commission. If the Administrator is not able to make such suitable excess space available within such 30-day period, the Commission may lease space to the extent the funds are available.

(r) **REMOVAL OF MEMBERS.**—A member may be removed from the commission for cause by the individual serving in the position responsible for the original appointment of such member under subsection (b)(1), provided that notice has first been provided to such member of the cause for removal, voted and agreed upon by three quarters of the members serving. A vacancy created by the removal of a member under this section shall not affect the powers of the commission, and shall be filled in the same manner as the original appointment was made.

(s) **TERMINATION.**—The Commission shall terminate 90 days after the date on which it submits the report required by subsection (g).

TITLE XI—CIVILIAN PERSONNEL MATTERS

Sec. 1101. Amendment to diversity and inclusion reporting.

Sec. 1102. Civilian personnel management.

Sec. 1103. Modification of temporary authority to appoint retired members of the armed forces to positions in the Department of Defense.

Sec. 1104. Authority to employ civilian faculty members at the Defense Institute of International Legal Studies.

Sec. 1105. Consideration of employee performance in reductions in force for civilian positions in the Department of Defense.

Sec. 1106. Repeal of 2-year probationary period.

Sec. 1107. Modification of DARPA personnel management authority to attract science and engineering experts.

Sec. 1108. Expansion of rate of overtime pay authority for Department of the Navy employees performing work overseas on naval vessels.

Sec. 1109. Repeal of crediting amounts received against pay of Federal employee or DC employee serving as a member of the National Guard of the District of Columbia.

Sec. 1110. Treatment of hours worked under a qualified trade-of-time arrangement.

Sec. 1111. Parental bereavement leave.

- Sec. 1112. One-year extension of authority to waive annual limitation on premium pay and aggregate limitation on pay for Federal civilian employees working overseas.
- Sec. 1113. Extension of authority for temporary personnel flexibilities for Domestic Defense Industrial Base Facilities and Major Range and Test Facilities Base civilian personnel.
- Sec. 1114. One-year extension of temporary authority to grant allowances, benefits, and gratuities to civilian personnel on official duty in a combat zone.
- Sec. 1115. Assessment of Accelerated Promotion Program suspension.
- Sec. 1116. Increase in allowance based on duty at remote worksites.
- Sec. 1117. Enhancement of recusal for conflicts of personal interest requirements for Department of Defense officers and employees.
- Sec. 1118. Occupational series for digital career fields.

SEC. 1101. AMENDMENT TO DIVERSITY AND INCLUSION REPORTING.

Section 113 of title 10, United States Code, as amended by section 551 of the William M. (Mac) Thornberry National Defense Authorization Act for Fiscal Year 2021 (Public Law 116–283), is amended—

- (1) in subsection (c)(2), by inserting “of members and civilian employees” after “inclusion”;
- (2) in subsection (l)—
 - (A) in paragraph (1)—
 - (i) in subparagraph (A), by striking “; and” and inserting a semicolon;
 - (ii) by redesignating subparagraph (B) as subparagraph (C); and
 - (iii) by inserting after subparagraph (A) the following new subparagraph (B):

“(B) efforts to reflect, across the civilian workforce of the Department and of each armed force, the diversity of the population of the United States; and”; and
 - (B) in paragraph (2)(B), by inserting “and civilian employees of the Department” after “members of the armed forces”; and
- (3) in subsection (m)—
 - (A) by redesignating paragraph (7) as paragraph (8); and
 - (B) by inserting after paragraph (6) the following new paragraph (7):

“(7) The number of civilian employees of the Department, disaggregated by military department, gender, race, and ethnicity—

 - “(A) in each grade of the General Schedule;
 - “(B) in each grade of the Senior Executive Service;
 - “(C) paid at levels above grade GS-15 of the General Schedule but who are not members of the Senior Executive Service;
 - “(D) paid under the Federal Wage System, and
 - “(E) paid under alternative pay systems.”.

SEC. 1102. CIVILIAN PERSONNEL MANAGEMENT.

Section 129(a) of title 10, United States Code, is amended—

- (1) in the first sentence, by striking “primarily” and inserting “solely”; and
- (2) in the second sentence, by striking “solely”.

SEC. 1103. MODIFICATION OF TEMPORARY AUTHORITY TO APPOINT RETIRED MEMBERS OF THE ARMED FORCES TO POSITIONS IN THE DEPARTMENT OF DEFENSE.

10 USC note
prec. 1580.

Section 1108(b)(1)(A) of the William M. (Mac) Thornberry National Defense Authorization Act for Fiscal Year 2021 (Public Law 116-283) is amended to read as follows:

“(A)(i) at any defense industrial base facility (as that term is defined in section 2208(u)(3) of title 10, United States Code) that is part of the core logistics capabilities (as described in section 2464(a) of such title); or

“(ii) at any Major Range and Test Facility Base (as that term is defined in section 196(i) of such title); and”.

SEC. 1104. AUTHORITY TO EMPLOY CIVILIAN FACULTY MEMBERS AT THE DEFENSE INSTITUTE OF INTERNATIONAL LEGAL STUDIES.

Section 1595(c) of title 10, United States Code, is amended by adding at the end the following new paragraph:

“(8) The Defense Institute of International Legal Studies.”.

SEC. 1105. CONSIDERATION OF EMPLOYEE PERFORMANCE IN REDUCTIONS IN FORCE FOR CIVILIAN POSITIONS IN THE DEPARTMENT OF DEFENSE.

Section 1597(e) title 10, United States Code, is amended—

(1) by striking the subsection heading and inserting “CONSIDERATION OF EMPLOYEE PERFORMANCE IN REDUCTIONS”; and

(2) by striking “be made primarily on the basis of” and inserting “, among other factors as determined by the Secretary, account for employee”.

SEC. 1106. REPEAL OF 2-YEAR PROBATIONARY PERIOD.

(a) REPEAL.—

10 USC 1599e
note.
10 USC 1599e
note.

(1) IN GENERAL.—Effective December 31, 2022, section 1599e of title 10, United States Code, is repealed.

(2) APPLICATION.—The modification of probationary periods for covered employees (as that term is defined in such section 1599e as in effect on the date immediately preceding the date of enactment of this Act) by operation of the amendment made by paragraph (1) shall only apply to an individual appointed as such an employee on or after the effective date specified in paragraph (1).

(b) TECHNICAL AND CONFORMING AMENDMENTS.—

10 USC
prec. 1580.

(1) TITLE 10.—The table of sections for chapter 81 of title 10, United States Code, is amended by striking the item relating to section 1599e.

(2) TITLE 5.—Title 5, United States Code, is amended—

(A) in section 3321(c), by striking “, or any individual covered by section 1599e of title 10”;

(B) in section 3393(d), by striking the second sentence;

(C) in section 7501(1), by striking “, except as provided in section 1599e of title 10,”;

(D) in section 7511(a)(1)(A)(ii), by striking “except as provided in section 1599e of title 10,”; and

(E) in section 7541(1)(A), by striking “or section 1599e of title 10”.

SEC. 1107. MODIFICATION OF DARPA PERSONNEL MANAGEMENT AUTHORITY TO ATTRACT SCIENCE AND ENGINEERING EXPERTS.

Section 1599h(b) of title 10, United States Code, is amended—

(1) in paragraph (2)—

(A) by striking subparagraph (A) and inserting the following:

“(A) in the case of employees appointed pursuant to paragraph (1)(B)—

“(i) to any of 5 positions designated by the Director of the Defense Advanced Research Projects Agency for purposes of this clause, at rates not in excess of a rate equal to 150 percent of the maximum rate of basic pay authorized for positions at Level I of the Executive Schedule under section 5312 of title 5; and

“(ii) to any other position designated by the Director for purposes of this clause, at rates not in excess of the maximum amount of total annual compensation payable at the salary set in accordance with section 104 of title 3;”;

(B) in subparagraph (B), by striking “and” at the end;

(2) in paragraph (3), by striking the period and inserting “, and”; and

(3) by adding at the end the following:

“(4) during any fiscal year, pay up to 15 individuals newly appointed pursuant to paragraph (1)(B) the travel, transportation, and relocation expenses and services described under sections 5724, 5724a, and 5724c of title 5.”.

SEC. 1108. EXPANSION OF RATE OF OVERTIME PAY AUTHORITY FOR DEPARTMENT OF THE NAVY EMPLOYEES PERFORMING WORK OVERSEAS ON NAVAL VESSELS.

Section 5542(a)(6)(A) of title 5, United States Code, is amended—

(1) by inserting “outside the United States” after “temporary duty”;

(2) by striking “the nuclear aircraft carrier that is forward deployed in Japan” and inserting “naval vessels”;

(3) by inserting “of 1938” after “Fair Labor Standards Act”; and

(4) by striking “the overtime” and all that follows through the period at the end and inserting “the employee shall be coded and paid overtime as if the employee’s exemption status under that Act is the same as it is at the employee’s permanent duty station.”.

SEC. 1109. REPEAL OF CREDITING AMOUNTS RECEIVED AGAINST PAY OF FEDERAL EMPLOYEE OR DC EMPLOYEE SERVING AS A MEMBER OF THE NATIONAL GUARD OF THE DISTRICT OF COLUMBIA.

(a) IN GENERAL.—Section 5519 of title 5, United States Code, is amended by striking “or (c)”.

(b) APPLICATION.—The amendment made by subsection (a) shall apply to any amounts credited, by operation of such section 5519, against the pay of an employee or individual described under section 6323(c) of such title on or after the date of enactment of this Act.

5 USC 5519 note.

SEC. 1110. TREATMENT OF HOURS WORKED UNDER A QUALIFIED TRADE-OF-TIME ARRANGEMENT.

Section 5542 of title 5, United States Code, is amended by adding at the end the following:

“(h)(1)(A) Notwithstanding any other provision of this section or section 5545b, any hours worked by a firefighter under a qualified trade-of-time arrangement shall be disregarded for purposes of any determination relating to eligibility for, or the amount of, any overtime pay under this section, including overtime pay under the Fair Labor Standards Act in accordance with subsection (c).

“(B) The Director of the Office of Personnel Management—

“(i) shall identify the situations in which a firefighter shall be deemed to have worked hours actually worked by a substituting firefighter under a qualified trade-of-time arrangement; and

“(ii) may adopt necessary policies governing the treatment of both a substituting and substituted firefighter under a qualified trade-of-time arrangement, without regard to how those firefighters would otherwise be treated under other provisions of law or regulation.

Definitions.

“(2) In this subsection—

“(A) the term ‘firefighter’ means an employee—

“(i) the work schedule of whom includes 24-hour duty shifts; and

“(ii) who—

“(I) is a firefighter, as defined in section 8331(21) or 8401(14);

“(II) in the case of an employee who holds a supervisory or administrative position and is subject to subchapter III of chapter 83, but who does not qualify to be considered a firefighter within the meaning of section 8331(21), would so qualify if such employee had transferred directly to such position after serving as a firefighter within the meaning of such section;

Time period.

“(III) in the case of an employee who holds a supervisory or administrative position and is subject to chapter 84, but who does not qualify to be considered a firefighter within the meaning of section 8401(14), would so qualify if such employee had transferred directly to such position after performing duties described in section 8401(14)(A) and (B) for at least 3 years; and

“(IV) in the case of an employee who is not subject to subchapter III of chapter 83 or chapter 84, holds a position that the Office of Personnel Management determines would satisfy subclause (I), (II), or (III) if the employee were subject to subchapter III of chapter 83 or chapter 84; and

“(B) the term ‘qualified trade-of-time arrangement’ means an arrangement under which 2 firefighters who are subject to the supervision of the same fire chief agree, solely at their option and with the approval of the employing agency, to substitute for one another during scheduled work hours in the performance of work in the same capacity.”.

SEC. 1111. PARENTAL BEREAVEMENT LEAVE.

(a) **IN GENERAL.**—Subchapter II of chapter 63 of title 5, United States Code, is amended by adding at the end the following:

“§ 6329d. Parental bereavement leave

5 USC 6329d.

“(a) **DEFINITIONS.**—In this section—

“(1) the terms ‘employee’ and ‘son or daughter’ have the meanings given those terms in section 6381; and

“(2) the term ‘paid leave’ means, with respect to an employee, leave without loss of or reduction in—

“(A) pay;

“(B) leave to which the employee is otherwise entitled under law; or

“(C) credit for time or service.

“(b) **BEREAVEMENT LEAVE.**—

“(1) **IN GENERAL.**—Subject to paragraphs (2) and (3), an employee shall be entitled to a total of 2 administrative workweeks of paid leave during any 12-month period because of the death of a son or daughter of the employee.

“(2) **LIMITATION.**—Leave under paragraph (1) may not be taken by an employee intermittently or on a reduced leave schedule unless the employee and the employing agency of the employee agree otherwise.

“(3) **NOTICE.**—In any case in which the necessity for leave under this subsection is foreseeable, the employee shall provide the employing agency with such notice as is reasonable and practicable.”.

(b) **TECHNICAL AND CONFORMING AMENDMENT.**—The table of sections for subchapter II of chapter 63 of title 5, United States Code, is amended by adding at the end the following:

“6329d. Parental bereavement leave.”.

5 USC
prec. 6301.**SEC. 1112. ONE-YEAR EXTENSION OF AUTHORITY TO WAIVE ANNUAL LIMITATION ON PREMIUM PAY AND AGGREGATE LIMITATION ON PAY FOR FEDERAL CIVILIAN EMPLOYEES WORKING OVERSEAS.**

Subsection (a) of section 1101 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110–417; 122 Stat. 4615), as most recently amended by section 1105 of the William M. (Mac) Thornberry National Defense Authorization Act for Fiscal Year 2021 (Public Law 116–283), is further amended by striking “through 2021” and inserting “through 2022”.

134 Stat. 3890.

SEC. 1113. EXTENSION OF AUTHORITY FOR TEMPORARY PERSONNEL FLEXIBILITIES FOR DOMESTIC DEFENSE INDUSTRIAL BASE FACILITIES AND MAJOR RANGE AND TEST FACILITIES BASE CIVILIAN PERSONNEL.

Section 1132 of the National Defense Authorization Act for Fiscal Year 2017 (10 U.S.C. 1580 note prec.) is amended—

(1) in subsection (a), by striking “through 2021” and inserting “through 2026”;

(2) by redesignating subsection (f) as subsection (h); and

(3) by inserting after subsection (e) the following:

“(f) **DATA COLLECTION REQUIREMENT.**—The Secretary of Defense shall develop and implement a plan to collect and analyze data on the pilot program for the purposes of—

“(1) developing and sharing best practices; and

Plan.

Deadline. Time period.	“(2) providing information to the leadership of the Department and Congress on the implementation of the pilot program and related policy issues. “(g) BRIEFING.—Not later than 90 days after the end of each of fiscal years 2022 through 2026, the Secretary of Defense shall provide a briefing to the Committee on Armed Services of the House of Representatives, the Committee on Armed Services of the Senate, the Committee on Oversight and Government Reform of the House of Representatives, and the Committee on Homeland Security and Governmental Affairs of the Senate including— “(1) a description of the effect of this section on the management of civilian personnel at domestic defense industrial base facilities and Major Range and Test Facilities Base during the most recently ended fiscal year; and “(2) the number of employees— “(A) hired under such section during such fiscal year; and “(B) expected to be hired under such section during the fiscal year in which the briefing is provided.”.
134 Stat. 3890.	SEC. 1114. ONE-YEAR EXTENSION OF TEMPORARY AUTHORITY TO GRANT ALLOWANCES, BENEFITS, AND GRATUITIES TO CIVILIAN PERSONNEL ON OFFICIAL DUTY IN A COMBAT ZONE. Paragraph (2) of section 1603(a) of the Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Hurricane Recovery, 2006 (Public Law 109–234; 120 Stat. 443), as added by section 1102 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110–417; 122 Stat. 4616) and as most recently amended by section 1106 of the William M. (Mac) Thornberry National Defense Authorization Act for Fiscal Year 2021 (Public Law 116–283), is further amended by striking “2022” and inserting “2023”.
Deadline.	SEC. 1115. ASSESSMENT OF ACCELERATED PROMOTION PROGRAM SUSPENSION. (a) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Inspector General of the Department of Defense shall conduct an assessment of the impacts resulting from the Navy’s suspension in 2016 of the Accelerated Promotion Program (in this section referred to as the “APP”). The Inspector General may consult with the Secretary of the Navy in carrying out such assessment, but the Navy may not play any other role in such assessment.
Determinations.	(b) ELEMENTS.—The assessment required under subsection (a) shall include the following elements:
Time period.	(1) An identification of the employees who were hired at the four public shipyards between January 23, 2016, and December 22, 2016, covering the period in which APP was suspended, and who would have otherwise been eligible for APP had the program been in effect at the time they were hired. (2) An assessment for each employee identified in paragraph (1) to determine the difference between wages earned from the date of hire to the date on which the wage data would be collected and the wages which would have been earned during this same period should that employee have participated in APP from the date of hire and been promoted according

to the average promotion timeframe for participants hired in the five-year period prior to the suspension.

(3) An assessment for each employee identified in paragraph (1) to determine at what grade and step each effected employee would be at on October 1, 2020, had that employee been promoted according to the average promotion timeframe for participants hired in the five-year period prior to the suspension.

(4) An evaluation of existing authorities available to the Secretary to determine whether the Secretary can take measures using those authorities to provide the pay difference and corresponding interest, at a rate of the federal short-term interest rate plus 3 percent, to each effected employee identified in paragraph (2) and directly promote the employee to the grade and step identified in paragraph (3).

Evaluation.

(c) **REPORT.**—The Inspector General of the Department of Defense shall submit, to the congressional defense committees, the Committee on Oversight and Reform of the House of Representatives, and the Committee on Homeland Security and Governmental Affairs of the Senate, a report on the results of the evaluation by not later than 270 days after the date of enactment of this Act, and shall provide interim briefings upon request.

Briefings.

SEC. 1116. INCREASE IN ALLOWANCE BASED ON DUTY AT REMOTE WORKSITES.

5 USC 5942 note.

(a) **ASSESSMENT AND RATE.**—Not later than March 31, 2022, the Director of the Office of Personnel Management shall complete an assessment of the remote site pay allowance under section 5942 of title 5, United States Code, and propose a new rate of such allowance, adjusted for inflation, and submit such assessment and rate to the President and to Congress.

Deadline.

(b) **APPLICATION.**—Beginning on the first day of the first pay period beginning after the date the Director submits the assessment and rate under subsection (a), such rate shall, notwithstanding subsection (a) of such section 5942, be the rate of such allowance.

Effective date.

SEC. 1117. ENHANCEMENT OF RECUSAL FOR CONFLICTS OF PERSONAL INTEREST REQUIREMENTS FOR DEPARTMENT OF DEFENSE OFFICERS AND EMPLOYEES.

10 USC note prec. 971.

(a) **IN GENERAL.**—Except as provided in subsection (b), in addition to the prohibition set forth in section 208 of title 18, United States Code, an officer or employee of the Department of Defense may not knowingly participate personally and substantially in any particular matter involving specific parties where any of the following organizations is a party or represents a party to the matter:

(1) Any organization, including a trade organization, for which the officer or employee has served as an employee, officer, director, trustee, or general partner in the past 2 years.

(2) Any organization with which the officer or employee is seeking employment.

(b) **AUTHORIZATION.**—An agency designee may authorize the officer or employee to participate in a matter described in paragraph (a) based on a determination, made in light of all relevant circumstances, that the interest of the Government in the officer or employee's participation outweighs the concern that a reasonable person may question the integrity of the agency's programs and operations.

Determination.

(c) CONSTRUCTION.—Nothing in this section shall be construed to terminate, alter, or make inapplicable any other prohibition or limitation in law or regulation on the participation of officers or employees of the Department of Defense in particular matters having an effect on their or related financial or other personal interests.

Deadline.
5 USC 5101 note.

SEC. 1118. OCCUPATIONAL SERIES FOR DIGITAL CAREER FIELDS.

Not later than 270 days after the date of the enactment of this Act, the Director of the Office of Personnel Management shall, pursuant to chapter 51 of title 5, United States Code, establish or update one or more occupational series covering Federal Government positions in the fields of software development, software engineering, data science, and data management.

TITLE XII—MATTERS RELATING TO FOREIGN NATIONS

Subtitle A—Assistance and Training

- Sec. 1201. Administrative support and payment of certain expenses for covered foreign defense personnel.
- Sec. 1202. Authority for certain reimbursable interchange of supplies and services.
- Sec. 1203. Extension of support of special operations for irregular warfare.
- Sec. 1204. Modification and extension of biennial Comptroller General of the United States audits of programs to build the capacity of foreign security forces.
- Sec. 1205. Temporary authority to pay for travel and subsistence expenses of foreign national security forces participating in the training program of the United States-Colombia Action Plan for Regional Security.
- Sec. 1206. Security cooperation strategy for certain combatant commands.
- Sec. 1207. Report on security cooperation programs.

Subtitle B—Matters Relating to Afghanistan and Pakistan

- Sec. 1211. Sense of Congress on the service of United States Armed Forces servicemembers in Afghanistan.
- Sec. 1212. Extension and modification of authority for reimbursement of certain coalition nations for support provided to United States military operations.
- Sec. 1213. Prohibition on transfer of Department of Defense funds or resources to the Taliban.
- Sec. 1214. Prohibition on transporting currency to the Taliban or the Islamic Emirate of Afghanistan.
- Sec. 1215. Prohibition on removal of publicly available accountings of military assistance provided to the Afghan security forces.
- Sec. 1216. Joint report on using the synchronized predeployment and operational tracker (spot) database to verify Afghan SIV applicant information.
- Sec. 1217. Report and briefing on United States equipment, property, and classified material that was destroyed or abandoned in the withdrawal from Afghanistan.

Subtitle C—Matters Relating to Syria, Iraq, and Iran

- Sec. 1221. Extension and modification of authority to provide assistance to vetted Syrian groups and individuals.
- Sec. 1222. Defense and diplomatic strategy for Syria.
- Sec. 1223. Extension and modification of authority to provide assistance to counter the Islamic State of Iraq and Syria.
- Sec. 1224. Extension and modification of authority to support operations and activities of the Office of Security Cooperation in Iraq.
- Sec. 1225. Prohibition on transfers to Badr Organization.
- Sec. 1226. Prohibition on transfers to Iran.
- Sec. 1227. Report on the military capabilities of Iran and related activities.
- Sec. 1228. Sense of Congress on enrichment of uranium by Iran.

Subtitle D—Matters Relating to Russia

- Sec. 1231. Extension of limitation on military cooperation between the United States and the Russian Federation.

- Sec. 1232. Extension of Ukraine Security Assistance Initiative.
- Sec. 1233. Extension of authority for training for Eastern European national security forces in the course of multilateral exercises.
- Sec. 1234. Prohibition on availability of funds relating to sovereignty of the Russian Federation over Crimea.
- Sec. 1235. Report on Russian influence operations and campaigns targeting military alliances and partnerships of which the United States is a member.

Subtitle E—Matters Relating to the Indo-Pacific Region

- Sec. 1241. Extension and modification of Indo-Pacific Maritime Security Initiative.
- Sec. 1242. Extension and modification of Pacific Deterrence Initiative.
- Sec. 1243. Modification of annual report on military and security developments involving the People's Republic of China.
- Sec. 1244. Extension of authority to transfer funds for Bien Hoa dioxin cleanup.
- Sec. 1245. Cooperative program with Vietnam to account for Vietnamese personnel missing in action.
- Sec. 1246. Sense of Congress on Taiwan defense relations.
- Sec. 1247. Statement of policy on Taiwan.
- Sec. 1248. Annual report on Taiwan asymmetric capabilities and intelligence support.
- Sec. 1249. Feasibility briefing on cooperation between the National Guard and Taiwan.
- Sec. 1250. Feasibility report on establishing military-to-military crisis communications capabilities.
- Sec. 1251. Comparative analyses and reports on efforts by the United States and the People's Republic of China to advance critical modernization technology with respect to military applications.
- Sec. 1252. Sense of congress on defense alliances and partnerships in the Indo-Pacific region.

Subtitle A—Assistance and Training

SEC. 1201. ADMINISTRATIVE SUPPORT AND PAYMENT OF CERTAIN EXPENSES FOR COVERED FOREIGN DEFENSE PERSONNEL.

(a) IN GENERAL.—Subchapter IV of chapter 16 of title 10, United States Code, is amended by adding at the end the following new section:

“§ 334. Administrative support and payment of certain expenses for covered foreign defense personnel 10 USC 334.

“(a) IN GENERAL.—The Secretary of Defense may—

“(1) provide administrative services and support to the United Nations Command for the performance of duties by covered foreign defense personnel during the period in which the covered foreign defense personnel are assigned to the United Nations Command or the Neutral Nations Supervisory Commission in accordance with the Korean War Armistice Agreement of 1953; and

“(2) pay the expenses specified in subsection (b) for covered foreign defense personnel who are—

“(A) from a developing country; and

“(B) assigned to the headquarters of the United Nations Command.

“(b) TYPES OF EXPENSES.—The types of expenses that may be paid under the authority of subsection (a)(2) are the following:

“(1) Travel and subsistence expenses directly related to the duties of covered foreign defense personnel described in subsection (a)(2) in connection with the assignment of such covered foreign defense personnel.

“(2) Personal expenses directly related to carrying out such duties.

“(3) Expenses for medical care at a military medical facility.

“(4) Expenses for medical care at a civilian medical facility, if—

“(A) adequate medical care is not available to such covered foreign defense personnel at a local military medical treatment facility;

“(B) the Secretary determines that payment of such medical expenses is necessary and in the best interests of the United States; and

“(C) medical care is not otherwise available to such covered foreign defense personnel pursuant to a treaty or any other international agreement.

“(5) Mission-related travel expenses, if—

“(A) such travel is in direct support of the national interests of the United States; and

“(B) the Commander of the United Nations Command directs round-trip travel from the headquarters of the United Nations Command to one or more locations.

“(c) REIMBURSEMENT.—The Secretary may provide the administrative services and support and pay the expenses authorized by subsection (a) with or without reimbursement.

“(d) DEFINITIONS.—In this section:

“(1) The term ‘administrative services and support’ means base or installation support services, facilities use, base operations support, office space, office supplies, utilities, copying services, computer support, communication services, fire and police protection, postal services, bank services, transportation services, housing and temporary billeting (including ancillary services), specialized clothing required to perform assigned duties, temporary loan of special equipment, storage services, training services, and repair and maintenance services.

“(2) The term ‘covered foreign defense personnel’ means members of the military of a foreign country who are assigned to—

“(A) the United Nations Command; or

“(B) the Neutral Nations Supervisory Commission.

“(3) The term ‘developing country’ has the meaning given the term in section 301(4) of this title.

“(4) The term ‘Neutral Nations Supervisory Commission’ means the delegations from Sweden and Switzerland (or successor delegations) appointed in accordance with the Korean War Armistice Agreement of 1953 or its subsequent agreements.

“(5) The term ‘United Nations Command’ means the headquarters of the United Nations Command, the United Nations Command Military Armistice Commission, the United Nations Command-Rear, and the United Nations Command Honor Guard.”.

(b) CONFORMING AMENDMENT.—The table of sections at the beginning of subchapter IV of chapter 16 of title 10, United States Code, is amended by adding at the end the following new item:

“334. Administrative support and payment of certain expenses for covered foreign defense personnel.”.

SEC. 1202. AUTHORITY FOR CERTAIN REIMBURSABLE INTERCHANGE OF SUPPLIES AND SERVICES.

Section 2571 of title 10, United States Code, is amended—

(1) by amending subsection (b) to read as follows:

“(b)(1) If its head approves, a department or organization within the Department of Defense may, upon request, perform work and services for, or furnish supplies to, any other of those departments or organizations, with or without reimbursement or transfer of funds.

“(2) Use of the authority under this section for reimbursable support is limited to support for the purpose of providing assistance to a foreign partner pursuant to section 333 and section 345 of this title.”; and

(2) by adding at the end the following new subsection:

“(e)(1) An order placed by a department or organization on a reimbursable basis pursuant to subsection (b) shall be considered to be an obligation in the same manner as an order placed under section 6307 of title 41.

“(2) Amounts received as reimbursement shall be credited in accordance with section 2205 of this title to the appropriation of the supporting department or organization used in incurring the obligation in the year or years that support is provided.”.

SEC. 1203. EXTENSION OF SUPPORT OF SPECIAL OPERATIONS FOR IRREGULAR WARFARE.

Section 1202(a) of the National Defense Authorization Act for Fiscal Year 2018 (Public Law 115–91; 131 Stat. 1639) is amended by striking “2023” and inserting “2025”.

SEC. 1204. MODIFICATION AND EXTENSION OF BIENNIAL COMPTROLLER GENERAL OF THE UNITED STATES AUDITS OF PROGRAMS TO BUILD THE CAPACITY OF FOREIGN SECURITY FORCES.

Section 1205(f) of the Carl Levin and Howard P. “Buck” McKeon National Defense Authorization Act for Fiscal Year 2015 (Public Law 113–291) is amended—

128 Stat. 3537.

(1) in paragraph (1)—

(A) by striking “and 2020” and inserting “, 2020, and 2022”; and

(B) by striking “section 2282 of title 10, United States Code (as so added)” and inserting “subsections (a)(1) and (e)(7)(B) of section 333 of title 10, United States Code”; and

(2) in paragraph (2)—

(A) by redesignating subparagraph (E) as subparagraph (H); and

(B) by inserting after subparagraph (D) the following:

“(E) An evaluation of coordination by the Department of Defense with foreign countries under the program or programs, as applicable.

“(F) A description and evaluation of the methodology used by the Department of Defense to evaluate the effectiveness of training under the program or programs.

“(G) An analysis of the methodology used by the Department of Defense to evaluate the effectiveness of the program or programs to develop the institutional capacity of the foreign countries.”.

SEC. 1205. TEMPORARY AUTHORITY TO PAY FOR TRAVEL AND SUBSISTENCE EXPENSES OF FOREIGN NATIONAL SECURITY FORCES PARTICIPATING IN THE TRAINING PROGRAM OF THE UNITED STATES-COLOMBIA ACTION PLAN FOR REGIONAL SECURITY.

(a) **AUTHORITY.**—For fiscal year 2022, the Secretary of Defense is authorized to pay for the travel, subsistence, and similar personnel expenses of the national security forces of a friendly foreign country to participate in the training program of the United States-Colombia Action Plan for Regional Security conducted at a facility in Colombia.

Deadline.

(b) **NOTIFICATION.**—Not later than 15 days before the exercise of the authority under subsection (a), the Secretary shall provide to the congressional defense committees a written notification that includes the following:

(1) An identification of the foreign country, and the specific unit of the national security forces of such country, the capacity of which will be built by participating in such training program.

(2) The amount of support to be provided under that subsection.

(3) An identification of the United States equipment purchased or acquired by such foreign country, for the use of which training is being provided under such training program.

(4) A description of the specific capabilities to be built through such training program with such support.

(5) A detailed description of the manner in which building the capabilities of such country through such training program advances the national security interests of the United States.

Assessment.

(6) A detailed assessment of the effectiveness of such training program in meeting Department of Defense requirements for building the capacity of such country.

(c) **SOURCE OF FUNDS.**—Of the amounts authorized to be appropriated for fiscal year 2022 for the Department of Defense for operation and maintenance, Defense-wide, the Secretary may obligate or expend not more than \$2,000,000 to pay for expenses described in subsection (a) for such fiscal year.

(d) **LIMITATION.**—The provision of support under subsection (a) shall be subject to section 362 of title 10, United States Code.

10 USC 301 note.

SEC. 1206. SECURITY COOPERATION STRATEGY FOR CERTAIN COMBATANT COMMANDS.

Coordination.

(a) **IN GENERAL.**—The Secretary of Defense, in coordination with the Secretary of State, shall develop and implement a security cooperation strategy for each covered combatant command, which shall apply to the security cooperation programs and activities of the Department of Defense (as defined in section 301 of title 10, United States Code).

(b) **ELEMENTS.**—The strategy for each covered combatant command required by subsection (a) shall include the following:

(1) A discussion of how the strategy will—

(A) support and advance United States national security interests in strategic competition with near-peer rivals;

(B) prioritize and build key capabilities of allied and partner security forces so as to enhance bilateral and multi-lateral interoperability and responsiveness;

(C) prioritize and build the capabilities of foreign partner security forces to secure their own territory,

including through operations against violent extremist groups;

(D) promote and build institutional capabilities for observance of, and respect for—

- (i) the law of armed conflict;
- (ii) human rights and fundamental freedoms;
- (iii) the rule of law; and
- (iv) civilian control of the military; and

(E) support the programs and activities of law enforcement and civilian agencies, as appropriate, to counter the threat of and reduce risks from illicit drug trafficking and other forms of transnational organized crime.

(2) A statement of the security cooperation strategic objectives for—

(A) the covered combatant command; and

(B) the covered combatant command in conjunction with other covered combatant commands.

(3) A description of the primary security cooperation lines of effort for achieving such strategic objectives, including prioritization of foreign partners within the covered combatant command.

(4) A description of the Department of Defense authorities to be used for each such line of effort and the manner in which such authorities will contribute to achieving such strategic objectives.

(5) A description of the institutional capacity-building programs and activities within the covered combatant command and an assessment of the manner in which such programs and activities contribute to achieving such strategic objectives.

(6) A description of Department of Defense educational programs and institutions, and international institutions, relevant to the combatant command and an assessment of the manner in which such programs and institutions contribute to achieving such strategic objectives.

(7) A discussion of the manner in which the development, planning, and implementation of programs or activities under Department of Defense security cooperation authorities are coordinated and deconflicted with security assistance and other assistance authorities of the Department of State and other civilian agencies.

(c) REPORTS.—

(1) INITIAL REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the appropriate committees of Congress a report on the security cooperation strategy for each covered combatant command developed under subsection (a).

(2) SUBSEQUENT REPORTS.—Beginning in fiscal year 2023, and annually thereafter through fiscal year 2027, concurrently with the submittal of the report required by section 386(a) of title 10, United States Code, the Secretary of Defense shall submit to the appropriate committees of Congress a report on the implementation of the security cooperation strategy for each covered combatant command developed under subsection (a).

Time period.

(d) DEFINITIONS.—In this section:

(1) APPROPRIATE COMMITTEES OF CONGRESS.—The term “appropriate committees of Congress” means—

(A) the Committee on Armed Services, the Committee on Foreign Relations, and the Committee on Appropriations of the Senate; and

(B) the Committee on Armed Services, the Committee on Foreign Affairs, and the Committee on Appropriations of the House of Representatives.

(2) COVERED COMBATANT COMMAND.—The term “covered combatant command” means—

(A) the United States European Command;

(B) the United States Indo-Pacific Command;

(C) the United States Central Command;

(D) the United States Africa Command;

(E) the United States Southern Command; and

(F) the United States Northern Command.

SEC. 1207. REPORT ON SECURITY COOPERATION PROGRAMS.

Reviews.

(a) IN GENERAL.—Not later than 1 year after the date of the enactment of this Act, the Comptroller General of the United States shall submit to the congressional defense committees a report that—

(1) reviews the existing requirements for conducting human rights training of foreign national security forces pursuant to security cooperation authorities under chapter 16 of title 10, United States Code;

(2) reviews current Department of Defense practices and procedures for collecting data under such authorities for purposes of assessing, monitoring, and evaluating the effectiveness of such human rights training programs and assessing compliance with section 362 of title 10, United States Code; and

Evaluation.

(3) evaluates the effectiveness of human rights training described in paragraph (1) to contribute to United States national security objectives.

(b) MATTERS TO BE INCLUDED.—The report required by subsection (a) may include recommendations for measures to improve the effectiveness of human rights training or to promote observation of and respect for human rights and fundamental freedoms, the rule of law, and civilian control of the military.

(c) FORM.—The report required by subsection (a) shall be submitted in unclassified form, but may include a classified annex.

Subtitle B—Matters Relating to Afghanistan and Pakistan

SEC. 1211. SENSE OF CONGRESS ON THE SERVICE OF UNITED STATES ARMED FORCES SERVICEMEMBERS IN AFGHANISTAN.

It is the sense of Congress that—

(1) the servicemembers of the United States Armed Forces who served in Afghanistan represent the very best of the United States;

(2) the service of those who returned home from war with wounds seen and unseen and those who died in defense of the Nation are not forgotten;

(3) the United States honors these brave members of the Armed Forces and their families; and

(4) the United States shall never forget the services they rendered and the sacrifices they and their families made in the defense of a grateful Nation.

SEC. 1212. EXTENSION AND MODIFICATION OF AUTHORITY FOR REIMBURSEMENT OF CERTAIN COALITION NATIONS FOR SUPPORT PROVIDED TO UNITED STATES MILITARY OPERATIONS.

Section 1233 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 393) is amended—

(1) in subsection (a), by striking “for the period beginning on October 1, 2020, and ending on December 31, 2021” and inserting “for the period beginning on October 1, 2021, and ending on December 31, 2022”; and

(2) in subsection (d)—

(A) by striking “during the period beginning on October 1, 2020, and ending on December 31, 2021” and inserting “during the period beginning on October 1, 2021, and ending on December 31, 2022”; and

(B) by striking “\$180,000,000” and inserting “\$60,000,000”.

SEC. 1213. PROHIBITION ON TRANSFER OF DEPARTMENT OF DEFENSE FUNDS OR RESOURCES TO THE TALIBAN.

10 USC 2241
note.

(a) PROHIBITION.—None of the funds authorized to be appropriated by this Act or otherwise made available to the Department of Defense may be made available—

(1) to provide any funds or resources to the Taliban; or

(2) to conduct any military cooperation or sharing of military intelligence with the Taliban, unless the Secretary of Defense determines that such cooperation or sharing advances the national security interests of the United States.

(b) NOTIFICATION.—

(1) SUBMISSION REQUIRED.—If the Secretary makes an affirmative determination described in subsection (1)(a), the Secretary shall submit to the Committees on Armed Services of the Senate and the House of Representatives a written description of the military cooperation or military intelligence that was shared with the Taliban pursuant to such determination, not later than 5 days after the date of such cooperation or sharing. The Secretary shall include with such description any other matter the Secretary determines relevant.

Determination.
Deadline.

(2) FORM.—The information described in paragraph (1) shall be submitted in an unclassified format and may include a classified annex.

SEC. 1214. PROHIBITION ON TRANSPORTING CURRENCY TO THE TALIBAN OR THE ISLAMIC EMIRATE OF AFGHANISTAN.

10 USC 2241
note.

None of the amounts authorized to be appropriated by this Act or otherwise made available to the Department of Defense may be made available for the operation of any aircraft of the Department of Defense to transport currency or other items of value to the Taliban, the Islamic Emirate of Afghanistan, or any subsidiary, agent, or instrumentality of either the Taliban or the Islamic Emirate of Afghanistan.

SEC. 1215. PROHIBITION ON REMOVAL OF PUBLICLY AVAILABLE ACCOUNTINGS OF MILITARY ASSISTANCE PROVIDED TO THE AFGHAN SECURITY FORCES.

None of the funds authorized to be appropriated by this Act or otherwise made available for the Department of Defense for fiscal year 2022 may be used to remove from the website of the

Department of Defense or any other agency publicly available accountings of military assistance provided to the Afghan security forces that was publicly available online as of July 1, 2021.

SEC. 1216. JOINT REPORT ON USING THE SYNCHRONIZED PREDEPLOYMENT AND OPERATIONAL TRACKER (SPOT) DATABASE TO VERIFY AFGHAN SIV APPLICANT INFORMATION.

Determination.

(a) **IN GENERAL.**—Not later than 120 days after the date of the enactment of this Act, the Secretary of Defense and the Secretary of State shall submit to appropriate congressional committees a joint report on the use of the Department of Defense Synchronized Predeployment and Operational Tracker database (in this section referred to as the “SPOT database”) to verify the existence, for the purpose of determining eligibility for special immigrant visa (SIV) program, of—

(1) Department of Defense contracts;

(2) employment of Afghans who worked for the United States Government; and

(3) biographic data.

(b) **ELEMENTS OF JOINT REPORT.**—The joint report required under subsection (a) shall—

Evaluation.

(1) evaluate the improvements in the SIV process following the use of the SPOT database to verify SIV applications, including the extent to which use of SPOT expedited SIV processing, reduced the risk of fraudulent documents, and the extent to which the SPOT database could be used for future SIV programs;

(2) identify obstacles that persisted in documenting the identity and employment of locally employed staff and contractors after the use of the SPOT database in the SIV process; and

Recommendation.

(3) recommend the changes to the SPOT database that would be necessary to make it a centralized interagency database of personnel and employment data that can be used to adjudicate SIV eligibility for those employed under United States Government contracts, grants, or cooperative agreements.

(c) **CONSULTATION.**—For the purposes of preparing the joint report required under this section, the Secretary of Defense and the Secretary of State shall consult with the Administrator of the United States Agency for International Development and the Secretary of Homeland Security.

(d) **APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.**—In this section, the term “appropriate congressional committees” means the Committee on Armed Services and the Committee on Foreign Relations of the Senate and the Committee on Armed Services and the Committee on Foreign Affairs of the House of Representatives.

SEC. 1217. REPORT AND BRIEFING ON UNITED STATES EQUIPMENT, PROPERTY, AND CLASSIFIED MATERIAL THAT WAS DESTROYED OR ABANDONED IN THE WITHDRAWAL FROM AFGHANISTAN.

Consultation.

(a) **IN GENERAL.**—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense, in consultation with the Secretaries of the military departments and the Commander of United States Central Command, shall submit to the

congressional defense committees a report regarding the covered United States equipment, property, and classified material and money in cash that was destroyed or abandoned in Afghanistan or removed from Afghanistan during the covered period. Such report shall include each of the following:

- (1) A determination of the value of the covered United States equipment, property, and classified material that was destroyed or abandoned, disaggregated by military department and itemized to the most specific feasible level. Determination.
- (2) An itemized list of destroyed or abandoned aircraft in Afghanistan and the location and condition of aircraft flown out of Afghanistan formerly possessed by the Afghan Air Force or the former government of Afghanistan. List.
- (3) An itemized list of destroyed or abandoned weapons, weapon systems, components of weapons or weapon systems, ammunition, explosives, missiles, ordnance, bombs, mines, or projectiles, disaggregated by military department. List.
- (4) For each item on a list referred to in paragraphs (2) and (3), an explanation of the legal authority relied upon to destroy or abandon that specific item.
- (5) An evaluation of the capabilities of the Taliban post-withdrawal as a result of their seizure of abandoned covered United States equipment, property, and classified material, including an evaluation of the capabilities of the Taliban post-withdrawal to monetize through the transfer of abandoned covered United States equipment, property, and classified material to adversaries of the United States. Evaluation.
- (6) An assessment of aircraft flown out of Afghanistan formerly possessed by the Afghan Air Force or the former government of Afghanistan that could be returned to the Taliban or to the Islamic Emirate of Afghanistan by other countries. Assessment.
- (7) An assessment of the damage to the national security interests of the United States as a result of the destroyed or abandoned covered United States equipment, property, and classified material. Assessment.
- (8) An assessment of the feasibility of disabling, destroying, recovering, or recapturing abandoned covered United States equipment, property, and classified material in and outside of Afghanistan and any plans to do so. Assessment.
- (9) Available imagery or photography depicting the Taliban or other countries possessing abandoned covered United States equipment, property, and classified material.
- (b) EXECUTIVE SUMMARY OF REPORT.—The report required under subsection (a) shall include an executive summary of the report, which shall be unclassified and made publicly available. Public information.
- (c) BRIEFING.—Not later than 120 days after the date of the enactment of this Act, the Secretary of Defense, the Secretaries of the military departments, and the Commander of United States Central Command shall provide to the congressional defense committees a briefing on the report required by this section.
- (d) DEFINITIONS.—In this section:
 - (1) COVERED UNITED STATES EQUIPMENT, PROPERTY, AND CLASSIFIED MATERIAL.—The term “covered United States equipment, property, and classified material” means any of the following items formerly owned by the Government of the United

States or provided by the United States to the former government or military of Afghanistan during the covered period:

(A) Real property, including any lands, buildings, structures, utilities systems, improvements, and appurtenances, thereto, including equipment attached to and made part of buildings and structures, but not movable equipment.

(B) Personal property, including property of any kind or any interest therein, except real property.

(C) Equipment, including all nonexpendable items needed to outfit or equip an individual or organization.

(D) Classified information, in any form, including official information that has been determined to require, in the interests of national security, protection against unauthorized disclosure and which has been so designated.

(2) COVERED PERIOD.—The term “covered period” means the period beginning on February 29, 2020, and ending on the date of the enactment of this Act.

Subtitle C—Matters Relating to Syria, Iraq, and Iran

SEC. 1221. EXTENSION AND MODIFICATION OF AUTHORITY TO PROVIDE ASSISTANCE TO VETTED SYRIAN GROUPS AND INDIVIDUALS.

(a) EXTENSION.—Subsection (a) of section 1209 of the Carl Levin and Howard P. “Buck” McKeon National Defense Authorization Act for Fiscal Year 2015 (Public Law 113–291; 127 Stat. 3451) is amended by striking “December 31, 2021” and inserting “December 31, 2022”.

(b) NOTICE BEFORE PROVISION OF ASSISTANCE.—Subsection (b)(2) of such section is amended by striking subparagraph (A) and inserting the following:

Deadline. “(A) not later than 15 days before the expenditure of each 25 percent of the total amount authorized to be appropriated in any fiscal year under this section; or”.

(c) WAIVER AUTHORITY.—Subsection (l) of such section is amended by adding at the end the following:

President. “(3) WAIVER AUTHORITY.—
“(A) IN GENERAL.—The President may waive the limitation under paragraph (1)(A) on a per project basis for the purposes of providing support authorized under subsection (a)(4) if the President—

Determination. “(i) determines that the waiver is in the national security interest of the United States; and

Notification. “(ii) submits to the appropriate congressional committees a notification of the exercise of the waiver.
“(B) NOTICE AND WAIT.—

Applicability. Time period. “(i) IN GENERAL.—A project with respect to which the exercise of a waiver under subparagraph (A) applies may only be carried out after the end of a 15-day period beginning at the date on which the appropriate congressional committees receive the notification required by subparagraph (A)(ii).

“(ii) MATTERS TO BE INCLUDED.—The notification required by subparagraph (A)(ii) shall include the following:

“(I) A detailed plan and cost estimate for the project.

Plan.
Cost estimate.

“(II) A certification by the President that facilities and activities relating to the project comply with—

Certification.
President.
Compliance.

“(aa) the law of armed conflict;

“(bb) internationally recognized human rights;

“(cc) the principle of non-refoulement;

“(dd) the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (done at New York on December 10, 1984); and

“(ee) the United Nations Convention Relating to the Status of Refugees, done at Geneva July 28, 1951 (as made applicable by the Protocol Relating to the Status of Refugees, done at New York January 31, 1967 (19 UST6223)).

“(III) An explanation of the national security interest addressed by the project.

“(iii) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this subparagraph, the term ‘appropriate congressional committees’ means—

“(I) the congressional defense committees; and

“(II) the Committee on Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives.

“(C) UPDATE TO PLAN AND COST ESTIMATE.—Upon obligation of any funds to carry out a project with respect to which the exercise of a waiver under subparagraph (A) applies, the Secretary of Defense shall submit to the congressional defense committees an update to the plan and cost estimate for the project as required by subparagraph (B)(ii)(I).

Applicability.

“(D) SUNSET.—The waiver authority under this paragraph shall expire on December 31, 2022.”.

(d) TECHNICAL AMENDMENT.—The table of contents for the Carl Levin and Howard P. “Buck” McKeon National Defense Authorization Act for Fiscal Year 2015 (Public Law 113–291; 127 Stat. 3293) is amended by striking the item relating to section 1209 and inserting the following:

“Sec. 1209. Authority to provide assistance to vetted Syrian groups and individuals.”.

SEC. 1222. DEFENSE AND DIPLOMATIC STRATEGY FOR SYRIA.

(a) REPORT REQUIRED.—Not later than 90 days after the date of the enactment of this Act, the President, acting through the Secretary of State and in coordination with the Secretary of Defense, shall submit to the appropriate congressional committees a report that contains a description of the United States defense and diplomatic strategy for Syria.

President.

(b) ELEMENTS.—The report required by subsection (a) shall include the following elements:

(1) A United States diplomatic strategy for Syria, including a description of the desired diplomatic objectives for advancing United States national interests in Syria, desired end-goals,

and a description of the intended diplomatic and related foreign policy means to achieve such objectives, including engagement with key foreign actors operating in Syria such as Russia and Turkey.

(2) A United States defense strategy for Syria, including a description of the security objectives the United States aims to achieve, including the objectives and desired end-state for the United States military presence in northeast Syria, envisioned transition timeline for security responsibilities to the Syrian Democratic Forces (SDF), and status of remaining ISIS elements, strategy to mitigate Turkish-SDF tensions, and a long-term approach to managing the threat of Iranian-aligned militias and forces operating in Syria to United States partners and interests.

(3) A description of United States strategy and objectives for United States military support to and coordination with the Jaysh Maghawir al-Thawra (“MaT”) including transition plan and operational needs in and around Al-Tanf.

Plan.

(4) A plan for enduring security of ISIS detainees currently held in SDF secured facilities (including so-called “third country fighters” as well as Iraqi and Syrian national ISIS detainees) accounting for security of personnel and facilities involved.

(5) A diplomatic strategy for securing the repatriation of remaining ISIS “third country fighters” to countries of origin, including a comprehensive breakdown of each country of origin and number of detainees yet to be repatriated.

Plan.

(6) A plan for the resettlement and disposition of ISIS connected women and children in remaining detention facilities, including roles and responsibilities of counter-ISIS coalition partners.

Assessment.

(7) A detailed assessment of the security and humanitarian situation at the internally displaced persons camp at Rukban, including an overview of international efforts to reduce the camp’s population and United States policy options to ameliorate the situation.

Plan.

(8) A plan for diplomatic and humanitarian engagement with regional partners and multilateral institutions to ensure successful and safe delivery of continued humanitarian assistance to non-regime held areas of Syria.

Assessment.

(9) An assessment of United States efforts to prevent normalization and rehabilitation of the Assad regime, to include addressing recent outreach to the Assad regime by United States partners.

Assessment.

(10) An assessment of United States diplomatic efforts to prevent Syria’s re-entry into the Arab League.

Assessment.

(11) An assessment of progress towards meeting the criteria specified in paragraphs (1) through (7) of section 7431(a) of the Caesar Syria Civilian Protection Act of 2019 (Public Law 116–92; 133 Stat. 2297), required for suspension of sanctions against the Assad regime.

Assessment.

(12) An assessment of United States efforts to seek accountability for the Assad regime’s crimes against the Syrian people, to include unlawful detention, forced disappearance, torture, starvation, and the use of chemical weapons.

(c) FORM.—The report required by subsection (a) shall be submitted in unclassified form, but may include a classified annex.

(d) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term “appropriate congressional committees” means—

(1) the Committee on Armed Services, the Committee on Foreign Relations, and the Committee on Appropriations of the Senate; and

(2) the Committee on Armed Services, the Committee on Foreign Affairs, and the Committee on Appropriations of the House of Representatives.

SEC. 1223. EXTENSION AND MODIFICATION OF AUTHORITY TO PROVIDE ASSISTANCE TO COUNTER THE ISLAMIC STATE OF IRAQ AND SYRIA.

(a) IN GENERAL.—Subsection (a) of section 1236 of the Carl Levin and Howard P. “Buck” McKeon National Defense Authorization Act for Fiscal Year 2015 (Public Law 113–291; 128 Stat. 3558) is amended by striking “December 31, 2021” and inserting “December 31, 2022”.

(b) FUNDING.—Subsection (g) of such section is amended—

(1) by striking “fiscal year 2021” and inserting “fiscal year 2022”; and

(2) by striking “\$322,500,000” and inserting “\$345,000,000”.

(c) ASSESSMENT AND AUTHORITY TO ASSIST DIRECTLY CERTAIN COVERED GROUPS.—Subsection (l)(1)(B) of such section is amended—

(1) by striking clause (ii);

(2)(A) by redesignating clauses (iii) through (vi) as clauses (ii) through (v), respectively; and

(B) by redesignating clause (vii) as clause (xi);

(3) in clause (iv), as redesignated, by striking “, and once established, the Iraqi Sunni National Guard”; and

(4) by inserting after clause (v), as redesignated, the following:

“(vi) Whether the Shia militias are gaining new malign capabilities or improving such capabilities, and whether the Government of Iraq is acting to counter or suppress those capabilities.

“(vii) Whether the Government of Iraq is acting to ensure the safety of United States Government personnel and citizens, as well as the safety of United States facilities.

“(viii) Whether the Government of Iraq is ensuring the safe and voluntary return of ethno-religious minority populations to their home communities in the Nineveh Plains region of Iraq.

“(ix) Whether the Government of Iraq has provided support and funding to institutionalize and make permanent local, representative, and regionally-based security forces.

“(x) An assessment of the impact of the Iraq and Syria Genocide Relief and Accountability Act of 2018 (Public Law 115–300) on return rates of vulnerable, indigenous, ethno-religious groups, including Assyrians and Yazidis, in those areas of the Nineveh Plains region of Iraq in which assistance has been provided pursuant to subsection (a).”.

(d) WAIVER AUTHORITY.—Such section, as so amended, is further amended by adding at the end the following:

“(o) WAIVER AUTHORITY.—

President.

“(1) IN GENERAL.—The President may waive the dollar amount limitation in subsection (a) with respect to a construction, repair, or renovation project for the purposes of providing the support described in paragraph (2) if the President—

Determination.

“(A) determines that the waiver is in the national security interest of the United States; and

Notification.

“(B) submits to the appropriate congressional committees a notification of the exercise of the waiver.

“(2) SUPPORT DESCRIBED.—The support described in this paragraph is support relating to temporary humane detention of Islamic State of Iraq and Syria foreign terrorist fighters in accordance with all laws and obligations relating to the provision of such support, including, as applicable—

“(A) the law of armed conflict;

“(B) internationally recognized human rights;

“(C) the principle of non-refoulement;

“(D) the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (done at New York on December 10, 1984); and

“(E) the United Nations Convention Relating to the Status of Refugees, done at Geneva July 28, 1951 (as made applicable by the Protocol Relating to the Status of Refugees, done at New York January 31, 1967 (19 UST6223)).

“(3) NOTICE AND WAIT.—

Applicability.
Time period.

“(A) IN GENERAL.—A project with respect to which the exercise of a waiver under paragraph (1) applies may only be carried out after the end of a 15-day period beginning at the date on which the appropriate congressional committees receive the notification required by paragraph (1)(B).

“(B) MATTERS TO BE INCLUDED.—The notification required by paragraph (1)(B) shall include the following:

Plan.
Cost estimate.
Certification.
President.

“(i) A detailed plan and cost estimate for the project.

“(ii) A certification by the President that facilities and activities relating to the project comply with the laws and obligations described in paragraph (2).

“(iii) An explanation of the national security interest addressed by the project.

“(C) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this paragraph, the term ‘appropriate congressional committees’ means—

“(i) the congressional defense committees; and

“(ii) the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives.

Applicability.

“(4) UPDATE TO PLAN AND COST ESTIMATE.—Upon obligation of any funds to carry out a project with respect to which the exercise of a waiver under paragraph (1) applies, the Secretary of Defense shall submit to the congressional defense committees an update to the plan and cost estimate for the project as required by paragraph (3)(B)(i).

“(5) SUNSET.—The waiver authority under this subsection shall expire on December 31, 2022.”.

(e) **RESTRICTION ON COUNTER-ISIS TRAIN AND EQUIP FUND.**— 10 USC 2241
 Amounts authorized to be appropriated by this Act or the amend-
 ments made by this Act or otherwise made available for any fiscal
 year to the Counter-Islamic State of Iraq and Syria Train and
 Equip Fund are authorized to be made available only in support
 of partner forces eligible to receive assistance under section 1209(a)
 of the Carl Levin and Howard P. “Buck” McKeon National Defense
 Authorization Act for Fiscal Year 2015 (Public Law 113–291; 128
 Stat. 3541) or subsection (a) of section 1236 of such Act, as amended
 by subsection (a) of this section.

(f) **REPORT.**—

(1) **IN GENERAL.**—Not later than 180 days after the date
 of the enactment of this Act, the Secretary of Defense, in
 consultation with the heads of other relevant Federal depart-
 ments and agencies, shall submit to appropriate congressional
 committees a report that contains the following:

(A) A comprehensive strategy and plan to train and
 build lasting and sustainable military capabilities of the
 Iraqi security forces, including the Kurdish Peshmerga,
 using existing authorities, which may include a memo-
 randum of understanding with the Ministry of Peshmerga
 Affairs in coordination with the Government of Iraq.

(B) A plan to engage the Government of Iraq and
 the Kurdistan Regional Government in security sector
 reform and strengthen and sustainably build the capacity
 of Iraq’s national defense and security institutions,
 including the Kurdish Peshmerga.

(C) A description of the current status, capabilities,
 and operational capacity of remaining Islamic State of Iraq
 and Syria elements active in Iraq and Syria.

(2) **APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.**—
 In this subsection, the term “appropriate congressional commit-
 tees” means—

(A) the congressional defense committees; and

(B) the Committee on Foreign Affairs of the House
 of Representatives and the Committee on Foreign Relations
 of the Senate.

**SEC. 1224. EXTENSION AND MODIFICATION OF AUTHORITY TO SUP-
 PORT OPERATIONS AND ACTIVITIES OF THE OFFICE OF
 SECURITY COOPERATION IN IRAQ.**

(a) **LIMITATION ON AMOUNT.**—Subsection (c) of section 1215
 of the National Defense Authorization Act for Fiscal Year 2012
 (10 U.S.C. 113 note) is amended by striking “fiscal year 2021”
 and inserting “fiscal year 2022”.

(b) **SOURCE OF FUNDS.**—Subsection (d) of such section is
 amended by striking “fiscal year 2021” and inserting “fiscal year
 2022”.

(c) **LIMITATION ON AVAILABILITY OF FUNDS.**—Subsection (h) of
 such section is amended to read as follows:

“(h) **LIMITATION ON AVAILABILITY OF FUNDS.**—Of the amount
 authorized to be appropriated by this Act for fiscal year 2022
 to carry out this section, not more than \$10,000,000 may be obli-
 gated or expended for the Office of Security Cooperation in Iraq
 until the date on which the Secretary of Defense provides to the

congressional defense committees, the Committee on Foreign Relations of the Senate, and the Committee on Foreign Affairs of the House of Representatives a report that—

“(1) details further steps to reorganize the Office in a manner similar to that of other security cooperation offices in the region and indicates whether such reorganization will be achieved by 2023;

“(2) describes progress made toward the continuation of bilateral engagement with the Government of Iraq, with the objective of establishing a joint mechanism for security assistance planning;

Time period.

“(3) includes a five-year security assistance roadmap for developing sustainable military capacity and capabilities and enabling defense institution building and reform; and

“(4) describes progress made toward, and a timeline for, the transition of the preponderance of funding for the activities of the Office from current sources to the Foreign Military Financing Administrative Fund and the Foreign Military Sales Trust Fund Administrative Surcharge Account in future years.”.

10 USC 2241
note.

SEC. 1225. PROHIBITION ON TRANSFERS TO BADR ORGANIZATION.

None of the amounts authorized to be appropriated by this Act or otherwise made available to the Department of Defense may be made available, directly or indirectly, to the Badr Organization.

10 USC 2241
note.

SEC. 1226. PROHIBITION ON TRANSFERS TO IRAN.

None of the amounts authorized to be appropriated by this Act or otherwise made available to the Department of Defense may be made available to transfer or facilitate a transfer of pallets of currency, currency, or other items of value to the Government of Iran, any subsidiary of such Government, or any agent or instrumentality of Iran.

SEC. 1227. REPORT ON THE MILITARY CAPABILITIES OF IRAN AND RELATED ACTIVITIES.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Director of National Intelligence shall submit to the appropriate congressional committees a report that includes the following:

(1) A detailed description of each of the following:

(A) Advancements in the military capabilities of Iran, including capabilities of the Islamic Revolutionary Guard Corps, the Quds Force, the Artesh, and the Basij.

(B) All known instances of the supply, sale, or transfer of arms or related materiel, including spare parts, to or from Iran.

(C) All known instances of missile launches by Iran, including for the purposes of testing and development or use in military operations.

(D) Changes to the military capabilities of Iran-backed groups, most notably Lebanese Hezbollah, Asa’ib ahl al-Haq, Harakat Hezbollah al-Nujaba, Kata’ib Sayyid al-Shuhada, Kata’ib al-Imam Ali, Kata’ib Hezbollah, the Badr Organization, the Fatemiyoun, the Zainabiyoun, and Ansar Allah (also known as the Houthis).

Assessment.

(2) An assessment of each of the following:

(A) Impacts that the imposition or revocation of unilateral United States economic sanctions on Iran may have on the military capabilities of entities described in subparagraphs (A) and (D) of paragraph (1).

(B) Acts of violence and intimidation that Iranian-backed militias in Iraq have committed against Iraqi civilians.

(C) The threat that Iranian-backed militias in Iraq pose to United States personnel in Iraq and in the Middle East, including United States Armed Forces and diplomats.

(D) The threat Iranian-backed militias in Iraq pose to United States partners in the region.

(E) The role that Iranian-backed militias in Iraq, including the Badr Organization, play in Iraq's armed forces and security services, including Iraq's Popular Mobilization Forces.

(F) The United Nations arms embargo on Iran's ability to supply, sell, or transfer, directly or indirectly, arms or related materiel while the embargo was in effect.

(G) Iran's use of kidnapping operations against United States citizens and an analysis of opportunities to counter such actions or impose costs on Iran.

(b) **TIME PERIOD.**—Except as otherwise provided, the report required by subsection (a) shall cover developments during the period beginning in June 2018 and ending on the day before the date on which the report is submitted.

(c) **FORM.**—The report required by subsection (a) shall be submitted in unclassified form, but may include a classified annex.

(d) **APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.**—In this section, the term “appropriate congressional committees” means—

(1) the congressional defense committees;

(2) the Committee on Foreign Relations and the Select Committee on Intelligence of the Senate; and

(3) the Committee on Foreign Affairs and the Permanent Select Committee on Intelligence of the House of Representatives.

SEC. 1228. SENSE OF CONGRESS ON ENRICHMENT OF URANIUM BY IRAN.

It is the sense of Congress that—

(1) the Government of Iran's decision to enrich uranium up to 60 percent purity is a further escalation and shortens the breakout time to produce enough highly enriched uranium to develop a nuclear weapon; and

(2) the Government of Iran should immediately abandon any pursuit of a nuclear weapon.

Subtitle D—Matters Relating to Russia

SEC. 1231. EXTENSION OF LIMITATION ON MILITARY COOPERATION BETWEEN THE UNITED STATES AND THE RUSSIAN FEDERATION.

Section 1232(a) of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114–328) is amended by striking “2020, or 2021” and inserting “2020, 2021, or 2022”.

SEC. 1232. EXTENSION OF UKRAINE SECURITY ASSISTANCE INITIATIVE.

Section 1250 of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114–92; 129 Stat. 1068) is amended as follows:

(1) In subsection (c)—

(A) in paragraph (1), by striking “funds available for fiscal year 2021 pursuant to subsection (f)(6)” and inserting “funds available for fiscal year 2022 pursuant to subsection (f)(7)”;

(B) in paragraph (3), by striking “fiscal year 2021” and inserting “fiscal year 2022”; and

(C) in paragraph (5), by striking “Of the funds available for fiscal year 2021 pursuant to subsection (f)(6)” and inserting “Of the funds available for fiscal year 2022 pursuant to subsection (f)(7)”.

(2) In subsection (f), by adding at the end the following: “(7) For fiscal year 2022, \$300,000,000.”

(3) In subsection (h), by striking “December 31, 2023” and inserting “December 31, 2024”.

SEC. 1233. EXTENSION OF AUTHORITY FOR TRAINING FOR EASTERN EUROPEAN NATIONAL SECURITY FORCES IN THE COURSE OF MULTILATERAL EXERCISES.

Subsection (h) of section 1251 of the National Defense Authorization Act for Fiscal Year 2016 (10 U.S.C. 333 note) is amended—

(1) in the first sentence, by striking “December 31, 2023” and inserting “December 31, 2024”; and

(2) in the second sentence, by striking “the period beginning on October 1, 2015, and ending on December 31, 2023” and inserting “the period beginning on October 1, 2015, and ending on December 31, 2024.”.

SEC. 1234. PROHIBITION ON AVAILABILITY OF FUNDS RELATING TO SOVEREIGNTY OF THE RUSSIAN FEDERATION OVER CRIMEA.

(a) PROHIBITION.—None of the funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2022 for the Department of Defense may be obligated or expended to implement any activity that recognizes the sovereignty of the Russian Federation over Crimea.

(b) WAIVER.—The Secretary of Defense, with the concurrence of the Secretary of State, may waive the prohibition under subsection (a) if the Secretary of Defense—

(1) determines that a waiver is in the national security interest of the United States; and

(2) on the date on which the waiver is invoked, submits a notification of the waiver and a justification of the reason for seeking the waiver to—

(A) the Committee on Armed Services and the Committee on Foreign Relations of the Senate; and

(B) the Committee on Armed Services and the Committee on Foreign Affairs of the House of Representatives.

Determination.

Notification.

SEC. 1235. REPORT ON RUSSIAN INFLUENCE OPERATIONS AND CAMPAIGNS TARGETING MILITARY ALLIANCES AND PARTNERSHIPS OF WHICH THE UNITED STATES IS A MEMBER.

(a) **REPORT REQUIRED.**—Not later than 180 days after the date of the enactment of this Act and biennially thereafter until April 1, 2024, the Secretary of Defense and the Secretary of State, in coordination with the Director of National Intelligence and the heads of any other appropriate departments or agencies, shall jointly submit to the appropriate congressional committees a report on Russian influence operations and campaigns that target United States military alliances and partnerships.

Time period.
Termination
date.
Coordination.

(b) **ELEMENTS.**—The report required under subsection (a) shall include each of the following:

(1) An assessment of Russia’s objectives for influence operations and campaigns targeting United States military alliances and partnerships, including the North Atlantic Treaty Organization, its allies, and partner countries, and how such operations and campaigns relate to Russia’s broader strategic aims.

Assessment.

(2) The activities and roles of the Department of Defense and Department of State in the United States Government strategy to counter such Russian influence operations and campaigns.

(3) A comprehensive list of specific Russian state and non-state entities, or those of any other country with which Russia may cooperate, involved in supporting such Russian influence operations and campaigns and the role of each such entity in such support.

List.

(4) An identification of the tactics, techniques, and procedures used in previous Russian influence operations and campaigns.

(5) An assessment of the impact of previous Russian influence operations and campaigns targeting United States military alliances and partnerships, including the views of senior Russian officials about the effectiveness of such operations and campaigns in achieving Russian objectives.

Assessment.

(6) An identification of each United States ally and partner, and each military alliance of which the United States is a member, that has been targeted by Russian influence operations and campaigns.

(7) An identification of each United States ally and partner, and each military alliance of which the United States is a member, that may be targeted in future Russian influence operations and campaigns, and an assessment of the likelihood that each such ally, partner, or alliance will be targeted.

(8) An assessment of the capacity and efforts of each United States ally and partner, and each military alliance of which the United States is a member, to counter Russian influence operations and campaigns.

Assessment.

(9) An identification of tactics, techniques, and procedures likely to be used in future Russian influence operations and campaigns targeting United States military alliances and partnerships.

(10) Recommended authorities or activities for the Department of Defense and Department of State in the United States Government strategy to counter such Russian influence operations and campaigns.

Recommendation.

- Reports. (11) Any other matters the Secretaries determine appropriate.
- (c) FORM.—The report required under subsection (a) shall be submitted in unclassified form and in a manner appropriate for release to the public, but may include a classified annex.
- (d) DEFINITIONS.—In this section, the term “appropriate congressional committees” means—
- (1) the congressional defense committees;
 - (2) the Permanent Select Committee on Intelligence of the House of Representatives and the Select Committee on Intelligence of the Senate; and
 - (3) the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate.

Subtitle E—Matters Relating to the Indo-Pacific Region

SEC. 1241. EXTENSION AND MODIFICATION OF INDO-PACIFIC MARITIME SECURITY INITIATIVE.

- (a) ASSISTANCE AND TRAINING.—Subsection (a)(1) of section 1263 of the National Defense Authorization Act for Fiscal Year 2016 (10 U.S.C. 333 note) is amended, in the matter preceding subparagraph (A), by striking “for the purpose of” and all that follows through “Indian Ocean” and inserting “with the primary goal of increasing multilateral maritime security cooperation and maritime domain awareness of foreign countries in the area of responsibility of the United States Indo-Pacific Command”.
- (b) RECIPIENT COUNTRIES.—Subsection (b) of such section is amended to read as follows:
- “(b) RECIPIENT COUNTRIES.—The foreign countries that may be provided assistance and training under subsection (a) are the countries located within the area of responsibility of the United States Indo-Pacific Command.”.
- (c) TYPES OF ASSISTANCE AND TRAINING.—Subsection (c)(1) of such section is amended by striking “small-scale military construction” and inserting “small-scale construction (as defined in section 301 of title 10, United States Code)”.
- (d) PRIORITIES FOR ASSISTANCE AND TRAINING.—Subsection (d) of such section is amended to read as follows:
- “(d) PRIORITIES FOR ASSISTANCE AND TRAINING.—In developing programs for assistance or training to be provided under subsection (a), the Secretary of Defense shall prioritize assistance, training, or both, to enhance—
- “(1) multilateral cooperation and coordination among recipient countries; or
 - “(2) the capabilities of a recipient country to more effectively participate in a regional organization of which the recipient country is a member.”.
- (e) INCREMENTAL EXPENSES OF PERSONNEL OF CERTAIN OTHER COUNTRIES FOR TRAINING.—Subsection (e) of such section is amended to read as follows:
- “(e) INCREMENTAL EXPENSES OF PERSONNEL OF RECIPIENT COUNTRIES FOR TRAINING.—If the Secretary of Defense determines that the payment of incremental expenses (as defined in section 301 of title 10, United States Code) in connection with training
- Determination.

described in subsection (a)(1)(B) will facilitate the participation in such training of organization personnel of recipient countries described in subsection (b), the Secretary may use amounts available under subsection (f) for assistance and training under subsection (a) for the payment of such incremental expenses.”.

(f) AVAILABILITY OF FUNDS.—Subsection (f) of such section is amended to read as follows:

“(f) AVAILABILITY OF FUNDS.—Of the amounts authorized to be appropriated for each of fiscal years 2022 through 2027 for the Department of Defense, Operation and Maintenance, Defense-wide, \$50,000,000 may be made available for the provision of assistance and training under subsection (a).”.

Time period.

(g) LIMITATIONS.—Such section is further amended—

- (1) by striking subsection (i);
- (2) by redesignating subsections (g) and (h) as subsections (h) and (i), respectively; and
- (3) by inserting after subsection (f) the following new subsection (g):

“(g) LIMITATIONS.—

“(1) ASSISTANCE OTHERWISE PROHIBITED BY LAW.—The Secretary of Defense may not use the authority in subsection (a) to provide any type of assistance described in subsection (c) that is otherwise prohibited by any provision of law.

“(2) PROHIBITION ON ASSISTANCE TO UNITS THAT HAVE COMMITTED GROSS VIOLATIONS OF HUMAN RIGHTS.—The provision of assistance pursuant to a program under subsection (a) shall be subject to the provisions of section 362 of title 10, United States Code.

“(3) SECURITY COOPERATION.—Assistance, training, and exercises with recipient countries described in subsection (b) shall be planned and prioritized consistent with applicable guidance relating to the security cooperation program and activities of the Department of Defense.

“(4) ASSESSMENT, MONITORING, AND EVALUATION.—The provision of assistance and training pursuant to a program under subsection (a) shall be subject to the provisions of section 383 of title 10, United States Code.”.

(h) NOTICE TO CONGRESS ON ASSISTANCE AND TRAINING.—Subsection (h)(1) of such section, as so redesignated, is amended—

- (1) by amending subparagraph (B) to read as follows:

“(B) A detailed justification of the program for the provision of the assistance or training concerned, its relationship to United States security interests, and an explanation of the manner in which such assistance or training will increase multilateral maritime security cooperation or maritime domain awareness.”; and

- (2) in subparagraph (G) by striking “the geographic combatant command concerned” and inserting “the United States Indo-Pacific Command”.

(i) ANNUAL MONITORING REPORT.—Subsection (i) of such section, as so redesignated, is amended—

- (1) in paragraph (1)—

(A) in the matter preceding subparagraph (A), by striking “March 1, 2020” and inserting “March 1, 2022”;

(B) by redesignating subparagraphs (A) through (G) as subparagraphs (B) through (H), respectively;

(C) by inserting before subparagraph (B), as so redesignated, the following new subparagraph (A):

“(A) The overall strategy for improving multilateral maritime security cooperation and maritime domain awareness across the theater, including an identification of the following:

“(i) Priority countries and associated capabilities across the theater.

“(ii) Strategic objectives for the Indo-Pacific Maritime Security Initiative across the theater, lines of effort, and desired end results for such lines of effort.

“(iii) Significant challenges to improving multilateral maritime security cooperation and maritime domain awareness across the theater and the manner in which the United States Indo-Pacific Command is seeking to address such challenges.”; and

(D) in subparagraph (B), as so redesignated—

(i) in clause (ii), by striking the semicolon and inserting “; and”; and

(ii) by adding at the end the following new clause:

“(iii) how such capabilities can be leveraged to improve multilateral maritime security cooperation and maritime domain awareness.”; and

(2) in paragraph (2), by striking “subsection (g)(2)” and inserting “subsection (h)(2)”.

(j) EXPIRATION.—Subsection (j) of such section is amended by striking “December 31, 2025” and inserting “December 31, 2027”.

SEC. 1242. EXTENSION AND MODIFICATION OF PACIFIC DETERRENCE INITIATIVE.

(a) EXTENSION.—Subsection (c) of section 1251 of the National Defense Authorization Act for Fiscal Year 2021 (Public Law 116–283) is amended to read as follows:

“(c) FUNDING.—Of the amounts authorized to be appropriated by the National Defense Authorization Act for Fiscal Year 2022 for the Department of Defense for fiscal year 2022, there is authorized to be appropriated for the Pacific Deterrence Initiative such sums as may be necessary, as indicated in sections 4101, 4201, 4301, and 4601 of such Act.”.

(b) REPORT ON RESOURCING UNITED STATES DEFENSE REQUIREMENTS FOR THE INDO-PACIFIC REGION AND STUDY ON COMPETITIVE STRATEGIES.—Such section is further amended—

(1) by redesignating subsections (d) through (g) as subsections (e) through (h), respectively;

(2) by inserting after subsection (c) the following new subsection (d):

“(d) REPORT ON RESOURCING UNITED STATES DEFENSE REQUIREMENTS FOR THE INDO-PACIFIC REGION AND STUDY ON COMPETITIVE STRATEGIES.—

“(1) REPORT REQUIRED.—

“(A) IN GENERAL.—At the same time as the submission of the budget of the President (submitted to Congress pursuant to section 1105 of title 31, United States Code) for each of fiscal years 2023 and 2024, the Commander of the United States Indo-Pacific Command shall submit to the congressional defense committees a report containing the independent assessment of the Commander with

respect to the activities and resources required, for the first fiscal year beginning after the date of submission of the report and the four following fiscal years, to achieve the following objectives:

“(i) The implementation of the National Defense Strategy with respect to the Indo-Pacific region.

“(ii) The maintenance or restoration of the comparative military advantage of the United States with respect to the People’s Republic of China.

“(iii) The reduction of the risk of executing contingency plans of the Department of Defense.

“(B) MATTERS TO BE INCLUDED.—The report required under subparagraph (A) shall include the following: Assessments.

“(i) With respect to the achievement of the objectives described in subparagraph (A), a description of the intended force structure and posture of assigned and allocated forces in each of the following:

“(I) West of the International Date Line.

“(II) In States outside the contiguous United States east of the International Date Line.

“(III) In the contiguous United States.

“(ii) An assessment of capabilities requirements to achieve such objectives.

“(iii) An assessment of logistics requirements, including personnel, equipment, supplies, storage, and maintenance needs to achieve such objectives.

“(iv) An identification of required infrastructure and military construction investments to achieve such objectives.

“(v) An assessment of security cooperation activities or resources required to achieve such objectives.

“(vi)(I) A plan to fully resource United States force posture and capabilities, including— Plan.

“(aa) a detailed assessment of the resources necessary to address the elements described in clauses (i) through (v), including specific cost estimates for recommended investments or projects—

“(AA) to modernize and strengthen the presence of the United States Armed Forces, including those with advanced capabilities;

“(BB) to improve logistics and maintenance capabilities and the pre-positioning of equipment, munitions, fuel, and materiel;

“(CC) to carry out a program of exercises, training, experimentation, and innovation for the joint force;

“(DD) to improve infrastructure to enhance the responsiveness and resiliency of the United States Armed Forces;

“(EE) to build the defense and security capabilities, capacity, and cooperation of allies and partners; and

“(FF) to improve capabilities available to the United States Indo-Pacific Command;

“(bb) a detailed timeline to achieve the intended force structure and posture described in clause (i).

“(II) The specific cost estimates required by subclause (I)(aa) shall, to the maximum extent practicable, include the following:

“(aa) With respect to procurement accounts—

“(AA) amounts displayed by account, budget activity, line number, line item, and line item title; and

“(BB) a description of the requirements for each such amount.

“(bb) With respect to research, development, test, and evaluation accounts—

“(AA) amounts displayed by account, budget activity, line number, program element, and program element title; and

“(BB) a description of the requirements for each such amount.

“(cc) With respect to operation and maintenance accounts—

“(AA) amounts displayed by account title, budget activity title, line number, and subactivity group title; and

“(BB) a description of the specific manner in which each such amount would be used.

“(dd) With respect to military personnel accounts—

“(AA) amounts displayed by account, budget activity, budget subactivity, and budget subactivity title; and

“(BB) a description of the requirements for each such amount.

“(ee) With respect to each project under military construction accounts (including unspecified minor military construction and amounts for planning and design), the country, location, project title, and project amount for each fiscal year.

“(ff) With respect to any expenditure or proposed appropriation not described in items (aa) through (ee), a level of detail equivalent to or greater than the level of detail provided in the future-years defense program submitted pursuant to section 221(a) of title 10, United States Code.

“(C) FORM.—The report required under subparagraph (A) may be submitted in classified form, but shall include an unclassified summary.

“(D) AVAILABILITY.—Not later than February 1 each year, the Commander of the United States Indo-Pacific Command shall make the report available to the Secretary

Deadline.

of Defense, the Under Secretary of Defense for Policy, the Under Secretary of Defense (Comptroller), the Director of Cost Assessment and Program Evaluation, the Chairman of the Joint Chiefs of Staff, the Secretaries of the military departments, and the chiefs of staff of each military service.

“(2) BRIEFINGS REQUIRED.—

“(A) INITIAL BRIEFING.—Not later than 15 days after the submission of the budget of the President (submitted to Congress pursuant to section 1105 of title 31, United States Code) for each of fiscal years 2023 and 2024, the Secretary of Defense (acting through the Under Secretary of Defense for Policy, the Under Secretary of Defense (Comptroller), and the Director of Cost Assessment and Program Evaluation) and the Chairman of the Joint Chiefs of Staff shall provide to the congressional defense committees a joint briefing, and any written comments the Secretary of Defense and the Chairman of the Joint Chiefs of Staff consider necessary, with respect to their assessments of the report submitted under paragraph (1), including their assessments of the feasibility and advisability of the plan required by subparagraph (B)(vi) of that paragraph.

Deadline.

“(B) SUBSEQUENT BRIEFING.—Not later than 30 days after the submission of the budget of the President (submitted to Congress pursuant to section 1105 of title 31, United States Code) for each of fiscal years 2023 and 2024, the Secretary of the Air Force, the Secretary of the Army, and the Secretary of the Navy shall provide to the congressional defense committees a joint briefing, and documents as appropriate, with respect to their assessments of the report submitted under paragraph (1), including their assessments of the feasibility and advisability of the plan required by subparagraph (B)(vi) of that paragraph.”;

Deadline.

(3) by amending subsection (e), as redesignated, to read as follows:

“(e) PLAN REQUIRED.—At the same time as the submission of the budget of the President (submitted to Congress pursuant to section 1105 of title 31, United States Code) for each of fiscal years 2023 and 2024, the Secretary, in consultation with the Commander of the United States Indo-Pacific Command, shall submit to the congressional defense committees a report on future year activities and resources for the Initiative that includes the following:

“(1) A description of the activities and resources for the first fiscal year beginning after the date of submission of the report and the plan for not fewer than the four following fiscal years, organized—

“(A) functionally, by the activities described in paragraphs (1) through (5) of subsection (b); and

“(B) geographically by—

“(i) areas west of the International Date Line;

“(ii) States outside the contiguous United States east of the International Date Line; and

“(iii) States in the contiguous United States.

“(2) A summary of progress made toward achieving the purposes of the Initiative.

“(3) A summary of the activity, resource, capability, infrastructure, and logistics requirements necessary to achieve measurable progress in reducing risk to the joint force’s ability to achieve objectives in the region.

“(4) A detailed timeline to achieve the requirements identified under paragraph (3).

“(5) A detailed explanation of any significant modifications to such requirements, as compared to plans previously submitted under this subsection.

“(6) Any other matter, as determined by the Secretary.”; and

(4) in subsection (g), as redesignated, by striking “subsection (e)” and inserting “subsection (f)”.

SEC. 1243. MODIFICATION OF ANNUAL REPORT ON MILITARY AND SECURITY DEVELOPMENTS INVOLVING THE PEOPLE’S REPUBLIC OF CHINA.

Section 1202 of the National Defense Authorization Act for Fiscal Year 2000 (10 U.S.C. 113 note) is amended to read as follows:

“SEC. 1202. ANNUAL REPORT ON MILITARY AND SECURITY DEVELOPMENTS INVOLVING THE PEOPLE’S REPUBLIC OF CHINA.

“(a) **ANNUAL REPORT.**—Not later than January 31 of each year through January 31, 2027, the Secretary of Defense, in consultation with the heads of other Federal departments and agencies as appropriate, shall submit to the specified congressional committees a report on military and security developments involving the People’s Republic of China.

“(b) **MATTERS TO BE INCLUDED.**—Each report under this section shall include analyses and forecasts, through the next 20 years, of the following:

“(1) The goals, factors, and trends shaping Chinese security strategy and military strategy.

“(2) The role of the People’s Liberation Army in the strategy, governance systems, and foreign and economic policies of the People’s Republic of China, including the following:

“(A) Developments in the defense policy and military strategy of the People’s Republic of China, and the role and mission of the People’s Liberation Army.

“(B) The role of the People’s Liberation Army in the Chinese Communist Party, including the structure and leadership of the Central Military Commission.

“(C) The internal security role and affiliation of the People’s Liberation Army with the People’s Armed Police and other law enforcement, intelligence, and paramilitary entities of the People’s Republic of China, including any activities supporting or implementing mass surveillance, mass detentions, forced labor, or gross violations of human rights.

“(3) The role of the People’s Liberation Army in, and its support of, the overall foreign policy of the People’s Republic of China, as expressed through military diplomacy and other external actions, activities, and operations, including the following:

“(A) Chinese military-to-military relationships with other countries, including—

“(i) Chinese military attache presence, activities, exercises, and agreements with the militaries of other countries; and

“(ii) military education programs conducted—

“(I) in the People’s Republic of China for militaries of other countries; or

“(II) in other countries for personnel of the People’s Liberation Army.

“(B) Any significant sale or transfer of military hardware, expertise, and technology to or from the People’s Republic of China, including—

“(i) a forecast of possible future sales and transfers;

“(ii) the implications of such sales and transfers for the security of the United States and its partners and allies; and

“(iii) any significant assistance to and from any selling state with military-related research and development programs in the People’s Republic of China.

“(C) Relations between the People’s Republic of China and the Russian Federation, and between the People’s Republic of China and Iran, with respect to security and military matters.

“(4) Developments in the military doctrine, operational concepts, joint command and organizational structures, and significant military operations and deployments of the People’s Liberation Army.

“(5) Developments and future course of the services, theater-level commands, and paramilitary organizations of the People’s Liberation Army, including—

“(A) the specific roles and missions, organization, capabilities, force structure, readiness, and modernization efforts of such services, theater-level commands, and paramilitary organizations;

“(B) A summary of the order of battle of the People’s Liberation Army, including ballistic and cruise missile inventories; and

“(C) developments relating to the Chinese Coast Guard, including its interactions with the Armed Forces of the United States, and the implications for its use as a coercive tool in maritime disputes.

“(7) Developments in the People’s Liberation Army as a global actor, such as overseas military basing, military logistics capabilities, and infrastructure to project power, and the overseas command and control structure of the People’s Liberation Army, including—

“(A) Chinese overseas investments or projects likely, or with significant potential, to be converted into military or intelligence assets of the People’s Republic of China; and

“(B) efforts by the People’s Republic of China to use the People’s Liberation Army to expand its presence and influence overseas and the implications of such efforts on United States’ national defense and security interests in—

“(i) Latin America and the Caribbean;

“(ii) Africa; and

- “(iii) the Indo-Pacific region, including the Pacific Islands.
- “(8) The strategy, policy, development, and modernization of key military capabilities of the People’s Republic of China across the People’s Liberation Army, including the following:
 - “(A) The cyberwarfare and electronic warfare capabilities (including details on the number of malicious cyber incidents originating from the People’s Republic of China against Department of Defense infrastructure) and associated activities originating or suspected to have originated from the People’s Republic of China.
 - “(B) The space and counter-space programs and capabilities.
 - “(C) The nuclear program and capabilities, including—
 - “(i) its nuclear strategy and associated doctrines;
 - “(ii) the size and state of its stockpile and projections of its future arsenals;
 - “(iii) its civil and military production capacities; and
 - “(iv) the modernization and force structure of its strategic forces.
 - “(D) The anti-access and area denial capabilities .
 - “(E) The command, control, communications, computers, intelligence, surveillance, and reconnaissance modernization program and capabilities and the applications for such program and capabilities for precision-guided weapons.
- “(9) Trends and developments in the budget, resources, strategies, and policies of the People’s Liberation Army with respect to science and technology, defense industry reform, and the use of espionage and technology transfers by the People’s Republic of China, including—
 - “(A) the relationship between Chinese overseas investment (including the Belt and Road Initiative, the Digital Silk Road, and any state- owned or state-controlled digital or physical infrastructure projects of the People’s Republic of China) and Chinese security and military strategy objectives, including—
 - “(i) any Chinese investment or project, located in any other country, that is linked to military or intelligence cooperation with such country, such as cooperation on satellite navigation or arms production; and
 - “(ii) the implications for United States military or governmental interests related to denial of access, compromised intelligence activities, and network advantages of Chinese investments or projects in other countries, including in port or port-related infrastructure; and
 - “(B) efforts (including by espionage and technology transfers through investment, industrial espionage, cyber theft, academia, forced technological transfers, and other means) to develop, acquire, or gain access to information, communication, space, and other advanced technologies that would enhance defense capabilities or otherwise undermine the capability of the Department of Defense to conduct information assurance, including an assessment of the damage inflicted on the Department of Defense by such efforts.

“(10) The strategy of the People’s Republic of China regarding Taiwan and the security situation in the Taiwan Strait, including—

“(A) the posture of the forces of the People’s Liberation Army facing Taiwan; and

“(B) any challenges during the preceding year to the deterrent forces of the Republic of China on Taiwan, consistent with the commitments made by the United States in the Taiwan Relations Act (Public Law 96–8; 22 U.S.C. 3301 et seq.).

“(11) The maritime strategy and military and nonmilitary activities in the South China Sea and East China Sea of the People’s Republic of China, including—

“(A) the role and activities of the People’s Liberation Army and maritime law enforcement, the People’s Armed Forces Maritime Militia or other subset national militias, and paramilitary entities of the People’s Republic of China; and

“(B) any such activities in the South China Sea or East China Sea affecting United States military activities or the military activities of a United States ally or partner.

“(12) The current state of United States military-to-military contacts with the People’s Liberation Army, including the following:

“(A) A comprehensive and coordinated strategy for such military-to-military contacts and any necessary update to the strategy.

“(B) A summary of all such military-to-military contacts during the preceding fiscal year including a summary of topics discussed.

“(C) A description of such military-to-military contacts scheduled for the 1-year period following the period covered by the report and the plan for future contacts.

“(D) The Secretary’s assessment of the benefits the Chinese expect to gain from such military-to-military contacts.

Assessment.

“(E) The Secretary’s assessment of the benefits the Department of Defense expects to gain from such military-to-military contacts, and any concerns regarding such contacts.

Assessment.

“(F) The Secretary’s assessment of how such military-to-military contacts fit into the larger security relationship between the United States and the People’s Republic of China.

Assessment.

“(G) The Secretary’s certification whether or not any military-to-military exchange or contact was conducted during the period covered by the report in violation of section 1201(a).

Certification.

“(13) Any influence operations or campaigns by the People’s Republic of China targeting military alliances and partnerships of which the United States is a member, including—

“(A) United States military alliances and partnerships targeted or that may be targeted;

“(B) the objectives of such operations;

“(C) the tactics, techniques, and procedures used; and

“(D) the impact of such operations on military alliances and partnerships of which the United States is a member.

“(14) Any other significant military or security development involving the People’s Republic of China the Secretary considers relevant to United States national security.

“(c) FORM.—Each report required by subsection (a) shall be submitted in unclassified form but may include a classified annex.

“(d) SPECIFIED CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term ‘specified congressional committees’ means—

“(1) the Committee on Armed Services, the Committee on Foreign Relations, and the Select Committee on Intelligence of the Senate; and

“(2) the Committee on Armed Services, the Committee on Foreign Affairs, and the Permanent Select Committee on Intelligence of the House of Representatives.”.

SEC. 1244. EXTENSION OF AUTHORITY TO TRANSFER FUNDS FOR BIEN HOA DIOXIN CLEANUP.

Section 1253(b) of the National Defense Authorization Act for Fiscal Year 2021 (Public Law 116–283) is amended by striking “fiscal year 2021” and inserting “fiscal year 2022”.

10 USC 113 note.

SEC. 1245. COOPERATIVE PROGRAM WITH VIETNAM TO ACCOUNT FOR VIETNAMESE PERSONNEL MISSING IN ACTION.

(a) IN GENERAL.—The Secretary of Defense, in coordination with the heads of other relevant Federal departments and agencies, may carry out a cooperative program with the Ministry of Defense of Vietnam and other entities of the Government of Vietnam to assist in accounting for Vietnamese personnel missing in action.

(b) PURPOSE.—The purpose of the cooperative program under subsection (a) is to carry out the following activities:

(1) Collection, digitization, and sharing of archival information.

(2) Building the capacity of Vietnam to conduct archival research, investigations, and excavations.

(3) Improving DNA analysis capacity.

(4) Increasing veteran-to-veteran exchanges.

(5) Other support activities the Secretary of Defense considers necessary and appropriate.

(c) TERMINATION.—The authority provided by subsection (a) shall terminate on October 1, 2026.

22 USC 3301
note.

SEC. 1246. SENSE OF CONGRESS ON TAIWAN DEFENSE RELATIONS.

It is the sense of Congress that—

(1) the Taiwan Relations Act (Public Law 96–8; 22 U.S.C. 3301 et seq.) and the Six Assurances provided by the United States to Taiwan in July 1982 are the foundation for United States-Taiwan relations;

(2) as set forth in the Taiwan Relations Act, the United States decision to establish diplomatic relations with the People’s Republic of China rests upon the expectation that the future of Taiwan will be determined by peaceful means, and that any effort to determine the future of Taiwan by other than peaceful means, including boycotts and embargoes, is of grave concern to the United States;

(3) the increasingly coercive and aggressive behavior of the People’s Republic of China towards Taiwan is contrary to the expectation of a peaceful resolution of the future of Taiwan;

(4) as set forth in the Taiwan Relations Act, the capacity of the United States to resist any resort to force or other forms of coercion that would jeopardize the security, or the social or economic system, of the people on Taiwan and the policy of the United States to make available to Taiwan such defense articles and defense services in such quantities as may be necessary to enable Taiwan to maintain a sufficient self-defense capability should be maintained; and

(5) the United States should continue to support the development of capable, ready, and modern defense forces necessary for Taiwan to maintain a sufficient self-defense capability, including by—

(A) supporting acquisition by Taiwan of defense articles and services through foreign military sales, direct commercial sales, and industrial cooperation, with an emphasis on capabilities that support the asymmetric defense strategy of Taiwan;

(B) ensuring timely review of and response to requests by Taiwan for defense articles and services;

(C) conducting practical training and military exercises with Taiwan, including, as appropriate, inviting Taiwan to participate in the Rim of the Pacific exercise conducted in 2022, that enable Taiwan to maintain a sufficient self-defense capability, as described in the Taiwan Relations Act;

(D) deepening interoperability with Taiwan in defensive capabilities, including maritime and air domain awareness and integrated air and missile defense systems;

(E) encouraging exchanges between defense officials and officers of the United States and Taiwan at the strategic, policy, and functional levels, consistent with the Taiwan Travel Act (Public Law 115-135; 132 Stat. 341), especially for the purposes of—

(i) enhancing cooperation on defense planning;

(ii) improving the interoperability of the military forces of the United States and Taiwan; and

(iii) improving the reserve force of Taiwan;

(F) identifying improvements in Taiwan's ability to use asymmetric military capabilities to enhance its defensive capabilities, as described in the Taiwan Relations Act; and

(G) expanding cooperation in humanitarian assistance and disaster relief.

SEC. 1247. STATEMENT OF POLICY ON TAIWAN.

(a) STATEMENT OF POLICY.—Consistent with the Taiwan Relations Act (22 U.S.C. 3301 et. seq.), it shall be the policy of the United States to maintain the capacity of the United States to resist a fait accompli that would jeopardize the security of the people on Taiwan.

(b) DEFINITION.—In this section, the term “fait accompli” refers to the resort to force by the People's Republic of China to invade and seize control of Taiwan before the United States can respond effectively.

SEC. 1248. ANNUAL REPORT ON TAIWAN ASYMMETRIC CAPABILITIES AND INTELLIGENCE SUPPORT.

(a) IN GENERAL.—The Secretary of Defense, in coordination with the heads of other relevant Federal departments and agencies, shall each year through fiscal year 2027, consistent with the Taiwan Relations Act (Public Law 96-8; 22 U.S.C. 3302(c)), perform an annual assessment of matters related to Taiwan, including intelligence matters, Taiwan's asymmetric defensive capabilities, and how defensive shortcomings or vulnerabilities of Taiwan could be mitigated through cooperation, modernization, or integration. At a minimum, the assessment shall include the following:

Assessment.

(1) An intelligence assessment regarding—

(A) conventional military threats to Taiwan from China, including exercises intended to intimidate or coerce Taiwan; and

(B) irregular warfare activities, including influence operations, conducted by China to interfere in or undermine the peace and stability of the Taiwan Strait.

(2) The current defensive asymmetric capabilities of Taiwan and the ability of Taiwan to defend itself from external conventional and irregular military threats.

(3) The interoperability of current and future defensive asymmetric capabilities of Taiwan with the military capabilities of the United States and its allies and partners.

(4) The plans, tactics, techniques, and procedures underpinning the defensive asymmetric capabilities of Taiwan.

(5) A description of additional personnel, resources, and authorities in Taiwan or in the United States that may be required to meet any shortcomings in the development of Taiwan's defensive capabilities identified pursuant to this section.

(6) The applicability of Department of Defense authorities for improving the defensive asymmetric capabilities of Taiwan in accordance with the Taiwan Relations Act.

(7) The feasibility and advisability of assisting Taiwan in the domestic production of defensive asymmetric capabilities, including through the transfer of intellectual property, co-development, or co-production arrangements.

(8) An assessment of ways in which the United States could enhance cooperation with on intelligence matters with Taiwan.

(9) A description of any non-Department of Defense efforts by the United States Government to build the capacity of Taiwan to disrupt external efforts that degrade its free and democratic society.

(10) A description of any significant efforts by the Defense Intelligence Enterprise and other elements of the intelligence community to coordinate technical and material support for Taiwan to identify, disrupt, and combat influence operations referred to in this subsection.

(11) Any other matter the Secretary of Defense considers appropriate.

(b) PLAN.—The Secretary of Defense, in coordination with the heads of other relevant Federal departments and agencies, shall develop a plan for assisting Taiwan in improving its defensive asymmetric capabilities and addressing vulnerabilities identified pursuant to subsection (a) that includes—

(1) recommendations for new Department of Defense authorities, or modifications to existing Department authorities, necessary to improve the defensive asymmetric capabilities of Taiwan in accordance with the Taiwan Relations Act (Public Law 96-8; 22 U.S.C. 3301 et seq.);

Recommendations.

(2) an identification of opportunities for key leader and subject matter expert engagement between Department personnel and military and civilian counterparts in Taiwan; and

(3) an identification of challenges and opportunities for leveraging non-Department authorities, resources, and capabilities to improve the defensive asymmetric capabilities of Taiwan in accordance with the Taiwan Relations Act.

(c) REPORT.—Not later than 180 days after the date of the enactment of this Act, and annually through fiscal year 2027, the Secretary of Defense shall submit to the appropriate committees of Congress—

(1) a report on the results of the assessment required by subsection (a); and

Assessment.

(2) the plan required by subsection (b).

(d) FORM.—The report required by subsection (c) shall be submitted in unclassified form, but may include a classified annex.

(e) DEFINITIONS.—In this section:

(1) The term “appropriate committees of Congress” means—

(A) the Committee on Armed Services, the Committee on Foreign Relations, and the Select Committee on Intelligence of the Senate; and

(B) the Committee on Armed Services, the Committee on Foreign Affairs, and the Permanent Select Committee on Intelligence of the House of Representatives.

(2) The term “defensive asymmetric capabilities” means the capabilities necessary to defend Taiwan against conventional external threats, including coastal defense missiles, naval mines, anti-aircraft capabilities, cyber defenses, and special operations forces.

SEC. 1249. FEASIBILITY BRIEFING ON COOPERATION BETWEEN THE NATIONAL GUARD AND TAIWAN.

(a) IN GENERAL.—Not later than February 15, 2022, the Secretary of Defense shall provide to the congressional defense committees a briefing on the feasibility and advisability of enhanced cooperation between the National Guard and Taiwan.

Deadline.

(b) ELEMENTS.—The briefing required by subsection (a) shall include the following:

(1) A description of the cooperation between the National Guard and Taiwan during the preceding calendar year, including mutual visits, exercises, training, and equipment opportunities.

(2) An evaluation of the feasibility of enhancing cooperation between the National Guard and Taiwan on a range of activities, including—

Evaluation.

(A) disaster and emergency response;

(B) cyber defense and communications security;

(C) military medical cooperation;

(D) Mandarin-language education and cultural exchange; and

- Recommendations.
- (E) programs for National Guard advisors to assist in training the reserve components of the military forces of Taiwan.
- (3) Recommendations to enhance such cooperation and improve interoperability, including through familiarization visits, cooperative training and exercises, and co-deployments.
- (4) Any other matter the Secretary of Defense considers appropriate.

SEC. 1250. FEASIBILITY REPORT ON ESTABLISHING MILITARY-TO-MILITARY CRISIS COMMUNICATIONS CAPABILITIES.

- Deadline.
- (a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense, in coordination with the heads of other relevant Federal departments and agencies, shall submit to the appropriate committees of Congress a report on the feasibility and advisability of establishing military-to-military communications with a covered strategic competitor.
- (b) ELEMENTS.—The report required by subsection (a) shall include the following:
- (1) An articulation of—
 - (A) the importance of military-to-military communications with a covered strategic competitor; and
 - (B) the utility of such communications to enable clear transmission of messages from the government of the United States, avoid misunderstandings, and reduce the possibility of miscalculation.
 - (2) A description of the current process and capabilities relating to communications with a covered strategic competitor, including the means, levels of seniority, and timelines for such communications.
 - (3) An identification of opportunities for improving military-to-military crisis communications with a covered strategic competitor, including the preferred means, levels of seniority, and timelines for such communications.
 - (4) An identification of challenges to establishing more military-to-military communications with a covered strategic competitor.
 - (5) Any other matter the Secretary of Defense considers appropriate.
- (c) DEFINITIONS.—In this section:
- (1) The term “covered strategic competitor” means a near-peer country identified by the Secretary of Defense and National Defense Strategy.
 - (2) The term “appropriate committees of Congress” means—
 - (A) the Committee on Armed Services, the Committee on Appropriations, and the Committee on Foreign Relations of the Senate; and
 - (B) the Committee on Armed Services, the Committee on Appropriations, and the Committee on Foreign Affairs of the House of Representatives.

SEC. 1251. COMPARATIVE ANALYSES AND REPORTS ON EFFORTS BY THE UNITED STATES AND THE PEOPLE'S REPUBLIC OF CHINA TO ADVANCE CRITICAL MODERNIZATION TECHNOLOGY WITH RESPECT TO MILITARY APPLICATIONS.

- (a) COMPARATIVE ANALYSES.—
- (1) DEVELOPMENT OF PROCEDURES.—

(A) IN GENERAL.—Not later than 270 days after the date of the enactment of this Act, the Under Secretary of Defense for Research and Engineering, in coordination with the Director of the Office of Net Assessment, shall develop procedures by which comparative analyses, including the assessments under paragraph (2), shall be conducted. Deadline.

(B) ELEMENTS.—The procedures developed under subparagraph (A)—

(i) shall include processes—

(I) by which senior officials of the Department of Defense may request that such comparative analyses be conducted with respect to a specific technology, sector, or system of interest;

(II) by which teams of technical, industrial, policy, intelligence, and operational experts consisting of personnel of the Department and private sector organizations may be established for the purpose of conducting such comparative analyses;

(III) to ensure adequate funding to support the conduct of such comparative analyses; and

(IV) by which classified and unclassified information, including necessary data, records, and technical information, may be shared with Department personnel for the purpose of carrying out such comparative analyses; and

(ii) may include the development of quantitative and qualitative metrics for use in, and new intelligence collection requirements to support, such comparative analyses.

(2) COMPARATIVE ANALYSIS ASSESSMENTS.—

(A) IN GENERAL.—The Under Secretary, in coordination with the Director of the Office of Net Assessment, shall conduct a comparative analysis assessment of the efforts of the United States Government and the Government of the People's Republic of China to develop and deploy critical modernization technology with respect to military applications in each of the following areas of critical modernization technology:

(i) Directed energy systems.

(ii) Hypersonics.

(iii) Emerging biotechnologies.

(iv) Quantum science.

(v) Cyberspace capabilities.

(B) ELEMENTS.—Each comparative analysis assessment under subparagraph (A) shall include an evaluation of each of the following:

(i) With respect to the applicable area of critical modernization technology described in subparagraph (A), research and development activities carried out in the United States and the People's Republic of China by governmental entities and nongovernmental entities.

(ii) The ability of research programs carried out by the United States Government and the Government of the People's Republic of China to achieve the goals of—

(I) transitioning emerging technologies into acquisition efforts and operational use; and

(II) incorporating emerging technologies into military applications.

(iii) Operational effectiveness and suitability of current or planned defense systems of the United States and the People's Republic of China, including relevant operational concepts relating to the application and operationalization of critical modernization technologies.

(iv) The ability of defense systems of the United States and the People's Republic of China to counter relevant threat capabilities.

(b) REPORTS.—

(1) INITIAL REPORT.—Not later than March 15, 2022, the Under Secretary shall submit a report and provide a briefing to the congressional defense committees on efforts to develop the procedures required by subsection (a)(1).

Assessments.

(2) SUBSEQUENT REPORTS.—

(A) DIRECTED ENERGY SYSTEMS AND HYPERSONICS.—Not later than December 31, 2023, the Under Secretary shall submit to the congressional defense committees a report on the results of the comparative analysis assessments conducted under clauses (i) and (ii) of subsection (a)(2)(A).

(B) EMERGING BIOTECHNOLOGIES, QUANTUM SCIENCE, AND CYBERSPACE CAPABILITIES.—Not later than December 31, 2024, the Under Secretary shall submit to the congressional defense committees a report on the results of the comparative analysis assessments conducted under clauses (iii), (iv), and (v) of subsection (a)(2)(A).

(C) ELEMENTS.—The reports required by subparagraphs (A) and (B) shall include the following for each such comparative analysis assessment:

(i) The results of the evaluation of each element described in subsection (a)(2)(B).

Analysis.

(ii) An analysis of significant research and development programs and activities outside the United States or the People's Republic of China designed to advance the applicable area of critical modernization technology described in subsection (a)(2)(A), and a discussion of such programs and activities.

(iii) With respect to each such area of critical modernization technology, an identification of any area in which the degree of uncertainty due to an insufficient knowledge base is such that an analysis of whether the United States or the People's Republic of China has an advantage would be inconclusive.

(iv) A description of the limitations, constraints, and challenges encountered in carrying out the comparative analysis assessment.

(v) A description of any other research and development efforts or elements the Under Secretary considers appropriate for purposes of the comparative analysis assessment.

(vi) Recommendations with respect to additional activities by the Department necessary to address the findings of the comparative analysis assessment.

Recommendations.
Assessment.

(D) FORM.—The reports required by subparagraphs (A) and (B) shall be submitted in unclassified form but may contain a classified annex.

(c) AGREEMENT WITH A FEDERALLY FUNDED RESEARCH AND DEVELOPMENT CORPORATION AUTHORIZED.—

(1) IN GENERAL.—The Under Secretary may enter into an agreement with a federally funded research and development corporation under which such corporation may—

(A) carry out any part of a comparative analysis assessment required by subsection (a); or

Assessment.

(B) prepare the reports required by subsection (b)(2).

(2) NOTIFICATION.—If the Under Secretary enters into an agreement under paragraph (1), the Under Secretary shall submit to the congressional defense committees a report that—

(A) identifies the federally funded research and development corporation concerned; and

(B) describes the scope of work under the agreement.

SEC. 1252. SENSE OF CONGRESS ON DEFENSE ALLIANCES AND PARTNERSHIPS IN THE INDO-PACIFIC REGION.

It is the sense of Congress that the Secretary of Defense should recommit to and strengthen United States defense alliances and partnerships in the Indo-Pacific region so as to further the comparative advantage of the United States in strategic competition with the People's Republic of China, including by—

(1) enhancing cooperation with Japan, consistent with the Treaty of Mutual Cooperation and Security Between the United States of America and Japan, including by developing advanced military capabilities, fostering interoperability across all domains, and improving sharing of information and intelligence;

(2) reinforcing the United States alliance with the Republic of Korea and maintaining the presence of approximately 28,500 members of the United States Armed Forces deployed to the country, consistent with the Mutual Defense Treaty Between the United States and the Republic of Korea, in support of the shared objective of a peaceful and stable Korean Peninsula;

(3) fostering bilateral and multilateral cooperation with Australia, consistent with the Australia, New Zealand, United States Security Treaty, to advance shared security objectives and build the capabilities of emerging partners;

(4) advancing United States alliances with the Philippines and Thailand and United States partnerships with other partners in the Association of Southeast Asian Nations to enhance maritime domain awareness, promote sovereignty and territorial integrity, and collaborate on vetting Chinese investments in strategic technology sectors and critical infrastructure;

(5) broadening the engagement of the United States with India, including through the Quadrilateral Security Dialogue—

(A) to advance the shared objective of a free and open Indo-Pacific region through bilateral and multilateral engagements and participation in military exercises, expanded defense trade, and collaboration on humanitarian aid and disaster response; and

(B) to enable greater cooperation on maritime security and the threat of global pandemics, including COVID–19;

(6) strengthening the United States partnership with Taiwan, consistent with the Three Communiques, the Taiwan Relations Act (Public Law 96–8; 22 U.S.C. 3301 et seq.), and the Six Assurances, with the goal of improving Taiwan’s asymmetric defensive capabilities and promoting peaceful cross-strait relations;

(7) reinforcing the status of the Republic of Singapore as a Major Security Cooperation Partner of the United States and continuing to strengthen defense and security cooperation between the military forces of the Republic of Singapore and the Armed Forces of the United States, including through participation in combined exercises and training, including the use of the Foreign Military Sales Training Center at Ebbing Air National Guard Base in Fort Smith, Arkansas and a fighter training detachment in Guam;

(8) engaging with the Federated States of Micronesia, the Republic of the Marshall Islands, and the Republic of Palau with the goal of strengthening regional security and addressing issues of mutual concern, including protecting fisheries from illegal, unreported and unregulated fishing; and

(9) investing in enhanced military posture and capabilities in the United States Indo-Pacific Command area of responsibility and strengthening cooperation in bilateral relationships, multilateral partnerships, and other international fora to uphold global security and shared principles, with the goal of ensuring the maintenance of a free and open Indo-Pacific region.

TITLE XIII—OTHER MATTERS RELATING TO FOREIGN NATIONS

Subtitle A—Matters Relating to Europe and NATO

Sec. 1301. Sense of Congress on North Atlantic Treaty Organization allies and partners.

Sec. 1302. Report on Armenia-Azerbaijan conflict.

Sec. 1303. Report on the state of United States military investment in Europe, including the European Deterrence Initiative.

Subtitle B—United States-Greece Defense and Interparliamentary Partnership Act of 2021

Sec. 1311. Sense of Congress.

Sec. 1312. Funding for the European Recapitalization Incentive Program.

Sec. 1313. Sense of Congress on loan program.

Sec. 1314. Sense of Congress on transfer of F–35 Joint Strike Fighter aircraft to Greece.

Sec. 1315. IMET cooperation with Greece.

Sec. 1316. Cyprus, Greece, Israel, and the United States 3+1 Interparliamentary Group.

Sec. 1317. Appropriate congressional committees.

Subtitle C—Security Cooperation and Assistance

Sec. 1321. Clarification of requirements for contributions by participants in the American, British, Canadian, and Australian Armies’ Program.

Sec. 1322. Foreign Area Officer assessment and review.

Sec. 1323. Study on certain security cooperation programs.

Sec. 1324. Notification relating to overseas humanitarian, disaster, and civic aid funds obligated in support of operation allies welcome.

Subtitle D—Other Matters

- Sec. 1331. Extension and modification of authority for certain payments to redress injury and loss.
- Sec. 1332. Secretary of Defense Strategic Competition Initiative.
- Sec. 1333. Extension and modification of Department of Defense support for stabilization activities in national security interest of the United States.
- Sec. 1334. Pilot program to support the implementation of the Women, Peace, and Security act of 2017.
- Sec. 1335. Annual report on Comprehensive Nuclear-Test-Ban Treaty sensors.
- Sec. 1336. Security assistance in Northern Triangle countries.
- Sec. 1337. Report on human rights in Colombia.
- Sec. 1338. Report on efforts by the People's Republic of China to expand its presence and influence in Latin America and the Caribbean.
- Sec. 1339. Extension of prohibition on in-flight refueling to non-United States aircraft that engage in hostilities in the ongoing civil war in Yemen.
- Sec. 1340. Statement of policy and report on Yemen.
- Sec. 1341. Limitation on support to military forces of the Kingdom of Morocco for multilateral exercises.

Subtitle A—Matters Relating to Europe and NATO

SEC. 1301. SENSE OF CONGRESS ON NORTH ATLANTIC TREATY ORGANIZATION ALLIES AND PARTNERS.

It is the sense of Congress as follows:

(1) The North Atlantic Treaty Organization (NATO) remains the strongest and most successful military alliance in the world, founded on a commitment by its members to uphold the principles of democracy, individual liberty, and the rule of law, and its contributions to the collective defense are indispensable to the security, prosperity, and freedom of its members.

(2) The success of NATO is critical to achieving United States national security objectives in Europe and around the world, including deterring Russian aggression, upholding territorial integrity and sovereignty in Europe, addressing strategic competition and mitigating shared security concerns, countering malign efforts to undermine the rules-based international order and disrupt shared values, and fostering international cooperation against collective challenges.

(3) The United States reaffirms its ironclad commitment to NATO as the foundation of transatlantic security and to uphold its obligations under the North Atlantic Treaty, including Article 5 of the Treaty, and remains steadfastly committed to upholding and strengthening its defense alliances and partnerships in the European theater.

(4) The commitment of NATO allies in response to the invocation of Article 5 of the North Atlantic Treaty following attacks on the United States homeland on September 11, 2001, and during years of counterterrorism, humanitarian, and stabilization operations in Afghanistan has been invaluable, and the sacrifices of NATO allies deserve the highest order of respect and gratitude.

(5) The national security challenges posed by the Russian Government against NATO allies and partners are of grave concern to the United States and a top NATO defense priority. Since the invasion of Ukraine in 2014, the Russian Government has not improved its behavior and has, in many aspects, become increasingly belligerent. Aggression against NATO allies and

United States partners is unacceptable, and Russia's willingness to engage in far-reaching, risky actions contrary to the international order poses major risks to United States national security interests that must be met with sustained engagement, investment in credible deterrence, and vigilance.

(6) The United States should continue to deepen cooperation on defense issues with non-NATO European partners, bilaterally and as part of the NATO alliance, encourage security sector cooperation between NATO and non-NATO defense partners that complements and strengthens shared security goals, interoperability, and allies' commitment to Article 3 of the North Atlantic Treaty, build on recent progress in NATO allies achieving defense spending goals agreed to at the 2014 Wales Summit and reaffirmed at the 2016 Warsaw Summit and the 2021 Brussels Summit, and build consensus to plan, organize, and invest in the full range of defense capabilities necessary to deter and defend against potential adversaries.

(7) The United States should continue to enhance United States and allied force posture in Europe in order to establish and sustain a credible deterrent against Russian aggression and long-term strategic competition by the Russian Government, including continued robust support for the European Deterrence Initiative and other investments, ongoing use of rotational deployments and robust exercises in the European theater, improved forward-stationing of forces to enhance deterrence and reduce cost, additional planning and efforts to mitigate contested logistics challenges, implementation of key initiatives to enhance readiness, military mobility, and national resilience, and effective investments in multi-service, cyber, information, and air defense efforts to counter modern military challenges.

(8) Following the end of the Resolute Support Mission in Afghanistan, it is essential that the United States consider ways to continue the benefits of combined interaction alongside NATO allies and United States partners to continue strengthening interoperability and cooperation.

(9) The Black Sea is a strategically significant region to United States interests and to the security of United States allies and partners, especially in light of Russia's actions in the region and illegal occupation of territory. The United States should continue security cooperation efforts, exercises, and training with regional allies and partners, regional posture enhancements, and support for those allies' and partners' pursuit of their own defenses, as well as joint efforts that enhance interoperability and information sharing.

(10) Enhancing security and stability in the Western Balkans is a goal that the United States shares with European allies and partners. The United States should continue its efforts to build interoperability and support institutional reforms of the militaries of the Western Balkan nations, including both NATO allies and partners. The United States should also support those nations' efforts to resist disinformation campaigns, predatory investments, efforts to promote instability, and other means by which Russia and China may seek to influence this region of Europe.

(11) Estonia, Latvia, and Lithuania are model allies and play a critical role in strategic efforts to ensure continued

deterrence against aggression by Russia and maintain the collective security of the NATO alliance. The security of the Baltic region is crucial to the security of the NATO alliance.

(12) The United States should continue to pursue efforts consistent with the comprehensive, multilateral Baltic Defense Assessment of the military requirements of Estonia, Latvia, and Lithuania issued in December 2020. Robust support to accomplish United States strategic objectives, including by providing assistance to the Baltic countries through security cooperation referred to as the Baltic Security Initiative pursuant to sections 332 and 333 of title 10, United States Code, should be prioritized in the years to come. Specifically, the continuation of—

(A) efforts to enhance interoperability among Estonia, Latvia, and Lithuania and in support of NATO efforts;

(B) infrastructure and other host-country support improvements that will enhance United States and allied military mobility across the region;

(C) efforts to improve resilience to hybrid threats and cyber defenses in Estonia, Latvia, and Lithuania; and

(D) support for planning and budgeting efforts of Estonia, Latvia, and Lithuania that are regionally synchronized.

SEC. 1302. REPORT ON ARMENIA-AZERBAIJAN CONFLICT.

(a) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense, in consultation with the heads of other Federal departments and agencies as appropriate, shall submit to the relevant congressional committees a report on the 2020 conflict between Armenia and Azerbaijan.

(b) ELEMENTS.—The report required by subsection (a) shall include the following:

(1) An assessment of the use of United States weapon systems or controlled technology that were employed in the 2020 conflict, including a list of the origins of such items, if known. Assessment.

(2) A description of the involvement of foreign actors in the conflict, including a description of the military activities, influence operations, foreign military sales, and diplomatic engagement by foreign countries before, during, and after the conflict, and efforts by parties to the conflict or foreign actors to recruit or employ foreign fighters or private military organizations during the conflict. Such description may include a classified annex, if necessary.

(3) Any violations of the November 9, 2020, agreement, including the continued detention of prisoners of war or captured civilians.

(4) Any other matter the Secretary considers appropriate.

(c) RELEVANT CONGRESSIONAL COMMITTEES.—In this section, the term “relevant congressional committees” means the Committee on Foreign Affairs and Committee on Armed Services of the House of Representatives and the Committee on Foreign Relations and Committee on Armed Services of the Senate.

(d) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the parties to the conflict must adhere to their obligations under the November 9, 2020, agreement and international

law, including to immediately release all prisoners of war and captured civilians;

(2) the parties to the conflict must refrain from the use of force and threats to use force in pursuit of diplomatic resolutions to any outstanding disputes; and

(3) the United States should engage with parties to the conflict, including redoubling engagement with the Minsk Group, to make clear the importance of adhering to these obligations and advance diplomatic progress.

SEC. 1303. REPORT ON THE STATE OF UNITED STATES MILITARY INVESTMENT IN EUROPE, INCLUDING THE EUROPEAN DETERRENCE INITIATIVE.

Assessments.

Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report assessing the current state of United States defense investment in Europe, with particular focus on United States military infrastructure requirements, including the European Deterrence Initiative. Such report shall include the following elements:

(1) An assessment of the progress made by the Department of Defense toward achieving the stated objectives of the European Deterrence Initiative (EDI) over its lifetime, and the extent to which EDI funding has aligned with such objectives.

(2) An assessment of the current state of the United States defense posture in Europe.

(3) An assessment of further investments required to improve United States military mobility in the United States European Command area of responsibility, including efforts to—

(A) address contested logistics; and

(B) improve physical impediments and regulatory challenges to movement by air, rail, road, or waterway across such area of responsibility.

(4) An assessment of the current state of United States prepositioned stocks in Europe, including a description of both completed and underway projects, timelines for completion of underway projects, and estimated sustainment costs upon completion of such projects.

(5) An assessment of the current state of United States munitions in Europe, including the adequacy to satisfy United States needs in a European contingency, and a description of any plans to adjust munitions stocks.

(6) An assessment of the current state of United States antisubmarine warfare assets, organization, and resources in the United States European Command and Second Fleet areas of responsibility, including—

(A) the sufficiency of such assets, organization, and resources to counter Russian submarine threats; and

(B) the sufficiency of United States sonobuoy stocks, antisubmarine warfare platforms, and undersea sensing equipment.

(7) An assessment of the current state of the United States naval presence in the United States European Command area of responsibility and the ability of such presence to respond to future challenges in the Black Sea, Mediterranean Sea, and Arctic region, including a description of any future plans

regarding increased naval force structure forward stationed in Europe and associated timelines.

(8) An assessment of the current state of United States Air Force operational planning and resourcing in the European theater, including the current state of prepositioned Air Force equipment, activities, and relevant infrastructure.

(9) An assessment of the current state of United States defense information operations capabilities dedicated to the United States European Command area of responsibility, and any defense resources required or policies needed to strengthen such capabilities.

(10) An assessment of all purchases, investments, and expenditures made by any Armed Force under the jurisdiction of the Secretary of a military department and identified as part of the EDI, since its inception, that have been diverted for purposes or uses other than the objectives of the EDI, including a list of all purchases, investments, and expenditures that were requested to support the EDI since its inception that were not ultimately employed for the objectives of the EDI and the respective dollar values of such purchases, investments, and expenditures.

(11) An assessment of the current state of EDI military construction efforts in Europe.

(12) An assessment of United States European Command's planned exercise schedule in coming years, the estimated resourcing requirements to fulfill such schedule, and what percentage of such resourcing is expected to come from EDI.

(13) Any other information the Secretary determines relevant.

Subtitle B—United States-Greece Defense and Interparliamentary Partnership Act of 2021

SEC. 1311. SENSE OF CONGRESS.

It is the sense of Congress that—

(1) Greece is a pillar of stability in the Eastern Mediterranean region and the United States should remain committed to supporting its security and prosperity;

(2) the 3+1 format of cooperation among Cyprus, Greece, Israel, and the United States has been a successful forum to cooperate on energy issues and should be expanded to include other areas of common concern to the members;

(3) the United States should increase and deepen efforts to partner with and support the modernization of the Greek military;

(4) it is in the interests of the United States that Greece continue to transition its military equipment away from Russian-produced platforms and weapons systems through the European Recapitalization Incentive Program;

(5) the naval partnerships with Greece at Souda Bay and Alexandroupolis are mutually beneficial to the national security of the United States and Greece;

(6) the United States should, as appropriate, support the sale of F–35 Joint Strike Fighters to Greece;

(7) the United States Government should continue to invest in International Military Education and Training programs in Greece;

(8) the United States Government should support joint maritime security cooperation exercises with Cyprus, Greece, and Israel;

(9) in accordance with its legal authorities and project selection criteria, the United States Development Finance Corporation should consider supporting private investment in strategic infrastructure projects in Greece, to include shipyards and ports that contribute to the security of the region and Greece's prosperity;

(10) the extension of the Mutual Defense Cooperation Agreement with Greece for a period of five years includes deepened partnerships at Greek military facilities throughout the country and is a welcome development; and

(11) the United States Government should establish the United States-Eastern Mediterranean Energy Center, as authorized by section 204 of the Eastern Mediterranean Energy and Security Partnership Act of 2019 (22 U.S.C. 2373 note).

22 USC 2373
note.

SEC. 1312. FUNDING FOR THE EUROPEAN RECAPITALIZATION INCENTIVE PROGRAM.

(a) **IN GENERAL.**—To the maximum extent feasible, amounts appropriated or otherwise made available for the European Recapitalization Incentive Program should be considered for Greece as appropriate to assist the country in meeting its defense needs and transitioning away from Russian-produced military equipment.

(b) **REPORT.**—Not later than 180 days after the date of the enactment of this Act, the Secretary of State shall submit to the appropriate congressional committees a report that provides a full accounting of all funds distributed under the European Recapitalization Incentive Program, including—

- (1) identification of each recipient country;
- (2) a description of how the funds were used; and
- (3) an accounting of remaining equipment in recipient countries that was provided by the then-Soviet Union or Russian Federation.

SEC. 1313. SENSE OF CONGRESS ON LOAN PROGRAM.

It is the sense of Congress that, as appropriate, the United States Government should provide direct loans to Greece for the procurement of defense articles, defense services, and design and construction services pursuant to the authority of section 23 of the Arms Export Control Act (22 U.S.C. 2763) to support the further development of Greece's military forces.

SEC. 1314. SENSE OF CONGRESS ON TRANSFER OF F-35 JOINT STRIKE FIGHTER AIRCRAFT TO GREECE.

It is the sense of Congress that the President has the authority to expedite delivery of any future F-35 aircraft to Greece once Greece is prepared to move forward with such a purchase on such terms and conditions as the President may require, pursuant to the certification requirements under section 36 of the Arms Export Control Act (22 U.S.C. 2776).

SEC. 1315. IMET COOPERATION WITH GREECE.

For each of fiscal years 2022 through 2026, there is authorized to be appropriated \$1,800,000 for International Military Education and Training assistance for Greece, which may be made available for the following purposes:

Time periods.

- (1) Training of future leaders.
- (2) Fostering a better understanding of the United States.
- (3) Establishing a rapport between the United States Armed Forces and Greece's military to build partnerships for the future.
- (4) Enhancement of interoperability and capabilities for joint operations.
- (5) Focusing on professional military education, civilian control of the military, and protection of human rights.

SEC. 1316. CYPRUS, GREECE, ISRAEL, AND THE UNITED STATES 3+1 INTERPARLIAMENTARY GROUP.

22 USC note
prec. 261.

(a) **ESTABLISHMENT.**—There is established a group, to be known as the “Cyprus, Greece, Israel, and the United States 3+1 Interparliamentary Group”, to serve as a legislative component to the 3+1 process launched in Jerusalem in March 2019.

(b) **MEMBERSHIP.**—The Cyprus, Greece, Israel, and the United States 3+1 Interparliamentary Group shall include a group of not more than 6 United States Senators, to be known as the “United States group”, who shall be appointed in equal numbers by the majority leader and the minority leader of the Senate. The majority leader and the minority leader of the Senate shall also serve as ex officio members of the United States group.

(c) **MEETINGS.**—Not less frequently than once each year, the United States group shall meet with members of the 3+1 group to discuss issues on the agenda of the 3+1 deliberations of the Governments of Greece, Israel, Cyprus, and the United States to include maritime security, defense cooperation, energy initiatives, and countering malign influence efforts by the People's Republic of China and the Russian Federation.

(d) **AUTHORIZATION OF APPROPRIATIONS.**—

(1) **IN GENERAL.**—There is authorized to be appropriated \$100,000 for each fiscal year to assist in meeting the expenses of the United States group.

(2) **AVAILABILITY OF FUNDS.**—Amounts appropriated pursuant to the authorization under this subsection are authorized to remain available until expended.

(e) **TERMINATION.**—The Cyprus, Greece, Israel, and the United States 3+1 Interparliamentary Group shall terminate 4 years after the date of the enactment of this Act.

SEC. 1317. APPROPRIATE CONGRESSIONAL COMMITTEES.

22 USC 2373
note.

In this subtitle, the term “appropriate congressional committees” means—

- (1) the Committee on Foreign Relations, the Committee on Armed Services, and the Committee on Appropriations of the Senate; and
- (2) the Committee on Foreign Affairs, the Committee on Armed Services, and the Committee on Appropriations of the House of Representatives.

Subtitle C—Security Cooperation and Assistance

SEC. 1321. CLARIFICATION OF REQUIREMENTS FOR CONTRIBUTIONS BY PARTICIPANTS IN THE AMERICAN, BRITISH, CANADIAN, AND AUSTRALIAN ARMIES' PROGRAM.

Section 1274 of the National Defense Authorization Act for Fiscal Year 2013 (10 U.S.C. 2350a note) is amended—

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

“(c) CONTRIBUTIONS BY PARTICIPANTS.—

“(1) IN GENERAL.—An agreement under subsection (a) shall provide that—

“(A) the United States, as the host country for the Program, shall provide office facilities and related office equipment and supplies for the Program; and

“(B) each participating country shall contribute its equitable share of the remaining costs for the Program, including—

“(i) the agreed upon share of administrative costs related to the Program, except the costs for facilities and equipment and supplies described in subparagraph (A); and

“(ii) any amount allocated against the country for monetary claims as a result of participation in the Program, in accordance with the agreement.

“(2) EQUITABLE CONTRIBUTIONS.—The contributions, as allocated under paragraph (1) and set forth in an agreement under subsection (a), shall be considered equitable for purposes of this subsection and section 27(c) of the Arms Export Control Act (22 U.S.C. 2767(c)).

“(3) AUTHORIZED CONTRIBUTION.—An agreement under subsection (a) shall provide that each participating country may provide its contribution in funds, in personal property, in services required for the Program, or any combination thereof.

“(4) FUNDING FOR UNITED STATES CONTRIBUTION.—Any monetary contribution by the United States to the Program that is provided in funds shall be made from funds available to the Department of Defense for operation and maintenance.

“(5) CONTRIBUTIONS AND REIMBURSEMENTS FROM OTHER PARTICIPATING COUNTRIES.—

“(A) IN GENERAL.—The Secretary of Defense may accept from any other participating country a contribution or reimbursement of funds, personal property, or services made by the participating country in furtherance of the Program.

“(B) CREDIT TO APPROPRIATIONS.—Any contribution or reimbursement of funds received by the United States from any other participating country to meet that country's share of the costs of the Program shall be credited to the appropriations available to the appropriate military department, as determined by the Secretary of Defense.

“(C) TREATMENT OF PERSONAL PROPERTY.—Any contribution or reimbursement of personal property received under this paragraph may be—

“(i) retained and used by the Program in the form in which it was contributed;

“(ii) sold or otherwise disposed of in accordance with such terms, conditions, and procedures as the members of the Program consider appropriate, and any resulting proceeds shall be credited to appropriations of the appropriate military department, as described in subparagraph (B); or

“(iii) converted into a form usable by the Program.

“(D) USE OF CREDITED FUNDS.—

“(i) IN GENERAL.—Amounts credited under subparagraph (B) or (C)(ii) shall be—

“(I) merged with amounts in the appropriation concerned;

“(II) subject to the same conditions and limitations as amounts in such appropriation; and

“(III) available for payment of Program expenses described in clause (ii).

“(ii) PROGRAM EXPENSES DESCRIBED.—The Program expenses described in this clause include—

“(I) payments to contractors and other suppliers, including the Department of Defense and participating countries acting as suppliers, for necessary goods and services of the Program;

“(II) payments for any damages or costs resulting from the performance or cancellation of any contract or other obligation in support of the Program;

“(III) payments or reimbursements for other Program expenses; or

“(IV) refunds to other participating countries.”;

and

(2) by striking subsection (g).

SEC. 1322. FOREIGN AREA OFFICER ASSESSMENT AND REVIEW.

(a) FINDINGS.—Congress finds the following:

(1) Foreign Area Officers of the Army and their equivalent positions in the other Armed Forces (in this section referred to as “FAOs”) are trained to manage, grow, and enhance security cooperation relationships between the United States and foreign partners and to build the overall military capacity and capabilities of foreign partners.

(2) At present, some senior defense official positions in United States embassies are filled by officers lacking the necessary skills, training, and experience to strengthen the relationships between the United States and its critical partners and allies.

(3) FAOs are trained to fill those positions, and deficiencies in the equitable use, assessment, promotion, diversity and inclusion of such officers, as well as limitations on career opportunities, undermine the ability of the Department of Defense to strengthen partnerships and alliances of the United States.

(4) A federally funded research and development center can provide a roadmap to correcting these deficiencies, strengthening the FAO branch, and placing qualified FAOs in positions of positive influence over United States partnerships and alliances.

(b) ASSESSMENT AND REVIEW REQUIRED.—

Deadline.
Assessment.
Review.

(1) IN GENERAL.—Not later than 60 days after the date of the enactment of this Act, the Secretary of Defense shall enter into an agreement with a federally funded research and development center to conduct an independent assessment and comprehensive review of the process by which Foreign Area Officers and their equivalent positions in the other Armed Forces (in this section referred to as “FAOs”) are recruited, selected, trained, assigned, organized, promoted, retained, and used in security cooperation offices, senior defense roles in U.S. embassies, and in other critical roles of engagement with allies and partners.

Assessments.
Review.

(2) ELEMENTS.—The assessment and review conducted under paragraph (1) shall include the following:

(A) Identification and assessment of the number and location of senior defense official billets, including their grade structure and availability to FAOs.

(B) A review of the cultural, racial, and ethnic diversity of FAOs.

(C) An assessment of the assignment process for FAOs.

(D) A review and assessment of the promotion criteria, process, and possible pathways for career advancement for FAOs.

(E) A review of the organization and categorization of FAOs by geographic region.

(F) An assessment of the training program for FAOs and its effectiveness.

(G) An assessment of the available career paths for FAOs.

(H) An assessment of the criteria used to determine staffing requirements for senior defense official positions and security cooperation roles for uniformed officers.

(I) A review of the staffing of senior defense official and security cooperation roles and assessment to determine whether requirements are being met through the staffing process.

(J) An assessment of how the broader utilization of FAOs in key security cooperation and embassy defense leadership billets would improve the quality and professionalism of the security cooperation workforce under section 384 of title 10, United States Code.

(K) A review of how many FAO opportunities are joint-qualifying and an assessment of whether increasing the number of joint-qualified opportunities for FAOs would increase recruitment, retention, and promotion.

(L) Any other matters the Secretary determines relevant.

(c) RESULTS.—The federally funded research and development center conducting the assessment and review described in subsection (b) shall submit to the Secretary the results of such assessment and review, which shall include the following:

(1) A summary of the research and activities undertaken to carry out the assessment required by subsection (b).

(2) Considerations and recommendations, including legislative recommendations, to achieve the following:

(A) Improving the assessment, promotion, assignment selection, retention, and diversity of FAOs.

(B) Assigning additional FAOs to positions as senior defense officials.

(d) SUBMISSION TO CONGRESS.—

(1) IN GENERAL.—Not later than December 31, 2022, the Secretary shall submit to the Committees on Armed Services of the Senate and the House of Representatives— Deadline.

(A) an unaltered copy of the results submitted pursuant to subsection (c); and

(B) the written responses of the Secretary and the Chairman of the Joint Chiefs of Staff to such results.

(2) FORM.—The submission under paragraph (1) shall be submitted in unclassified form, but may include a classified annex.

SEC. 1323. STUDY ON CERTAIN SECURITY COOPERATION PROGRAMS.

(a) IN GENERAL.—Not later than 60 days after the date of the enactment of this Act, the Secretary of Defense shall enter into a contract with a federally funded research and development center with the appropriate expertise and analytical capability to carry out the study described in subsection (b). Deadline.

(b) STUDY.—The study described in this subsection shall— Assessments.

(1) provide for a comprehensive assessment of strategic and operational lessons collected from the war in Afghanistan that can be applied to existing and future security cooperation programs;

(2) identify metrics used in the war in Afghanistan to measure progress in partner capacity building and defense institution building and whether such metrics are sufficient for measuring progress in future security cooperation programs;

(3) assess challenges related to strategic planning for capacity building, baseline assessments of partner capacity, and issues related to project sustainment, and recommendations for how to manage such challenges;

(4) assess Department of Defense coordination with coalition partners engaged in partner capacity building and defense institution building efforts, and recommendations for how to improve such coordination;

(5) identify risks posed by rapid expansion or reductions in security cooperation, and recommendations for how to manage such risks;

(6) identify risks posed by corruption in security cooperation programs and recommendations for how to manage such risks;

(7) assess best practices and training improvements for managing cultural barriers in partner countries, and recommendations for how to promote cultural competency;

(8) assess the effectiveness of the Department of Defense in promoting the rights of women, including incorporating a gender perspective in security cooperation programs, in accordance with the Women, Peace and Security Strategic Framework and Implementation Plan issued by the Department of Defense in June 2020 and the Women, Peace, and Security Act of 2017 (Public Law 115–68);

(9) identify best practices to promote partner country ownership of long-term objectives of the United States including with respect to human rights, democratic governance, and the rule of law;

(10) assess challenges related to contractors of the Department of Defense, including cost, limited functions, and oversight; and

(11) assess best practices for sharing lessons on security cooperation with allies and partners.

(c) REPORT.—

(1) TO SECRETARY OF DEFENSE.—Not later than two years after the date on which a federally funded research and development center enters into a contract described in subsection (a), such center shall submit to the Secretary of Defense a report containing the results of the study required under this section.

(2) TO CONGRESS.— Not later than 30 days after the receipt of the report under paragraph (1), the Secretary of Defense shall submit to Congress such report, which shall be made public, together with any additional views or recommendations of the Secretary, which may be transmitted in a classified annex.

Deadline.
Time period.

SEC. 1324. NOTIFICATION RELATING TO OVERSEAS HUMANITARIAN, DISASTER, AND CIVIC AID FUNDS OBLIGATED IN SUPPORT OF OPERATION ALLIES WELCOME.

Not later than 30 days after the date of the enactment of this Act and every 120 days thereafter until all applicable funds have been obligated in support of Operation Allies Welcome or any successor operation, the Secretary of Defense shall submit to the congressional defense committees a notification that includes—

Costs.

(1) the costs associated with the provision of transportation, housing, medical services, and other sustainment expenses for Afghan special immigrant visa applicants and other Afghans at risk; and

(2) whether such funds were obligated under a reimbursable or nonreimbursable basis.

Subtitle D—Other Matters

SEC. 1331. EXTENSION AND MODIFICATION OF AUTHORITY FOR CERTAIN PAYMENTS TO REDRESS INJURY AND LOSS.

(a) EXTENSION.—Subsection (a) of section 1213 of the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116–92; 10 U.S.C. 2731 note) is amended by striking “December 31, 2022” and inserting “December 31, 2023”.

(b) MODIFICATION TO CONDITIONS ON PAYMENT.—Subsection (b) of such section is amended—

(1) in paragraph (1) to read as follows:

“(1) the prospective foreign civilian recipient is not otherwise ineligible for payment under any other provision of law;”;

(2) in paragraph (2), by striking “a claim” and inserting “a request”;

(3) in paragraph (4), by striking “the claimant” and inserting “the prospective foreign civilian recipient”; and

(4) in paragraph (5), by striking “the claimant” and inserting “the prospective foreign civilian recipient”.

(c) MODIFICATIONS TO QUARTERLY REPORT REQUIREMENT.—Subsection (g) of such section is amended—

(1) in paragraph (1)(B), by striking “claims” and inserting “requests”; and

(2) by adding at the end the following:

“(3) The status of Department of Defense efforts to establish the requests procedures required under subsection (d)(1) and to otherwise implement this section.”.

(d) MODIFICATION TO PROCEDURE TO SUBMIT REQUESTS.—Such section is further amended—

(1) by redesignating subsections (d) through (h) as subsections (e) through (i), respectively; and

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

“(d) PROCEDURES TO REVIEW ALLEGATIONS.—

“(1) PROCEDURES REQUIRED.—Not later than 180 days after the date of enactment of this subsection, the Secretary of Defense shall establish procedures to receive, evaluate, and respond to allegations of civilian harm resulting from military operations involving the United States Armed Forces, a coalition that includes the United States, or a military organization supporting the United States. Such responses may include—

Deadline.

“(A) a formal acknowledgement of such harm;

“(B) a nonmonetary expression of condolence; or

“(C) an ex gratia payment.

“(2) CONSULTATION.—In establishing the procedures under paragraph (1), the Secretary of Defense shall consult with the Secretary of State and with nongovernmental organizations that focus on addressing civilian harm in conflict.

“(3) POLICY UPDATES.—Not later than one year after the date of the enactment of this subsection, the Secretary of Defense shall ensure that procedures established under paragraph (1) are formalized through updates to the policy referred to in section 936 of the John S. McCain National Defense Authorization Act for Fiscal Year 2019 (Public Law 115–232; 10 U.S.C. 134 note).”.

Deadline.

(e) RULE OF CONSTRUCTION.—Nothing in this section or the amendments made by this section may be construed to require the Secretary of Defense to pause, suspend, or otherwise alter the provision of ex gratia payments in accordance with section 1213 of the National Defense Authorization Act for Fiscal Year 2020, as amended, in the course of developing the procedures required by subsection (d) of such section (as added by subsection (d) of this section).

10 USC 2731 note.

SEC. 1332. SECRETARY OF DEFENSE STRATEGIC COMPETITION INITIATIVE.

10 USC 301 note.

(a) IN GENERAL.—The Secretary of Defense, with the concurrence of the Secretary of State, may provide funds for one or more Department of Defense activities or programs described in subsection (b) that advance United States national security objectives for strategic competition by supporting Department of Defense efforts to compete below the threshold of armed conflict and by supporting other Federal departments and agencies in advancing United States strategic interests.

(b) AUTHORIZED ACTIVITIES AND PROGRAMS.—Activities and programs for which funds may be provided under subsection (a) are the following:

(1) The provision of funds to pay for personnel expenses of foreign defense or security personnel for bilateral or regional

security cooperation programs and joint exercises, in accordance with section 321 of title 10, United States Code.

(2) Activities to build the institutional capacity of foreign national security forces, including efforts to counter corruption, in accordance with section 332 of title 10, United States Code.

(3) Activities to build the capabilities of the United States joint force and the security forces of United States allies and partners relating to irregular warfare.

(4) Activities to expose and disprove foreign malign influence and disinformation, and to expose and deter coercion and subversion.

(c) FUNDING.—Amounts made available for activities carried out pursuant to subsection (a) in a fiscal year may be derived only from amounts authorized to be appropriated for such fiscal year for the Department of Defense for operation and maintenance, Defense-wide.

(d) RELATIONSHIP TO OTHER FUNDING.—Any amount provided by the Secretary of Defense during any fiscal year pursuant to subsection (a) for an activity or program described in subsection (b) shall be in addition to amounts otherwise available for that activity or program for that fiscal year.

(e) USE OF FUNDS.—

(1) LIMITATIONS.—Of funds made available under this section for any fiscal year—

(A) not more than \$20,000,000 in each fiscal year is authorized to be obligated and expended under this section; and

(B) not more than \$3,000,000 may be used to pay for personnel expenses under subsection (b)(1).

(2) PROHIBITION.—Funds may not be provided under this section for any activity that has been denied authorization by Congress.

(f) ANNUAL REPORT.—Not less frequently than annually, the Secretary of Defense shall submit to the congressional defense committees and the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives a report on the use of the authority under subsection (a).

(g) PLAN FOR STRATEGIC COMPETITION INITIATIVE FOR U.S. SOUTHERN COMMAND AND U.S. AFRICA COMMAND.—

(1) IN GENERAL.—The Secretary of Defense shall develop and submit to the congressional defense committees a plan for an initiative to support programs and activities for strategic competition in the areas of responsibility of United States Southern Command and United States Africa Command.

(2) REPORT.—Not later than 120 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees the plan developed under paragraph (1).

(h) TERMINATION.—The authority under subsection (a) shall terminate on September 30, 2024.

SEC. 1333. EXTENSION AND MODIFICATION OF DEPARTMENT OF DEFENSE SUPPORT FOR STABILIZATION ACTIVITIES IN NATIONAL SECURITY INTEREST OF THE UNITED STATES.

Section 1210A of the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116–92; 133 Stat. 1626) is amended—

(1) in subsection (a), by striking “for the stabilization activities of other Federal agencies specified in subsection (c)(1)” and inserting “to other Federal agencies specified in subsection (c)(1) for the stabilization activities of such agencies”;

(2) in subsection (b), by amending paragraph (1) to read as follows:

“(1) IN GENERAL.—Amounts authorized to be provided pursuant to this section shall be available only for support for stabilization activities—

“(A)(i) in a country specified in paragraph (2); and

“(ii) that the Secretary of Defense, with the concurrence of the Secretary of State, has determined are in the national security interest of the United States; or

“(B) in a country that—

“(i)(I) has been selected as a priority country under section 505 of the Global Fragility Act of 2019 (22 U.S.C. 9804); or

“(II) is located in a region that has been selected as a priority region under section 505 of such Act; and

“(ii) has Department of Defense resource or personnel presence to support such activities.”;

(3) in the first sentence of subsection (c)(1), by striking “Support may be provided for stabilization activities under subsection (a)” and inserting “Support under subsection (a) may be provided”;

(4) in subsection (g)(1), by striking “, Defense-wide”; and

(5) in subsection (h), by striking “December 31, 2021” and inserting “December 31, 2023”.

SEC. 1334. PILOT PROGRAM TO SUPPORT THE IMPLEMENTATION OF THE WOMEN, PEACE, AND SECURITY ACT OF 2017.

Section 1210E of the William M. (Mac) Thornberry National Defense Authorization Act for Fiscal Year 2021 (Public Law 116–283) is amended by—

(1) redesignating subsection (f) as subsection (h); and

(2) by inserting after subsection (e) the following new subsections (f) and (g):

“(f) PILOT PROGRAM.—

“(1) ESTABLISHMENT.—The Secretary of Defense, in consultation with the Secretary of State, shall establish and carry out a pilot program for the purpose of conducting partner country assessments described in subsection (b)(2).

“(2) CONTRACT AUTHORITY.—The Secretary of Defense, in consultation with the Secretary of State, shall seek to enter into one or more contracts with a nonprofit organization or a federally funded research and development center independent of the Department for the purpose of conducting such partner country assessments.

“(3) SELECTION OF COUNTRIES.—

“(A) IN GENERAL.—The Secretary of Defense, in consultation with the commanders of the combatant commands and relevant United States ambassadors, shall select one partner country within the area of responsibility of each geographic combatant command for participation in the pilot program.

Consultation.
Assessments.

Consultation.

Consultation.

“(B) CONSIDERATIONS.—In making the selection under subparagraph (A), the Secretary of Defense shall consider—

“(i) the demonstrated political commitment of the partner country to increasing the participation of women in the security sector; and

“(ii) the national security priorities and theater campaign strategies of the United States.

“(4) PARTNER COUNTRY ASSESSMENTS.—Partner country assessments conducted under the pilot program shall be—

“(A) adapted to the local context of the partner country being assessed;

“(B) conducted in collaboration with the security sector of the partner country being assessed; and

“(C) based on tested methodologies.

Consultation.

“(5) REVIEW AND ASSESSMENT.—With respect to each partner country assessment conducted under the pilot program, the Secretary of Defense, in consultation with the Secretary of State, shall—

Review.

“(A) review the methods of research and analysis used by any entity contracted with under paragraph (2) in conducting the assessment and identify lessons learned from such review; and

Assessment.

“(B) assess the ability of the Department to conduct future partner country assessments without entering into such a contract, including by assessing potential costs and benefits for the Department that may arise in conducting such future assessments.

“(6) FINDINGS.—

Consultation.

“(A) IN GENERAL.—The Secretary of Defense, in consultation with the Secretary of State, shall use findings from each partner country assessment to inform effective security cooperation activities and security sector assistance interventions by the United States in the partner country assessed, which shall be designed to substantially increase opportunities for the recruitment, employment, development, retention, deployment, and promotion of women in the national security forces of such partner country (including for deployments to peace operations and for participation in counterterrorism operations and activities).

“(B) MODEL METHODOLOGY.—The Secretary of Defense, in consultation with the Secretary of State, shall develop, based on the findings of the pilot program, a model barrier assessment methodology for use across the geographic combatant commands.

“(7) REPORTS.—

“(A) IN GENERAL.—Not later than 2 years after the date of the enactment of the National Defense Authorization Act for Fiscal Year 2022, the Secretary of Defense, in consultation with the Secretary of State, shall submit to the appropriate committees of Congress an initial report on the implementation of the pilot program under this subsection that includes an identification of the partner countries selected for participation in the program and the justifications for such selections.

“(B) **METHODOLOGY.**—On the date on which the Secretary of Defense determines the pilot program to be complete, the Secretary of Defense, in consultation with the Secretary of State, shall submit to the appropriate committees of Congress a report on the model barrier assessment methodology developed under paragraph (6)(B).

Determination.
Consultation.

“(g) **BRIEFING.**—Not later than 1 year after the date of the enactment of the National Defense Authorization Act for Fiscal Year 2022, the Director of the Defense Security Cooperation Agency shall provide to the appropriate committees of Congress a briefing on the efforts to build partner defense institution and security force capacity pursuant to this section.”.

Deadline.

SEC. 1335. ANNUAL REPORT ON COMPREHENSIVE NUCLEAR-TEST-BAN TREATY SENSORS.

22 USC 2595d.

(a) **REQUIREMENT.**—Not later than 90 days after the date of the enactment of this Act, and not later than September 1 of each subsequent year, the Secretary of State shall submit to the appropriate congressional committees a report on the sensors used in the international monitoring system of the Comprehensive Nuclear-Test-Ban Treaty Organization. Each such report shall include, with respect to the period covered by the report—

(1) the number of incidents where such sensors are disabled, turned off, or experience “technical difficulties”; and

(2) with respect to each such incident—

(A) the location of the sensor;

(B) the duration of the incident; and

(C) whether the Secretary determines there is reason to believe that the incident was a deliberate act on the part of the host nation.

(b) **APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.**—In this section, the term “appropriate congressional committees” means—

(1) the Committee on Foreign Affairs and the Committee on Armed Services of the House of Representatives; and

(2) the Committee on Foreign Relations and the Committee on Armed Services of the Senate.

SEC. 1336. SECURITY ASSISTANCE IN NORTHERN TRIANGLE COUNTRIES.

(a) **CERTIFICATION RELATING TO ASSISTANCE FOR GUATEMALA.**—Prior to the transfer of any vehicles by the Department of Defense to a joint task force of the Ministry of Defense or Ministry of the Interior of Guatemala during fiscal year 2022, the Secretary of Defense shall certify to the congressional defense committees that such ministries have made a credible commitment to use such equipment only for the uses for which they were intended.

(b) **REPORT ON SECURITY COOPERATION WITH NORTHERN TRIANGLE COUNTRIES.**—

(1) **IN GENERAL.**—Not later than June 30, 2022, the Secretary of Defense shall submit to the congressional defense committees a report that includes the following:

(A) A description of any ongoing or planned security cooperation activities between the United States and the Northern Triangle countries focused on protection of human rights and adherence to the rule of law.

(B) A description of efforts to investigate credible information on gross violations of human rights by the

military or national security forces of the governments of Northern Triangle countries since January 1, 2017, consistent with applicable law, including the possible use in committing such violations of defense articles provided by the United States.

(2) FORM.—The report required by paragraph (1) shall be submitted in unclassified form but may contain a classified annex.

(c) GAO REPORT.—

(1) Not later than June 30, 2022, the Comptroller General shall submit to the congressional defense committees a report containing an evaluation of the Department of Defense’s end-use monitoring procedures for tracking credible information regarding the misuse by Northern Triangle countries of equipment provided by the Department of Defense, including—

(A) the Department’s review of any credible information related to the misuse of Department of Defense-provided vehicles to Northern Triangle countries since 2018; and

(B) a description of any remediation activities undertaken by the Department of Defense and Northern Triangle countries in response to any such misuse.

(d) STRATEGIC EVALUATION OF SECURITY COOPERATION WITH NORTHERN TRIANGLE COUNTRIES.—

Deadlines.

(1) IN GENERAL.—Not later than March 31, 2022, the Secretary of Defense shall enter into an agreement with an appropriate federally funded research and development center to complete an evaluation, not later than June 30, 2024, of Department of Defense security cooperation programs in United States Southern Command area of responsibility that includes—

(A) how such programs in general and in Northern Triangle countries in particular advance U.S. Southern Command’s Theater Campaign Plan;

(B) how such programs in general and in Northern Triangle countries in particular promote the rule of law and human rights in the United States Southern Command area of responsibility;

(C) how such programs in general and in Northern Triangle countries in particular advance the objectives of the National Defense Strategy; and

(D) any other matters the Secretary deems appropriate.

(2) REPORT.—The Secretary of Defense shall submit to the congressional defense committees a report that includes the evaluation completed by the federally funded research and development center selected pursuant to paragraph (1) within 30 days of receiving such evaluation.

(3) FORM.—The report required by subsection (2) shall be submitted in unclassified form and posted on the Department of Defense’s public website, but may contain a classified annex.

(e) NORTHERN TRIANGLE COUNTRIES DEFINED.—In this section, the term “Northern Triangle countries” means El Salvador, Guatemala, and Honduras.

SEC. 1337. REPORT ON HUMAN RIGHTS IN COLOMBIA.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense, in coordination

with the Secretary of State, shall submit to the appropriate congressional committees a report that includes the following:

(1) A detailed summary of the security cooperation relationship between the United States and Colombia, including a description of United States objectives, any ongoing or planned security cooperation activities with the military or other security forces of Colombia, an assessment of the capabilities of the military or other security forces of Colombia, and a description of the capabilities of the military or other security forces of Colombia that the Department of Defense has identified as a priority for further capability building efforts.

(2) A description of any ongoing or planned cooperative activities between the United States and Colombia focused on human rights and adherence to the rule of law, and a description of the manner and extent to which the security cooperation strategy between the United States and Colombia seeks to build the institutional capacity of the Colombian military or other Colombian security forces to respect human rights and encourage accountability.

(b) DEFINITION.—In this section, the term “appropriate congressional committees” means—

(1) the Committee on Armed Services and the Committee on Foreign Affairs of the House of Representatives; and

(2) the Committee on Armed Services and the Committee on Foreign Relations of the Senate.

SEC. 1338. REPORT ON EFFORTS BY THE PEOPLE’S REPUBLIC OF CHINA TO EXPAND ITS PRESENCE AND INFLUENCE IN LATIN AMERICA AND THE CARIBBEAN.

(a) REPORT.—Not later than June 30, 2022, the Secretary of State, in coordination with the Secretary of Defense and in consultation with the heads of other appropriate Federal departments and agencies, as necessary, shall submit to the appropriate congressional committees a report that identifies efforts by the Government of the People’s Republic of China to expand its presence and influence in Latin America and the Caribbean through diplomatic, military, economic, and other means, and describes the implications of such efforts on the national defense and security interests of the United States.

(b) ELEMENTS.—The report required by subsection (a) shall also include the following:

(1) An identification of—

(A) the countries of Latin America and the Caribbean with which the Government of the People’s Republic of China maintains especially close diplomatic, military, and economic relationships;

(B) the number and contents of strategic partnership agreements or similar agreements, including any non-public, secret, or informal agreements, that the Government of the People’s Republic of China has established with countries and regional organizations of Latin America and the Caribbean;

(C) the countries of Latin America and the Caribbean that have joined the Belt and Road Initiative or the Asian Infrastructure Investment Bank;

(D) the countries of Latin America and the Caribbean to which the Government of the People’s Republic of China

provides foreign assistance or disaster relief (including access to COVID–19 vaccines), including a description of the amount and purpose of, and any conditions attached to, such assistance;

(E) countries and regional organizations of Latin America and the Caribbean in which the Government of the People’s Republic of China, including its state-owned or state-directed enterprises and banks, have undertaken significant investments, or infrastructure projects, and correspondent banking and lending activities, at the regional, national, or subnational levels;

(F) recent visits by senior officials of the Government of the People’s Republic of China, including its state-owned or state-directed enterprises, to Latin America and the Caribbean, and visits by senior officials from Latin America and the Caribbean to the People’s Republic of China;

(G) the existence of any defense exchanges, military or police education or training, and exercises between any military or police organization of the Government of the People’s Republic of China and military, police, or security-oriented organizations of countries of Latin America and the Caribbean;

(H) countries and regional organizations of Latin America and the Caribbean that maintain diplomatic relations with Taiwan; and

(I) any steps that the Government of the People’s Republic of China has taken to encourage countries and regional organizations of Latin America and the Caribbean to switch diplomatic relations to the People’s Republic of China instead of Taiwan.

(2) A detailed description of—

(A) the relationship between the Government of the People’s Republic of China and the Government of Venezuela and the Government of Cuba;

(B) military installations, assets, and activities of the Government of the People’s Republic of China in Latin America and the Caribbean that currently exist or are planned for the future;

(C) sales or transfers of defense articles and services by the Government of the People’s Republic of China to countries of Latin America and the Caribbean;

(D) a comparison of sales and transfers of defense articles and services to countries of Latin America and the Caribbean by the Government of the People’s Republic of China, the Russian Federation, and the United States;

(E) any other form of military, paramilitary, or security cooperation between the Government of the People’s Republic of China and the governments of countries of Latin America and the Caribbean;

(F) the nature, extent, and purpose of the Government of the People’s Republic of China’s intelligence activities in Latin America and the Caribbean;

(G) the role of the Government of the People’s Republic of China in transnational crime in Latin America and the Caribbean, including trafficking and money laundering, as well as any links to the People’s Liberation Army;

(H) efforts by the Government of the People's Republic of China to expand the reach and influence of its financial system within Latin America and the Caribbean, through banking activities and payments systems and through goods and services related to the use of the digital yuan; and

(I) efforts by the Government of the People's Republic of China to build its media presence in Latin America and the Caribbean, and any government-directed disinformation or information warfare campaigns in the region, including for military purposes or with ties to the People's Liberation Army.

(3) An assessment of—

(A) the specific objectives that the Government of the People's Republic of China seeks to achieve by expanding its presence and influence in Latin America and the Caribbean, including any objectives articulated in official documents or statements;

(B) whether certain investments by the Government of the People's Republic of China, including in port projects, canal projects, and telecommunications projects in Latin America and the Caribbean, could have military uses or dual use capability or could enable the Government of the People's Republic of China to monitor or intercept United States or host nation communications;

(C) the degree to which the Government of the People's Republic of China uses its presence and influence in Latin America and the Caribbean to encourage, pressure, or coerce governments in the region to support its defense and national security goals, including policy positions taken by the Government of the People's Republic of China at international institutions;

(D) documented instances of governments of countries of Latin America and the Caribbean silencing, or attempting to silence, local critics of the Government of the People's Republic of China, including journalists, academics, and civil society representatives, in order to placate the Government of the People's Republic of China;

(E) the rationale for the Government of the People's Republic of China becoming an observer at the Organization of American States;

(F) the relationship between the Government of the People's Republic of China and the Community of Latin American and Caribbean States (CELAC), a regional organization that excludes the United States, and the role of the China-CELAC Forum in coordinating such relationship; and

(G) the specific actions and activities undertaken by the Government of the People's Republic of China in Latin America and the Caribbean that present the greatest threat or challenge to the United States' defense and national security interests in the region.

(4) Any other matters the Secretary of State determines is appropriate.

(c) FORM.—The report required by subsection (a) shall be submitted in unclassified form without any designation relating to dissemination control, but may include a classified annex.

(d) DEFINITIONS.—In this section:

(1) The term “appropriate congressional committees” means—

(A) the Committee on Armed Services and the Committee on Foreign Affairs of the House of Representatives; and

(B) the Committee on Armed Services and the Committee on Foreign Relations of the Senate.

(2) The terms “Latin America and the Caribbean” and “countries of Latin America and the Caribbean” mean the countries and non-United States territories of South America, Central America, the Caribbean, and Mexico.

SEC. 1339. EXTENSION OF PROHIBITION ON IN-FLIGHT REFUELING TO NON-UNITED STATES AIRCRAFT THAT ENGAGE IN HOSTILITIES IN THE ONGOING CIVIL WAR IN YEMEN.

Section 1273(a) of the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116–92; 133 Stat. 1699) is amended by striking “two-year period” and inserting “four-year period”.

SEC. 1340. STATEMENT OF POLICY AND REPORT ON YEMEN.

22 USC 2151
note.

(a) STATEMENT OF POLICY.—It is the policy of the United States—

(1) to continue to support and further efforts to bring an end to the conflict in Yemen;

(2) to support efforts so that United States defense articles and services are not used for military operations resulting in civilian casualties; and

(3) to work with allies and partners to address the ongoing humanitarian needs of Yemeni civilians.

(b) REPORT.—

(1) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Secretary of State, in coordination with the Secretary of Defense, shall submit to the appropriate congressional committees a report on whether the Government of Saudi Arabia has undertaken offensive airstrikes inside Yemen in the preceding year resulting in civilian casualties.

(2) MATTERS TO BE INCLUDED.—The report required by this subsection shall include the following:

(A) A full description of any such airstrikes, including a detailed accounting of civilian casualties incorporating information from non-governmental sources.

(B) An identification of Government of Saudi Arabia air units responsible for any such airstrikes.

(C) A description of aircraft and munitions used in any such airstrikes.

(3) FORM.—The report required by this subsection shall be submitted in unclassified form, but may contain a classified annex if necessary.

(4) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this subsection, the term “appropriate congressional committees” means—

(A) the Committee on Foreign Relations, the Committee on Armed Services, and the Select Committee on Intelligence of the Senate; and

(B) the Committee on Foreign Affairs, the Committee on Armed Services, and the Permanent Select Committee on Intelligence of the House of Representatives.

SEC. 1341. LIMITATION ON SUPPORT TO MILITARY FORCES OF THE KINGDOM OF MOROCCO FOR MULTILATERAL EXERCISES.

(a) **IN GENERAL.**—None of the funds authorized to be appropriated by this Act or otherwise made available to the Department of Defense for fiscal year 2022 may be used by the Secretary of Defense to support the participation of the military forces of the Kingdom of Morocco in any multilateral exercise administered by the Department of Defense unless the Secretary determines, in consultation with the Secretary of State, that the Kingdom of Morocco is committed to seeking a mutually acceptable political solution in Western Sahara.

(b) **WAIVER.**—The Secretary may waive application of the limitation under subsection (a) if the Secretary submits to the congressional defense committees a written determination and justification that the waiver is important to the national security interests of the United States.

Determination.

TITLE XIV—OTHER AUTHORIZATIONS

Subtitle A—Military Programs

Sec. 1401. Working capital funds.

Sec. 1402. Chemical Agents and Munitions Destruction, Defense.

Sec. 1403. Drug Interdiction and Counter-Drug Activities, Defense-Wide.

Sec. 1404. Defense Inspector General.

Sec. 1405. Defense Health Program.

Subtitle B—Other Matters

Sec. 1411. Acquisition of strategic and critical materials from the national technology and industrial base.

Sec. 1412. Authorization to loan materials in National Defense Stockpile.

Sec. 1413. Authority for transfer of funds to joint Department of Defense-Department of Veterans Affairs Medical Facility Demonstration Fund for Captain James A. Lovell Health Care Center, Illinois.

Sec. 1414. Authorization of appropriations for Armed Forces Retirement Home.

Subtitle A—Military Programs

SEC. 1401. WORKING CAPITAL FUNDS.

Funds are hereby authorized to be appropriated for fiscal year 2022 for the use of the Armed Forces and other activities and agencies of the Department of Defense for providing capital for working capital and revolving funds, as specified in the funding table in section 4501.

SEC. 1402. CHEMICAL AGENTS AND MUNITIONS DESTRUCTION, DEFENSE.

(a) **AUTHORIZATION OF APPROPRIATIONS.**—Funds are hereby authorized to be appropriated for the Department of Defense for fiscal year 2022 for expenses, not otherwise provided for, for Chemical Agents and Munitions Destruction, Defense, as specified in the funding table in section 4501.

(b) **USE.**—Amounts authorized to be appropriated under subsection (a) are authorized for—

(1) the destruction of lethal chemical agents and munitions in accordance with section 1412 of the Department of Defense Authorization Act, 1986 (50 U.S.C. 1521); and

(2) the destruction of chemical warfare materiel of the United States that is not covered by section 1412 of such Act.

SEC. 1403. DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES, DEFENSE-WIDE.

Funds are hereby authorized to be appropriated for the Department of Defense for fiscal year 2022 for expenses, not otherwise provided for, for Drug Interdiction and Counter-Drug Activities, Defense-wide, as specified in the funding table in section 4501.

SEC. 1404. DEFENSE INSPECTOR GENERAL.

Funds are hereby authorized to be appropriated for the Department of Defense for fiscal year 2022 for expenses, not otherwise provided for, for the Office of the Inspector General of the Department of Defense, as specified in the funding table in section 4501.

SEC. 1405. DEFENSE HEALTH PROGRAM.

Funds are hereby authorized to be appropriated for fiscal year 2022 for the Defense Health Program for use of the Armed Forces and other activities and agencies of the Department of Defense for providing for the health of eligible beneficiaries, as specified in the funding table in section 4501.

Subtitle B—Other Matters

SEC. 1411. ACQUISITION OF STRATEGIC AND CRITICAL MATERIALS FROM THE NATIONAL TECHNOLOGY AND INDUSTRIAL BASE.

The Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98 et seq.) is amended—

(1) in section 6(b)(2), by inserting “to consult with producers and processors of such materials” before “to avoid”;

(2) in section 12, by adding at the end the following new paragraph:

“(3) The term ‘national technology and industrial base’ has the meaning given such term in section 2500 of title 10, United States Code.”; and

(3) in section 15(a)—

(A) in paragraph (3), by striking “and” at the end;

(B) in paragraph (4), by striking the period at the end and inserting “; and”; and

(C) by adding at the end the following new paragraph:

“(5) if domestic sources are unavailable to meet the requirements defined in paragraphs (1) through (4), by making efforts to prioritize the purchase of strategic and critical materials from the national technology and industrial base.”.

SEC. 1412. AUTHORIZATION TO LOAN MATERIALS IN NATIONAL DEFENSE STOCKPILE.

Section 6 of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98e) is amended by adding at the end the following new subsection:

“(f) The President may loan stockpile materials to the Department of Energy or the military departments if the President—

President.
Notifications.
Deadline.

“(1) has a reasonable assurance that stockpile materials of a similar or superior quantity and quality to the materials loaned will be returned to the stockpile or paid for;

“(2) notifies the congressional defense committees (as defined in section 101(a) of title 10, United States Code), in writing, not less than 30 days before making any such loan; and

“(3) includes in the written notification under paragraph (2) sufficient support for the assurance described in paragraph (1).”.

SEC. 1413. AUTHORITY FOR TRANSFER OF FUNDS TO JOINT DEPARTMENT OF DEFENSE-DEPARTMENT OF VETERANS AFFAIRS MEDICAL FACILITY DEMONSTRATION FUND FOR CAPTAIN JAMES A. LOVELL HEALTH CARE CENTER, ILLINOIS.

(a) **AUTHORITY FOR TRANSFER OF FUNDS.**—Of the funds authorized to be appropriated for section 1405 and available for the Defense Health Program for operation and maintenance, \$137,000,000 may be transferred by the Secretary of Defense to the Joint Department of Defense–Department of Veterans Affairs Medical Facility Demonstration Fund established by subsection (a)(1) of section 1704 of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84; 123 Stat. 2571). For purposes of subsection (a)(2) of such section 1704, any funds so transferred shall be treated as amounts authorized and appropriated specifically for the purpose of such a transfer.

(b) **USE OF TRANSFERRED FUNDS.**—For the purposes of subsection (b) of such section 1704, facility operations for which funds transferred under subsection (a) may be used are operations of the Captain James A. Lovell Federal Health Care Center, consisting of the North Chicago Veterans Affairs Medical Center, the Navy Ambulatory Care Center, and supporting facilities designated as a combined Federal medical facility under an operational agreement covered by section 706 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110–417; 122 Stat. 4500).

SEC. 1414. AUTHORIZATION OF APPROPRIATIONS FOR ARMED FORCES RETIREMENT HOME.

There is hereby authorized to be appropriated for fiscal year 2022 from the Armed Forces Retirement Home Trust Fund the sum of \$75,300,000 for the operation of the Armed Forces Retirement Home.

TITLE XV—CYBERSPACE-RELATED MATTERS

Subtitle A—Matters Related to Cyber Operations and Cyber Forces

Sec. 1501. Development of taxonomy of cyber capabilities.

Sec. 1502. Extension of sunset for pilot program on regional cybersecurity training center for the Army National Guard.

Sec. 1503. Modification of the Principal Cyber Advisor.

Sec. 1504. Evaluation of Department of Defense cyber governance.

Sec. 1505. Operational technology and mission-relevant terrain in cyberspace.

Sec. 1506. Matters concerning cyber personnel requirements.

- Sec. 1507. Assignment of certain budget control responsibilities to commander of United States Cyber Command.
- Sec. 1508. Coordination between United States Cyber Command and private sector.
- Sec. 1509. Assessment of cyber posture and operational assumptions and development of targeting strategies and supporting capabilities.
- Sec. 1510. Assessing capabilities to counter adversary use of ransomware, capabilities, and infrastructure.
- Sec. 1511. Comparative analysis of cybersecurity capabilities.
- Sec. 1512. Eligibility of owners and operators of critical infrastructure to receive certain Department of Defense support and services.
- Sec. 1513. Report on potential Department of Defense support and assistance for increasing the awareness of the Cybersecurity and Infrastructure Security Agency of cyber threats and vulnerabilities affecting critical infrastructure.

Subtitle B—Matters Related to Department of Defense Cybersecurity and Information Technology

- Sec. 1521. Enterprise-wide procurement of cyber data products and services.
- Sec. 1522. Legacy information technologies and systems accountability.
- Sec. 1523. Update relating to responsibilities of Chief Information Officer.
- Sec. 1524. Protective Domain Name System within the Department of Defense.
- Sec. 1525. Cybersecurity of weapon systems.
- Sec. 1526. Assessment of controlled unclassified information program.
- Sec. 1527. Cyber data management.
- Sec. 1528. Zero trust strategy, principles, model architecture, and implementation plans.
- Sec. 1529. Demonstration program for automated security validation tools.
- Sec. 1530. Improvements to consortium of universities to advise Secretary of Defense on cybersecurity matters.
- Sec. 1531. Digital development infrastructure plan and working group.
- Sec. 1532. Study regarding establishment within the Department of Defense of a designated central program office to oversee academic engagement programs relating to establishing cyber talent across the Department.
- Sec. 1533. Report on the Cybersecurity Maturity Model Certification program.
- Sec. 1534. Deadline for reports on assessment of cyber resiliency of nuclear command and control system.

Subtitle C—Matters Related to Federal Cybersecurity

- Sec. 1541. Capabilities of the Cybersecurity and Infrastructure Security Agency to identify threats to industrial control systems.
- Sec. 1542. Cybersecurity vulnerabilities.
- Sec. 1543. Report on cybersecurity vulnerabilities.
- Sec. 1544. Competition relating to cybersecurity vulnerabilities.
- Sec. 1545. Strategy.
- Sec. 1546. Cyber incident response plan.
- Sec. 1547. National cyber exercise program.
- Sec. 1548. CyberSentry program of the Cybersecurity and Infrastructure Security Agency.
- Sec. 1549. Strategic assessment relating to innovation of information systems and cybersecurity threats.
- Sec. 1550. Pilot program on public-private partnerships with internet ecosystem companies to detect and disrupt adversary cyber operations.
- Sec. 1551. United States-Israel cybersecurity cooperation.
- Sec. 1552. Authority for National Cyber Director to accept details on nonreimbursable basis.

Subtitle A—Matters Related to Cyber Operations and Cyber Forces

SEC. 1501. DEVELOPMENT OF TAXONOMY OF CYBER CAPABILITIES.

Deadline.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall develop a taxonomy of cyber capabilities, including software, hardware, middleware, code, other information technology, and accesses, designed for use in cyber effects operations.

(b) REPORT.—

(1) **IN GENERAL.**—Not later than 30 days after the development of the taxonomy of cyber capabilities required under subsection (a), the Secretary of Defense shall submit to the congressional defense committees a report regarding such taxonomy.

(2) **ELEMENTS.**—The report required under paragraph (1) shall include the following:

(A) The definitions associated with each category contained within the taxonomy of cyber capabilities developed pursuant to subsection (a).

(B) Recommendations for improved reporting mechanisms to Congress regarding such taxonomy of cyber capabilities, using amounts from the Cyberspace Activities Budget of the Department of Defense.

(C) Recommendations for modifications to the notification requirement under section 396 of title 10, United States Code, in order that such notifications would include information relating to such taxonomy of cyber capabilities, including with respect to both physical and nonphysical cyber effects.

(D) Any other elements the Secretary determines appropriate.

Recommendations.

Recommendations.
Notifications.

Determination.

SEC. 1502. EXTENSION OF SUNSET FOR PILOT PROGRAM ON REGIONAL CYBERSECURITY TRAINING CENTER FOR THE ARMY NATIONAL GUARD.

Section 1651(e) of the John S. McCain National Defense Authorization Act for Fiscal Year 2019 (Public Law 115–232; 32 U.S.C. 501 note) is amended by striking “2022” and inserting “2024”.

SEC. 1503. MODIFICATION OF THE PRINCIPAL CYBER ADVISOR.

(a) **IN GENERAL.**—Paragraph (1) of section 932(c) of the National Defense Authorization Act for Fiscal Year 2014 (Public Law 113–66; 10 U.S.C. 2224 note) is amended to read as follows:

“(1) **DESIGNATION.**—(A) The Secretary shall designate, from among the personnel of the Office of the Under Secretary of Defense for Policy, a Principal Cyber Advisor to act as the principal advisor to the Secretary on military cyber forces and activities.

“(B) The Secretary may only designate an official under this paragraph if such official was appointed to the position in which such official serves by and with the advice and consent of the Senate.”.

(b) **DESIGNATION OF DEPUTY PRINCIPAL CYBER ADVISOR.**—Section 905(a)(1) of the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116–92; 10 U.S.C. 391 note) is amended by striking “Office of the Secretary of Defense” and inserting “Office of the Under Secretary of Defense for Policy”.

(c) **BRIEFING.**—Not later than 90 days after the date of the enactment of this Act, the Deputy Secretary of Defense shall brief the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives on such recommendations as the Deputy Secretary may have for alternate reporting structures for the Principal Cyber Advisor and the Deputy Principal Cyber Advisor within the Office of the Under Secretary for Policy.

Deadline.
Recommendations.

SEC. 1504. EVALUATION OF DEPARTMENT OF DEFENSE CYBER GOVERNANCE.

Deadline. Review.	(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall complete an evaluation and review of the Department of Defense’s current cyber governance construct.
Review.	(b) SCOPE.—The evaluation and review conducted pursuant to subsection (a) shall—
Assessment.	(1) assess the performance of the Department of Defense in carrying out the pillars of the cyber strategy and lines of efforts established in the most recent cyber posture review, including— (A) conducting military cyberspace operations of offensive, defensive, and protective natures; (B) securely operating technologies associated with information networks, industrial control systems, operational technologies, weapon systems, and weapon platforms; and (C) enabling, encouraging, and supporting the security of international, industrial, and academic partners;
Assessment.	(2) analyze and assess the current institutional constructs across the Office of the Secretary of Defense, Joint Staff, military services, and combatant commands involved with and responsible for the execution of and civilian oversight for the responsibilities specified in paragraph (1);
Assessment.	(3) analyze and assess the delineation of responsibilities within the current institutional construct within the Office of the Secretary of Defense for addressing the objectives of the 2018 Department of Defense Cyber Strategy and any superseding strategies, as well as identifying potential seams in responsibility;
	(4) examine the Department’s policy, legislative, and regulatory regimes related to cyberspace and cybersecurity matters, including the 2018 Department of Defense Cyber Strategy and any superseding strategies, for sufficiency in carrying out the responsibilities specified in paragraph (1);
	(5) examine the Office of the Secretary of Defense’s current alignment for the integration and coordination of cyberspace activities with other aspects of information operations, including information warfare and electromagnetic spectrum operations;
	(6) examine the current roles and responsibilities of each Principal Staff Assistant to the Secretary of Defense as such relate to the responsibilities specified in paragraph (1), and identify redundancy, duplication, or matters requiring deconfliction or clarification;
	(7) evaluate and, as appropriate, implement relevant managerial innovation from the private sector in the management of complex missions, including enhanced cross-functional teaming;
	(8) evaluate the state of collaboration among each Principal Staff Assistant in matters related to acquisition of cyber capabilities and other enabling technologies supporting the responsibilities specified in paragraph (1);
Assessment.	(9) analyze and assess the Department’s performance in and posture for building and retaining the requisite workforce

necessary to perform the responsibilities specified in paragraph (1);

(10) determine optimal governance structures related to the management and advancement of the Department’s cyber workforce, including those structures defined under and evaluated pursuant to section 1649 of the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116–92) and section 1726 of the National Defense Authorization Act for Fiscal Year 2021 (Public Law 116–283);

Determination.

(11) develop policy and legislative recommendations, as appropriate, to delineate and deconflict the roles and responsibilities of United States Cyber Command in defending and protecting the Department of Defense Information Network (DoDIN), with the responsibility of the Chief Information Officer, the Defense Information Systems Agency, and the military services to securely operate technologies described in paragraph (1)(B);

(12) develop policy and legislative recommendations to enhance the authority of the Chief Information Officers within the military services, specifically as such relates to executive and budgetary control over matters related to such services’ information technology security, acquisition, and value;

(13) develop policy and legislative recommendations, as appropriate, for optimizing the institutional constructs across the Office of the Secretary of Defense, Joint Staff, military services, and combatant commands involved with and responsible for the responsibilities specified in paragraph (1); and

(14) make recommendations for any legislation determined appropriate.

Recommendations.

(c) INTERIM BRIEFINGS.—Not later than 90 days after the commencement of the evaluation and review conducted pursuant to subsection (a) and every 30 days thereafter, the Secretary of Defense shall brief the congressional defense committees on interim findings of such evaluation and review.

Deadline.
Time period.

(d) REPORT.—Not later than 30 days after the completion of the evaluation and review conducted pursuant to subsection (a), the Secretary of Defense shall submit to the congressional defense committees a report on such evaluation and review.

SEC. 1505. OPERATIONAL TECHNOLOGY AND MISSION-RELEVANT TERRAIN IN CYBERSPACE.

Deadlines.
10 USC 394 note.

(a) MISSION-RELEVANT TERRAIN.—Not later than January 1, 2025, the Secretary of Defense shall complete mapping of mission-relevant terrain in cyberspace for Defense Critical Assets and Task Critical Assets at sufficient granularity to enable mission thread analysis and situational awareness, including required—

- (1) decomposition of missions reliant on such Assets;
- (2) identification of access vectors;
- (3) internal and external dependencies;
- (4) topology of networks and network segments;
- (5) cybersecurity defenses across information and operational technology on such Assets; and
- (6) identification of associated or reliant weapon systems.

(b) COMBATANT COMMAND RESPONSIBILITIES.—Not later than January 1, 2024, the Commanders of United States European Command, United States Indo-Pacific Command, United States Northern Command, United States Strategic Command, United

States Space Command, United States Transportation Command, and other relevant Commands, in coordination with the Commander of United States Cyber Command, in order to enable effective mission thread analysis, cyber situational awareness, and effective cyber defense of Defense Critical Assets and Task Critical Assets under their control or in their areas of responsibility, shall develop, institute, and make necessary modifications to—

(1) internal combatant command processes, responsibilities, and functions;

(2) coordination with service components under their operational control, United States Cyber Command, Joint Forces Headquarters-Department of Defense Information Network, and the service cyber components;

(3) combatant command headquarters' situational awareness posture to ensure an appropriate level of cyber situational awareness of the forces, facilities, installations, bases, critical infrastructure, and weapon systems under their control or in their areas of responsibility, including, in particular, Defense Critical Assets and Task Critical Assets; and

(4) documentation of their mission-relevant terrain in cyberspace.

(c) DEPARTMENT OF DEFENSE CHIEF INFORMATION OFFICER RESPONSIBILITIES.—

(1) IN GENERAL.—Not later than November 1, 2023, the Chief Information Officer of the Department of Defense shall establish or make necessary changes to policy, control systems standards, risk management framework and authority to operate policies, and cybersecurity reference architectures to provide baseline cybersecurity requirements for operational technology in forces, facilities, installations, bases, critical infrastructure, and weapon systems across the Department of Defense Information Network.

(2) IMPLEMENTATION OF POLICIES.—The Chief Information Officer of the Department of Defense shall leverage acquisition guidance, concerted assessment of the Department's operational technology enterprise, and coordination with the military department principal cyber advisors and chief information officers to drive necessary change and implementation of relevant policy across the Department's forces, facilities, installations, bases, critical infrastructure, and weapon systems.

(3) ADDITIONAL RESPONSIBILITIES.—The Chief Information Officer of the Department of Defense shall ensure that policies, control systems standards, and cybersecurity reference architectures—

(A) are implementable by components of the Department;

(B) limit adversaries' ability to reach or manipulate control systems through cyberspace;

(C) appropriately balance non-connectivity and monitoring requirements;

(D) include data collection and flow requirements;

(E) interoperate with and are informed by the operational community's workflows for defense of information and operational technology in the forces, facilities, installations, bases, critical infrastructure, and weapon systems across the Department;

(F) integrate and interoperate with Department mission assurance construct; and

(G) are implemented with respect to Defense Critical Assets and Task Critical Assets.

(d) UNITED STATES CYBER COMMAND OPERATIONAL RESPONSIBILITIES.—Not later than January 1, 2025, the Commander of United States Cyber Command shall make necessary modifications to the mission, scope, and posture of Joint Forces Headquarters-Department of Defense Information Network to ensure that Joint Forces Headquarters—

Deadline.

(1) has appropriate visibility of operational technology in the forces, facilities, installations, bases, critical infrastructure, and weapon systems across the Department of Defense Information Network, including, in particular, Defense Critical Assets and Task Critical Assets;

(2) can effectively command and control forces to defend such operational technology; and

(3) has established processes for—

(A) incident and compliance reporting;

(B) ensuring compliance with Department of Defense cybersecurity policy; and

(C) ensuring that cyber vulnerabilities, attack vectors, and security violations, including, in particular, those specific to Defense Critical Assets and Task Critical Assets, are appropriately managed.

(e) UNITED STATES CYBER COMMAND FUNCTIONAL RESPONSIBILITIES.—Not later than January 1, 2025, the Commander of United States Cyber Command shall—

Deadline.

(1) ensure in its role of Joint Forces Trainer for the Cyberspace Operations Forces that operational technology cyber defense is appropriately incorporated into training for the Cyberspace Operations Forces;

(2) delineate the specific force composition requirements within the Cyberspace Operations Forces for specialized cyber defense of operational technology, including the number, size, scale, and responsibilities of defined Cyber Operations Forces elements;

(3) develop and maintain, or support the development and maintenance of, a joint training curriculum for operational technology-focused Cyberspace Operations Forces;

(4) support the Chief Information Officer of the Department of Defense as the Department's senior official for the cybersecurity of operational technology under this section;

(5) develop and institutionalize, or support the development and institutionalization of, tradecraft for defense of operational technology across local defenders, cybersecurity service providers, cyber protection teams, and service-controlled forces;

(6) develop and institutionalize integrated concepts of operation, operational workflows, and cybersecurity architectures for defense of information and operational technology in the forces, facilities, installations, bases, critical infrastructure, and weapon systems across the Department of Defense Information Network, including, in particular, Defense Critical Assets and Task Critical Assets, including—

(A) deliberate and strategic sensing of such Network and Assets;

(B) instituting policies governing connections across and between such Network and Assets;

(C) modelling of normal behavior across and between such Network and Assets;

(D) engineering data flows across and between such Network and Assets;

(E) developing local defenders, cybersecurity service providers, cyber protection teams, and service-controlled forces' operational workflows and tactics, techniques, and procedures optimized for the designs, data flows, and policies of such Network and Assets;

(F) instituting of model defensive cyber operations and Department of Defense Information Network operations tradecraft; and

(G) integrating of such operations to ensure interoperability across echelons; and

(7) advance the integration of the Department of Defense's mission assurance, cybersecurity compliance, cybersecurity operations, risk management framework, and authority to operate programs and policies.

(f) SERVICE RESPONSIBILITIES.—Not later than January 1, 2025, the Secretaries of the military departments, through the service principal cyber advisors, chief information officers, the service cyber components, and relevant service commands, shall make necessary investments in operational technology in the forces, facilities, installations, bases, critical infrastructure, and weapon systems across the Department of Defense Information Network and the service-controlled forces responsible for defense of such operational technology to—

(1) ensure that relevant local network and cybersecurity forces are responsible for defending operational technology across the forces, facilities, installations, bases, critical infrastructure, and weapon systems, including, in particular, Defense Critical Assets and Task Critical Assets;

(2) ensure that relevant local operational technology-focused system operators, network and cybersecurity forces, mission defense teams and other service-retained forces, and cyber protection teams are appropriately trained, including through common training and use of cyber ranges, as appropriate, to execute the specific requirements of cybersecurity operations in operational technology;

(3) ensure that all Defense Critical Assets and Task Critical Assets are monitored and defended by Cybersecurity Service Providers;

(4) ensure that operational technology is appropriately sensed and appropriate cybersecurity defenses, including technologies associated with the More Situational Awareness for Industrial Control Systems Joint Capability Technology Demonstration, are employed to enable defense of Defense Critical Assets and Task Critical Assets;

(5) implement Department of Defense Chief Information Officer policy germane to operational technology, including, in particular, with respect to Defense Critical Assets and Task Critical Assets;

(6) plan for, designate, and train dedicated forces to be utilized in operational technology-centric roles across the military services and United States Cyber Command; and

(7) ensure that operational technology, as appropriate, is not easily accessible via the internet and that cybersecurity investments accord with mission risk to and relevant access vectors for Defense Critical Assets and Task Critical Assets.

(g) OFFICE OF THE SECRETARY OF DEFENSE RESPONSIBILITIES.—Not later than January 1, 2023, the Secretary of Defense shall—

Assessments.

(1) assess and finalize Office of the Secretary of Defense components' roles and responsibilities for the cybersecurity of operational technology in the forces, facilities, installations, bases, critical infrastructure, and weapon systems across the Department of Defense Information Network;

(2) assess the need to establish centralized or dedicated funding for remediation of cybersecurity gaps in operational technology across the Department of Defense Information Network;

(3) make relevant modifications to the Department of Defense's mission assurance construct, Mission Assurance Coordination Board, and other relevant bodies to drive—

(A) prioritization of kinetic and non-kinetic threats to the Department's missions and minimization of mission risk in the Department's war plans;

(B) prioritization of relevant mitigations and investments to harden and assure the Department's missions and minimize mission risk in the Department's war plans; and

(C) completion of mission relevant terrain mapping of Defense Critical Assets and Task Critical Assets and population of associated assessment and mitigation data in authorized repositories;

(4) make relevant modifications to the Strategic Cybersecurity Program; and

(5) drive and provide oversight of the implementation of this section.

(h) BUDGET ROLLOUT BRIEFINGS.—

(1) IN GENERAL.—Beginning not later than 30 days after the date of the enactment of this Act, each of the Secretaries of the military departments, the Commander of United States Cyber Command, and the Chief Information Officer of the Department of Defense shall provide annual updates to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives on activities undertaken and progress made to carry out this section.

(2) ANNUAL BRIEFINGS.—Not later than one year after the date of the enactment of this Act and not less frequently than annually thereafter until January 1, 2024, the Under Secretary of Defense for Policy, the Under Secretary of Defense for Acquisition and Sustainment, the Chief Information Officer, and the Joint Staff J6, representing the combatant commands, shall individually or together provide briefings to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives on activities undertaken and progress made to carry out this section.

Termination date.

(i) IMPLEMENTATION.—

(1) IN GENERAL.—In implementing this section, the Secretary of Defense shall prioritize the cybersecurity and cyber defense of Defense Critical Assets and Task Critical Assets

and shape cyber investments, policy, operations, and deployments to ensure cybersecurity and cyber defense.

(2) APPLICATION.—This section shall apply to assets owned and operated by the Department of Defense, as well as to applicable non-Department assets essential to the projection, support, and sustainment of military forces and operations worldwide.

(j) DEFINITION.—In this section:

(1) MISSION-RELEVANT TERRAIN IN CYBERSPACE.—“mission-relevant terrain in cyberspace” has the meaning given such term as specified in Joint Publication 6-0.

(2) OPERATIONAL TECHNOLOGY.—The term “operational technology” means control systems or controllers, communication architectures, and user interfaces that monitor or control infrastructure and equipment operating in various environments, such as weapon systems, utility or energy production and distribution, or medical, logistics, nuclear, biological, chemical, or manufacturing facilities.

SEC. 1506. MATTERS CONCERNING CYBER PERSONNEL REQUIREMENTS.

(a) IN GENERAL.—The Secretary of Defense, acting through the Under Secretary of Defense for Personnel and Readiness and the Chief Information Officer of the Department of Defense, in consultation with Secretaries of the military departments and the head of any other organization or element of the Department the Secretary determines appropriate, shall—

(1) determine the overall workforce requirement of the Department for cyberspace and information warfare military personnel across the active and reserve components of the Armed Forces (other than the Coast Guard) and for civilian personnel, and in doing so shall—

(A) consider personnel in positions securing the Department of Defense Information Network and associated enterprise information technology, defense agencies and field activities, and combatant commands, including current billets primarily associated with the Department of Defense Cyber Workforce Framework;

(B) consider the mix between military and civilian personnel, active and reserve components, and the use of the National Guard;

(C) develop a talent management strategy that covers accessions, training, and education; and

(D) consider such other elements as the Secretary determines appropriate;

(2) assess current and future cyber education curriculum and requirements for military and civilian personnel, including—

(A) acquisition personnel;

(B) accessions and recruits to the military services;

(C) cadets and midshipmen at the military service academies and enrolled in the Senior Reserve Officers’ Training Corps;

(D) information environment and cyberspace military and civilian personnel; and

(E) non-information environment cyberspace military and civilian personnel;

Assessment.

(3) identify appropriate locations for information warfare and cyber education for military and civilian personnel, including—

- (A) the military service academies;
- (B) the senior level service schools and intermediate level service schools specified in section 2151(b) of title 10, United States Code;
- (C) the Air Force Institute of Technology;
- (D) the National Defense University;
- (E) the Joint Special Operations University;
- (F) the Command and General Staff Colleges;
- (G) the War Colleges;
- (H) any military education institution attached to or operating under any institution specified in this paragraph;
- (I) any other military educational institution of the Department identified by the Secretary for purposes of this section;
- (J) the Cyber Centers of Academic Excellence; and
- (K) potential future educational institutions of the Federal Government in accordance with the assessment required under subsection (b); and

(4) determine—

- (A) whether the cyberspace domain mission requires a graduate level professional military education college on par with and distinct from the war colleges for the Army, Navy, and Air Force as in existence on the day before the date of the enactment of this Act;
- (B) whether such a college should be joint; and
- (C) where such a college should be located.

(b) ASSESSMENT.—In identifying appropriate locations for information warfare and cyber education for military and civilian personnel at potential future educational institutions of the Federal Government pursuant to subsection (a)(3)(K), the Secretary of Defense, acting through the Under Secretary of Defense for Personnel and Readiness and the Chief Information Officer of the Department of Defense, in consultation with Secretaries of the military departments, the head of any other organization or element of the Department the Secretary determines appropriate, the Secretary of Homeland Security, and the National Cyber Director, shall assess the feasibility and advisability of establishing a National Cyber Academy or similar institute for the purpose of educating and training civilian and military personnel for service in cyber, information, and related fields throughout the Federal Government.

Consultation.

(c) REPORTS REQUIRED.—

(1) EDUCATION.—Not later than November 1, 2022, the Secretary of Defense shall provide the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives a briefing and, not later than January 1, 2023, the Secretary shall submit to such committees a report, on—

- (A) talent strategy to satisfy future cyber education requirements at appropriate locations referred to in subsection (a)(3); and
- (B) the findings of the Secretary in assessing cyber education curricula and identifying such locations.

(2) **WORKFORCE.**—Not later than November 1, 2024, the Secretary of Defense shall provide the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives a briefing and, not later than January 1, 2025, the Secretary shall submit to such committees a report, on—

Determination.

(A) the findings of the Secretary in determining pursuant to subsection (a)(1) the overall workforce requirement of the Department of Defense for cyberspace and information warfare military personnel across the active and reserve components of the Armed Forces (other than the Coast Guard) and for civilian personnel;

Recommendations.

(B) such recommendations as the Secretary may have relating to such requirement; and

(C) such legislative or administrative action as the Secretary identifies as necessary to effectively satisfy such requirement.

(d) **EDUCATION DESCRIBED.**—In this section, the term “education” includes formal education requirements, such as degrees and certification in targeted subject areas, as well as general training, including—

- (1) upskilling;
- (2) knowledge, skills, and abilities; and
- (3) nonacademic professional development.

10 USC 167b
note.

SEC. 1507. ASSIGNMENT OF CERTAIN BUDGET CONTROL RESPONSIBILITIES TO COMMANDER OF UNITED STATES CYBER COMMAND.

(a) **ASSIGNMENT OF RESPONSIBILITIES.**—

(1) **IN GENERAL.**—The Commander of United States Cyber Command shall, subject to the authority, direction, and control of the Principal Cyber Advisor of the Department of Defense, be responsible for directly controlling and managing the planning, programming, budgeting, and execution of resources to train, equip, operate, and sustain the Cyber Mission Forces.

(2) **EFFECTIVE DATE AND APPLICABILITY.**—Paragraph (1) shall take effect on the date of the enactment of this Act and apply—

(A) on January 1, 2022, for controlling and managing budget execution; and

(B) beginning with fiscal year 2024 and each fiscal year thereafter for directly controlling and managing the planning, programming, budgeting, and execution of resources.

(b) **ELEMENTS.**—

(1) **IN GENERAL.**—The responsibilities assigned to the Commander of United States Cyber Command pursuant to subsection (a)(1) shall include the following:

(A) Preparation of a program objective memorandum and budget estimate submission for the resources required to train, equip, operate, and sustain the Cyber Mission Forces.

(B) Preparation of budget materials pertaining to United States Cyber Command for inclusion in the budget justification materials that are submitted to Congress in support of the Department of Defense budget for a fiscal year (as submitted with the budget of the President for

a fiscal year under section 1105(a) of title 31, United States Code) that is separate from any other military service or component of the Department.

(2) RESPONSIBILITIES NOT DELEGATED.—The responsibilities assigned to the Commander of United States Cyber Command pursuant to subsection (a)(1) shall not include the following:

(A) Military pay and allowances.

(B) Funding for facility support that is provided by the military services.

(c) IMPLEMENTATION PLAN.—

(1) IN GENERAL.—Not later than the date that is 30 days after the date of the enactment of this Act, the Comptroller General of the Department of Defense and the Commander of United States Cyber Command, in coordination with Chief Information Officer of the Department, the Principal Cyber Advisor, the Under Secretary of Defense for Acquisition and Sustainment, Cost Assessment and Program Evaluation, and the Secretaries of the military departments, shall jointly develop an implementation plan for the transition of responsibilities assigned to the Commander of United States Cyber Command pursuant to subsection (a)(1). Deadline.

(2) ELEMENTS.—The implementation plan developed under paragraph (1) shall include the following:

(A) A budgetary review to identify appropriate resources for transfer to the Commander of United States Cyber Command for carrying out responsibilities assigned pursuant to subsection (a)(1). Review.

(B) Definitions of appropriate roles and responsibilities.

(C) Specification of all program elements and sub-elements, and the training, equipment, Joint Cyber Warfighting Architecture capabilities, other enabling capabilities and infrastructure, intelligence support, operations, and sustainment investments in each such program element and sub-element for which the Commander of United States Cyber Command is responsible.

(D) Specification of all program elements and sub-elements, and the training, equipment, Joint Cyber Warfighting Architecture capabilities, other enabling capabilities and infrastructure, intelligence support, operations, and sustainment investments in each such program element and sub-element relevant to or that support the Cyber Mission Force for which the Secretaries of the military departments are responsible.

(E) Required levels of civilian and military staffing within United States Cyber Command to carry out subsection (a)(1), and an estimate of when such levels of staffing will be achieved.

(d) BRIEFING.—

(1) IN GENERAL.—Not later than the earlier of the date on which the implementation plan under subsection (c) is developed or the date that is 90 days after the date of the enactment of this Act, the Secretary of Defense shall provide the congressional defense committees a briefing on the implementation plan. Deadline.

(2) ELEMENTS.—The briefing required by paragraph (1) shall address any recommendations for when and how the Secretary of Defense should delegate to the Commander of Recommendations.

United States Cyber Command budget authority for the Cyber Operations Forces (as such term is defined in the memorandum issued by the Secretary of Defense on December 12, 2019, relating to the definition of “Department of Defense Cyberspace Operations Forces (DoD COF)”), after successful implementation of the responsibilities described in subsection (a) relating to the Cyber Mission Forces.

10 USC 2224
note.

SEC. 1508. COORDINATION BETWEEN UNITED STATES CYBER COMMAND AND PRIVATE SECTOR.

Deadline.

(a) **VOLUNTARY PROCESS.**—Not later than January 1, 2023, the Commander of United States Cyber Command shall establish a voluntary process to engage with private sector information technology and cybersecurity entities to explore and develop methods and plans through which the capabilities, knowledge, and actions of—

(1) private sector entities operating inside the United States to defend against foreign malicious cyber actors could assist, or be coordinated with, the actions of United States Cyber Command operating outside the United States against such foreign malicious cyber actors; and

(2) United States Cyber Command operating outside the United States against foreign malicious cyber actors could assist, or be coordinated with, the actions of private sector entities operating inside the United States against such foreign malicious cyber actors.

(b) **ANNUAL BRIEFING.**—

Time period.

(1) **IN GENERAL.**—During the period beginning on March 1, 2022, and ending on March 1, 2026, the Commander of United States Cyber Command shall, not less frequently than once each year, provide to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives a briefing on the status of any activities conducted pursuant to subsection (a).

(2) **ELEMENTS.**—Each briefing provided under paragraph (1) shall include the following:

Recommendations.

(A) Such recommendations for legislative or administrative action as the Commander of United States Cyber Command considers appropriate to improve and facilitate the exploration and development of methods and plans under subsection (a).

Recommendations.

(B) Such recommendations as the Commander may have for increasing private sector participation in such exploration and development.

(C) A description of the challenges encountered in carrying out subsection (a), including any concerns expressed to the Commander by private sector partners regarding participation in such exploration and development.

(D) Information relating to how such exploration and development with the private sector could assist military planning by United States Cyber Command.

(E) Such other matters as the Commander considers appropriate.

(c) **CONSULTATION.**—In developing the process described in subsection (a), the Commander of United States Cyber Command shall consult with the Director of the Cybersecurity and Infrastructure Security Agency of the Department of Homeland Security and the

heads of any other Federal agencies the Commander considers appropriate.

(d) **INTEGRATION WITH OTHER EFFORTS.**—The Commander of United States Cyber Command shall ensure that the process described in subsection (a) makes use of, builds upon, and, as appropriate, integrates with and does not duplicate, other efforts of the Department of Homeland Security and the Department of Defense relating to cybersecurity, including the following:

(1) The Joint Cyber Defense Collaborative of the Cybersecurity and Infrastructure Security Agency.

(2) The Cybersecurity Collaboration Center and Enduring Security Framework of the National Security Agency.

(3) The office for joint cyber planning of the Department of Homeland Security.

(e) **PROTECTION OF TRADE SECRETS AND PROPRIETARY INFORMATION.**—The Commander of United States Cyber Command shall ensure that any trade secret or proprietary information of a private sector entity engaged with the Department of Defense through the process established under subsection (a) that is made known to the Department pursuant to such process remains private and protected unless otherwise explicitly authorized by such entity.

(f) **RULE OF CONSTRUCTION.**—Nothing in this section may be construed to authorize United States Cyber Command to conduct operations inside the United States or for private sector entities to conduct offensive cyber activities outside the United States, except to the extent such operations or activities are permitted by a provision of law in effect on the day before the date of the enactment of this Act.

SEC. 1509. ASSESSMENT OF CYBER POSTURE AND OPERATIONAL ASSUMPTIONS AND DEVELOPMENT OF TARGETING STRATEGIES AND SUPPORTING CAPABILITIES.

(a) **ASSESSMENT OF CYBER POSTURE OF ADVERSARIES AND OPERATIONAL ASSUMPTIONS OF UNITED STATES GOVERNMENT.**—

(1) **IN GENERAL.**—Not later than one year after the date of the enactment of this Act, the Commander of United States Cyber Command, the Under Secretary of Defense for Policy, and the Under Secretary of Defense for Intelligence and Security, shall jointly sponsor or conduct an assessment, including, if appropriate, a war-game or tabletop exercise, of the current and emerging offensive and defensive cyber posture of adversaries of the United States and the current operational assumptions and plans of the Armed Forces for offensive cyber operations during potential crises or conflict.

Deadline.

(2) **ELEMENTS.**—The assessment required under paragraph (1) shall include consideration of the following:

Assessment.

(A) Changes to strategies, operational concepts, operational preparation of the environment, and rules of engagement.

(B) Opportunities provided by armed forces in theaters of operations and other innovative alternatives.

(C) Changes in intelligence community (as such term is defined in section 3 of the National Security Act of 1947 (50 U.S.C. 3003)) targeting and operations in support of the Department of Defense.

(D) Adversary capabilities to deny or degrade United States activities in cyberspace.

(E) Adversaries' targeting of United States critical infrastructure and implications for United States policy.

(F) Potential effect of emerging technologies, such as fifth generation mobile networks, expanded use of cloud information technology services, and artificial intelligence.

(G) Changes in Department of Defense organizational design.

(H) The effect of private sector cybersecurity research.

(F) Adequacy of intelligence support to cyberspace operations by Combat Support Agencies and Service Intelligence Centers.

(b) DEVELOPMENT OF TARGETING STRATEGIES, SUPPORTING CAPABILITIES, AND OPERATIONAL CONCEPTS.—

Deadline.

(1) IN GENERAL.—Not later than one year after the date of the enactment of this Act, the Commander of United States Cyber Command shall—

Assessment.

(A) assess and establish the capabilities, capacities, tools, and tactics required to support targeting strategies for—

(i) day-to-day persistent engagement of adversaries, including support to information operations;

(ii) support to geographic combatant commanders at the onset of hostilities and during sustained conflict; and

(iii) deterrence of attacks on United States critical infrastructure, including the threat of counter value responses;

(B) develop future cyber targeting strategies and capabilities across the categories of cyber missions and targets with respect to which—

(i) time-consuming and human effort-intensive stealthy operations are required to acquire and maintain access to targets, and the mission is so important it is worthwhile to expend such efforts to hold such targets at risk;

(ii) target prosecution requires unique access and exploitation tools and technologies, and the target importance justifies the efforts, time, and expense relating thereto;

(iii) operational circumstances do not allow for and do not require spending the time and human effort required for stealthy, nonattributable, and continuous access to targets;

(iv) capabilities are needed to rapidly prosecute targets that have not been previously planned and that can be accessed and exploited using known, available tools and techniques; and

(v) targets may be prosecuted with the aid of automated techniques to achieve speed, mass, and scale;

(C) develop strategies for appropriate utilization of Cyber Mission Teams in support of combatant command objectives as—

(i) adjuncts to or substitutes for kinetic operations;

or

(ii) independent means to achieve novel tactical, operational, and strategic objectives; and

(D) develop collection and analytic support strategies for the service intelligence centers to assist operations by United States Cyber Command and the Service Cyber Components.

(2) BRIEFING REQUIRED.—

(A) IN GENERAL.—Not later than 30 days after the date on which all activities required under paragraph (1) have been completed, the Commander of United States Cyber Command shall provide the congressional defense committees a briefing on such activities. Deadline.

(B) ELEMENTS.—The briefing provided pursuant to subparagraph (A) shall include the following:

(i) Recommendations for such legislative or administrative action as the Commander of United States Cyber Command considers necessary to address capability shortcomings. Recommendations.

(ii) Plans to address such capability shortcomings.

(c) COUNTRY-SPECIFIC ACCESS STRATEGIES.—

(1) IN GENERAL.—Not later than one year after the date on which all activities required under subsection (b)(1) have been completed, the Commander of United States Cyber Command shall complete development of country-specific access strategies for the Russian Federation, the People’s Republic of China, the Democratic People’s Republic of Korea, and the Islamic Republic of Iran. Deadline.

(2) ELEMENTS.—Each country-specific access strategy developed under paragraph (1) shall include the following:

(A) Specification of desired and required—

(i) outcomes;

(ii) cyber warfighting architecture, including—

(I) tools and redirectors;

(II) access platforms; and

(III) data analytics, modeling, and simulation capacity;

(iii) specific means to achieve and maintain persistent access and conduct command and control and exfiltration against hard targets and in operationally challenging environments across the continuum of conflict;

(iv) intelligence, surveillance, and reconnaissance support;

(v) operational partnerships with allies;

(vi) rules of engagement;

(vii) personnel, training, and equipment; and

(viii) targeting strategies, including strategies that do not demand deliberate targeting and precise access to achieve effects; and

(B) recommendations for such policy or resourcing changes as the Commander of United States Cyber Command considers appropriate to address access shortfalls. Recommendations.

(3) CONSULTATION REQUIRED.—The Commander of United States Cyber Command shall develop the country-specific access strategies under paragraph (1) independently but in consultation with the following:

(A) The Director of the National Security Agency.

(B) The Director of the Central Intelligence Agency.

(C) The Director of the Defense Advanced Research Projects Agency.

(D) The Director of the Strategic Capabilities Office.

(E) The Under Secretary of Defense for Policy.

(F) The Principal Cyber Advisor to the Secretary of Defense.

(G) The Commanders of all other combatant commands.

(4) BRIEFING.—Upon completion of the country-specific access strategies under paragraph (1), the Commander of United States Cyber Command shall provide the Deputy Secretary of Defense, the Vice Chairman of the Joint Chiefs of Staff, the Committee on Armed Services of the Senate, and the Committee on Armed Services of the House of Representatives a briefing on such strategies.

(d) DEFINITION.—In this section, the term “critical infrastructure” has the meaning given such term in section 1016(e) of Public Law 107–56 (42 U.S.C. 5195c(e)).

Deadlines.

SEC. 1510. ASSESSING CAPABILITIES TO COUNTER ADVERSARY USE OF RANSOMWARE, CAPABILITIES, AND INFRASTRUCTURE.

(a) COMPREHENSIVE ASSESSMENT AND RECOMMENDATIONS REQUIRED.—Not later than 180 days after the date of enactment of this section, the Secretary of Defense shall—

Assessments.

(1) conduct a comprehensive assessment of the policy, capacity, and capabilities of the Department of Defense to diminish and defend the United States from the threat of ransomware attacks, including—

(A) an assessment of the current and potential threats and risks to national and economic security posed by—

(i) large-scale and sophisticated criminal cyber enterprises that provide large-scale and sophisticated cyber attack capabilities and infrastructure used to conduct ransomware attacks; and

(ii) organizations that conduct or could conduct ransomware attacks or other attacks that use the capabilities and infrastructure described in clause (i) on a large scale against important assets and systems in the United States, including critical infrastructure;

(B) an assessment of—

(i) the threat posed to the Department of Defense Information Network and the United States by the large-scale and sophisticated criminal cyber enterprises, capabilities, and infrastructure described in subparagraph (A); and

(ii) the current and potential role of United States Cyber Command in addressing the threat referred to in clause (i) including—

(I) the threshold at which United States Cyber Command should respond to such a threat; and

(II) the capacity for United States Cyber Command to respond to such a threat without harmful effects on other United States Cyber Command missions;

(C) an identification of the current and potential Department efforts, processes, and capabilities to deter and

counter the threat referred to in subparagraph (B)(i), including through offensive cyber effects operations;

(D) an assessment of the application of the defend forward and persistent engagement operational concepts and capabilities of the Department to deter and counter the threat of ransomware attacks against the United States;

(E) a description of the efforts of the Department in interagency processes, and joint collaboration with allies and partners of the United States, to address the growing threat from large-scale and sophisticated criminal cyber enterprises that conduct ransomware attacks and could conduct attacks with other objectives;

(F) a determination of the extent to which the governments of countries in which large-scale and sophisticated criminal cyber enterprises are principally located are tolerating the activities of such enterprises, have interactions with such enterprises, could direct their operations, and could suppress such enterprises;

Determination.

(G) an assessment as to whether the large-scale and sophisticated criminal cyber enterprises described in subparagraph (F) are perfecting and practicing attack techniques and capabilities at scale that can be co-opted and placed in the service of the country in which such enterprises are principally located; and

(H) identification of such legislative or administrative action as may be necessary to more effectively counter the threat of ransomware attacks; and

(2) develop recommendations for the Department to build capabilities to develop and execute innovative methods to deter and counter the threat of ransomware attacks prior to and in response to the launching of such attacks.

Recommendations.

(b) BRIEFING.—Not later than 210 days after the date of the enactment of this Act, the Secretary of Defense shall brief the congressional defense committees on the comprehensive assessment completed under paragraph (1) of subsection (a) and the recommendations developed under paragraph (2) of such subsection.

Deadline.

(c) DEFINITION.—In this section, the term “critical infrastructure” has the meaning given such term in section 1016(e) of Public Law 107–56 (42 U.S.C. 5195c(e)).

SEC. 1511. COMPARATIVE ANALYSIS OF CYBERSECURITY CAPABILITIES.

(a) COMPARATIVE ANALYSIS REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Chief Information Officer and the Director of Cost Assessment and Program Evaluation (CAPE) of the Department of Defense, in consultation with the Principal Cyber Advisor to the Secretary of Defense and the Chief Information Officers of each of the military departments, shall jointly sponsor a comparative analysis, to be conducted by the Director of the National Security Agency and the Director of the Defense Information Systems Agency, of the following:

Deadline.
Consultation.

(1) The cybersecurity tools, applications, and capabilities offered as options on enterprise software agreements for cloud-based productivity and collaboration suites, such as is offered under the Defense Enterprise Office Solution and Enterprise Software Agreement contracts with Department of Defense

components, relative to the cybersecurity tools, applications, and capabilities that are currently deployed in, or required by, the Department to conduct—

- (A) asset discovery;
 - (B) vulnerability scanning;
 - (C) conditional access (also known as “comply-to-connect”);
 - (D) event correlation;
 - (E) patch management and remediation;
 - (F) endpoint query and control;
 - (G) endpoint detection and response;
 - (H) data rights management;
 - (I) data loss prevention;
 - (J) data tagging;
 - (K) data encryption;
 - (L) security information and event management; and
 - (M) security orchestration, automation, and response.
- (2) The identity, credential, and access management (ICAM) system, and associated capabilities to enforce the principle of least privilege access, offered as an existing option on an enterprise software agreement described in paragraph (1), relative to—

- (A) the requirements of such system described in the Zero Trust Reference Architecture of the Department; and
- (B) the requirements of such system under development by the Defense Information Systems Agency.

(3) The artificial intelligence and machine-learning capabilities associated with the tools, applications, and capabilities described in paragraphs (1) and (2), and the ability to host Government or third-party artificial intelligence and machine-learning algorithms pursuant to contracts referred to in paragraph (1) for such tools, applications, and capabilities.

(4) The network consolidation and segmentation capabilities offered on the enterprise software agreements described in paragraph (1) relative to capabilities projected in the Zero Trust Reference Architecture.

(5) The automated orchestration and interoperability among the tools, applications, and capabilities described in paragraphs (1) through (4).

(b) ELEMENTS OF COMPARATIVE ANALYSIS.—The comparative analysis conducted under subsection (a) shall include an assessment of the following:

- (1) Costs.
- (2) Performance.
- (3) Sustainment.
- (4) Scalability.
- (5) Training requirements.
- (6) Maturity.
- (7) Human effort requirements.
- (8) Speed of integrated operations.
- (9) Ability to operate on multiple operating systems and in multiple cloud environments.
- (10) Such other matters as the Chief Information Officer and the Director of Cost Assessment and Program Evaluation consider appropriate.

(c) BRIEFING REQUIRED.—Not later than 30 days after the date on which the comparative analysis required under subsection (a)

Deadline.

is completed, the Chief Information Officer and the Director of Cost Assessment and Program Evaluation (CAPE) of the Department of Defense shall jointly provide the congressional defense committees with a briefing on the findings of the Chief Information Officer and the Director with respect to such analysis, together with such recommendations for legislative or administrative action as the Chief Information Officer and the Director may have with respect to the matters covered by such analysis.

SEC. 1512. ELIGIBILITY OF OWNERS AND OPERATORS OF CRITICAL INFRASTRUCTURE TO RECEIVE CERTAIN DEPARTMENT OF DEFENSE SUPPORT AND SERVICES.

Section 2012 of title 10, United States Code is amended—

(1) in subsection (e)—

(A) by redesignating paragraph (3) as paragraph (4);

and

(B) by inserting after paragraph (2) the following new paragraph:

“(3) Owners and operators of critical infrastructure (as such term is defined in section 1016(e) of Public Law 107–56 (42 U.S.C. 5195c(e))).”; and

(2) in subsection (f), by adding at the end the following new paragraph:

“(5) Procedures to ensure that assistance provided to an entity specified in subsection (e)(3) is provided in a manner that is consistent with similar assistance provided under authorities applicable to other Federal departments and agencies, including the authorities of the Cybersecurity and Infrastructure Security Agency of the Department of Homeland Security pursuant to title XXII of the Homeland Security Act of 2002 (6 U.S.C. 651 et seq.).”.

SEC. 1513. REPORT ON POTENTIAL DEPARTMENT OF DEFENSE SUPPORT AND ASSISTANCE FOR INCREASING THE AWARENESS OF THE CYBERSECURITY AND INFRASTRUCTURE SECURITY AGENCY OF CYBER THREATS AND VULNERABILITIES AFFECTING CRITICAL INFRASTRUCTURE.

(a) **REPORT REQUIRED.**—Not later than 270 days after the date of the enactment of this Act, the Secretary of Defense, in consultation with the Secretary of Homeland Security and the National Cyber Director, shall submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives a report that provides recommendations on how the Department of Defense can improve support and assistance to the Cybersecurity and Infrastructure Security Agency of the Department of Homeland Security to increase awareness of cyber threats and vulnerabilities affecting information technology and networks supporting critical infrastructure within the United States, including critical infrastructure of the Department and critical infrastructure relating to the defense of the United States.

Consultation.
Recommendations.

(b) **ELEMENTS OF REPORT.**—The report required by subsection (a) shall—

Assessments.

(1) assess and identify areas in which the Department of Defense could provide support or assistance, including through information sharing and voluntary network monitoring programs, to the Cybersecurity and Infrastructure Security Agency to expand or increase technical understanding and

awareness of cyber threats and vulnerabilities affecting critical infrastructure;

(2) identify and assess any legal, policy, organizational, or technical barriers to carrying out paragraph (1);

(3) assess and describe any legal or policy changes necessary to enable the Department to carry out paragraph (1) while preserving privacy and civil liberties;

(4) assess and describe the budgetary and other resource effects on the Department of carrying out paragraph (1); and

(5) provide a notional time-phased plan, including milestones, to enable the Department to carry out paragraph (1).

(c) **CRITICAL INFRASTRUCTURE DEFINED.**—In this section, the term “critical infrastructure” has the meaning given such term in section 1016(e) of Public Law 107–56 (42 U.S.C. 5195c(e)).

Subtitle B—Matters Related to Department of Defense Cybersecurity and Information Technology

10 USC 2224
note.

Deadline.

SEC. 1521. ENTERPRISE-WIDE PROCUREMENT OF CYBER DATA PRODUCTS AND SERVICES.

(a) **PROGRAM.**—Not later than one year after the date of the enactment of this Act, the Secretary of Defense shall designate an executive agent for Department of Defense-wide procurement of cyber data products and services. The executive agent shall establish a program management office responsible for such procurement, and the program manager of such program office shall be responsible for the following:

(1) Surveying components of the Department for the cyber data products and services needs of such components.

(2) Conducting market research of cyber data products and services.

(3) Developing or facilitating development of requirements, both independently and through consultation with components, for the acquisition of cyber data products and services.

(4) Developing and instituting model contract language for the acquisition of cyber data products and services, including contract language that facilitates components’ requirements for ingesting, sharing, using and reusing, structuring, and analyzing data derived from such products and services.

(5) Conducting procurement of cyber data products and services on behalf of the Department of Defense, including negotiating contracts with a fixed number of licenses based on aggregate component demand and negotiation of extensible contracts.

(6) Carrying out the responsibilities specified in paragraphs (1) through (5) with respect to the cyber data products and services needs of the Cyberspace Operations Forces, such as cyber data products and services germane to cyberspace topology and identification of adversary threat activity and infrastructure, including—

(A) facilitating the development of cyber data products and services requirements for the Cyberspace Operations Forces, conducting market research regarding the future cyber data products and services needs of the Cyberspace

Operations Forces, and conducting acquisitions pursuant to such requirements and market research;

(B) coordinating cyber data products and services acquisition and management activities with Joint Cyber Warfighting Architecture acquisition and management activities, including activities germane to data storage, data management, and development of analytics;

(C) implementing relevant Department of Defense and United States Cyber Command policy germane to acquisition of cyber data products and services;

(D) leading or informing the integration of relevant datasets and services, including Government-produced threat data, commercial cyber threat information, collateral telemetry data, topology-relevant data, sensor data, and partner-provided data; and

(E) facilitating the development of tradecraft and operational workflows based on relevant cyber data products and services.

(b) **COORDINATION.**—In implementing this section, each component of the Department of Defense shall coordinate its cyber data products and services requirements and potential procurement plans relating to such products and services with the program management office established pursuant to subsection (a) so as to enable such office to determine if satisfying such requirements or procurement of such products and services on an enterprise-wide basis would serve the best interests of the Department.

(c) **PROHIBITION.**—Beginning not later than 540 days after the date of the enactment of this Act, no component of the Department of Defense may independently procure a cyber data product or service that has been procured by the program management office established pursuant to subsection (a), unless—

Deadline.

(1) such component is able to procure such product or service at a lower per-unit price than that available through such office; or

(2) such office has approved such independent purchase.

(d) **EXCEPTION.**—United States Cyber Command and the National Security Agency may conduct joint procurements of products and services, including cyber data products and services, except that the requirements of subsections (b) and (c) shall not apply to the National Security Agency.

(e) **DEFINITION.**—In this section, the term “cyber data products and services” means commercially-available datasets and analytic services germane to offensive cyber, defensive cyber, and DODIN operations, including products and services that provide technical data, indicators, and analytic services relating to the targets, infrastructure, tools, and tactics, techniques, and procedures of cyber threats.

SEC. 1522. LEGACY INFORMATION TECHNOLOGIES AND SYSTEMS ACCOUNTABILITY.

10 USC 4571
note.

(a) **IN GENERAL.**—Not later than 270 days after the date of the enactment of this Act, the Secretaries of the Army, Navy, and Air Force shall each initiate efforts to identify legacy applications, software, and information technology within their respective Departments and eliminate any such application, software, or information technology that is no longer required.

Deadline.

(b) SPECIFICATIONS.—To carry out subsection (a), that Secretaries of the Army, Navy, and Air Force shall each document the following:

(1) An identification of the applications, software, and information technologies that are considered active or operational, but which are judged to no longer be required by the respective Department.

(2) Information relating to the sources of funding for the applications, software, and information technologies identified pursuant to paragraph (1).

(3) An identification of the senior official responsible for each such application, software, or information technology.

Plan.

(4) A plan to discontinue use and funding for each such application, software, or information technology.

Deadline.

(c) EXEMPTION.—Any effort substantially similar to that described in subsections (a) and (b) that is being carried out by the Secretary of the Army, Navy, or Air Force as of the date of the enactment of this Act and completed not later 180 days after such date shall be treated as satisfying the requirements under such subsections.

(d) REPORT.—Not later than 270 days after the date of the enactment of this Act, the Secretaries of the Army, Navy, and Air Force shall each submit to the congressional defense committees the documentation required under subsection (b).

SEC. 1523. UPDATE RELATING TO RESPONSIBILITIES OF CHIEF INFORMATION OFFICER.

Paragraph (1) of section 142(b) of title 10, United States Code, is amended—

(1) in subparagraphs (A), (B), and (C), by striking “(other than with respect to business management)” each place it appears; and

(2) by amending subparagraph (D) to read as follows:

“(D) exercises authority, direction, and control over the Activities of the Cybersecurity Directorate, or any successor organization, of the National Security Agency, funded through the Information Systems Security Program;”.

10 USC 2224
note.

SEC. 1524. PROTECTIVE DOMAIN NAME SYSTEM WITHIN THE DEPARTMENT OF DEFENSE.

Deadline.

(a) IN GENERAL.—Not later than 120 days after the date of the enactment of this Act, the Secretary of Defense shall ensure each component of the Department of Defense uses a Protective Domain Name System (PDNS) instantiation offered by the Department.

(b) EXEMPTIONS.—The Secretary of Defense may exempt a component of the Department from using a PDNS instantiation for any reason except with respect to cost or technical application.

(c) REPORT TO CONGRESS.—Not later than 150 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report that includes information relating to—

(1) each component of the Department of Defense that uses a PDNS instantiation offered by the Department;

(2) each component exempt from using a PDNS instantiation pursuant to subsection (b); and

(3) efforts to ensure that each PDNS instantiation offered by the Department connects and shares relevant and timely data.

SEC. 1525. CYBERSECURITY OF WEAPON SYSTEMS.

Section 1640 of the National Defense Authorization Act for Fiscal Year 2018 (Public Law 115–91; 10 U.S.C. 2224 note), is amended by adding at the end the following new subsection:

“(f) ANNUAL REPORTS.—Not later than August 30, 2022, and annually thereafter through 2024, the Secretary of Defense shall provide to the congressional defense committees a report on the work of the Program, including information relating to staffing and accomplishments.”.

SEC. 1526. ASSESSMENT OF CONTROLLED UNCLASSIFIED INFORMATION PROGRAM.

Section 1648 of the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116–92; 10 U.S.C. 2224 note), is amended—

(1) in subsection (a), by striking “February 1, 2020” and inserting “180 days after the date of the enactment of the National Defense Authorization Act for Fiscal Year 2022”; and

(2) in subsection (b), by amending paragraph (4) to read as follows:

“(4) Definitions for ‘Controlled Unclassified Information’ (CUI) and ‘For Official Use Only’ (FOUO), policies regarding protecting information designated as either of such, and an explanation of the ‘DoD CUI Program’ and Department of Defense compliance with the responsibilities specified in Department of Defense Instruction (DoDI) 5200.48, ‘Controlled Unclassified Information (CUI),’ including the following:

“(A) The extent to which the Department of Defense is identifying whether information is CUI via a contracting vehicle and marking documents, material, and media containing such information in a clear and consistent manner.

“(B) Recommended regulatory or policy changes to ensure consistency and clarity in CUI identification and marking requirements.

“(C) Circumstances under which commercial information is considered CUI, and any impacts to the commercial supply chain associated with security and marking requirements pursuant to this paragraph.

“(D) Benefits and drawbacks of requiring all CUI to be marked with a unique CUI legend, versus requiring that all data marked with an appropriate restricted legend be handled as CUI.

“(E) The extent to which the Department of Defense clearly delineates Federal Contract Information (FCI) from CUI.

“(F) Examples or scenarios to illustrate information that is and is not CUI.”.

SEC. 1527. CYBER DATA MANAGEMENT.

(a) IN GENERAL.—The Commander of United States Cyber Command and the Secretaries of the military departments, in coordination with the Principal Cyber Advisor to the Secretary, the Chief Information Officer and the Chief Data Officer of the Department of Defense, and the Chairman of the Joint Chiefs of Staff, shall—

10 USC 2224
note.

	(1) access, acquire, and use mission-relevant data to support offensive cyber, defensive cyber, and DODIN operations from the intelligence community, other elements of the Department of Defense, and the private sector; (2) develop policy, processes, and operating procedures governing the access, ingest, structure, storage, analysis, and combination of mission-relevant data, including— (A) intelligence data; (B) internet traffic, topology, and activity data; (C) cyber threat information; (D) Department of Defense Information Network sensor, tool, routing infrastructure, and endpoint data; and (E) other data management and analytic platforms pertinent to United States Cyber Command missions that align with the principles of Joint All Domain Command and Control; (3) pilot efforts to develop operational workflows and tactics, techniques, and procedures for the operational use of mission-relevant data by the Cyberspace Operations Forces; and (4) evaluate data management platforms used to carry out paragraphs (1), (2), and (3) to ensure such platforms operate consistently with the Deputy Secretary of Defense’s Data Decrees signed on May 5, 2021.
Evaluation.	(b) ROLES AND RESPONSIBILITIES.— (1) IN GENERAL.—Not later than 270 days after the date of the enactment of this Act, the Commander of United States Cyber Command and the Secretaries of the military departments, in coordination with the Principal Cyber Advisor to the Secretary, the Chief Information Officer and Chief Data Officer of the Department of Defense, and the Chairman of the Joint Chiefs of Staff, shall establish the specific roles and responsibilities of the following in implementing each of the tasks required under subsection (a): (A) United States Cyber Command. (B) Program offices responsible for the components of the Joint Cyber Warfighting Architecture. (C) The military services. (D) Entities in the Office of the Secretary of Defense. (E) Any other program office, headquarters element, or operational component newly instantiated or determined relevant by the Secretary.
Deadline.	(2) BRIEFING.—Not later than 300 days after the date of the enactment of this Act, the Secretary of Defense shall provide to the congressional defense committees a briefing on the roles and responsibilities established under paragraph (1).
10 USC 2224 note.	SEC. 1528. ZERO TRUST STRATEGY, PRINCIPLES, MODEL ARCHITECTURE, AND IMPLEMENTATION PLANS.
Deadline.	(a) IN GENERAL.—Not later than 270 days after the date of the enactment of this Act, the Chief Information Officer of the Department of Defense and the Commander of United States Cyber Command shall jointly develop a zero trust strategy, principles, and a model architecture to be implemented across the Department of Defense Information Network, including classified networks, operational technology, and weapon systems. (b) STRATEGY, PRINCIPLES, AND MODEL ARCHITECTURE ELEMENTS.—The zero trust strategy, principles, and model architecture

required under subsection (a) shall include, at a minimum, the following elements:

(1) Prioritized policies and procedures for establishing implementations of mature zero trust enabling capabilities within on-premises, hybrid, and pure cloud environments, including access control policies that determine which persona or device shall have access to which resources and the following:

(A) Identity, credential, and access management.

(B) Macro and micro network segmentation, whether in virtual, logical, or physical environments.

(C) Traffic inspection.

(D) Application security and containment.

(E) Transmission, ingest, storage, and real-time analysis of cybersecurity metadata endpoints, networks, and storage devices.

(F) Data management, data rights management, and access controls.

(G) End-to-end encryption.

(H) User access and behavioral monitoring, logging, and analysis.

(I) Data loss detection and prevention methodologies.

(J) Least privilege, including system or network administrator privileges.

(K) Endpoint cybersecurity, including secure host, endpoint detection and response, and comply-to-connect requirements.

(L) Automation and orchestration.

(M) Configuration management of virtual machines, devices, servers, routers, and similar to be maintained on a single virtual device approved list (VDL).

(2) Policies specific to operational technology, critical data, infrastructures, weapon systems, and classified networks.

(3) Specification of enterprise-wide acquisitions of capabilities conducted or to be conducted pursuant to the policies referred to in paragraph (2).

(4) Specification of standard zero trust principles supporting reference architectures and metrics-based assessment plan.

(5) Roles, responsibilities, functions, and operational workflows of zero trust cybersecurity architecture and information technology personnel—

(A) at combatant commands, military services, and defense agencies; and

(B) Joint Forces Headquarters-Department of Defense Information Network.

(c) ARCHITECTURE DEVELOPMENT AND IMPLEMENTATION.—In developing and implementing the zero trust strategy, principles, and model architecture required under subsection (a), the Chief Information Officer of the Department of Defense and the Commander of United States Cyber Command shall—

(1) coordinate with—

(A) the Principal Cyber Advisor to the Secretary of Defense;

(B) the Director of the National Security Agency Cybersecurity Directorate;

(C) the Director of the Defense Advanced Research Projects Agency;

- (D) the Chief Information Officer of each military service;
- (E) the Commanders of the cyber components of the military services;
- (F) the Principal Cyber Advisor of each military service;
- (G) the Chairman of the Joints Chiefs of Staff; and
- (H) any other component of the Department of Defense as determined by the Chief Information Officer and the Commander;
- Assessment. (2) assess the utility of the Joint Regional Security Stacks, automated continuous endpoint monitoring program, assured compliance assessment solution, and each of the defenses at the Internet Access Points for their relevance and applicability to the zero trust architecture and opportunities for integration or divestment;
- (3) employ all available resources, including online training, leveraging commercially available zero trust training material, and other Federal agency training, where feasible, to implement cybersecurity training on zero trust at the—
- (A) executive level;
- (B) cybersecurity professional or implementer level;
- and
- (C) general knowledge levels for Department of Defense users;
- (4) facilitate cyber protection team and cybersecurity service provider threat hunting and discovery of novel adversary activity;
- Assessment. (5) assess and implement means to effect Joint Force Headquarters-Department of Defense Information Network’s automated command and control of the entire Department of Defense Information Network;
- Assessment. (6) assess the potential of and, as appropriate, encourage, use of third-party cybersecurity-as-a-service models;
- (7) engage with and conduct outreach to industry, academia, international partners, and other departments and agencies of the Federal Government on issues relating to deployment of zero trust architectures;
- Assessment. (8) assess the current Comply-to-Connect Plan; and
- Review. (9) review past and conduct additional pilots to guide development, including—
- (A) utilization of networks designated for testing and accreditation under section 1658 of the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116–92; 10 U.S.C. 2224 note);
- (B) use of automated red team products for assessment of pilot architectures; and
- (C) accreditation of piloted cybersecurity products for enterprise use in accordance with the findings on enterprise accreditation standards conducted pursuant to section 1654 of such Act (Public Law 116–92).
- (d) IMPLEMENTATION PLANS.—
- Deadline. (1) IN GENERAL.—Not later than one year after the finalization of the zero trust strategy, principles, and model architecture required under subsection (a), the head of each military department and the head of each component of the Department of Defense shall transmit to the Chief Information Officer of

the Department and the Commander of Joint Forces Headquarters-Department of Defense Information Network a draft plan to implement such zero trust strategy, principles, and model architecture across the networks of their respective components and military departments.

(2) ELEMENTS.—Each implementation plan transmitted pursuant to paragraph (1) shall include, at a minimum, the following:

(A) Specific acquisitions, implementations, instrumentations, and operational workflows to be implemented across unclassified and classified networks, operational technology, and weapon systems.

(B) A detailed schedule with target milestones and required expenditures.

(C) Interim and final metrics, including a phase migration plan.

(D) Identification of additional funding, authorities, and policies, as may be required.

(E) Requested waivers, exceptions to Department of Defense policy, and expected delays.

(e) IMPLEMENTATION OVERSIGHT.—

(1) IN GENERAL.—The Chief Information Officer of the Department of Defense shall—

(A) assess the implementation plans transmitted pursuant to subsection (d)(1) for— Assessment.

(i) adequacy and responsiveness to the zero trust strategy, principles, and model architecture required under subsection (a); and

(ii) appropriate use of enterprise-wide acquisitions;

(B) ensure, at a high level, the interoperability and compatibility of individual components' Solutions Architectures, including the leveraging of enterprise capabilities where appropriate through standards derivation, policy, and reviews;

(C) use the annual investment guidance of the Chief to ensure appropriate implementation of such plans, including appropriate use of enterprise-wide acquisitions;

(D) track use of waivers and exceptions to policy;

(E) use the Cybersecurity Scorecard to track and drive implementation of Department components; and

(F) leverage the authorities of the Commander of Joint Forces Headquarters-Department of Defense Information Network and the Director of the Defense Information Systems Agency to begin implementation of such zero trust strategy, principles, and model architecture.

(2) ASSESSMENTS OF FUNDING.—Not later than March 31, 2024, and annually thereafter, each Principal Cyber Advisor of a military service shall include in the annual budget certification of such military service, as required by section 1657(d) of the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116–92; 10 U.S.C. 391 note), an assessment of the adequacy of funding requested for each proposed budget for the purposes of carrying out the implementation plan for such military service under subsection (d)(1). Deadline.
Assessment.

(f) INITIAL BRIEFINGS.—

Deadline.

(1) ON MODEL ARCHITECTURE.—Not later than 90 days after finalizing the zero trust strategy, principles, and model architecture required under subsection (a), the Chief Information Officer of the Department of Defense and the Commander of Joint Forces Headquarters-Department of Defense Information Network shall provide to the congressional defense committees a briefing on such zero trust strategy, principles, and model architecture.

Deadline.

(2) ON IMPLEMENTATION PLANS.—Not later than 90 days after the receipt by the Chief Information Officer of the Department of Defense of an implementation plan transmitted pursuant to subsection (d)(1), the secretary of a military department, in the case of an implementation plan pertaining to a military department or a military service, or the Chief Information Officer of the Department, in the case of an implementation plan pertaining to a remaining component of the Department, as the case may be, shall provide to the congressional defense committees a briefing on such implementation plan.

Effective date.

(g) ANNUAL BRIEFINGS.—Effective February 1, 2022, at each of the annual cybersecurity budget review briefings of the Chief Information Officer of the Department of Defense and the military services for congressional staff, until January 1, 2030, the Chief Information Officer and the head of each of the military services shall provide updates on the implementation in their respective networks of the zero trust strategy, principles, and model architecture.

10 USC 2224
note.

SEC. 1529. DEMONSTRATION PROGRAM FOR AUTOMATED SECURITY VALIDATION TOOLS.

Deadline.

(a) DEMONSTRATION PROGRAM REQUIRED.—Not later than October 1, 2024, the Chief Information Officer of the Department of Defense, acting through the Director of the Defense Information Systems Agency of the Department, shall complete a demonstration program to demonstrate and assess an automated security validation capability to assist the Department by—

- (1) mitigating cyber hygiene challenges;
- (2) supporting ongoing efforts of the Department to assess weapon systems resiliency;
- (3) quantifying enterprise security effectiveness of enterprise security controls, to inform future acquisition decisions of the Department;
- (4) assisting portfolio managers with balancing capability costs and capability coverage of the threat landscape; and
- (5) supporting the Department's Cybersecurity Analysis and Review threat framework.

(b) CONSIDERATIONS.—In developing capabilities for the demonstration program required under subsection (a), the Chief Information Officer shall consider—

- (1) integration into automated security validation tools of advanced commercially available threat intelligence;
- (2) metrics and scoring of security controls;
- (3) cyber analysis, cyber campaign tracking, and cybersecurity information sharing;
- (4) integration into cybersecurity enclaves and existing cybersecurity controls of security instrumentation and testing capability;
- (5) endpoint sandboxing; and

(6) use of actual adversary attack methodologies.

(c) **COORDINATION WITH MILITARY SERVICES.**—In carrying out the demonstration program required under subsection (a), the Chief Information Officer, acting through the Director of the Defense Information Systems Agency, shall coordinate demonstration program activities with complementary efforts on-going within the military services, defense agencies, and field agencies.

(d) **INDEPENDENT CAPABILITY ASSESSMENT.**—In carrying out the demonstration program required under subsection (a), the Chief Information Officer, acting through the Director of the Defense Information Systems Agency and in coordination with the Director, Operational Test and Evaluation, shall perform operational testing to evaluate the operational effectiveness, suitability, and cybersecurity of the capabilities developed under the demonstration program.

(e) **BRIEFING.**—

Deadlines.

(1) **INITIAL BRIEFING.**—Not later than April 1, 2022, the Chief Information Officer shall brief the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives on the plans and status of the Chief Information Officer with respect to the demonstration program required under subsection (a).

(2) **FINAL BRIEFING.**—Not later than October 31, 2024, the Chief Information Officer shall brief the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives on the results and findings of the Chief Information Officer with respect to the demonstration program required under subsection (a).

SEC. 1530. IMPROVEMENTS TO CONSORTIUM OF UNIVERSITIES TO ADVISE SECRETARY OF DEFENSE ON CYBERSECURITY MATTERS.

Section 1659 of the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116–92; 10 U.S.C. 391 note) is amended—

(1) in subsection (a)—

(A) in the matter preceding paragraph (1), by striking “one or more consortia” and inserting “a consortium”; and

(B) in paragraph (1), by striking “or consortia”;

(2) in subsection (b), by striking “or consortia”;

(3) in subsection (c)—

(A) by amending paragraph (1) to read as follows:

“(1) **DESIGNATION OF ADMINISTRATIVE CHAIR.**—The Secretary of Defense shall designate the National Defense University College of Information and Cyberspace to function as the administrative chair of the consortium established pursuant to subsection (a).”;

(B) by striking paragraph (2);

(C) by redesignating paragraphs (3) and (4) as paragraphs (2) and (3), respectively;

(D) in paragraph (2), as so redesignated—

(i) in the matter preceding subparagraph (A)—

(I) by striking “Each administrative” and inserting “The administrative”; and

(II) by striking “a consortium” and inserting “the consortium”; and

(ii) in subparagraph (A), by striking “for the term specified by the Secretary under paragraph (1)”; and

(E) by amending paragraph (3), as so redesignated, to read as follows:

Consultation.

“(3) EXECUTIVE COMMITTEE.—The Secretary, in consultation with the administrative chair, may form an executive committee for the consortium that is comprised of representatives of the Federal Government to assist the chair with the management and functions of the consortium.”; and

(4) by amending subsection (d) to read as follows:

“(d) CONSULTATION.—The Secretary shall meet with such members of the consortium as the Secretary considers appropriate, not less frequently than twice each year or at such periodicity as is agreed to by the Secretary and the consortium.”.

SEC. 1531. DIGITAL DEVELOPMENT INFRASTRUCTURE PLAN AND WORKING GROUP.

Deadline.

(a) PLAN REQUIRED.—Not later than one year after the date of the enactment of this Act, the Secretary of Defense, acting through the working group established under subsection (d)(1), shall develop a plan for the establishment of a modern information technology infrastructure that supports state of the art tools and modern processes to enable effective and efficient development, testing, fielding, and continuous updating of artificial intelligence capabilities.

(b) CONTENTS OF PLAN.—The plan developed pursuant to subsection (a) shall include at a minimum the following:

(1) A technical plan and guidance for necessary technical investments in the infrastructure described in subsection (a) that address critical technical issues, including issues relating to common interfaces, authentication, applications, platforms, software, hardware, and data infrastructure.

(2) A governance structure, together with associated policies and guidance, to support the implementation throughout the Department of such plan.

(3) Identification and minimum viable instantiations of prototypical development and platform environments with such infrastructure, including enterprise data sets assembled under subsection (e).

(c) HARMONIZATION WITH DEPARTMENTAL EFFORTS.—The plan developed pursuant to subsection (a) shall include a description of the aggregated and consolidated financial and personnel requirements necessary to implement each of the following Department of Defense documents:

(1) The Department of Defense Digital Modernization Strategy.

(2) The Department of Defense Data Strategy.

(3) The Department of Defense Cloud Strategy.

(4) The Department of Defense Software Modernization Strategy.

(5) The Department-wide software science and technology strategy required under section 255 of the National Defense Authorization Act for Fiscal Year 2020 (10 U.S.C. 2223a note).

(6) The Department of Defense Artificial Intelligence Data Initiative.

(7) The Joint All-Domain Command and Control Strategy.

(8) Such other documents as the Secretary determines appropriate.

(d) WORKING GROUP.—

(1) ESTABLISHMENT.—Not later than 60 days after the date of the enactment of this Act, the Secretary of Defense shall establish a working group on digital development infrastructure implementation to develop the plan required under subsection (a). Deadline.

(2) MEMBERSHIP.—The working group established under paragraph (1) shall be composed of individuals selected by the Secretary of Defense to represent each of the following:

(A) The Office of Chief Data Officer (CDO).

(B) The Component Offices of Chief Information Officer and Chief Digital Officer.

(C) The Joint Artificial Intelligence Center (JAIC).

(D) The Office of the Under Secretary of Defense for Research & Engineering (OUSD (R&E)).

(E) The Office of the Under Secretary of Defense for Acquisition & Sustainment (OUSD (A&S)).

(F) The Office of the Under Secretary of Defense for Intelligence & Security (OUSD (I&S)).

(G) Service Acquisition Executives.

(H) The Office of the Director of Operational Test and Evaluation (DOT&E).

(I) The office of the Director of the Defense Advanced Research Projects Agency (DARPA).

(J) Digital development infrastructure programs, including the appropriate activities of the military services and defense agencies.

(K) Such other officials of the Department of Defense as the Secretary determines appropriate.

(3) CHAIRPERSON.—The chairperson of the working group established under paragraph (1) shall be the Chief Information Officer of the Department of Defense, or such other official as the Secretary of Defense considers appropriate.

(4) CONSULTATION.—The working group shall consult with such experts outside of the Department of Defense as the working group considers necessary to develop the plan required under subsection (a).

(e) STRATEGIC DATA NODE.—To enable efficient access to enterprise data sets referred to in subsection (b)(3) for users with authorized access, the Secretary of Defense shall assemble such enterprise data sets in the following areas:

(1) Human resources.

(2) Budget and finance.

(3) Acquisition.

(4) Logistics.

(5) Real estate.

(6) Health care.

(7) Such other areas as the Secretary considers appropriate.

(f) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report on the status of the development of the plan required under subsection (a).

10 USC note
prec. 2191.

SEC. 1532. STUDY REGARDING ESTABLISHMENT WITHIN THE DEPARTMENT OF DEFENSE OF A DESIGNATED CENTRAL PROGRAM OFFICE TO OVERSEE ACADEMIC ENGAGEMENT PROGRAMS RELATING TO ESTABLISHING CYBER TALENT ACROSS THE DEPARTMENT.

Deadline.

(a) **IN GENERAL.**—Not later than 270 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a study regarding the need, feasibility, and advisability of establishing within the Department of Defense a designated central program office responsible for overseeing covered academic engagement programs across the Department. Such study shall examine the following:

(1) Whether the Department’s cyber-focused academic engagement needs more coherence, additional coordination, or improved management, and whether a designated central program office would provide such benefits.

(2) How such a designated central program office would coordinate and harmonize Department programs relating to covered academic engagement programs.

(3) Metrics such office would use to measure the effectiveness of covered academic engagement programs.

(4) Whether such an office is necessary to serve as an identifiable entry point to the Department by the academic community.

(5) Whether the cyber discipline with respect to academic engagement should be treated separately from other STEM fields.

(6) How such an office would interact with the consortium universities (established pursuant to section 1659 of the National Defense Authorization Act for Fiscal Year 2020 (10 U.S.C. 391 note)) to assist the Secretary on cybersecurity matters.

(7) Whether the establishment of such an office would have an estimated net savings for the Department.

(b) **CONSULTATION.**—In conducting the study required under subsection (a), the Secretary of Defense shall consult with and solicit recommendations from academic institutions and stakeholders, including primary, secondary, and post-secondary educational institutions.

(c) **DETERMINATION.**—

(1) **IN GENERAL.**—Upon completion of the study required under subsection (a), the Secretary of Defense shall make a determination regarding the establishment within the Department of Defense of a designated central program office responsible for overseeing covered academic engagement programs across the Department.

(2) **IMPLEMENTATION.**—If the Secretary of Defense makes an affirmative determination in accordance with paragraph (1), the Secretary shall establish within the Department of Defense a designated central program office responsible for overseeing covered academic programs across the Department. Not later than 180 days after such a determination, the Secretary shall promulgate such rules and regulations as are necessary to so establish such an office.

Deadline.
Regulations.

Notice.

(3) **NEGATIVE DETERMINATION.**—If the Secretary of Defense makes a negative determination in accordance with paragraph (1), the Secretary shall submit to the congressional defense

committees notice of such determination, together with a justification for such determination. Such justification shall include—

(A) how the Secretary intends to coordinate and harmonize covered academic engagement programs; and

(B) measures to determine effectiveness of covered academic engagement programs absent a designated central program office responsible for overseeing covered academic programs across the Department.

(d) **REPORT.**—Not later than 270 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report that updates the matters required for inclusion in the reports required pursuant to section 1649 of the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116–92) and section 1726(c) of the William M. (Mac) Thornberry National Defense Authorization Act for Fiscal Year 2021 (Public Law 116–283).

(e) **DEFINITION.**—In this section, the term “covered academic engagement program” means each of the following:

(1) Primary, secondary, or post-secondary education programs with a cyber focus.

(2) Recruitment or retention programs for Department of Defense cyberspace personnel, including scholarship programs.

(3) Academic partnerships focused on establishing cyber talent.

(4) Cyber enrichment programs.

SEC. 1533. REPORT ON THE CYBERSECURITY MATURITY MODEL CERTIFICATION PROGRAM.

(a) **REPORT REQUIRED.**—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives a report on the plans and recommendations of the Secretary for the Cyber Maturity Model Certification program.

Plans.
Recommendations.

(b) **CONTENTS.**—The report submitted under subsection (a) shall include the following:

(1) The programmatic changes required in the Cyber Maturity Model Certification program to address the plans and recommendations of the Secretary of Defense referred to in such subsection.

(2) The strategy of the Secretary for rulemaking for such program and the process for the Cybersecurity Maturity Model Certification rule.

(3) The budget and resources required to support such program.

(4) A plan for communication and coordination with the defense industrial base regarding such program.

(5) The coordination needed within the Department of Defense and between Federal agencies for such program.

(6) The applicability of such program requirements to universities and academic partners of the Department.

(7) A plan for communication and coordination with such universities and academic partners regarding such program.

(8) Plans and explicit public announcement of processes for reimbursement of cybersecurity compliance expenses for

small and non-traditional businesses in the defense industrial base.

(9) Plans for ensuring that persons seeking a Department contract for the first time are not required to expend funds to acquire cybersecurity capabilities and a certification required to perform under a contract as a precondition for bidding on such a contract without reimbursement in the event that such persons do not receive a contract award.

(10) Clarification of roles and responsibilities of prime contractors for assisting and managing cybersecurity performance of subcontractors.

(11) Such additional matters as the Secretary considers appropriate.

SEC. 1534. DEADLINE FOR REPORTS ON ASSESSMENT OF CYBER RESILIENCY OF NUCLEAR COMMAND AND CONTROL SYSTEM.

Subsection (c) of section 499 of title 10, United States Code, is amended—

(1) in the heading, by striking “REPORT” and inserting “REPORTS”;

(2) in paragraph (1), in the matter preceding subparagraph (A)—

(A) by striking “The Commanders” and inserting “For each assessment conducted under subsection (a), the Commanders”; and

(B) by striking “the assessment required by subsection (a)” and inserting “the assessment”;

(3) in paragraph (2), by striking “the report” and inserting “each report”; and

(4) in paragraph (3)—

(A) by striking “The Secretary” and inserting “Not later than 90 days after the date of the submission of a report under paragraph (1), the Secretary”; and

(B) by striking “required by paragraph (1)”.

Subtitle C—Matters Related to Federal Cybersecurity

SEC. 1541. CAPABILITIES OF THE CYBERSECURITY AND INFRASTRUCTURE SECURITY AGENCY TO IDENTIFY THREATS TO INDUSTRIAL CONTROL SYSTEMS.

(a) IN GENERAL.—Section 2209 of the Homeland Security Act of 2002 (6 U.S.C. 659) is amended—

(1) in subsection (e)(1)—

(A) in subparagraph (G), by striking “and;” after the semicolon;

(B) in subparagraph (H), by inserting “and” after the semicolon; and

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

“(I) activities of the Center address the security of both information technology and operational technology, including industrial control systems;”;

(2) by adding at the end the following new subsection:

“(q) INDUSTRIAL CONTROL SYSTEMS.—The Director shall maintain capabilities to identify and address threats and vulnerabilities

to products and technologies intended for use in the automated control of critical infrastructure processes. In carrying out this subsection, the Director shall—

“(1) lead Federal Government efforts, in consultation with Sector Risk Management Agencies, as appropriate, to identify and mitigate cybersecurity threats to industrial control systems, including supervisory control and data acquisition systems;

Consultation.

“(2) maintain threat hunting and incident response capabilities to respond to industrial control system cybersecurity risks and incidents;

“(3) provide cybersecurity technical assistance to industry end-users, product manufacturers, Sector Risk Management Agencies, other Federal agencies, and other industrial control system stakeholders to identify, evaluate, assess, and mitigate vulnerabilities;

“(4) collect, coordinate, and provide vulnerability information to the industrial control systems community by, as appropriate, working closely with security researchers, industry end-users, product manufacturers, Sector Risk Management Agencies, other Federal agencies, and other industrial control systems stakeholders; and

“(5) conduct such other efforts and assistance as the Secretary determines appropriate.”.

(b) REPORT TO CONGRESS.—Not later than 180 days after the date of the enactment of this Act and every six months thereafter during the subsequent 4-year period, the Director of the Cybersecurity and Infrastructure Security Agency of the Department of Homeland Security shall provide to the Committee on Homeland Security of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate a briefing on the industrial control systems capabilities of the Agency under section 2209 of the Homeland Security Act of 2002 (6 U.S.C. 659), as amended by subsection (a).

Time period.

(c) GAO REVIEW.—Not later than two years after the date of the enactment of this Act, the Comptroller General of the United States shall review implementation of the requirements of subsections (e)(1)(I) and (p) of section 2209 of the Homeland Security Act of 2002 (6 U.S.C. 659), as amended by subsection (a), and submit to the Committee on Homeland Security of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate a report that includes findings and recommendations relating to such implementation. Such report shall include information on the following:

Deadline.

(1) Any interagency coordination challenges to the ability of the Director of the Cybersecurity and Infrastructure Security Agency of the Department of Homeland Security to lead Federal efforts to identify and mitigate cybersecurity threats to industrial control systems pursuant to subsection (p)(1) of such section.

(2) The degree to which the Agency has adequate capacity, expertise, and resources to carry out threat hunting and incident response capabilities to mitigate cybersecurity threats to industrial control systems pursuant to subsection (p)(2) of such section, as well as additional resources that would be needed to close any operational gaps in such capabilities.

(3) The extent to which industrial control system stakeholders sought cybersecurity technical assistance from the

Agency pursuant to subsection (p)(3) of such section, and the utility and effectiveness of such technical assistance.

(4) The degree to which the Agency works with security researchers and other industrial control systems stakeholders, pursuant to subsection (p)(4) of such section, to provide vulnerability information to the industrial control systems community.

SEC. 1542. CYBERSECURITY VULNERABILITIES.

Section 2209 of the Homeland Security Act of 2002 (6 U.S.C. 659) is amended—

(1) in subsection (a)—

(A) by redesignating paragraphs (4) through (8) as paragraphs (5) through (9), respectively; and

(B) by inserting after paragraph (3) the following new paragraph:

“(4) the term ‘cybersecurity vulnerability’ has the meaning given the term ‘security vulnerability’ in section 102 of the Cybersecurity Information Sharing Act of 2015 (6 U.S.C. 1501);”.

(2) in subsection (c)—

(A) in paragraph (5)—

(i) in subparagraph (A), by striking “and” after the semicolon at the end;

(ii) by redesignating subparagraph (B) as subparagraph (C);

(iii) by inserting after subparagraph (A) the following new subparagraph:

“(B) sharing mitigation protocols to counter cybersecurity vulnerabilities pursuant to subsection (n), as appropriate; and”; and

(iv) in subparagraph (C), as so redesignated, by inserting “and mitigation protocols to counter cybersecurity vulnerabilities in accordance with subparagraph (B), as appropriate,” before “with Federal”;

(B) in paragraph (7)(C), by striking “sharing” and inserting “share”; and

(C) in paragraph (9), by inserting “mitigation protocols to counter cybersecurity vulnerabilities, as appropriate,” after “measures,”;

(3) by redesignating subsection (o) as subsection (p); and

(4) by inserting after subsection (n) following new subsection:

“(o) **PROTOCOLS TO COUNTER CERTAIN CYBERSECURITY VULNERABILITIES.**—The Director may, as appropriate, identify, develop, and disseminate actionable protocols to mitigate cybersecurity vulnerabilities to information systems and industrial control systems, including in circumstances in which such vulnerabilities exist because software or hardware is no longer supported by a vendor.”.

SEC. 1543. REPORT ON CYBERSECURITY VULNERABILITIES.

(a) **REPORT.**—Not later than one year after the date of the enactment of this Act, the Director of the Cybersecurity and Infrastructure Security Agency of the Department of Homeland Security shall submit to the Committee on Homeland Security of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate a report on how the Agency carries out subsection (n) of section 2209 of the Homeland Security

Act of 2002 to coordinate vulnerability disclosures, including disclosures of cybersecurity vulnerabilities (as such term is defined in such section), and subsection (o) of such section to disseminate actionable protocols to mitigate cybersecurity vulnerabilities to information systems and industrial control systems, that include the following:

(1) A description of the policies and procedures relating to the coordination of vulnerability disclosures.

(2) A description of the levels of activity in furtherance of such subsections (n) and (o) of such section 2209.

(3) Any plans to make further improvements to how information provided pursuant to such subsections can be shared (as such term is defined in such section 2209) between the Department and industry and other stakeholders.

(4) Any available information on the degree to which such information was acted upon by industry and other stakeholders.

(5) A description of how privacy and civil liberties are preserved in the collection, retention, use, and sharing of vulnerability disclosures.

(b) FORM.—The report required under subsection (b) shall be submitted in unclassified form but may contain a classified annex.

SEC. 1544. COMPETITION RELATING TO CYBERSECURITY VULNERABILITIES.

6 USC 663 note.

The Under Secretary for Science and Technology of the Department of Homeland Security, in consultation with the Director of the Cybersecurity and Infrastructure Security Agency of the Department, may establish an incentive-based program that allows industry, individuals, academia, and others to compete in identifying remediation solutions for cybersecurity vulnerabilities (as such term is defined in section 2209 of the Homeland Security Act of 2002) to information systems (as such term is defined in such section 2209) and industrial control systems, including supervisory control and data acquisition systems.

Consultation.

SEC. 1545. STRATEGY.

Section 2210 of the Homeland Security Act of 2002 (6 U.S.C. 660) is amended by adding at the end the following new subsection:

“(e) HOMELAND SECURITY STRATEGY TO IMPROVE THE CYBERSECURITY OF STATE, LOCAL, TRIBAL, AND TERRITORIAL GOVERNMENTS.—

“(1) IN GENERAL.—

“(A) REQUIREMENT.—Not later than one year after the date of the enactment of this subsection, the Secretary, acting through the Director, shall, in coordination with the heads of appropriate Federal agencies, State, local, Tribal, and territorial governments, and other stakeholders, as appropriate, develop and make publicly available a Homeland Security Strategy to Improve the Cybersecurity of State, Local, Tribal, and Territorial Governments.

Deadline.

“(B) RECOMMENDATIONS AND REQUIREMENTS.—The strategy required under subparagraph (A) shall provide recommendations relating to the ways in which the Federal Government should support and promote the ability of State, local, Tribal, and territorial governments to identify, mitigate against, protect against, detect, respond to, and recover from cybersecurity risks (as such term is defined

in section 2209), cybersecurity threats, and incidents (as such term is defined in section 2209).

“(2) CONTENTS.—The strategy required under paragraph (1) shall—

“(A) identify capability gaps in the ability of State, local, Tribal, and territorial governments to identify, protect against, detect, respond to, and recover from cybersecurity risks, cybersecurity threats, incidents, and ransomware incidents;

“(B) identify Federal resources and capabilities that are available or could be made available to State, local, Tribal, and territorial governments to help those governments identify, protect against, detect, respond to, and recover from cybersecurity risks, cybersecurity threats, incidents, and ransomware incidents;

Recommendations.

“(C) identify and assess the limitations of Federal resources and capabilities available to State, local, Tribal, and territorial governments to help those governments identify, protect against, detect, respond to, and recover from cybersecurity risks, cybersecurity threats, incidents, and ransomware incidents and make recommendations to address such limitations;

“(D) identify opportunities to improve the coordination of the Agency with Federal and non-Federal entities, such as the Multi-State Information Sharing and Analysis Center, to improve—

“(i) incident exercises, information sharing and incident notification procedures;

“(ii) the ability for State, local, Tribal, and territorial governments to voluntarily adapt and implement guidance in Federal binding operational directives; and

“(iii) opportunities to leverage Federal schedules for cybersecurity investments under section 502 of title 40, United States Code;

Recommendations.

“(E) recommend new initiatives the Federal Government should undertake to improve the ability of State, local, Tribal, and territorial governments to identify, protect against, detect, respond to, and recover from cybersecurity risks, cybersecurity threats, incidents, and ransomware incidents;

“(F) set short-term and long-term goals that will improve the ability of State, local, Tribal, and territorial governments to identify, protect against, detect, respond to, and recover from cybersecurity risks, cybersecurity threats, incidents, and ransomware incidents; and

“(G) set dates, including interim benchmarks, as appropriate for State, local, Tribal, and territorial governments to establish baseline capabilities to identify, protect against, detect, respond to, and recover from cybersecurity risks, cybersecurity threats, incidents, and ransomware incidents.

“(3) CONSIDERATIONS.—In developing the strategy required under paragraph (1), the Director, in coordination with the heads of appropriate Federal agencies, State, local, Tribal, and territorial governments, and other stakeholders, as appropriate, shall consider—

“(A) lessons learned from incidents that have affected State, local, Tribal, and territorial governments, and exercises with Federal and non-Federal entities;

“(B) the impact of incidents that have affected State, local, Tribal, and territorial governments, including the resulting costs to such governments;

“(C) the information related to the interest and ability of state and non-state threat actors to compromise information systems (as such term is defined in section 102 of the Cybersecurity Act of 2015 (6 U.S.C. 1501)) owned or operated by State, local, Tribal, and territorial governments; and

“(D) emerging cybersecurity risks and cybersecurity threats to State, local, Tribal, and territorial governments resulting from the deployment of new technologies.

“(4) EXEMPTION.—Chapter 35 of title 44, United States Code (commonly known as the ‘Paperwork Reduction Act’), shall not apply to any action to implement this subsection.”.

SEC. 1546. CYBER INCIDENT RESPONSE PLAN.

Subsection (c) of section 2210 of the Homeland Security Act of 2002 (6 U.S.C. 660) is amended—

(1) by striking “regularly update” and inserting “update not less often than biennially”; and

(2) by adding at the end the following new sentence: “The Director, in consultation with relevant Sector Risk Management Agencies and the National Cyber Director, shall develop mechanisms to engage with stakeholders to educate such stakeholders regarding Federal Government cybersecurity roles and responsibilities for cyber incident response.”.

Consultation.

SEC. 1547. NATIONAL CYBER EXERCISE PROGRAM.

6 USC 665h.

(a) IN GENERAL.—Subtitle A of title XXII of the Homeland Security Act of 2002 (6 U.S.C. 651 et seq.) is amended by adding at the end the following new section:

“SEC. 2220B. NATIONAL CYBER EXERCISE PROGRAM.

“(a) ESTABLISHMENT OF PROGRAM.—

“(1) IN GENERAL.—There is established in the Agency the National Cyber Exercise Program (referred to in this section as the ‘Exercise Program’) to evaluate the National Cyber Incident Response Plan, and other related plans and strategies.

“(2) REQUIREMENTS.—

“(A) IN GENERAL.—The Exercise Program shall be—

Assessments.

“(i) based on current risk assessments, including credible threats, vulnerabilities, and consequences;

“(ii) designed, to the extent practicable, to simulate the partial or complete incapacitation of a government or critical infrastructure network resulting from a cyber incident;

“(iii) designed to provide for the systematic evaluation of cyber readiness and enhance operational understanding of the cyber incident response system and relevant information sharing agreements; and

“(iv) designed to promptly develop after-action reports and plans that can quickly incorporate lessons learned into future operations.

“(B) MODEL EXERCISE SELECTION.—The Exercise Program shall—

“(i) include a selection of model exercises that government and private entities can readily adapt for use; and

“(ii) aid such governments and private entities with the design, implementation, and evaluation of exercises that—

“(I) conform to the requirements described in subparagraph (A);

“(II) are consistent with any applicable national, State, local, or Tribal strategy or plan; and

“(III) provide for systematic evaluation of readiness.

“(3) CONSULTATION.—In carrying out the Exercise Program, the Director may consult with appropriate representatives from Sector Risk Management Agencies, the Office of the National Cyber Director, cybersecurity research stakeholders, and Sector Coordinating Councils.

“(b) DEFINITIONS.—In this section:

“(1) STATE.—The term ‘State’ means any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Northern Mariana Islands, the United States Virgin Islands, Guam, American Samoa, and any other territory or possession of the United States.

“(2) PRIVATE ENTITY.—The term ‘private entity’ has the meaning given such term in section 102 of the Cybersecurity Information Sharing Act of 2015 (6 U.S.C. 1501).

“(c) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to affect the authorities or responsibilities of the Administrator of the Federal Emergency Management Agency pursuant to section 648 of the Post-Katrina Emergency Management Reform Act of 2006 (6 U.S.C. 748).”.

(b) TITLE XXII TECHNICAL AND CLERICAL AMENDMENTS.—

(1) TECHNICAL AMENDMENTS.—

(A) HOMELAND SECURITY ACT OF 2002.—Subtitle A of title XXII of the Homeland Security Act of 2002 (6 U.S.C. 651 et seq.) is amended—

(i) in section 2202(c) (6 U.S.C. 652(c))—

(I) in paragraph (11), by striking “and” after the semicolon;

(II) in the first paragraph (12) (relating to appointment of a Cybersecurity State Coordinator) by striking “as described in section 2215; and” and inserting “as described in section 2217;”;

(III) by redesignating the second paragraph (12) (relating to the .gov internet domain) as paragraph (13); and

(IV) by redesignating the third paragraph (12) (relating to carrying out such other duties and responsibilities) as paragraph (14);

(ii) in the first section 2215 (6 U.S.C. 665; relating to the duties and authorities relating to .gov internet domain), by amending the section enumerator and heading to read as follows:

“SEC. 2215. DUTIES AND AUTHORITIES RELATING TO .GOV INTERNET DOMAIN.”;

(iii) in the second section 2215 (6 U.S.C. 665b; relating to the joint cyber planning office), by amending the section enumerator and heading to read as follows:

“SEC. 2216. JOINT CYBER PLANNING OFFICE.”;

(iv) in the third section 2215 (6 U.S.C. 665c; relating to the Cybersecurity State Coordinator), by amending the section enumerator and heading to read as follows:

“SEC. 2217. CYBERSECURITY STATE COORDINATOR.”;

(v) in the fourth section 2215 (6 U.S.C. 665d; relating to Sector Risk Management Agencies), by amending the section enumerator and heading to read as follows:

“SEC. 2218. SECTOR RISK MANAGEMENT AGENCIES.”;

(vi) in section 2216 (6 U.S.C. 665e; relating to the Cybersecurity Advisory Committee), by amending the section enumerator and heading to read as follows:

“SEC. 2219. CYBERSECURITY ADVISORY COMMITTEE.”;

(vii) in section 2217 (6 U.S.C. 665f; relating to Cybersecurity Education and Training Programs), by amending the section enumerator and heading to read as follows:

“SEC. 2220. CYBERSECURITY EDUCATION AND TRAINING PROGRAMS.”;
and

(viii) in section 2218 (6 U.S.C. 665g; relating to the State and Local Cybersecurity Grant Program), by amending the section enumerator and heading to read as follows:

“SEC. 2220A. STATE AND LOCAL CYBERSECURITY GRANT PROGRAM.”.

(B) CONSOLIDATED APPROPRIATIONS ACT, 2021.—Paragraph (1) of section 904(b) of division U of the Consolidated Appropriations Act, 2021 (Public Law 116–260) is amended, in the matter preceding subparagraph (A), by inserting “of 2002” after “Homeland Security Act”.

(2) CLERICAL AMENDMENT.—The table of contents in section 1(b) of the Homeland Security Act of 2002 is further amended by striking the items relating to sections 2214 through 2218 and inserting the following new items:

“Sec. 2214. National Asset Database.
“Sec. 2215. Duties and authorities relating to .gov internet domain.
“Sec. 2216. Joint cyber planning office.
“Sec. 2217. Cybersecurity State Coordinator.
“Sec. 2218. Sector Risk Management Agencies.
“Sec. 2219. Cybersecurity Advisory Committee.
“Sec. 2220. Cybersecurity Education and Training Programs.
“Sec. 2220A. State and Local Cybersecurity Grant Program.
“Sec. 2220B. National cyber exercise program.”.

SEC. 1548. CYBERSENTRY PROGRAM OF THE CYBERSECURITY AND INFRASTRUCTURE SECURITY AGENCY.

(a) IN GENERAL.—Title XXII of the Homeland Security Act of 2002 (6 U.S.C. 651 et seq.) is further amended by adding at the end the following new section:

6 USC 665i.

“SEC. 2220C. CYBERSENTRY PROGRAM.

“(a) **ESTABLISHMENT.**—There is established in the Agency a program, to be known as ‘CyberSentry’, to provide continuous monitoring and detection of cybersecurity risks to critical infrastructure entities that own or operate industrial control systems that support national critical functions, upon request and subject to the consent of such owner or operator.

“(b) **ACTIVITIES.**—The Director, through CyberSentry, shall—

“(1) enter into strategic partnerships with critical infrastructure owners and operators that, in the determination of the Director and subject to the availability of resources, own or operate regionally or nationally significant industrial control systems that support national critical functions, in order to provide technical assistance in the form of continuous monitoring of industrial control systems and the information systems that support such systems and detection of cybersecurity risks to such industrial control systems and other cybersecurity services, as appropriate, based on and subject to the agreement and consent of such owner or operator;

“(2) leverage sensitive or classified intelligence about cybersecurity risks regarding particular sectors, particular adversaries, and trends in tactics, techniques, and procedures to advise critical infrastructure owners and operators regarding mitigation measures and share information as appropriate;

“(3) identify cybersecurity risks in the information technology and information systems that support industrial control systems which could be exploited by adversaries attempting to gain access to such industrial control systems, and work with owners and operators to remediate such vulnerabilities;

“(4) produce aggregated, anonymized analytic products, based on threat hunting and continuous monitoring and detection activities and partnerships, with findings and recommendations that can be disseminated to critical infrastructure owners and operators; and

“(5) support activities authorized in accordance with section 1501 of the National Defense Authorization Act for Fiscal Year 2022.

Deadline.

“(c) **PRIVACY REVIEW.**—Not later than 180 days after the date of enactment of this section, the Privacy Officer of the Agency under section 2202(h) shall—

“(1) review the policies, guidelines, and activities of CyberSentry for compliance with all applicable privacy laws, including such laws governing the acquisition, interception, retention, use, and disclosure of communities; and

Reports.

“(2) submit to the Committee on Homeland Security of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate a report certifying compliance with all applicable privacy laws as referred to in paragraph (1), or identifying any instances of noncompliance with such privacy laws.

“(d) **REPORT TO CONGRESS.**—Not later than one year after the date of the enactment of this section, the Director shall provide to the Committee on Homeland Security of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate a briefing and written report on implementation of this section.

“(e) SAVINGS.—Nothing in this section may be construed to permit the Federal Government to gain access to information of a remote computing service provider to the public or an electronic service provider to the public, the disclosure of which is not permitted under section 2702 of title 18, United States Code.

“(f) DEFINITIONS.—In this section:

“(1) CYBERSECURITY RISK.—The term ‘cybersecurity risk’ has the meaning given such term in section 2209(a).

“(2) INDUSTRIAL CONTROL SYSTEM.—The term ‘industrial control system’ means an information system used to monitor and/or control industrial processes such as manufacturing, product handling, production, and distribution, including supervisory control and data acquisition (SCADA) systems used to monitor and/or control geographically dispersed assets, distributed control systems (DCSs), Human-Machine Interfaces (HMIs), and programmable logic controllers that control localized processes.

“(3) INFORMATION SYSTEM.—The term ‘information system’ has the meaning given such term in section 102 of the Cybersecurity Act of 2015 (enacted as division N of the Consolidated Appropriations Act, 2016 (Public Law 114–113; 6 U.S.C. 1501(9))).

“(g) TERMINATION.—The authority to carry out a program under this section shall terminate on the date that is seven years after the date of the enactment of this section.”

(b) CLERICAL AMENDMENT.—The table of contents in section 1(b) of the Homeland Security Act of 2002 is further amended by adding after the item relating to section 2220B the following new item:

“Sec. 2220C. CyberSentry program.”

(c) CONTINUOUS MONITORING AND DETECTION.—Section 2209(c)(6) of the Homeland Security Act of 2002 (6 U.S.C. 659) is amended by inserting “, which may take the form of continuous monitoring and detection of cybersecurity risks to critical infrastructure entities that own or operate industrial control systems that support national critical functions” after “mitigation, and remediation”.

SEC. 1549. STRATEGIC ASSESSMENT RELATING TO INNOVATION OF INFORMATION SYSTEMS AND CYBERSECURITY THREATS.

(a) RESPONSIBILITIES OF DIRECTOR.—Section 2202(c)(3) of the Homeland Security Act of 2002 (6 U.S.C. 652) is amended by striking the semicolon at the end and adding the following: “, including by carrying out a periodic strategic assessment of the related programs and activities of the Agency to ensure such programs and activities contemplate the innovation of information systems and changes in cybersecurity risks and cybersecurity threats;”

(b) REPORT.—

(1) IN GENERAL.—Not later than 240 days after the date of the enactment of this Act and not fewer than once every three years thereafter, the Director of the Cybersecurity and Infrastructure Security Agency shall submit to the Committee on Homeland Security of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate a strategic assessment for the purposes described in paragraph (2).

Assessment.

(2) **PURPOSES.**—The purposes described in this paragraph are the following:

(A) A description of the existing programs and activities administered in furtherance of section 2202(c)(3) of the Homeland Security Act of 2002 (6 U.S.C. 652).

Assessment. (B) An assessment of the capability of existing programs and activities administered by the Agency in furtherance of such section to monitor for, manage, mitigate, and defend against cybersecurity risks and cybersecurity threats.

Assessment. (C) An assessment of past or anticipated technological trends or innovation of information systems or information technology that have the potential to affect the efficacy of the programs and activities administered by the Agency in furtherance of such section.

(D) A description of any changes in the practices of the Federal workforce, such as increased telework, affect the efficacy of the programs and activities administered by the Agency in furtherance of section 2202(c)(3).

Plan. (E) A plan to integrate innovative security tools, technologies, protocols, activities, or programs to improve the programs and activities administered by the Agency in furtherance of such section.

(F) A description of any research and development activities necessary to enhance the programs and activities administered by the Agency in furtherance of such section.

(G) A description of proposed changes to existing programs and activities administered by the Agency in furtherance of such section, including corresponding milestones for implementation.

(H) Information relating to any new resources or authorities necessary to improve the programs and activities administered by the Agency in furtherance of such section.

(c) **DEFINITIONS.**—In this section:

(1) The term “Agency” means the Cybersecurity and Infrastructure Security Agency.

(2) The term “cybersecurity purpose” has the meaning given such term in section 102(4) of the Cybersecurity Information Sharing Act of 2015 (6 U.S.C. 1501(4)).

(3) The term “cybersecurity risk” has the meaning given such term in section 2209(a)(2) of the Homeland Security Act of 2002 (U.S.C. 659(a)(2)).

(4) The term “information system” has the meaning given such term in section 3502(8) of title 44, United States Code.

(5) The term “information technology” has the meaning given such term in 3502(9) of title 44, United States Code.

(6) The term “telework” has the meaning given the term in section 6501(3) of title 5, United States Code.

6 USC 652 note. **SEC. 1550. PILOT PROGRAM ON PUBLIC-PRIVATE PARTNERSHIPS WITH INTERNET ECOSYSTEM COMPANIES TO DETECT AND DISRUPT ADVERSARY CYBER OPERATIONS.**

Deadline. (a) **PILOT REQUIRED.**—Not later than one year after the date of the enactment of this Act, the Secretary, acting through the Director of the Cybersecurity and Infrastructure Security Agency of the Department of Homeland Security and in coordination with

the Secretary of Defense and the National Cyber Director, shall commence a pilot program to assess the feasibility and advisability of entering into public-private partnerships with internet ecosystem companies to facilitate, within the bounds of applicable provisions of law and such companies' terms of service, policies, procedures, contracts, and other agreements, actions by such companies to discover and disrupt use by malicious cyber actors of the platforms, systems, services, and infrastructure of such companies.

(b) PUBLIC-PRIVATE PARTNERSHIPS.—

(1) IN GENERAL.—In carrying out the pilot program under subsection (a), the Secretary shall seek to enter into one or more public-private partnerships with internet ecosystem companies.

(2) VOLUNTARY PARTICIPATION.—

(A) IN GENERAL.—Participation by an internet ecosystem company in a public-private partnership under the pilot program, including in any activity described in subsection (c), shall be voluntary.

(B) PROHIBITION.—No funds appropriated by any Act may be used to direct, pressure, coerce, or otherwise require that any internet ecosystem company take any action on their platforms, systems, services, or infrastructure as part of the pilot program.

(c) AUTHORIZED ACTIVITIES.—In carrying out the pilot program under subsection (a), the Secretary may—

(1) provide assistance to a participating internet ecosystem company to develop effective know-your-customer processes and requirements;

(2) provide information, analytics, and technical assistance to improve the ability of participating companies to detect and prevent illicit or suspicious procurement, payment, and account creation on their own platforms, systems, services, or infrastructure;

(3) develop and socialize best practices for the collection, retention, and sharing of data by participating internet ecosystem companies to support discovery of malicious cyber activity, investigations, and attribution on the platforms, systems, services, or infrastructure of such companies;

(4) provide to participating internet ecosystem companies actionable, timely, and relevant information, such as information about ongoing operations and infrastructure, threats, tactics, and procedures, and indicators of compromise, to enable such companies to detect and disrupt the use by malicious cyber actors of the platforms, systems, services, or infrastructure of such companies;

(5) provide recommendations for (but not design, develop, install, operate, or maintain) operational workflows, assessment and compliance practices, and training that participating internet ecosystem companies can implement to reliably detect and disrupt the use by malicious cyber actors of the platforms, systems, services, or infrastructure of such companies;

(6) provide recommendations for accelerating, to the greatest extent practicable, the automation of existing or implemented operational workflows to operate at line-rate in order to enable real-time mitigation without the need for manual review or action;

Recommendations.

Recommendations.

Recommendations.

(7) provide recommendations for (but not design, develop, install, operate, or maintain) technical capabilities to enable participating internet ecosystem companies to collect and analyze data on malicious activities occurring on the platforms, systems, services, or infrastructure of such companies to detect and disrupt operations of malicious cyber actors; and

(8) provide recommendations regarding relevant mitigations for suspected or discovered malicious cyber activity and thresholds for action.

(d) COMPETITION CONCERNS.—Consistent with section 1905 of title 18, United States Code, the Secretary shall ensure that any trade secret or proprietary information of a participating internet ecosystem company made known to the Federal Government pursuant to a public-private partnership under the pilot program remains private and protected unless explicitly authorized by such company.

(e) IMPARTIALITY.—In carrying out the pilot program under subsection (a), the Secretary may not take any action that is intended primarily to advance the particular business interests of an internet ecosystem company but is authorized to take actions that advance the interests of the United States, notwithstanding differential impact or benefit to a given company's or given companies' business interests.

(f) RESPONSIBILITIES.—

(1) SECRETARY OF HOMELAND SECURITY.—The Secretary shall exercise primary responsibility for the pilot program under subsection (a), including organizing and directing authorized activities with participating Federal Government organizations and internet ecosystem companies to achieve the objectives of the pilot program.

(2) NATIONAL CYBER DIRECTOR.—The National Cyber Director shall support prioritization and cross-agency coordination for the pilot program, including ensuring appropriate participation by participating agencies and the identification and prioritization of key private sector entities and initiatives for the pilot program.

(3) SECRETARY OF DEFENSE.—The Secretary of Defense shall provide support and resources to the pilot program, including the provision of technical and operational expertise drawn from appropriate and relevant officials and components of the Department of Defense, including the National Security Agency, United States Cyber Command, the Chief Information Officer, the Office of the Secretary of Defense, military department Principal Cyber Advisors, and the Defense Advanced Research Projects Agency.

(g) PARTICIPATION OF OTHER FEDERAL GOVERNMENT COMPONENTS.—The Secretary may invite to participate in the pilot program required under subsection (a) the heads of such departments or agencies as the Secretary considers appropriate.

(h) INTEGRATION WITH OTHER EFFORTS.—The Secretary shall ensure that the pilot program required under subsection (a) makes use of, builds upon, and, as appropriate, integrates with and does not duplicate other efforts of the Department of Homeland Security and the Department of Defense relating to cybersecurity, including the following:

(1) The Joint Cyber Defense Collaborative of the Cybersecurity and Infrastructure Security Agency of the Department of Homeland Security.

(2) The Cybersecurity Collaboration Center and Enduring Security Framework of the National Security Agency.

(i) RULES OF CONSTRUCTION.—

(1) LIMITATION ON GOVERNMENT ACCESS TO DATA.—Nothing in this section authorizes sharing of information, including information relating to customers of internet ecosystem companies or private individuals, from an internet ecosystem company to an agency, officer, or employee of the Federal Government unless otherwise authorized by another provision of law.

(2) STORED COMMUNICATIONS ACT.—Nothing in this section may be construed to permit or require disclosure by a provider of a remote computing service or a provider of an electronic communication service to the public of information not otherwise permitted or required to be disclosed under chapter 121 of title 18, United States Code (commonly known as the “Stored Communications Act”).

(3) THIRD PARTY CUSTOMERS.—Nothing in this section may be construed to require a third party, such as a customer or managed service provider of an internet ecosystem company, to participate in the pilot program under subsection (a).

(j) BRIEFINGS.—

(1) INITIAL.—

(A) IN GENERAL.—Not later than one year after the date of the enactment of this Act, the Secretary, in coordination with the Secretary of Defense and the National Cyber Director, shall brief the appropriate committees of Congress on the pilot program required under subsection (a). Deadline.

(B) ELEMENTS.—The briefing required under subparagraph (A) shall include the following:

(i) The plans of the Secretary for the implementation of the pilot program.

(ii) Identification of key priorities for the pilot program.

(iii) Identification of any potential challenges in standing up the pilot program or impediments, such as a lack of liability protection, to private sector participation in the pilot program.

(iv) A description of the roles and responsibilities in the pilot program of each participating Federal entity.

(2) ANNUAL.—

(A) IN GENERAL.—Not later than two years after the date of the enactment of this Act and annually thereafter for three years, the Secretary, in coordination with the Secretary of Defense and the National Cyber Director, shall brief the appropriate committees of Congress on the progress of the pilot program required under subsection (a). Deadline.
Time period.

(B) ELEMENTS.—Each briefing required under subparagraph (A) shall include the following:

(i) Recommendations for addressing relevant policy, budgetary, and legislative gaps to increase the effectiveness of the pilot program. Recommendations.

(ii) Recommendations, such as providing liability protection, for increasing private sector participation in the pilot program. Recommendations.

(iii) A description of the challenges encountered in carrying out the pilot program, including any concerns expressed by internet ecosystem companies regarding participation in the pilot program.

(iv) The findings of the Secretary with respect to the feasibility and advisability of extending or expanding the pilot program.

(v) Such other matters as the Secretary considers appropriate.

(k) **TERMINATION.**—The pilot program required under subsection (a) shall terminate on the date that is five years after the date of the enactment of this Act.

(l) **DEFINITIONS.**—In this section:

(1) **APPROPRIATE COMMITTEES OF CONGRESS.**—The term “appropriate committees of Congress” means—

(A) the Committee on Homeland Security and Governmental Affairs and the Committee on Armed Services of the Senate; and

(B) the Committee on Homeland Security and the Committee on Armed Services of the House of Representatives.

(2) **INTERNET ECOSYSTEM COMPANY.**—The term “internet ecosystem company” means a business incorporated in the United States that provides cybersecurity services, internet service, content delivery services, Domain Name Service, cloud services, mobile telecommunications services, email and messaging services, internet browser services, or such other services as the Secretary determines appropriate for the purposes of the pilot program under subsection (a).

(3) **SECRETARY.**—The term “Secretary” means the Secretary of Homeland Security.

22 USC 8606
note.

SEC. 1551. UNITED STATES-ISRAEL CYBERSECURITY COOPERATION.

(a) **GRANT PROGRAM.**—

(1) **ESTABLISHMENT.**—The Secretary, in accordance with the agreement entitled the “Agreement between the Government of the United States of America and the Government of the State of Israel on Cooperation in Science and Technology for Homeland Security Matters”, dated May 29, 2008 (or successor agreement), and the requirements specified in paragraph (2), shall establish a grant program at the Department to support—

(A) cybersecurity research and development; and

(B) demonstration and commercialization of cybersecurity technology.

(2) **REQUIREMENTS.**—

(A) **APPLICABILITY.**—Notwithstanding section 317 of the Homeland Security Act of 2002 (6 U.S.C. 195c), in carrying out a research, development, demonstration, or commercial application program or activity that is authorized under this section, the Secretary shall require cost sharing in accordance with this paragraph.

(B) **RESEARCH AND DEVELOPMENT.**—

(i) **IN GENERAL.**—Except as provided in clause (ii), the Secretary shall require not less than 50 percent of the cost of a research, development, demonstration, or commercial application program or activity described

in subparagraph (A) to be provided by a non-Federal source.

(ii) REDUCTION.—The Secretary may reduce or eliminate, on a case-by-case basis, the percentage requirement specified in clause (i) if the Secretary determines that such reduction or elimination is necessary and appropriate.

(C) MERIT REVIEW.—In carrying out a research, development, demonstration, or commercial application program or activity that is authorized under this section, awards shall be made only after an impartial review of the scientific and technical merit of the proposals for such awards has been carried out by or for the Department.

(D) REVIEW PROCESSES.—In carrying out a review under subparagraph (C), the Secretary may use merit review processes developed under section 302(14) of the Homeland Security Act of 2002 (6 U.S.C. 182(14)).

(3) ELIGIBLE APPLICANTS.—An applicant is eligible to receive a grant under this subsection if—

(A) the project of such applicant—

(i) addresses a requirement in the area of cybersecurity research or cybersecurity technology, as determined by the Secretary; and

(ii) is a joint venture between—

(I)(aa) a for-profit business entity, academic institution, National Laboratory, or nonprofit entity in the United States; and

(bb) a for-profit business entity, academic institution, or nonprofit entity in Israel; or

(II)(aa) the Federal Government; and

(bb) the Government of Israel; and

(B) neither such applicant nor the project of such applicant pose a counterintelligence threat, as determined by the Director of National Intelligence.

(4) APPLICATIONS.—To be eligible to receive a grant under this subsection, an applicant shall submit to the Secretary an application for such grant in accordance with procedures established by the Secretary, in consultation with the advisory board established under paragraph (5).

(5) ADVISORY BOARD.—

(A) ESTABLISHMENT.—The Secretary shall establish an advisory board to—

(i) monitor the method by which grants are awarded under this subsection; and

(ii) provide to the Secretary periodic performance reviews of actions taken to carry out this subsection.

(B) COMPOSITION.—The advisory board established under subparagraph (A) shall be composed of three members, to be appointed by the Secretary, of whom—

(i) one shall be a representative of the Federal Government;

(ii) one shall be selected from a list of nominees provided by the United States-Israel Binational Science Foundation; and

(iii) one shall be selected from a list of nominees provided by the United States-Israel Binational Industrial Research and Development Foundation.

(6) CONTRIBUTED FUNDS.—Notwithstanding section 3302 of title 31, United States Code, the Secretary may, only to the extent provided in advance in appropriations Acts, accept or retain funds contributed by any person, government entity, or organization for purposes of carrying out this subsection. Such funds shall be available, subject to appropriation, without fiscal year limitation.

(7) REPORTS.—

(A) GRANT RECIPIENTS.—Not later than 180 days after the date of completion of a project for which a grant is provided under this subsection, the grant recipient shall submit to the Secretary a report that contains—

(i) a description of how the grant funds were used by the recipient; and

Evaluation.

(ii) an evaluation of the level of success of each project funded by the grant.

(B) SECRETARY.—Not later than one year after the date of the enactment of this Act and annually thereafter until the grant program established under this subsection terminates, the Secretary shall submit to the Committees on Homeland Security and Governmental Affairs and Foreign Relations of the Senate and the Committees on Homeland Security and Foreign Affairs of the House of Representatives a report on grants awarded and projects completed under such program.

(8) CLASSIFICATION.—Grants shall be awarded under this subsection only for projects that are considered to be unclassified by both the United States and Israel.

(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section not less than \$6,000,000 for each of fiscal years 2022 through 2026.

(c) DEFINITIONS.—In this section—

(1) the term “cybersecurity research” means research, including social science research, into ways to identify, protect against, detect, respond to, and recover from cybersecurity threats;

(2) the term “cybersecurity technology” means technology intended to identify, protect against, detect, respond to, and recover from cybersecurity threats;

(3) the term “cybersecurity threat” has the meaning given such term in section 102 of the Cybersecurity Information Sharing Act of 2015 (6 U.S.C. 1501; enacted as title I of the Cybersecurity Act of 2015 (division N of the Consolidated Appropriations Act, 2016 (Public Law 114–113)));

(4) the term “Department” means the Department of Homeland Security;

(5) the term “National Laboratory” has the meaning given such term in section 2 of the Energy Policy Act of 2005 (42 U.S.C. 15801); and

(6) the term “Secretary” means the Secretary of Homeland Security.

SEC. 1552. AUTHORITY FOR NATIONAL CYBER DIRECTOR TO ACCEPT DETAILS ON NONREIMBURSABLE BASIS.

Section 1752(e) of the William M. (Mac) Thornberry National Defense Authorization Act for Fiscal Year 2021 (Public Law 116–283) is amended—

(1) by redesignating paragraphs (1) through (8) as subparagraphs (A) through (H), respectively, and indenting such subparagraphs two ems to the right;

(2) in the matter preceding subparagraph (A), as redesignated by paragraph (1), by striking “The Director may” and inserting the following:

“(1) IN GENERAL.—The Director may”;

(3) in paragraph (1)—

(A) as redesignated by paragraph (2), by redesignating subparagraphs (C) through (H) as subparagraphs (D) through (I), respectively; and

(B) by inserting after subparagraph (B) the following new subparagraph:

“(C) accept officers or employees of the United States or members of the Armed Forces on a detail from an element of the intelligence community (as such term is defined in section 3(4) of the National Security Act of 1947 (50 U.S.C. 3003(4))) or from another element of the Federal Government on a nonreimbursable basis, as jointly agreed to by the heads of the receiving and detailing elements, for a period not to exceed three years;”;

(4) by adding at the end the following new paragraph:

“(2) RULES OF CONSTRUCTION REGARDING DETAILS.—

Nothing in paragraph (1)(C) may be construed as imposing any limitation on any other authority for reimbursable or nonreimbursable details. A nonreimbursable detail made pursuant to such paragraph shall not be considered an augmentation of the appropriations of the receiving element of the Office of the National Cyber Director.”.

TITLE XVI—SPACE ACTIVITIES, STRATEGIC PROGRAMS, AND INTELLIGENCE MATTERS

Subtitle A—Space Activities

- Sec. 1601. National security space launch program.
- Sec. 1602. Redesignation of Space Force Acquisition Council; modifications relating to Assistant Secretary of the Air Force for Space Acquisition and Integration.
- Sec. 1603. Delegation of Authorities to Space Development Agency.
- Sec. 1604. Extension and modification of Council on Oversight of the Department of Defense Positioning, Navigation, and Timing Enterprise.
- Sec. 1605. Improvements to tactically responsive space launch program.
- Sec. 1606. Clarification of domestic services and capabilities in leveraging commercial satellite remote sensing.
- Sec. 1607. Programs of record of Space Force and commercial capabilities.
- Sec. 1608. Extension and modification of certifications regarding integrated tactical warning and attack assessment mission of the Air Force.
- Sec. 1609. Classification review of programs of the Space Force.
- Sec. 1610. Report on Range of the Future initiative of the Space Force.
- Sec. 1611. Space policy review.
- Sec. 1612. Annual briefing on threats to space operations.
- Sec. 1613. National Security Council briefing on potential harmful interference to Global Positioning System.
- Sec. 1614. Non-geostationary orbit satellite constellations.
- Sec. 1615. Briefing on prototype program for multiglobal navigation satellite system receiver development.

Subtitle B—Defense Intelligence and Intelligence-Related Activities

- Sec. 1621. Notification of certain threats to United States Armed Forces by foreign governments.

- Sec. 1622. Strategy and plan to implement certain defense intelligence reforms.
- Sec. 1623. Annual briefing by Director of the Defense Intelligence Agency on electronic warfare threat to operations of the Department of Defense.
- Sec. 1624. Report on explosive ordnance intelligence matters.

Subtitle C—Nuclear Forces

- Sec. 1631. Participation in United States Strategic Command strategic deterrence exercises.
- Sec. 1632. Modification to requirements relating to nuclear force reductions.
- Sec. 1633. Modifications to requirements relating to unilateral changes in nuclear weapons stockpile of the United States.
- Sec. 1634. Deadline for reports on modification of force structure for strategic nuclear weapons delivery systems.
- Sec. 1635. Modification of deadline for notifications relating to reduction, consolidation, or withdrawal of nuclear forces based in Europe.
- Sec. 1636. Procurement authority for certain parts of the ground-based strategic deterrent cryptographic device.
- Sec. 1637. Capability of B–21 bomber aircraft with long-range standoff weapon.
- Sec. 1638. Mission-design series popular name for ground-based strategic deterrent.
- Sec. 1639. Prohibition on reduction of the intercontinental ballistic missiles of the United States.
- Sec. 1640. Limitation on availability of certain funds until submission of information relating to proposed budget for nuclear-armed sea-launched cruise missile.
- Sec. 1641. Limitation on availability of certain funds until submission of information relating to nuclear-armed sea-launched cruise missile.
- Sec. 1642. Annual certification on readiness of Minuteman III intercontinental ballistic missiles.
- Sec. 1643. Revised nuclear posture review.
- Sec. 1644. Review of safety, security, and reliability of nuclear weapons and related systems.
- Sec. 1645. Long-range standoff weapon.
- Sec. 1646. Ground-based strategic deterrent development program accountability matrices.
- Sec. 1647. Information regarding review of Minuteman III service life extension program or options for the future of the intercontinental ballistic missile force.
- Sec. 1648. Notification regarding intercontinental ballistic missiles of China.
- Sec. 1649. Independent review of nuclear command, control, and communications system.
- Sec. 1650. Review of engineering and manufacturing development contract for ground-based strategic deterrent program.
- Sec. 1651. Report on re-alerting long-range bombers.
- Sec. 1652. Comptroller General study and updated report on nuclear weapons capabilities and force structure requirements.
- Sec. 1653. Briefing on consultations with United States allies regarding Nuclear Posture Review.

Subtitle D—Missile Defense Programs

- Sec. 1661. Notification of changes to non-standard acquisition and requirements processes and responsibilities of Missile Defense Agency.
- Sec. 1662. Limitation on Missile Defense Agency production of satellites and ground systems associated with operation of such satellites.
- Sec. 1663. Extension of period for transition of ballistic missile defense programs to military departments.
- Sec. 1664. Directed energy programs for ballistic and hypersonic missile defense.
- Sec. 1665. Guam integrated air and missile defense system.
- Sec. 1666. Missile defense radar in Hawaii.
- Sec. 1667. Certification required for Russia and China to tour certain missile defense sites.
- Sec. 1668. Next generation interceptors for missile defense of the United States homeland.
- Sec. 1669. Iron Dome short-range rocket defense system and Israeli cooperative missile defense program co-development and co-production.
- Sec. 1670. Update of study on discrimination capabilities of the ballistic missile defense system.
- Sec. 1671. Semiannual updates on meetings held by the Missile Defense Executive Board.
- Sec. 1672. Matters regarding Integrated Deterrence Review.
- Sec. 1673. Semiannual notifications regarding missile defense tests and costs.
- Sec. 1674. Report on senior leadership of Missile Defense Agency.

Sec. 1675. Independent study of roles and responsibilities of Department of Defense components relating to missile defense.

Subtitle E—Other Matters

- Sec. 1681. Cooperative threat reduction funds.
- Sec. 1682. Modification to estimate of damages from Federal Communications Commission Order 20–48.
- Sec. 1683. Establishment of office, organizational structure, and authorities to address unidentified aerial phenomena.
- Sec. 1684. Determination on certain activities with unusually hazardous risks.
- Sec. 1685. Study by Public Interest Declassification Board relating to certain tests in the Marshall Islands.
- Sec. 1686. Protection of Major Range and Test Facility Base.
- Sec. 1687. Congressional Commission on the Strategic Posture of the United States.

Subtitle A—Space Activities

SEC. 1601. NATIONAL SECURITY SPACE LAUNCH PROGRAM.

(a) DISCLOSURE OF NATIONAL SECURITY SPACE LAUNCH PROGRAM CONTRACT PRICING TERMS.—

(1) IN GENERAL.—Chapter 135 of title 10, United States Code, is amended by inserting after section 2276 the following new section 2277:

“§ 2277. Disclosure of National Security Space Launch program contract pricing terms 10 USC 2277.

“(a) IN GENERAL.—With respect to any contract awarded by the Secretary of the Air Force for the launch of a national security payload under the National Security Space Launch program, not later than 30 days after entering into such a contract, the Secretary shall submit to the congressional defense committees a description of the pricing terms of the contract. For those contracts that include the launch of assets of the National Reconnaissance Office, the Secretary shall also submit the pricing terms to the congressional intelligence committees (as defined by section 3 of the National Security Act of 1947 (50 U.S.C. 3003)).

“(b) COMPETITIVELY SENSITIVE TRADE SECRET DATA.—The congressional defense committees and the congressional intelligence committees shall—

“(1) treat a description of pricing terms submitted under subsection (a) as competitively sensitive trade secret data; and

“(2) use the description solely for committee purposes, subject to appropriate restrictions to maintain the confidentiality of the description.

“(c) RULE OF CONSTRUCTION.—For purposes of section 1905 of title 18, a disclosure of contract pricing terms under subsection (a) shall be construed as a disclosure authorized by law.”.

(2) CONFORMING AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 2276 the following new item:

10 USC
prec. 2271.

“2277. Disclosure of National Security Space Launch program contract pricing terms.”.

(b) POLICY.—With respect to entering into contracts for launch services during the period beginning on the date of the enactment of this Act and ending September 30, 2024, it shall be the policy of the Department of Defense and the National Reconnaissance Office to—

Time period.
10 USC 2276
note.

(1) use the National Security Space Launch program to the extent practical to procure launch services only from launch service providers that can meet Federal requirements with respect to delivering required payloads to reference orbits covered under the requirements of phase two; and

(2) maximize continuous competition for launch services as the Space Force initiates planning for phase three, specifically for those technology areas that are unique to existing and emerging national security requirements.

Determination.

(c) NOTIFICATION.—If the Secretary of Defense or the Director of the National Reconnaissance Office determines that a program requiring launch services that could be met using phase two contracts will instead use an alternative launch procurement approach, not later than seven days after the date of such determination, the Secretary of Defense or, as appropriate, the Director of National Intelligence, shall submit to the appropriate congressional committees—

(1) a notification of such determination;

(2) a certification that the alternative launch procurement approach is in the national security interest of the United States; and

(3) an outline of the cost analysis and any other rationale for such determination.

(d) REPORT.—

(1) REQUIREMENT.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense, in coordination with the Chief of Space Operations and the Director of the Space Development Agency, and in consultation with the Director of National Intelligence (including with respect to the views of the Director of the National Reconnaissance Office), shall submit to the appropriate congressional committees a report on the emerging launch requirements in the areas of space access, mobility, and logistics that will not be met by phase two capabilities.

(2) ELEMENTS.—The report under paragraph (1) shall include the following:

(A) An examination of potential benefits of competing one or more launches that are outside of phase two capabilities, focused on accelerating the rapid development and on-orbit deployment of enabling and transformational technologies required to address any emerging requirements, including with respect to—

(i) delivery of in-space transportation, logistics, and on-orbit servicing capabilities to enhance the persistence, sensitivity, and resiliency of national security space missions in a contested space environment;

(ii) routine access to extended orbits beyond geostationary orbits, including cislunar orbits;

(iii) greater cislunar awareness capabilities;

(iv) vertical integration and standardized payload mating;

(v) increased responsiveness for heavy lift capability;

(vi) the ability to transfer orbits, including point-to-point orbital transfers;

(vii) capacity and capability to execute secondary deployments;

(viii) high-performance upper stages; and

(ix) other new missions that are outside the parameters of the nine design reference missions that exist as of the date of the enactment of this Act.

(B) A description of how competing space access, mobility, and logistics launches could aid in establishing a new acquisition framework to—

(i) promote the potential for additional open and sustainable competition for phase three; and

(ii) re-examine the balance of mission assurance versus risk tolerance to reflect new resilient spacecraft architectures and reduce workload on the Federal Government and industry to perform mission assurance where appropriate.

(C) An analysis of how the matters under subparagraphs (A) and (B) may help continue to reduce the cost per launch of national security payloads.

Analysis.

(D) An examination of the effects to the National Security Space Launch program if contracted launch providers cannot meet all phase two requirements, including with respect to—

(i) the effects to national security launch resiliency; and

(ii) the cost effects of a launch market that lacks full competition.

(3) FORM.—The report under paragraph (1) shall be submitted in unclassified form, but may include a classified appendix.

(4) BRIEFING.—Not later than 30 days after the date of the enactment of this Act, the Secretary, in consultation with the Director of National Intelligence, shall provide to the appropriate congressional committees a briefing on the report under paragraph (1).

Deadline.

(e) DEFINITIONS.—In this section:

(1) The term “appropriate congressional committees” means—

10 USC 2276
note.

(A) the congressional defense committees; and

(B) the Permanent Select Committee on Intelligence of the House of Representatives and the Select Committee on Intelligence of the Senate.

(2) The term “phase three” means, with respect to the National Security Space Launch program, launch missions ordered under the program after fiscal year 2024.

(3) The term “phase two” means, with respect to the National Security Space Launch program, launch missions ordered under the program during fiscal years 2020 through 2024.

SEC. 1602. REDESIGNATION OF SPACE FORCE ACQUISITION COUNCIL; MODIFICATIONS RELATING TO ASSISTANT SECRETARY OF THE AIR FORCE FOR SPACE ACQUISITION AND INTEGRATION.

(a) MODIFICATIONS TO SPACE FORCE ACQUISITION COUNCIL.—

(1) DESIGNATION.—Section 9021 of title 10, United States Code, is amended—

(A) in the section heading, by striking “FORCE”;

(B) in subsection (a), by striking “Space Force Acquisition Council” and inserting “Space Acquisition Council”; and

(C) in subsection (c), by striking “of the Air Force for space systems and programs” and inserting “space systems and programs of the armed forces”.

(2) CONFORMING AMENDMENT.—Section 9016(b)(6)(B)(ii) of title 10, United States Code, is amended by striking “Space Force Acquisition Council” and inserting “Space Acquisition Council”.

10 USC
prec. 9011.

(3) CLERICAL AMENDMENT.—The table of sections for chapter 903 of title 10, United States Code, is amended by striking the item relating to section 9021 and inserting the following new item:

“9021. Space Acquisition Council.”.

10 USC 9021
note.

(4) REFERENCES.—Any reference to the Space Force Acquisition Council in any law, regulation, map, document, record, or other paper of the United States shall be deemed to be a reference to the Space Acquisition Council.

(b) MODIFICATIONS RELATING TO THE ASSISTANT SECRETARY OF THE AIR FORCE FOR SPACE ACQUISITION AND INTEGRATION.—

(1) SPACE FORCE ACQUISITION COUNCIL REVIEW AND CERTIFICATION OF DETERMINATIONS OF THE ASSISTANT SECRETARY OF THE AIR FORCE FOR SPACE ACQUISITION AND INTEGRATION.—Section 9021(c) of title 10, United States Code, as amended by subsection (a), is further amended—

(A) by striking “The Council” and inserting “(1) The Council”; and

(B) by adding at the end the following new paragraph: “(2)(A) The Council shall promptly—

“(i) review any determination made by the Assistant Secretary of the Air Force for Space Acquisition and Integration with respect to architecture for the space systems and programs of the armed forces under section 9016(b)(6)(B)(i) of this title, including the requirements for operating such space systems or programs; and

“(ii) either—

“(I) if the Council finds such a determination to be warranted, certify the determination; or

“(II) if the Council finds such a determination not to be warranted, decline to certify the determination.

Deadline.

“(B) Not later than 10 business days after the date on which the Council makes a finding with respect to a certification under subparagraph (A), the Council shall submit to the congressional defense committees a notification of the finding, including a detailed justification for the finding.

“(C) Except as provided in subparagraph (D), the Assistant Secretary of the Air Force for Space Acquisition and Integration may not take any action to implement a determination referred to in subparagraph (A)(i) until 30 days has elapsed following the date on which the Council submits the notification under subparagraph (B).

“(D)(i) The Secretary of Defense may waive subparagraph (C) in the event of an urgent national security requirement.

Notification.

“(ii) The Secretary of Defense shall submit to the congressional defense committees a notification of any waiver granted under clause (i), including a justification for the waiver.”.

(2) DEPARTMENT OF DEFENSE SPACE SYSTEMS AND PROGRAMS.—Clause (i) of section 9016(b)(6)(B) of title 10, United States Code, is amended to read as follows:

“(i) Be responsible for and oversee all architecture and integration with respect to the acquisition of the space systems and programs of the armed forces, including in support of the Chief of Space Operations under section 9082 of this title.”.

(3) TRANSFER OF ACQUISITION PROJECTS FOR SPACE SYSTEMS AND PROGRAMS.—Section 956(b)(3) of the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116–92; 133 Stat. 1566; 10 U.S.C. 9016 note) is amended by striking “of the Air Force” and inserting “of the Armed Forces”.

(4) DESIGNATION OF FORCE DESIGN ARCHITECT FOR DEPARTMENT OF DEFENSE SPACE SYSTEMS.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall—

(A) designate the Chief of Space Operations the force design architect for space systems of the Armed Forces; and

(B) submit to the congressional defense committees a certification of such designation.

Deadline.
10 USC 9082
note.

SEC. 1603. DELEGATION OF AUTHORITIES TO SPACE DEVELOPMENT AGENCY.

Section 9086 of title 10, United States Code, as redesignated by section 1081, is amended by adding at the end the following new subsection:

“(d) DELEGATION OF AUTHORITIES.—(1) With respect to tranche 0 capabilities and tranche 1 capabilities, to the extent practicable, the Secretary of the Air Force, acting through the Service Acquisition Executive for Space Systems and Programs, shall ensure the delegation to the Agency of—

“(A) head of contracting authority; and

“(B) milestone decision authority for the middle tier of acquisition programs.

“(2)(A) The Service Acquisition Executive for Space Systems and Programs may rescind the delegation of authority under paragraph (1) for cause or on a case-by-case basis.

“(B) Not later than 30 days after the date of a rescission under subparagraph (A), the Secretary of the Air Force shall notify the congressional defense committees of such rescission.

Deadline.
Notification.

“(3) In this subsection:

“(A) The term ‘tranche 0 capabilities’ means capabilities relating to transport, battle management, tracking, custody, navigation, deterrence, and support, that are intended to be achieved by September 30, 2022.

“(B) The term ‘tranche 1 capabilities’ means capabilities relating to transport, battle management, tracking, custody, navigation, deterrence, and support, that are intended to be achieved by September 30, 2024.”.

SEC. 1604. EXTENSION AND MODIFICATION OF COUNCIL ON OVERSIGHT OF THE DEPARTMENT OF DEFENSE POSITIONING, NAVIGATION, AND TIMING ENTERPRISE.

Section 2279b of title 10, United States Code, is amended—

(1) in subsection (d)(2)—

(A) by redesignating subparagraphs (D) and (E) as subparagraphs (E) and (F), respectively; and

(B) by inserting after subparagraph (C) the following new subparagraph (D):

“(D) Alternative methods to perform position navigation and timing.”; and

(2) in subsection (h), by striking “National Defense Authorization Act for Fiscal Year 2016” and inserting “National Defense Authorization Act for Fiscal Year 2022”.

SEC. 1605. IMPROVEMENTS TO TACTICALLY RESPONSIVE SPACE LAUNCH PROGRAM.

Section 1609 of the William M. (Mac) Thornberry National Defense Authorization Act for Fiscal Year 2021 (Public Law 116–283; 134 Stat. 4048) is amended—

(1) by striking “The Secretary” and inserting “(a) PROGRAM.—The Secretary”; and

(2) by adding at the end the following new subsection: “(b) SUPPORT.—

Consultation.

“(1) ELEMENTS.—The Secretary of Defense, in consultation with the Director of National Intelligence, shall support the tactically responsive launch program under subsection (a) during the period covered by the future-years defense program submitted to Congress under section 221 of title 10, United States Code, in 2022 to ensure that the program addresses the following:

“(A) The ability to rapidly place on-orbit systems to respond to urgent needs of the commanders of the combatant commands or to reconstitute space assets and capabilities to support national security priorities if such assets and capabilities are degraded, attacked, or otherwise impaired, including such assets and capabilities relating to protected communications and intelligence, surveillance, and reconnaissance.

“(B) The entire launch process, including with respect to launch services, satellite bus and payload availability, and operations and sustainment on-orbit.

Consultation.

“(2) PLAN.—As a part of the defense budget materials (as defined in section 239 of title 10, United States Code) for fiscal year 2023, the Secretary of Defense, in consultation with the Director of National Intelligence, shall submit to Congress a plan for the tactically responsive launch program to address the elements under paragraph (1). Such plan shall include the following:

“(A) Lessons learned from the Space Safari tactically responsive launch-2 mission of the Space Systems Command of the Space Force, and how to incorporate such lessons into future efforts regarding tactically responsive launches.

“(B) How to achieve responsive acquisition timelines within the adaptive acquisition framework for space acquisition pursuant to section 807.

“(C) Plans to address supply chain issues and leverage commercial capabilities to support future reconstitution and urgent space requirements leveraging the tactically responsive launch program under subsection (a).”.

**SEC. 1606. CLARIFICATION OF DOMESTIC SERVICES AND CAPABILITIES
IN LEVERAGING COMMERCIAL SATELLITE REMOTE
SENSING.**

Section 1612(c) of the William M. (Mac) Thornberry National Defense Authorization Act for Fiscal Year 2021 (Public Law 116–283; 10 U.S.C. 441 note) is amended—

- (1) by redesignating paragraph (4) as paragraph (5); and
- (2) by inserting after paragraph (3) the following new paragraph (4):

“(4) The term ‘domestic’ includes, with respect to commercial capabilities or services covered by this section, capabilities or services provided by companies that operate in the United States and have active mitigation agreements pursuant to the National Industrial Security Program, unless the Director of the National Reconnaissance Office or the Director of the National Geospatial-Intelligence Agency submits to the appropriate congressional committees a written determination that excluding such companies is warranted on the basis of national security or strategic policy needs.”.

SEC. 1607. PROGRAMS OF RECORD OF SPACE FORCE AND COMMERCIAL CAPABILITIES.

(a) **SERVICE ACQUISITION EXECUTIVE FOR SPACE SYSTEMS AND PROGRAMS.**—Section 957(c) of the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116–92; 10 U.S.C. 9016 note) is amended by adding at the end the following new paragraph:

“(5) **PROGRAMS OF RECORD AND COMMERCIAL CAPABILITIES.**—Prior to establishing a program of record, the Service Acquisition Executive for Space Systems and Programs shall determine whether existing or planned commercially available capabilities could meet all or a portion of the requirements for that proposed program. Not later than 30 days after the date on which the Service Acquisition Executive makes such a positive determination, the Service Acquisition Executive shall submit to the congressional defense committees a notification of the results of the determination.”.

(b) **LIMITATION.**—

(1) **IN GENERAL.**—Except as provided by paragraph (2), the Secretary of Defense may not rely solely on the use of commercial satellite services and associated systems to carry out operational requirements, including command and control requirements, targeting requirements, or other requirements that are necessary to execute strategic and tactical operations.

(2) **MITIGATION MEASURES.**—The Secretary may rely solely on the use of commercial satellite services and associated systems to carry out an operational requirement described in paragraph (1) if the Secretary has taken measures to mitigate the vulnerability of any such requirement.

(c) **BRIEFINGS.**—

(1) **REQUIREMENT.**—Not less frequently than quarterly through fiscal year 2025, the Secretary shall provide to the congressional defense committees a briefing on the use and extent of the reliance of the Department of Defense on commercial satellite services and associated systems to provide capability and additional capacity across the Department.

(2) **ELEMENTS.**—Each briefing under paragraph (1) shall include the following for the preceding quarter:

10 USC 2271
note.

Time period.

Assessment.

(A) A summary of commercial data and services used to fulfill requirements of the Department or to augment the systems and capabilities of the Department.

(B) An assessment of any reliance on, and the resulting vulnerabilities of, such data and services.

(C) An analysis of potential measures to mitigate such vulnerabilities.

(D) A description of mitigation measures taken by the Secretary under subsection (b)(2).

(d) **STUDY.**—The Secretary of the Air Force shall seek to enter into an agreement with a federally funded research and development center that is not closely affiliated with the Air Force or the Space Force to conduct a study on—

(1) the extent of commercial support of, and integration into, the space operations of the Armed Forces; and

(2) measures to ensure that such operations, particularly operations that are mission critical, continue to be carried out in the most effective manner possible during a time of conflict.

SEC. 1608. EXTENSION AND MODIFICATION OF CERTIFICATIONS REGARDING INTEGRATED TACTICAL WARNING AND ATTACK ASSESSMENT MISSION OF THE AIR FORCE.

Section 1666 of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114–328; 113 Stat. 2617), as amended by section 1604 of the William M. (Mac) Thornberry National Defense Authorization Act for Fiscal Year 2021 (Public Law 116–283), is further amended—

(1) in the section heading, by striking “**THE AIR FORCE**” and inserting “**THE DEPARTMENT OF THE AIR FORCE**”;

(2) in subsection (a)—

(A) in the matter preceding paragraph (1)—

(i) by striking “each year thereafter through 2020” and inserting “each year thereafter through 2026”; and

(ii) by inserting “, in consultation with the Commander of the United States Strategic Command and the Commander of the United States Northern Command,” after “the Commander of the United States Space Command”;

(B) in paragraph (1)—

(i) by striking “the Air Force is” and inserting “the Department of the Air Force is”; and

(ii) by inserting “and the Space Force” after “to the Air Force”; and

(C) in paragraph (2), by striking “the Air Force” and inserting “the Department of the Air Force”; and

(3) in subsection (b)—

(A) by inserting “of the United States Space Command” after “Commander”;

(B) by striking “system of the Air Force” and inserting “system of the Department of the Air Force”;

(C) by striking “command of the Air Force” and inserting “command of the Department of the Air Force”; and

(D) by striking “aspects of the Air Force” and inserting “aspects of the Department of the Air Force”.

SEC. 1609. CLASSIFICATION REVIEW OF PROGRAMS OF THE SPACE FORCE.10 USC 2271
note.(a) **CLASSIFICATION REVIEW.**—The Secretary of Defense shall—

Deadline.

(1) not later than 120 days after the date of the enactment of this Act, conduct a review of each classified program managed under the authority of the Space Force to determine whether—

(A) the level of classification of the program could be changed to a lower level; or

(B) the program could be declassified; and

(2) not later than 90 days after the date on which the Secretary completes such review, commence the change to the classification level or the declassification as determined in such review.

Deadline.

(b) **COORDINATION.**—The Secretary shall carry out the review under subsection (a)(1) in coordination with the Assistant Secretary of Defense for Space Policy and, as the Secretary determines appropriate, the heads of other elements of the Department of Defense.

Determination.

(c) **REPORT.**—Not later than 60 days after the date on which the Secretary completes the review under subsection (a)(1), the Secretary, in coordination with the Assistant Secretary of Defense for Space Policy, shall submit to the congressional defense committees a report identifying each program managed under the authority of the Space Force covered by a determination regarding changing the classification level of the program or declassifying the program, including—

(1) the timeline for implementing such change or declassification; and

(2) any risks that exist in implementing such change or declassification.

SEC. 1610. REPORT ON RANGE OF THE FUTURE INITIATIVE OF THE SPACE FORCE.

Not later than 90 days after the date of the enactment of this Act, the Chief of Space Operations shall submit to the congressional defense committees a report containing the following:

(1) A detailed plan to carry out the Space Force “Range of the Future” initiative, including the estimated funding required to implement the plan.

Plan.

(2) Identification of any specific authorities the Chief determines need to be modified by law to improve the ability of the Space Force to address long-term challenges to the physical infrastructure at the launch ranges of the Space Force, and an explanation for why such modified authorities are needed.

(3) Any additional proposals that would support improved infrastructure at the launch ranges of the Space Force, including recommendations for legislative action to carry out such proposals.

SEC. 1611. SPACE POLICY REVIEW.(a) **IN GENERAL.**—The Secretary of Defense, in consultation with the Director of National Intelligence, shall carry out a review of the space policy of the Department of Defense.

Consultation.

(b) **ELEMENTS.**—The review under subsection (a) shall include the following:

Assessments.

(1) With respect to the five-year period following the date of the review, an assessment of the threat to the space operations of the United States and the allies of the United States.

Time period.

(2) An assessment of the national security objectives of the Department relating to space.

(3) An evaluation of the policy changes and funding necessary to accomplish such objectives during such five-year period.

(4) An assessment of the policy of the Department with respect to deterring, responding to, and countering threats to the space operations of the United States and the allies of the United States.

(5) An analysis of such policy with respect to normative behaviors in space, including the commercial use of space.

(6) An analysis of the extent to which such policy is coordinated with other ongoing policy reviews, including reviews regarding nuclear, missile defense, and cyber operations.

(7) A description of the organization and space doctrine of the Department to carry out the space policy of the Department.

(8) An assessment of the space systems and architectures to implement such space policy.

(9) Any other matters the Secretary considers appropriate.

(c) REPORT.—

(1) REQUIREMENT.—Not later than 180 days after the date of the enactment of this Act, the Secretary, in consultation with the Director, shall submit to the appropriate congressional committees a report on the results of the review under subsection (a).

(2) ANNUAL UPDATES.—Concurrent with the submission to Congress of the budget of the President for each of fiscal years 2024 through 2026 pursuant to section 1105(a) of title 31, United States Code, and more frequently during such period as the Secretary determines appropriate, the Secretary, in consultation with the Director, shall submit to the appropriate congressional committees a report describing any update to the assessments, analyses, and evaluations carried out pursuant to such review.

(3) FORM.—Each report under this subsection shall be submitted in unclassified form, but may include a classified annex.

(d) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term “appropriate congressional committees” means the following:

(1) The congressional defense committees.

(2) The Committee on Science, Space, and Technology and the Permanent Select Committee on Intelligence of the House of Representatives.

(3) The Committee on Commerce, Science, and Transportation and the Select Committee on Intelligence of the Senate.

SEC. 1612. ANNUAL BRIEFING ON THREATS TO SPACE OPERATIONS.

Deadline.

(a) REQUIREMENT.—Not later than February 28 each year through 2026, the Chief of Space Operations, in consultation with the Commander of the United States Space Command and the Director of National Intelligence, shall provide to the appropriate congressional committees a briefing on the threats to the space operations of the United States posed by Russia, China, and any other country relevant to the conduct of such operations.

(b) ELEMENTS.—Each briefing under subsection (a) shall include the following:

(1) A review of the current posture of threats described in such subsection and anticipated advances in such threats over the subsequent five-year period.

(2) A description of potential measures to counter such threats.

(c) **DISTRIBUTION OF BRIEFING.**—On or about the same day as the Chief of Space Operations provides to the appropriate congressional committees a briefing under subsection (a), the Chief shall also provide to the National Space Council, the Secretary of Commerce, the Secretary of Transportation, and the Administrator of the National Aeronautics and Space Administration the briefing at the highest level of classification possible.

(d) **APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.**—In this section, the term “appropriate congressional committees” means—

(1) the Committees on Armed Services, Energy and Commerce, Transportation and Infrastructure, and Science, Space, and Technology, and the Permanent Select Committee on Intelligence of the House of Representatives; and

(2) the Committees on Armed Services and Commerce, Science, and Transportation, and the Select Committee on Intelligence of the Senate.

SEC. 1613. NATIONAL SECURITY COUNCIL BRIEFING ON POTENTIAL HARMFUL INTERFERENCE TO GLOBAL POSITIONING SYSTEM.

(a) **REQUIREMENT.**—Not later than 30 days after the date of the enactment of this Act, the Secretary of Defense shall provide to the National Security Council, the Secretary of Commerce, and the Commissioners of the Federal Communications Commission a briefing at the highest level of classification on the current assessment of the Department of Defense, as of the date of the briefing, regarding the potential for harmful interference to the Global Positioning System, mobile satellite services, or other tactical or strategic systems of the Department of Defense, from commercial terrestrial operations and mobile satellite services using the 1525–1559 megahertz band and the 1626.5–1660.5 megahertz band. Deadline.

(b) **MATTERS INCLUDED.**—The briefing under subsection (a) shall include—

(1) potential operational impacts that have been studied within the megahertz bands specified in such subsection; and

(2) impacts that could be mitigated, if any, including how such mitigations could be implemented.

(c) **CONGRESSIONAL BRIEFING.**—Not later than seven days after the date on which the Secretary provides the briefing under subsection (a), the Secretary shall provide to the appropriate congressional committees such briefing. Deadline.

(d) **INDEPENDENT TECHNICAL REVIEW.**—The Secretary shall carry out subsections (a) and (c) regardless of whether the independent technical review conducted pursuant to section 1663 of the William M. (Mac) Thornberry National Defense Authorization Act for Fiscal Year 2021 (Public Law 116–283) has been completed.

(e) **APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.**—In this section, the term “appropriate congressional committees” means—

(1) the congressional defense committees; and

(2) the Committee on Energy and Commerce of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate.

SEC. 1614. NON-GEOSTATIONARY ORBIT SATELLITE CONSTELLATIONS.

Consultation.

(a) **REPORT.**—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense, in consultation with the Secretaries of the military departments and the heads of the Defense Agencies, shall submit to the congressional defense committees a report on current commercial satellite communication initiatives, including with respect to new non-geostationary orbit satellite technologies that the Department of Defense has employed to increase satellite communication throughput to existing platforms of the military departments currently constrained by legacy capabilities.

(b) **MATTERS INCLUDED.**—The report under subsection (a) shall include the following:

(1) A potential investment strategy concerning how to operationalize commercial satellite communication capabilities using non-geostationary orbit satellites across each of the military departments, including—

(A) requisite funding required to adequately prioritize and accelerate the integration of such capabilities into the warfighting systems of the departments; and

(B) future-year spending projections for such efforts that align with other satellite communication investments of the Department of Defense.

(2) An integrated satellite communications reference architecture roadmap for the Department of Defense to achieve a resilient, secure network for operationalizing commercial satellite communication capabilities, including through the use of non-geostationary orbit satellites, across the Department that is capable of leveraging multi-band and multi-orbit architectures, including requirements that enable maximum use of commercially available technologies.

SEC. 1615. BRIEFING ON PROTOTYPE PROGRAM FOR MULTIGLOBAL NAVIGATION SATELLITE SYSTEM RECEIVER DEVELOPMENT.

Deadline.

Not later than 90 days after the date of the enactment of this Act, the Secretary of the Air Force shall provide to the congressional defense committees a briefing on the implementation of the program required under section 1607 of the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116–92; 133 Stat. 1724), including with respect to addressing each element specified in subsection (b) of such section.

Subtitle B—Defense Intelligence and Intelligence-Related Activities

10 USC note
prec. 421.

SEC. 1621. NOTIFICATION OF CERTAIN THREATS TO UNITED STATES ARMED FORCES BY FOREIGN GOVERNMENTS.

Consultation.

(a) **DETERMINATION THAT FOREIGN GOVERNMENT INTENDS TO CAUSE THE DEATH OF OR SERIOUS BODILY INJURY TO MEMBERS OF THE ARMED FORCES.**—The Secretary of Defense shall carry out the notification requirement under subsection (b) whenever the

Secretary, in consultation with the Director of National Intelligence, determines with high confidence that, on or after the date of the enactment of this Act, an official of a foreign government has taken a substantial step that is intended to cause the death of, or serious bodily injury to, any member of the United States Armed Forces, whether through direct means or indirect means, including through a promise or agreement by the foreign government to pay anything of pecuniary value to an individual or organization in exchange for causing such death or serious bodily injury.

(b) NOTICE TO CONGRESS.—

(1) NOTIFICATION.—Except as provided by paragraph (2), not later than 14 days after making a determination under subsection (a), the Secretary shall notify the congressional defense committees of such determination. Such notification shall include, at a minimum, the following:

Deadline.
Determination.
Assessments.

(A) A description of the nature and extent of the effort by the foreign government to target members of the United States Armed Forces.

(B) An assessment of what specific officials, agents, entities, and departments within the foreign government authorized the effort.

(C) An assessment of the motivations of the foreign government for undertaking such an effort.

(D) An assessment of whether the effort of the foreign government was a substantial factor in the death or serious bodily injury of any member of the United States Armed Forces.

(E) Any other information the Secretary determines appropriate.

Determination.

(2) WAIVER.—On a case-by-case basis, the Secretary may waive the notification requirement under paragraph (1) if the Secretary—

(A) determines that the waiver is in the national security interests of the United States; and

(B) submits to the congressional defense committees a written justification of such determination.

Determination.

(c) DEFINITIONS.—In this section:

(1) The term “anything of pecuniary value” has the meaning given that term in section 1958(b)(1) of title 18, United States Code.

(2) The term “determines with high confidence”—

(A) means that the official making the determination—

(i) has concluded that the judgments in the determination are based on sound analytic argumentation and high-quality, consistent reporting from multiple sources, including through clandestinely obtained documents, clandestine and open source reporting, and in-depth expertise;

(ii) with respect to such judgments, has concluded that the intelligence community has few intelligence gaps and few assumptions underlying the analytic line and that the intelligence community has concluded that the potential for deception is low; and

(iii) has examined long-standing analytic judgments and considered alternatives in making the determination; but

(B) does not mean that the official making the determination has concluded that the judgments in the determination are fact or certainty.

(3) The term “direct means” means without the use of intermediaries.

(4) The term “foreign government” means the government of a foreign country with which the United States is at peace.

(5) The term “indirect means” means through, or with the assistance of, intermediaries.

10 USC note
prec. 421.

SEC. 1622. STRATEGY AND PLAN TO IMPLEMENT CERTAIN DEFENSE INTELLIGENCE REFORMS.

(a) **STRATEGY AND PLAN.**—The Secretary of Defense, in coordination with the Director of National Intelligence, shall develop and implement a strategy and plan to enable the Defense Intelligence Enterprise to more effectively fulfill the intelligence and information requirements of the commanders of the combatant commands with respect to efforts by the combatant commands to expose and counter foreign malign influence, coercion, and subversion activities undertaken by, or at the direction, on behalf, or with substantial support of the governments of, covered foreign countries.

(b) **MATTERS INCLUDED IN PLAN.**—The plan under subsection (a) shall include the following:

(1) A plan to improve policies and procedures of the Defense Intelligence Enterprise to assemble and release facts about the foreign malign influence, coercion, and subversion activities of a covered foreign country described in such subsection in a timely way and in forms that allow for greater distribution and release.

(2) A plan to develop and publish validated priority intelligence requirements of the commanders of the combatant commands.

(3) A plan to better leverage open-source and commercially available information and independent analyses to support the efforts by the combatant commands described in such subsection.

(4) A review by each element of the Defense Intelligence Enterprise of the approaches used by that element—

(A) with respect to intelligence that has not been processed or analyzed, to separate out data from the sources and methods by which the data is obtained (commonly known as “tearlining”); and

(B) with respect to finished intelligence products that relate to foreign malign influence, coercion, and subversion activities of a covered foreign country described in such subsection, to downgrade the classification level of the product.

(6) An identification of any additional resources or legislative authority necessary to better meet the intelligence and information requirements described in such subsection.

(7) An assignment of responsibilities and timelines for the implementation of the plans described in paragraphs (1), (2), and (3).

(8) Any other matters the Secretary determines relevant.

(c) **SUBMISSION.**—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense, in coordination with the Director of National Intelligence, shall submit to the

Deadline.

appropriate congressional committees and the Comptroller General of the United States the plan developed under subsection (a).

(d) COMPTROLLER GENERAL REVIEW.—

(1) REQUIREMENT.—The Comptroller General shall conduct a review of—

(A) the plan submitted under subsection (c); and

(B) the activities and future plans of the Defense Intelligence Enterprise for meeting the intelligence and information requirements described in subsection (a).

(2) ELEMENTS.—The review under paragraph (1) shall include the following:

(A) The extent to which the plan submitted under subsection (c) includes the elements identified in subsection (b).

(B) The extent to which the Defense Intelligence Enterprise has clearly assigned roles, responsibilities, and processes for fulfilling the intelligence and information requirements described in subsection (a).

(C) The extent to which the Defense Intelligence Enterprise is planning to obtain additional capabilities and resources to improve the quality and timeliness of intelligence and information provided to the commanders of the combatant commands to aid in the efforts described in subsection (a).

(D) The extent to which the Defense Intelligence Enterprise is identifying, obtaining, and using commercial and publicly available information to aid in such efforts.

(E) Any other related issues that the Comptroller General determines appropriate.

(3) BRIEFING AND REPORT.—Not later than 120 days after the date on which the Comptroller General receives the plan under subsection (c), the Comptroller General shall provide to the appropriate congressional committees a briefing on any initial findings about the plan. After such briefing, the Comptroller General shall submit to the committees a report on the plan at a date mutually agreed upon by the Comptroller General and the committees.

(e) CONGRESSIONAL BRIEFING.—Not later than 90 days after the date of the enactment of this Act, and annually thereafter through December 31, 2026, the Secretary, in coordination with the Director of National Intelligence, shall provide to the appropriate congressional committees a briefing on the strategy and plan under subsection (a). Deadline.

(f) DEFINITIONS.—In this section:

(1) The term “appropriate congressional committees” means the following:

(A) The congressional defense committees.

(B) The Permanent Select Committee on Intelligence of the House of Representatives and the Select Committee on Intelligence of the Senate.

(2) The term “covered foreign country” means any of the following:

(A) The People’s Republic of China.

(B) The Russian Federation.

(C) The Islamic Republic of Iran.

(D) The Democratic People’s Republic of Korea.

(E) Any other foreign country the Secretary of Defense and the Director of National Intelligence determine appropriate.

(3) The term “Defense Intelligence Enterprise” has the meaning given that term in section 426(b)(4) of title 10, United States Code.

SEC. 1623. ANNUAL BRIEFING BY DIRECTOR OF THE DEFENSE INTELLIGENCE AGENCY ON ELECTRONIC WARFARE THREAT TO OPERATIONS OF THE DEPARTMENT OF DEFENSE.

Deadline.

(a) **REQUIREMENT.**—Not later than March 31, 2022, and annually thereafter through 2026, the Director of the Defense Intelligence Agency shall provide the congressional defense committees, the Select Committee on Intelligence of the Senate, and the Permanent Select Committee on Intelligence of the House of Representatives a briefing on the electronic warfare threat to operations of the Department of Defense by Russia, China, and other countries relevant to the conduct of such operations.

(b) **CONTENTS.**—Each briefing provided under subsection (a) shall include a review of the following:

(1) Current electronic warfare capabilities of the armed forces of Russia, the armed forces of China, and the armed forces of such other countries as the Director considers appropriate.

(2) With respect to the five-year period beginning after the date of the briefing, an estimate of—

(A) advances in electronic warfare threats to the operations of the Department from the countries referred to in paragraph (1); and

(B) the order of battle for Russia, China, and each other country the Secretary considers appropriate.

SEC. 1624. REPORT ON EXPLOSIVE ORDNANCE INTELLIGENCE MATTERS.

Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report on the feasibility and advisability of—

(1) designating the Director of the Defense Intelligence Agency as the executive agent for explosive ordnance intelligence; and

(2) including in the responsibilities of the Director of the Defense Intelligence Agency pursuant to section 105 of the National Security Act of 1947 (50 U.S.C. 3038) explosive ordnance intelligence, including with respect to the processing, production, dissemination, integration, exploitation, evaluation, feedback, and analysis of explosive ordnance using the skills, techniques, principles, and knowledge of explosive ordnance disposal personnel regarding fuzing, firing systems, ordnance disassembly, and development of render safe techniques, procedures and tools, publications, and applied technologies.

Subtitle C—Nuclear Forces

SEC. 1631. PARTICIPATION IN UNITED STATES STRATEGIC COMMAND STRATEGIC DETERRENCE EXERCISES.

Chapter 24 of title 10, United States Code, is amended by adding at the end the following new section (and conforming the table of sections at the beginning of such chapter accordingly):

10 USC
prec. 491.

“SEC. 499b. PARTICIPATION IN UNITED STATES STRATEGIC COMMAND STRATEGIC DETERRENCE EXERCISES.

“(a) PARTICIPATION.—In the case of annual strategic deterrence exercises held by the United States Strategic Command during fiscal years 2022 through 2032—

10 USC 499b.

“(1) the Assistant to the President for National Security Affairs is encouraged to participate in each such exercise that occurs during an even-numbered year;

“(2) the Deputy Assistant to the President for National Security Affairs is encouraged to participate in each such exercise that occurs during an odd-numbered year;

“(3) the Under Secretary of Defense for Policy shall participate, in whole or in part, in each such exercise;

“(4) the Vice Chairman of the Joint Chiefs of Staff shall participate, in whole or in part, in each such exercise;

“(5) appropriate senior staff of the Executive Office of the President or appropriate organizations supporting the White House relating to continuity of government activities are encouraged to participate in each such exercise;

“(6) appropriate general or flag officers of the military departments, and appropriate employees of Federal agencies in Senior Executive Service positions (as defined in section 3132 of title 5), shall participate, in whole or in part, in each such exercise, to provide relevant expertise to the Assistant to the President for National Security Affairs and the Deputy Assistant to the President for National Security Affairs; and

“(7) in the case of such an exercise for which a unified combatant command has a geographic area of responsibility relevant to the scenario planned to be used for the exercise, not fewer than two of the following individuals from that command shall participate, in whole or in part, in the exercise:

“(A) The Commander.

“(B) The Deputy Commander.

“(C) The Director of the Joint Staff for Operations.

“(D) The Director of the Joint Staff for Strategic Plans and Policy.

“(b) BRIEFING.—Not fewer than once every four years (or more frequently if appropriate) during the period specified in subsection (a), the President shall be provided a briefing on the annual strategic deterrence exercise held by the United States Strategic Command during the year in which the briefing is provided, including the principal findings resulting from the exercise.

Time period.

“(c) REPORTS.—(1) Not later than 30 days after the completion of an annual strategic deterrence exercise described in subsection (a), the Commander of the United States Strategic Command shall submit to the Chairman of the Joint Chiefs of Staff and the Secretary of Defense a report on the exercise, which, at a minimum, shall include the following:

“(A) A description of the purpose and scope of the exercise.

“(B) An identification of the principal personnel participating in the exercise.

“(C) A statement of the principal findings resulting from the exercise that specifically relate to the nuclear command, control, and communications or senior leader decision-making process and a description of any deficiencies in that process identified as a result of the exercise.

“(D) Whether the President was briefed on the exercise and the principal findings resulting from the exercise.

Deadline.

“(2) Not later than 60 days after the completion of an annual strategic deterrence exercise described in subsection (a), the Secretary shall submit to the congressional defense committees—

“(A) an unedited copy of the report of the Commander submitted under paragraph (1); and

“(B) any additional recommendations or other matters the Secretary considers appropriate.”.

SEC. 1632. MODIFICATION TO REQUIREMENTS RELATING TO NUCLEAR FORCE REDUCTIONS.

Section 494(c) of title 10, United States Code, is amended—

(1) by striking “December 31, 2011” each place it appears and inserting “December 31, 2021”; and

(2) in paragraph (3), by striking “December 31, 2017” and inserting “February 1, 2025”.

SEC. 1633. MODIFICATIONS TO REQUIREMENTS RELATING TO UNILATERAL CHANGES IN NUCLEAR WEAPONS STOCKPILE OF THE UNITED STATES.

Section 498 of title 10, United States Code, is amended—

(1) by striking subsection (a) and inserting the following new subsection (a):

“(a) IN GENERAL.—Other than pursuant to a treaty to which the Senate has provided advice and consent pursuant to section 2 of article II of the Constitution of the United States, if the President has under consideration to unilaterally change the size of the total stockpile of nuclear weapons of the United States, or the total number of deployed nuclear weapons (as defined under the New START Treaty), by more than 20 percent, prior to doing so the President shall initiate a Nuclear Posture Review.”;

(2) in subsection (c), by striking “in the nuclear weapons stockpile by more than 25 percent” and inserting “described in subsection (a)”;

(3) in subsection (d), by striking “treaty obligations” and inserting “obligations pursuant to a treaty to which the Senate has provided advice and consent pursuant to section 2 of article II of the Constitution”; and

(4) by adding at the end the following:

“(f) NEW START TREATY DEFINED.—In this section, the term ‘New START Treaty’ means the Treaty between the United States of America and the Russian Federation on Measures for the Further Reduction and Limitation of Strategic Offensive Arms, signed on April 8, 2010, and entered into force on February 5, 2011.”.

**SEC. 1634. DEADLINE FOR REPORTS ON MODIFICATION OF FORCE
STRUCTURE FOR STRATEGIC NUCLEAR WEAPONS
DELIVERY SYSTEMS.**

Section 493 of title 10, United States Code, is amended in the first sentence by inserting after “report on the modification” the following: “not less than 180 days before the intended effective date of the modification”.

**SEC. 1635. MODIFICATION OF DEADLINE FOR NOTIFICATIONS
RELATING TO REDUCTION, CONSOLIDATION, OR WITH-
DRAWAL OF NUCLEAR FORCES BASED IN EUROPE.**

Section 497(b) of title 10, United States Code, is amended by striking “60 days” and inserting “120 days”.

**SEC. 1636. PROCUREMENT AUTHORITY FOR CERTAIN PARTS OF THE
GROUND-BASED STRATEGIC DETERRENT CRYPTOG-
RAPHIC DEVICE.**

(a) IN GENERAL.—The Secretary of the Air Force may enter into contracts for the life-of-type procurement of covered parts supporting the KS–75 cryptographic device under the ground-based strategic deterrent program.

(b) AVAILABILITY OF FUNDS.—Notwithstanding section 1502(a) of title 31, United States Code, of the amount authorized to be appropriated for fiscal year 2022 by section 101 and available for missile procurement, Air Force, as specified in the corresponding funding table in section 4101, \$10,900,000 shall be available for the procurement of covered parts pursuant to contracts entered into under subsection (a).

(c) COVERED PARTS DEFINED.—In this section, the term “covered parts” means commercially available off-the-shelf items as defined in section 104 of title 41, United States Code.

**SEC. 1637. CAPABILITY OF B–21 BOMBER AIRCRAFT WITH LONG-RANGE
STANDOFF WEAPON.**

The Secretary of the Air Force shall ensure that the B–21 bomber aircraft is capable of employing the long-range standoff weapon.

**SEC. 1638. MISSION-DESIGN SERIES POPULAR NAME FOR GROUND-
BASED STRATEGIC DETERRENT.**

Deadlines.

(a) REQUIREMENT.—Not later than 90 days after the date of the enactment of this Act, the Secretary of the Air Force, in coordination with the Under Secretary of Defense for Acquisition and Sustainment, shall establish a mission-design series popular name for the ground-based strategic deterrent, consistent with the procedures set forth in Department of Defense Directive 4120.15 (relating to designating and naming military aerospace vehicles).

(b) NOTIFICATION.—Not later than 10 days after completing the requirement under subsection (a), the Secretary of the Air Force shall notify the congressional defense committees of the completion of the requirement.

**SEC. 1639. PROHIBITION ON REDUCTION OF THE INTERCONTINENTAL
BALLISTIC MISSILES OF THE UNITED STATES.**

(a) PROHIBITION.—Except as provided in subsection (b), none of the funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2022 for the Department of Defense

may be obligated or expended for the following, and the Department may not otherwise take any action to do the following:

(1) Reduce, or prepare to reduce, the responsiveness or alert level of the intercontinental ballistic missiles of the United States.

(2) Reduce, or prepare to reduce, the quantity of deployed intercontinental ballistic missiles of the United States to a number less than 400.

(b) EXCEPTION.—The prohibition in subsection (a) shall not apply to any of the following activities:

(1) The maintenance or sustainment of intercontinental ballistic missiles.

(2) Ensuring the safety, security, or reliability of intercontinental ballistic missiles.

SEC. 1640. LIMITATION ON AVAILABILITY OF CERTAIN FUNDS UNTIL SUBMISSION OF INFORMATION RELATING TO PROPOSED BUDGET FOR NUCLEAR-ARMED SEA-LAUNCHED CRUISE MISSILE.

Of the funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2022 for the Department of Defense for travel by any personnel of the Office of the Secretary of the Navy, not more than 75 percent may be obligated or expended until the Secretary of the Navy submits to the congressional defense committees all written communications from or to personnel of the Department of the Navy regarding the proposed budget amount or limitation for the nuclear-armed sea-launched cruise missile contained in the defense budget materials (as defined by section 231(f) of title 10, United States Code) relating to the Navy for fiscal year 2023.

SEC. 1641. LIMITATION ON AVAILABILITY OF CERTAIN FUNDS UNTIL SUBMISSION OF INFORMATION RELATING TO NUCLEAR-ARMED SEA-LAUNCHED CRUISE MISSILE.

Of the funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2022 for the Department of Defense for travel by any personnel of the Office of the Secretary of Defense (other than travel by the Secretary of Defense or the Deputy Secretary of Defense), not more than 75 percent may be obligated or expended until the Secretary—

(1) submits to the congressional defense committees the analysis of alternatives for the nuclear-armed sea-launched cruise missile; and

(2) provides to such committees a briefing on such analysis of alternatives.

Deadline.
Termination
date.

SEC. 1642. ANNUAL CERTIFICATION ON READINESS OF MINUTEMAN III INTERCONTINENTAL BALLISTIC MISSILES.

Not later than March 1, 2022, and annually thereafter until the date on which the ground-based strategic deterrent weapon achieves initial operating capability, the Chairman of the Joint Chiefs of Staff shall certify to the congressional defense committees whether the state of the readiness of Minuteman III intercontinental ballistic missiles requires placing heavy bombers equipped with nuclear gravity bombs or air-launched nuclear cruise missiles, and associated refueling tanker aircraft, on alert status.

SEC. 1643. REVISED NUCLEAR POSTURE REVIEW.

(a) **REQUIREMENT FOR COMPREHENSIVE REVIEW.**—In order to clarify the nuclear deterrence policy and strategy of the United States for the near term, the Secretary of Defense, acting through the Under Secretary of Defense for Policy and the Vice Chairman of the Joint Chiefs of Staff, shall conduct a comprehensive review of the nuclear posture of the United States for the five- and 10-year periods following the date of the review. The Secretary shall conduct the review in consultation with the Secretary of Energy, the Secretary of State, and the Director of National Intelligence.

Consultation.

(b) **ELEMENTS OF REVIEW.**—The nuclear posture review under subsection (a) shall include the following elements:

(1) An assessment of the current and projected nuclear capabilities of Russia and China, and such other potential threats as the Secretary considers appropriate.

Assessment.

(2) The role of nuclear forces in military strategy, planning, and programming of the United States.

(3) The policy requirements and objectives for the United States to maintain a safe, reliable, and credible nuclear deterrence posture.

(4) The relationship among United States nuclear deterrence policy, targeting strategy, and arms control objectives.

(5) The role that missile defenses, conventional strike forces, and other capabilities play in determining the role and size of nuclear forces.

(6) The levels and composition of the nuclear delivery systems that will be required for implementing the national and military strategy of the United States, including ongoing plans for replacing existing systems.

(7) The nuclear weapons complex that will be required for implementing such national and military strategy, including ongoing plans to modernize the complex.

(8) The active and inactive nuclear weapons stockpile that will be required for implementing the such national and military strategy, including ongoing plans for replacing or modifying warheads.

(c) **REPORT.**—Concurrent with the national defense strategy required to be submitted under section 113(g) of title 10, United States Code, in 2022, the Secretary shall submit to the congressional defense committees a report on the results of the nuclear posture review conducted under subsection (a). The report shall be submitted in unclassified and classified forms as necessary.

SEC. 1644. REVIEW OF SAFETY, SECURITY, AND RELIABILITY OF NUCLEAR WEAPONS AND RELATED SYSTEMS.

(a) **FINDINGS.**—Congress finds the following:

(1) On December 20, 1990, Secretary of Defense Cheney chartered a five-person independent committee known as the Federal Advisory Committee on Nuclear Failsafe and Risk Reduction to assess the capability of the nuclear weapon command and control system to meet the dual requirements of assurance against unauthorized use of nuclear weapons and assurance of timely, reliable execution when authorized, and to identify opportunities for positive measures to enhance failsafe features.

(2) The Federal Advisory Committee, chaired by Ambassador Jeane J. Kirkpatrick, recommended changes in the

nuclear enterprise, as well as policy proposals to reduce the risks posed by unauthorized launches and miscalculation.

(3) The Federal Advisory Committee found, unambiguously, that “failsafe and oversight enhancements are possible”.

(4) Since 1990, new threats to the nuclear enterprise have arisen in the cyber, space, and information warfare domains.

(5) Ensuring the continued assurance of the nuclear command, control, and communications infrastructure is essential to the national security of the United States.

(b) REVIEW.—The Secretary of Defense shall provide for the conduct of an independent review of the safety, security, and reliability of covered nuclear systems. The Secretary shall ensure that such review is conducted in a manner similar to the review conducted by the Federal Advisory Committee on Nuclear Failsafe and Risk Reduction.

Recommendations.

(c) MATTERS INCLUDED.—The review conducted pursuant to subsection (b) shall include the following:

(1) Plans for modernizing the covered nuclear systems, including options and recommendations for technical, procedural, and policy measures that could strengthen safeguards, improve the security and reliability of digital technologies, and prevent cyber-related and other risks that could lead to the unauthorized or inadvertent use of nuclear weapons as the result of an accident, misinterpretation, miscalculation, terrorism, unexpected technological breakthrough, or deliberate act.

(2) Options and recommendations for nuclear risk reduction measures, focusing on confidence building and predictability, that the United States could carry out alone or with near-peer adversaries to strengthen safeguards against the unauthorized or inadvertent use of a nuclear weapon and to reduce nuclear risks.

Deadline.

(d) SUBMISSION.—Not later than one year after the date of the enactment of this Act, the Secretary shall submit to the congressional defense committees the review conducted pursuant to subsection (b).

Reports.

(e) PREVIOUS REVIEW.—Not later than 30 days after the date of the enactment of this Act, the Secretary shall submit to the congressional defense committees the final report of the Federal Advisory Committee on Nuclear Failsafe and Risk Reduction.

(f) COVERED NUCLEAR SYSTEMS DEFINED.—In this section, the term “covered nuclear systems” means the following systems of the United States:

- (1) The nuclear weapons systems.
- (2) The nuclear command, control, and communications system.
- (3) The integrated tactical warning/attack assessment system.

SEC. 1645. LONG-RANGE STANDOFF WEAPON.

(a) REQUIREMENT.—In addition to the requirements under section 2366c of title 10, United States Code, prior to awarding a procurement contract for the long-range standoff weapon, the Secretary of the Air Force, in coordination with the Under Secretary of Defense for Acquisition and Sustainment, shall submit to the congressional defense committees each of the following:

(1) A certification that the future-years defense program submitted to Congress under section 221 of title 10, United States Code, includes, or will include, estimated funding for the program in the amounts specified in the independent estimated cost submitted to the congressional defense committees under subsection (a)(2) of such section 2366c.

(2) A copy of the justification and approval documentation regarding the determination by the Secretary to award a sole-source contract for the program, including with respect to how the Secretary will manage the cost of the program in the absence of competition.

(b) BRIEFING.—Not later than 90 days after the date of the enactment of this Act, the Secretary of the Air Force shall provide to the congressional defense committees a briefing on the execution of the engineering and manufacturing development contract for the long-range standoff weapon, including with respect to—

Deadline.

(1) how the timely development of the long-range standoff weapon may serve as a hedge to delays in other nuclear modernization efforts;

(2) the effects of potential delays in the W80–4 warhead program on the ability of the long-range standoff weapon to achieve the initial operational capability schedule under section 217 of the National Defense Authorization Act for Fiscal Year 2014 (Public Law 113–66; 127 Stat. 706), as most recently amended by section 1668 of the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116–92; 133 Stat. 1774);

(3) options to adjust the budget profile of the long-range standoff weapon program to ensure the program remains on schedule; and

(4) a plan to ensure best value to the United States once the programs enter into procurement.

SEC. 1646. GROUND-BASED STRATEGIC DETERRENT DEVELOPMENT PROGRAM ACCOUNTABILITY MATRICES.

(a) IN GENERAL.—Concurrent with the submission to Congress of the budget of the President for fiscal year 2023 and each fiscal year thereafter pursuant to section 1105(a) of title 31, United States Code, the Secretary of the Air Force shall submit to the congressional defense committees and the Comptroller General of the United States the matrices described in subsection (b) relating to the ground-based strategic deterrent weapon system.

(b) MATRICES DESCRIBED.—The matrices described in this subsection are the following:

(1) ENGINEERING AND MANUFACTURING DEVELOPMENT GOALS.—A matrix that identifies, in six-month increments, key milestones, development events, and specific performance goals for the engineering and manufacturing development phase of the ground-based strategic deterrent weapon system, which shall be subdivided, at a minimum, according to the following:

(A) Technology maturity, including technology readiness levels of major components and key demonstration events leading to technology readiness level 7 full maturity.

(B) Design maturity for the missile, weapon system command and control, and ground systems.

(C) Software maturity, including key events and metrics.

(D) Manufacturing maturity, including manufacturing readiness levels for critical manufacturing operations and key demonstration events.

(E) The schedule with respect to the following:

(i) Ground-based strategic deterrent weapon system level critical path events and margins.

(ii) Separate individual critical path events and margins for each of the following major events:

(I) First flight.

(II) First functional test.

(III) Weapon system qualification.

(IV) Combined certifications.

(V) Operational weapon system article.

(VI) Initial operational capability.

(VII) Wing A completion.

(F) Personnel, including planned and actual staffing for the program office and for contractor and supporting organizations, including for testing, nuclear certification, and civil engineering by the Air Force.

(G) Reliability, including growth plans and key milestones.

(2) COST.—

(A) IN GENERAL.—The following matrices relating to the cost of the ground-based strategic deterrent weapon system:

(i) A matrix expressing, in six-month increments, the total cost for the engineering and manufacturing development phase and low-rate initial production lots of the ground-based strategic deterrent weapon system.

(ii) A matrix expressing the total cost for the prime contractor's estimate for the engineering and manufacturing development phase and production lots.

(B) PHASING AND SUBDIVISION OF MATRICES.—The matrices described in clauses (i) and (ii) of subparagraph (A) shall be—

(i) phased over the entire engineering and manufacturing development period; and

(ii) subdivided according to the costs of the primary subsystems in the ground-based strategic deterrent weapon system work breakdown structure.

Deadline.

(c) SEMI-ANNUAL UPDATES OF MATRICES.—Not later than 180 days after the date on which the Secretary submits the matrices described in subsection (b) for a year as required by subsection (a), the Secretary shall submit to the congressional defense committees and the Comptroller General updates to the matrices.

(d) TREATMENT OF THE FIRST MATRICES AS BASELINE.—

(1) IN GENERAL.—The first set of matrices submitted under subsection (a) shall be treated as the baseline for the full engineering and manufacturing development phase and low-rate initial production of the ground-based strategic deterrent weapon system program for purposes of updates submitted under subsection (c) and subsequent matrices submitted under subsection (a).

(2) ELEMENTS.—After the submission of the first set of matrices required by subsection (a), each update submitted under subsection (c) and each subsequent set of matrices submitted under subsection (a) shall—

(A) clearly identify changes in key milestones, development events, and specific performance goals identified in the first set of matrices; and

(B) provide updated cost estimates.

(e) **ASSESSMENT BY COMPTROLLER GENERAL OF THE UNITED STATES.**—Not later than 60 days after receiving the matrices described in subsection (b) for a year as required by subsection (a), the Comptroller General shall assess the acquisition progress made with respect to the ground-based strategic deterrent weapon system and brief the congressional defense committees on the results of that assessment.

Deadline.

(f) **TERMINATION.**—The requirements of this section shall terminate on the date that is one year after the ground-based strategic deterrent weapon system achieves initial operational capability.

SEC. 1647. INFORMATION REGARDING REVIEW OF MINUTEMAN III SERVICE LIFE EXTENSION PROGRAM OR OPTIONS FOR THE FUTURE OF THE INTERCONTINENTAL BALLISTIC MISSILE FORCE.

(a) **REQUIREMENT.**—The Secretary of Defense shall submit to the congressional defense committees all—

- (1) scoping documents relating to any covered review; and
- (2) reports or other documents relating to any such review.

Reports.

(b) **TIMING.**—The Secretary shall submit the documents and reports under subsection (a) by the date that is the later of the following:

Deadlines.

- (1) 15 days after the date on which the documents or reports are produced.
- (2) 15 days after the date of the enactment of this Act.

(c) **COVERED REVIEW.**—In this section, the term “covered review” means any review initiated in 2021 or 2022 by any entity pursuant to an agreement or contract with the Federal Government regarding—

Definition.

- (1) a service life extension program for Minuteman III intercontinental ballistic missiles; or
- (2) the future of the intercontinental ballistic missile force.

SEC. 1648. NOTIFICATION REGARDING INTERCONTINENTAL BALLISTIC MISSILES OF CHINA.

(a) **REQUIREMENT.**—If the Commander of the United States Strategic Command determines that the number of intercontinental ballistic missiles in the active inventory of China exceeds the number of intercontinental ballistic missiles in the active inventory of the United States, the number of nuclear warheads equipped on such missiles of China exceeds the number of nuclear warheads equipped on such missiles of the United States, or the number of intercontinental ballistic missile launchers in China exceeds the number of intercontinental ballistic missile launchers in the United States, the Commander shall submit to the congressional defense committees—

- (1) a notification of such determination;
- (2) an assessment of the composition of the intercontinental ballistic missiles of China, including the types of nuclear warheads equipped on such missiles; and
- (3) a strategy for deterring China.

Assessment.

(b) **FORM.**—The notification under paragraph (1) of subsection (a) shall be submitted in unclassified form, and the assessment

and strategy under paragraphs (2) and (3) of such subsection may be submitted in classified form.

(c) **TERMINATION.**—The requirement under subsection (a) shall terminate on the date that is four years after the date of the enactment of this Act.

SEC. 1649. INDEPENDENT REVIEW OF NUCLEAR COMMAND, CONTROL, AND COMMUNICATIONS SYSTEM.

Deadline.

(a) **REVIEW.**—Not later than 30 days after the date of the enactment of this Act, the Secretary of Defense shall seek to enter into an agreement with a federally funded research and development center to conduct a review of the current plans, policies, and programs of the nuclear command, control, and communications system of the Department of Defense, and such plans, policies, and programs that are planned for the 10- and 30-year periods following such date of enactment.

(b) **MATTERS INCLUDED.**—The review under subsection (a) shall include a review of each of the following:

(1) The plans, policies, and programs described in such subsection.

(2) The operational, organizational, programmatic, and acquisition challenges and risks with respect to—

(A) maintaining the existing nuclear command, control, and communications system; and

(B) the nuclear command, control, and communications system to be fielded during the 10-year period following the date of the enactment of this Act.

(3) Emerging technologies and how such technologies may be applied to the next generation of the nuclear command, control, and communications system during the 30-year period following the date of the enactment of this Act to ensure—

(A) the survivability of the system; and

(B) the capability of the system with respect to—

(i) decisionmaking;

(ii) situation monitoring;

(iii) planning;

(iv) force direction; and

(v) force management.

(4) The security and surety of the nuclear command, control, and communications system.

(5) Threats to the nuclear command, control, and communications system that may occur and the ability to detect and mitigate such threats during the 10- and 30-year periods following the date of the enactment of this Act.

Deadline.

(c) **BRIEFING.**—Not later than September 1, 2022, the federally funded research and development center that conducts the review under subsection (a) shall provide the congressional defense committees an interim briefing on the review under subsection (a).

(d) **REPORT.**—Not later than March 1, 2023, the federally funded research and development center that conducts the review under subsection (a) shall submit to the Secretary and the congressional defense committees a report containing the review under such subsection.

SEC. 1650. REVIEW OF ENGINEERING AND MANUFACTURING DEVELOPMENT CONTRACT FOR GROUND-BASED STRATEGIC DETERRENT PROGRAM.

(a) **REVIEW.**—

(1) **REQUIREMENT.**—Not later than 90 days after the date of the enactment of this Act, the Secretary of the Air Force, in coordination with the Under Secretary of Defense for Acquisition and Sustainment, shall seek to enter into a contract with a federally funded research and development center to conduct a review of the implementation and the execution of the engineering and manufacturing development phase for the ground-based strategic deterrent program. Deadline.

(2) **MATTERS INCLUDED.**—The review under paragraph (1) shall include the following:

(A) An analysis of the ability of the Air Force to implement industry best practices regarding digital engineering during the engineering and manufacturing development phase of the ground-based strategic deterrent program. Analysis.

(B) An assessment of the opportunities offered by the adoption by the Air Force of digital engineering processes and of the challenges the Air Force faces in implementing such industry best practices. Assessment.

(C) A review of the ability of the Air Force to leverage digital engineering during such engineering and manufacturing development phase.

(D) A review of any options that may be available to the Air Force during the engineering and manufacturing development phase of the ground-based strategic deterrent program to—

(i) reduce cost and introduce long-term sustainment efficiencies; and

(ii) stimulate competition within the operations and maintenance phase of the program.

(E) Recommendations to improve the cost, schedule, and program management of the engineering and manufacturing development phase for the ground-based strategic deterrent program. Recommendations.

(3) **PROVISION OF INFORMATION.**—The Secretary shall provide to the individuals conducting the review under paragraph (1) all information necessary for the review.

(4) **SECURITY CLEARANCES.**—The Secretary shall ensure that each individual who conducts the review under paragraph (1) holds a security clearance at the appropriate level for such review.

(b) **REPORT.**—Not later than 270 days after the date of the enactment of this Act, the Secretary shall submit to the congressional defense committees a report containing the review under subsection (a)(1). The report shall be submitted in unclassified form and shall include a classified annex.

(c) **BRIEFING.**—Not later than 90 days after the date on which the Secretary submits the report under subsection (b), the Secretary shall provide to the congressional defense committees a briefing on— Deadline.
Recommendations.

(1) plans of the Air Force for implementing any of the recommendations contained in the review under subsection (a)(1); and

(2) an explanation for rejecting any recommendations contained in the review that the Secretary elects not to implement.

SEC. 1651. REPORT ON RE-ALERTING LONG-RANGE BOMBERS.

Not later than 90 days after the date of the enactment of this Act, the Secretary of the Air Force shall submit to the congressional defense committees a report containing—

Estimate.

(1) a cost estimate with respect to re-alerting long-range bombers and air refueling tanker aircraft in the absence of a ground-based leg of the nuclear triad; and

Assessment.

(2) an assessment of the impact of such re-alerting on force readiness.

SEC. 1652. COMPTROLLER GENERAL STUDY AND UPDATED REPORT ON NUCLEAR WEAPONS CAPABILITIES AND FORCE STRUCTURE REQUIREMENTS.

(a) **COMPTROLLER GENERAL STUDY REQUIRED.**—The Comptroller General of the United States shall conduct a study on the strategic nuclear weapons capabilities, force structure, employment policy, and targeting requirements of the Department of Defense.

(b) **MATTERS COVERED.**—The study conducted under subsection (a) shall, at minimum, consist of an update to the report of the Comptroller General titled “Strategic Weapons: Changes in the Nuclear Weapons Targeting Process Since 1991” (GAO–12–786R) and dated July 31, 2012, including covering any changes to—

(1) how the Department of Defense has assessed threats and modified its nuclear deterrence policy;

(2) targeting and employment guidance from the President, the Secretary of Defense, the Chairman of the Joint Chiefs of Staff, and the Commander of United States Strategic Command;

(3) nuclear weapons planning and targeting, including categories and types of targets;

(4) strategic nuclear forces, including the stockpile, force posture, and modernization;

(5) the level of civilian oversight;

(6) the relationship between targeting and requirements; and

(7) any other matters considered appropriate by the Comptroller General.

(c) **REPORTING.**—

Deadline.

(1) **BRIEFING ON PRELIMINARY FINDINGS.**—Not later than March 31, 2022, the Comptroller General shall provide to the congressional defense committees a briefing on the preliminary findings of the study conducted under subsection (a).

(2) **FINAL REPORT.**—The Comptroller General shall submit to the congressional defense committees a final report on the findings of the study conducted under subsection (a) at a time agreed to by the Comptroller General and the congressional defense committees at the briefing required by paragraph (1).

(3) **FORM.**—The briefing required by paragraph (1) may be provided, and the report required by paragraph (2) may be submitted, in classified form.

(d) **COOPERATION.**—The Secretary of Defense and the Secretary of Energy shall provide the Comptroller General with full cooperation and access to appropriate officials, guidance, and documentation for the purposes of conducting the study required by subsection (a).

SEC. 1653. BRIEFING ON CONSULTATIONS WITH UNITED STATES ALLIES REGARDING NUCLEAR POSTURE REVIEW.

(a) **IN GENERAL.**—Not later than the date on which the Secretary of Defense issues the first Nuclear Posture Review after the date of the enactment of this Act, the Secretary of Defense, in coordination with the Secretary of State, shall provide to the appropriate congressional committees, the Majority and Minority Leaders of the Senate, and the Speaker and Minority Leader of the House of Representatives a briefing on all consultations with allies of the United States regarding the Nuclear Posture Review. Deadline.

(b) **ELEMENTS.**—The briefing required by subsection (a) shall include the following:

(1) A listing of all countries consulted with respect to the Nuclear Posture Review, including the dates and circumstances of each such consultation and the countries present. List.

(2) An overview of the topics and concepts discussed with each such country during such consultations, including any discussion of potential changes to the nuclear declaratory policy of the United States.

(3) An opportunity for the committees and officials referred to in subsection (a) to view documents relating to such consultations.

(4) A summary of any feedback provided during such consultations.

(c) **FORM.**—The briefing required by subsection (a) shall be conducted in both in an unclassified and classified format.

(d) **APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.**—In this section, the term “appropriate congressional committees” means—

(1) the Committee on Armed Services and the Committee on Foreign Relations of the Senate; and

(2) the Committee on Armed Services and the Committee on Foreign Affairs of the House of Representatives.

Subtitle D—Missile Defense Programs**SEC. 1661. NOTIFICATION OF CHANGES TO NON-STANDARD ACQUISITION AND REQUIREMENTS PROCESSES AND RESPONSIBILITIES OF MISSILE DEFENSE AGENCY.**

(a) **NOTICE AND WAIT REQUIREMENT.**—Section 205 of title 10, United States Code, is amended—

(1) by striking “The Director” and inserting “(a) APPOINTMENT OF DIRECTOR.—The Director”; and

(2) by adding at the end the following new subsection:

“(b) **NOTIFICATION OF CHANGES TO NON-STANDARD ACQUISITION AND REQUIREMENTS PROCESSES AND RESPONSIBILITIES.**—(1) The Secretary of Defense may not make any changes to the missile defense non-standard acquisition and requirements processes and responsibilities unless, with respect to those proposed changes—

“(A) the Secretary, without delegation, has taken each of the actions specified in paragraph (2); and

“(B) a period of 120 days has elapsed following the date on which the Secretary submits the report under subparagraph (C) of such paragraph.

Time period.
Reports.

“(2) If the Secretary proposes to make changes to the missile defense non-standard acquisition and requirements processes and responsibilities, the Secretary shall—

Consultation.

“(A) consult with the Under Secretary of Defense for Research and Engineering, the Under Secretary of Defense for Acquisition and Sustainment, the Under Secretary of Defense for Policy, the Secretaries of the military departments, the Chairman of the Joint Chiefs of Staff, the Commander of the United States Strategic Command, the Commander of the United States Northern Command, and the Director of the Missile Defense Agency, regarding the changes;

Certification.

“(B) certify to the congressional defense committees that the Secretary has coordinated the changes with, and received the views of, the individuals referred to in subparagraph (A);

Reports.

“(C) submit to the congressional defense committees a report that contains—

“(i) a description of the changes, the rationale for the changes, and the views of the individuals referred to in subparagraph (A) with respect to the changes;

“(ii) a certification that the changes will not impair the missile defense capabilities of the United States nor degrade the unique special acquisition authorities of the Missile Defense Agency; and

“(iii) with respect to any such changes to Department of Defense Directive 5134.09, or successor directive issued in accordance with this subsection, a final draft of the proposed modified directive, both in an electronic format and in a hard copy format; and

“(D) with respect to any such changes to Department of Defense Directive 5134.09, or successor directive issued in accordance with this subsection, provide to such committees a briefing on the proposed modified directive described in subparagraph (C)(iii).

“(3) In this subsection, the term ‘non-standard acquisition and requirements processes and responsibilities’ means the processes and responsibilities described in—

“(A) the memorandum of the Secretary of Defense titled ‘Missile Defense Program Direction’ signed on January 2, 2002, as in effect on the date of the enactment of this subsection or as modified in accordance with this subsection, or any successor memorandum issued in accordance with this subsection;

“(B) Department of Defense Directive 5134.09, as in effect on the date of the enactment of this subsection (without regard to any modifications described in Directive-type Memorandum 20–002 of the Deputy Secretary of Defense, or any amendments or extensions thereto made before the date of such enactment), or as modified in accordance with this subsection, or any successor directive issued in accordance with this subsection; and

“(C) United States Strategic Command Instruction 538–3 titled ‘MD Warfighter Involvement Process’, as in effect on the date of the enactment of this subsection or as modified in accordance with this subsection, or any successor instruction issued in accordance with this subsection.”.

(b) CONFORMING AMENDMENTS.—

(1) FY20 NDAA.—Section 1688 of the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116–92; 133 Stat. 1787) is amended—

- (A) by striking subsection (b); and
 - (B) by redesignating subsection (c) as subsection (b).
- (2) FY21 NDAA.—Section 1641 of the William M. (Mac) Thornberry National Defense Authorization Act for Fiscal Year 2021 (Public Law 116–283; 134 Stat. 4061) is amended—
- (A) by striking subsection (c); and
 - (B) by redesignating subsection (d) as subsection (c).

SEC. 1662. LIMITATION ON MISSILE DEFENSE AGENCY PRODUCTION OF SATELLITES AND GROUND SYSTEMS ASSOCIATED WITH OPERATION OF SUCH SATELLITES.

(a) LIMITATION.—

(1) PRODUCTION OF SATELLITES AND GROUND SYSTEMS.—The Director of the Missile Defense Agency may not authorize or obligate funding for a program of record for the production of satellites or ground systems associated with the operation of such satellites.

10 USC 4022
note.

(2) PROTOTYPE SATELLITES.—

(A) AUTHORITY.—The Director, with the concurrence of the Space Acquisition Council established by section 9021 of title 10, United States Code, may authorize the production of one or more prototype satellites, consistent with the requirements of the Missile Defense Agency.

(B) REPORT.—Not later than 30 days after the date on which the Space Acquisition Council concurs with the Director with respect to authorizing the production of a prototype satellite under subparagraph (A), the chair of the Council shall submit to the congressional defense committees a report explaining the reasons for such concurrence.

(C) OBLIGATION OF FUNDS.—The Director may not obligate funds for the production of a prototype satellite under subparagraph (A) before the date on which the Space Acquisition Council submits the report for such prototype satellite under subparagraph (B).

(b) HYPERSONIC AND BALLISTIC MISSILE TRACKING SPACE SENSOR.—Section 1645 of the William M. (Mac) Thornberry National Defense Authorization Act for Fiscal Year 2021 (Public Law 116–283) is amended—

- (1) by redesignating subsections (f) and (g) as subsections (g) and (h), respectively; and

- (2) by inserting after subsection (e) the following new subsection (f):

“(f) WAIVER OF CERTAIN LIMITATION.—The Assistant Secretary of the Air Force for Space Acquisition and Integration, acting as the chair of the Space Acquisition Council, may waive the limitation in section 1662 of the National Defense Authorization Act for Fiscal Year 2022, with respect to the hypersonic and ballistic missile tracking space sensor program if the Assistant Secretary—

“(1) determines that such limitation would delay the delivery of an operational hypersonic and ballistic missile tracking space sensor because of technical, cost, or schedule factors; and

“(2) submits to the congressional defense committees—

“(A) the technical, schedule, or cost rationale for the waiver;

Determination.

“(B) an acquisition strategy for the hypersonic and ballistic missile tracking space sensor program that is signed by both the Director and the Assistant Secretary; and

“(C) a lead service agreement entered into by the Director and the Chief of Space Operations regarding the operation and sustainment of the hypersonic and ballistic missile tracking space sensor and the integration of the sensor into the architecture of the Space Force.”.

SEC. 1663. EXTENSION OF PERIOD FOR TRANSITION OF BALLISTIC MISSILE DEFENSE PROGRAMS TO MILITARY DEPARTMENTS.

Section 1676(b)(1) of the National Defense Authorization Act for Fiscal Year 2018 (Public Law 115–91; 10 U.S.C. 2431 note) is amended by striking “the date on which the budget of the President for fiscal year 2023 is submitted under section 1105 of title 31, United States Code,” and inserting, “October 1, 2023,”.

10 USC 205 note.

SEC. 1664. DIRECTED ENERGY PROGRAMS FOR BALLISTIC AND HYPERSONIC MISSILE DEFENSE.

(a) **AUTHORITY OF THE MISSILE DEFENSE AGENCY.**—The Secretary of Defense shall delegate to the Director of the Missile Defense Agency the authority to budget for, direct, and manage directed energy programs applicable for ballistic and hypersonic missile defense missions, in coordination with other directed energy efforts of the Department of Defense.

(b) **PRIORITIZATION.**—In budgeting for and directing directed energy programs applicable for ballistic and hypersonic defensive missions pursuant to subsection (a), the Director of the Missile Defense Agency shall—

(1) prioritize the early research and development of technologies; and

(2) address the transition of such technologies to industry to support future operationally relevant capabilities.

SEC. 1665. GUAM INTEGRATED AIR AND MISSILE DEFENSE SYSTEM.

Time period.

(a) **ARCHITECTURE AND ACQUISITION.**—The Secretary of Defense, acting through the Director of the Missile Defense Agency, and in coordination with the Commander of the United States Indo-Pacific Command, shall identify the architecture and acquisition approach for implementing a 360-degree integrated air and missile defense capability to defend the people, infrastructure, and territory of Guam from the scope and scale of advanced cruise, ballistic, and hypersonic missile threats that are expected to be fielded during the 10-year period beginning on the date of the enactment of this Act.

(b) **REQUIREMENTS.**—The architecture identified under subsection (a) shall have the ability to—

(1) integrate, while maintaining high kill chain performance against advanced threats, all applicable—

(A) multi-domain sensors that contribute substantively to track quality and track custody;

(B) interceptors; and

(C) command and control systems;

(2) address robust discrimination and electromagnetic compatibility with other sensors;

(3) engage directly, or coordinate engagements with other integrated air and missile defense systems, to defeat the spectrum of cruise, ballistic, and hypersonic threats expected to be fielded during the 10-year period beginning on the date of the enactment of this Act;

(4) leverage existing programs of record to expedite the development and deployment of the architecture during the five-year period beginning on the date of the enactment of this Act, with an objective of achieving initial operating capability in 2025, including with respect to—

- (A) the Aegis ballistic missile defense system;
- (B) standard missile–3 and –6 variants;
- (C) the terminal high altitude area defense system;
- (D) the Patriot air and missile defense system;
- (E) the integrated battle control system; and
- (F) the lower tier air and missile defense sensor and other lower tier capabilities, as applicable;

(5) integrate future systems and interceptors, including directed energy-based kill systems, that will also have the capability to detect, track, and defeat hypersonic missiles in the glide and terminal phases, including integration of passive measures to protect assets in Guam; and

(6) incentivize competition within the acquisition of the architecture and rapid procurement and deployment wherever possible.

(c) REPORT.—Not later than 60 days after the date of the enactment of this Act, the Secretary shall submit to the congressional defense committees a report on the architecture and acquisition approach identified under subsection (a), including—

(1) an assessment of the development and implementation risks associated with each of the elements identified under subsection (b); and

Assessment.

(2) a plan for expending funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2022 for such architecture.

(d) LIMITATION.—Of the funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2022 for the Department of Defense for the Office of Cost Assessment and Program Evaluation, not more than 80 percent may be obligated or expended until the date on which the Secretary of Defense submits to the congressional defense committees the report under subsection (c).

SEC. 1666. MISSILE DEFENSE RADAR IN HAWAII.

As a part of the defense budget materials (as defined in section 239 of title 10, United States Code) for fiscal year 2023, the Director of the Missile Defense Agency shall certify to the congressional defense committees that—

Certification.

(1) the future-years defense program submitted to Congress under section 221 of title 10, United States Code, in 2022 includes adequate amounts of estimated funding to develop, construct, test, and integrate into the missile defense system the discrimination radar for homeland defense planned to be located in Hawaii; and

(2) such radar and associated in-flight interceptor communications system data terminal will be operational by not later than December 31, 2028.

Deadline.

10 USC 130h
note.

**SEC. 1667. CERTIFICATION REQUIRED FOR RUSSIA AND CHINA TO
TOUR CERTAIN MISSILE DEFENSE SITES.**

Determination.

(a) **CERTIFICATION.**—Before the Secretary of Defense makes a determination with respect to allowing a foreign national of Russia or China to tour a covered site, the Secretary shall submit to the congressional defense committees a certification that—

(1) the Secretary has determined that such tour is in the national security interest of the United States, including the justifications for such determination; and

(2) the Secretary will not share any technical data relating to the covered site with the foreign nationals.

Deadline.

(b) **TIMING.**—The Secretary may not conduct a tour described in subsection (a) until a period of 45 days has elapsed following the date on which the Secretary submits the certification for that tour under such subsection.

(c) **CONSTRUCTION WITH OTHER REQUIREMENTS.**—Nothing in this section shall be construed to supersede or otherwise affect section 130h of title 10, United States Code.

(d) **COVERED SITE.**—In this section, the term “covered site” means any of the following:

(1) The combat information center of a naval ship equipped with the Aegis ballistic missile defense system.

(2) An Aegis Ashore site.

(3) A terminal high altitude area defense battery.

(4) A ground-based midcourse defense interceptor silo.

**SEC. 1668. NEXT GENERATION INTERCEPTORS FOR MISSILE DEFENSE
OF THE UNITED STATES HOMELAND.**

Recommendations.

(a) **FUNDING PLAN.**—The Director of the Missile Defense Agency shall develop a funding plan that includes funding lines across the future-years defense program under section 221 of title 10, United States Code, for the next generation interceptor that—

(1) while applying lessons learned from the redesigned kill vehicle program, incorporating recommendations from the Comptroller General of the United States, and implementing “fly-before-you-buy” principles, produces and begins deployment of the next generation interceptor as early as practicable;

(2) includes acquiring at least 20 operational next generation interceptors; and

(3) includes transition plans to replace the current inventory of silo-based boosters with follow-on systems prior to the end of the useful lifecycle of the boosters.

(b) **REPORT ON FUNDING PROFILE.**—The Director shall include with the budget justification materials submitted to Congress in support of the budget of the Department of Defense for fiscal year 2023 (as submitted with the budget of the President under section 1105(a) of title 31, United States Code) a report on the funding profile necessary for the next generation interceptor program through the date on which the program achieves full operational capability.

Deadline.

(c) **CONGRESSIONAL NOTIFICATION OF CANCELLATION REQUIREMENT.**—Not later than 30 days prior to any final decision to cancel the next generation interceptor program, the Director shall provide to the congressional defense committees a briefing on such decision, including—

(1) a justification for the decision; and

(2) an analysis of the national security risk that the Director accepts by reason of cancelling such program.

(d) INCLUSION IN REQUIRED FLIGHT TESTS.—Section 1689(a) of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114–328; 10 U.S.C. 2431 note) is amended by adding after the period at the end the following new sentence: “Beginning not later than five years after the date on which the next generation interceptor achieves initial operational capability, the Director shall ensure that such flight tests include the next generation interceptor.”.

(e) REPORT.—Not later than the date of on which the Director approves the next generation interceptor program to enter the initial production phase of the acquisition process, the Director shall submit to the congressional defense committees a report outlining estimated annual costs for conducting annual, operationally relevant flight testing to evaluate the reliability of the system developed under such program, including associated production costs for procuring sufficient flight systems to support such testing for the projected life of the system.

(f) PROGRAM ACCOUNTABILITY MATRICES.—

(1) REQUIREMENT.—Concurrent with the submission to Congress of the budget of the President for fiscal year 2023 and each fiscal year thereafter pursuant to section 1105(a) of title 31, United States Code, the Director shall submit to the congressional defense committees and the Comptroller General of the United States the matrices described in paragraph (2) relating to the next generation interceptor program.

(2) MATRICES DESCRIBED.—The matrices described in this subsection are the following:

(A) TECHNOLOGY AND PRODUCT DEVELOPMENT GOALS.—A matrix that identifies, in six-month increments, key milestones, development events, and specific performance goals for the technology development phase of the next generation interceptor program, which shall be subdivided, at a minimum, according to the following:

(i) Technology maturity, including technology readiness levels of major interceptor components and key demonstration events leading to full maturity.

(ii) Design maturity, including key events and metrics, at the interceptor all up round level and major interceptor component level.

(iii) Parts testing, including key events and metrics for vetting parts and components through a parts, materials, and processes mission assurance plan.

(iv) Software maturity, including key events and metrics, at the all up round level and major interceptor component level for the interceptor.

(v) Manufacturing maturity, including manufacturing readiness levels for critical manufacturing operations and key demonstration events.

(vi) Schedule, with respect to key program milestones, critical path events, and margins.

(vii) Reliability, including growth plans and key milestones.

(viii) Developmental testing and cybersecurity.

(ix) Any other technology and product development goals the Director determines to be appropriate.

(B) COST.—

(i) IN GENERAL.—The following matrices relating to the cost of the next generation interceptor program:

(I) A matrix expressing, in six-month increments, the total cost for the technology development phase.

(II) A matrix expressing the total cost for each of the contractors' estimates for the technology development phase.

(ii) PHASING AND SUBDIVISION OF MATRICES.—The matrices described in clauses (i) and (ii) of subparagraph (B) shall be—

(I) phased over the entire technology development phase; and

(II) subdivided according to the costs major interceptor component of each next generation interceptor configuration.

(C) STAKEHOLDER AND INDEPENDENT REVIEWS.—A matrix that identifies, in six-month increments, plans and status for coordinating products and obtaining independent reviews for the next generation interceptor program for the technology development phase, which shall be subdivided according to the following:

(i) Performance requirements, including coordinating, updating, and obtaining approval of the top-level requirements document.

(ii) Intelligence inputs, processes, and products, including—

(I) coordinating, updating, and validating the homeland ballistic missile defense validated online lifecycle threat with the Director of the Defense Intelligence Agency; and

(II) coordinating and obtaining approval of a lifecycle mission data plan.

(iii) Independent assessments, including obtaining an initial and updated—

(I) technical risk assessment; and

(II) cost estimate.

(iv) Models and simulations, including—

(I) obtaining accreditation of interceptor models and simulations at both the all up round level and subsystem level from the Ballistic Missile Defense Operational Test Agency;

(II) obtaining certification of threat models used for interceptor ground test from the Ballistic Missile Defense Operational Test Agency; and

(III) obtaining accreditation from the Director of the Defense Intelligence Agency on all threat models, simulations, and associated data used to support interceptor development.

(v) Sustainability and obsolescence, including coordinating and obtaining approval of a lifecycle sustainment plan.

(vi) Cybersecurity, including coordinating and obtaining approval of a cybersecurity strategy.

(3) FORM.—The matrices submitted under paragraph (2) shall be in unclassified form, but may contain a classified annex.

(4) SEMIANNUAL UPDATES OF MATRICES.—Not later than 180 days after the date on which the Director submits the matrices described in paragraph (2) for a year as required by paragraph (1), the Director shall submit to the congressional defense committees and the Comptroller General updates to the matrices. Deadline.

(5) TREATMENT OF THE FIRST MATRICES AS BASELINE.—

(A) IN GENERAL.—The first set of matrices submitted under paragraph (1) shall be treated as the baseline for the technology development phase of the next generation interceptor program for purposes of updates submitted under subsection (i) and subsequent matrices submitted under paragraph (1).

(B) ELEMENTS.—After the submission of the first set of matrices required by paragraph (1), each update submitted under paragraph (4) and each subsequent set of matrices submitted under paragraph (1) shall—

(i) clearly identify changes in key milestones, development events, and specific performance goals identified in the first set of matrices under subparagraph (A) of paragraph (2);

(ii) provide updated cost estimates under subparagraph (B) of such paragraph; and

(iii) provide updated plans and status under subparagraph (C) of such paragraph.

(6) ASSESSMENT BY COMPTROLLER GENERAL OF THE UNITED STATES.—Not later than 60 days after receiving the matrices described in paragraph (2) for a year as required by paragraph (1), the Comptroller General shall—

Deadline.
Time period.

(A) assess the acquisition progress made with respect to the next generation interceptor program; and

(B) provide to the congressional defense committees a briefing on the results of that assessment.

(7) TERMINATION.—The requirements of this subsection shall terminate on the date that is one year after the date on which the next generation interceptor program is approved to enter the product development phase.

SEC. 1669. IRON DOME SHORT-RANGE ROCKET DEFENSE SYSTEM AND ISRAELI COOPERATIVE MISSILE DEFENSE PROGRAM CO-DEVELOPMENT AND CO-PRODUCTION.

(a) IRON DOME SHORT-RANGE ROCKET DEFENSE SYSTEM.—

(1) AVAILABILITY OF FUNDS.—Of the funds authorized to be appropriated by this Act for fiscal year 2022 for procurement, Defense-wide, and available for the Missile Defense Agency, not more than \$108,000,000 may be provided to the Government of Israel to procure components for the Iron Dome short-range rocket defense system through co-production of such components in the United States by industry of the United States.

(2) CONDITIONS.—

(A) AGREEMENT.—Funds described in paragraph (1) for the Iron Dome short-range rocket defense program shall be available subject to the terms and conditions in the Agreement Between the Department of Defense of the

United States of America and the Ministry of Defense of the State of Israel Concerning Iron Dome Defense System Procurement, signed on March 5, 2014, as amended to include co-production for Tamir interceptors.

Deadline.

(B) CERTIFICATION.—Not later than 30 days prior to the initial obligation of funds described in paragraph (1), the Under Secretary of Defense for Acquisition and Sustainment shall submit to the appropriate congressional committees—

Assessment.

(i) a certification that the amended bilateral international agreement specified in subparagraph (A) is being implemented as provided in such agreement;

(ii) an assessment detailing any risks relating to the implementation of such agreement; and

(iii) for system improvements resulting in modified Iron Dome components and Tamir interceptor sub-components, a certification that the Government of Israel has demonstrated successful completion of Production Readiness Reviews, including the validation of production lines, the verification of component conformance, and the verification of performance to specification as defined in the Iron Dome Defense System Procurement Agreement, as further amended.

(b) ISRAELI COOPERATIVE MISSILE DEFENSE PROGRAM, DAVID'S SLING WEAPON SYSTEM CO-PRODUCTION.—

(1) IN GENERAL.—Subject to paragraph (3), of the funds authorized to be appropriated for fiscal year 2022 for procurement, Defense-wide, and available for the Missile Defense Agency, not more than \$30,000,000 may be provided to the Government of Israel to procure the David's Sling Weapon System, including for co-production of parts and components in the United States by United States industry.

(2) AGREEMENT.—Provision of funds specified in paragraph (1) shall be subject to the terms and conditions in the bilateral co-production agreement, including—

(A) a one-for-one cash match is made by Israel or in another matching amount that otherwise meets best efforts (as mutually agreed to by the United States and Israel); and

(B) co-production of parts, components, and all-up rounds (if appropriate) in the United States by United States industry for the David's Sling Weapon System is not less than 50 percent.

(3) CERTIFICATION AND ASSESSMENT.—The Under Secretary of Defense for Acquisition and Sustainment shall submit to the appropriate congressional committees—

(A) a certification that the Government of Israel has demonstrated the successful completion of the knowledge points, technical milestones, and production readiness reviews required by the research, development, and technology agreement and the bilateral co-production agreement for the David's Sling Weapon System; and

(B) an assessment detailing any risks relating to the implementation of such agreement.

(c) ISRAELI COOPERATIVE MISSILE DEFENSE PROGRAM, ARROW 3 UPPER TIER INTERCEPTOR PROGRAM CO-PRODUCTION.—

(1) IN GENERAL.—Subject to paragraph (2), of the funds authorized to be appropriated for fiscal year 2022 for procurement, Defense-wide, and available for the Missile Defense Agency not more than \$62,000,000 may be provided to the Government of Israel for the Arrow 3 Upper Tier Interceptor Program, including for co-production of parts and components in the United States by United States industry.

(2) CERTIFICATION.—The Under Secretary of Defense for Acquisition and Sustainment shall submit to the appropriate congressional committees a certification that—

(A) the Government of Israel has demonstrated the successful completion of the knowledge points, technical milestones, and production readiness reviews required by the research, development, and technology agreement for the Arrow 3 Upper Tier Interceptor Program;

(B) funds specified in paragraph (1) will be provided on the basis of a one-for-one cash match made by Israel or in another matching amount that otherwise meets best efforts (as mutually agreed to by the United States and Israel);

(C) the United States has entered into a bilateral international agreement with Israel that establishes, with respect to the use of such funds—

(i) in accordance with subparagraph (D), the terms of co-production of parts and components on the basis of the greatest practicable co-production of parts, components, and all-up rounds (if appropriate) by United States industry and minimizes nonrecurring engineering and facilitization expenses to the costs needed for co-production;

(ii) complete transparency on the requirement of Israel for the number of interceptors and batteries that will be procured, including with respect to the procurement plans, acquisition strategy, and funding profiles of Israel;

(iii) technical milestones for co-production of parts and components and procurement;

(iv) a joint affordability working group to consider cost reduction initiatives; and

(v) joint approval processes for third-party sales; and

(D) the level of co-production described in subparagraph (C)(i) for the Arrow 3 Upper Tier Interceptor Program is not less than 50 percent.

(d) NUMBER.—In carrying out paragraph (2) of subsection (b) and paragraph (2) of subsection (c), the Under Secretary may submit—

(1) one certification covering both the David's Sling Weapon System and the Arrow 3 Upper Tier Interceptor Program; or

(2) separate certifications for each respective system.

(e) TIMING.—The Under Secretary shall submit to the congressional defense committees the certification and assessment under subsection (b)(3) and the certification under subsection (c)(2) no later than 30 days before the funds specified in paragraph (1) of subsections (b) and (c) for the respective system covered by the certification are provided to the Government of Israel.

Deadline.

(f) WORKSHARE FOR IRON DOME REPLENISHMENT EFFORTS.—

Time period.

(1) **MAINTENANCE OF AGREEMENT.**—With respect to replenishment efforts for the Iron Dome short-range rocket defense system carried out during fiscal year 2022, the Secretary of Defense may seek to maintain a workshare agreement for the United States production of systems that are covered, as of the date of the enactment of this Act, under the memorandum of understanding regarding United States and Israeli cooperation on missile defense.

(2) **BRIEFING.**—The Secretary of Defense shall provide to the appropriate congressional committees a briefing detailing the terms of any workshare agreements described by paragraph (1).

(g) **APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.**—In this section, the term “appropriate congressional committees” means the following:

(1) The congressional defense committees.

(2) The Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives.

SEC. 1670. UPDATE OF STUDY ON DISCRIMINATION CAPABILITIES OF THE BALLISTIC MISSILE DEFENSE SYSTEM.

(a) **UPDATE.**—The Secretary of Defense shall enter into an arrangement with the private scientific advisory group known as JASON under which JASON shall carry out an update to the study conducted pursuant to section 237 of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84; 123 Stat. 2236) on the discrimination capabilities and limitations of the missile defense system of the United States, including such discrimination capabilities that exist or are planned as of the date of the update.

(b) **REPORT.**—Not later than one year after the date of the enactment of this Act, the Secretary shall submit to the congressional defense committees a report containing the study.

(c) **FORM.**—The report under subsection (b) may be submitted in classified form, but shall contain an unclassified summary.

SEC. 1671. SEMIANNUAL UPDATES ON MEETINGS HELD BY THE MISSILE DEFENSE EXECUTIVE BOARD.

(a) **SEMIANNUAL UPDATES.**—Not later than March 1 and September 1 of each year, the Under Secretary of Defense for Research and Engineering and the Under Secretary of Defense for Acquisition and Sustainment, acting in their capacities as co-chairs of the Missile Defense Executive Board pursuant to section 1681(c) of the John S. McCain National Defense Authorization Act for Fiscal Year 2019 (Public Law 115–232; 132 Stat. 2162), shall provide to the congressional defense committees a semiannual update including, with respect to the six-month period preceding the update—

(1) the dates on which the Board met; and

(2) except as provided by subsection (b), a summary of any decisions made by the Board at each meeting of the Board and the rationale for and options that informed such decisions.

(b) **EXCEPTION FOR CERTAIN BUDGETARY MATTERS.**—The co-chairs shall not be required to include in a semiannual update under subsection (a) the matters described in paragraph (2) of such subsection with respect to decisions of the Board relating to the budget of the President for a fiscal year if the budget

Deadlines.
10 USC 133a
note.

for that fiscal year has not been submitted to Congress under section 1105 of title 31, United States Code, as of the date of the semiannual update.

(c) **FORM OF UPDATE.**—The co-chairs may provide a semiannual update under subsection (a) either in the form of a briefing or a written report.

(d) **TECHNICAL AMENDMENTS.**—

(1) **FY18 NDAA.**—Section 1676(c)(3)(B) of the National Defense Authorization Act for Fiscal Year 2018 (Public Law 115–91; 10 U.S.C. 205 note) is amended by striking “chairman” and inserting “chair”.

(2) **FY19 NDAA.**—Section 1681(c) of the John S. McCain National Defense Authorization Act for Fiscal Year 2019 (Public Law 115–232; 132 Stat. 2162) is amended—

(A) in the matter preceding paragraph (1), by striking “chairman” and inserting “chair”; and

(B) in paragraph (2), by striking “co-chairman” and inserting “co-chair”.

SEC. 1672. MATTERS REGARDING INTEGRATED DETERRENCE REVIEW.

(a) **REPORTS.**—Not later than 30 days after the date on which the Integrated Deterrence Review that commenced during 2021 is submitted to the congressional defense committees, the Secretary of Defense shall submit to the congressional defense committees the following:

(1) Each final report, assessment, and guidance document produced by the Department of Defense pursuant to the Integrated Deterrence Review or during subsequent actions taken to implement the conclusions of the Integrated Deterrence Review, including with respect to each covered review.

(2) A report explaining how each such covered review differs from the previous such review.

(b) **CERTIFICATIONS.**—Not later than 30 days after the date on which a covered review is submitted to the congressional defense committees, the Chairman of the Joint Chiefs of Staff, the Vice Chairman of the Joint Chiefs of Staff, and the Commander of the United States Strategic Command shall each directly submit to such committees—

(1) a certification regarding whether the Chairman, Vice Chairman, or Commander, as the case may be, had the opportunity to provide input into the covered review; and

(2) a description of the degree to which the covered reviews differ from the military advice contained in such input (or, if there was no opportunity to provide such input, would have been contained in the input if so provided).

(c) **COVERED REVIEW DEFINED.**—In this section, the term “covered review” means—

(1) the Missile Defense Review that commenced during 2021; and

(2) the Nuclear Posture Review that commenced during 2021.

SEC. 1673. SEMIANNUAL NOTIFICATIONS REGARDING MISSILE DEFENSE TESTS AND COSTS.

(a) **SEMIANNUAL NOTIFICATIONS REQUIRED.**—For each period described in subsection (b), the Director of the Missile Defense Agency shall submit to the congressional defense committees a notification of all—

Deadline.

(1) flight tests (intercept and non-intercept) planned to occur during the period covered by the notification based on the Integrated Master Test Plan the Director used to support the President's budget submission under section 1105 of title 31, United States Code, for the fiscal year of the period covered; and

(2) ground tests planned to occur during such period based on such plan.

(b) PERIODS DESCRIBED.—The periods described in this subsection are—

(1) the first 180-calendar-day period beginning on the date that is 90 days after the date of the enactment of this Act; and

(2) each subsequent, sequential 180-calendar-day period beginning thereafter until the date that is five years and 90 calendar days after the date of the enactment of this Act.

(c) TIMING OF NOTIFICATION.—Each notification submitted under subsection (a) for a period described in subsection (b) shall be submitted—

(1) not earlier than 30 calendar days before the last day of the period; and

(2) not later than the last day of the period.

(d) CONTENTS.—Each notification submitted under subsection (a) shall include the following:

(1) For the period covered by the notification:

(A) With respect to each flight test described in subsection (a)(1), the following:

(i) The entity responsible for leading the flight test (such as the Missile Defense Agency, the Army, or the Navy) and the classification level of the flight test.

(ii) The planned cost (the most recent flight test cost estimate, including interceptors and targets), the actual costs and expenditures to-date, and an estimate of any remaining costs and expenditures.

(iii) All funding (including any appropriated, transferred, or reprogrammed funding) the Agency has received to-date for the flight test.

(iv) All changes made to the scope and objectives of the flight test and an explanation for such changes.

(v) The status of the flight test, such as conducted-objectives achieved, conducted-objectives not achieved (failure or no-test), delayed, or canceled.

(vi) In the event of a flight test status of conducted-objectives not achieved (failure or no-test), delayed, or canceled—

(I) the reasons the flight test did not succeed or occur;

(II) in the event of a flight test status of failure or no-test, the plan and cost estimate to retest, if necessary, and any contractor liability, if appropriate;

(III) in the event of a flight test delay, the fiscal year and quarter the objectives were first planned to be met, the names of the flight tests the objectives have been moved to, the aggregate

Termination
date.

duration of the delay to-date, and, if applicable, any risks to the warfighter from the delay; and

(IV) in the event of a flight test cancellation, the fiscal year and quarter the objectives were first planned to be met, whether the objectives from the canceled test were met by other means, moved to a different flight test, or removed, a revised spend plan for the remaining funding the agency received for the flight test to-date, and, if applicable, any risks to the warfighter from the cancellation; and

(vii) the status of any decisions reached by failure review boards open or completed during the period covered by the notification.

(B) With respect to each ground test described in subsection (a)(2), the following:

(i) The planned cost (the most recent ground test cost estimate), the actual costs and expenditures to-date, and an estimate of any remaining costs and expenditures.

(ii) The designation of the ground test, whether developmental, operational, or both.

(iii) All changes made to the scope and objectives of the ground test and an explanation for such changes.

(iv) The status of the ground test, such as conducted-objectives achieved, conducted-objectives not achieved (failure or no-test), delayed, or canceled.

(v) In the case of a ground test status of conducted-objectives not achieved (failure or no-test), delayed, or canceled—

(I) the reasons the ground test did not succeed or occur; and

(II) if applicable, any risks to the warfighter from the ground test not succeeding or occurring;

(vi) The participating system and element models used for conducting ground tests and the accreditation status of the participating system and element models.

(vii) Identification of any cybersecurity tests conducted or planned to be conducted as part of the ground test.

(viii) For each cybersecurity test identified under subparagraph (G), the status of the cybersecurity test, such as conducted-objectives achieved, conducted-objectives not achieved (failure or no-test), delayed, or canceled.

(ix) In the case of a cybersecurity test identified under subparagraph (G) with a status of conducted-objectives, not achieved, delayed, or canceled—

(I) the reasons for such status; and

(II) any risks, if applicable, to the warfighter from the cybersecurity test not succeeding or occurring.

(2) To the degree applicable and known, the matters covered by paragraph (1) but for the period subsequent to the covered period.

(e) EVENTS SPANNING MULTIPLE NOTIFICATION PERIODS.—Events that span from one period described in subsection (b) into

another period described in such subsection, such as a the case of a failure review board convening in one period and reaching a decision in the following period, shall be covered by notifications under subsection (a) for both periods.

(f) FORM.—Each notification submitted under subsection (a) shall be submitted in unclassified form, but may include a classified annex.

SEC. 1674. REPORT ON SENIOR LEADERSHIP OF MISSILE DEFENSE AGENCY.

Not later than 60 days after the date of the enactment of this Act, the Director of the Missile Defense Agency shall submit to the congressional defense committees a report detailing the following:

(1) The responsibilities of the positions of the Director, Sea-based Weapons Systems, and the Deputy Director of the Missile Defense Agency.

(2) The role of the officials who occupy these positions with respect to the functional combatant commands with missile defense requirements.

(3) The rationale and benefit of having an official in these positions who is a general officer or flag officer versus a civilian.

SEC. 1675. INDEPENDENT STUDY OF ROLES AND RESPONSIBILITIES OF DEPARTMENT OF DEFENSE COMPONENTS RELATING TO MISSILE DEFENSE.

(a) INDEPENDENT STUDY AND REPORT.—

(1) CONTRACT.—Not later than 30 days after the date of the enactment of this Act, the Secretary of Defense shall seek to enter into a contract with the National Academy of Public Administration (in this section referred to as the “Academy”) for the Academy to perform the services covered by this subsection.

(2) STUDY AND REPORT.—

(A) ROLES AND RESPONSIBILITIES.—Under an agreement between the Secretary and the Academy under this subsection, the Academy shall carry out an study regarding the roles and responsibilities of the various components of the Department of Defense as they pertain to missile defense.

(B) MATTERS INCLUDED.—The study required by subparagraph (A) shall include the following:

(i) A comprehensive assessment and analysis of existing Department component roles and responsibilities for the full range of missile defense activities, including establishment of requirements, research and development, system acquisition, and operations.

(ii) Identification of gaps in component capability of each applicability component for performing its assigned missile defense roles and responsibilities.

(iii) Identification of opportunities for deconflicting mission sets, eliminating areas of unnecessary duplication, reducing waste, and improving efficiency across the full range of missile defense activities.

(iv) Development of a timetable for the implementation of the opportunities identified under clause (iii).

Assessment.

(v) Development of recommendations for such legislative or administrative action as the Academy considers appropriate pursuant to carrying out clauses (i) through (iv).

Recommendations.

(vi) Such other matters as the Secretary may require.

(C) REPORT.—

(i) REQUIREMENT.—Not later than one year after the date on which the Secretary and the Academy enter into a contract under paragraph (1), the Academy shall submit to the Secretary and the congressional defense committees a report on the study conducted under subparagraph (A).

(ii) ELEMENTS.—The report submitted under clause (i) shall include the findings of the Academy with respect to the study carried out under subparagraph (A) and any recommendations the Academy may have for legislative or administrative action pursuant to such study.

(3) ALTERNATE CONTRACT ORGANIZATION.—

(A) AGREEMENT.—If the Secretary is unable within the time period prescribed in paragraph (1) to enter into an agreement described in such paragraph with the Academy on terms acceptable to the Secretary, the Secretary shall seek to enter into such an agreement with another appropriate organization that—

(i) is not part of the Government;

(ii) operates as a not-for-profit entity; and

(iii) has expertise and objectivity comparable to that of the Academy.

(B) REFERENCES.—If the Secretary enters into an agreement with another organization as described in subparagraph (A), any reference in this subsection to the Academy shall be treated as a reference to the other organization.

(b) REPORT BY SECRETARY OF DEFENSE.—Not later than 120 days after the date on which the report is submitted pursuant to subsection (a)(2)(C), the Secretary shall submit to the congressional defense committees a report on the views of the Secretary on the findings and recommendations set forth in the report submitted under such subsection, together with such recommendations as the Secretary may have for changes in the structure, functions, responsibilities, and authorities of the Department.

Recommendations.

Subtitle E—Other Matters

SEC. 1681. COOPERATIVE THREAT REDUCTION FUNDS.

(a) FUNDING ALLOCATION.—Of the \$344,849,000 authorized to be appropriated to the Department of Defense for fiscal year 2022 in section 301 and made available by the funding table in division D for the Department of Defense Cooperative Threat Reduction Program established under section 1321 of the Department of Defense Cooperative Threat Reduction Act (50 U.S.C. 3711), the following amounts may be obligated for the purposes specified:

(1) For strategic offensive arms elimination, \$2,997,000.

(2) For chemical weapons destruction, \$13,250,000.

(3) For global nuclear security, \$17,767,000.

(4) For cooperative biological engagement, \$229,022,000.

(5) For proliferation prevention, \$58,754,000.

(6) For activities designated as Other Assessments/ Administrative Costs, \$23,059,000.

(b) SPECIFICATION OF COOPERATIVE THREAT REDUCTION FUNDS.—Funds appropriated pursuant to the authorization of appropriations in section 301 and made available by the funding table in division D for the Department of Defense Cooperative Threat Reduction Program shall be available for obligation for fiscal years 2022, 2023, and 2024.

SEC. 1682. MODIFICATION TO ESTIMATE OF DAMAGES FROM FEDERAL COMMUNICATIONS COMMISSION ORDER 20–48.

Section 1664 of the William M. (Mac) Thornberry National Defense Authorization Act for Fiscal Year 2021 (Public Law 116–283) is amended—

(1) in subsection (a), in the matter preceding paragraph (1), by inserting “or any subsequent fiscal year” after “fiscal year 2021”; and

(2) by adding at the end the following new subsections:

“(d) DISTRIBUTION OF ESTIMATE.—As soon as practicable after submitting an estimate as described in paragraph (1) of subsection (a) and making the certification described in paragraph (2) of such subsection, the Secretary shall make such estimate available to any licensee operating under the Order and Authorization described in such subsection.

“(e) AUTHORITY OF SECRETARY OF DEFENSE TO SEEK RECOVERY OF COSTS.—The Secretary may work directly with any licensee (or any future assignee, successor, or purchaser) affected by the Order and Authorization described in subsection (a) to seek recovery of costs incurred by the Department as a result of the effect of such order and authorization.

“(f) REIMBURSEMENT.—

“(1) IN GENERAL.—The Secretary shall establish and facilitate a process for any licensee (or any future assignee, successor, or purchaser) subject to the Order and Authorization described in subsection (a) to provide reimbursement to the Department, only to the extent provided in appropriation Acts, for the covered costs and eligible reimbursable costs submitted and certified to the congressional defense committees under such subsection.

“(2) USE OF FUNDS.—The Secretary shall use any funds received under this subsection, to the extent and in such amounts as are provided in advance in appropriation Acts, for covered costs described in subsection (b) and the range of eligible reimbursable costs identified under subsection (a)(1).

“(3) REPORT.—Not later than 90 days after the date on which the Secretary establishes the process required by paragraph (1), the Secretary shall submit to the congressional defense committees a report on such process.”.

50 USC 3373.

SEC. 1683. ESTABLISHMENT OF OFFICE, ORGANIZATIONAL STRUCTURE, AND AUTHORITIES TO ADDRESS UNIDENTIFIED AERIAL PHENOMENA.

Deadline.

(a) ESTABLISHMENT OF OFFICE.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense, in coordination with the Director of National Intelligence, shall

establish an office within a component of the Office of the Secretary of Defense, or within a joint organization of the Department of Defense and the Office of the Director of National Intelligence, to carry out the duties of the Unidentified Aerial Phenomena Task Force, as in effect on the day before the date of enactment of this Act, and such other duties as are required by this section.

(b) DUTIES.—The duties of the Office established under subsection (a) shall include the following:

(1) Developing procedures to synchronize and standardize the collection, reporting, and analysis of incidents, including adverse physiological effects, regarding unidentified aerial phenomena across the Department of Defense and the intelligence community.

(2) Developing processes and procedures to ensure that such incidents from each component of the Department and each element of the intelligence community are reported and incorporated in a centralized repository.

(3) Establishing procedures to require the timely and consistent reporting of such incidents.

(4) Evaluating links between unidentified aerial phenomena and adversarial foreign governments, other foreign governments, or nonstate actors.

(5) Evaluating the threat that such incidents present to the United States.

(6) Coordinating with other departments and agencies of the Federal Government, as appropriate, including the Federal Aviation Administration, the National Aeronautics and Space Administration, the Department of Homeland Security, the National Oceanic and Atmospheric Administration, and the Department of Energy.

(7) Coordinating with allies and partners of the United States, as appropriate, to better assess the nature and extent of unidentified aerial phenomena.

(8) Preparing reports for Congress, in both classified and unclassified form, including under subsection (i).

(c) RESPONSE TO AND FIELD INVESTIGATIONS OF UNIDENTIFIED AERIAL PHENOMENA.—

(1) DESIGNATION.—The Secretary, in coordination with the Director, shall designate one or more line organizations within the Department of Defense and the intelligence community that possess appropriate expertise, authorities, accesses, data, systems, platforms, and capabilities to rapidly respond to, and conduct field investigations of, incidents involving unidentified aerial phenomena under the direction of the head of the Office established under subsection (a).

(2) ABILITY TO RESPOND.—The Secretary, in coordination with the Director, shall ensure that each line organization designated under paragraph (1) has adequate personnel with the requisite expertise, equipment, transportation, and other resources necessary to respond rapidly to incidents or patterns of observations involving unidentified aerial phenomena of which the Office becomes aware.

(d) SCIENTIFIC, TECHNOLOGICAL, AND OPERATIONAL ANALYSES OF DATA ON UNIDENTIFIED AERIAL PHENOMENA.—

(1) DESIGNATION.—The Secretary, in coordination with the Director, shall designate one or more line organizations that

will be primarily responsible for scientific, technical, and operational analysis of data gathered by field investigations conducted pursuant to subsection (c) and data from other sources, including with respect to the testing of materials, medical studies, and development of theoretical models, to better understand and explain unidentified aerial phenomena.

(2) AUTHORITY.—The Secretary and the Director shall each issue such directives as are necessary to ensure that the each line organization designated under paragraph (1) has authority to draw on the special expertise of persons outside the Federal Government with appropriate security clearances.

(e) DATA; INTELLIGENCE COLLECTION.—

(1) AVAILABILITY OF DATA AND REPORTING ON UNIDENTIFIED AERIAL PHENOMENA.—The Director and the Secretary shall each, in coordination with one another, ensure that—

(A) each element of the intelligence community with data relating to unidentified aerial phenomena makes such data available immediately to the Office established under subsection (a) or to an entity designated by the Secretary and the Director to receive such data; and

(B) military and civilian personnel of the Department of Defense or an element of the intelligence community, and contractor personnel of the Department or such an element, have access to procedures by which the personnel shall report incidents or information, including adverse physiological effects, involving or associated with unidentified aerial phenomena directly to the Office or to an entity designated by the Secretary and the Director to receive such information.

(2) INTELLIGENCE COLLECTION AND ANALYSIS PLAN.—The head of the Office established under subsection (a), acting on behalf of the Secretary of Defense and the Director of National Intelligence, shall supervise the development and execution of an intelligence collection and analysis plan to gain as much knowledge as possible regarding the technical and operational characteristics, origins, and intentions of unidentified aerial phenomena, including with respect to the development, acquisition, deployment, and operation of technical collection capabilities necessary to detect, identify, and scientifically characterize unidentified aerial phenomena.

(3) USE OF RESOURCES AND CAPABILITIES.—In developing the plan under paragraph (2), the head of the Office established under subsection (a) shall consider and propose, as the head determines appropriate, the use of any resource, capability, asset, or process of the Department and the intelligence community.

(f) SCIENCE PLAN.—The head of the Office established under subsection (a), on behalf of the Secretary and the Director, shall supervise the development and execution of a science plan to develop and test, as practicable, scientific theories to—

(1) account for characteristics and performance of unidentified aerial phenomena that exceed the known state of the art in science or technology, including in the areas of propulsion, aerodynamic control, signatures, structures, materials, sensors, countermeasures, weapons, electronics, and power generation; and

(2) provide the foundation for potential future investments to replicate any such advanced characteristics and performance.

(g) ASSIGNMENT OF PRIORITY.—The Director, in consultation with, and with the recommendation of the Secretary, shall assign an appropriate level of priority within the National Intelligence Priorities Framework to the requirement to understand, characterize, and respond to unidentified aerial phenomena. Consultation.

(h) ANNUAL REPORT.—

(1) REQUIREMENT.—Not later than October 31, 2022, and annually thereafter until October 31, 2026, the Director, in consultation with the Secretary, shall submit to the appropriate congressional committees a report on unidentified aerial phenomena. Termination date.

(2) ELEMENTS.—Each report under paragraph (1) shall include, with respect to the year covered by the report, the following information:

(A) All reported unidentified aerial phenomena-related events that occurred during the one-year period.

(B) All reported unidentified aerial phenomena-related events that occurred during a period other than that one-year period but were not included in an earlier report.

(C) An analysis of data and intelligence received through each reported unidentified aerial phenomena-related event. Data.

(D) An analysis of data relating to unidentified aerial phenomena collected through— Data.

(i) geospatial intelligence;

(ii) signals intelligence;

(iii) human intelligence; and

(iv) measurement and signature intelligence.

(E) The number of reported incidents of unidentified aerial phenomena over restricted air space of the United States during the one-year period.

(F) An analysis of such incidents identified under subparagraph (E).

(G) Identification of potential aerospace or other threats posed by unidentified aerial phenomena to the national security of the United States.

(H) An assessment of any activity regarding unidentified aerial phenomena that can be attributed to one or more adversarial foreign governments. Assessment.

(I) Identification of any incidents or patterns regarding unidentified aerial phenomena that indicate a potential adversarial foreign government may have achieved a breakthrough aerospace capability.

(J) An update on the coordination by the United States with allies and partners on efforts to track, understand, and address unidentified aerial phenomena.

(K) An update on any efforts underway on the ability to capture or exploit discovered unidentified aerial phenomena.

(L) An assessment of any health-related effects for individuals that have encountered unidentified aerial phenomena. Assessment.

(M) The number of reported incidents, and descriptions thereof, of unidentified aerial phenomena associated with

military nuclear assets, including strategic nuclear weapons and nuclear-powered ships and submarines.

Consultation.

(N) In consultation with the Administrator for Nuclear Security, the number of reported incidents, and descriptions thereof, of unidentified aerial phenomena associated with facilities or assets associated with the production, transportation, or storage of nuclear weapons or components thereof.

Consultation.

(O) In consultation with the Chairman of the Nuclear Regulatory Commission, the number of reported incidents, and descriptions thereof, of unidentified aerial phenomena or drones of unknown origin associated with nuclear power generating stations, nuclear fuel storage sites, or other sites or facilities regulated by the Nuclear Regulatory Commission.

(P) The names of the line organizations that have been designated to perform the specific functions under subsections (c) and (d), and the specific functions for which each such line organization has been assigned primary responsibility.

(3) FORM.—Each report submitted under paragraph (1) shall be submitted in unclassified form, but may include a classified annex.

(i) SEMIANNUAL BRIEFINGS.—

Deadline.
Termination
date.

(1) REQUIREMENT.—Not later than 90 days after the date of the enactment of this Act and not less frequently than semiannually thereafter until December 31, 2026, the head of the Office established under subsection (a) shall provide to the congressional committees specified in subparagraphs (A), (B), and (D) of subsection (l)(1) classified briefings on unidentified aerial phenomena.

(2) FIRST BRIEFING.—The first briefing provided under paragraph (1) shall include all incidents involving unidentified aerial phenomena that were reported to the Unidentified Aerial Phenomena Task Force or to the Office established under subsection (a) after June 24, 2021, regardless of the date of occurrence of the incident.

(3) SUBSEQUENT BRIEFINGS.—Each briefing provided subsequent to the first briefing described in paragraph (2) shall include, at a minimum, all events relating to unidentified aerial phenomena that occurred during the previous 180 days, and events relating to unidentified aerial phenomena that were not included in an earlier briefing.

(4) INSTANCES IN WHICH DATA WAS NOT SHARED.—For each briefing period, the head of the Office established under subsection (a) shall jointly provide to the chairman and the ranking minority member or vice chairman of the congressional committees specified in subparagraphs (A) and (D) of subsection (k)(1) an enumeration of any instances in which data relating to unidentified aerial phenomena was not provided to the Office because of classification restrictions on that data or for any other reason.

(j) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated such sums as may be necessary to carry out the work of the Office established under subsection (a), including with respect to—

(1) general intelligence gathering and intelligence analysis;
and

(2) strategic defense, space defense, defense of controlled air space, defense of ground, air, or naval assets, and related purposes.

(k) TASK FORCE TERMINATION.—Not later than the date on which the Secretary establishes the Office under subsection (a), the Secretary shall terminate the Unidentified Aerial Phenomenon Task Force. Deadline.

(l) DEFINITIONS.—In this section:

(1) The term “appropriate congressional committees” means the following:

(A) The Committees on Armed Services of the House of Representatives and the Senate.

(B) The Committees on Appropriations of the House of Representatives and the Senate.

(C) The Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate.

(D) The Permanent Select Committee on Intelligence of the House of Representatives and the Select Committee on Intelligence of the Senate.

(2) The term “intelligence community” has the meaning given such term in section 3 of the National Security Act of 1947 (50 U.S.C. 3003).

(3) The term “line organization” means, with respect to a department or agency of the Federal Government, an organization that executes programs and activities to directly advance the core functions and missions of the department or agency to which the organization is subordinate, but, with respect to the Department of Defense, does not include a component of the Office of the Secretary of Defense.

(4) The term “transmedium objects or devices” means objects or devices that are observed to transition between space and the atmosphere, or between the atmosphere and bodies of water, that are not immediately identifiable.

(5) The term “unidentified aerial phenomena” means—

(A) airborne objects that are not immediately identifiable;

(B) transmedium objects or devices; and

(C) submerged objects or devices that are not immediately identifiable and that display behavior or performance characteristics suggesting that the objects or devices may be related to the objects or devices described in subparagraph (A) or (B).

SEC. 1684. DETERMINATION ON CERTAIN ACTIVITIES WITH UNUSUALLY HAZARDOUS RISKS.

(a) REPORT REQUIRED.—For fiscal years 2022 and 2023, the Secretary concerned shall prepare a report for each indemnification request made by a covered contractor with respect to a contract. Such report shall include the following elements: Time periods.

(1) A determination of whether the performance of the contract includes an unusually hazardous risk (as defined in this section).

(2) An estimate of the maximum probable loss for claims or losses arising out of the contract.

(3) Consideration of requiring the covered contractor to obtain liability insurance to compensate for claims or losses to the extent such insurance is available under commercially reasonable terms and pricing, including any limits, sub-limits, exclusions and other coverage restrictions.

(4) Consideration of not requiring a covered contractor to obtain liability insurance in amounts greater than amounts available under commercially reasonable terms and pricing or the maximum probable loss, whichever is less.

Deadline.

(b) SUBMISSION TO CONGRESS.—Not later than 90 days after the date on which the Secretary concerned receives an indemnification request by a covered contractor during the period beginning on the date of the enactment of this Act and ending on September 30, 2023, the Secretary concerned shall submit to the congressional defense committees the report required under subsection (a).

(c) REVIEW.—

Deadline.

(1) REQUIREMENT.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall conduct a review of the implementation by the Department of Defense of section 2354 of title 10, United States Code, and Executive Order 10789, as amended, pursuant to Public Law 85–804 (50 U.S.C. 1431 et seq.) with regard to indemnifying a contractor for the performance of a contract that includes unusually hazardous risk.

(2) MATTERS INCLUDED.—The review required under paragraph (1) shall include the following:

(A) A determination of the extent to which each Secretary concerned is implementing such section 2354 and such Executive Order 10789 consistently.

(B) Identification of discrepancies and potential remedies in the military departments with respect to such implementation.

Deadline.

(3) BRIEFING.—Not later than 120 days after the date of the enactment of this Act, the Secretary shall provide to the congressional defense committees a briefing on the findings of the review under paragraph (1).

(d) DEFINITIONS.—In this section:

(1) The term “covered contractor” means a current or prospective prime contractor of the Department of Defense.

(2) The term “military department” has the meaning given in section 101 of title 10, United States Code.

(3) The term “indemnification request” means a request for indemnification made by a covered contractor under section 2354 of title 10, United States Code, or Executive Order 10789, as amended, pursuant to public Law 85–804 (50 U.S.C. 1431 et seq.) that includes sufficient supporting justification to support a determination as required under those provisions.

(4) The term “Secretary concerned” means—

(A) the Secretary of the Army, with respect to matters concerning the Army;

(B) the Secretary of the Navy, with respect to matters concerning the Navy, the Marine Corps, and the Coast Guard when it is operating as a service in the Department of the Navy; and

(C) the Secretary of the Air Force, with respect to matters concerning the Air Force and the Space Force.

(5) The term “unusually hazardous risk” means risk of burning, explosion, detonation, flight or surface impact, or toxic or hazardous material release associated with one or more of the following products or programs:

(A) Products or programs relating to any hypersonic weapon system, including boost glide vehicles and air-breathing propulsion systems.

(B) Products or programs relating to rocket propulsion systems, including, at a minimum, with respect to rockets, missiles, launch vehicles, rocket engines or motors or hypersonic weapons systems using either a solid or liquid high energy propellant inclusive of any warhead, if any, in excess of 1000 pounds of the chemical equivalent of TNT.

(C) Products or programs relating to the introduction, fielding or incorporating of any item containing high energy propellants, inclusive of any warhead, if any, in excess of 1000 pounds of the chemical equivalent of TNT into any ship, vessel, submarine, aircraft, or spacecraft.

(D) Products or programs relating to a classified program where insurance is not available due to the prohibition of disclosure of classified information to commercial insurance providers, and without such disclosure access to insurance is not possible.

(E) Any other product or program for which the contract under which the product or program is carried out includes a risk that the contract defines as unusually hazardous.

**SEC. 1685. STUDY BY PUBLIC INTEREST DECLASSIFICATION BOARD
RELATING TO CERTAIN TESTS IN THE MARSHALL
ISLANDS.**

(a) **STUDY.**—The Public Interest Declassification Board established by section 703 of the Public Interest Declassification Act of 2000 (50 U.S.C. 3355a) shall conduct a study on the feasibility of carrying out a declassification review relating to nuclear weapons, chemical weapons, or ballistic missile tests conducted by the United States in the Marshall Islands, including with respect to cleanup activities and the storage of waste relating to such tests.

(b) **REPORT.**—Not later than 90 days after the date of the enactment of this Act, the Board shall submit to the Secretary of Defense, the Secretary of Energy, and the congressional defense committees a report containing the findings of the study conducted under subsection (a). The report shall include the following:

(1) The feasibility of carrying out the declassification review described in such subsection.

(2) The resources required to carry out the declassification review.

(3) A timeline to complete such the declassification review.

Timeline.

(4) Any other issues the Board determines relevant.

(c) **COMMENTS.**—The Secretary of Defense and the Secretary of Energy may submit to the congressional defense committees any comments the respective Secretary determines relevant with respect to the report submitted under subsection (b).

(d) **ASSISTANCE.**—The Secretary of Defense and Secretary of Energy shall each provide to the Board such assistance as the Board requests in conducting the study under subsection (a).

10 USC 196 note. **SEC. 1686. PROTECTION OF MAJOR RANGE AND TEST FACILITY BASE.**

The Secretary of Defense may authorize, consistent with the authorities of the Secretary, such actions as are necessary to mitigate threats posed by space-based assets to the security or operation of the Major Range and Test Facility Base (as defined in section 196(i) of title 10, United States Code).

SEC. 1687. CONGRESSIONAL COMMISSION ON THE STRATEGIC POSTURE OF THE UNITED STATES.

Recommendations.

(a) **ESTABLISHMENT.**—There is established in the legislative branch a commission to be known as the “Congressional Commission on the Strategic Posture of the United States” (in this section referred to as the “Commission”). The purpose of the Commission is to examine and make recommendations to the President and Congress with respect to the long-term strategic posture of the United States.

(b) **COMPOSITION.**—

(1) **MEMBERSHIP.**—The Commission shall be composed of 12 members appointed as follows:

(A) One by the Speaker of the House of Representatives.

(B) One by the minority leader of the House of Representatives.

(C) One by the majority leader of the Senate.

(D) One by the minority leader of the Senate.

(E) Two by the chairperson of the Committee on Armed Services of the House of Representatives.

(F) Two by the ranking minority member of the Committee on Armed Services of the House of Representatives.

(G) Two by the chairperson of the Committee on Armed Services of the Senate.

(H) Two by the ranking minority member of the Committee on Armed Services of the Senate.

(2) **QUALIFICATIONS.**—

(A) **IN GENERAL.**—The members appointed under paragraph (1) shall be from among individuals who—

(i) are United States citizens;

(ii) are not officers or employees of the Federal Government or any State or local government; and

(iii) have received national recognition and have significant depth of experience in such professions as governmental service, law enforcement, the Armed Forces, law, public administration, intelligence gathering, commerce (including aviation matters), or foreign affairs.

(B) **POLITICAL PARTY AFFILIATION.**—Not more than six members of the Commission may be appointed from the same political party.

(3) **DEADLINE FOR APPOINTMENT.**—

(A) **IN GENERAL.**—All members of the Commission shall be appointed under paragraph (1) not later than 45 days after the date of the enactment of this Act.

(B) **EFFECT OF LACK OF APPOINTMENTS BY APPOINTMENT DATE.**—If one or more appointments under paragraph (1) is not made by the date specified in subparagraph (A)—

(i) the authority to make such appointment or appointments shall expire; and

Expiration date.

(ii) the number of members of the Commission shall be reduced by the number of appointments not made by that date.

(4) CHAIRPERSON; VICE CHAIRPERSON.—

(A) CHAIRPERSON.—The chairpersons of the Committees on Armed Services of the Senate and the House of Representatives shall jointly designate one member of the Commission to serve as chairperson of the Commission.

(B) VICE CHAIRPERSON.—The ranking minority members of the Committees on Armed Services of the Senate and the House of Representatives shall jointly designate one member of the Commission to serve as vice chairperson of the Commission.

(5) ACTIVATION.—

(A) IN GENERAL.—The Commission—

(i) may begin operations under this section on the date on which not less than $\frac{2}{3}$ of the members of the Commission have been appointed under paragraph (1); and

(ii) shall meet and begin the operations of the Commission as soon as practicable after the date described in clause (i).

(B) SUBSEQUENT MEETINGS.—After its initial meeting, the Commission shall meet upon the call of the chairperson or a majority of its members.

(6) QUORUM.—Eight members of the Commission shall constitute a quorum.

(7) PERIOD OF APPOINTMENT; VACANCIES.—Members of the Commission shall be appointed for the life of the Commission. A vacancy in the Commission does not affect the powers of the Commission and shall (except as provided by paragraph (3)(B)) be filled in the same manner in which the original appointment was made.

(8) REMOVAL OF MEMBERS.—

(A) IN GENERAL.—A member of the Commission may be removed from the Commission for cause by the individual serving in the position responsible for the original appointment of the member under paragraph (1), provided that notice is first provided to that official of the cause for removal, and removal is voted and agreed upon by $\frac{3}{4}$ of the members of the Commission.

(B) VACANCIES.—A vacancy created by the removal of a member of the Commission under subparagraph (A) does not affect the powers of the Commission and shall be filled in the same manner in which the original appointment was made.

(c) DUTIES.—

(1) REVIEW.—The Commission shall conduct a review of the strategic posture of the United States, including a strategic threat assessment and a detailed review of nuclear weapons policy, strategy, and force structure and factors affecting the strategic stability of near-peer competitors of the United States.

(2) ASSESSMENT AND RECOMMENDATIONS.—

(A) ASSESSMENT.—The Commission shall assess—

(i) the benefits and risks associated with the current strategic posture and nuclear weapons policies of the United States;

(ii) factors affecting strategic stability that relate to the strategic posture; and

(iii) lessons learned from the findings and conclusions of the Congressional Commission on the Strategic Posture of the United States established by section 1062 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 319) and other previous commissions and previous Nuclear Posture Reviews.

(B) RECOMMENDATIONS.—The Commission shall make recommendations with respect to—

(i) the most appropriate strategic posture;

(ii) the extent to which capabilities other than nuclear weapons can contribute to or detract from strategic stability; and

(iii) the most effective nuclear weapons strategy for strategic posture and stability.

(d) REPORT AND BRIEFING REQUIRED.—

(1) IN GENERAL.—Not later than December 31, 2022, the Commission shall submit to the President and the Committees on Armed Services of the Senate and the House of Representatives a report on the Commission’s findings, conclusions, and recommendations.

Assessments.

(2) ELEMENTS.—The report required by paragraph (1) shall include—

(A) the recommendations required by subsection (c)(2)(B);

(B) a description of the military capabilities and force structure necessary to support the nuclear weapons strategy recommended under that subsection, including nuclear, nonnuclear kinetic, and nonkinetic capabilities that might support the strategy, and other factors that might affect strategic stability;

(C) a description of the nuclear infrastructure (that is, the size of the nuclear complex) required to support the strategy and the appropriate organizational structure for the nuclear security enterprise;

(D) an assessment of the role of missile defenses in the strategy;

(E) an assessment of the role of cyber defense capabilities in the strategy;

(F) an assessment of the role of space systems in the strategy;

(G) an assessment of the role of nonproliferation programs in the strategy;

(H) an assessment of the role of nuclear arms control in the strategy;

(I) an assessment of the political and military implications of the strategy for the United States and its allies; and

(J) any other information or recommendations relating to the strategy (or to the strategic posture) that the Commission considers appropriate.

Deadline.

(3) INTERIM BRIEFING.—Not later than 180 days after the deadline for appointment of members of the Commission specified in subsection (b)(3)(A), the Commission shall provide to the Committees on Armed Services of the Senate and the

House of Representatives a briefing on the status of the review, assessments, and recommendations required by subsection (c), including a discussion of any interim recommendations.

(e) INFORMATION FROM FEDERAL AGENCIES.—

(1) IN GENERAL.—The Commission may secure directly from the Department of Defense, the National Nuclear Security Administration, the Department of State, or the Office of the Director of National Intelligence information, suggestions, estimates, and statistics for the purposes of this section. Each of such agency shall, to the extent authorized by law, furnish such information, suggestions, estimates, and statistics directly to the Commission, upon receiving a request made by—

Estimates.
Statistics.

(A) the chairperson of the Commission;

(B) the chairperson of any subcommittee of the Commission created by a majority of members of the Commission; or

(C) any member of the Commission designated by a majority of the Commission for purposes of making requests under this paragraph.

(2) RECEIPT, HANDLING, STORAGE, AND DISSEMINATION.—Information, suggestions, estimates, and statistics provided to the Commission under paragraph (1) may be received, handled, stored, and disseminated only by members of the Commission and its staff consistent with all applicable statutes, regulations, and Executive orders.

(f) ASSISTANCE FROM FEDERAL AGENCIES.—In addition to information, suggestions, estimates, and statistics provided under subsection (e), departments and agencies of the United States may provide to the Commission such services, funds, facilities, staff, and other support services as those departments and agencies may determine advisable and as may be authorized by law.

(g) COMPENSATION AND TRAVEL EXPENSES.—

(1) STATUS AS FEDERAL EMPLOYEES.—Notwithstanding the requirements of section 2105 of title 5, United States Code, including the requirements relating to supervision under subsection (a)(3) of such section, the members of the Commission shall be deemed to be Federal employees.

(2) COMPENSATION.—Each member of the Commission may be compensated at not to exceed the daily equivalent of the annual rate of basic pay in effect for a position at level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day during which that member is engaged in the actual performance of the duties of the Commission.

(3) TRAVEL EXPENSES.—While away from their homes or regular places of business in the performance of services for the Commission, members of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, in the same manner as persons employed intermittently in the Government service are allowed expenses under section 5703 of title 5, United States Code.

(h) STAFF.—

(1) EXECUTIVE DIRECTOR.—The Commission shall appoint and fix the rate of basic pay for an Executive Director in accordance with section 3161(d) of title 5, United States Code.

Appointment.

(2) PAY.—The Executive Director appointed under paragraph (1) may, with the approval of the Commission, appoint and fix the rate of basic pay for additional personnel as staff

of the Commission in accordance with section 3161(d) of title 5, United States Code.

(i) PERSONAL SERVICES.—

(1) AUTHORITY TO PROCURE.—The Commission may—

(A) procure the services of experts or consultants (or of organizations of experts or consultants) in accordance with the provisions of section 3109 of title 5, United States Code; and

(B) pay in connection with such services travel expenses of individuals, including transportation and per diem in lieu of subsistence, while such individuals are traveling from their homes or places of business to duty stations.

(2) MAXIMUM DAILY PAY RATES.—The daily rate paid an expert or consultant procured pursuant to paragraph (1) may not exceed the daily equivalent of the annual rate of basic pay in effect for a position at level IV of the Executive Schedule under section 5315 of title 5, United States Code.

(j) CONTRACTING AUTHORITY.—The Commission may acquire administrative supplies and equipment for Commission use to the extent funds are available.

(k) AUTHORITY TO ACCEPT GIFTS.—

(1) IN GENERAL.—The Commission may accept, use, and dispose of gifts or donations of services, goods, and property from non-Federal entities for the purposes of aiding and facilitating the work of the Commission. The authority under this paragraph does not extend to gifts of money.

(2) DOCUMENTATION; CONFLICTS OF INTEREST.—The Commission shall document gifts accepted under the authority provided by paragraph (1) and shall avoid conflicts of interest or the appearance of conflicts of interest.

(3) COMPLIANCE WITH CONGRESSIONAL ETHICS RULES.—Except as specifically provided in this section, a member of the Commission shall comply with rules set forth by the Select Committee on Ethics of the Senate and the Committee on Ethics of the House of Representatives governing employees of the Senate and the House of Representatives, respectively.

(l) POSTAL SERVICES.—The Commission may use the United States mails in the same manner and under the same conditions as departments and agencies of the United States.

Deadline.
Contracts.

(m) COMMISSION SUPPORT.—Not later than 60 days after the date of the enactment of this Act, the Secretary of Defense shall seek to enter into a contract with a federally funded research and development center to provide appropriate staff and administrative support for the activities of the Commission.

(n) EXPEDITION OF SECURITY CLEARANCES.—The Office of Senate Security and the Office of House Security shall ensure the expedited processing of appropriate security clearances for personnel appointed to the Commission by offices of the Senate and the House of Representatives, respectively, under processes developed for the clearance of legislative branch employees.

(o) LEGISLATIVE ADVISORY COMMITTEE.—The Commission shall operate as a legislative advisory committee and shall not be subject to the provisions of the Federal Advisory Committee Act (5 U.S.C. App) or section 552b, United States Code (commonly known as the “Government in the Sunshine Act”).

(p) **FUNDING.**—Of the amounts authorized to be appropriated by this Act for fiscal year 2022 for the Department of Defense, up to \$7,000,000 shall be made available to the Commission to carry out its duties under this section. Funds made available to the Commission under the preceding sentence shall remain available until expended.

(q) **TERMINATION.**—

(1) **IN GENERAL.**—The Commission, and all authorities under this section, shall terminate on the date that is 90 days after the Commission submits the final report required by subsection (d).

(2) **ADMINISTRATIVE ACTIONS BEFORE TERMINATION.**—The Commission may use the 90-day period described in paragraph (1) for the purpose of concluding its activities, including providing testimony to committees of Congress with respect to and disseminating the report required by subsection (d).

Testimony.

TITLE XVII—TECHNICAL AMENDMENTS RELATED TO THE TRANSFER AND RE- ORGANIZATION OF DEFENSE ACQUI- SITION STATUTES

Sec. 1701. Technical, conforming, and clerical amendments related to title XVIII of the Fiscal Year 2021 NDAA.

Sec. 1702. Conforming cross reference technical amendments related to the transfer and reorganization of defense acquisition statutes.

SEC. 1701. TECHNICAL, CONFORMING, AND CLERICAL AMENDMENTS RELATED TO TITLE XVIII OF THE FISCAL YEAR 2021 NDAA.

(a) **DEFINITIONS; EFFECTIVE DATE; APPLICABILITY.**—

10 USC note
prec. 3001.

(1) **DEFINITIONS.**—In this section, the terms “FY2021 NDAA” and “such Act” mean the William M. (Mac) Thornberry National Defense Authorization Act for Fiscal Year 2021 (Public Law 116–283).

(2) **AMENDMENTS TO APPLY PRE-TRANSFER OF DEFENSE ACQUISITION STATUTES.**—The amendments made by subsections (b), (i), and (j) through (v) shall apply as if included in the enactment of title XVIII of the FY2021 NDAA as enacted.

(3) **AMENDMENTS TO TAKE EFFECT POST-TRANSFER OF DEFENSE ACQUISITION STATUTES.**—The amendments made by subsections (c) through (h) and (w) shall take effect immediately after the amendments made by title XVIII of the FY2021 NDAA have taken effect. Sections 1883 through 1885 of the FY2021 NDAA shall apply with respect to the transfers, redesignations, and amendments made under such subsections as if such transfers, redesignations, and amendments were made under title XVIII of the FY2021 NDAA.

Applicability.

(4) **REORGANIZATION REGULATION UPDATE NOTICE.**—Section 1801(d)(3)(B)(i) of FY2021 NDAA is amended by inserting “and provides public notice that such authorities have been revised and modified pursuant to such paragraph” after “paragraph (2)”.

10 USC note
prec. 3001.

(5) **SAVINGS PROVISION RELATING TO TRANSFER AND REORGANIZATION OF DEFENSE ACQUISITION STATUTES.**—If this Act is enacted after December 31, 2021, notwithstanding section 1801(d)(1) of the FY2021 NDAA, the amendments made by

Effective date.

title XVIII of the FY2021 NDAA shall take effect immediately after the enactment of this Act.

(b) TECHNICAL CORRECTIONS TO TITLE XVIII OF FY2021 NDAA.—Title XVIII of the FY2021 NDAA is amended as follows:

10 USC 2545,
3001.

(1) Section 1806(a) is amended in paragraph (4) by striking “TRANSFER” and all that follows through “and amended” and inserting the following: “RESTATEMENT OF SECTION 2545(1).—Section 3001 of such title, as added by paragraph (1), is further amended by inserting after subsection (b), as transferred and redesignated by paragraph (3), a new subsection (c) having the text of paragraph (1) of section 2545 of such title, as in effect on the day before the date of the enactment of this Act, revised”.

(2) Section 1807 is amended—

10 USC 3062.

(A) in subsection (b)(1), by striking “new sections” and inserting “new section”;

10 USC 3064.

(B) in subsection (c)(3)(A)—

(i) by striking the semicolon and close quotation marks at the end of clause (i) and inserting close quotation marks and a semicolon; and

(ii) by striking “by any” in the matter to be inserted by clause (ii); and

(C) in subsection (e)—

10 USC 3068.

(i) by striking “of this title” in the matter to be inserted by paragraph (2)(B); and

10 USC 2315,
3068.

(ii) by striking “Sections” in the quoted matter before the period at the end of paragraph (3) and inserting “For purposes of”.

10 USC 3134.

(3) Section 1809(e) is amended by striking subparagraph (B) of paragraph (2) (including the amendment made by that subparagraph).

10 USC 3201.

(4) Section 1811 is amended—

(A) in subsection (c)(2)—

(i) in subparagraph (B), by striking the comma before the close quotation marks in both the matter to be stricken and the matter to be inserted; and

(ii) in subparagraph (D), by inserting a comma after “3901” in the matter to be inserted;

10 USC 3204.

(B) in subsection (d)(3)(B)—

(i) by striking the dash after “mobilization” in the matter to be inserted by clause (ii) and inserting a semicolon; and

(ii) by striking the dash after “center” in the matter to be inserted by clause (iv) and inserting “; or”;

(C) in subsection (d)(4)(D), by striking “this” in the matter to be stricken by clause (ii) and inserting “This”;

(D) in subsection (d)(5)(A), by striking “inserting” and all that follows through “; and” and inserting “inserting ‘OFFER REQUESTS TO POTENTIAL SOURCES.’” before “The head of an agency”; and

(E) in subsection (d)(6)(A), in the matter to be inserted—

(i) by striking the close quotation marks after “PROCEDURES.—”; and

(ii) by striking the comma after “(7)”; and

- (F) in subparagraphs (C)(ii) and (E)(ii) of subsection (e)(3), by striking “and (ii)” each place it appears and inserting “and (iii)”. 10 USC 3206.
- (5) Section 1813 is amended in subsection (c)(1)(D) by inserting “and inserting” after the first close quotation marks. 10 USC 3242.
- (6) Section 1816(c) is amended— 10 USC 3303.
- (A) in paragraph (5)—
- (i) in subparagraph (C)—
- (I) by striking “the second sentence” and inserting “the second and third sentences”; and
- (II) by striking “subsection (d)” and inserting “subsections (d) and (e), respectively”; and
- (ii) by striking subparagraph (G) and inserting the following:
- “(G) in subsection (d), as so designated, by inserting ‘NOTICE OF AWARD.—’ before ‘The head of; and
- “(H) in subsection (e), as so designated, by striking ‘This subparagraph does not’ and inserting ‘EXCEPTION FOR PERISHABLE SUBSISTENCE ITEMS.—Subsections (c) and (d) do not.’”; and
- (B) in paragraph (7)(J)(ii), in the matter to be inserted, by inserting “under” before “this section”. 10 USC 3305.
- (7) Section 1818 is amended by striking the close quotation marks and second period at the end of subsection (b). 10 USC 2316, 3344.
- (8) Section 1820 is amended—
- (A) in subsection (a), in the matter to be inserted, by striking the item relating to section 3404 and inserting the following new item: 10 USC prec. 3401.
- “3404. [Reserved].”;
- (B) in subsection (c)(3)(A), by striking “section” in the matter to be stricken; and 10 USC 3403.
- (C) in subsection (d)(4)(B), by inserting “section” before “3403(b)” in the matter to be inserted. 10 USC 3405.
- (9) Section 1821 is amended in subsection (b)(5) by striking “subsection (b)(2)(B)(i)” and inserting “subsection (c)(2)(B)(i)”. 10 USC 3456.
- (10) Section 1831 is amended—
- (A) in subsection (b), by striking “redesignated as subsection (a), and” and inserting “amended by striking the subsection designation and subsection heading, and further”; 10 USC 2306a, 3701.
- (B) in subsection (c)(2)(A), in the matter to be stricken, by striking “the” and inserting “The”; 10 USC 3702.
- (C) in subsection (c)(2)(D)—
- (i) by striking clauses (ii) through (v); and
- (ii) in the matter preceding clause (i), by striking “as so redesignated” and all that follows through “by inserting” and inserting “as so redesignated, by inserting”;
- (D) in subsection (c)(2)(E)—
- (i) by striking clauses (ii) through (v); and
- (ii) in the matter preceding clause (i), by striking “as so redesignated” and all that follows through “by inserting” and inserting “as so redesignated, by inserting”; and
- (iii) by inserting “and” after the semicolon at the end;
- (E) in subsection (c)(2)(F)—

- (i) by striking clauses (ii) through (v); and
 - (ii) in the matter preceding clause (i), by striking “as so redesignated” and all that follows through “by inserting” and inserting “as so redesignated, by inserting”; and
 - (iii) by striking the semicolon at the end and inserting a period;
- (F) in subsection (c)(4)(A), by striking the matter proposed to be inserted and inserting “CERTIFICATION.—”;
- (G) in subsection (c)(8)—
 - (i) by striking subparagraph (C); and
 - (ii) in subparagraph (B), by adding “and” at the end;
- 10 USC 3707. (H) in subsection (h), by striking “such section 3706” in paragraphs (2) and (3) and inserting “such section 3707”; and
- 10 USC 2343. (I) in subsection (j)—
 - (i) in paragraph (3), in the matter to be inserted, by striking “3701–3708” and inserting “3701 through 3708”; and
 - (ii) by striking paragraphs (4) and (5).
- 10 USC 2379, 2380. (11) Section 1832(i)(7)(F)—
 - (A) in clause (iv), by striking “and” at the end;
 - (B) in clause (v), by striking the period at the end and inserting “; and”; and
 - (C) by adding at the end the following new clause: “(vi) in subparagraph (B) (as so redesignated), by striking ‘paragraph (1)’ and inserting ‘subsection (b)’.”.
- 10 USC 3750. (12) Section 1833 is amended—
 - (A) in subsection (n), in the section heading for section 3791, by striking “**DEPARTMENT OF DEFENSE**” and inserting “**DEPARTMENT OF DEFENSE**”; and
 - (B) in subsection (o)(2), by striking “Section” and “as section” and inserting “Sections” and “as sections”, respectively.
- 10 USC prec. 3791. (13) Section 1834(h)(2) is amended by striking “section 3801(1)” in the matter to be inserted and inserting “section 3801(a)”.
 - (14) Section 1845(c)(2) is amended by striking “section” in the matter to be stricken and inserting “sections”.
- 10 USC 2328, 2386, 3793, 3794. (15) Section 1846 is amended—
 - (A) in subsection (f)(6)(A), in the matter to be inserted, by inserting a period after “OVERSIGHT”;
 - (B) in subsection (i)(3), by striking “Section 1706(c)(1)” and inserting “Section 1706(a)”; and
 - (C) by adding at the end the following:
 - “(j) FURTHER CROSS-REFERENCE AMENDMENT.—Section 1706(a) of title 10, United States Code, is further amended by striking ‘section 2430(a)(1)(B)’ and inserting ‘section 4201(a)(2)’.”.
- 10 USC 3807. (16) Section 1847 is amended—
 - (A) in the table of subchapters to be inserted by subsection (a), by striking the item relating to the second subchapter III (relating to contractors) and inserting the following:
 - “V. Contractors 4291”; and
- 10 USC 171a. (B) in subsection (e)(3)(A), by inserting “section” before “4376(a)(1)” in the matter to be inserted.
- 10 USC 4204.
- 10 USC 1706.
- 10 USC prec. 4211.
- 10 USC 4273.

- (17) Section 1848(d) is amended by striking paragraph (2). 10 USC 4324.
- (18) Section 1850(e)(2) is amended by inserting “transferred and” before “redesignated”. 10 USC 4372.
- (19) Section 1856 is amended—
- (A) in subsection (f)(5)(A), in the matter to be inserted, by striking the comma at the end; and 10 USC 4502.
 - (B) in subsection (h), by striking “subsection (d)” and inserting “subsection (g)”. 10 USC 4505.
- (20) Section 1862(c)(2) is amended by striking “section 4657” and inserting “section 4658”. 10 USC 4658.
- (21) Section 1866 is amended—
- (A) in subsection (c)— 10 USC 4801.
 - (i) in paragraph (1), by inserting “and” at the end;
 - (ii) in paragraph (2), by striking “; and” at the end and inserting a period; and
 - (iii) by striking paragraph (3) (including the amendment made by that paragraph); and
 - (B) in subsection (d), by striking “4817” in the matter to be inserted by paragraph (4)(A)(ii) and inserting “4818”. 10 USC 2501 note.
- (22) Section 1867(d) is amended—
- (A) in paragraph (3), by striking “Section 4814” and inserting “Section 4814(a)”; 10 USC 4814.
 - (B) by amending paragraph (5) to read as follows: 10 USC 4818.

“(5) Section 4818 is amended in subsection (a)—

 - “(A) by striking ‘of this chapter’ and inserting ‘of chapters 381 through 385 and chapter 389’; and
 - “(B) by striking ‘under this chapter’ and inserting ‘under such chapters’.”; and
 - (C) by adding at the end the following new paragraph:

“(7) Section 4817(d)(1) is amended by striking ‘this chapter’ and inserting ‘chapters 381 through 385 and chapter 389’.”.
- (23) Section 1870(c)(3) is amended— 10 USC 4864.
- (A) by inserting after subparagraph (A) the following new subparagraph:

“(B) in each of paragraphs (4) and (5) of subsection (d), by striking ‘section 2500(1)’ and inserting ‘section 4801(1)’.”;
 - (B) by redesignating subparagraphs (B) and (C) as subparagraphs (C) and (D), respectively; and
 - (C) in subparagraph (D) (as so redesignated), by striking “of the first subsection (k) (relating to ‘Limitation on certain procurements application process’),” and inserting “of subsection (j).”.
- (24) Section 1872(a) is amended in each of paragraphs (5) through (11) by striking “chapter 385 of such title, as amended” and inserting “chapter 388 of such title, as added”. 10 USC 2413–2419, 4952–4957, 4959.
- (c) CONFORMING AMENDMENTS TO PROVISIONS OF TITLE 10, UNITED STATES CODE, THAT ARE TRANSFERRED AND REDESIGNATED BY TITLE XVIII OF THE FY2021 NDAA.—Title 10, United States Code, as transferred and redesignated by title XVIII of the FY2021 NDAA, is amended as follows:
- (1) Section 3221 of title 10, United States Code, as added by subsection (a) and amended by subsection (b) of section 1812 of such Act, is amended in subsection (c) by striking “under this section” and inserting “under this chapter”.

(2) Section 3223 of such title, as added by subsection (a) and amended by subsection (d) of section 1812 of such Act, is amended by striking “under this section” in paragraph (2) and inserting “under this chapter”.

(3) Section 3702 of such title, as added and amended by section 1831 of such Act, is amended—

(A) in subsection (a)(3) by striking “under this section” in the matter preceding subparagraph (A) and inserting “under this chapter”; and

(B) in subsection (d), by striking “this section” and inserting “this chapter”.

(4) Section 4375 of such title, as added by subsection (a) and amended by subsection (i) of section 1850 of such Act, is amended in subsection (d)(7)—

(A) by striking “under the program (i) expressed as” and inserting “under the program—

“(A) expressed as”; and

(B) by striking “or subprogram, and (ii) expressed as” and inserting “or subprogram; and

“(B) expressed as”.

(d) CROSS-REFERENCE AMENDMENTS WITHIN TRANSFERRED SECTIONS.—Title 10, United States Code, as transferred and redesignated by title XVIII of the FY2021 NDAA, is amended as follows:

(1) Section 3131 of title 10, United States Code, as transferred and redesignated by section 1809(b) of such Act, is amended in subsection (b)(1) by striking “section 2353” and inserting “section 4141”.

(2) Section 3137 of such title, as transferred and redesignated by section 1809(h)(1) of such Act, is amended in subsection (b)(2) by striking “section 2330a” and inserting “section 4505”.

(3) Section 3203 of such title, as added by paragraph (1) and amended by paragraph (2) of section 1811(d)(2) of such Act, is amended in subsection (c) by striking “paragraphs (1) and (2)” and inserting “subsections (a)(1) and (b)”.

(4) Section 3206 of such title, as added by paragraph (1) and amended by paragraphs (2) and (3) of section 1811(e)(2) of such Act, is amended in subsection (a)(3) by striking “subparagraphs (A) and (B)” in the matter preceding subparagraph (A) and inserting “paragraphs (1) and (2)”.

(5) Section 3221 of such title, as added by subsection (a) and amended by subsection (b) of section 1812 of such Act, is amended in subsection (b)(2) by striking “chapter 144” before “of this title” and inserting “chapters 321, 324, and 325, subchapter I of chapter 322, and sections 3042, 4232, 4273, 4293, 4321, 4323, and 4328”.

(6) Section 3862 of such title, as transferred and redesignated by section 1836(b) of such Act, is amended in subsection (b) by striking “section 2303(a)” and inserting “section 3063”.

(7) Section 4008 of such title, as transferred and redesignated by section 1841(c) of such Act, is amended by striking “section 2303(a)” in subsections (a) and (d) and inserting “section 3063”.

(8) Section 4061 of such title, as transferred and redesignated by section 1842(b) of such Act, is amended in subsection (b)(5) by striking “section 2302e” and inserting “section 4004”.

(9) Section 4062 of such title, as transferred and redesignated by section 1842(b) of such Act, is amended—

(A) in subsection (c)(4)(A)—

(i) in clause (i), by striking “section 2433(d)” and inserting “section 4374”; and

(ii) in clause (ii), by striking “section 2433(e)(2)(A)” and inserting “section 4375(b)”;

(B) in subsection (j), by striking “chapter 137” and inserting “sections 3201 through 3205”; and

(C) in subsection (k)(2), by striking “(as defined in section 2302(5) of this title)”.

(10) Section 4171 of such title, as transferred and redesignated by section 1845(b) of such Act, is amended in subsection (a)(2)—

(A) in subparagraph (A), by striking “within the meaning” and all that follows through “this title”; and

(B) in subparagraph (B), by striking “under” and all that follows through “this title” and inserting “under section 4203(a)(1) of this title”.

(11) Section 4324 of such title, as amended by section 802(a) and transferred and redesignated by section 1848(d)(1) of such Act, is amended in subsection (d)—

(A) in paragraph (5), by striking “section 2430” in subparagraph (A) and “section 2430(a)(1)(B)” in subparagraph (B) and inserting “section 4201” and “section 4201(a)(2) of this title”, respectively;

(B) in paragraph (6), by striking “section 2366(e)(7)” and inserting “section 4172(e)(7)”;

(C) in paragraph (7), by striking “section 2431a(e)(5)” and inserting “section 4211(e)(3)”.

(12) Section 4375 of such title, as added by subsection (a) and amended by subsection (h) section 1850), is amended in subsection (c)(2)—

(A) in subparagraph (A), by striking “or (b)(2)”; and

(B) in subparagraph (B)—

(i) by striking “or (b)(2)” ; and

(ii) by striking “subsection (b)(1)” and inserting “section 4376”.

(13) Section 4505 of such title, as transferred and redesignated by section 1856(g) of such Act, is amended by striking “section 2383(b)(3)” in subsection (h)(2) and inserting “section 4508(b)(3)”.

(14) Section 4660 of such title, as transferred and redesignated by section 1862(b) of such Act, is amended by striking “section 2324” in subsection (c)(2) and inserting “subchapter I of chapter 273”.

(15) Section 4814 of such title, as transferred and redesignated by section 1867(b) of such Act, is amended by striking “subchapter V of chapter 148” in paragraph (5) of subsection (a), as added by section 842(a)(2) of such Act, and inserting “chapter 385”.

(16) Section 4819 of such title, as transferred and redesignated by section 1867(b) of such Act and amended by section 843 of such Act, is amended in subsection (b)(2)—

(A) in subparagraph (C)(xi), by striking “section 2339a” and inserting “section 3252”; and

(B) in subparagraph (E)—

(i) in clause (i), by striking “(as defined in section 2500(1) of this title)”;

(ii) in clause (ii), by striking “section 2533a” and inserting “section 4862”; and

(iii) in clause (v), by striking “section 2521” and inserting “sections 4841 and 4842”.

(17) Section 4862 of such title, as transferred and redesignated by section 1870(c)(2) of such Act, is amended by striking “section 2304(c)(2)” in subsection (d)(4) and inserting “section 3204(a)(2)”.

(18) Section 4863 of such title, as transferred and redesignated by section 1870(c)(2) of such Act, is amended—

(A) in subsection (c)(2), by striking “section 2304(c)(2)” and inserting “section 3204(a)(2)”; and

(B) in subsection (f), by striking “section 2304(g)” and inserting “section 3205”.

(19) Section 4981 of such title, as transferred by subsection (b) and redesignated by subsection (c) of section 1873 of such Act, is amended by striking “section 2501(a)” in subsection (a) and inserting “section 4811(a)”.

(e) DISPOSITION OF NEW TITLE 10 ACQUISITION PROVISIONS ADDED BY THE FY2021 NDAA.—

(1) TRANSFER OF NEW SECTION 2339C.—

(A) TRANSFER.—Section 2339c of title 10, United States Code, as added by section 803 of the FY2021 NDAA, is transferred to chapter 873 of such title, inserted after section 8754, and redesignated as section 8755, and amended in subsection (d)(3) by striking “section 2430” and inserting “section 4201”.

(B) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

“8755. Disclosures for offerors for certain shipbuilding major defense acquisition program contracts.”.

(2) TRANSFER OF NEW SECTION 2533D.—

(A) TRANSFER.—Section 2533d of title 10, United States Code, as added by section 841(a) of the FY2021 NDAA, is transferred to chapter 385 of such title, inserted after section 4872 of subchapter III of such chapter, redesignated as section 4873, and amended in subsection (a)(2) by striking “section 2338” and inserting “section 3573”.

(B) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 4872 the following new item:

“4873. Additional requirements pertaining to printed circuit boards.”.

(3) TRANSFER OF NEW SECTION 2358C.—

(A) TRANSFER.—Section 2358c of title 10, United States Code, as added by section 1115(a) of the FY2021 NDAA, is transferred to subchapter II of chapter 303 of such title, as added by section 1842(a) of the FY2021 NDAA, inserted after section 4093, as transferred and redesignated by section 1843(a) (as amended by this section), and redesignated as section 4094.

(B) CLERICAL AMENDMENTS.—The table of sections at the beginning of such chapter, as added by section 1842(a)

10 USC
prec. 8751.

10 USC
prec. 4871.

of the FY2021 NDAA (as amended by this section), is amended by inserting after the item relating to section 4093 the following new item:

10 USC
prec. 4061.

“4094. Enhanced pay authority for certain research and technology positions in science and technology reinvention laboratories.”.

(4) TRANSFER OF NEW SECTION 2374B.—

(A) TRANSFER.—Section 2374b of title 10, United States Code, as added by section 212(a)(1) of the FY2021 NDAA, is transferred to subchapter II of chapter 301 of such title, added at the end of such subchapter, and redesignated as section 4027.

(B) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

10 USC
prec. 4001.

“4027. Disclosure requirements for recipients of research and development funds.”.

(f) AMENDMENTS TO TABLES OF SECTIONS.—Title 10, United States Code, is amended as follows:

(1) The table of sections at the beginning of chapter 136 is amended by striking the item relating to section 2283.

10 USC
prec. 2281.

(2) The table of sections at the beginning of chapter 165 is amended by striking the item relating to section 2784.

10 USC
prec. 2771.

(3) The table of sections at the beginning of chapter 203, as added by section 1807(a) of the FY2021 NDAA, is amended in the item relating to section 3064 by inserting “of” after “Applicability”.

10 USC
prec. 3062.

(4) The table of sections at the beginning of chapter 223, as added by section 1813(a) of such Act, is amended by striking the item relating to section 3248 and inserting the following new item:

10 USC
prec. 3241.

“3248. [Reserved].”.

(5) The table of sections at the beginning of subchapter II of chapter 273, as added by section 1832(j) of such Act, is amended by striking the items relating to sections 3764 and 3765.

10 USC
prec. 3761.

(6) The table of sections at the beginning of subchapter III of chapter 275, as added by section 1833(n) of such Act, is amended by striking the item relating to section 3792 and inserting the following new item:

10 USC
prec. 3791.

“3792. [Reserved].”.

(7) The table of sections at the beginning of subchapter I of chapter 322, as added by section 1847(a), is amended by striking the item relating to section 4212 and inserting the following new item:

10 USC
prec. 4211.

“4212. Risk management and mitigation in major defense acquisition programs and major systems.”.

(8) The table of sections at the beginning of subchapter II of chapter 322, as added by section 1847(a), is amended

10 USC
prec. 4231.

by striking the item relating to section 4232 and inserting the following new item:

“4232. Prohibition on use of lowest price technically acceptable source selection process.”.

10 USC
prec. 4321.

(9) The table of sections at the beginning of chapter 323, as added by section 1848(a), is amended by striking the item relating to section 4324 and inserting the following new item:

“4324. Life-cycle management and product support.”.

10 USC
prec. 4811.

(10) The table of sections at the beginning of chapter 382, as added by section 1867(a) of such Act, is amended by striking the item relating to section 4814 and inserting the following new item:

“4814. National technology and industrial base: annual report and quarterly briefings.”.

10 USC
prec. 101,
prec. 3001.

(g) AMENDMENTS TO TABLES OF CHAPTERS.—The tables of chapters at the beginning of subtitle A, and at the beginning of part V of subtitle A, of title 10, United States Code, are amended—

(1) in the items for chapters 203, 205, and 207, by striking the section number at the end of each item and inserting “3061”, “3101”, and “3131”, respectively;

(2) by striking the item for chapter 247 and inserting the following:

“247. Procurement of Commercial Products and Commercial Services 3451”;

(3) in the item for chapter 251, by striking the section number at the end and inserting “3571”;

(4) by striking the item for chapter 257 and inserting the following:

“257. Contracts for Long-Term Lease or Charter of Vessels, Aircraft, and Combat Vehicles 3671

“258. Other Types of Contracts Used for Procurements for Particular Purposes 3681”;

(5) by striking the last word in the item for the heading for subpart D and inserting “Provisions”.

(h) AMENDMENTS TO HEADINGS.—Subtitle A of title 10, United States Code, is amended as follows:

(1) The heading of subpart D of part V is amended to read as follows:

“Subpart D—General Contracting Provisions”.

(2) The heading of subchapter II of chapter 273, as added by section 1832(j) of the FY2021 NDAA, is amended to read as follows:

“Subchapter II—Other Allowable Cost Provisions”.

(i) AMENDMENTS TO DELETE HEADINGS FROM SECTIONS SPECIFIED AS “RESERVED”.—Title XVIII of the FY2021 NDAA is amended as follows:

(1) CHAPTER 201.—The matter inserted by section 1806(a)(1) is amended—

10 USC
prec. 3001.

(A) in each of the items relating to sections 3003 and 3005 in the table of sections at the beginning of subchapter I, by striking the text after the section designation and inserting “[Reserved].”;

(B) by striking section 3003 and inserting the following:

“§ 3003. [Reserved]”; and

(C) by striking section 3005 and inserting the following:

“§ 3005. [Reserved]”.

(2) CHAPTER 209.—

(A) In the table of contents for chapter 209 inserted by section 1810(a), by striking the text after the subchapter II designation and inserting “[Reserved]”.

10 USC
prec. 3151.

(B) Section 1810(d) is amended to read as follows:

10 USC
prec. 3171.

“(d) ADDITIONAL SUBCHAPTER.—Chapter 209 of title 10, United States Code, is amended by adding at the end the following new subchapter:

“SUBCHAPTER II—[RESERVED]

“Sec.

“3171. [Reserved].

“3172. [Reserved].

“§ 3171. [Reserved]**“§ 3172. [Reserved]’.”.**

(3) CHAPTER 225.—The matter inserted by section 1813(h) is amended by striking the text after the chapter designation and inserting “[Reserved]”.

10 USC
prec. 3301.

(4) CHAPTER 242.—The matter inserted by section 1817(a) is amended—

(A) in the item relating to section 3324 in the table of sections, by striking the text after the section designation and inserting “[Reserved].”; and

10 USC
prec. 3321.

(B) by striking section 3324 and inserting the following:

“§ 3324. [Reserved]”.

(5) CHAPTER 253.—

(A) The tables of chapters at the beginning of subtitle A, and at the beginning of part V of subtitle A, of title 10, United States Code, are amended by striking the text after the chapter designation for chapter 253 in each place and inserting “[Reserved]”.

10 USC
prec. 101,
prec. 3001.

(B) Section 1824 is amended—

(i) in the matter inserted by subsection (a), by striking the text after the chapter designation and inserting “[Reserved]”; and

10 USC
prec. 3671.

(ii) in the matter inserted by subsection (b), by striking the text after the chapter designation and inserting “[Reserved]”.

10 USC
prec. 101,
prec. 3001.

(6) CHAPTER 272.—The matter inserted by section 1831(k) is amended—

(A) by striking the text after the chapter designation and inserting “[Reserved]”; and

10 USC
prec. 3721.

(B) by striking all after the chapter heading and inserting the following:

10 USC
prec. 3721.

“Sec.

“3721. [Reserved].

“3722. [Reserved].

“3723. [Reserved].

“3724. [Reserved].

“§ 3721. [Reserved]

“§ 3722. [Reserved]

“§ 3723. [Reserved]

“§ 3724. [Reserved]”.

(7) CHAPTER 279.—

10 USC
prec. 3841.

(A) The matter inserted by section 1835(a) is amended in the table of sections by striking the text after the section designation in each of the items relating to sections 3843, 3844, and 3846 and inserting “[Reserved]”.

(B) Section 1835(e) is amended—

(i) by striking the matter inserted by paragraph (1) and inserting the following:

“§ 3843. [Reserved]

“§ 3844. [Reserved]”; and

(ii) by striking matter inserted by paragraph (2) and inserting the following:

“§ 3846. [Reserved]”.

(8) CHAPTER 283.—

10 USC
prec. 101,
prec. 3001.

(A) The tables of chapters at the beginning of subtitle A, and at the beginning of part V of subtitle A, of title 10, United States Code, are amended by striking the text after the chapter designation for chapter 283 in each place and inserting “[Reserved]”.

10 USC
prec. 2327,
prec. 3901.

(B) Section 1837 is amended to read as follows:

“SEC. 1837. RESERVATION OF CHAPTER 283.

“Part V of subtitle A of title 10, United States Code, as added by section 801 of the John S. McCain National Defense Authorization Act for Fiscal Year 2019 (Public Law 115– 232), is amended by striking chapter 283 and inserting the following:

“‘CHAPTER 283—[RESERVED]’.”.

(9) CHAPTER 343.—Section 1856 is amended—

10 USC
prec. 101,
prec. 3001.

(A) in the matter to be inserted by subsection (a), by striking the text following the designation of chapter 343 and inserting “[Reserved]”; and

10 USC
prec. 4751.

(B) by amending the matter to be inserted by subsection (j) to read as follows:

“CHAPTER 343—[RESERVED]

“Subchapter	Sec.
“I. [Reserved]	4541
“II. [Reserved]	4551

“SUBCHAPTER I—[RESERVED]

“Sec.
“4541. [Reserved].

“SUBCHAPTER II—[RESERVED]

“Sec.
“4551. [Reserved].”.

(10) CHAPTER 387.—Section 1871 is amended by amending the matter to be inserted by subsection (a)(2)—

(A) by inserting after the item relating to subchapter I the following new item:
 “II. [Reserved] 4991”; and 10 USC prec. 4901.
 (B) by inserting after the item relating to section 4901 the following new item: 10 USC prec. 4951.

“SUBCHAPTER II—[RESERVED]”

“Sec.
 “4911. [Reserved].”.

(j) REVISED SECTION RELATING TO REGULATIONS.—Section 1807(b) of the FY2021 NDAA is amended in the matter to be inserted by paragraph (1), by striking “shall prescribe” and inserting “is required by section 2202 of this title to prescribe”. 10 USC 3062.

(k) REVISED TRANSFER OF SECTIONS RELATING TO MULTIYEAR CONTRACTS FOR ACQUISITION OF PROPERTY.—Section 1822 of the FY2021 NDAA is amended as follows:

(1) REVISED SECTIONS.—In the matter to be inserted by subsection (a)—

(A) in the table of sections for subchapter I, by striking the items relating to sections 3501 through 3511 and inserting the following: 10 USC prec. 3501.

“3501. Multiyear contracts: acquisition of property.”; and

(B) by striking the section headings for sections 3501 through 3511 and inserting the following:

“§ 3501. Multiyear contracts: acquisition of property”. 10 USC 3501.

(2) TRANSFER OF SECTION 2306B.—Such section is further amended—

(A) by striking subsections (b) through (l); and 10 USC 2396b,

(B) by inserting after subsection (a) the following new 3501–3511.

section:

“(b) TRANSFER OF SECTION 2306B.—Section 2306b of title 10, United States Code, is transferred to section 3501 of such title, as added by subsection (a).”.

(3) TRANSFER OF SECTION 2306C.—Such section is further amended—

(A) in the matter to be inserted by subsection (m)—

(i) in the table of sections, by striking the items relating to sections 3531 through 3535 and inserting the following: 10 USC prec. 3531.

“3531. Multiyear contracts: acquisition of services.”; and

(ii) by striking the section headings for sections 3531 through 3535 and inserting the following:

“§ 3531. Multiyear contracts: acquisition of services”; 10 USC 3531.

(B) by redesignating such subsection (m) as subsection

(c); 10 USC prec. 3531,

(C) by striking subsections (n) through (s); 2531–3535.

(D) by adding after subsection (c) (as so redesignated) 10 USC 2396c,

the following new subsection: 3531–3535.

“(d) TRANSFER OF SECTION 2306C.—Section 2306c of title 10, United States Code, is transferred to section 3531 of such title, as added by subsection (c).”.

10 USC 2410,
prec. 3551, 3551.

(4) CONFORMING REDESIGNATION.—Such section is further amended by redesignating subsection (t) as subsection (e).

(I) RENAMING OF CHAPTER 287.—

(1) RENAMING OF CHAPTER.—Section 1838 of the FY2021 NDAA is amended—

(A) in the section heading, by striking the penultimate word in the heading and inserting “OTHER CONTRACTING”; and

10 USC
prec. 3901.

(B) by striking the penultimate word in the chapter heading in the matter inserted by subsection (a) and inserting “OTHER CONTRACTING”.

10 USC
prec. 101,
prec. 3001.

(2) TABLES OF CHAPTERS.—The tables of chapters at the beginning of subtitle A, and at the beginning of part V of subtitle A, of title 10, United States Code, are amended by striking the item relating to chapter 287 and inserting the following new item:

“287. Other Contracting Programs 3961”.

(m) REVISED TRANSFER OF SECTIONS WITHIN CHAPTER 388.—

(1) TRANSFER.—Section 1872(a) of title XVIII of the FY2021 NDAA, as amended by this section, is further amended—

(A) by amending paragraph (2) to read as follows:

“(2) TRANSFER.—The text of section 2411 of title 10, United States Code, is transferred to section 4951 of such title, as added by paragraph (1).”;

10 USC 2411,
2412, 4951, 4952.

(B) by amending paragraph (3) to read as follows:

“(3) TRANSFER OF SECTION 2412.—The text of section 2412 of title 10, United States Code, is transferred to section 4952 of such title, as added by paragraph (1).”; and

(C) by amending paragraph (4) to read as follows:

“(4) TRANSFER OF SECTION 2420.—The text of section 2420 of title 10, United States Code, is transferred to section 4953 of such title, as added by paragraph (1).”.

(2) CONFORMING AMENDMENTS.—Such section 1872(a) is further amended—

10 USC 2414,
4855.

(A) in paragraph (5)—

(i) by striking “inserted after section 4951, redesignated as section 4952” and inserting “inserted after section 4953, redesignated as section 4954”;

(ii) in the matter to be inserted by subparagraph (B)(ii), by striking “section 4957(b)” and inserting “section 4959(b)”;

(B) in paragraph (6)—

(i) by striking “section 4952” and inserting “section 4954”;

(ii) by striking “section 4953” and inserting “section 4955”;

(iii) in the matter to be inserted by subparagraph (B), by striking “section 4951(b)(1)(D)” and inserting “section 4951(1)(D)”;

(iv) in the matter to be inserted by subparagraph (C), by striking “section 4957(b)” and inserting “section 4959(b)”;

10 USC 2415,
4956.

(C) in paragraph (7)—

(i) by striking “section 4953” and inserting “section 4955”;

(ii) by striking “section 4954” and inserting “section 4956”;

- (D) in paragraph (8)—
 (i) by striking “section 4954” and inserting “section 4956”;
 (ii) by striking “section 4955” and inserting “section 4957”;
 (E) in paragraph (9)—
 (i) by striking “section 4955” and inserting “section 4957”;
 (ii) by striking “section 4956” and inserting “section 4958”;
 (F) in paragraph (10)—
 (i) by striking “section 4956” and inserting “section 4958”;
 (ii) by striking “section 4957” and inserting “section 4959”;
 (G) in paragraph (11)—
 (i) by striking “inserted after section 4957, as added by paragraph (10),” and inserting “added at the end of such chapter”; and
 (ii) by striking “section 4959” and inserting “section 4961”.

10 USC 2416,
4957.10 USC 2418,
4958.10 USC 2419,
4959.10 USC 2417,
4961.

(3) TABLE OF SECTIONS.—Section 1872(a)(B) of the FY2021 NDAA is amended by striking the matter to be inserted and inserting the following:

“CHAPTER 388—PROCUREMENT TECHNICAL ASSISTANCE COOPERATIVE AGREEMENT PROGRAM

10 USC
prec. 4951.

- “4951. Definitions.
 “4952. Purposes.
 “4953. Regulations.
 “4954. Cooperative agreements.
 “4955. Funding.
 “4956. Distribution.
 “4957. Subcontractor information.
 “4958. Authority to provide certain types of technical assistance.
 “4959. Advancing small business growth.
 “4960. [Reserved].
 “4961. Administrative and other costs.

“SEC. 4951. DEFINITIONS.

10 USC 4951.

“SEC. 4952. PURPOSES.

10 USC 4952.

“SEC. 4953. REGULATIONS.”.

10 USC 4953.

(n) REVISED SECTION RELATING TO NAVY CONTRACT FINANCING.—Title XVIII of the FY2021 NDAA is amended as follows:

(1) REVISED PLACEMENT.—The matter to be inserted by section 1834(a) is amended—

(A) in the table of sections, by adding at the following new item:

10 USC
prec. 3801.

“3808. Certain Navy contracts.”; and

(B) by adding after the heading for section 3807 the following:

“§ 3808. Certain Navy contracts”.

10 USC 3808.

(2) TRANSFER OF SECTION 2307(G).—Section 1834 is further amended by adding at the end the following new subsection:

10 USC 2307,
3808.

“(i) TRANSFER OF SUBSECTION (G) OF SECTION 2307.—

“(1) TRANSFER.—Subsection (g) of section 2307 of title 10, United States Code, is transferred to section 3808 of such title, as added by subsection (a), inserted after the section heading, and amended—

“(A) by striking the subsection designation and subsection heading; and

“(B) by redesignating paragraphs (1), (2), and (3) as subsections (a), (b), and (c), respectively.

“(2) REVISIONS TO NEW 3808(A).—Subsection (a) of such section 3808, as so transferred and redesignated, is amended—

“(A) by inserting ‘REPAIR, MAINTENANCE, OR OVERHAUL OF NAVAL VESSELS: RATE FOR PROGRESS PAYMENTS.—’ before ‘The Secretary of the Navy’; and

“(B) by redesignating subparagraphs (A) and (B) as paragraphs (1) and (2), respectively.

“(3) REVISIONS TO NEW 3808(B).—Subsection (b) of such section 3808, as so transferred and redesignated, is amended—

“(A) by inserting ‘AUTHORITY TO ADVANCE FUNDS FOR IMMEDIATE SALVAGE OPERATIONS.—’ before ‘The Secretary of the Navy’; and

“(B) by striking ‘this paragraph’ in the second sentence and inserting ‘this subsection’.

“(4) REVISIONS TO NEW 3808(C).—Subsection (c) of such section 3808, as so transferred and redesignated, is amended by inserting ‘SECURITY FOR CONSTRUCTION AND CONVERSION OF NAVAL VESSELS.—’ before ‘The Secretary of the Navy’.

“(5) CONFORMING AMENDMENT.—Section 8702(c) is amended by striking ‘section 2307(g)(2)’ and inserting ‘section 3808(b)’.”.

(3) REPEAL OF PRIOR TRANSFER.—Section 1876 is repealed.

10 USC 2307,
prec. 8661, 8702.

(o) REVISED TRANSFER RELATING TO SELECTED ACQUISITION REPORTS.—

(1) TRANSFER AS SINGLE SECTION.—

10 USC
prec. 4350,
prec. 4351.

(A) Subsection (a) section 1849 of the FY2021 NDAA is amended in the matter to be inserted by striking all after the chapter heading and inserting the following:

“Sec.
“4351. Selected Acquisition Reports.”.

10 USC 2432,
4350.

(B) Subsection (b) of such section 1849 is amended to read as follows:

“(b) TRANSFER OF SECTION 2432.—Section 2432 of title 10, United States Code, is transferred to chapter 324 of such title, as added by subsection (a), and redesignated as section 4351.”.

(2) CONFORMING AMENDMENTS.—

10 USC 4350,
prec. 4351.

(A) The section heading for section 1849 of the FY2021 NDAA is amended to read as follows:

“SEC. 1849. SELECTED ACQUISITION REPORTS.”.

10 USC
prec. 4350,
prec. 4351.

(B) Section 1849 of the FY2021 NDAA is amended in the matter to be inserted by striking the text after the chapter designation and inserting “**SELECTED ACQUISITION REPORTS**”.

(3) CROSS-REFERENCE AMENDMENTS IN SECTION 4351(C).—Subsection (c) of such section 1849 is amended to read as follows:

“(c) CROSS-REFERENCE AMENDMENTS IN NEW SECTION 4351(C).—Subsection (c)(1) of such section, as so transferred and redesignated, is amended—

“(1) by striking ‘section 2431’ in subparagraph (A) and inserting ‘section 4205’;

“(2) by striking ‘section 2433(a)(2)’ in subparagraph (B)(i) and inserting ‘section 4371(a)(4)’;

“(3) by striking ‘section 2435(d)(1)’ in subparagraph (B)(ii) and inserting ‘section 4214(d)(1)’;

“(4) by striking ‘section 2435(d)(2)’ in subparagraph (B)(iii) and inserting ‘section 4214(d)(2)’;

“(5) by striking ‘section 2432(e)(4)’ in subparagraph (B)(iv) and inserting ‘section 4355(4)’; and

“(6) by striking ‘section 2446a’ in subparagraph (G) and inserting ‘section 4401.’”.

(4) CROSS-REFERENCE AMENDMENT IN SECTION 4351(H).—Subsection (d) of such section 1849 is amended to read as follows:

10 USC 2432,
4351, 4352.

“(d) CROSS-REFERENCE AMENDMENT IN NEW SECTION 4351(H).—Subsection (h)(2)(A) of such section, as so transferred and redesignated, is amended by striking ‘section 2431’ and inserting ‘section 4205.’”.

(5) DELETION OF SUPERSEDED AMENDMENTS.—Such section 1849 is further amended—

(A) by striking subsections (e) through (k); and

(B) redesignating subsections (l) and (m) as subsections (e) and (f), respectively.

10 USC 2432,
4353–4358,
10 USC 1734,
2432, 8671.

(6) CONFORMING CROSS-REFERENCE AMENDMENTS.—Title XVIII of the FY2021 NDAA is amended—

(A) in section 1812—

(i) in subsection (b)(2)(D), by striking “section 4353(a)” in the matter to be inserted and inserting “section 4351(c)(1)”;

10 USC 3221.

(ii) in subsection (f)(2)(C), by striking “sections 4351 through 4358” in the matter to be inserted and inserting “section 4351”;

10 USC 3225.

(B) in section 1846—

(i) in subsection (f)(5)(C), by striking “sections 4351 through 4358” in the matter to be inserted and inserting “section 4351”; and

10 USC 4204.

(ii) in subsection (g)(1), by striking “section 4351” in the matter to be inserted and inserting “section 4351(a)”;

10 USC 4203.

(C) in section 1847—

(i) in subsection (b)(4)(B)(iii), by striking “sections 4351 through 4358” in the matter to be inserted and inserting “section 4351”;

10 USC 4214.

(ii) in subsection (c)(1)(A)(i), by striking “sections 4351 through 4358” in the matter to be inserted and inserting “section 4351”;

10 USC 4231.

(iii) in subsection (d)(2)(C)(ii), by striking “sections 4351 through 4358” in the matter to be inserted and inserting “section 4351”; and

10 USC 4252.

(iv) in subsection (e)(1)(A), by striking “section 4351(2)” in the matter to be inserted and inserting “section 4351(a)(2)”;

10 USC 4271.

(D) in section 1849(f) (as so redesignated), by striking “chapter 324” in the matter to be inserted and inserting “section 4351”; and

10 USC 1734,
8671.

(E) in section 1850—

- 10 USC 4371. (i) in subsection (b)(3)(A)(ii), by striking “section 4351” in the matter to be inserted and inserting “section 4351(a)”;
- (ii) in subsection (c)(2), by striking “section 4358” in the matter to be inserted and inserting “section 4351(h)”;
- 10 USC 4372. (iii) in subsection (e)(4)(A), by striking “section 4352(c)” in the matter to be inserted and inserting “section 4351(b)(3)”;
- 10 USC 4375. (iv) in subsection (h)(2)(C)(ii), by striking “and inserting” and all that follows through “respectively” and inserting “and inserting ‘section 4351(e)’ and ‘section 4351(f)’, respectively”;
- 10 USC 4376. (v) in subsection (j)(3)(B)(ii), by striking “section 4356(a)” in the matter to be inserted and inserting “section 4351(f)”;
- 10 USC 4377. (vi) in subsection (k)(4)(D), by striking “section 4352” in the matter to be inserted and inserting “section 4351”; and
- (vii) in subsection (k)(6)(D)(i)(II), by striking “section 4356” in the matter to be inserted and inserting “section 4351(f)”.
- (p) TRANSFER OF SECTIONS 2196 & 2197 TO CHAPTER 384 (MANUFACTURING TECHNOLOGY).—
- (1) TRANSFER.—Section 1869(d) of the FY2021 NDAA is amended—
- 10 USC 2522,
4845, 2196, 4843,
2197, 4844. (A) by striking “SECTION 2522.—Section 2522 of title 10, United States Code, is” and inserting “SECTIONS 2196, 2197, AND 2522.—
- “(1) TRANSFER.—Sections 2196, 2197, and 2522 of title 10, United States Code, are”;
- (B) by striking “as section 4843” and inserting “as sections 4843, 4844, and 4845, respectively”; and
- (C) by adding at the end the following new paragraph:
- “(2) CONFORMING AMENDMENTS.—Section 4844, as transferred and redesignated by paragraph (1), is amended in subsection (a)(6), by striking ‘section 2196’ and inserting ‘section 4843’.”.
- (2) TABLES OF SECTIONS.—
- (A) CHAPTER 384.—Section 1869(a) of the FY2021 NDAA is amended in the matter to be inserted by striking the item relating to section 4843 and inserting the following:
- “4843. Manufacturing engineering education program.
- “4844. Manufacturing experts in the classroom.
- “4845. Armament retooling and manufacturing.”.
- (B) CHAPTER 111.—The table of sections at the beginning of chapter 111 of title 10, United States Code, is amended by striking the items relating to sections 2196 and 2197.
- (q) REVISED TRANSFER OF SECTION 2358B.—Title XVIII of the FY2021 NDAA is amended as follows:
- (1) DELETION OF TRANSFER TO CHAPTER 303.—Section 1842(b) is amended—
- (A) by striking “2358b,”; and
- (B) by striking “4064.”.
- 10 USC 2358b,
2359a, 2359b,
2361a, 2365,
2374a,
4061–4063,
4065, 4066.

(2) TRANSFER TO CHAPTER 87.—Subtitle J of title XVIII of the FY2021 NDAA is amended by inserting after section 1878 the following new section:

10 USC
prec. 1761.

“SEC. 1878A. TRANSFER OF TITLE 10 SECTION RELATING TO JOINT RESERVE DETACHMENT OF DEFENSE INNOVATION UNIT.

“(a) TRANSFER.—Section 2358b of title 10, United States Code, is transferred to subchapter V of chapter 87 of such title, inserted after section 1765, and redesignated as section 1766.

“(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such subchapter is amended by adding at the end the following new item:

“1766. Joint reserve detachment of the Defense Innovation Unit.”.

(r) REVISED SECTION RELATING TO ACQUISITION-RELATED FUNCTIONS OF CHIEFS OF THE ARMED FORCES.—Title XVIII of the FY2021 NDAA is amended as follows:

(1) DELETION OF SEPARATE SECTION FOR ACQUISITIONS FUNCTIONS OF SERVICE CHIEFS.—Section 1847 is amended—

(A) in the matter to be inserted by subsection (a), by striking the item relating to section 4274 in the table of sections for subchapter IV and inserting:

10 USC
prec. 4271.

“4274. [Reserved].”; and

(B) in subsection (e), by striking paragraphs (4), (5), and (6)(B).

10 USC 2547,
7033, 8033, 8043,
9033.

(2) CROSS-REFERENCE AMENDMENT.—Section 1808(d) is amended by adding at the end the following new paragraph:

“(3) Sections 7033(d)(5), 8033(d)(5), 8043(e)(5), and 9033(d)(5) of such title are amended by striking ‘and 2547’ and inserting ‘and 3104’.”.

(s) REVISED TRANSFER OF SECTION RELATING TO NATIONAL TECHNOLOGY AND INDUSTRIAL BASE.—Title XVIII of the FY2021 NDAA is amended as follows:

(1) DELETION OF PREVIOUS TRANSFER OF SECTION 2440.—Section 1847(b)(2) is amended—

(A) by striking “TRANSFER OF” and all that follow through “(B)”; and

10 USC 2440,
4211.

(B) by striking “paragraph (3)” in the matter to be inserted and inserting “section 4820 of this title”.

10 USC 4211.

(2) REVISED TRANSFER.—

(A) Section 2440 of title 10, United States Code, as amended by section 846(b) of the FY2021 NDAA, is transferred to chapter 382 of such title, inserted after section 4819, and redesignated as section 4820.

(B) The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

10 USC
prec. 4811.

“4820. National technology and industrial base plans, policy, and guidance.”.

(C) Such section 4820, as so transferred and redesignated, is amended—

(i) in subsection (a), by striking “section 2501” and inserting “section 4811”; and

(ii) in subsection (b), by striking “chapter 148” and inserting “subchapters 381 through 385 and subchapter 389”.

(t) REVISION OF SUBCHAPTER III OF CHAPTER 385.—Section 1870(d) of the FY2021 NDAA is amended—

10 USC
prec. 4871.

(1) in the matter inserted by paragraph (1)—

(A) by striking the items relating to sections 4871 and 4872 and inserting the following new items:

“4871. Contracts: consideration of national security objectives.

“4872. Acquisition of sensitive materials from non-allied foreign nations: prohibition.”; and

(B) by adding after the item relating to section 4873, as added by this section, the following new item:

“4874. Award of certain contracts to entities controlled by a foreign government: prohibition.”;

(2) in paragraph (2)—

(A) in the paragraph heading, by striking “sections 2533c and 2536” and inserting “sections 2327, 2533c, and 2536”;

(B) by striking “sections 2533c and 2536 of title 10” and inserting “sections 2327, 2533c, and 2536 of title 10”; and

(C) by striking “sections 4871 and 4872” and inserting “sections 4871, 4872, and 4874”;

(3) in paragraph (3)—

(A) in subparagraph (A), by striking “Section 4871” and inserting “Section 4872”; and

(B) in the matter inserted by subparagraph (B), by striking “**4871**” and inserting “**4872**”; and

10 USC 2572.

(4) in the matter inserted by paragraph (4), by striking “section 4872(c)(1)” and inserting “section 4874(c)(1)”.

(u) RESTRUCTURING OF CHAPTERS OF SUBPART E (RESEARCH & ENGINEERING).—Section 1841 of the FY2021 NDAA is amended as follows:

(1) REVISED SUBPART E.—The matter to be inserted by subsection (a)(2) is amended to read as follows:

10 USC
prec. 101,
prec. 3001.

“Subpart E—Research and Engineering

“301. Research and Engineering Generally	4001
“303. Research and Engineering Activities	4061
“305. Universities	4131
“307. Test and Evaluation	4171”.

(2) REVISED CHAPTER 301.—Section 1841 of the FY2021 NDAA is further amended as follows:

(A) REVISED TABLE OF SECTIONS.—The matter to be inserted by subsection (a)(1)(B) is amended—

10 USC
prec. 4001.

(i) by inserting after the item relating to chapter 301 the following:

“SUBCHAPTER I—GENERAL”;

(ii) by striking the items relating to sections 4002, 4003, and 4004 and inserting the following:

“4002. [Reserved].

“4003. [Reserved].

“4004. Contract authority for development and demonstration of initial or additional prototype units.”;

(iii) by striking the items relating to sections 4008 and 4009 and inserting the following:

“4008. [Reserved].

“4009. [Reserved].”; and

(iv) by striking the item relating to section 4015 and inserting the following:

“SUBCHAPTER II—AGREEMENTS

“4021. Research projects: transactions other than contracts and grants.

“4022. Authority of the Department of Defense to carry out certain prototype projects.

“4023. Procurement for experimental purposes.

“4024. Merit-based award of grants for research and development.

“4025. Prizes for advanced technology achievements.

“4026. Cooperative research and development agreements under Stevenson-Wydler Technology.”.

(B) REVISED TRANSFER OF TITLE 10 SECTIONS.—Subsection (b)(1) is amended—

(i) by inserting “2302e, 2359,” after “2358,”;

(ii) by striking “and 2373” and inserting “, 2373, 2374, 2374a, and 2371a”;

(iii) by striking “4002, 4003, and”; and

(iv) by inserting “, 4007, 4021, 4022, 4023, 4024, 4025, and 4026” before “, respectively”.

10 USC 4004,
4007, 4021–4026,
2358, 2371,
2371b, 2373,
4001, 4002.

(C) TECHNICAL AMENDMENT.—Subsection (b)(2)(A)(i) is amended by striking “by striking” and all that follows through the semicolon at the end and inserting “by striking ‘section 2371 or 2371b’ and inserting ‘section 4021 or 4022’;”.

10 USC 4001.

(D) DESIGNATION OF SUBCHAPTERS.—Subsection (c) is amended to read as follows:

“(c) DESIGNATION OF SUBCHAPTERS.—Chapter 301 of such title, as added by subsection (a), is amended—

10 USC 2357,
2359, 2361, 2374,
prec. 4001,
prec. 4021.

“(1) by inserting before section 4001, as transferred and redesignated by subsection (b)(1), the following:

“‘Subchapter I—General’; and

“(2) by inserting before section 4021, as transferred and redesignated by subsection (b)(1), the following:

“‘Subchapter II—Agreements’.”.

(E) REVISED TRANSFER OF SECTION 2364(A).—Subsection (d)(1) is amended by striking “section 4009” and inserting “section 4007”.

10 USC 2364,
4014.

(F) REVISED CROSS-REFERENCE AMENDMENTS.—

(i) Subsection (b)(2) is amended—

(I) in subparagraph (A)(ii), by striking “sections 4004” in the matter to be inserted and inserting “section 4023”;

10 USC 4001.

(II) in subparagraph (A)(iii), by striking “sections 4002 and 4143” in the matter to be inserted and inserting “sections 4021 and 4026”;

(III) in subparagraph (B), by striking “Section 4002” and inserting “Section 4021”;

(IV) in subparagraph (C)—

(aa) by striking “Section 4003” and inserting “Section 4022”; and

(bb) by striking “section 4002” in the matter to be inserted and inserting “section 4021”; and

(V) by adding at the end the following new subparagraph:

“(D) Section 4004 of such title, as so transferred and redesignated, is amended by striking ‘section 2302(2)(B)’ in subsection (a) and inserting ‘section 3012(2)’.”.

10 USC 2501
note.

(ii) Subsection (e)(2) is amended by striking “section 4003” in the matter to be inserted and inserting “section 4022”.

(3) REVISED CHAPTER 303, SUBCHAPTER I.—Section 1842 of the FY2021 NDAA is amended as follows:

(A) REVISED HEADING AND TABLE OF SECTIONS.—The matter to be inserted by subsection (a) is amended to read as follows:

10 USC
prec. 4061.

“CHAPTER 303—RESEARCH AND ENGINEERING ACTIVITIES

“SUBCHAPTER I—GENERAL

“Sec.

“4061. Defense Research and Development Rapid Innovation Program.

“4062. Defense Acquisition Challenge Program.

“4063. [Reserved].

“4064. [Reserved].

“4065. [Reserved].

“4066. Global Research Watch Program.

“4067. Technology protection features activities.

“SUBCHAPTER II—PERSONNEL

“4091. Authorities for certain positions at science and technology reinvention laboratories.

“4092. Personnel management authority to attract experts in science and engineering.

“4093. Science, Mathematics, and Research for Transformation (SMART) Defense Education Program.

“SUBCHAPTER III—RESEARCH AND DEVELOPMENT CENTERS AND FACILITIES

“4121. [Reserved].

“4122. [Reserved].

“4123. Mechanisms to provide funds for defense laboratories for research and development of technologies for military missions.

“4124. Centers for Science, Technology, and Engineering Partnership.

“4125. Functions of Defense research facilities.

“4126. Use of federally funded research and development centers.

10 USC
prec. 4061.

“Subchapter I—General

10 USC
prec. 4091.

“Subchapter II—Personnel

10 USC
prec. 4123.

“Subchapter III—Research and Development Centers and Facilities”.

(B) TRANSFER OF TITLE 10 SECTIONS TO SUBCHAPTER I.—Subsection (b) is amended—

(i) by striking “2361a” and all that follows through “2365” and inserting “2365, and 2357”;

(ii) by striking “after the table of sections” and inserting “after the heading for subchapter I”; and

(iii) by striking “4063” and all that follows through “4066” and inserting “4066, and 4067”.

(C) REVISED CROSS-REFERENCE AMENDMENT.—Subsection (c)(1) is amended by striking “section 4065” in the matter to be inserted and inserting “section 4025”.

10 USC 2357,
4067, 2358b,
2359a, 2359b,
2361a, 2365,
2374a, 4061,
4062, 4066.

(4) REVISED CHAPTER 303, SUBCHAPTERS II & III.—

(A) IN GENERAL.—Section 1843 of the FY2021 NDAA is amended by striking the section heading and subsections (a) and (b) and inserting the following:

10 USC 4092,
4093, 4091, 4123,
4126, 4124, 2364,
2358a, 2360,
2363, 4125.

“SEC. 1843. PERSONNEL; RESEARCH AND DEVELOPMENT CENTERS AND FACILITIES.

“(a) TRANSFER OF TITLE 10 SECTIONS TO SUBCHAPTER II.—Sections 2358a, 1599h, and 2192a of title 10, United States Code, are transferred to subchapter II of chapter 303 of such title, as added by section 1842(a), inserted (in that order) after the subchapter heading, and redesignated as sections 4091, 4092, and 4093, respectively.

“(b) TRANSFER OF TITLE 10 SECTIONS TO SUBCHAPTER III.—

“(1) IN GENERAL.—Sections 2363, 2368, and 2367 of title 10, United States Code, are transferred to subchapter III of chapter 303 of such title, as added by section 1842(a), inserted (in that order) after the subchapter heading, and redesignated as sections 4123, 4124, and 4126, respectively.

“(2) TRANSFER OF SECTION 2364(B) AND (C).—

“(A) HEADING.—Such subchapter III is further amended by inserting after section 4124, as transferred and redesignated by paragraph (1), the following:

“§ 4125. Functions of Defense research facilities’.

“(B) TEXT.—Subsections (b) and (c) of section 2364 of such title are transferred to such subchapter, inserted after the section heading for section 4125, as added by subparagraph (A), and redesignated as subsections (a) and (b), respectively.”.

(B) REVISED CROSS-REFERENCE AMENDMENT.—Subsection (c) of such section 1843 is amended by striking “section 4103(a)” in the matter to be inserted and inserting “section 4123(a)”.

10 USC 2805.

(C) CONFORMING AMENDMENTS TO TRANSFERRED SECTION.—Such section 1843 is further amended by adding at the end the following new subsection:

“(d) CONFORMING AMENDMENTS TO TRANSFERRED SECTION.—Section 4124 of such title, as transferred and redesignated by subsection (b)(1), is amended in subsection (b)(3)(B)(ii), by striking ‘2358, 2371, 2511, 2539b, and 2563’ and inserting ‘2563, 4001, 4021, 4831, and 4062’.”.

(5) REVISED CHAPTER 305.—

(A) NEW CHAPTER 305.—Subsection (a) of section 1844 of the FY2021 NDAA is amended—

(i) by striking “chapter 305, as added by the preceding section” and inserting “chapter 303, as added by section 1842”; and

(ii) by striking the matter inserted by that subsection and inserting:

10 USC
prec. 4141.

“CHAPTER 305—UNIVERSITIES

“Sec.

“4141. Award of grants and contracts to colleges and universities: requirement of competition.

“4142. Extramural acquisition innovation and research activities.

“4143. Research and development laboratories: contracts for services of university students.

“4144. Research and educational programs and activities: historically black colleges and universities and minority-serving institutions of higher education.”.

10 USC 114,
2224 note,
prec. 2350a,
2350l,
2353, 2364, 2367,
2368, 2371a,
prec. 2661, 2681.

(B) TRANSFER OF TITLE 10 SECTIONS TO NEW CHAPTER 305.—Such section is further amended by striking subsections (b), (c), (d), and (e) and inserting the following:

“(b) TRANSFER OF TITLE 10 SECTIONS.—Sections 2361, 2361a, 2360, and 2362 of title 10, United States Code, are transferred to chapter 305 of such title, as added by subsection (a), inserted (in that order) after the table of sections, and redesignated as section 4141, 4142, 4143, and 4144, respectively.”.

(6) REVISED CHAPTER 307.—

10 USC
prec. 4171.

(A) REDESIGNATION OF CHAPTER 309 AS CHAPTER 307.—Subsection (a) of section 1845 of the FY2021 NDAA is amended—

(i) by striking “chapter 307, as added by the preceding section” and inserting “chapter 305, as added by section 1844”; and

(ii) by redesignating the chapter added by that section as chapter 307.

10 USC 4174,
4175, 196, 2366,
2399, 4171–4173.

(B) TRANSFER OF ADDITIONAL SECTIONS TO REDESIGNATED CHAPTER 307.—Subsection (b) of such section is amended—

(i) by striking “and 196” and inserting “196, 2353, and 2681”; and

(ii) by striking “section 4171, 4172, and 4173” and inserting “sections 4171, 4172, 4173, 4174, and 4175”.

10 USC
prec. 4171.

(C) TABLE OF SECTIONS.—The table of sections inserted by subsection (a) of such section is amended by adding at the end the following new items:

“4174. Contracts: acquisition, construction, or furnishing of test facilities and equipment.

“4175. Use of test and evaluation installations by commercial entities.”.

(v) CONFORMING AMENDMENTS TO DELETE CONFLICTING TRANSFERS OF CERTAIN SECTIONS.—

10 USC 2302e.
10 USC
prec. 3344.

(1) DELETION OF TRANSFER OF SECTION 2302E TO CHAPTER 243.—Section 1818 of the FY2021 NDAA is amended—

(A) by striking subsection (c); and

(B) by striking the last item in the table of sections inserted by subsection (a).

10 USC 2304e,
2323a, 2362,
2410d, 2410n,
3901–3903, 3905.
10 USC
prec. 3901.

(2) DELETION OF TRANSFER OF SECTION 2362 TO CHAPTER 287.—Section 1838 of the FY2021 NDAA is amended—

(A) in subsection (b), by striking “2362,” and “3904,”; and

(B) by striking the item relating to section 3904 in the table of sections inserted by subsection (a) and inserting the following new item:

“3904. [Reserved].”.

(w) AMENDMENTS TO TABLES OF SECTIONS NOT IN PART V.—Title 10, United States Code, is amended as follows:

10 USC
prec. 1580.

(1) The table of sections at the beginning of chapter 81 is amended by striking the item relating to section 1599h.

10 USC
prec. 2191.

(2) The table of sections at the beginning of chapter 111 is amended by striking the item relating to section 2192a.

10 USC
prec. 2661.

(3) The table of sections at the beginning of chapter 159 is amended by striking the item relating to section 2681.

SEC. 1702. CONFORMING CROSS REFERENCE TECHNICAL AMENDMENTS RELATED TO THE TRANSFER AND REORGANIZATION OF DEFENSE ACQUISITION STATUTES.

(a) AMENDMENTS TO TITLE 10, UNITED STATES CODE.—Title 10, United States Code, is amended as follows:

(1) Section 171a(i)(3) is amended by striking “2366a(d)” and inserting “4251(d)”.

(2) Section 181(b)(6) is amended by striking “sections 2366a(b), 2366b(a)(4),” and inserting “sections 4251(b), 4252(a)(4),”.

(3) Section 1734(c)(2) is amended by striking “section 2435(a)” and inserting “section 4214(a)”.

(b) AMENDMENTS TO LAWS CLASSIFIED AS NOTES IN TITLE 10, UNITED STATES CODE.—

(1) Section 801(1) of the National Defense Authorization Act for Fiscal Year 2018 (Public Law 115–91; 10 U.S.C. 2302 note) is amended by striking “section 2545” and inserting “section 3001”.

(2) Section 323(a) of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (Public Law 111–383; 10 U.S.C. 2463 note) is amended by striking “section 235, 2330a, or 2463” and inserting “section 2463, 3137, or 4505”.

(3) Section 8065 of the Department of Defense Appropriations Act, 2005 (Public Law 108–287; 10 U.S.C. 2540 note), is amended—

(A) by striking “subchapter VI of chapter 148” both places it appears and inserting “subchapter I of chapter 389”; and

(B) by striking “section 2540c(d)” and inserting “section 4974(d)”.

(c) AMENDMENTS TO LAWS CLASSIFIED IN TITLE 6, UNITED STATES CODE (HOMELAND SECURITY).—

(1) Section 831(a)(1) of the Homeland Security Act of 2002 (6 U.S.C. 391(a)) is amended by striking “section 2371” and inserting “section 4021”.

(2) Section 853(b) of such Act (6 U.S.C. 423(b)) is amended by striking paragraphs (1), (2), and (3) and inserting the following:

“(1) Section 134 of title 41, United States Code.

“(2) Section 153 of title 41, United States Code.

“(3) Section 3015 of title 10, United States Code.”.

(3) Section 855 of such Act (6 U.S.C. 425) is amended—

(A) in subsection (a)(2), by striking subparagraphs (A), (B), and (C) and inserting the following:

“(A) Sections 1901 and 1906 of title 41, United States Code.

“(B) Section 3205 of title 10, United States Code.

“(C) Section 3305 of title 41, United States Code.”;

and

(B) in subsection (b)(1), by striking “provided in” and all that follows through “shall not” and inserting “provided in section 1901(a)(2) of title 41, United States Code, section 3205(a)(2) of title 10, United States Code, and section 3305(a)(2) of title 41, United States Code, shall not”.

(4) Section 856(a) of such Act (6 U.S.C. 426(a)) is amended by striking paragraphs (1), (2), and (3) and inserting the following:

“(1) FEDERAL PROPERTY AND ADMINISTRATIVE SERVICES ACT OF 1949.—In division C of subtitle I of title 41, United States Code:

“(A) Paragraphs (1), (2), (6), and (7) of subsection (a) of section 3304 of such title, relating to use of procedures other than competitive procedures under certain circumstances (subject to subsection (d) of such section).

“(B) Section 4106 of such title, relating to orders under task and delivery order contracts.

“(2) TITLE 10, UNITED STATES CODE.—In part V of subtitle A of title 10, United States Code:

“(A) Paragraphs (1), (2), (6), and (7) of subsection (a) of section 3204, relating to use of procedures other than competitive procedures under certain circumstances (subject to subsection (d) of such section).

“(B) Section 3406, relating to orders under task and delivery order contracts.

“(3) OFFICE OF FEDERAL PROCUREMENT POLICY ACT.—Paragraphs (1)(B), (1)(D), and (2)(A) of section 1708(b) of title 41, United States Code, relating to inapplicability of a requirement for procurement notice.”

(5) Section 604(f) of the American Recovery and Reinvestment Act of 2009 (6 U.S.C. 453b(f)) is amended by striking “section 2304(g)” and inserting “section 3205”.

(d) AMENDMENTS TO TITLE 14, UNITED STATES CODE (COAST GUARD).—Title 14, United States Code, is amended as follows:

(1) Section 308(c)(10)(B)(ii) is amended by striking “section 2547(c)(1)” and inserting “section 3104(c)(1)”.

(2) Section 1137(b)(4) is amended by striking “section 2306b” and inserting “section 3501”.

(3) Section 1906(b)(2) is amended by striking “chapter 137” and inserting “sections 3201 through 3205”.

(e) AMENDMENTS TO LAWS CLASSIFIED IN TITLE 15, UNITED STATES CODE (COMMERCE).—

(1) Section 14(a) of the Metric Conversion Act of 1975 (15 U.S.C. 2051(a)) is amended—

(A) in the first sentence, by striking “set forth in chapter 137” and all that follows through “et seq.”, and inserting “set forth in the provisions of title 10, United States Code, referred to in section 3016 of such title as ‘chapter 137 legacy provisions’, section 3453 of such title, division C (except sections 3302, 3307(e), 3501(b), 3509, 3906, 4710, and 4711) of subtitle I of title 41, United States Code,”;

(B) in the second sentence, by striking “under section 2377(c)” and all that follows through the period and inserting “under section 3453(c) of title 10, United States Code, and section 3307(d) of title 41, United States Code.”; and

(C) in the third sentence, by striking “section 2377” and all that follows through “shall take” and inserting “section 3453 of title 10, United States Code, or section 3307(b) to (d) of title 41, United States Code, then the provisions of such sections 3453 or 3307(b) to (d) shall take”.

(2) Section 8 of the Small Business Act (15 U.S.C. 637) is amended—

(A) in subsection (g)(2), by striking “section 2304(c)” and inserting “section 3204(a)”; and

(B) in subsection (h)—

(i) in paragraph (1)(B), by striking “chapter 137” and inserting “sections 3201 through 3205”; and

(ii) in paragraph (2), by striking “section 2304(f)(2)” and “section 2304(f)(1)”, and inserting “paragraphs (3) and (4) of section 3204(e)” and “section 3204(e)(1)”, respectively.

(3) Section 9 of the Small Business Act (15 U.S.C. 638) is amended in subsection (r)(4)(A) by striking “section 2304” and inserting “sections 3201 through 3205”.

(4) Section 884(a)(2) of the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116–92; 15 U.S.C. 638 note) is amended by striking “section 2500” and inserting “section 4801”.

(5) Section 15 of the Small Business Act (15 U.S.C. 644) is amended—

(A) in subsection (k)—

(i) in paragraph (17)(B), by striking “section 2318” and inserting “section 3249”; and

(ii) in paragraph (17)(C), by striking “chapter 142” and inserting “chapter 388”; and

(iii) in paragraph (18), by striking “section 2784” and inserting “section 4754”; and

(B) in subsection (r)(2), by striking “section 2304c(b)” and inserting “section 3406(c)”; and

(C) in subsections (u) and (v), by striking “chapter 142” and inserting “chapter 388”.

(6) Section 16 of the Small Business Act (15 U.S.C. 645) is amended in subsection (d)(3) by striking “chapter 142” and inserting “chapter 388”.

(7) Section 272 of the National Defense Authorization Act for Fiscal Years 1988 and 1989 (Public Law 100–180; 15 U.S.C. 4602) is amended in subsection (c) by striking “section 2306a” and inserting “chapter 271”.

(f) AMENDMENTS TO TITLES 32, UNITED STATES CODE (NATIONAL GUARD) AND 37, UNITED STATES CODE (PAY AND ALLOWANCES).—

(1) Section 113 of title 32, United States Code, is amended in subsection (b)(1)(B) by striking “section 2304(c)” and inserting “section 3204(a)”.

(2) Section 418 of title 37, United States Code, is amended in subsection (d)(2)(A)—

(A) by striking “section 2533a” and inserting “section 4862”; and

(B) by striking “chapter 137 of title 10” and inserting “chapter 137 legacy provisions (as such term is defined in section 3016 of title 10)”.

(g) AMENDMENTS TO TITLE 40, UNITED STATES CODE (PUBLIC BUILDINGS).—Title 40, United States Code, is amended as follows:

(1) Section 113(e) is amended—

(A) in paragraph (3)—

(i) by striking “chapter 137” and inserting “section 3063”; and

(ii) by striking “that chapter;” and inserting “the provisions of that title referred to in section 3016 of such title as ‘chapter 137 legacy provisions’;” and

(B) in paragraph (5), by striking “section 2535” and inserting “section 4881”.

(2) Section 581(f)(1)(A) is amended by striking “section 2535” and inserting “section 4881”.

(h) AMENDMENTS TO TITLE 41, UNITED STATES CODE (PUBLIC CONTRACTS).—Title 41, United States Code, is amended as follows:

(1) Section 1127(b) is amended by striking “section 2324(e)(1)(P)” and inserting “section 3744(a)(16)”.

(2) Section 1303(a)(1) is amended by striking “chapters 4 and 137 of title 10” and inserting “chapter 4 of title 10, chapter 137 legacy provisions (as such term is defined in section 3016 of title 10)”.

(3) Section 1502(b)(1)(B) is amended by striking “section 2306a(a)(1)(A)(i)” and inserting “section 3702(a)(1)(A)”.

(4) Section 1708(b)(2)(A) is amended by striking “section 2304(c)” and inserting “section 3204(a)”.

(5) Section 1712(b)(2)(B) is amended by striking “section 2304(c)” and inserting “section 3204(a)”.

(6) Section 1901(e)(2) is amended by striking “section 2304(f)” and inserting “section 3204(e)”.

(7) Section 1903 is amended—

(A) in subsection (b)(3), by striking “section 2304(g)(1)(B)” and inserting “section 3205(a)(2)”; and

(B) in subsection (c)(2)(B), by striking “section 2306a” and inserting “chapter 271”.

(8) Section 1907(a)(3)(B)(ii) is amended by striking “section 2305(e) and (f)” and inserting “section 3308”.

(9) Section 1909(e) is amended by striking “section 2784” and inserting “section 4754”.

(10) Section 2101(2)(A) is amended by striking “section 2306a(h)” and inserting “section 3701”.

(11) Section 2311 is amended by striking “section 2371” and inserting “section 4021”.

(12) Section 3302 is amended—

(A) in subsection (a)(3)—

(i) in subparagraph (A), by striking “section 2302(2)(C)” and inserting “section 3012(3)”; and

(ii) in subparagraph (B), by striking “sections 2304a to 2304d of title 10,” and inserting “chapter 245 of title 10”;

(B) in subsection (c)(1)(A)(i), by striking “section 2304c(b)” and inserting “section 3406(c)”; and

(C) in subsection (d)(1)(B), by striking “section 2304(f)(1)” and inserting “section 3204(e)(1)”.

(13) Section 3307(e)(1) is amended by striking “chapter 140” and inserting “chapter 247”.

(14) Section 4104 is amended—

(A) in subsection (a), by striking “sections 2304a to 2304d” and inserting “chapter 245”; and

(B) in subsection (b)—

(i) in paragraph (1), by striking “sections 2304a to 2304d” and inserting “chapter 245”;

(ii) in paragraph (2)(B), by striking “section 2304c(b)” and inserting “section 3406(c)”; and

(iii) in paragraph (2)(C), by striking “section 2304c(c)” and inserting “section 3406(e)”.

(i) AMENDMENTS TO LAWS CLASSIFIED AS NOTES IN TITLE 41, UNITED STATES CODE.—

(1) Section 555 of the FAA Reauthorization Act of 2018 (Public Law 115–254; 41 U.S.C. preceding 3101 note) is amended by striking “section 2305” in subsections (a)(4) and (c)(1) and inserting “sections 3206 through 3208 and sections 3301 through 3309”.

(2) Section 846(f)(5) of the National Defense Authorization Act for Fiscal Year 2018 (Public Law 115–91; 41 U.S.C. 1901 note) is amended by striking “section 2304” and inserting “sections 3201 through 3205”.

(3) Section 811 of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84; 41 U.S.C. 3304 note) is amended—

(A) in subsection (a)(3), by striking “sections 2304(f)(1)(C) and 2304(l)” and inserting “sections 3204(e)(1)(C) and 3204(f)”; and

(B) in subsection (c)—

(i) in paragraph (1)(A), by striking “section 2304(f)(2)(D)(ii)” and inserting “section 3204(e)(4)(D)(ii)”; and

(ii) in paragraph (2)(A), by striking “section 2302(1)” and inserting “section 3004”; and

(iii) in paragraph (3)(A), by striking “section 2304(f)(1)(B)” and inserting “section 3204(e)(1)(B)”.

(j) AMENDMENTS TO LAWS CLASSIFIED IN TITLE 42, UNITED STATES CODE.—

(1) The Public Health Service Act (Public Law 78–410) is amended—

(A) in section 301(a)(7) (42 U.S.C. 241(a)(7)), by striking “sections 2353 and 2354” and inserting “sections 3861 and 4141”; and

(B) in section 405(b)(1) (42 U.S.C. 284(b)(1)), by striking “section 2354” and inserting “section 3861”.

(2) Section 403(a) of the Housing Amendments of 1955 (42 U.S.C. 1594(a)) is amended by striking “section 3 of the Armed Services Procurement Act of 1947” and inserting “chapters 221 and 241 of title 10, United States Code”.

(3) Title II of the Department of Housing and Urban Development-Independent Agencies Appropriations Act, 1986 (Public Law 99–160), is amended by striking “section 2354” in the last proviso in the paragraph under the heading “National Science Foundation—Research and Related Activities” (42 U.S.C. 1887) and inserting “section 3861”.

(4) Section 306(b)(2) of the Disaster Mitigation Act of 2000 (42 U.S.C. 5206(b)(2)) is amended by striking “section 2393(c)” and inserting “section 4654(c)”.

(5) Section 801(c)(2) of the National Energy Conservation Policy Act (42 U.S.C. 8287) is amended by striking “section 2304(c)(d)” and all that follows and inserting “section 3406(d) of title 10, United States Code, and section 4106(d) of title 41, United States Code.”.

(6) Section 3021(a) of the Energy Policy Act of 1992 (42 U.S.C. 13556) is amended by striking “chapter 137 of title 10” and inserting “chapter 137 legacy provisions (as such term is defined in section 3016 of title 10, United States Code)”.

(k) AMENDMENTS TO LAWS CLASSIFIED IN TITLE 50, UNITED STATES CODE.—

(1) Section 141(a) of the Bob Stump National Defense Authorization Act for Fiscal Year 2003 (Public Law 107–314; 50 U.S.C. 1521a(a)) is amended by striking “section 2430” and inserting “section 4201”.

(2) Section 502(a) of the National Emergencies Act (50 U.S.C. 1651(a)) is amended by striking paragraphs (1) through (5) and inserting the following:

“(1) Chapters 1 to 11 of title 40, United States Code, and division C (except sections 3302, 3307(e), 3501(b), 3509, 3906, 4710, and 4711) of subtitle I of title 41, United States Code.

“(2) Section 3727(a)–(e)(1) of title 31, United States Code.

“(3) Section 6305 of title 41, United States Code.

“(4) Public Law 85–804 (Act of Aug. 28, 1958, 72 Stat. 972; 50 U.S.C. 1431 et seq.).

“(5) Section 3201(a) of title 10, United States Code.”.

(3) The Atomic Energy Defense Act is amended as follows:

(A) Sections 4217 and 4311 (50 U.S.C. 2537, 2577) are each amended in subsection (a)(2) by striking “section 2432” and inserting “section 4351”.

(B) Section 4813 (50 U.S.C. 2794) is amended by striking “section 2500” in subsection (c)(1)(C) and inserting “section 4801”.

(4) Section 107 of the Defense Production Act (50 U.S.C. 4517) is amended in subsection (b)(2)(B) by striking clauses (i) and (ii) and inserting the following:

“(i) section 3203(a)(1)(B) or 3204(a)(3) of title 10, United States Code;

“(ii) section 3303(a)(1)(B) or 3304(a)(3) of title 41, United States Code; or”.

(l) OTHER AMENDMENTS.—

(1) Section 1473H of the National Agriculture Advanced Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3319k) is amended by striking “section 2371” in subsections (b)(6)(A) and (d)(1)(B) and inserting “section 4021”.

(2) Section 1301 of title 17, United States Code, is amended in subsection (a)(3) by striking “section 2320” and inserting “subchapter I of chapter 275”.

(3) Section 21 of the Arms Export Control Act (22 U.S.C. 2761) is amended by striking “chapter 137” in subsection (l)(4) and subsection (m)(4) and inserting “chapter 137 legacy provisions (as such term is defined in section 3016 of title 10, United States Code)”.

(4) Section 3 of the Foreign Direct Investment and International Financial Data Improvements Act of 1990 (Public Law 101–533; 22 U.S.C. 3142) is amended in subsection (c)(2) by striking “section 2505” and inserting “section 4816”.

(5) Section 3553 of title 31, United States Code, is amended in subsection (d)(4)(B) by striking “section 2305(b)(5)(B)(vii)” and inserting “section 3304(c)(1)(G)”.

(6) Section 226 of the Water Resources Development Act of 1992 (33 U.S.C. 569f) is amended by striking “section 2393(c)” and inserting “section 4654(c)”.

(7) Section 40728B(e) of title 36, United States Code, is amended—

(A) striking “subsection (k) of section 2304” and inserting “section 3201(e)”; and

(B) by striking “subsection (c) of such section” and inserting “section 3204(a)”.

(8) Section 1427(b) of the National Defense Authorization Act for Fiscal Year 2004 (Public Law 108–136; 40 U.S.C. 1103 note) is amended by striking “sections 2304a and 2304b” and inserting “sections 3403 and 3405”.

(9) Section 895(b) of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114–328; 40 U.S.C. 11103 note) is amended by striking “section 2366a(d)(7)” and inserting “section 4251(d)(5)”.

(10) Sections 50113(c), 50115(b), and 50132(a) of title 51, United States Code, are amended by striking “including chapters 137 and 140” and inserting “including applicable provisions of chapters 201 through 285, 341 through 343, and 363”.

(11) Section 823(c)(3)(C) of the National Aeronautics and Space Administration Transition Authorization Act of 2017 (Public Law 115–10; 51 U.S.C. preceding 30301 note) is amended by striking “section 2319” and inserting “section 3243”.

DIVISION B—MILITARY CONSTRUCTION AUTHORIZATIONS

Military
Construction
Authorization
Act for Fiscal
Year 2022.

Sec. 2001. Short title.

Sec. 2002. Expiration of authorizations and amounts required to be specified by law.

Sec. 2003. Effective date and automatic execution of conforming changes to tables of sections, tables of contents, and similar tabular entries.

TITLE XXI—ARMY MILITARY CONSTRUCTION

Sec. 2101. Authorized Army construction and land acquisition projects.

Sec. 2102. Family housing.

Sec. 2103. Authorization of appropriations, Army.

Sec. 2104. Extension of authority to carry out certain fiscal year 2017 project.

Sec. 2105. Additional authority to carry out fiscal year 2018 project at Fort Bliss, Texas.

Sec. 2106. Modification of authority to carry out certain fiscal year 2021 project.

Sec. 2107. Additional authorized funding source for certain fiscal year 2022 project.

SEC. 2001. SHORT TITLE.

This division and title XLVI of division D may be cited as the “Military Construction Authorization Act for Fiscal Year 2022”.

SEC. 2002. EXPIRATION OF AUTHORIZATIONS AND AMOUNTS REQUIRED TO BE SPECIFIED BY LAW.

(a) EXPIRATION OF AUTHORIZATIONS AFTER THREE YEARS.—Except as provided in subsection (b), all authorizations contained in titles XXI through XXVII for military construction projects, land acquisition, family housing projects and facilities, and contributions to the North Atlantic Treaty Organization Security Investment Program (and authorizations of appropriations therefor) shall expire on the later of—

(1) October 1, 2024; or

(2) the date of the enactment of an Act authorizing funds for military construction for fiscal year 2025.

(b) EXCEPTION.—Subsection (a) shall not apply to authorizations for military construction projects, land acquisition, family housing

projects and facilities, and contributions to the North Atlantic Treaty Organization Security Investment Program (and authorizations of appropriations therefor), for which appropriated funds have been obligated before the later of—

(1) October 1, 2024; or

(2) the date of the enactment of an Act authorizing funds for fiscal year 2025 for military construction projects, land acquisition, family housing projects and facilities, or contributions to the North Atlantic Treaty Organization Security Investment Program.

SEC. 2003. EFFECTIVE DATE AND AUTOMATIC EXECUTION OF CONFORMING CHANGES TO TABLES OF SECTIONS, TABLES OF CONTENTS, AND SIMILAR TABULAR ENTRIES.

(a) **EFFECTIVE DATE.**—Titles XXI through XXVII shall take effect on the later of—

(1) October 1, 2021; or

(2) the date of the enactment of this Act.

(b) **ELIMINATION OF NEED FOR CERTAIN SEPARATE CONFORMING AMENDMENTS.**—

(1) **AUTOMATIC EXECUTION OF CONFORMING CHANGES.**—

When an amendment made by a provision of this division to a covered defense law adds a section or larger organizational unit to the covered defense law, repeals or transfers a section or larger organizational unit in the covered defense law, or amends the designation or heading of a section or larger organizational unit in the covered defense law, that amendment also shall have the effect of amending any table of sections, table of contents, or similar table of tabular entries in the covered defense law to alter the table to conform to the changes made by the amendment.

(2) **EXCEPTIONS.**—Paragraph (1) shall not apply to an amendment described in such paragraph when—

(A) the amendment, or a separate clerical amendment enacted at the same time as the amendment, expressly amends a table of sections, table of contents, or similar table of tabular entries in the covered defense law to alter the table to conform to the changes made by the amendment; or

(B) the amendment otherwise expressly exempts itself from the operation of this section.

(3) **COVERED DEFENSE LAW.**—In this subsection, the term “covered defense law” means—

(A) titles 10, 32, and 37 of the United States Code;

(B) any national defense authorization Act or military construction authorization Act that authorizes funds to be appropriated for a fiscal year to the Department of Defense; and

(C) any other law designated in the text thereof as a covered defense law for purposes of application of this section.

TITLE XXI—ARMY MILITARY CONSTRUCTION

Sec. 2101. Authorized Army construction and land acquisition projects.

Sec. 2102. Family housing.

10 USC 101 note,
prec. 2801,
prec. 2851,
prec. 2871,
prec. 8604.

Sec. 2103. Authorization of appropriations, Army.
 Sec. 2104. Extension of authority to carry out certain fiscal year 2017 project.
 Sec. 2105. Additional authority to carry out fiscal year 2018 project at Fort Bliss, Texas.
 Sec. 2106. Modification of authority to carry out certain fiscal year 2021 project.
 Sec. 2107. Additional authorized funding source for certain fiscal year 2022 project.

SEC. 2101. AUTHORIZED ARMY CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) **INSIDE THE UNITED STATES.**—Using amounts appropriated pursuant to the authorization of appropriations in section 2103(a) and available for military construction projects inside the United States as specified in the funding table in section 4601, the Secretary of the Army may acquire real property and carry out military construction projects for the installations or locations inside the United States, and in the amounts, set forth in the following table:

Army: Inside the United States

State	Installation or Location	Amount
Alabama	Anniston Army Depot	\$25,000,000
	Fort Rucker	\$66,000,000
	Redstone Arsenal	\$55,000,000
California	Fort Irwin	\$52,000,000
Georgia	Fort Stewart	\$105,000,000
Hawaii	West Loch Naval Magazine Annex	\$51,000,000
	Wheeler Army Airfield	\$140,000,000
Kansas	Fort Leavenworth	\$34,000,000
Kentucky	Fort Knox	\$27,000,000
Louisiana	Fort Polk	\$111,000,000
Maryland	Fort Detrick	\$23,981,000
	Fort Meade	\$81,000,000
New Mexico	White Sands Missile Range	\$29,000,000
New York	Fort Hamilton	\$26,000,000
	Watervliet Arsenal	\$20,000,000
Pennsylvania	Letterkenny Army Depot	\$21,000,000
Texas	Fort Hood	\$130,000,000

(b) **OUTSIDE THE UNITED STATES.**—Using amounts appropriated pursuant to the authorization of appropriations in section 2103(a) and available for military construction projects outside the United States as specified in the funding table in section 4601, the Secretary of the Army may acquire real property and carry out military construction projects for the installations outside the United States, and in the amounts, set forth in the following table:

Army: Outside the United States

State	Installation	Amount
Belgium	Shape Headquarters	\$16,000,000
Germany	East Camp Grafenwoehr	\$103,000,000
	Smith Barracks	\$33,500,000
Classified Location ...	Classified Location	\$31,000,000

SEC. 2102. FAMILY HOUSING.

(a) **CONSTRUCTION AND ACQUISITION.**—Using amounts appropriated pursuant to the authorization of appropriations in section

2103(a) and available for military family housing functions as specified in the funding table in section 4601, the Secretary of the Army may construct or acquire family housing units (including land acquisition and supporting facilities) at the installation or location, in the number of units or for the purpose, and in the amount set forth in the following table:

Army: Family Housing

Country	Installation or Location	Units or Purpose	Amount
Italy	Vicenza	Family Housing New Construction	\$92,304,000

(b) **PLANNING AND DESIGN.**—Using amounts appropriated pursuant to the authorization of appropriations in section 2103(a) and available for military family housing functions as specified in the funding table in section 4601, the Secretary of the Army may carry out architectural and engineering services and construction design activities with respect to the construction or improvement of family housing units in an amount not to exceed \$22,545,000.

SEC. 2103. AUTHORIZATION OF APPROPRIATIONS, ARMY.

(a) **AUTHORIZATION OF APPROPRIATIONS.**—Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2021, for military construction, land acquisition, and military family housing functions of the Department of the Army as specified in the funding table in section 4601.

(b) **LIMITATION ON TOTAL COST OF CONSTRUCTION PROJECTS.**—Notwithstanding the cost variations authorized by section 2853 of title 10, United States Code, and any other cost variation authorized by law, the total cost of all projects carried out under section 2101 may not exceed the total amount authorized to be appropriated under subsection (a), as specified in the funding table in section 4601.

SEC. 2104. EXTENSION OF AUTHORITY TO CARRY OUT CERTAIN FISCAL YEAR 2017 PROJECT.

(a) **EXTENSION.**—Notwithstanding section 2002 of the Military Construction Authorization Act for Fiscal Year 2017 (division B of Public Law 114–328; 130 Stat. 2688), the authorization set forth in the table in subsection (b), as provided in section 2101 of that Act (130 Stat. 2689), shall remain in effect until October 1, 2023, or the date of the enactment of an Act authorizing funds for military construction for fiscal year 2024, whichever is later.

(b) **TABLE.**—The table referred to in subsection (a) is as follows:

Army: Extension of 2017 Project Authorization

Country	Installation	Project	Original Authorized Amount
Germany	Wiesbaden Army Airfield	Hazardous Material Storage Building	\$2,700,000

SEC. 2105. ADDITIONAL AUTHORITY TO CARRY OUT FISCAL YEAR 2018 PROJECT AT FORT BLISS, TEXAS.

(a) **PROJECT AUTHORIZATION.**—The Secretary of the Army may carry out a military construction project to construct a defense access road at Fort Bliss, Texas, in the amount of \$20,000,000.

(b) **USE OF AMOUNTS.**—The Secretary of the Army may use funds appropriated under section 131 of the Military Construction, Veterans Affairs, and Related Agencies Appropriations Act, 2018 (title I of division J of Public Law 115–141; 132 Stat. 805) for the Defense Access Road Program to carry out subsection (a).

SEC. 2106. MODIFICATION OF AUTHORITY TO CARRY OUT CERTAIN FISCAL YEAR 2021 PROJECT.

(a) **MODIFICATION OF PROJECT AUTHORITY.**—In the case of the authorization contained in the table in section 2101(a) of the Military Construction Authorization Act for Fiscal Year 2021 (division B of Public Law 116–283) for Fort Wainwright, Alaska, for construction of Unaccompanied Enlisted Personnel Housing, as specified in the funding table in section 4601 of such Public Law, the Secretary of the Army may construct—

(1) an Unaccompanied Enlisted Personnel Housing building of 104,300 square feet to incorporate a modified standard design; and

(2) an outdoor recreational shelter, sports fields and courts, barbecue and leisure area, and fitness stations associated with the Unaccompanied Enlisted Personnel Housing.

(b) **MODIFICATION OF PROJECT AMOUNTS.**—

(1) **DIVISION B TABLE.**—The authorization table in section 2101(a) of the Military Construction Authorization Act for Fiscal Year 2021 (division B of Public Law 116–283) is amended in the item relating to Fort Wainwright, Alaska, by striking “\$114,000,000” and inserting “\$146,000,000” to reflect the project modification made by subsection (a).

(2) **DIVISION D TABLE.**—The funding table in section 4601 of Public Law 116–283 is amended in the item relating to Fort Wainwright Unaccompanied Enlisted Personnel Housing by striking “\$59,000” in the Conference Authorized column and inserting “\$91,000” to reflect the project modification made by subsection (a).

SEC. 2107. ADDITIONAL AUTHORIZED FUNDING SOURCE FOR CERTAIN FISCAL YEAR 2022 PROJECT.

To carry out an unspecified minor military construction project in the amount of \$3,600,000 at Aberdeen Proving Ground, Maryland, to construct a 6,000 square foot recycling center to meet

the requirements of a qualified recycling program at the installation, the Secretary of the Army may use funds available to the Secretary under section 2667(e)(1)(C) of title 10, United States Code, in addition to funds appropriated for unspecified minor military construction for the project.

TITLE XXII—NAVY MILITARY CONSTRUCTION

Sec. 2201. Authorized Navy construction and land acquisition projects.

Sec. 2202. Family housing.

Sec. 2203. Authorization of appropriations, Navy.

SEC. 2201. AUTHORIZED NAVY CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) **INSIDE THE UNITED STATES.**—Using amounts appropriated pursuant to the authorization of appropriations in section 2203(a) and available for military construction projects inside the United States as specified in the funding table in section 4601, the Secretary of the Navy may acquire real property and carry out military construction projects for the installations or locations inside the United States, and in the amounts, set forth in the following table:

Navy: Inside the United States

State	Installation or Location	Amount
Arizona	Marine Corps Air Station Yuma	\$29,300,000
California	Marine Corps Air Station Miramar	\$240,900,000
	Marine Corps Base Camp Pendleton	\$106,100,000
	Marine Corps Reserve Depot San Diego ...	\$93,700,000
	Naval Base Coronado	\$63,600,000
	Naval Base Ventura County	\$197,500,000
	San Nicolas Island	\$19,907,000
Florida	Marine Corps Support Facility Blount Island.	\$69,400,000
	Naval Undersea Warfare Center Panama City Division	\$37,980,000
Guam	Andersen Air Force Base	\$50,890,000
	Joint Region Marianas	\$507,527,000
Hawaii	Marine Corps Base Kaneohe	\$165,700,000
	Marine Corps Training Area Bellows	\$6,220,000
North Carolina	Marine Corps Air Station Cherry Point ...	\$321,417,000
Pennsylvania	Naval Surface Warfare Center Philadelphia Division.	\$77,290,000
South Carolina	Marine Corps Reserve Depot Parris Island.	\$6,000,000
	Marine Corps Air Station Beaufort	\$130,300,000
Virginia	Marine Corps Base Quantico	\$42,850,000
	Naval Station Norfolk	\$344,793,000
	Naval Weapons Station Yorktown	\$93,500,000
	Portsmouth Naval Shipyard	\$156,380,000

(b) **OUTSIDE THE UNITED STATES.**—Using amounts appropriated pursuant to the authorization of appropriations in section 2203(a) and available for military construction projects outside the United

States as specified in the funding table in section 4601, the Secretary of the Navy may acquire real property and carry out military construction projects for the installations or locations outside the United States, and in the amounts, set forth in the following table:

Navy: Outside the United States

Country	Installation or Location	Amount
Japan	Fleet Activities Yokosuka	\$49,900,000
Spain	Naval Station Rota	\$85,600,000

SEC. 2202. FAMILY HOUSING.

(a) CONSTRUCTION AND ACQUISITION.—Using amounts appropriated pursuant to the authorization of appropriations in section 2203(a) and available for military family housing functions as specified in the funding table in section 4601, the Secretary of the Navy may construct or acquire family housing units (including land acquisition and supporting facilities) at the installations or locations, in the number of units or for the purposes, and in the amounts set forth in the following table:

Navy: Family Housing

Location	Installation	Units or Purpose	Amount
District of Columbia	Marine Barracks Washington.	Family housing improvements	\$10,415,000
Japan	Fleet Activities Yokosuka.	Family housing improvements	\$61,469,000

(b) IMPROVEMENTS TO MILITARY FAMILY HOUSING UNITS.—Subject to section 2825 of title 10, United States Code, and using amounts appropriated pursuant to the authorization of appropriations in section 2203(a) and available for military family housing functions as specified in the funding table in section 4601, the Secretary of the Navy may improve existing military family housing units in an amount not to exceed \$71,884,000.

(c) PLANNING AND DESIGN.—Using amounts appropriated pursuant to the authorization of appropriations in section 2203(a) and available for military family housing functions as specified in the funding table in section 4601, the Secretary of the Navy may carry out architectural and engineering services and construction design activities with respect to the construction or improvement of family housing units in an amount not to exceed \$3,634,000.

SEC. 2203. AUTHORIZATION OF APPROPRIATIONS, NAVY.

(a) AUTHORIZATION OF APPROPRIATIONS.—Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2021, for military construction, land acquisition, and military family housing functions of the Department of the Navy, as specified in the funding table in section 4601.

(b) **LIMITATION ON TOTAL COST OF CONSTRUCTION PROJECTS.**—Notwithstanding the cost variations authorized by section 2853 of title 10, United States Code, and any other cost variation authorized by law, the total cost of all projects carried out under section 2201 not exceed the total amount authorized to be appropriated under subsection (a), as specified in the funding table in section 4601.

TITLE XXIII—AIR FORCE MILITARY CONSTRUCTION

Sec. 2301. Authorized Air Force construction and land acquisition projects.
 Sec. 2302. Family housing.
 Sec. 2303. Authorization of appropriations, Air Force.
 Sec. 2304. Extension of authority to carry out certain fiscal year 2017 projects.
 Sec. 2305. Modification of authority to carry out military construction projects at Tyndall Air Force Base, Florida.

SEC. 2301. AUTHORIZED AIR FORCE CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) **INSIDE THE UNITED STATES.**—Using amounts appropriated pursuant to the authorization of appropriations in section 2303(a) and available for military construction projects inside the United States as specified in the funding table in section 4601, the Secretary of the Air Force may acquire real property and carry out military construction projects for the installations or locations inside the United States, and in the amounts, set forth in the following table:

Air Force: Inside the United States

State	Installation or Location	Amount
Alaska	Eielson Air Force Base	\$44,850,000
	Joint Base Elmendorf-Richardson	\$251,000,000
Arizona	Davis-Monthan Air Force Base	\$13,400,000
	Luke Air Force Base	\$49,000,000
California	Vandenberg Space Force Base	\$67,000,000
Colorado	Schriever Space Force Base	\$30,000,000
	United States Air Force Academy	\$4,360,000
District of Columbia	Joint Base Anacostia-Bolling	\$24,000,000
Florida	Eglin Air Force Base	\$14,000,000
Guam	Joint Region Marianas	\$85,000,000
Louisiana	Barksdale Air Force Base	\$272,000,000
Maryland	Joint Base Andrews	\$26,000,000
Massachusetts	Hanscom Air Force Base	\$66,000,000
Nevada	Creech Air Force Base	\$14,200,000
Ohio	Wright-Patterson Air Force Base	\$24,000,000
Oklahoma	Tinker Air Force Base	\$160,000,000
South Carolina	Joint Base Charleston	\$59,000,000
South Dakota	Ellsworth Air Force Base	\$242,000,000
Tennessee	Arnold Air Force Base	\$14,600,000
Texas	Joint Base San Antonio	\$141,000,000
	Joint Base San Antonio-Fort Sam Houston	\$29,000,000
	Joint Base San Antonio-Lackland	\$29,000,000
	Sheppard Air Force Base	\$20,000,000
Virginia	Joint Base Langley-Eustis	\$24,000,000

(b) OUTSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2303(a) and available for military construction projects outside the United States as specified in the funding table in section 4601, the Secretary of the Air Force may acquire real property and carry out military construction projects for the installations or locations outside the United States, and in the amounts, set forth in the following table:

Air Force: Outside the United States

Country	Installation or Location	Amount
Australia	Royal Australian Air Force Base Darwin.	\$7,400,000
	Royal Australian Air Force Base Tindal.	\$14,400,000
Italy	Aviano Air Force Base	\$10,200,000
Japan	Kadena Air Base	\$206,000,000
	Misawa Air Base	\$25,000,000
	Yokota Air Base	\$39,000,000
United Kingdom	Royal Air Force Lakenheath	\$108,500,000

SEC. 2302. FAMILY HOUSING.

(a) IMPROVEMENTS TO MILITARY FAMILY HOUSING UNITS.—Subject to section 2825 of title 10, United States Code, and using amounts appropriated pursuant to the authorization of appropriations in section 2303(a) and available for military family housing functions as specified in the funding table in section 4601, the Secretary of the Air Force may improve existing military family housing units in an amount not to exceed \$105,528,000.

(b) PLANNING AND DESIGN.—Using amounts appropriated pursuant to the authorization of appropriations in section 2303(a) and available for military family housing functions as specified in the funding table in section 4601, the Secretary of the Air Force may carry out architectural and engineering services and construction design activities with respect to the construction or improvement of family housing units in an amount not to exceed \$10,458,000.

SEC. 2303. AUTHORIZATION OF APPROPRIATIONS, AIR FORCE.

(a) AUTHORIZATION OF APPROPRIATIONS.—Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2021, for military construction, land acquisition, and military family housing functions of the Department of the Air Force, as specified in the funding table in section 4601.

(b) LIMITATION ON TOTAL COST OF CONSTRUCTION PROJECTS.—Notwithstanding the cost variations authorized by section 2853 of title 10, United States Code, and any other cost variation authorized by law, the total cost of all projects carried out under section 2301 may not exceed the total amount authorized to be appropriated under subsection (a), as specified in the funding table in section 4601.

SEC. 2304. EXTENSION OF AUTHORITY TO CARRY OUT CERTAIN FISCAL YEAR 2017 PROJECTS.

(a) EXTENSION.—Notwithstanding section 2002 of the Military Construction Authorization Act for Fiscal Year 2017 (division B

of Public Law 114–328; 130 Stat. 2688), the authorizations set forth in the table in subsection (b), as provided in sections 2301 and 2902 of that Act (130 Stat. 2696, 2743), shall remain in effect until October 1, 2023, or the date of the enactment of an Act authorizing funds for military construction for fiscal year 2024, whichever is later.

(b) TABLE.—The table referred to in subsection (a) is as follows:

Air Force: Extension of 2017 Project Authorizations

State or Country	Installation or Location	Project	Original Authorized Amount
Germany	Ramstein Air Base	37 AS Squadron Operations/ Aircraft Maintenance Unit	\$13,437,000
	Spangdahlem Air Base	F/A-22 Low Observable/Composite Repair Facility	\$12,000,000
	Spangdahlem Air Base	Upgrade Hardened Aircraft Shelters for F/A-22	\$2,700,000
Guam	Joint Region Marianas	APR - Munitions Storage Igloos, Phase 2	\$35,300,000
		APR - SATCOM C4I Facility ...	\$14,200,000
Japan	Kadena Air Base ..	APR - Replace Munitions Structures	\$19,815,000
	Yokota Air Base ...	C-130J Corrosion Control Hangar	\$23,777,000
	Yokota Air Base ...	Construct Combat Arms Training and Maintenance Facility	\$8,243,000
	Hanscom Air Force Base	Vandenberg Gate Complex	\$10,965,000
Massachusetts			
United Kingdom	Royal Air Force Croughton	Main Gate Complex	\$16,500,000

SEC. 2305. MODIFICATION OF AUTHORITY TO CARRY OUT MILITARY CONSTRUCTION PROJECTS AT TYNDALL AIR FORCE BASE, FLORIDA.

(a) **FISCAL YEAR 2018 PROJECT.**—In the case of the authorization contained in the table in section 2301(b) of the Military Construction Authorization Act for Fiscal Year 2018 (division B of Public Law 115–91; 131 Stat. 1825) for Tyndall Air Force Base, Florida, for construction of a Fire Station, as specified in the funding table in section 4601 of that Public Law (131 Stat. 2002), the Secretary of the Air Force may construct a crash rescue/structural fire station encompassing up to 3,588 square meters.

(b) **FISCAL YEAR 2020 PROJECTS.**—In the case of the authorization contained in section 2912(a) of the Military Construction Authorization Act for Fiscal Year 2020 (division B of Public Law 116–92; 133 Stat. 1913) for Tyndall Air Force Base, Florida—

(1) for construction of Site Development, Utilities, and Demo Phase 1, as specified in the Natural Disaster Recovery Justification Book dated August 2019, the Secretary of the Air Force may construct—

- (A) up to 3,698 lineal meters of waste water utilities;
- (B) up to 6,306 lineal meters of storm water utilities;

and

- (C) two emergency power backup generators;

(2) for construction of Munitions Storage Facilities, as specified in the Natural Disaster Recovery Justification Book dated August 2019, the Secretary of the Air Force may construct—

- (A) up to 4,393 square meters of aircraft support equipment storage yard;
- (B) up to 1,535 square meters of tactical missile maintenance facility; and
- (C) up to 560 square meters of missile warhead assembly and maintenance shop and storage;

(3) for construction of 53 WEG Complex, as specified in the Natural Disaster Recovery Justification Book dated August 2019, the Secretary of the Air Force may construct—

- (A) up to 1,693 square meters of aircraft maintenance shop;
- (B) up to 1,458 square meters of fuel systems maintenance dock; and
- (C) up to 3,471 square meters of group headquarters;

(4) for construction of 53 WEG Subscale Drone Facility, as specified in the Natural Disaster Recovery Justification Book dated August 2019, the Secretary of the Air Force may construct up to 511 square meters of pilotless aircraft shop in a separate facility;

(5) for construction of CE/Contracting/USACE Complex, as specified in the Natural Disaster Recovery Justification Book dated August 2019, the Secretary of the Air Force may construct—

- (A) up to 557 square meters of base engineer storage shed 6000 area; and
- (B) up to 183 square meters of non-Air Force administrative office;

(6) for construction of Logistics Readiness Squadron Complex, as specified in the Natural Disaster Recovery Justification Book dated August 2019, the Secretary of the Air Force may construct—

- (A) up to 802 square meters of supply administrative headquarters;
 - (B) up to 528 square meters of vehicle wash rack; and
 - (C) up to 528 square meters of vehicle service rack;
- (7) for construction of Fire Station Silver Flag #4, as specified in the Natural Disaster Recovery Justification Book dated August 2019, the Secretary of the Air Force may construct up to 651 square meters of fire station;
- (8) for construction of AFCEC RDT&E, as specified in the Natural Disaster Recovery Justification Book dated August 2019, the Secretary of the Air Force may construct—
- (A) up to 501 square meters of CE Mat Test Runway Support Building;
 - (B) up to 1,214 square meters of Robotics Range Control Support Building; and
 - (C) up to 953 square meters of fire garage;
- (9) for construction of Flightline–Munitions Storage, 7000 Area, as specified in the funding table in section 4603 of Public Law 116–92; 133 Stat. 2103), the Secretary of the Air Force may construct—
- (A) up to 1,861 square meters of above ground magazines; and
 - (B) up to 530 square meters of air support equipment shop/storage facility pad;
- (10) for construction of Site Development, Utilities and Demo Phase 2, as specified in such funding table and modified by section 2306(a)(6) of the Military Construction Authorization Act for Fiscal Year 2021 (division B of Public Law 116–283), the Secretary of the Air Force may construct—
- (A) up to 5,233 lineal meters of storm water utilities;
 - (B) up to 48,560 square meters of roads;
 - (C) up to 3,612 lineal meters of gas pipeline; and
 - (D) up to 993 square meters of water fire pumping station with an emergency backup generator;
- (11) for construction of Tyndall AFB Gate Complexes, as specified in such funding table and modified by section 2306(a)(9) of the Military Construction Authorization Act for Fiscal Year 2021 (division B of Public Law 116–283), the Secretary of the Air Force may construct—
- (A) up to 52,694 square meters of roadway with serpentines; and
 - (B) up to 20 active/passive barriers;
- (12) for construction of Deployment Center/Flight Line Dining/AAFES, as specified in such funding table and modified by section 2306(a)(11) of the Military Construction Authorization Act for Fiscal Year 2021 (division B of Public Law 116–283), the Secretary of the Air Force may construct up to 144 square meters of AAFES shoppette;
- (13) for construction of Airfield Drainage, as specified in such funding table and modified by section 2306(a)(12) of the Military Construction Authorization Act for Fiscal Year 2021 (division B of Public Law 116–283), the Secretary of the Air Force may construct—
- (A) up to 37,357 meters of drainage ditch;
 - (B) up to 18,891 meters of storm drain piping;
 - (C) up to 19,131 meters of box culvert;

- (D) up to 3,704 meters of concrete block swale;
- (E) up to 555 storm drain structures; and
- (F) up to 81,500 square meters of storm drain ponds;

and

(14) for construction of 325th Fighting Wing HQ Facility, as specified in such funding table and modified by section 2306(a)(13) of the Military Construction Authorization Act for Fiscal Year 2021 (division B of Public Law 116–283), the Secretary of the Air Force may construct up to 769 square meters of separate administrative space for SAPR/SARC.

TITLE XXIV—DEFENSE AGENCIES MILITARY CONSTRUCTION

Sec. 2401. Authorized Defense Agencies construction and land acquisition projects.
Sec. 2402. Authorized Energy Resilience and Conservation Investment Program projects.

Sec. 2403. Authorization of appropriations, Defense Agencies.

Sec. 2404. Extension and modification of authority to carry out certain fiscal years 2017 and 2019 projects.

SEC. 2401. AUTHORIZED DEFENSE AGENCIES CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) INSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2403(a) and available for military construction projects inside the United States as specified in the funding table in section 4601, the Secretary of Defense may acquire real property and carry out military construction projects for the installations or locations inside the United States, and in the amounts, set forth in the following table:

Defense Agencies: Inside the United States

State	Installation or Location	Amount
Alabama	Redstone Arsenal	\$153,000,000
California	Marine Corps Base Camp Pendleton	\$13,600,000
	Silver Strand Training Complex	\$33,700,000
Colorado	Buckley Air Force Base	\$20,000,000
Georgia	Fort Benning	\$62,000,000
Hawaii	Joint Base Pearl Harbor-Hickam ...	\$29,800,000
Maryland	Fort Meade	\$1,201,000,000
New Mexico ..	Kirtland Air Force Base	\$8,600,000
Virginia	Fort Belvoir	\$29,800,000
	Humphries Engineer Center and Support Activity	\$36,000,000
	Pentagon	\$50,543,000
Washington ...	Oak Harbor	\$59,000,000

(b) OUTSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2403(a) and available for military construction projects outside the United States as specified in the funding table in section 4601, the Secretary of Defense may acquire real property and carry out military construction projects for the installations or locations outside the United States, and in the amounts, set forth in the following table:

Defense Agencies: Outside the United States

Country	Installation or Location	Amount
Germany	Ramstein Air Base	\$93,000,000
Japan	Kadena Air Base	\$24,000,000
	Misawa Air Base	\$6,000,000
United Kingdom	Royal Air Force Lakenheath	\$19,283,000

SEC. 2402. AUTHORIZED ENERGY RESILIENCE AND CONSERVATION INVESTMENT PROGRAM PROJECTS.

(a) **INSIDE THE UNITED STATES.**—Using amounts appropriated pursuant to the authorization of appropriations in section 2403(a) and available for energy conservation projects as specified in the funding table in section 4601, the Secretary of Defense may carry out energy conservation projects under chapter 173 of title 10, United States Code, for the installations or locations inside the United States, and in the amounts, set forth in the following table:

ERCIP Projects: Inside the United States

State	Installation or Location	Amount
Alabama	Fort Rucker	\$24,000,000
California	Marine Corps Air Station Miramar	\$4,054,000
	Naval Air Weapons Station China Lake-Ridgecrest	\$9,120,000
District of Columbia	Joint Base Anacostia-Bolling	\$31,261,000
Florida	MacDill Air Force Base	\$22,000,000
Georgia	Fort Benning	\$17,593,000
	Fort Stewart	\$22,000,000
	Naval Submarine Base Kings Bay	\$19,314,000
Guam	Polaris Point Submarine Base	\$38,300,000
Idaho	Mountain Home Air Force Base	\$33,800,000
Michigan	Camp Grayling	\$5,700,000
Mississippi	Camp Shelby	\$45,655,000
New York	Fort Drum	\$27,000,000
North Carolina	Fort Bragg	\$27,169,000
North Dakota	Cavalier Air Force Station	\$24,150,000
Ohio	Springfield-Beckley Municipal Airport	\$4,700,000
Puerto Rico	Aguadilla	\$10,120,000
	Fort Allen	\$12,190,000
Tennessee	Memphis International Airport	\$4,780,000
Virginia	Fort Belvoir	\$365,000
	National Geospatial-Intelligence Agency Campus East	\$5,299,000
	Pentagon, Mark Center, and Raven Rock Mountain Complex	\$2,600,000

(b) **OUTSIDE THE UNITED STATES.**—Using amounts appropriated pursuant to the authorization of appropriations in section 2403(a)

and available for energy conservation projects as specified in the funding table in section 4601, the Secretary of Defense may carry out energy conservation projects under chapter 173 of title 10, United States Code, for the installations or locations outside the United States, and in the amounts, set forth in the following table:

ERCIP Projects: Outside the United States

Country	Installation or Location	Amount
Japan	Naval Air Facility Atsugi	\$3,810,000
Kuwait	Camp Arifjan	\$15,000,000

SEC. 2403. AUTHORIZATION OF APPROPRIATIONS, DEFENSE AGENCIES.

(a) **AUTHORIZATION OF APPROPRIATIONS.**—Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2021, for military construction, land acquisition, and military family housing functions of the Department of Defense (other than the military departments), as specified in the funding table in section 4601.

(b) **LIMITATION ON TOTAL COST OF CONSTRUCTION PROJECTS.**—Notwithstanding the cost variations authorized by section 2853 of title 10, United States Code, and any other cost variation authorized by law, the total cost of all projects carried out under section 2401 may not exceed the total amount authorized to be appropriated under subsection (a), as specified in the funding table in section 4601.

SEC. 2404. EXTENSION AND MODIFICATION OF AUTHORITY TO CARRY OUT CERTAIN FISCAL YEARS 2017 AND 2019 PROJECTS.

(a) **EXTENSION OF FISCAL YEAR 2017 AUTHORIZATION.**—

(1) **EXTENSION.**—Notwithstanding section 2002 of the Military Construction Authorization Act for Fiscal Year 2017 (division B of Public Law 114–328; 130 Stat. 2688), the authorization set forth in the table in paragraph (2), as provided in section 2401 of that Act (130 Stat. 2700), shall remain in effect until October 1, 2023, or the date of the enactment of an Act authorizing funds for military construction for fiscal year 2024, whichever is later.

(2) **TABLE.**—The table referred to in paragraph (1) is as follows:

Defense Agencies: Extension of 2017 Project Authorization

Country	Installation	Project	Original Authorized Amount
Japan	Yokota Air Base ...	Hanger/AMU	\$39,466,000

(b) **MODIFICATION OF FISCAL YEAR 2019 AUTHORIZATION.**—In the case of the authorization contained in the table in section 2401(b) of the Military Construction Authorization Act for Fiscal Year 2019 (division B of Public Law 115–232; 133 Stat. 2250) for Kinnick High School in Yokosuka, Japan, as specified in the funding table in section 4601 of such Public Law (133 Stat. 2407),

the Secretary of Defense may treat the high school and the field house as a single facility for the purposes of defining the scope of work for the project.

TITLE XXV—INTERNATIONAL PROGRAMS

Subtitle A—North Atlantic Treaty Organization Security Investment Program

Sec. 2501. Authorized NATO construction and land acquisition projects.

Sec. 2502. Authorization of appropriations, NATO.

Subtitle B—Host Country In-Kind Contributions

Sec. 2511. Republic of Korea funded construction projects.

Sec. 2512. Republic of Poland funded construction projects.

Subtitle A—North Atlantic Treaty Organi- zation Security Investment Program

SEC. 2501. AUTHORIZED NATO CONSTRUCTION AND LAND ACQUISITION PROJECTS.

The Secretary of Defense may make contributions for the North Atlantic Treaty Organization Security Investment Program as provided in section 2806 of title 10, United States Code, in an amount not to exceed the sum of the amount authorized to be appropriated for this purpose in section 2502 and the amount collected from the North Atlantic Treaty Organization as a result of construction previously financed by the United States.

SEC. 2502. AUTHORIZATION OF APPROPRIATIONS, NATO.

Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2021, for contributions by the Secretary of Defense under section 2806 of title 10, United States Code, for the share of the United States of the cost of projects for the North Atlantic Treaty Organization Security Investment Program authorized by section 2501 as specified in the funding table in section 4601.

Subtitle B—Host Country In-Kind Contributions

SEC. 2511. REPUBLIC OF KOREA FUNDED CONSTRUCTION PROJECTS.

(a) **AUTHORITY TO ACCEPT PROJECTS.**—Pursuant to agreement with the Republic of Korea for required in-kind contributions, the Secretary of Defense may accept military construction projects for the installations or locations in the Republic of Korea, and in the amounts, set forth in the following table:

Republic of Korea Funded Construction Projects

Component	Installation or Location	Project	Amount
Army	Camp Humphreys	Unaccompanied Enlisted Personnel Housing	\$52,000,000
Army	Camp Humphreys	Type I Aircraft Parking Apron and Parallel Taxiway	\$48,000,000
Army	Camp Humphreys	Black Hat Intelligence Fusion Center	\$149,000,000
Navy	Mujuk	Expeditionary Dining Facility	\$10,200,000
Air Force	Gimhae Air Base	Repair Contingency Hospital	\$75,000,000
Air Force	Osan Air Base	Munitions Storage Area Move Delta (Phase 2)	\$171,000,000

(b) **AUTHORIZED APPROACH TO CERTAIN CONSTRUCTION PROJECT.**—Section 2350k of title 10, United States Code, shall apply with respect to the construction of the Black Hat Intelligence Fusion Center at Camp Humphreys, Republic of Korea, as set forth in the table in subsection (a).

Applicability.

SEC. 2512. REPUBLIC OF POLAND FUNDED CONSTRUCTION PROJECTS.

Pursuant to agreement with the Republic of Poland for required in-kind contributions, the Secretary of Defense may accept military construction projects for the installations or locations in the Republic of Poland, and in the amounts, set forth in the following table:

Republic of Poland Funded Construction Projects

Component	Installation or Location	Project	Amount
Army	Poznan	Command and Control Facility	\$30,000,000
Army	Poznan	Information Systems Facility	\$7,000,000

TITLE XXVI—GUARD AND RESERVE FORCES FACILITIES

Sec. 2601. Authorized Army National Guard construction and land acquisition projects.

Sec. 2602. Authorized Army Reserve construction and land acquisition projects.

Sec. 2603. Authorized Navy Reserve and Marine Corps Reserve construction and land acquisition projects.

Sec. 2604. Authorized Air National Guard construction and land acquisition projects.

Sec. 2605. Authorized Air Force Reserve construction and land acquisition projects.

Sec. 2606. Authorization of appropriations, National Guard and Reserve.

SEC. 2601. AUTHORIZED ARMY NATIONAL GUARD CONSTRUCTION AND LAND ACQUISITION PROJECTS.

Using amounts appropriated pursuant to the authorization of appropriations in section 2606 and available for the National Guard and Reserve as specified in the funding table in section 4601, the Secretary of the Army may acquire real property and carry out military construction projects for the Army National Guard installations or locations inside the United States, and in the amounts, set forth in the following table:

Army National Guard

State	Installation or Location	Amount
Alabama	Redstone Arsenal	\$17,000,000
Connecticut ...	Army National Guard Readiness Center Putnam.	\$17,500,000
Georgia	Fort Benning	\$13,200,000
Guam	National Guard Readiness Center Barrigada ...	\$34,000,000
Idaho	Jerome National Guard Armory	\$15,000,000
Illinois	National Guard Armory Bloomington	\$15,000,000
Kansas	Nickell Memorial Armory Topeka	\$16,732,000
Louisiana	Camp Minden	\$13,800,000
	Lake Charles National Guard Readiness Center.	\$18,500,000
Maine	Saco National Guard Readiness Center	\$21,200,000
Michigan	Camp Grayling	\$16,000,000
Mississippi ...	Camp Shelby	\$15,500,000
Montana	Butte Military Entrance Testing Site	\$16,000,000
Nebraska	Mead Army National Guard Readiness Center	\$11,000,000
North Dakota	Dickinson National Guard Armory	\$15,500,000
South Dakota	Sioux Falls National Guard Armory	\$15,000,000
Vermont	Bennington National Guard Armory	\$16,900,000
	Camp Ethan Allen Training Site	\$4,665,000
Virginia	National Guard Armory Troutville	\$13,000,000

SEC. 2602. AUTHORIZED ARMY RESERVE CONSTRUCTION AND LAND ACQUISITION PROJECTS.

Using amounts appropriated pursuant to the authorization of appropriations in section 2606 and available for the National Guard and Reserve as specified in the funding table in section 4601, the Secretary of the Army may acquire real property and carry out military construction projects for the Army Reserve installations or locations inside the United States, and in the amounts, set forth in the following table:

Army Reserve

State	Installation or Location	Amount
Michigan	Army Reserve Center Southfield	\$12,000,000
Ohio	Wright-Patterson Air Force Base	\$19,000,000
Wisconsin	Fort McCoy	\$70,600,000

SEC. 2603. AUTHORIZED NAVY RESERVE AND MARINE CORPS RESERVE CONSTRUCTION AND LAND ACQUISITION PROJECTS.

Using amounts appropriated pursuant to the authorization of appropriations in section 2606 and available for the National Guard and Reserve as specified in the funding table in section 4601, the Secretary of the Navy may acquire real property and carry out military construction projects for the Navy Reserve and Marine Corps Reserve installations or locations inside the United States, and in the amounts, set forth in the following table:

Navy Reserve and Marine Corps Reserve

State	Installation or Location	Amount
Michigan	Naval Operational Support Center Battle Creek.	\$49,090,000
Minnesota	Minneapolis Air Reserve Station	\$14,350,000

SEC. 2604. AUTHORIZED AIR NATIONAL GUARD CONSTRUCTION AND LAND ACQUISITION PROJECTS.

Using amounts appropriated pursuant to the authorization of appropriations in section 2606 and available for the National Guard and Reserve as specified in the funding table in section 4601, the Secretary of the Air Force may acquire real property and carry out military construction projects for the Air National Guard installations or locations inside the United States, and in the amounts, set forth in the following table:

Air National Guard

State	Installation or Location	Amount
Alabama	Montgomery Regional Airport	\$19,200,000
	Sumpter Smith Air National Guard Base	\$7,500,000
Connecticut	Bradley International Airport	\$17,000,000
Delaware	New Castle Air National Guard Base	\$17,500,000
Idaho	Gowen Field	\$6,500,000
Illinois	Abraham Lincoln Capital Airport	\$10,200,000
Massachusetts ..	Barnes Air National Guard Base	\$12,200,000
Michigan	Alpena County Regional Airport	\$23,000,000
	Selfridge Air National Guard Base	\$28,000,000
	W. K. Kellogg Regional Airport	\$10,000,000
Mississippi	Jackson International Airport	\$9,300,000
New York	Francis S. Gabreski Airport	\$14,800,000
	Schenectady Municipal Airport	\$10,800,000
Ohio	Camp Perry	\$7,800,000
South Carolina ..	McEntire Joint National Guard Base	\$18,800,000
South Dakota ...	Joe Foss Field	\$9,800,000
Texas	Kelly Field Annex	\$9,500,000
Washington	Camp Murray Air National Guard Station	\$27,000,000
Wisconsin	Truax Field	\$44,200,000
Wyoming	Cheyenne Municipal Airport	\$13,400,000

SEC. 2605. AUTHORIZED AIR FORCE RESERVE CONSTRUCTION AND LAND ACQUISITION PROJECTS.

Using amounts appropriated pursuant to the authorization of appropriations in section 2606 and available for the National Guard

and Reserve as specified in the funding table in section 4601, the Secretary of the Air Force may acquire real property and carry out military construction projects for the installations inside the United States, and in the amounts, set forth in the following table:

Air Force Reserve

State	Installation	Amount
California	Beale Air Force Base	\$33,000,000
Florida	Homestead Air Force Reserve Base	\$14,000,000
	Patrick Air Force Base	\$18,500,000
Indiana	Grissom Air Reserve Base	\$29,000,000
Minnesota	Minneapolis-St. Paul International Airport ...	\$14,000,000
New York	Niagara Falls Air Reserve Station	\$10,600,000
Ohio	Youngstown Air Reserve Station	\$8,700,000

SEC. 2606. AUTHORIZATION OF APPROPRIATIONS, NATIONAL GUARD AND RESERVE.

Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2021, for the costs of acquisition, architectural and engineering services, and construction of facilities for the Guard and Reserve Forces, and for contributions therefor, under chapter 1803 of title 10, United States Code (including the cost of acquisition of land for those facilities), as specified in the funding table in section 4601.

TITLE XXVII—BASE REALIGNMENT AND CLOSURE ACTIVITIES

Sec. 2701. Authorization of appropriations for base realignment and closure activities funded through Department of Defense Base Closure Account.

Sec. 2702. Prohibition on conducting additional base realignment and closure (BRAC) round.

Sec. 2703. Conditions on closure of certain portion of Pueblo Chemical Depot and Chemical Agent-Destruction Pilot Plant, Colorado.

SEC. 2701. AUTHORIZATION OF APPROPRIATIONS FOR BASE REALIGNMENT AND CLOSURE ACTIVITIES FUNDED THROUGH DEPARTMENT OF DEFENSE BASE CLOSURE ACCOUNT.

Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2021, for base realignment and closure activities, including real property acquisition and military construction projects, as authorized by the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note) and funded through the Department of Defense Base Closure Account established by section 2906 of such Act (as amended by section 2711 of the Military Construction Authorization Act for Fiscal Year 2013 (division B of Public Law 112–239; 126 Stat. 2140)), as specified in the funding table in section 4601.

SEC. 2702. PROHIBITION ON CONDUCTING ADDITIONAL BASE REALIGNMENT AND CLOSURE (BRAC) ROUND.

Nothing in this Act shall be construed to authorize an additional Base Realignment and Closure (BRAC) round.

**SEC. 2703. CONDITIONS ON CLOSURE OF CERTAIN PORTION OF
PUEBLO CHEMICAL DEPOT AND CHEMICAL AGENT-
DESTRUCTION PILOT PLANT, COLORADO.**

(a) **DEFINITIONS.**—In this section:

(1) **COVERED PORTION OF PUEBLO CHEMICAL DEPOT DEFINED.**—The term “covered portion of Pueblo Chemical Depot” means the portion of Pueblo Chemical Depot, Colorado, that has not been declared surplus before the date of the enactment of this Act.

(2) **LOCAL REDEVELOPMENT AUTHORITY.**—The term “Local Redevelopment Authority” means the Local Redevelopment Authority for Pueblo Chemical Depot, as recognized by the Office of Local Defense Community Cooperation.

(b) **SUBMISSION OF CLOSURE AND DISPOSAL PLANS.**—

(1) **PLANS REQUIRED.**—Not later than 180 days after the date of the enactment of this Act, the Secretary of the Army shall submit to the Committees on Armed Services of the Senate and the House of Representatives—

Deadline.

(A) a plan for the closure of the covered portion of Pueblo Chemical Depot upon the completion of the chemical demilitarization mission of the Chemical Agent-Destruction Pilot Plant at Pueblo Chemical Depot; and

(B) a plan for the disposal of all remaining land, buildings, facilities, and equipment of the covered portion of Pueblo Chemical Depot.

(2) **LOCAL REDEVELOPMENT AUTHORITY ROLE.**—In preparing the disposal plan for the covered portion of Pueblo Chemical Depot required by paragraph (1)(B), the Secretary of the Army shall take into account the future role of the Local Redevelopment Authority.

(c) **LOCAL REDEVELOPMENT AUTHORITY ELIGIBILITY FOR ASSISTANCE.**—The Secretary of Defense, acting through the Office of Local Defense Community Cooperation, may make grants, conclude cooperative agreements, and supplement other Federal funds in order to assist the Local Redevelopment Authority in planning community adjustments and economic diversification required by the closure of Pueblo Chemical Depot and the Chemical Agent-Destruction Pilot Plant if the Secretary determines that the closure is likely to have a direct and significantly adverse consequence on nearby communities.

(d) **GENERAL CLOSURE, REALIGNMENT, AND DISPOSAL PROHIBITION.**—

(1) **PROHIBITION; CERTAIN RECIPIENT EXCEPTED.**—During the period specified in paragraph (2), the Secretary of the Army shall take no action—

(A) to close or realign the covered portion of Pueblo Chemical Depot or the Chemical Agent-Destruction Pilot Plant; or

(B) to dispose of any surplus land, building, facility, or equipment that comprises any portion of the Chemical Agent-Destruction Pilot Plant other than to the Local Redevelopment Authority.

(2) **DURATION.**—The prohibition imposed by paragraph (1) shall apply until the date on which the Secretary of the Army makes a final closure and disposal decision for the covered portion of Pueblo Chemical Depot following the submission

Applicability.

of the closure and disposal plans for the covered portion of Pueblo Chemical Depot required by subsection (b).

(e) PROHIBITION ON DEMOLITION OR DISPOSAL RELATED TO CHEMICAL AGENT-DESTRUCTION PILOT PLANT.—

(1) PROHIBITION; CERTAIN RECIPIENT EXCEPTED.—During the period specified in paragraph (4), the Secretary of the Army may not—

(A) demolish any building, facility, or equipment described in paragraph (2) that comprises any portion of the Chemical Agent-Destruction Pilot Plant; or

(B) dispose of any such building, facility, or equipment declared to be surplus other than to the Local Redevelopment Authority.

Applicability.

(2) COVERED BUILDINGS, FACILITIES, AND EQUIPMENT.—The prohibition imposed by paragraph (1) shall apply to the following:

(A) Any surplus building, facility, or equipment located outside of a Hazardous Waste Management Unit where chemical munitions were present, but where contamination did not occur, which are considered by the Secretary of the Army as clean, safe, and acceptable for reuse by the public, after a risk assessment by the Secretary.

(B) Any surplus building, facility, or equipment located outside of a Hazardous Waste Management Unit that was not contaminated by chemical munitions and that was without the potential to be contaminated, such as office buildings, parts warehouses, or utility infrastructure, which are considered by the Secretary of the Army as suitable for reuse by the public.

Determination.

(3) EXCEPTION TO PROHIBITION.—The prohibition imposed by paragraph (1) shall not apply to any building, facility, or equipment otherwise described in paragraph (2) for which the Local Redevelopment Authority provides to the Secretary of the Army a written determination specifying that the building, facility, or equipment is not needed for community adjustment and economic diversification following the closure of the Chemical Agent-Destruction Pilot Plant.

Applicability.

(4) DURATION OF PROHIBITION.—The prohibition imposed by paragraph (1) shall apply for a period of not less than two years beginning on the date of the enactment of this Act.

TITLE XXVIII—MILITARY CONSTRUCTION GENERAL PROVISIONS

Subtitle A—Military Construction Program Changes

- Sec. 2801. Public availability of information on Facilities Sustainment, Restoration, and Modernization projects.
- Sec. 2802. Limitations on authorized cost and scope of work variations.
- Sec. 2803. Department of Defense stormwater management projects for military installations and defense access roads.
- Sec. 2804. Use of amounts available for operation and maintenance in carrying out military construction projects for energy resilience, energy security, or energy conservation.
- Sec. 2805. Flood risk management for military construction.
- Sec. 2806. Modification and extension of temporary, limited authority to use operation and maintenance funds for construction projects in certain areas outside the United States.

Subtitle B—Continuation of Military Housing Reforms

- Sec. 2811. Modification of calculation of military housing contractor pay for privatized military housing.
- Sec. 2812. Applicability of window fall prevention requirements to all military family housing whether privatized or Government-owned and Government-controlled.
- Sec. 2813. Applicability of disability laws to privatized military housing units and clarification of prohibition against collection from tenants of amounts in addition to rent.
- Sec. 2814. Required investments in improving military unaccompanied housing.
- Sec. 2815. Improvement of security of lodging and living spaces on military installations.
- Sec. 2816. Improvement of Department of Defense child development centers and increased availability of child care for children of military personnel.

Subtitle C—Real Property and Facilities Administration

- Sec. 2821. Secretary of the Navy authority to support development and operation of National Museum of the United States Navy.
- Sec. 2822. Expansion of Secretary of the Navy authority to lease and license United States Navy museum facilities to generate revenue to support museum administration and operations.

Subtitle D—Military Facilities Master Plan Requirements

- Sec. 2831. Cooperation with State and local governments in development of master plans for major military installations.
- Sec. 2832. Additional changes to requirements regarding master plans for major military installations.
- Sec. 2833. Prompt completion of military installation resilience component of master plans for at-risk major military installations.
- Sec. 2834. Master plans and investment strategies for Army ammunition plants guiding future infrastructure, facility, and production equipment improvements.

Subtitle E—Matters Related to Unified Facilities Criteria and Military Construction Planning and Design

- Sec. 2841. Amendment of Unified Facilities Criteria to require inclusion of private nursing and lactation space in certain military construction projects.
- Sec. 2842. Revisions to Unified Facilities Criteria regarding use of variable refrigerant flow systems.
- Sec. 2843. Amendment of Unified Facilities Criteria to promote energy efficient military installations.
- Sec. 2844. Additional Department of Defense activities to improve energy resiliency of military installations.

Subtitle F—Land Conveyances

- Sec. 2851. Modification of restrictions on use of former Navy property conveyed to University of California, San Diego, California.
- Sec. 2852. Land conveyance, Joint Base Cape Cod, Bourne, Massachusetts.
- Sec. 2853. Land conveyance, Saint Joseph, Missouri.
- Sec. 2854. Land conveyance, Department of Defense excess property, St. Louis, Missouri.
- Sec. 2855. Land conveyance, Marine Corps Air Station, Cherry Point, North Carolina.
- Sec. 2856. Land conveyance, Naval Air Station Oceana, Virginia Beach, Virginia, to City of Virginia Beach, Virginia.
- Sec. 2857. Land conveyance, Naval Air Station Oceana, Virginia Beach, Virginia, to School Board of City of Virginia Beach, Virginia.

Subtitle G—Authorized Pilot Programs

- Sec. 2861. Pilot program on increased use of sustainable building materials in military construction.
- Sec. 2862. Pilot program on establishment of account for reimbursement for use of testing facilities at installations of the Department of the Air Force.

Subtitle H—Asia-Pacific and Indo-Pacific Issues

- Sec. 2871. Improved oversight of certain infrastructure services provided by Naval Facilities Engineering Systems Command Pacific.
- Sec. 2872. Annual congressional briefing on renewal of Department of Defense easements and leases of land in Hawai‘i.

Sec. 2873. Hawai‘i Military Land Use Master Plan.

Subtitle I—One-Time Reports and Other Matters

Sec. 2881. Clarification of installation and maintenance requirements regarding fire extinguishers in Department of Defense facilities.

Sec. 2882. GAO review and report of military construction contracting at military installations inside the United States.

Subtitle A—Military Construction Program Changes

SEC. 2801. PUBLIC AVAILABILITY OF INFORMATION ON FACILITIES SUSTAINMENT, RESTORATION, AND MODERNIZATION PROJECTS.

(a) INCLUSION OF INFORMATION ON REQUIRED INTERNET SITE.—Section 2851(c)(1) of title 10, United States Code, is amended—

(1) by redesignating subparagraph (E) as subparagraph (F);

(2) by adding after subparagraph (D) the following new subparagraph (E):

“(E) Each military department project with a total cost in excess of \$15,000,000 for Facilities Sustainment, Restoration, and Modernization.”; and

(3) in subparagraph (F), as so redesignated, by inserting after “construction project” the following: “, military department Facilities Sustainment, Restoration, and Modernization project,”.

(b) APPLICATION OF AMENDMENTS.—Subparagraph (E) of section 2851(c)(1) of title 10, United States Code, as added by subsection (a)(2), and subparagraph (F) of such section, as amended by subsection (a)(3), shall apply with respect to a military department Facilities Sustainment, Restoration, and Modernization project described in such subparagraphs for which an award of a contract or delivery order for the project is made on or after June 1, 2022.

Contracts.
Effective date.
10 USC 2851
note.

SEC. 2802. LIMITATIONS ON AUTHORIZED COST AND SCOPE OF WORK VARIATIONS.

(a) PROCESS FOR APPROVING CERTAIN EXCEPTIONS; LIMITATIONS.—Subsections (c) and (d) of section 2853 of title 10, United States Code, are amended to read as follows:

“(c) EXCEPTIONS TO LIMITATION ON COST VARIATIONS AND SCOPE OF WORK REDUCTIONS.—(1)(A) Except as provided in subparagraph (D), the Secretary concerned may waive the percentage or dollar cost limitation applicable to a military construction project or a military family housing project under subsection (a) and approve an increase in the cost authorized for the project in excess of that limitation if the Secretary concerned notifies the appropriate committees of Congress of the cost increase in the manner provided in this paragraph.

“(B) The notification required by subparagraph (A) shall—

“(i) identify the amount of the cost increase and the reasons for the increase;

“(ii) certify that the cost increase is sufficient to meet the mission requirement identified in the justification data provided to Congress as part of the request for authorization of the project; and

Waivers.
Notifications.

Certification.

“(iii) describe the funds proposed to be used to finance the cost increase.

“(C) A waiver and approval by the Secretary concerned under subparagraph (A) shall take effect only after the end of the 14-day period beginning on the date on which the notification required by such subparagraph is received by the appropriate committees of Congress in an electronic medium pursuant to section 480 of this title.

Effective date.
Time period.

“(D) The Secretary concerned may not use the authority provided by subparagraph (A)—

“(i) to waive the cost limitation applicable to a military construction project with a total authorized cost greater than \$500,000,000 or a military family housing project with a total authorized cost greater than \$500,000,000; and

“(ii) to approve an increase in the cost authorized for the project that would increase the project cost by more than 50 percent of the total authorized cost of the project.

“(E) In addition to the notification required by this paragraph, subsection (f) applies whenever a military construction project or military family housing project with a total authorized cost greater than \$40,000,000 will have a cost increase of 25 percent or more. Subsection (f) may not be construed to authorize a cost increase in excess of the limitation imposed by subparagraph (D).

Applicability.

“(2)(A) The Secretary concerned may waive the percentage or dollar cost limitation applicable to a military construction project or a military family housing project under subsection (a) and approve a decrease in the cost authorized for the project in excess of that limitation if the Secretary concerned notifies the appropriate committees of Congress of the cost decrease not later than 14 days after the date funds are obligated in connection with the project.

Deadline.

“(B) The notification required by subparagraph (A) shall be provided in an electronic medium pursuant to section 480 of this title.

“(3)(A) The Secretary concerned may waive the limitation on a reduction in the scope of work applicable to a military construction project or a military family housing project under subsection (b)(1) and approve a scope of work reduction for the project in excess of that limitation if the Secretary concerned notifies the appropriate committees of Congress of the reduction in the manner provided in this paragraph.

“(B) The notification required by subparagraph (A) shall—

“(i) describe the reduction in the scope of work and the reasons for the decrease; and

“(ii) certify that the mission requirement identified in the justification data provided to Congress can still be met with the reduced scope.

Certification.

“(C) A waiver and approval by the Secretary concerned under subparagraph (A) shall take effect only after the end of the 14-day period beginning on the date on which the notification required by such subparagraph is received by the appropriate committees of Congress in an electronic medium pursuant to section 480 of this title.

Effective date.
Time period.

“(d) EXCEPTIONS TO LIMITATION ON SCOPE OF WORK INCREASES.—(1) Except as provided in paragraph (4), the Secretary concerned may waive the limitation on an increase in the scope of work applicable to a military construction project or a military

Waiver authority.

family housing project under subsection (b)(1) and approve an increase in the scope of work for the project in excess of that limitation if the Secretary concerned notifies the appropriate committees of Congress of the reduction in the manner provided in this subsection.

“(2) The notification required by paragraph (1) shall describe the increase in the scope of work and the reasons for the increase.

Effective date.
Time period.

“(3) A waiver and approval by the Secretary concerned under paragraph (1) shall take effect only after the end of the 14-day period beginning on the date on which the notification required by such paragraph is received by the appropriate committees of Congress in an electronic medium pursuant to section 480 of this title.

“(4) The Secretary concerned may not use the authority provided by paragraph (1) to waive the limitation on an increase in the scope of work applicable to a military construction project or a military family housing project and approve an increase in the scope of work for the project that would increase the scope of work by more than 10 percent of the amount specified for the project in the justification data provided to Congress as part of the request for authorization of the project.”.

(b) CONFORMING AMENDMENT RELATED TO CALCULATING LIMITATION ON COST VARIATIONS.—Section 2853(a) of title 10, United States Code, is amended by striking “the amount appropriated for such project” and inserting “the total authorized cost of the project”

(c) CLERICAL AMENDMENTS.—Section 2853 of title 10, United States Code, is further amended—

(1) in subsection (a), by inserting “COST VARIATIONS AUTHORIZED; LIMITATION.—” after the enumerator “(a)”;

(2) in subsection (b), by inserting “SCOPE OF WORK VARIATIONS AUTHORIZED; LIMITATION.—” after the enumerator “(b)”;

(3) in subsection (e), by inserting “ADDITIONAL COST VARIATION EXCEPTIONS.—” after the enumerator “(e)”;

(4) in subsection (f), by inserting “ADDITIONAL REPORTING REQUIREMENT FOR CERTAIN COST INCREASES.—” after the enumerator “(f)”; and

(5) in subsection (g), by inserting “RELATION TO OTHER LAW.—” after the enumerator “(g)”.

SEC. 2803. DEPARTMENT OF DEFENSE STORMWATER MANAGEMENT PROJECTS FOR MILITARY INSTALLATIONS AND DEFENSE ACCESS ROADS.

10 USC
prec. 2801.

Chapter 169 of title 10, United States Code, is amended by inserting after section 2815 the following new section:

10 USC 2815a.

“§ 2815a. Stormwater management projects for installation and defense access road resilience and waterway and ecosystems conservation

“(a) PROJECTS AUTHORIZED.—The Secretary concerned may carry out a stormwater management project on or related to a military installation for the purpose of—

“(1) improving military installation resilience or the resilience of a defense access road or other essential civilian infrastructure supporting the military installation; and

“(2) protecting nearby waterways and stormwater-stressed ecosystems.

“(b) PROJECT METHODS AND FUNDING SOURCES.—Using such amounts as may be provided in advance in appropriation Acts, the Secretary concerned may carry out a stormwater management project under this section as, or as part of, any of the following:

“(1) An authorized military construction project.

“(2) An unspecified minor military construction project under section 2805 of this title, including using appropriations available for operation and maintenance subject to the limitation in subsection (c) of such section.

“(3) A military installation resilience project under section 2815 of this title, including the use of appropriations available for operations and maintenance subject to the limitation of subsection (e)(3) of such section.

“(4) A defense community infrastructure resilience project under section 2391(d) of this title.

“(5) A construction project under section 2914 of this title.

“(6) A reserve component facility project under section 18233 of this title.

“(7) A defense access road project under section 210 of title 23.

“(c) PROJECT PRIORITIES.—In selecting stormwater management projects to be carried out under this section, the Secretary concerned shall give a priority to project proposals involving the retrofitting of buildings and grounds on a military installation or retrofitting a defense access road to reduce stormwater runoff and ponding or standing water that includes the combination of stormwater runoff and water levels resulting from extreme weather conditions.

“(d) PROJECT ACTIVITIES.—Activities carried out as part of a stormwater management project under this section may include, but are not limited to, the following:

“(1) The installation, expansion, or refurbishment of stormwater ponds and other water-slowng and retention measures.

“(2) The installation of permeable pavement in lieu of, or to replace existing, nonpermeable pavement.

“(3) The use of planters, tree boxes, cisterns, and rain gardens to reduce stormwater runoff.

“(e) PROJECT COORDINATION.—In the case of a stormwater management project carried out under this section on or related to a military installation and any project related to the same installation carried out under section 2391(d), 2815, or 2914 of this title, the Secretary concerned shall ensure coordination between the projects regarding the water access, management, conservation, security, and resilience aspects of the projects.

“(f) ANNUAL REPORT.—(1) Not later than 90 days after the end of each fiscal year, each Secretary concerned shall submit to the congressional defense committees a report describing—

“(A) the status of planned and active stormwater management projects carried out by that Secretary under this section; and

“(B) all projects completed by the Secretary concerned during the previous fiscal year.

“(2) Each report shall include the following information with respect to each stormwater management project described in the report:

Cost estimates.

“(A) The title, location, a brief description of the scope of work, the original project cost estimate, and the current working cost estimate.

“(B) The rationale for how the project will—

“(i) improve military installation resilience or the resilience of a defense access road or other essential civilian infrastructure supporting a military installation; and

“(ii) protect waterways and stormwater-stressed ecosystems.

“(C) Such other information as the Secretary concerned considers appropriate.

“(g) DEFINITIONS.—In this section:

“(1) The term ‘defense access road’ means a road certified to the Secretary of Transportation as important to the national defense under the provisions of section 210 of title 23.

“(2) The terms ‘facility’ and ‘State’ have the meanings given those terms in section 18232 of this title.

“(3) The term ‘military installation’ includes a facility of a reserve component owned by a State rather than the United States.

“(4) The term ‘military installation resilience’ has the meaning given that term in section 101(e)(8) of this title.

“(5) The term ‘Secretary concerned’ means—

“(A) the Secretary of a military department with respect to military installations under the jurisdiction of that Secretary; and

“(B) the Secretary of Defense with respect to matters concerning the Defense Agencies and facilities of a reserve component owned by a State rather than the United States.”.

SEC. 2804. USE OF AMOUNTS AVAILABLE FOR OPERATION AND MAINTENANCE IN CARRYING OUT MILITARY CONSTRUCTION PROJECTS FOR ENERGY RESILIENCE, ENERGY SECURITY, OR ENERGY CONSERVATION.

Section 2914 of title 10, United States Code, is amended—

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

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

“(c) ALTERNATIVE FUNDING SOURCE.—(1) In addition to the authority under section 2805(c) of this title, in carrying out a military construction project for energy resilience, energy security, or energy conservation under this section, the Secretary concerned may use amounts available for operation and maintenance for the military department concerned if the Secretary concerned submits to the congressional defense committees a notification of the decision to carry out the project using such amounts and includes in the notification—

“(A) the current estimate of the cost of the project;

“(B) the source of funds for the project; and

“(C) a certification that deferring the project pending the availability of funds appropriated for or otherwise made available for military construction would be inconsistent with the timely assurance of energy resilience, energy security, or energy conservation for one or more critical national security functions.

“(2) A project carried out under this section using amounts under paragraph (1) may be carried out only after the end of the seven-day period beginning on the date on which a copy of the notification described in paragraph (1) is provided in an electronic medium pursuant to section 480 of this title.

“(3) The maximum aggregate amount that the Secretary concerned may obligate from amounts available to the military department concerned for operation and maintenance in any fiscal year for projects under the authority of this subsection is \$100,000,000.”.

SEC. 2805. FLOOD RISK MANAGEMENT FOR MILITARY CONSTRUCTION.

(a) **FURTHER MODIFICATION OF DEPARTMENT OF DEFENSE FORM 1391.**—Section 2805(a)(1) of the Military Construction Authorization Act for Fiscal Year 2019 (division B of Public Law 115–232; 132 Stat. 2262; 10 U.S.C. 2802 note) is amended—

(1) in subparagraph (A), by inserting “or a 500-year floodplain if outside a 100-year floodplain” after “100-year floodplain”; and

(2) in subparagraph (B), by striking “100-year floodplain” and inserting “floodplain described in subparagraph (A)”.

(b) **REPORTING REQUIREMENTS.**—Section 2805(a)(3) of the Military Construction Authorization Act for Fiscal Year 2019 (division B of Public Law 115–232; 132 Stat. 2262; 10 U.S.C. 2802 note) is amended—

(1) in subparagraph (A), by inserting before the period at the end the following: “using hydrologic, hydraulic, and hydrodynamic data, methods, and analysis that integrate current and projected changes in flooding based on climate science over the anticipated service life of the facility and future forecasted land use changes”; and

(2) in subparagraph (D), by inserting after “future” the following: “flood risk and”.

(c) **MITIGATION PLAN ASSUMPTIONS.**—Section 2805(a)(4) of the Military Construction Authorization Act for Fiscal Year 2019 (division B of Public Law 115–232; 132 Stat. 2262; 10 U.S.C. 2802 note) is amended—

(1) in subparagraphs (A) and (B), by striking “buildings” and inserting “facilities”; and

(2) in subparagraph (C), by inserting after “future” the following: “flood risk and”.

(d) **CONFORMING AMENDMENT OF UNIFIED FACILITIES CRITERIA.**—

(1) **AMENDMENT REQUIRED.**—Not later than September 1, 2022, the Secretary of Defense shall amend the Unified Facilities Criteria relating to military construction planning and design to ensure that building practices and standards of the Department of Defense incorporate the minimum flood mitigation requirements of section 2805(a) of the Military Construction Authorization Act for Fiscal Year 2019 (division B of Public Law 115–232; 132 Stat. 2262; 10 U.S.C. 2802 note), as amended by this section.

(2) **IMPLEMENTATION OF UNIFIED FACILITIES CRITERIA AMENDMENTS.**—

(A) **IMPLEMENTATION.**—Any Department of Defense Form 1391 submitted to Congress after September 1, 2022, shall comply with the Unified Facilities Criteria, as amended pursuant to paragraph (1).

10 USC 2802
note.

Compliance.

Deadline.

(B) CERTIFICATION.—Not later than March 1, 2023, the Secretary of Defense shall certify to the Committees on Armed Services of the House of Representatives and the Senate the completion of the amendment process required by paragraph (1) and the full incorporation of the amendments into military construction planning and design.

SEC. 2806. MODIFICATION AND EXTENSION OF TEMPORARY, LIMITED AUTHORITY TO USE OPERATION AND MAINTENANCE FUNDS FOR CONSTRUCTION PROJECTS IN CERTAIN AREAS OUTSIDE THE UNITED STATES.

(a) TWO-YEAR EXTENSION OF AUTHORITY.—Subsection (h) of section 2808 of the Military Construction Authorization Act for Fiscal Year 2004 (division B of Public Law 108–136; 117 Stat. 1723), as most recently amended by section 2806(a) of the Military Construction Authorization Act for Fiscal Year 2021 (division B of Public Law 116–283), is further amended—

(1) in paragraph (1), by striking “December 31, 2021” and inserting “December 31, 2023”; and

(2) paragraph (2), by striking “fiscal year 2022” and inserting “fiscal year 2024”.

(b) CONTINUATION OF LIMITATION ON USE OF AUTHORITY.—Subsection (c)(1) of section 2808 of the Military Construction Authorization Act for Fiscal Year 2004 (division B of Public Law 108–136; 117 Stat. 1723), as most recently amended by subsections (b) and (c) of section 2806 of the Military Construction Authorization Act for Fiscal Year 2021 (division B of Public Law 116–283), is further amended—

(1) by striking subparagraphs (A) and (B);

(2) by redesignating subparagraph (C) as subparagraph (A); and

(3) by adding at the end the following new subparagraphs:

“(B) The period beginning October 1, 2021, and ending on the earlier of December 31, 2022, or the date of the enactment of an Act authorizing funds for military activities of the Department of Defense for fiscal year 2023.

“(C) The period beginning October 1, 2022, and ending on the earlier of December 31, 2023, or the date of the enactment of an Act authorizing funds for military activities of the Department of Defense for fiscal year 2024.”.

(c) ESTABLISHMENT OF PROJECT MONETARY LIMITATION.—Subsection (c) of section 2808 of the Military Construction Authorization Act for Fiscal Year 2004 (division B of Public Law 108–136; 117 Stat. 1723) is amended by adding at the end the following new paragraph:

“(3) The total amount of operation and maintenance funds used for a single construction project carried out under the authority of this section shall not exceed \$15,000,000. The Secretary of Defense may waive this limitation on a project-by-project basis. This waiver authority may not be delegated.”.

(d) MODIFICATION OF NOTICE AND WAIT REQUIREMENT.—Subsection (b) of section 2808 of the Military Construction Authorization Act for Fiscal Year 2004 (division B of Public Law 108–136; 117 Stat. 1723) is amended—

(1) by striking “10-day period” and inserting “14-day period”; and

Waiver authority.

(2) by striking “or, if earlier, the end of the 7-day period beginning on the date on which” and inserting “, including when”.

Subtitle B—Continuation of Military Housing Reforms

SEC. 2811. MODIFICATION OF CALCULATION OF MILITARY HOUSING CONTRACTOR PAY FOR PRIVATIZED MILITARY HOUSING.

Section 606(a) of the John S. McCain National Defense Authorization Act for Fiscal Year 2019 (Public Law 115–232; 10 U.S.C. 2871 note), as amended by section 3036 of the Military Construction Authorization Act for Fiscal Year 2020 (division B of Public Law 116–92; 133 Stat. 1938) and section 2811(i) of the Military Construction Authorization Act for Fiscal Year 2021 (division B of Public Law 116–283), is further amended—

(1) in paragraph (1)(B)—

(A) by striking “2.5 percent” and inserting “50 percent”;

and

(B) by striking “section 403(b)(3)(A)(i)” and inserting “section 403(b)(3)(A)(ii)”; and

(2) in paragraph (2)(B)—

(A) by striking “2.5 percent” and inserting “50 percent”;

and

(B) by striking “section 403(b)(3)(A)(i)” and inserting “section 403(b)(3)(A)(ii)”.

SEC. 2812. APPLICABILITY OF WINDOW FALL PREVENTION REQUIREMENTS TO ALL MILITARY FAMILY HOUSING WHETHER PRIVATIZED OR GOVERNMENT-OWNED AND GOVERNMENT-CONTROLLED.

(a) **TRANSFER OF WINDOW FALL PREVENTION SECTION TO MILITARY FAMILY HOUSING ADMINISTRATION SUBCHAPTER.**—Section 2879 of title 10, United States Code—

10 USC
prec. 2851,
prec. 2871.

(1) is transferred to appear after section 2856 of such title; and

(2) is redesignated as section 2857.

(b) **APPLICABILITY OF SECTION TO ALL MILITARY FAMILY HOUSING.**—Section 2857 of title 10, United States Code, as transferred and redesignated by subsection (a), is amended—

(1) in subsection (a)(1), by striking “acquired or constructed under this chapter”;

(2) in subsection (b)(1), by striking “acquired or constructed under this chapter”; and

(3) by adding at the end the following new subsection:

“(e) **APPLICABILITY TO ALL MILITARY FAMILY HOUSING.**—This section applies to military family housing under the jurisdiction of the Department of Defense and military family housing acquired or constructed under subchapter IV of this chapter.”.

(c) **IMPLEMENTATION PLAN.**—In the report required to be submitted in 2022 pursuant to subsection (d) of section 2857 of title 10, United States Code, as transferred and redesignated by subsection (a) and amended by subsection (b), the Secretary of Defense shall include a plan for implementation of the fall protection devices described in subsection (a)(3) of such section as required by such section.

(d) **LIMITATION ON USE OF FUNDS PENDING SUBMISSION OF OVERDUE REPORT.**—Of the funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2022 for the Office of the Assistant Secretary of Defense for Energy, Installations, and Environment, not more than 50 percent may be obligated or expended until the date on which the Secretary of Defense certifies to the congressional defense committees that—

(1) the independent assessment required by section 2817(b) of the Military Construction Authorization Act of 2018 (division B of Public Law 115–91; 131 Stat. 1852) has been initiated; and

(2) the Secretary expects the report containing the results of the assessment to be submitted to the congressional defense committees by February 1, 2023.

SEC. 2813. APPLICABILITY OF DISABILITY LAWS TO PRIVATIZED MILITARY HOUSING UNITS AND CLARIFICATION OF PROHIBITION AGAINST COLLECTION FROM TENANTS OF AMOUNTS IN ADDITION TO RENT.

(a) **APPLICABILITY OF DISABILITY LAWS.**—Section 2891 of title 10, United States Code, is amended—

(1) by redesignating subsection (g) as subsection (h); and

(2) by inserting after subsection (f) the following new subsection (g):

“(g) **APPLICABILITY OF DISABILITY LAWS.**—For purposes of this subchapter and subchapter IV of this chapter, housing units shall be considered as military family housing for purposes of application of Department of Defense policy implementing section 804 of the Fair Housing Act (42 U.S.C. 3604) and title III of the Americans with Disabilities Act of 1990 (42 U.S.C. 12181 et seq.).”.

(b) **CLARIFICATION OF PROHIBITION.**—

(1) **TREATMENT OF REASONABLE MODIFICATION AND ACCOMMODATION REQUIREMENTS.**—Section 2891a(e) of title 10, United States Code, is amended by adding at the end the following new paragraph:

Compliance.

“(3)(A) Costs incurred to reasonably modify or upgrade a housing unit to comply with standards addressing discrimination against an individual with a disability established pursuant to the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.), or to meet the reasonable modification and accommodation requirements of section 804 of the Fair Housing Act (42 U.S.C. 3604) and in order to facilitate occupancy of a housing unit by an individual with a disability, may not be considered optional services under paragraph (2)(A)(i) or another exception to the prohibition in paragraph (1) against collection from tenants of housing units of amounts in addition to rent.

“(B) In subparagraph (A), the term ‘disability’ has the meaning given that term in section 3 of the Americans with Disabilities Act of 1990 (42 U.S.C. 12102).”.

10 USC 2891a
note.

(2) **APPLICABILITY OF REQUIREMENTS.**—Subsection (e)(3) of section 2891a of title 10, United States Code, as added by paragraph (1), shall apply to contracts described in subsection (a) of such section entered into on or after the date of the enactment of this Act.

SEC. 2814. REQUIRED INVESTMENTS IN IMPROVING MILITARY UNACCOMPANIED HOUSING.

(a) **INVESTMENTS IN MILITARY UNACCOMPANIED HOUSING.**—Of the total amount authorized to be appropriated by the National Defense Authorization Act for a covered fiscal year for Facilities Sustainment, Restoration, and Modernization activities of a military department, the Secretary of that military department shall reserve an amount equal to five percent of the estimated replacement cost of the total inventory of unaccompanied housing under the jurisdiction of that Secretary for the purpose of carrying out projects for the improvement of military unaccompanied housing.

(b) **DEFINITIONS.**—In this section:

(1) The term “military unaccompanied housing” means military housing intended to be occupied by members of the Armed Forces serving a tour of duty unaccompanied by dependents.

(2) The term “replacement cost”, with respect to military unaccompanied housing, means the amount that would be required to replace the remaining service potential of that military unaccompanied housing.

(c) **DURATION OF INVESTMENT REQUIREMENT.**—The requirement in subsection (a) shall apply for fiscal years 2022 through 2026.

Applicability.

SEC. 2815. IMPROVEMENT OF SECURITY OF LODGING AND LIVING SPACES ON MILITARY INSTALLATIONS.

10 USC note
prec. 2851.

(a) **ASSESSMENT.**—Not later than 60 days after the date of the enactment of this Act, the Secretary of Defense shall conduct an assessment of all on-base dormitories and barracks at military installations for purposes of identifying—

Deadline.

(1) locking mechanisms on points of entry into the main facility, including doors and windows, or interior doors leading into private sleeping areas that require replacing or repairing;

(2) areas, such as exterior sidewalks, entry points, and other public areas where closed-circuit television security cameras should be installed; and

(3) other passive security measures, such as additional lighting, that may be necessary to prevent crime, including sexual assault.

(b) **EMERGENCY REPAIRS.**—The Secretary of Defense shall make any necessary repairs of broken locks or other safety mechanisms discovered during the assessment conducted under subsection (a) not later than 30 days after discovering the issue.

Deadline.

(c) **REPORT.**—

(1) **IN GENERAL.**—Not later than 270 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report on the results of the assessment conducted under subsection (a).

(2) **ELEMENTS.**—The report under paragraph (1) shall include—

(A) a cost estimate to make any improvements recommended pursuant to the assessment under subsection (a), disaggregated by military department and installation; and

Cost estimate.

(B) an estimated schedule for making such improvements.

Schedule.

10 USC 1791
note.

SEC. 2816. IMPROVEMENT OF DEPARTMENT OF DEFENSE CHILD DEVELOPMENT CENTERS AND INCREASED AVAILABILITY OF CHILD CARE FOR CHILDREN OF MILITARY PERSONNEL.

Deadline.	(a) SAFETY INSPECTION OF CHILD DEVELOPMENT CENTERS.—Not later than one year after the date of the enactment of this Act, each Secretary of a military department shall complete an inspection of all facilities under the jurisdiction of that Secretary used as a child development center to identify any unresolved safety issues, including lead, asbestos, and mold, that adversely impact the facilities.
Deadline.	(b) BRIEFING ON RESULTS OF SAFETY INSPECTIONS AND REMEDIATION PLANS.— (1) BRIEFING REQUIRED.—Not later than March 1, 2022, each Secretary of a military department shall brief the Committees on Armed Services of the Senate and the House of Representatives regarding the results of the safety inspections conducted of child development centers under the jurisdiction of that Secretary.
Lists.	(2) REQUIRED ELEMENTS OF BRIEFING.—In the briefing required by paragraph (1), the Secretary of a military department shall provide the following: (A) A list of any child development centers under the jurisdiction of that Secretary considered to be in poor or failing condition. In the case of each child development center included on this list, the Secretary shall provide a remediation plan for the child development center, which shall include the following elements:
Funding estimate.	(i) An estimate of the funding required to complete the remediation plan.
Strategy.	(ii) The Secretary’s funding strategy to complete the remediation plan.
Time period.	(iii) Any additional statutory authorities the Secretary needs to complete the remediation plan (B) A list of life-threatening and non-life-threatening violations during the previous three years recorded at child development centers under the jurisdiction of that Secretary that are not included on the list required by subparagraph (A), which shall include the name of the installation where the violation occurred and date of inspection.
Time period.	(C) A list of what that Secretary considers a life-threatening and non-life-threatening violation, including with regard to the presence of lead, asbestos, and mold.
Time period.	(D) A list of how often the 90-day remediation requirement has been waived and the name of each child development center under the jurisdiction of that Secretary at which a waiver was granted.
Time period.	(E) Data on child development center closures under the jurisdiction of that Secretary due to a non-life-threatening violation not remedied within 90 days.
Effective date.	(F) An additional plan to conduct preventive maintenance on other child development centers under the jurisdiction of that Secretary to prevent additional child development centers from degrading to poor or failing condition. (c) PARTNERSHIPS ENCOURAGED FOR CHILD CARE FOR CHILDREN OF MILITARY PERSONNEL.—Beginning one year after the date of the enactment of this Act, and pursuant to such regulations as

the Secretary of Defense may prescribe, each Secretary of a military department is encouraged to enter into agreements with public and private entities to provide child care to the children of personnel (including members of the Armed Forces and civilian employees of the Department of Defense) under the jurisdiction of that Secretary.

(d) **ANNUAL STATUS UPDATES.**—Not later than 18 months after the date of the enactment of this Act, and every 12 months thereafter, each Secretary of a military department shall brief the Committees on Armed Services of the Senate and the House of Representatives on the progress made by that Secretary—

Deadline.
Briefing.

(1) in implementing the child development center remediation plans required by subsection (b)(2)(A) for child development centers under the jurisdiction of that Secretary considered to be in “poor” or “failing” condition, including details about projects planned, funded, under construction, and completed under the plans;

(2) in conducting preventive maintenance on other child development centers under the jurisdiction of that Secretary pursuant to the preventive maintenance plan required by subsection (b)(2)(F); and

(3) in entering into partnerships encouraged by subsection (c), including with regard to each partnership—

(A) the terms of the agreement, including cost to the United States;

(B) the number of children described in such subparagraph projected to receive child care under the partnership; and

(C) if applicable, the actual number of such children who received child care under the partnership during the previous year.

(e) **CHILD DEVELOPMENT CENTER DEFINED.**—In this section, the term “child development center” has the meaning given that term in section 2871(2) of title 10, United States Code, and includes facilities identified as a child care center or day care center.

Subtitle C—Real Property and Facilities Administration

SEC. 2821. SECRETARY OF THE NAVY AUTHORITY TO SUPPORT DEVELOPMENT AND OPERATION OF NATIONAL MUSEUM OF THE UNITED STATES NAVY.

Chapter 861 of title 10, United States Code, is amended by inserting after section 8616 the following new section:

10 USC
prec. 8604.

“§ 8617. National Museum of the United States Navy

10 USC 8617.

“(a) **AUTHORITY TO SUPPORT DEVELOPMENT AND OPERATION OF MUSEUM.**—(1) The Secretary of the Navy may select and enter into a contract, cooperative agreement, or other agreement with one or more eligible nonprofit organizations to support the development, design, construction, renovation, or operation of a multipurpose museum to serve as the National Museum of the United States Navy.

“(2) The Secretary may—

“(A) authorize a partner organization to contract for each phase of development, design, construction, renovation, or operation of the museum, or all such phases; or

“(B) authorize acceptance of funds from a partner organization for each or all such phases.

“(b) PURPOSES OF MUSEUM.—(1) The museum shall be used for the identification, curation, storage, and public viewing of artifacts and artwork of significance to the Navy, as agreed to by the Secretary of the Navy.

“(2) The museum also may be used to support such education, training, research, and associated activities as the Secretary considers compatible with and in support of the museum and the mission of the Naval History and Heritage Command.

Determination.

“(c) ACCEPTANCE UPON COMPLETION.—Upon the satisfactory completion, as determined by the Secretary of the Navy, of any phase of the museum, and upon the satisfaction of any financial obligations incident thereto, the Secretary shall accept such phase of the museum from the partner organization, and all right, title, and interest in and to such phase of the museum shall vest in the United States. Upon becoming the property of the United States, the Secretary shall assume administrative jurisdiction over such phase of the museum.

“(d) LEASE AUTHORITY.—(1) The Secretary of the Navy may lease portions of the museum to an eligible nonprofit organization for use in generating revenue for the support of activities of the museum and for such administrative purposes as may be necessary for support of the museum. Such a lease may not include any part of the collection of the museum.

“(2) Any rent received by the Secretary under a lease under paragraph (1), including rent-in-kind, shall be used solely to cover or defray the costs of development, maintenance, or operation of the museum.

Applicability.

“(e) AUTHORITY TO ACCEPT GIFTS.—(1) The Secretary of the Navy may accept, hold, administer, and spend any gift, devise, or bequest of real property, personal property, or money made on the condition that the gift, devise, or bequest be used for the benefit, or in connection with, the establishment, operation, or maintenance, of the museum. Section 2601 (other than subsections (b), (c), and (e)) of this title shall apply to gifts accepted under this subsection.

Regulations.

“(2) The Secretary may display at the museum recognition for an individual or organization that contributes money to a partner organization, or an individual or organization that contributes a gift directly to the Navy, for the benefit of the museum, whether or not the contribution is subject to the condition that the recognition be provided. The Secretary shall prescribe regulations governing the circumstances under which contributor recognition may be provided, appropriate forms of recognition, and suitable display standards.

“(3) The Secretary may authorize the sale of donated property received under paragraph (1). A sale under this paragraph need not be conducted in accordance with disposal requirements that would otherwise apply, so long as the sale is conducted at arms-length and includes an auditable transaction record.

“(4) Any money received under paragraph (1) and any proceeds from the sale of property under paragraph (3) shall be deposited into a fund established in the Treasury to support the museum.

“(f) **ADDITIONAL TERMS AND CONDITIONS.**—The Secretary of the Navy may require such additional terms and conditions in connection with a contract, cooperative agreement, or other agreement under subsection (a) or a lease under subsection (d) as the Secretary considers appropriate to protect the interests of the United States.

“(g) **USE OF NAVY INDICATORS.**—(1) In a contract, cooperative agreement, or other agreement under subsection (a) or a lease under subsection (d), the Secretary of the Navy may authorize, consistent with section 2260 (other than subsection (d)) of this title, a partner organization to enter into licensing, marketing, and sponsorship agreements relating to Navy indicators, including the manufacture and sale of merchandise for sale by the museum, subject to the approval of the Department of the Navy.

“(2) No such licensing, marketing, or sponsorship agreement may be entered into if it would reflect unfavorably on the ability of the Department of the Navy, any of its employees, or any member of the armed forces to carry out any responsibility or duty in a fair and objective manner, or if the Secretary determines that the use of the Navy indicator would compromise the integrity or appearance of integrity of any program of the Department of the Navy.

“(h) **DEFINITIONS.**—In this section:

“(1) The term ‘eligible nonprofit organization’ means an entity that—

“(A) qualifies as an exempt organization under section 501(c)(3) of the Internal Revenue Code of 1986; and

“(B) has as its primary purpose the preservation and promotion of the history and heritage of the Navy.

“(2) The term ‘museum’ means the National Museum of the United States Navy, including its facilities and grounds.

“(3) The term ‘Navy indicator’ includes trademarks and service marks, names, identities, abbreviations, official insignia, seals, emblems, and acronyms of the Navy and Marine Corps, including underlying units, and specifically includes the term ‘National Museum of the United States Navy’.

“(4) The term ‘partner organization’ means an eligible nonprofit organization with whom the Secretary of the Navy enters into a contract, cooperative agreement, or other agreement under subsection (a) or a lease under subsection (d).”.

SEC. 2822. EXPANSION OF SECRETARY OF THE NAVY AUTHORITY TO LEASE AND LICENSE UNITED STATES NAVY MUSEUM FACILITIES TO GENERATE REVENUE TO SUPPORT MUSEUM ADMINISTRATION AND OPERATIONS.

10 USC 8617
note.

(a) **INCLUSION OF ADDITIONAL UNITED STATES NAVY MUSEUMS.**—Section 2852 of the Military Construction Authorization Act for Fiscal Year 2006 (division B of Public Law 109–163; 119 Stat. 3530) is amended—

(1) in subsection (a)—

(A) by striking the text preceding paragraph (1) and inserting “The Secretary of the Navy may lease or license any portion of the facilities of a United States Navy museum to a foundation established to support that museum for the purpose of permitting the foundation to carry out the following activities.”; and

(B) in paragraphs (1) and (2), by striking “the United States Navy Museum” and inserting “that United States Navy museum”;

(2) in subsection (b), by striking “the United States Navy Museum” and inserting “the United States Navy museum of which the facility is a part”;

(3) in subsection (c), by striking “the Naval Historical Foundation” and inserting “a foundation described in subsection (a)”;

and
(4) in subsection (d)—

(A) by striking “the United States Navy Museum” and inserting “the applicable United States Navy museum”;

and
(B) by striking “the Museum” and inserting “that museum”.

(b) UNITED STATES NAVY MUSEUM DEFINED.—Section 2852 of the Military Construction Authorization Act for Fiscal Year 2006 (division B of Public Law 109–163; 119 Stat. 3530) is amended by adding at the end the following new subsection:

“(f) UNITED STATES NAVY MUSEUM.—In this section, the term ‘United States Navy museum’ means a museum under the jurisdiction of the Secretary of Defense and operated through the Naval History and Heritage Command.”.

(c) CONFORMING CLERICAL AMENDMENT.—The heading of section 2852 of the Military Construction Authorization Act for Fiscal Year 2006 (division B of Public Law 109–163; 119 Stat. 3530) is amended by striking “AT WASHINGTON, NAVY YARD, DISTRICT OF COLUMBIA”.

Subtitle D—Military Facilities Master Plan Requirements

SEC. 2831. COOPERATION WITH STATE AND LOCAL GOVERNMENTS IN DEVELOPMENT OF MASTER PLANS FOR MAJOR MILITARY INSTALLATIONS.

Section 2864(a) of title 10, United States Code, is amended by adding at the end the following new paragraph:

“(3)(A) The commander of a major military installation shall develop and update the master plan for that major military installation in consultation with representatives of the government of the State in which the installation is located and representatives of local governments in the vicinity of the installation to improve cooperation and consistency between the Department of Defense and such governments in addressing each component of the master plan described in paragraph (1).

“(B) The consultation required by subparagraph (A) is in addition to the consultation specifically required by subsection (b)(1) in connection with the transportation component of the master plan for a major military installation.”.

SEC. 2832. ADDITIONAL CHANGES TO REQUIREMENTS REGARDING MASTER PLANS FOR MAJOR MILITARY INSTALLATIONS.

(a) CONSIDERATION OF MILITARY INSTALLATION RESILIENCE.—Section 2864(a)(2)(E) of title 10, United States Code, is amended by inserting before the period at the end the following: “and military installation resilience”.

Update.
Consultation.

(b) COORDINATION EFFORTS RELATED TO MILITARY INSTALLATION RESILIENCE COMPONENT.—Section 2864(c) of title 10, United States Code, is amended—

- (1) by redesignating paragraph (7) as paragraph (8); and
- (2) by inserting after paragraph (6) the following new paragraph:

graph:

“(7) Extent of current coordination efforts and plans for additional coordination, as of the time of the development of the plan, with public or private entities for the purpose of maintaining or enhancing military installation resilience or resilience of the community infrastructure and resources described in paragraph (5).”.

(c) CROSS REFERENCE TO DEFINITION OF MILITARY INSTALLATION RESILIENCE.—Section 2864(f) of title 10, United States Code, is amended by adding at the end the following new paragraph:

“(6) The term ‘military installation resilience’ has the meaning given that term in section 101(e) of this title.”.

SEC. 2833. PROMPT COMPLETION OF MILITARY INSTALLATION RESILIENCE COMPONENT OF MASTER PLANS FOR AT-RISK MAJOR MILITARY INSTALLATIONS.

10 USC 2864
note.

(a) IDENTIFICATION OF AT-RISK INSTALLATIONS.—Not later than 30 days after the date of the enactment of this Act, each Secretary of a military department shall—

Deadline.

(1) identify at least two major military installations under the jurisdiction of that Secretary that the Secretary considers at risk from extreme weather events; and

(2) notify the Committees on Armed Services of the Senate and the House of Representatives of the major military installations identified under paragraph (1).

Notification.

(b) COMPLETION DEADLINE.—Not later than one year after the date of the enactment of this Act, each Secretary of a military department shall ensure that the military installation resilience component of the master plan for each major military installation identified by the Secretary under subsection (a) is completed.

(c) BRIEFINGS.—Not later than 60 days after completion of a master plan component as required by subsection (b) for a major military installation, the Secretary of the military department concerned shall brief the Committees on Armed Services of the Senate and the House of Representatives regarding the results of the master plan efforts for that major military installation.

Deadline.

(d) DEFINITIONS.—In this section:

(1) The term “major military installation” has the meaning given that term in section 2864(f) of title 10, United States Code.

(2) The term “master plan” means the master plan required by section 2864(a) of title 10, United States Code, for a major military installation.

SEC. 2834. MASTER PLANS AND INVESTMENT STRATEGIES FOR ARMY AMMUNITION PLANTS GUIDING FUTURE INFRASTRUCTURE, FACILITY, AND PRODUCTION EQUIPMENT IMPROVEMENTS.

(a) SUBMISSION OF MASTER PLANS AND INVESTMENT STRATEGIES.—Not later than March 31, 2022, the Secretary of the Army shall submit to the congressional defense committees a report containing the following:

Reports.

(1) The master plan for each of the ammunition organic industrial base production facilities under the jurisdiction of the Secretary of the Army (in this section referred to as an “ammunition production facility”) that was developed to guide planning and budgeting for future infrastructure construction, facility improvements, and production equipment needs at the ammunition production facility.

(2) An investment strategy to address the facility, major equipment, and infrastructure requirements at each ammunition production facility in order to support the readiness and material availability goals of current and future weapons systems of the Department of Defense.

(b) ELEMENTS OF MASTER PLAN.—To satisfy the requirements of subsection (a)(1), the master plan for an ammunition production facility must incorporate the results of a review of industrial processes, logistics streams, and workload distribution required to support production objectives and the facility requirements to support optimized processes and include the following specific elements:

(1) A description of all infrastructure construction and facility improvements planned or being considered for the ammunition production facility and production equipment planned or being considered for installation, modernization, or replacement.

(2) An explanation of how the master plan for the ammunition production facility will promote efficient, effective, resilient, secure, and cost-effective production of ammunition and ammunition components for the Armed Forces.

(3) A description of how development of the master plan for the ammunition production facility included input from the contractor operating the ammunition production facility and how implementation of that master plan will be coordinated with the contractor.

(4) A review of current and projected workload requirements for the manufacturing of energetic materials, including propellants, explosives, pyrotechnics, and the ingredients for propellants, explosives, and pyrotechnics, to assess efficiencies in the use of existing facilities, including consideration of new weapons characteristics and requirements, obsolescence of facilities, siting of facilities and equipment, and various constrained process flows.

(5) An analysis of life-cycle costs to repair and modernize existing mission-essential facilities versus the cost to consolidate functions into modern, right-sized facilities at each location to meet current and programmed future mission requirements.

(6) A review of the progress made in prioritizing and funding projects that facilitate process efficiencies and consolidate and contribute to availability cost and schedule reductions.

(7) An accounting of the backlog of restoration and modernization projects at the ammunition production facility.

(c) ELEMENTS OF INVESTMENT STRATEGY.—To satisfy the requirements of subsection (a)(2), the investment strategy for an ammunition production facility must include the following specific elements:

(1) A description of the funding sources for such infrastructure construction, facility improvements, and production equipment, including authorized military construction projects, appropriations available for operation and maintenance, and

appropriations available for procurement of Army ammunition in order to support the readiness and material availability goals of current and future weapons systems of the Department of Defense.

(2) A timeline to complete the investment strategy.

(3) A list of projects and a brief scope of work for each such project.

(4) Cost estimates necessary to complete projects for mission essential facilities.

(d) ANNUAL UPDATES.—Not later than March 31, 2023, and each March 31 thereafter through March 31, 2026, the Secretary of the Army shall submit to the congressional defense committees a report containing the following:

Reports.
Time period.

(1) A description of any revisions made during the previous year to master plans and investment strategies submitted under subsection (a).

(2) A description of any revisions to be made or being considered to the master plans and investment strategies.

(3) An explanation of the reasons for each revision, whether made, to be made, or being considered.

(4) A description of the progress made in improving infrastructure, facility, and production equipment at each ammunition production facility consistent with the master plans and investment strategies.

(e) DELEGATION AUTHORITY.—The Secretary of the Army shall carry out this section acting through the Assistant Secretary of the Army for Acquisition, Logistics, and Technology.

Subtitle E—Matters Related to Unified Facilities Criteria and Military Construction Planning and Design

SEC. 2841. AMENDMENT OF UNIFIED FACILITIES CRITERIA TO REQUIRE INCLUSION OF PRIVATE NURSING AND LACTATION SPACE IN CERTAIN MILITARY CONSTRUCTION PROJECTS.

10 USC 2802
note.

(a) AMENDMENT REQUIRED.—The Secretary of Defense shall amend UFC 1–4.2 (Nursing and Lactation Rooms) of the Unified Facilities Criteria/DoD Building Code (UFC 1–200–01) to require that military construction planning and design for buildings likely to be regularly frequented by nursing mothers who are members of the uniformed services, civilian employees of the Department of Defense, contractor personnel, or visitors include a private nursing and lactation room or other private space suitable for that purpose.

(b) DEADLINE.—The Secretary of Defense shall complete the amendment process required by subsection (a) and implement the amended UFC 1–4.2 not later than one year after the date of the enactment of this Act.

SEC. 2842. REVISIONS TO UNIFIED FACILITIES CRITERIA REGARDING USE OF VARIABLE REFRIGERANT FLOW SYSTEMS.

10 USC 2802
note.

(a) PUBLICATION AND COMMENT PERIOD REQUIREMENTS.—The Under Secretary of Defense for Acquisition and Sustainment shall publish any proposed revisions to the Unified Facilities Criteria

Federal Register,
publication.

Deadline.	regarding the use of variable refrigerant flow systems in the Federal Register and shall specify a comment period of at least 60 days. (b) NOTICE AND JUSTIFICATION REQUIREMENTS.—The Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a written notice and justification for any proposed revisions to the Unified Facilities Criteria regarding the use of variable refrigerant flow systems not later than 30 days after the date of publication in the Federal Register.
10 USC 2802 note.	SEC. 2843. AMENDMENT OF UNIFIED FACILITIES CRITERIA TO PROMOTE ENERGY EFFICIENT MILITARY INSTALLATIONS. (a) UNIFIED FACILITIES CRITERIA AMENDMENT REQUIRED.—To the extent practicable, the Secretary of Defense shall amend the Unified Facilities Criteria relating to military construction planning and design to ensure that building practices and standards of the Department of Defense incorporate the latest consensus-based codes and standards for energy efficiency and conservation, including the 2021 International Energy Conservation Code and the ASHRAE Standard 90.1-2019.
Compliance.	(b) IMPLEMENTATION OF AMENDMENT.—The Secretary of Defense shall complete the amendment process required by subsection (a) in a timely manner so that any Department of Defense Form 1391 submitted to Congress in connection with the budget submission for fiscal year 2024 and thereafter complies with the Unified Facilities Criteria, as amended pursuant to such subsection. (c) REPORTING REQUIREMENT.—Not later than February 1, 2024, the Secretary of Defense shall submit to the Committees on Armed Services of the House of Representatives and the Senate a report— (1) describing the extent to which the Unified Facilities Criteria, as amended pursuant to subsection (a), incorporate the latest consensus-based codes and standards for energy efficiency and conservation, including the 2021 International Energy Conservation Code and the ASHRAE Standard 90.1-2019, as required by such subsection; and (2) in the case of any instance in which the Unified Facilities Criteria continues to deviate from such consensus-based codes and standards for energy efficiency and conservation, identifying the deviation and explaining the reasons for the deviation.
10 USC 2802 note.	SEC. 2844. ADDITIONAL DEPARTMENT OF DEFENSE ACTIVITIES TO IMPROVE ENERGY RESILIENCY OF MILITARY INSTALLATIONS. (a) CONSIDERATION OF INCLUDING ENERGY MICROGRID IN MILITARY CONSTRUCTION PROJECTS.— (1) AMENDMENT OF UNIFIED FACILITIES CRITERIA REQUIRED.—The Secretary of Defense shall amend the Unified Facilities Criteria/DoD Building Code (UFC 1–200–01) to require that planning and design for military construction projects inside the United States include consideration of the feasibility and cost-effectiveness of installing an energy microgrid as part of the project, including intentional islanding capability of at least seven consecutive days, for the purpose of— (A) promoting on-installation energy security and energy resilience; and

(B) facilitating implementation and greater use of the authority provided by subsection (h) of section 2911 of title 10, United States Code, as added and amended by section 2825 of the Military Construction Authorization Act for Fiscal Year 2021 (division B of Public Law 116–283).

(2) DEADLINE.—The Secretary of Defense shall complete the amendment process required by paragraph (1) and implement the amendment not later than September 1, 2022.

(b) CONTRACTS FOR EMERGENCY ACCESS TO EXISTING ON-INSTALLATION RENEWABLE ENERGY SOURCES.—In the case of a covered renewable energy generating source located on a military installation pursuant to a lease of non-excess defense property under section 2667 of title 10, United States Code, the Secretary of the military department concerned is encouraged to negotiate with the owner and operator of the renewable energy generating source to revise the lease contract to permit the military installation to access the renewable energy generating source during an emergency. The negotiations shall include consideration of the ease of modifying the renewable energy generating source to include an islanding capability, the necessity of additional infrastructure to tie the renewable energy generating source into the installation energy grid, and the cost of such modifications and infrastructure.

(c) DEFINITIONS.—In this section:

(1) The term “covered renewable energy generating source” means a renewable energy generating source that, on the date of the enactment of this Act—

(A) is located on a military installation inside the United States; but

(B) cannot be used as a direct source of resilient energy for the installation in the event of a power disruption.

(2) The term “islanding capability” refers to the ability to remove an energy system, such as a microgrid, from the local utility grid and to operate the energy system, at least temporarily, as an integrated, stand-alone system, during an emergency involving the loss of external electric power supply.

(3) The term “microgrid” means an integrated energy system consisting of interconnected loads and energy resources with an islanding capability to permit functioning separate from the local utility grid.

Subtitle F—Land Conveyances

SEC. 2851. MODIFICATION OF RESTRICTIONS ON USE OF FORMER NAVY PROPERTY CONVEYED TO UNIVERSITY OF CALIFORNIA, SAN DIEGO, CALIFORNIA.

(a) MODIFICATION OF ORIGINAL USE RESTRICTION.—Section 3(a) of Public Law 87–662 (76 Stat. 546) is amended by inserting after “educational purposes” the following: “, which may include technology innovation and entrepreneurship programs and establishment of innovation incubators”.

(b) EXECUTION.—If necessary to effectuate the amendment made by subsection (a), the Secretary of the Navy shall execute and file in the appropriate office an amended deed or other appropriate instrument reflecting the modification of restrictions on the

Record.

use of former Camp Matthews conveyed to the regents of the University of California pursuant to Public Law 87–662.

SEC. 2852. LAND CONVEYANCE, JOINT BASE CAPE COD, BOURNE, MASSACHUSETTS.

(a) **CONVEYANCE AUTHORIZED.**—The Secretary of the Air Force may convey to the Commonwealth of Massachusetts (in this section referred to as the “Commonwealth”) all right, title, and interest of the United States in and to a parcel of real property, including improvements thereon and related easements, consisting of approximately 10 acres located on Joint Base Cape Cod, Bourne, Massachusetts.

(b) **CONDITIONS OF CONVEYANCE.**—The conveyance under subsection (a) shall be subject to valid existing rights and the Commonwealth shall accept the real property, and any improvements thereon, in its condition at the time of the conveyance (commonly known as a conveyance “as is”).

(c) **CONSIDERATION.**—

Payment.

(1) **CONSIDERATION REQUIRED.**—As consideration for the conveyance under subsection (a), the Commonwealth shall pay to the United States an amount equal to the fair market value of the right, title, and interest conveyed under subsection (a) based on an appraisal approved by the Secretary.

(2) **TREATMENT OF CONSIDERATION RECEIVED.**—Consideration received under paragraph (1) shall be deposited in the special account in the Treasury established under subsection (b) of section 572 of title 40, United States Code, and shall be available in accordance with paragraph (5)(B) of such subsection.

(d) **PAYMENT OF COSTS OF CONVEYANCE.**—

Reimbursement.

(1) **PAYMENT REQUIRED.**—The Secretary of the Air Force shall require the Commonwealth to cover all costs (except costs for environmental remediation of the property) to be incurred by the Secretary, or to reimburse the Secretary for costs incurred by the Secretary, to carry out the conveyance under subsection (a), including survey costs, costs for environmental documentation, and any other administrative costs related to the conveyance. If amounts are collected from the Commonwealth in advance of the Secretary incurring the actual costs, and the amount collected exceeds the costs actually incurred by the Secretary to carry out the conveyance, the Secretary shall refund the excess amount to the Commonwealth.

Refund.

(2) **TREATMENT OF AMOUNTS RECEIVED.**—Amounts received as reimbursement under paragraph (1) shall be credited to the fund or account that was used to cover the costs incurred by the Secretary in carrying out the conveyance or, if the period of availability for obligations for that appropriation has expired, to an appropriate fund or account currently available to the Secretary for the same purpose. Amounts so credited shall be merged with amounts in such fund or account, and shall be available for the same purposes, and subject to the same conditions and limitations, as amounts in such fund or account.

Determination.
Survey.

(e) **DESCRIPTION OF PROPERTY.**—The exact acreage and legal description of the property to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary of the Air Force.

(f) **ADDITIONAL TERMS AND CONDITIONS.**—The Secretary of the Air Force may require such additional terms and conditions in connection with the conveyance under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

SEC. 2853. LAND CONVEYANCE, SAINT JOSEPH, MISSOURI.

(a) **CONVEYANCE AUTHORIZED.**—At such time as the Missouri Air National Guard vacates their existing location on the southern end of the airfield at Rosecrans Memorial Airport in Saint Joseph, Missouri, as determined by the Secretary of the Air Force, the Secretary may convey to the City of Saint Joseph, Missouri (in this section referred to as the “City”), all right, title, and interest of the United States in and to a parcel of real property, including any improvements thereon, consisting of approximately 54 acres at the Rosecrans Air National Guard Base in Saint Joseph, Missouri, for the purpose of removing the property from the boundaries of the Rosecrans Air National Guard Base and accommodating the operations and maintenance needs of the Rosecrans Memorial Airport as well as the development of the parcels and buildings for economic purposes.

(b) **CONDITION OF CONVEYANCE.**—The conveyance under subsection (a) shall be subject to valid existing rights and the City shall accept the real property (and any improvements thereon) in its condition at the time of the conveyance (commonly known as a conveyance “as is”).

(c) **CONSIDERATION.**—

(1) **REQUIREMENT.**—As consideration for the conveyance of the property under subsection (a), the City shall provide the United States an amount that is equivalent to the fair market value of the right, title, and interest conveyed under subsection (a) based on an appraisal approved by the Secretary of the Air Force.

(2) **TYPES OF CONSIDERATION.**—

(A) **IN GENERAL.**—Except as provided in subparagraph (B), the consideration required to be provided under paragraph (1) may be provided by land exchange, in-kind consideration described in subparagraph (D), or a combination thereof.

(B) **LESS THAN FAIR MARKET VALUE.**—If the value of the land exchange or in-kind consideration provided under subparagraph (A) is less than the fair market value of the property interest to be conveyed under subsection (a), the City shall pay to the United States an amount equal to the difference between the fair market value of the property interest and the value of the consideration provided under subparagraph (A). Payment.

(C) **CASH CONSIDERATION.**—Any cash consideration received by the United States under this subsection shall be deposited in the special account in the Treasury established under section 572(b)(5) of title 40, United States Code, and available in accordance with the provisions of subparagraph (B)(ii) of such section.

(D) **IN-KIND CONSIDERATION.**—In-kind consideration described in this subparagraph may include the construction, provision, improvement, alteration, protection,

maintenance, repair, or restoration (including environmental restoration), or a combination thereof, of any facilities or infrastructure relating to the needs of the Missouri Air National Guard at Rosecrans Air National Guard Base that the Secretary considers appropriate.

(d) PAYMENT OF COSTS OF CONVEYANCE.—

Reimbursement.

(1) PAYMENT REQUIRED.—The Secretary of the Air Force may require the City to cover all costs to be incurred by the Secretary, or to reimburse the Secretary for costs incurred by the Secretary, to carry out the conveyance under subsection (a), including survey costs, costs related to environmental documentation, and any other administrative costs related to the conveyance. If amounts paid by the City to the Secretary in advance exceed the costs actually incurred by the Secretary to carry out the conveyance, the Secretary shall refund the excess amount to the City.

Refund.

(2) TREATMENT OF AMOUNTS RECEIVED.—Amounts received under paragraph (1) as reimbursement for costs incurred by the Secretary to carry out the conveyance under subsection (a) shall be credited to the fund or account that was used to cover the costs incurred by the Secretary in carrying out the conveyance, or to an appropriate fund or account currently available to the Secretary for the purposes for which the costs were paid. Amounts so credited shall be merged with amounts in such fund or account and shall be available for the same purposes, and subject to the same conditions and limitations, as amounts in such fund or account.

Determination.
Survey.

(e) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the property to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary of the Air Force.

(f) ADDITIONAL TERMS AND CONDITIONS.—The Secretary of the Air Force may require such additional terms and conditions in connection with the conveyance under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

SEC. 2854. LAND CONVEYANCE, DEPARTMENT OF DEFENSE EXCESS PROPERTY, ST. LOUIS, MISSOURI.

(a) CONVEYANCE TO LAND CLEARANCE FOR REDEVELOPMENT AUTHORITY OF THE CITY OF ST. LOUIS.—

(1) CONVEYANCE AUTHORIZED.—The Secretary of the Air Force may convey to the Land Clearance for Redevelopment Authority of the City of St. Louis (in this section referred to as the “Authority”) all right, title, and interest of the United States in and to a parcel of real property, including all improvements thereon, consisting of approximately 24 acres located at 3200 S. 2nd Street, St. Louis, Missouri, for purpose of permitting the Authority to redevelop the property.

(2) LIMITATION.—The Secretary may convey to the Authority only that portion of the parcel of real property described in paragraph (1) that is declared excess to the needs of the Department of Defense.

(b) CONSIDERATION.—

Payment.

(1) CONSIDERATION REQUIRED.—As consideration for the conveyance under subsection (a), the Authority shall pay to the Secretary of the Air Force an amount that is not less

than the fair market value of the property conveyed, as determined by the Secretary, whether by cash payment, in-kind consideration as described under paragraph (2), or a combination thereof.

(2) **IN-KIND CONSIDERATION.**—In-kind consideration provided by the Authority under this subsection may include the acquisition, construction, provision, improvement, maintenance, repair, or restoration (including environmental restoration), or combination thereof, of any facilities or infrastructure, or delivery of services relating to the needs that the Secretary considers acceptable.

(c) **TERMS OF CONVEYANCE.**—

(1) **INSTRUMENT OF CONVEYANCE; ACCEPTANCE.**—The conveyance under subsection (a) shall be subject to valid existing rights and shall be accomplished using a quitclaim deed or other legal instrument.

(2) **CONDITIONS.**—

(A) **IN GENERAL.**—Subject to paragraph (3), the Authority shall accept the real property conveyed under subsection (a), and any improvements thereon, in its condition at the time of the conveyance (commonly known as a conveyance “as is”).

(B) **ENVIRONMENTAL CONDITIONS.**—The conveyance under subsection (a) may include conditions, restrictions, or covenants related the environmental condition of the conveyed property, which shall not adversely interfere with the use of existing structures and the development of the property for commercial or industrial uses.

(C) **HISTORICAL PROPERTY CONDITIONS.**—The conveyance under subsection (a) may include conditions, restrictions, or covenants to ensure preservation of historic property, notwithstanding the effect such conditions, restrictions, or covenants may have on reuse of the property.

(3) **CONDUCT OF REMEDIATION.**—

(A) **IN GENERAL.**—The Secretary of the Air Force shall conduct all remediation at the real property conveyed under subsection (a) pursuant to approved activities under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.) and the Defense Environmental Restoration Program under section 2701 of title 10, United States Code.

(B) **COMPLETION OF REMEDIATION.**—The Secretary shall complete all remediation at the parcel of land conveyed under subsection (a) in accordance with the requirements selected in the Record of Decision, Scott Air Force Base Environmental Restoration Program Site SS018, National Imagery and Mapping Agency, Second Street, dated August 2019.

(d) **PAYMENT OF COSTS OF CONVEYANCE.**—

(1) **PAYMENT REQUIRED.**—The Secretary of the Air Force shall require the Authority to cover costs to be incurred by the Secretary, or to reimburse the Secretary for costs incurred by the Secretary, to carry out the conveyance under subsection (a), including costs related to environmental and real estate due diligence, and any other administrative costs related to the conveyance. If amounts are collected in advance of the Secretary incurring the actual costs, and the amount collected

Reimbursement.

Refund.

exceeds the costs actually incurred by the Secretary to carry out the conveyance, the Secretary shall refund the excess amount to the Authority.

(2) TREATMENT OF AMOUNTS RECEIVED.—Amounts received as reimbursement under paragraph (1) shall be credited to the fund or account that was used to cover those costs incurred by the Secretary in carrying out the conveyance or, if the period of availability for obligations for that appropriation has expired, to the fund or account currently available to the Secretary for the same purpose. Amounts so credited shall be merged with amounts in such fund or account, and shall be available for the same purposes, and subject to the same conditions and limitations, as amounts in such fund or account.

(e) RELATION TO OTHER LAWS.—

Compliance.

(1) HISTORIC PRESERVATION.—The conveyance under subsection (a) shall be carried out in compliance with division A of subtitle III of title 54, United States Code (formerly known as the National Historic Preservation Act).

(2) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to affect or limit the application of, or any obligation to comply with, the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.).

Determination.
Survey.

(f) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the parcel of real property to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary of the Air Force.

(g) ADDITIONAL TERMS AND CONDITIONS.—The Secretary of the Air Force may require such additional terms and conditions in connection with the conveyance under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

SEC. 2855. LAND CONVEYANCE, MARINE CORPS AIR STATION, CHERRY POINT, NORTH CAROLINA.

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Navy may convey to the City of Havelock, North Carolina (in this section referred to as the “City”), all right, title, and interest of the United States in and to a parcel of real property, including any improvements thereon, consisting of approximately 30 acres, known as the former Fort Macon Housing Area, located within the City limits.

Time period.

(b) INTERIM LEASE.—Until such time as the real property described in subsection (a) is conveyed to the City, the Secretary of the Navy may lease the property to the City for 20 years.

(c) CONSIDERATION.—

Payment.
Determination.

(1) IN GENERAL.—As consideration for the conveyance under subsection (a) and interim lease under subsection (b), the City shall pay to the Secretary of the Navy an amount that is not less than the fair market value of the property conveyed, as determined by the Secretary, whether by cash payment, in-kind consideration as described under paragraph (2), or a combination thereof.

(2) IN-KIND CONSIDERATION.—In-kind consideration provided by the City under this subsection may include the acquisition, construction, provision, improvement, maintenance, repair, or restoration (including environmental restoration), or combination thereof, of any facilities or infrastructure, or delivery

of services relating to the needs of Marine Corps Air Station Cherry Point, North Carolina, that the Secretary considers acceptable.

(3) DISPOSITION OF AMOUNTS.—

(A) CONVEYANCE.—Amounts received by the Secretary in exchange for the fee title of the real property described in subsection (a) shall be deposited in the special account in the Treasury established under section 572(b)(5) of title 40, United States Code, and shall be available in accordance with subparagraph (B)(ii) of such section.

(B) INTERIM LEASE.—Amounts received by the Secretary for the interim lease of the real property described in subsection (a) shall be deposited in the special account in the Treasury established for the Secretary under subsection (e) of section 2667 of title 10, United States Code, and shall be available for use in accordance with paragraph (1)(D) of such subsection.

(d) PAYMENT OF COSTS OF CONVEYANCE.—

(1) IN GENERAL.—The Secretary of the Navy shall require the City to cover costs (except costs for environmental remediation of the property) to be incurred by the Secretary, or to reimburse the Secretary for such costs incurred by the Secretary, to carry out the conveyance under subsection (a) and interim lease under subsection (b), including costs for environmental and real estate due diligence and any other administrative costs related to the conveyance.

Requirement.
Reimbursement.

(2) REFUND OF EXCESS AMOUNTS.—If amounts are collected from the City under paragraph (1) in advance of the Secretary incurring the actual costs, and the amount collected exceeds the costs actually incurred by the Secretary to carry out the conveyance under subsection (a) and interim lease under subsection (b), the Secretary shall refund the excess amount to the City.

(e) CONDITION OF CONVEYANCE.—Conveyance of real property shall be subject to all existing easements, restrictions, and covenants of record and conditioned upon the following:

(1) Real property shall be used for municipal park and recreational purposes, which may include ancillary uses such as vending and restrooms.

(2) The City shall not use Federal funds to cover any portion of the amounts required by subsections (c) and (d) to be paid by the City.

(f) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the property to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary of the Navy.

Determination.
Survey.

(g) EXCLUSION OF REQUIREMENTS FOR PRIOR SCREENING BY GENERAL SERVICES ADMINISTRATION FOR ADDITIONAL FEDERAL USE.—Section 2696(b) of title 10, United States Code, does not apply to the conveyance of real property authorized under subsection (a).

(h) ADDITIONAL TERMS.—The Secretary of the Navy may require such additional terms and conditions in connection with the conveyance under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

SEC. 2856. LAND CONVEYANCE, NAVAL AIR STATION OCEANA, VIRGINIA BEACH, VIRGINIA, TO CITY OF VIRGINIA BEACH, VIRGINIA.

(a) CONVEYANCE AUTHORIZED.—

(1) **IN GENERAL.**—The Secretary of the Navy may convey to the City of Virginia Beach, Virginia (in this section referred to as the “City”), all right, title, and interest of the United States in and to a parcel of real property located at 4200 C Avenue, Virginia Beach, Virginia, including any improvements thereon, consisting of approximately 8 acres.

(2) **AUTHORITY TO VOID LAND USE RESTRICTIONS.**—The Secretary may void any land use restrictions associated with the property to be conveyed under paragraph (1).

(b) CONSIDERATION.—

Payment.
Determination.

(1) **IN GENERAL.**—As consideration for the conveyance under subsection (a)(1), the City shall pay to the Secretary of the Navy an amount that is not less than the fair market value of the property conveyed, as determined by the Secretary, whether by cash payment, in-kind consideration as described in paragraph (2), or a combination thereof.

(2) **IN-KIND CONSIDERATION.**—In-kind consideration provided by the City under this subsection may include the acquisition, construction, provision, improvement, maintenance, repair, or restoration (including environmental restoration), or combination thereof, of any facilities or infrastructure, or delivery of services relating to the needs of Naval Air Station Oceana, Virginia, that the Secretary considers acceptable.

(3) **DISPOSITION OF FUNDS.**—Cash received in exchange for the fee title of the property conveyed under subsection (a)(1) shall be deposited in the special account in the Treasury established under subparagraph (A) of section 572(b)(5) of title 40, United States Code, and shall be available for use in accordance with subparagraph (B)(ii) of such section.

(c) PAYMENT OF COSTS OF CONVEYANCE.—

Reimbursement.

(1) **PAYMENT REQUIRED.**—The Secretary of the Navy shall require the City to cover costs to be incurred by the Secretary, or to reimburse the Secretary for costs incurred by the Secretary, to carry out the conveyance under subsection (a)(1), including costs related to environmental and real estate due diligence, and any other administrative costs related to the conveyance.

(2) **REFUND OF EXCESS AMOUNTS.**—If amounts are collected under paragraph (1) in advance of the Secretary incurring the actual costs, and the amount collected exceeds the costs actually incurred by the Secretary to carry out the conveyance under subsection (a)(1), the Secretary shall refund the excess amount to the City.

(3) **TREATMENT OF AMOUNTS RECEIVED.**—Amounts received as reimbursement under paragraph (1) shall be credited to the fund or account that was used to cover the costs incurred by the Secretary in carrying out the conveyance under subsection (a)(1). Amounts so credited shall be merged with amounts in such fund or account and shall be available for the same purposes, and subject to the same conditions and limitations, as amounts in such fund or account.

Determination.
Survey.

(d) **DESCRIPTION OF PROPERTY.**—The exact acreage and legal description of the parcel of real property to be conveyed under

subsection (a)(1) shall be determined by a survey satisfactory to the Secretary of the Navy.

(e) **ADDITIONAL TERMS AND CONDITIONS.**—The Secretary of the Navy may require such additional terms and conditions in connection with the conveyance under subsection (a)(1) as the Secretary considers appropriate to protect the interests of the United States.

SEC. 2857. LAND CONVEYANCE, NAVAL AIR STATION OCEANA, VIRGINIA BEACH, VIRGINIA, TO SCHOOL BOARD OF CITY OF VIRGINIA BEACH, VIRGINIA.

(a) **CONVEYANCE AUTHORIZED.**—

(1) **IN GENERAL.**—The Secretary of the Navy may convey to the School Board of the City of Virginia Beach, Virginia (in this section referred to as “VBCPS”) all right, title, and interest of the United States in and to a parcel of real property, including any improvements thereon, consisting of approximately 2.77 acres at Naval Air Station Oceana, Virginia Beach, Virginia, located at 121 West Lane (GPIN: 2407-94-0772) for the purpose of permitting VBCPS to use the property for educational purposes.

(2) **CONTINUATION OF EXISTING EASEMENTS, RESTRICTIONS, AND COVENANTS.**—The conveyance of the property under paragraph (1) shall be subject to any easement, restriction, or covenant of record applicable to the property and in existence on the date of the enactment of this Act.

(b) **CONSIDERATION.**—

(1) **CONSIDERATION REQUIRED; AMOUNT.**—As consideration for the conveyance under subsection (a), VBCPS shall pay to the Secretary of the Navy an amount that is not less than the fair market value of the property to be conveyed, as determined by the Secretary. The Secretary’s determination of fair market value shall be final of the property to be conveyed.

Payment.
Determination.

(2) **FORM OF CONSIDERATION.**—The consideration required by paragraph (1) may be in the form of a cash payment, in-kind consideration as described in paragraph (3), or a combination thereof, as acceptable to the Secretary. Cash consideration shall be deposited in the special account in the Treasury established under section 572 of title 40, United States Code, and the entire amount deposited shall be available for use in accordance with subsection (b)(5)(ii) of such section.

(3) **IN-KIND CONSIDERATION.**—The Secretary may accept as in-kind consideration under this subsection the acquisition, construction, provision, improvement, maintenance, repair, or restoration (including environmental restoration), or combination thereof, of any facilities or infrastructure, or the delivery of services, relating to the needs of Naval Air Station Oceana.

(c) **PAYMENT OF COSTS OF CONVEYANCE.**—

(1) **PAYMENT REQUIRED.**—The Secretary of the Navy shall require VBCPS to cover costs to be incurred by the Secretary, or to reimburse the Secretary for costs incurred by the Secretary, to carry out the conveyance under subsection (a), including costs related to environmental and real estate due diligence, and any other administrative costs related to the conveyance. If amounts are collected in advance of the Secretary incurring the actual costs, and the amount collected exceeds the costs actually incurred by the Secretary to carry out the

Reimbursement.

Refunds.

conveyance, the Secretary shall refund the excess amount to VBCPS.

(2) TREATMENT OF AMOUNTS RECEIVED.—Amounts received as reimbursement under paragraph (1) shall be credited to the fund or account that was used to cover those costs incurred by the Secretary in carrying out the conveyance or, if the period of availability for obligations for that appropriation has expired, to the fund or account currently available to the Secretary for the same purpose. Amounts so credited shall be merged with amounts in such fund or account, and shall be available for the same purposes, and subject to the same conditions and limitations, as amounts in such fund or account.

(d) LIMITATION ON SOURCE OF FUNDS.—VBCPS may not use Federal funds to cover any portion of the costs required by subsections (b) and (c) to be paid by VBCPS.

Determination.
Survey.

(e) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the parcel of real property to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary of the Navy.

(f) ADDITIONAL TERMS AND CONDITIONS.—The Secretary of the Navy may require such additional terms and conditions in connection with the conveyance under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

Subtitle G—Authorized Pilot Programs

10 USC 2802
note.

SEC. 2861. PILOT PROGRAM ON INCREASED USE OF SUSTAINABLE BUILDING MATERIALS IN MILITARY CONSTRUCTION.

Evaluation.

(a) PILOT PROGRAM REQUIRED.—Each Secretary of a military department shall conduct a pilot program to evaluate the effect that the use of sustainable building materials as the primary construction material in military construction may have on the environmental sustainability, infrastructure resilience, cost effectiveness, and construction timeliness of military construction.

(b) PROJECT SELECTION AND LOCATIONS.—

(1) MINIMUM NUMBER OF PROJECTS.—Each Secretary of a military department shall carry out at least one military construction project under the pilot program.

(2) PROJECT LOCATIONS.—The pilot program shall be conducted at military installations in the continental United States—

(A) that are identified as vulnerable to extreme weather events; and—

(B) for which a military construction project is authorized but a request for proposal has not been released.

Coordination.

(c) INCLUSION OF MILITARY UNACCOMPANIED HOUSING PROJECT.—The Secretaries of the military departments shall coordinate the selection of military construction projects to be carried out under the pilot program so that at least one of the military construction projects involves construction of military unaccompanied housing.

(d) DURATION OF PROGRAM.—The authority of the Secretary of a military department to carry out a military construction project under the pilot program shall expire on September 30, 2024. Any construction commenced under the pilot program before the expiration date may continue to completion.

(e) REPORTING REQUIREMENT.—

(1) REPORT REQUIRED.—Not later than 180 days after the date of the enactment of this Act, and every 180 days thereafter through December 31, 2024, the Secretaries of the military departments shall submit to the congressional defense committees a report on the progress of the pilot program. Time period.

(2) REPORT ELEMENTS.—The report shall include the following:

(A) A description of the status of the military construction projects selected to be conducted under the pilot program.

(B) An explanation of the reasons why those military construction projects were selected.

(C) An analysis of the following:

Analysis.

(i) The projected or actual carbon footprint over the full life cycle of the various sustainable building materials evaluated in the pilot program.

(ii) The life cycle costs of the various sustainable building materials evaluated in the pilot program.

(iii) The resilience to extreme weather events of the various sustainable building materials evaluated in the pilot program.

(iv) Any impact on construction timeliness of using the various sustainable building materials evaluated in the pilot program.

(v) The cost effectiveness of the military construction projects conducted under the pilot program using sustainable building materials as compared to other materials historically used in military construction.

(D) Any updated guidance the Under Secretary of Defense for Acquisition and Sustainment has released in relation to the procurement policy for future military construction projects based on comparable benefits realized from use of sustainable building materials, including guidance on prioritizing sustainable materials in establishing evaluation criteria for military construction project contracts when technically feasible.

(f) SUSTAINABLE BUILDING MATERIALS DEFINED.—In this section, the term “sustainable building material” means any building material the use of which will reduce carbon emissions over the life cycle of the building. The term includes mass timber, concrete, and other carbon-reducing materials.

SEC. 2862. PILOT PROGRAM ON ESTABLISHMENT OF ACCOUNT FOR REIMBURSEMENT FOR USE OF TESTING FACILITIES AT INSTALLATIONS OF THE DEPARTMENT OF THE AIR FORCE.

10 USC note
prec. 9771.

(a) PILOT PROGRAM REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Secretary of the Air Force shall establish a pilot program to authorize installations of the Department of the Air Force to establish a reimbursable account for the purpose of being reimbursed for the use of testing facilities on such installation. Deadline.

(b) INSTALLATIONS SELECTED.—The Secretary of the Air Force shall select not more than two installations of the Department of the Air Force to participate in the pilot program from among any such installations that are part of the Air Force Flight Test

Center construct and are currently funded for Facility, Sustainment, Restoration, and Modernization (FSRM) through the Research, Development, Test, and Evaluation account of the Department of the Air Force.

(c) OVERSIGHT OF FUNDS.—

(1) INSTALLATION COMMANDER.—The commander of an installation selected for the pilot program shall have direct oversight over 50 percent of the funds allocated to the installation for Facility, Sustainment, Restoration, and Modernization.

(2) AIR FORCE CIVIL ENGINEER CENTER COMMANDER.—The Commander of the Air Force Civil Engineer Center shall have direct oversight over the remaining 50 percent of Facility, Sustainment, Restoration, and Modernization funds allocated to an installation selected for the pilot program.

(d) BRIEFING AND REPORT.—

Deadline.

(1) BRIEFING.—Not later than 30 days after establishing the pilot program, the Secretary of the Air Force shall brief the congressional defense committees on the pilot program.

(2) ANNUAL REPORT.—Not later than one year after establishing the pilot program under subsection (a), and annually thereafter through the year following termination of the pilot program, the Secretary of the Air Force shall submit to the congressional defense committees a report on the pilot program.

(e) TERMINATION.—The pilot program shall terminate on December 1, 2026.

Subtitle H—Asia-Pacific and Indo-Pacific Issues

10 USC 8013
note.

SEC. 2871. IMPROVED OVERSIGHT OF CERTAIN INFRASTRUCTURE SERVICES PROVIDED BY NAVAL FACILITIES ENGINEERING SYSTEMS COMMAND PACIFIC.

The Secretary of the Navy shall designate an administrative position within the Naval Facilities Engineering Systems Command Pacific for the purpose of improving the continuity of management and oversight of real property and infrastructure assets in the Pacific Area of Responsibility related to the training needs of the Armed Forces, particularly regarding leased property for which the lease will expire within 10 years after the date of the enactment of this Act.

SEC. 2872. ANNUAL CONGRESSIONAL BRIEFING ON RENEWAL OF DEPARTMENT OF DEFENSE EASEMENTS AND LEASES OF LAND IN HAWAII.

Deadline.

(a) ANNUAL BRIEFING REQUIRED.—Not later than February 1 of each year, the Secretary of Defense shall brief the congressional defense committee on the progress being made by the Department of Defense to renew each Department of Defense land lease and easement in the State of Hawai‘i that—

(1) encompasses one acre or more; and

(2) will expire within 10 years after the date of the briefing.

Expiration date.
Time period.

(b) REQUIRED ELEMENTS OF BRIEFING.—Each briefing provided under subsection (a) shall include the following:

(1) The location, size, and expiration date of each lease and easement described in such subsection.

(2) Major milestones and expected timelines for maintaining access to the land covered by such lease and easement.

(3) Actions completed over the preceding two years for such lease and easement.

(4) Department-wide and service-specific authorities governing the extension of such lease and easement.

(5) A summary of coordination efforts between the Secretary of Defense and the Secretaries of the military departments. Summary.

(6) The status of efforts to develop an inventory of military land in Hawai'i, including current and possible future uses of the land, that would assist in land negotiations with the State of Hawai'i.

(7) The risks and potential solutions to ensure the renewability of required and critical leases and easements.

SEC. 2873. HAWAII MILITARY LAND USE MASTER PLAN.

(a) **UPDATE OF MASTER PLAN REQUIRED.**—Not later than December 31, 2025, the Commander of the United States Indo-Pacific Command shall update the Hawai'i Military Land Use Master Plan, which was first produced by the Department of Defense in 1995 and last updated in 2021. Deadline.

(b) **ELEMENTS.**—In updating the Hawai'i Military Land Use Master Plan as required by subsection (a), the Commander of the United States Indo-Pacific Command shall consider, address, and include the following:

(1) The priorities of each individual Armed Force and joint priorities within the State of Hawai'i.

(2) The historical background of Armed Forces and Department of Defense use of lands in Hawai'i and the cultural significance of the historical land holdings.

(3) A summary of all leases and easements held by the Department of Defense.

(4) An overview of Army, Navy, Marine Corps, Air Force, Space Force, Coast Guard, Hawai'i National Guard, and Hawai'i Air National Guard assets in the State, including the following for each asset:

(A) The location and size of facilities.

(B) Any tenet commands.

(C) Training lands.

(D) Purpose of the asset.

(E) Priorities for the asset for the next five years, including any planned divestitures and expansions.

(5) A summary of encroachment planning efforts.

(6) A summary of efforts to synchronize the inter-service use of training lands and ranges.

(c) **COOPERATION.**—The Commander of the United States Indo-Pacific Command shall update the Hawai'i Military Land Use Master Plan under this section in conjunction with the Deputy Assistant Secretary of Defense for Real Property.

(d) **SUBMISSION OF UPDATED PLAN.**—Not later than 30 days after the date of the completion of the update to the Hawai'i Military Land Use Master Plan required by subsection (a), the Commander of the United States Indo-Pacific Command shall submit the updated master plan to the Committees on Armed Services of the Senate and the House of Representatives. Deadline.

Subtitle I—One-Time Reports and Other Matters

SEC. 2881. CLARIFICATION OF INSTALLATION AND MAINTENANCE REQUIREMENTS REGARDING FIRE EXTINGUISHERS IN DEPARTMENT OF DEFENSE FACILITIES.

Section 2861 of the Military Construction Authorization Act for Fiscal Year 2020 (division B of Public Law 116–92; 10 U.S.C. 113 note; 133 Stat. 1899) is amended by striking “requirements of national model fire codes developed by the National Fire Protection Association and the International Code Council” and inserting “NFPA 1, Fire Code of the National Fire Protection Association and applicable requirements of the international building code and international fire code of the International Code Council”.

SEC. 2882. GAO REVIEW AND REPORT OF MILITARY CONSTRUCTION CONTRACTING AT MILITARY INSTALLATIONS INSIDE THE UNITED STATES.

Assessment.

(a) REVIEW REQUIRED.—The Comptroller General of the United States shall perform a review to assess the contracting approaches authorized pursuant to section 2802 of title 10, United States Code, used to maintain and upgrade military installations inside the United States.

(b) ELEMENTS OF REVIEW.—In conducting the review required by subsection (a), the Comptroller General should consider, to the extent practicable, such issues as the following:

(1) The extent to which the Department of Defense uses competitive procedures when awarding contracts to contractors to maintain or upgrade military installations inside the United States.

(2) The number of contractors awarded such a contract that are considered a small business, and the percentage that these contracts comprise of all such contracts.

(3) The extent to which the primary business location of each contractor awarded such a contract is located within 60 miles of the military installation where the contract is to be performed.

(4) The extent to which contractors awarded such a contract in turn use subcontractors and suppliers whose primary business location is located within 60 miles of the military installation where the contract is to be performed.

(5) The extent to which the source selection procedures used by the responsible contracting organization considers whether offerors are small businesses or are businesses that are located within 60 miles of the military installation where the contract is to be performed.

(6) Any other matters the Comptroller General determines relevant to the review.

(c) REPORT REQUIRED.—Not later than March 31, 2023, the Comptroller General shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report containing the results of the review required by subsection (a).

(d) SMALL BUSINESS DEFINED.—In this section, the term “small business” means a contractor that is a small-business concern as such term is defined under section 3 of the Small Business Act (15 U.S.C. 632).

DIVISION C—DEPARTMENT OF ENERGY NATIONAL SECURITY AUTHORIZA- TIONS AND OTHER AUTHORIZATIONS

TITLE XXXI—DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS

Subtitle A—National Security Programs and Authorizations

- Sec. 3101. National Nuclear Security Administration.
- Sec. 3102. Defense environmental cleanup.
- Sec. 3103. Other defense activities.
- Sec. 3104. Nuclear energy.

Subtitle B—Program Authorizations, Restrictions, and Limitations

- Sec. 3111. Plutonium pit production capacity.
- Sec. 3112. Improvements to cost estimates informing analyses of alternatives.
- Sec. 3113. University-based defense nuclear policy collaboration program.
- Sec. 3114. Defense environmental cleanup programs.
- Sec. 3115. Modification of requirements for certain construction projects.
- Sec. 3116. Updates to infrastructure modernization initiative.
- Sec. 3117. Extension of authority for appointment of certain scientific, engineering, and technical personnel.
- Sec. 3118. Extension of authority for acceptance of contributions for acceleration of removal or security of fissile materials, radiological materials, and related equipment at vulnerable sites worldwide.
- Sec. 3119. Extension of enhanced procurement authority to manage supply chain risk.
- Sec. 3120. Prohibition on availability of funds to reconvert or retire W76–2 warheads.
- Sec. 3121. Portfolio management framework for National Nuclear Security Administration.

Subtitle C—Reports and Other Matters

- Sec. 3131. Modifications to certain reporting requirements.
- Sec. 3132. Modification to terminology for reports on financial balances for atomic energy defense activities.
- Sec. 3133. Improvements to annual reports on condition of the United States nuclear weapons stockpile.
- Sec. 3134. Report on plant-directed research and development.
- Sec. 3135. Reports on risks to and gaps in industrial base for nuclear weapons components, subsystems, and materials.
- Sec. 3136. Transfer of building located at 4170 Allium Court, Springfield, Ohio.
- Sec. 3137. Comprehensive strategy for treating, storing, and disposing of defense nuclear waste resulting from stockpile maintenance and modernization activities.
- Sec. 3138. Acquisition of high-performance computing capabilities by National Nuclear Security Administration.
- Sec. 3139. Study on the W80–4 nuclear warhead life extension program.
- Sec. 3140. Study on Runit Dome and related hazards.
- Sec. 3141. Sense of Congress regarding compensation of individuals relating to uranium mining and nuclear testing.

Subtitle A—National Security Programs and Authorizations

SEC. 3101. NATIONAL NUCLEAR SECURITY ADMINISTRATION.

(a) AUTHORIZATION OF APPROPRIATIONS.—Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 2022 for the activities of the National Nuclear Security Administration in carrying out programs as specified in the funding table in section 4701.

(b) **AUTHORIZATION OF NEW PLANT PROJECTS.**—From funds referred to in subsection (a) that are available for carrying out plant projects, the Secretary of Energy may carry out new plant projects for the National Nuclear Security Administration as follows:

Project 22–D–513, Power Sources Capability, Sandia National Laboratories, Albuquerque, New Mexico, \$13,827,000.

Project 22–D–514, Digital Infrastructure Capability Expansion, Lawrence Livermore National Laboratory, Livermore, California, \$8,000,000.

Project 22–D–531, KL Chemistry and Radiological Health Building, Knolls Atomic Power Laboratory, Schenectady, New York, \$41,620,000.

Project 22–D–532, KL Security Upgrades, Knolls Atomic Power Laboratory, Schenectady, New York, \$5,100,000.

Shipping & Receiving (Exterior), Los Alamos National Laboratory, Los Alamos, New Mexico, \$9,700,000.

TCAP Restoration Column A, Savannah River Site, Aiken, South Carolina, \$4,700,000.

SEC. 3102. DEFENSE ENVIRONMENTAL CLEANUP.

(a) **AUTHORIZATION OF APPROPRIATIONS.**—Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 2022 for defense environmental cleanup activities in carrying out programs as specified in the funding table in section 4701.

(b) **AUTHORIZATION OF NEW PLANT PROJECTS.**—From funds referred to in subsection (a) that are available for carrying out plant projects, the Secretary of Energy may carry out, for defense environmental cleanup activities, the following new plant projects:

Project 22–D–401, 400 Area Fire Station, Hanford Site, Richland, Washington, \$15,200,000.

Project 22–D–402, 200 Area Water Treatment Facility, Hanford Site, Richland, Washington, \$12,800,000.

Project 22–D–403, Idaho Spent Nuclear Fuel Staging Facility, Idaho National Laboratory, Idaho Falls, Idaho, \$3,000,000.

Project 22–D–404, Additional ICDF Landfill Disposal Cell and Evaporation Ponds Project, Idaho National Laboratory, Idaho Falls, Idaho, \$5,000,000.

SEC. 3103. OTHER DEFENSE ACTIVITIES.

Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 2022 for other defense activities in carrying out programs as specified in the funding table in section 4701.

SEC. 3104. NUCLEAR ENERGY.

Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 2022 for nuclear energy as specified in the funding table in section 4701.

Subtitle B—Program Authorizations, Restrictions, and Limitations

SEC. 3111. PLUTONIUM PIT PRODUCTION CAPACITY.

(a) CERTIFICATIONS.—Section 4219 of the Atomic Energy Defense Act (50 U.S.C. 2538a) is amended by adding at the end the following new subsections:

“(d) CERTIFICATIONS ON PLUTONIUM ENTERPRISE.—

“(1) REQUIREMENT.—Not later than 30 days after the date on which a covered project achieves a critical decision milestone, the Assistant Secretary for Environmental Management and the Deputy Administrator for Defense Programs shall jointly certify to the congressional defense committees that the operations, infrastructure, and workforce of such project are adequate to carry out the delivery and disposal of planned waste shipments relating to the plutonium enterprise, as outlined in the critical decision memoranda of the Department of Energy with respect to such project. Deadline.

“(2) FAILURE TO CERTIFY.—If the Assistant Secretary for Environmental Management and the Deputy Administrator for Defense Programs fail to make a certification under paragraph (1) by the date specified in such paragraph with respect to a covered project achieving a critical decision milestone, the Assistant Secretary and the Deputy Administrator shall jointly submit to the congressional defense committees, by not later than 30 days after such date, a plan to ensure that the operations, infrastructure, and workforce of such project will be adequate to carry out the delivery and disposal of planned waste shipments described in such paragraph. Deadline.
Plan.

“(e) REPORTS.—

“(1) REQUIREMENT.—Not later than March 1 of each year during the period beginning on the date on which the first covered project achieves critical decision 2 in the acquisition process and ending on the date on which the second project achieves critical decision 4 and begins operations, the Administrator for Nuclear Security shall submit to the congressional defense committees a report on the planned production goals of both covered projects during the first 10 years of the operation of the projects. Time period.

“(2) ELEMENTS.—Each report under paragraph (1) shall include—

“(A) the number of war reserve plutonium pits planned to be produced during each year, including the associated warhead type;

“(B) a description of risks and challenges to meeting the performance baseline for the covered projects, as approved in critical decision 2 in the acquisition process;

“(C) options available to the Administrator to balance scope, costs, and production requirements at the projects to decrease overall risk to the plutonium enterprise and enduring plutonium pit requirements; and

“(D) an explanation of any changes to the production goals or requirements as compared to the report submitted during the previous year.

“(f) COVERED PROJECT DEFINED.—In this subsection, the term ‘covered project’ means—

“(1) the Savannah River Plutonium Processing Facility, Savannah River Site, Aiken, South Carolina (Project 21–D–511); or

“(2) the Plutonium Pit Production Project, Los Alamos National Laboratory, Los Alamos, New Mexico (Project 21–D–512).”.

Deadline.

(b) BRIEFING.—Not later than May 1, 2022, the Administrator for Nuclear Security and the Director for Cost Estimating and Program Evaluation shall jointly provide to the congressional defense committees a briefing on the ability of the National Nuclear Security Administration to carry out the plutonium enterprise of the Administration, including with respect to the adequacy of the program management staff of the Administration to execute covered projects (as defined in subsection (f) of section 4219 of the Atomic Energy Defense Act (50 U.S.C. 2538a), as amended by subsection (a)).

SEC. 3112. IMPROVEMENTS TO COST ESTIMATES INFORMING ANALYSES OF ALTERNATIVES.

(a) IN GENERAL.—Subtitle A of title XLVII of the Atomic Energy Defense Act (50 U.S.C. 2741 et seq.) is amended by adding at the end the following new section:

50 USC 2758.

“SEC. 4718. IMPROVEMENTS TO COST ESTIMATES INFORMING ANALYSES OF ALTERNATIVES.

“(a) REQUIREMENT FOR ANALYSES OF ALTERNATIVES.—The Administrator shall ensure that any cost estimate used in an analysis of alternatives for a project carried out using funds authorized by a DOE national security authorization is designed to fully satisfy the requirements outlined in the mission needs statement approved at critical decision 0 in the acquisition process, as set forth in Department of Energy Order 413.3B (relating to program management and project management for the acquisition of capital assets) or a successor order.

“(b) USE OF PROJECT ENGINEERING AND DESIGN FUNDS.—In the case of a project the total estimated cost of which exceeds \$500,000,000 and that has not reached critical decision 1 in the acquisition process, the Administrator may use funds authorized by a DOE national security authorization for project engineering and design to begin the development of a conceptual design to facilitate the development of a cost estimate for the project during the analysis of alternatives for the project if—

“(1) the Administrator—

“(A) determines that such use of funds would improve the quality of the cost estimate for the project; and

“(B) notifies the congressional defense committees of that determination; and

“(2) a period of 15 days has elapsed after the date on which such committees receive the notification.”.

(b) CLERICAL AMENDMENT.—The table of contents for the Atomic Energy Defense Act is amended by inserting after the item relating to section 4717 the following new item:

“Sec. 4718. Improvements to cost estimates informing analyses of alternatives.”.

SEC. 3113. UNIVERSITY-BASED DEFENSE NUCLEAR POLICY COLLABORATION PROGRAM.

Title XLVIII of the Atomic Energy Defense Act (50 U.S.C. 2781 et seq.) is amended by adding at the end the following new section (and conforming the table of contents accordingly):

“SEC. 4853. UNIVERSITY-BASED DEFENSE NUCLEAR POLICY COLLABORATION PROGRAM. 50 USC 2823.

“(a) PROGRAM.—The Administrator shall carry out a program under which the Administrator establishes a policy research consortium of institutions of higher education and nonprofit entities in support of implementing and innovating the defense nuclear policy programs of the Administration. The Administrator shall establish and carry out such program in a manner similar to the program established under section 4814.

“(b) PURPOSES.—The purposes of the consortium under subsection (a) are as follows:

“(1) To shape the formulation and application of policy through the conduct of research and analysis regarding defense nuclear policy programs.

“(2) To maintain open-source databases on issues relevant to understanding defense nuclear nonproliferation, arms control, nuclear deterrence, foreign nuclear programs, and nuclear security.

“(3) To facilitate the collaboration of research centers of excellence relating to defense nuclear policy to better distribute expertise to specific issues and scenarios regarding such threats.

“(c) DUTIES.—

“(1) SUPPORT.—The Administrator shall ensure that the consortium established under subsection (a) provides support to individuals described in paragraph (2) through the use of nongovernmental fellowships, scholarships, research internships, workshops, short courses, summer schools, and research grants.

“(2) INDIVIDUALS DESCRIBED.—The individuals described in this paragraph are graduate students, academics, and policy specialists, who are focused on policy innovation related to—

“(A) defense nuclear nonproliferation;

“(B) arms control;

“(C) nuclear deterrence;

“(D) the study of foreign nuclear programs;

“(E) nuclear security; or

“(F) educating and training the next generation of defense nuclear policy experts.”.

SEC. 3114. DEFENSE ENVIRONMENTAL CLEANUP PROGRAMS.

(a) ESTABLISHMENT OF PROGRAMS.—Subtitle A of title XLIV of the Atomic Energy Defense Act (50 U.S.C. 2581 et seq.) is amended by inserting after section 4406 the following new section (and conforming the table of contents at the beginning of such Act accordingly):

“SEC. 4406A. OTHER PROGRAMS RELATING TO TECHNOLOGY DEVELOPMENT. 50 USC 2586a.

“(a) INCREMENTAL TECHNOLOGY DEVELOPMENT PROGRAM.—

“(1) ESTABLISHMENT.—The Secretary may establish a program, to be known as the ‘Incremental Technology Development

Program’, to improve the efficiency and effectiveness of the defense environmental cleanup processes of the Office.

“(2) FOCUS.—

“(A) IMPROVEMENTS.—In carrying out the Incremental Technology Development Program, the Secretary shall focus on the continuous improvement of new or available technologies, including—

- “(i) decontamination chemicals and techniques;
- “(ii) remote sensing and wireless communication to reduce manpower and laboratory efforts;
- “(iii) detection, assay, and certification instrumentation; and
- “(iv) packaging materials, methods, and shipping systems.

“(B) OTHER AREAS.—The Secretary may include in the Incremental Technology Development Program mission-relevant development, demonstration, and deployment activities unrelated to the focus areas described in subparagraph (A).

“(3) USE OF NEW AND EMERGING TECHNOLOGIES.—

“(A) DEVELOPMENT AND DEMONSTRATION.—In carrying out the Incremental Technology Development Program, the Secretary shall ensure that site offices of the Office conduct technology development, demonstration, testing, permitting, and deployment of new and emerging technologies to establish a sound technical basis for the selection of technologies for defense environmental cleanup or infrastructure operations.

“(B) COLLABORATION REQUIRED.—The Secretary shall collaborate, to the extent practicable, with the heads of other departments and agencies of the Federal Government, the National Laboratories, other Federal laboratories, appropriate State regulators and agencies, and the Department of Labor in the development, demonstration, testing, permitting, and deployment of new technologies under the Incremental Technology Development Program.

“(4) AGREEMENTS TO CARRY OUT PROJECTS.—

“(A) AUTHORITY.—In carrying out the Incremental Technology Development Program, the Secretary may enter into agreements with nongovernmental entities for technology development, demonstration, testing, permitting, and deployment projects to improve technologies in accordance with paragraph (2).

“(B) SELECTION.—The Secretary shall select projects under subparagraph (A) through a rigorous process that involves—

- “(i) transparent and open competition; and
- “(ii) a review process that, if practicable, is conducted in an independent manner consistent with Department guidance on selecting and funding public-private partnerships.

“(C) COST-SHARING.—The Federal share of the costs of the development, demonstration, testing, permitting, and deployment of new technologies carried out under this paragraph shall be not more than 70 percent.

“(D) BRIEFING.—Not later than 120 days before the date on which the Secretary enters into the first agreement

Review.

Deadline.

under subparagraph (A), the Secretary shall provide to the congressional defense committees a briefing on the process of selecting and funding efforts within the Incremental Technology Development Program, including with respect to the plans of the Secretary to ensure a scientifically rigorous process that minimizes potential conflicts of interest.

“(b) HIGH-IMPACT TECHNOLOGY DEVELOPMENT PROGRAM.—

“(1) ESTABLISHMENT.—The Secretary shall establish a program, to be known as the ‘High-Impact Technology Development Program’, under which the Secretary shall enter into agreements with nongovernmental entities for projects that pursue technologies that, with respect to the mission—

Contracts.

“(A) holistically address difficult challenges;

“(B) hold the promise of breakthrough improvements;

or

“(C) align existing or in-use technologies with difficult challenges.

“(2) AREAS OF FOCUS.—The Secretary may include as areas of focus for a project carried out under the High-Impact Technology Development Program the following:

“(A) Developing and demonstrating improved methods for source and plume characterization and monitoring, with an emphasis on—

“(i) real-time field acquisition; and

“(ii) the use of indicator species analyses with advanced contaminant transport models to enable better understanding of contaminant migration.

“(B) Developing and determining the limits of performance for remediation technologies and integrated remedial systems that prevent migration of contaminants, including by producing associated guidance and design manuals for technologies that could be widely used across the complex.

“(C) Demonstrating advanced monitoring approaches that use multiple lines of evidence for monitoring long-term performance of—

“(i) remediation systems; and

“(ii) noninvasive near-field monitoring techniques.

“(D) Developing and demonstrating methods to characterize the physical and chemical attributes of waste that control behavior, with an emphasis on—

“(i) rapid and nondestructive examination and assay techniques; and

“(ii) methods to determine radio-nuclide, heavy metals, and organic constituents.

“(E) Demonstrating the technical basis for determining when enhanced or natural attenuation is an appropriate approach for remediation of complex sites.

“(F) Developing and demonstrating innovative methods to achieve real-time and, if practicable, in situ characterization data for tank waste and process streams that could be useful for all phases of the waste management program, including improving the accuracy and representativeness of characterization data for residual waste in tanks and ancillary equipment.

“(G) Adapting existing waste treatment technologies or demonstrating new waste treatment technologies at the pilot plant scale using real wastes or realistic surrogates—

“(i) to address engineering adaptations;

“(ii) to ensure compliance with waste treatment standards and other applicable requirements under Federal and State law and any existing agreements or consent decrees to which the Department is a party; and

“(iii) to enable successful deployment at full-scale and in support of operations.

“(H) Developing and demonstrating rapid testing protocols that—

“(i) are accepted by the Environmental Protection Agency, the Nuclear Regulatory Commission, the Department, and the scientific community;

“(ii) can be used to measure long-term waste form performance under realistic disposal environments;

“(iii) can determine whether a stabilized waste is suitable for disposal; and

“(iv) reduce the need for extensive, time-consuming, and costly analyses on every batch of waste prior to disposal.

“(I) Developing and demonstrating direct stabilization technologies to provide waste forms for disposing of elemental mercury.

“(J) Developing and demonstrating innovative and effective retrieval methods for removal of waste residual materials from tanks and ancillary equipment, including mobile retrieval equipment or methods capable of immediately removing waste from leaking tanks, and connecting pipelines.

“(3) PROJECT SELECTION.—

“(A) SELECTION.—The Secretary shall select projects to be carried out under the High-Impact Technology Development Program through a rigorous process that involves—

“(i) transparent and open competition; and

“(ii) a review process that, if practicable, is conducted in an independent manner consistent with Department guidance on selecting and funding public-private partnerships.

“(B) BRIEFING.—Not later than 120 days before the date on which the Secretary enters into the first agreement under paragraph (1), the Secretary shall provide to the congressional defense committees a briefing on the process of selecting and funding efforts within the High-Impact Technology Development Program, including with respect to the plans of the Secretary to ensure a scientifically rigorous process that minimizes potential conflicts of interest.

“(c) ENVIRONMENTAL MANAGEMENT UNIVERSITY PROGRAM.—

“(1) ESTABLISHMENT.—The Secretary shall establish a program, to be known as the ‘Environmental Management University Program’, to—

“(A) engage faculty, post-doctoral fellows or researchers, and graduate students of institutions of higher

Review.

Deadline.

education on subjects relating to the mission to show a clear path for students for employment within the environmental management enterprise;

“(B) provide institutions of higher education and the Department access to advances in engineering and science;

“(C) clearly identify to institutions of higher education the tools necessary to enter into the environmental management field professionally; and

“(D) encourage current employees of the Department to pursue advanced degrees.

“(2) AREAS OF FOCUS.—The Secretary may include as areas of focus for a grant made under the Environmental Management University Program the following:

“(A) The atomic- and molecular-scale chemistries of waste processing.

“(B) Contaminant immobilization in engineered and natural systems.

“(C) Developing innovative materials, with an emphasis on nanomaterials or biomaterials, that could enable sequestration of challenging hazardous or radioactive constituents such as technetium and iodine.

“(D) Elucidating and exploiting complex speciation and reactivity far from equilibrium.

“(E) Understanding and controlling chemical and physical processes at interfaces.

“(F) Harnessing physical and chemical processes to revolutionize separations.

“(G) Tailoring waste forms for contaminants in harsh chemical environments.

“(H) Predicting and understanding subsurface system behavior and response to perturbations.

“(3) INDIVIDUAL RESEARCH GRANTS.—In carrying out the Environmental Management University Program, the Secretary may make individual research grants to faculty, post-doctoral fellows or researchers, and graduate students of institutions of higher education for three-year research projects, with an option for an extension of one additional two-year period.

“(4) GRANTS FOR INTERDISCIPLINARY COLLABORATIONS.—In carrying out the Environmental Management University Program, the Secretary may make research grants for strategic partnerships among scientists, faculty, post-doctoral fellows or researchers, and graduate students of institutions of higher education for three-year research projects.

“(5) HIRING OF UNDERGRADUATES.—In carrying out the Environmental Management University Program, the Secretary may establish a summer internship program for undergraduates of institutions of higher education to work on projects relating to environmental management.

“(6) WORKSHOPS.—In carrying out the Environmental Management University Program, the Secretary may hold workshops with the Office of Environmental Management, the Office of Science, and members of academia and industry concerning environmental management challenges and solutions.

“(d) DEFINITIONS.—In this section:

“(1) The term ‘complex’ means all sites managed in whole or in part by the Office.

“(2) The term ‘Department’ means the Department of Energy.

“(3) The term ‘institution of higher education’ has the meaning given the term in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a)).

“(4) The term ‘mission’ means the mission of the Office.

“(5) The term ‘National Laboratory’ has the meaning given the term in section 2 of the Energy Policy Act of 2005 (42 U.S.C. 15801).

“(6) The term ‘Office’ means the Office of Environmental Management of the Department.

“(7) The term ‘Secretary’ means the Secretary of Energy, acting through the Assistant Secretary for Environmental Management.”.

(b) **INDEPENDENT ASSESSMENT OF DEFENSE ENVIRONMENTAL CLEANUP PROGRAMS.—**

Deadline.

(1) **INDEPENDENT ASSESSMENT.**—Not later than one year after the date of the enactment of this Act, the Chief of Engineers of the Army shall develop and transmit to the Secretary of Energy and the congressional defense committees an independent assessment of the lifecycle costs and schedules of the defense environmental cleanup programs of the Office of Environmental Management of the Department of Energy.

(2) **FOCUS OF ASSESSMENT.**—The Chief of Engineers shall ensure that the assessment under paragraph (1) is focused on—

(A) identifying key remaining technical risks and uncertainties of the defense environmental cleanup programs; and

(B) providing recommendations to the Secretary and to the congressional defense committees with respect to the annual funding levels for the Incremental Technology Development Program and the High-Impact Technology Development Program established under section 4406A of the Atomic Energy Defense Act, as added by subsection (a), that will ensure maximum cost-savings over the life of the defense environmental cleanup programs of the Office.

(3) **NO EFFECT ON PROGRAM IMPLEMENTATION.**—Nothing in this subsection affects the establishment, implementation, or carrying out of any project or program under any other provision of law, including under section 4406A of the Atomic Energy Defense Act, as added by subsection (a), or under any existing agreement or consent decree to which the Department is a party, during the period in which the assessment under paragraph (1) is carried out.

SEC. 3115. MODIFICATION OF REQUIREMENTS FOR CERTAIN CONSTRUCTION PROJECTS.

(a) **INCREASE IN MINOR CONSTRUCTION THRESHOLD FOR PLANT PROJECTS.**—Section 4701(2) of the Atomic Energy Defense Act (50 U.S.C. 2741(2)) is amended by striking “\$20,000,000” and inserting “\$25,000,000”.

(b) **NOTIFICATION REQUIREMENT FOR CERTAIN MINOR CONSTRUCTION PROJECTS.—**

(1) **IN GENERAL.**—Section 4703 of the Atomic Energy Defense Act (50 U.S.C. 2743) is amended—

(A) by redesignating subsection (d) as subsection (e); and

(B) by inserting after subsection (c) the following new subsection (d):

“(d) NOTIFICATION REQUIRED FOR CERTAIN PROJECTS.—Notwithstanding subsection (a), the Secretary may not start a minor construction project with a total estimated cost of more than \$5,000,000 until—

“(1) the Secretary notifies the congressional defense committees of such project and total estimated cost; and

“(2) a period of 15 days has elapsed after the date on which such notification is received.”.

(2) CONFORMING REPEAL.—Section 3118(c) of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84; 50 U.S.C. 2743 note) is repealed.

(c) INCREASE IN CONSTRUCTION DESIGN THRESHOLD.—Section 4706(b) of the Atomic Energy Defense Act (50 U.S.C. 2746(b)) is amended by striking “\$2,000,000” each place it appears and inserting “\$5,000,000”.

SEC. 3116. UPDATES TO INFRASTRUCTURE MODERNIZATION INITIATIVE.

Section 3111(b) of the National Defense Authorization Act for Fiscal Year 2018 (Public Law 115–91; 50 U.S.C. 2402 note) is amended—

(1) in paragraph (1), by striking “reduce the deferred maintenance and repair needs of the nuclear security enterprise by not less than 30 percent by 2025” and inserting “reduce the total deferred maintenance per replacement plant value of the nuclear security enterprise by not less than 45 percent by 2030”;

(2) in paragraph (2)(A)(i)(II), by striking “\$50,000,000” and inserting “\$75,000,000”;

(3) in paragraph (3)—

(A) in the paragraph heading, by striking “INITIAL PLAN” and inserting “PLAN REQUIRED”; and

(B) in the matter preceding subparagraph (A)—

(i) by striking “2018” and inserting “2022”; and

(ii) by striking “an initial plan” and inserting “a plan”;

(4) in paragraph (4)—

(A) by striking “2024” and inserting “2023”; and

(B) by striking “2025” and inserting “2030”; and

(5) by adding at the end the following new paragraphs:

“(5) ANNUAL REPORTS.—Not later than March 1, 2023, and annually thereafter through 2030, the Administrator for Nuclear Security shall submit to the congressional defense committees a report with respect to whether the updated plan under paragraph (3) is being implemented in a manner adequate to achieve the goal specified in paragraph (1).”.

Time period.

SEC. 3117. EXTENSION OF AUTHORITY FOR APPOINTMENT OF CERTAIN SCIENTIFIC, ENGINEERING, AND TECHNICAL PERSONNEL.

Section 4601(c)(1) of the Atomic Energy Defense Act (50 U.S.C. 2701(c)(1)) is amended by striking “September 30, 2021” and inserting “September 30, 2026”.

SEC. 3118. EXTENSION OF AUTHORITY FOR ACCEPTANCE OF CONTRIBUTIONS FOR ACCELERATION OF REMOVAL OR SECURITY OF FISSILE MATERIALS, RADIOLOGICAL MATERIALS, AND RELATED EQUIPMENT AT VULNERABLE SITES WORLDWIDE.

(a) **IN GENERAL.**—Section 3132 of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 (50 U.S.C. 2569) is—

(1) transferred to title XLIII of the Atomic Energy Defense Act (50 U.S.C. 2565 et seq.);

(2) redesignated as section 4306B;

(3) inserted after section 4306A; and

(4) amended, in subsection (f)(6), by striking “December 31, 2023” and inserting “December 31, 2028”.

(b) **CLERICAL AMENDMENT.**—The table of contents for the Atomic Energy Defense Act is amended by inserting after the item relating to section 4306A the following new item:

“Sec. 4306B. Acceleration of removal or security of fissile materials, radiological materials, and related equipment at vulnerable sites worldwide.”.

SEC. 3119. EXTENSION OF ENHANCED PROCUREMENT AUTHORITY TO MANAGE SUPPLY CHAIN RISK.

Section 4806(g) of the Atomic Energy Defense Act (50 U.S.C. 2786(g)) is amended by striking “June 30, 2023” and inserting “December 31, 2028”.

SEC. 3120. PROHIBITION ON AVAILABILITY OF FUNDS TO RECONVERT OR RETIRE W76–2 WARHEADS.

(a) **PROHIBITION.**—Except as provided in subsection (b), none of the funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2022 for the National Nuclear Security Administration may be obligated or expended to reconvert or retire a W76–2 warhead.

(b) **WAIVER.**—The Administrator for Nuclear Security may waive the prohibition in subsection (a) if the Administrator, in consultation with the Secretary of Defense, the Director of National Intelligence, and the Chairman of the Joint Chiefs of Staff, certifies in writing to the congressional defense committees—

(1) that Russia and China do not possess naval capabilities similar to the W76–2 warhead in the active stockpiles of the respective country; or

(2) that the Department of Defense does not have a valid military requirement for the W76–2 warhead.

50 USC 2521
note.

SEC. 3121. PORTFOLIO MANAGEMENT FRAMEWORK FOR NATIONAL NUCLEAR SECURITY ADMINISTRATION.

Deadline.

(a) **IN GENERAL.**—Not later than one year after the date of the enactment of this Act, the Administrator for Nuclear Security shall—

Consultation.

(1) in consultation with the Nuclear Weapons Council established under section 179 of title 10, United States Code, develop and implement a portfolio management framework for the nuclear security enterprise that—

(A) defines the National Nuclear Security Administration’s portfolio of nuclear weapons stockpile and infrastructure maintenance and modernization programs;

(B) establishes a portfolio governance structure, including portfolio-level selection criteria, prioritization criteria, and performance metrics;

(C) outlines the approach of the National Nuclear Security Administration to managing that portfolio; and

(D) incorporates the leading practices identified by the Comptroller General of the United States in the report titled “Nuclear Security Enterprise: NNSA Should Use Portfolio Management Leading Practices to Support Modernization Efforts” (GAO–21–398) and dated June 2021; and

(2) complete an integrated, comprehensive assessment of the portfolio management capabilities required to execute the weapons activities portfolio of the National Nuclear Security Administration. Assessment.

(b) BRIEFING REQUIREMENT.—Not later than June 1, 2022, the Administrator shall provide to the congressional defense committees a briefing on— Deadline.

(1) the progress of the Administrator in developing the framework described in paragraph (1) of subsection (a) and completing the assessment required by paragraph (2) of that subsection; and

(2) the plans of the Administrator for implementing the recommendations of the Comptroller General in the report referred to in paragraph (1)(D) of that subsection.

(c) NUCLEAR SECURITY ENTERPRISE DEFINED.—In this section, the term “nuclear security enterprise” has the meaning given that term in section 4002 of the Atomic Energy Defense Act (50 U.S.C. 2501).

Subtitle C—Reports and Other Matters

SEC. 3131. MODIFICATIONS TO CERTAIN REPORTING REQUIREMENTS.

(a) NOTIFICATION OF EMPLOYEE PRACTICES AFFECTING NATIONAL SECURITY.—Section 3245 of the National Nuclear Security Administration Act (50 U.S.C. 2443) is amended by striking subsections (a) and (b) and inserting the following new subsections:

“(a) ANNUAL NOTIFICATION OF SECURITY CLEARANCE REVOCATIONS.—At or about the time that the President’s budget is submitted to Congress under section 1105(a) of title 31, United States Code, the Administrator shall notify the appropriate congressional committees of—

“(1) the number of covered employees whose security clearance was revoked during the year prior to the year in which the notification is made; and

“(2) for each employee counted under paragraph (1), the length of time such employee has been employed at the Administration, as the case may be, since such revocation.

“(b) ANNUAL NOTIFICATION OF TERMINATIONS AND REMOVALS.—Not later than December 31 of each year, the Administrator shall notify the appropriate congressional committees of each instance in which the Administrator terminated the employment of a covered employee or removed and reassigned a covered employee for cause during that year.” Deadline.

(b) **REPORTS ON CERTAIN TRANSFERS OF CIVIL NUCLEAR TECHNOLOGY.**—Section 3136(a) of the National Defense Authorization Act for Fiscal Year 2016 (42 U.S.C. 2077a(a)) is amended—

(1) in the matter preceding paragraph (1), by striking “Not less frequently than every 90 days,” and inserting “At the same time as the President submits to Congress the annual budget request under section 1105 of title 31, United States Code, for a fiscal year,”;

(2) in paragraph (1), by striking “the preceding 90 days” and inserting “the preceding year”; and

(3) in the heading, by striking “REPORT” and inserting “ANNUAL REPORTS”.

(c) **CERTAIN ANNUAL REVIEWS BY NUCLEAR SCIENCE ADVISORY COMMITTEE.**—Section 3173(a)(4)(B) of the National Defense Authorization Act for Fiscal Year 2013 (42 U.S.C. 2065(a)(4)(B)) is amended by striking “annual reviews” and inserting “triennial reviews”.

SEC. 3132. MODIFICATION TO TERMINOLOGY FOR REPORTS ON FINANCIAL BALANCES FOR ATOMIC ENERGY DEFENSE ACTIVITIES.

Section 4732 of the Atomic Energy Defense Act (50 U.S.C. 2772) is amended—

(1) in subsection (b)(2)—

(A) in subparagraph (G), by striking “committed” and inserting “encumbered”;

(B) in subparagraph (H), by striking “uncommitted” and inserting “unencumbered”; and

(C) in subparagraph (I), by striking “uncommitted” and inserting “unencumbered”; and

(2) in subsection (c)—

(A) by striking paragraphs (1) and (3);

(B) by redesignating paragraphs (2) and (4) as paragraphs (1) and (3), respectively;

(C) in paragraph (1), as redesignated by subparagraph (B), by striking “by the contractor” and inserting “from the contractor”;

(D) by inserting after paragraph (1), as so redesignated, the following new paragraph (2):

“(2) **ENCUMBERED.**—The term ‘encumbered’, with respect to funds, means the funds have been obligated to a contract and are being held for a specific known purpose by the contractor.”;

(E) in paragraph (3), as so redesignated, by striking “by the contractor” and inserting “from the contractor”; and

(F) by inserting after paragraph (3), as so redesignated, the following new paragraph (4):

“(4) **UNENCUMBERED.**—The term ‘unencumbered’, with respect to funds, means the funds have been obligated to a contract and are not being held for a specific known purpose by the contractor.”.

SEC. 3133. IMPROVEMENTS TO ANNUAL REPORTS ON CONDITION OF THE UNITED STATES NUCLEAR WEAPONS STOCKPILE.

Section 4205(e)(3) of the Atomic Energy Defense Act (50 U.S.C. 2525(e)(3)) is amended—

(1) in subparagraph (A), by inserting “, including with respect to cyber assurance,” after “methods”; and

(2) in subparagraph (B), by inserting “, and the confidence of the head in such tools and methods” after “the assessments”.

SEC. 3134. REPORT ON PLANT-DIRECTED RESEARCH AND DEVELOPMENT.

Section 4812A of the Atomic Energy Defense Act (50 U.S.C. 2793) is amended—

(1) by redesignating subsections (b) and (c) as subsections (c) and (d), respectively; and

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

“(b) PLANT-DIRECTED RESEARCH AND DEVELOPMENT.—

“(1) IN GENERAL.—The report required by subsection (a) shall include, with respect to plant-directed research and development, the following:

“(A) A financial accounting of expenditures for such research and development, disaggregated by nuclear weapons production facility.

“(B) A breakdown of the percentage of research and development conducted by each such facility that is plant-directed research and development.

“(C) An explanation of how each such facility plans to increase the availability and utilization of funds for plant-directed research and development.

“(2) PLANT-DIRECTED RESEARCH AND DEVELOPMENT DEFINED.—In this subsection, the term ‘plant-directed research and development’ means research and development selected by the director of a nuclear weapons production facility.”.

SEC. 3135. REPORTS ON RISKS TO AND GAPS IN INDUSTRIAL BASE FOR NUCLEAR WEAPONS COMPONENTS, SUBSYSTEMS, AND MATERIALS.

Section 3113 of the William M. (Mac) Thornberry National Defense Authorization Act for Fiscal Year 2021 (Public Law 116–283; 50 U.S.C. 2512 note) is amended by adding at the end the following new subsection:

“(e) REPORTS.—The Administrator, acting through the official designated under subsection (a), shall submit to the Committees on Armed Services of the Senate and the House of Representatives, contemporaneously with each briefing required by subsection (d)(2), a report—

“(1) identifying actual or potential risks to or specific gaps in any element of the industrial base that supports the nuclear weapons components, subsystems, or materials of the National Nuclear Security Administration;

“(2) describing the actions the Administration is taking to further assess, characterize, and prioritize such risks and gaps;

“(3) describing mitigating actions, if any, the Administration has underway or planned to mitigate any such risks or gaps;

“(4) setting forth the anticipated timelines and resources needed for such mitigating actions; and

“(5) describing the nature of any coordination with or burden sharing by other departments or agencies of the Federal

Government or the private sector to address such risks and gaps.”.

SEC. 3136. TRANSFER OF BUILDING LOCATED AT 4170 ALLIUM COURT, SPRINGFIELD, OHIO.

(a) **IN GENERAL.**—The National Nuclear Security Administration shall release all of its reversionary rights without reimbursement to the building located at 4170 Allium Court, Springfield, Ohio, also known as the Advanced Technical Intelligence Center for Human Capital Development, to the Community Improvement Corporation of Clark County and the Chamber of Commerce.

(b) **FEE SIMPLE INTEREST.**—The fee simple interest in the property, on which the building described in subsection (a) is located, shall be transferred from the Advanced Technical Intelligence Center for Human Capital Development to the Community Improvement Corporation of Clark County prior to or concurrent with the release of the reversionary rights of the National Nuclear Security Administration under subsection (a).

SEC. 3137. COMPREHENSIVE STRATEGY FOR TREATING, STORING, AND DISPOSING OF DEFENSE NUCLEAR WASTE RESULTING FROM STOCKPILE MAINTENANCE AND MODERNIZATION ACTIVITIES.

Deadline.

(a) **IN GENERAL.**—Not later than one year after the date of the enactment of the National Defense Authorization Act for Fiscal Year 2022, the Administrator for Nuclear Security shall submit to the congressional defense committees and the Comptroller General of the United States a comprehensive strategy for treating, storing, and disposing of defense nuclear waste generated as a result of stockpile maintenance and modernization activities.

(b) **ELEMENTS.**—The strategy required by subsection (a) shall include the following:

(1) A projection of the location, type, and quantity of defense nuclear waste the National Nuclear Security Administration anticipates generating as a result of stockpile maintenance and modernization activities during the periods of five and 10 fiscal years after the submission of the strategy, with a long-term outlook for the period of 25 fiscal years after such submission.

(2) Budgetary estimates associated with the projection under paragraph (1) during the period of five fiscal years after the submission of the strategy.

(3) A description of how the National Nuclear Security Administration plans to coordinate with the Office of Environmental Management of the Department of Energy to treat, store, and dispose of the type and quantity of waste projected to be generated under paragraph (1).

(4) An identification of—

(A) disposal facilities that could accept that waste;

(B) disposal facilities that could accept that waste with modifications; and

(C) in the case of facilities described in subparagraph (B), the modifications necessary for such facilities to accept that waste.

(c) **FOLLOW-ON STRATEGY.**—Concurrent with the submission of the budget of the President to Congress under section 1105(a)

of title 31, United States Code, for fiscal year 2027, the Administrator shall submit to the congressional defense committees a follow-on strategy to the strategy required by subsection (a) that includes—

- (1) the elements set forth in subsection (b); and
- (2) any other matters that the Administrator considers appropriate.

SEC. 3138. ACQUISITION OF HIGH-PERFORMANCE COMPUTING CAPABILITIES BY NATIONAL NUCLEAR SECURITY ADMINISTRATION.

(a) ROADMAP FOR ACQUISITION.—

(1) IN GENERAL.—Not later than two years after the date of the enactment of this Act, the Administrator for Nuclear Security shall submit to the congressional defense committees a roadmap for the acquisition by the Administration of high-performance computing capabilities during the 10-year period following submission of the roadmap.

Deadline.
Time period.

(2) ELEMENTS.—The roadmap required by paragraph (1) shall include the following:

(A) A description of the high-performance computing capabilities required to support the mission of the Administration as of the date on which the roadmap is submitted under paragraph (1).

(B) An identification of any existing or anticipated gaps in such capabilities.

(C) A description of the high-performance computing capabilities anticipated to be required by the Administration during the 10-year period following submission of the roadmap, including computational performance and other requirements, as appropriate.

Time period.

(D) A description of the strategy of the Administration for acquiring such capabilities.

(E) An assessment of the ability of the industrial base to support that strategy.

Assessment.

(F) Such other matters the Administrator considers appropriate.

(3) CONSULTATION AND CONSIDERATIONS.—In developing the roadmap required by paragraph (1), the Administrator shall—

(A) consult with the Secretary of Energy; and

(B) take into consideration the findings of the review of the future of computing beyond exascale computing conducted by the National Academy of Sciences under section 3172 of the William M. (Mac) Thornberry National Defense Authorization Act for Fiscal Year 2021 (Public Law 116–283).

(b) INDEPENDENT ASSESSMENT OF HIGH-PERFORMANCE COMPUTING ACQUISITIONS.—

(1) IN GENERAL.—The Administrator shall seek to enter into an agreement with a federally funded research and development center to assess the first acquisition of high-performance computing capabilities by the Administration after the date of the enactment of this Act.

Contracts.

(2) ELEMENTS.—The assessment required by paragraph (1) of the acquisition of high-performance computing capabilities described in that paragraph shall include an assessment of the following:

(A) The mission needs of the Administration met by the acquisition.

(B) The evidence used to support the acquisition decision, such as an analysis of alternatives or business case analyses.

(C) Market research performed by the Advanced Simulation and Computing Program related to the acquisition.

(3) REPORT REQUIRED.—

(A) IN GENERAL.—Not later than 90 days after entering into the arrangement under paragraph (1), the Administrator shall submit to the congressional defense committees a report on the assessment conducted under paragraph (1).

(B) FORM OF REPORT.—The report required by subparagraph (A) shall be submitted in unclassified form but may include a classified annex.

SEC. 3139. STUDY ON THE W80–4 NUCLEAR WARHEAD LIFE EXTENSION PROGRAM.

Deadline. (a) STUDY.—Not later than 30 days after the date of the enactment of this Act, the Director for Cost Estimation and Program Evaluation shall initiate a study on the W80–4 nuclear warhead life extension program.

Analysis. (b) MATTERS INCLUDED.—The study under subsection (a) shall include the following:

(1) An explanation of any increases in actual or projected costs of the W80–4 nuclear warhead life extension program.

(2) An analysis of projections of total program costs and planned program schedules.

(3) An analysis of the potential impacts on other programs as a result of additional funding required to maintain the planned program schedule for the W80–4 nuclear warhead life extension program, including with respect to—

(A) other life-extension programs;

(B) infrastructure programs; and

(C) research, development, test, and evaluation programs.

(4) An analysis of the impacts that a delay of the program will have on other programs due to—

(A) technical or management challenges; and

(B) changes in requirements for the program.

Deadline. (c) SUBMISSION.—Not later than 180 days after the date of the enactment of this Act, the Director shall submit to the congressional defense committees the study under subsection (a).

(d) FORM.—The study under subsection (a) shall be in unclassified form, but may include a classified annex.

SEC. 3140. STUDY ON RUNIT DOME AND RELATED HAZARDS.

Deadline.
Contracts. (a) STUDY.—Not later than 60 days after the date of enactment of this Act, the Secretary of Energy shall seek to enter into an agreement with a federally funded research and development center to conduct a study on the impacts of climate change on the “Runit Dome” nuclear waste disposal site in Enewetak Atoll, Marshall Islands, and on other environmental hazards due to nuclear weapons testing in the vicinity thereof. The report shall include a scientific analysis of threats to the environment and to the residents of Enewetak Atoll, including—

Threat analysis.

(1) the “Runit Dome” nuclear waste disposal site;

(2) crypts used to contain nuclear waste and other toxins on Enewetak Atoll; and

(3) radionuclides and other toxins present in the lagoon of Enewetak Atoll.

(b) PUBLIC COMMENTS.—In conducting the study under subsection (a), the federally funded research and development center shall solicit public comments.

(c) REPORT.—Not later than 18 months after the date of the enactment of this Act, the Secretary shall submit to the congressional defense committees a report containing the study conducted under subsection (a).

SEC. 3141. SENSE OF CONGRESS REGARDING COMPENSATION OF INDIVIDUALS RELATING TO URANIUM MINING AND NUCLEAR TESTING.

(a) FINDINGS.—Congress makes the following findings:

(1) The Radiation Exposure Compensation Act (Public Law 101–426; 42 U.S.C. 2210 note) was enacted in 1990 to provide monetary compensation to individuals who contracted certain cancers and other serious diseases following their exposure to radiation released during atmospheric nuclear weapons testing during the Cold War or following exposure to radiation as a result of employment in the uranium industry during the Cold War.

(2) The Radiation Exposure Compensation Act expires on July 9, 2022. Unless that Act is extended, individuals who contract certain cancers and other serious diseases because of events described in paragraph (1) may be unable to claim compensation for such diseases.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the United States Government should continue to appropriately compensate and recognize the individuals described in subsection (a).

TITLE XXXII—DEFENSE NUCLEAR FACILITIES SAFETY BOARD

Sec. 3201. Authorization.

Sec. 3202. References to Chairperson and Vice Chairperson of Defense Nuclear Facilities Safety Board.

SEC. 3201. AUTHORIZATION.

There are authorized to be appropriated for fiscal year 2022, \$31,000,000 for the operation of the Defense Nuclear Facilities Safety Board under chapter 21 of the Atomic Energy Act of 1954 (42 U.S.C. 2286 et seq.).

SEC. 3202. REFERENCES TO CHAIRPERSON AND VICE CHAIRPERSON OF DEFENSE NUCLEAR FACILITIES SAFETY BOARD.

Chapter 21 of the Atomic Energy Act of 1954 (42 U.S.C. 2286 et seq.) is amended—

(1) in section 311(c), in the subsection heading, by striking “CHAIRMAN, VICE CHAIRMAN” and inserting “CHAIRPERSON, VICE CHAIRPERSON”; and

(2) by striking “Chairman” each place it appears and inserting “Chairperson”.

42 USC 2286.

42 USC 2286,
2286b.

TITLE XXXIV—NAVAL PETROLEUM RESERVES

Sec. 3401. Authorization of appropriations.

SEC. 3401. AUTHORIZATION OF APPROPRIATIONS.

(a) AMOUNT.—There are hereby authorized to be appropriated to the Secretary of Energy \$13,650,000 for fiscal year 2022 for the purpose of carrying out activities under chapter 869 of title 10, United States Code, relating to the naval petroleum reserves.

(b) PERIOD OF AVAILABILITY.—Funds appropriated pursuant to the authorization of appropriations in subsection (a) shall remain available until expended.

TITLE XXXV—MARITIME SECURITY

Subtitle A—Maritime Administration

Sec. 3501. Authorization of the Maritime Administration.

Subtitle B—Other Matters

Sec. 3511. Effective period for issuance of documentation for recreational vessels.

Sec. 3512. Committees on maritime matters.

Sec. 3513. Port Infrastructure Development Program.

Sec. 3514. Uses of emerging marine technologies and practices.

Sec. 3515. Prohibition on participation of long term charters in Tanker Security Fleet.

Sec. 3516. Coastwise endorsement.

Sec. 3517. Report on efforts of combatant commands to combat threats posed by illegal, unreported, and unregulated fishing.

Sec. 3518. Authorization to purchase duplicate medals.

Subtitle A—Maritime Administration

SEC. 3501. AUTHORIZATION OF THE MARITIME ADMINISTRATION.

(a) IN GENERAL.—There are authorized to be appropriated to the Department of Transportation for fiscal year 2022 for programs associated with maintaining the United States merchant marine, the following amounts:

(1) For expenses necessary for operations of the United States Merchant Marine Academy, \$90,532,000, of which—

(A) \$85,032,000 shall be for Academy operations, which may be used to hire personnel pursuant to subsection (d) and to implement any recommendations of the Merchant Marine Academy Advisory Council established under subsection (c); and

(B) \$5,500,000 shall remain available until expended for capital asset management at the Academy.

(2) For expenses necessary to support the State maritime academies, \$50,780,000, of which—

(A) \$2,400,000 is for the Student Incentive Program;

(B) \$6,000,000 is for direct payments;

(C) \$3,800,000 is for training ship fuel assistance;

(D) \$8,080,000 is for offsetting the costs of training ship sharing; and

(E) \$30,500,000 is for maintenance and repair of State maritime academy training vessels.

(3) For expenses necessary to support the National Security Multi-Mission Vessel Program, \$315,600,000.

(4) For expenses necessary to support Maritime Administration operations and programs, \$60,853,000.

(5) For expenses necessary to dispose of vessels in the National Defense Reserve Fleet, \$10,000,000.

(6) For expenses necessary to maintain and preserve a United States flag merchant marine to serve the national security needs of the United States under chapter 531 of title 46, United States Code, \$318,000,000.

(7) For expenses necessary for the loan guarantee program authorized under chapter 537 of title 46, United States Code, \$33,000,000, of which—

(A) \$30,000,000 may be used for the cost (as defined in section 502(5) of the Federal Credit Reform Act of 1990 (2 U.S.C. 661a(5))) of loan guarantees under the program; and

(B) \$3,000,000 may be used for administrative expenses relating to loan guarantee commitments under the program.

(8) For expenses necessary to provide for the Tanker Security Fleet, as authorized under chapter 534 of title 46, United States Code, \$60,000,000.

(9) For expenses necessary to support maritime environmental and technical assistance activities authorized under section 50307 of title 46, United States Code, \$10,000,000.

(10) For expenses necessary to support marine highway program activities authorized under chapter 556 of such title, \$11,000,000.

(11) For expenses necessary to provide assistance to small shipyards and for the maritime training program authorized under section 54101 of title 46, United States Code, \$40,000,000.

(12) For expenses necessary to implement the Port and Intermodal Improvement Program, \$750,000,000, to remain available until expended, except that no such funds may be used to provide a grant to purchase fully automated cargo handling equipment that is remotely operated or remotely monitored with or without the exercise of human intervention or control, if the Secretary determines such equipment would result in a net loss of jobs within a port of port terminal.

(b) AVAILABILITY OF AMOUNTS.—The amounts authorized to be appropriated under subsection (a) shall remain available as follows:

(1) The amounts authorized to be appropriated under paragraphs (1)(A), (2)(A), and (4)(A) shall remain available until September 30, 2022.

(2) The amounts authorized to be appropriated under paragraphs (1)(B), (2)(B), (D), and (E), (3), (4)(B), (5), (6), (7)(A), (8), and (9) shall remain available until expended without fiscal year limitation.

(c) UNITED STATES MERCHANT MARINE ACADEMY ADVISORY COUNCIL; UNFILLED VACANCIES.—

(1) IN GENERAL.—Chapter 513 of title 46, United States Code, is amended by adding at the end the following new sections:

46 USC 51323. **“§ 51323. United States Merchant Marine Academy Advisory Council**

“(a) ESTABLISHMENT.—The Secretary of Transportation shall establish an advisory council, to be known as the ‘United States Merchant Marine Academy Advisory Council’ (in this section referred to as the ‘Council’).

“(b) MEMBERSHIP.—

Determination.

“(1) IN GENERAL.—The Secretary shall select not fewer than 8 and not more than 14 individuals to serve as members of the Council. Such individuals shall have such expertise as the Secretary determines necessary and appropriate for providing advice and guidance on improving the Academy.

“(2) GOVERNMENTAL EXPERTS.—The number of members of the Council who are employees of the Federal Government may not exceed the number of members of the Council who are not employees of the Federal Government.

“(3) EMPLOYEE STATUS.—Members of the Council shall not be considered employees of the United States Government by reason of their membership on the Council for any purpose and shall not receive compensation other than reimbursement of travel expenses and per diem allowance in accordance with section 5703 of title 5.

“(c) RESPONSIBILITIES.—The Council shall provide advice to the Secretary at the time and in the manner requested by the Secretary.

Compliance.

“(d) PERSONALLY IDENTIFIABLE INFORMATION.—In carrying out its responsibilities under this subsection, the Council shall comply with the obligations of the Department of Transportation to protect personally identifiable information.

46 USC
prec. 51301.

“§ 51324. Unfilled vacancies

“(a) IN GENERAL.—In the event of an unfilled vacancy for any critical position at the United States Merchant Marine Academy, the Secretary of Transportation may appoint, without regard to the provisions of subchapter I of chapter 33 of title 5, other than sections 3303 and 3328 of that title, a qualified candidate for the purposes of filling up to 20 of such positions.

“(b) CRITICAL POSITION DEFINED.—In this section, the term ‘critical position’ means a position that contributes to the improvement of—

“(1) the culture or infrastructure of the Academy;

“(2) student health and well being;

“(3) Academy governance; or

“(4) any other priority areas identified by the Council.”.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new items:

“51323. United States Merchant Marine Academy Advisory Council.

“51324. Unfilled vacancies.”.

Subtitle B—Other Matters

SEC. 3511. EFFECTIVE PERIOD FOR ISSUANCE OF DOCUMENTATION FOR RECREATIONAL VESSELS.

Section 12105(e)(2) of title 46, United States Code, is amended—

(1) by striking subparagraphs (A) and (B) and inserting the following:

“(A) IN GENERAL.—The owner or operator of a recreational vessel may choose a period of effectiveness of between 1 and 5 years for a certificate of documentation for a recreational vessel or the renewal thereof.”; and

(2) by redesignating subparagraph (C) as subparagraph (B).

SEC. 3512. COMMITTEES ON MARITIME MATTERS.

(a) IN GENERAL.—

(1) Chapter 555 of title 46, United States Code, is redesignated as chapter 504 of such title and transferred to appear after chapter 503 of such title. 46 USC prec. 50401.

(2) Chapter 504 of such title, as redesignated by paragraph (1), is amended in the chapter heading by striking “**MISCELLANEOUS**” and inserting “**COMMITTEES**”.

(3) Sections 55501 and 55502 of such title are redesignated as section 50401 and section 50402, respectively, of such title and transferred to appear in chapter 504 of such title (as redesignated by paragraph (1)). 46 USC 55502 note.

(4) The section heading for section 50401 of such title, as redesignated by paragraph (3), is amended to read as follows: “UNITED STATES COMMITTEE ON THE MARINE TRANSPORTATION SYSTEM”.

(b) CONFORMING AMENDMENT.—Section 8332(b)(1) of the Elijah E. Cummings Coast Guard Authorization Act of 2020 (division G of the William M. (Mac) Thornberry National Defense Authorization Act for Fiscal Year 2021 (Public Law 116–283)) is amended by striking “section 55502” and inserting “section 50402”. 46 USC 50402 note.

(c) CLERICAL AMENDMENTS.—

(1) The analysis for chapter 504 of title 46, United States Code, as redesignated by subsection (a)(1), is amended to read as follows: 46 USC prec. 50101.

“CHAPTER 504—COMMITTEES

“Sec.

“50401. United States Committee on the Marine Transportation System.

“50402. Maritime Transportation System National Advisory Committee.”.

(2) The table of chapters for subtitle V of title 46, United States Code, is amended—

(A) by inserting after the item relating to chapter 503 the following:

“504. Committees 50401”; and

(B) by striking the item relating to chapter 555.

SEC. 3513. PORT INFRASTRUCTURE DEVELOPMENT PROGRAM.

(a) IN GENERAL.—

(1) Part C of subtitle V of title 46, United States Code, is amended by adding at the end the following:

“CHAPTER 543—PORT INFRASTRUCTURE DEVELOPMENT PROGRAM

46 USC
prec. 54301.

“Sec.

“54301. Port infrastructure development program.

46 USC 54301.

“§ 54301. Port infrastructure development program”.

(2) Subsections (c), (d), and (e) of section 50302 of such title are redesignated as subsections (a), (b), and (c) of section 54301 of such title, respectively, and transferred to appear in chapter 543 of such title (as added by paragraph (1)).

(b) AMENDMENTS TO SECTION 54301.—Section 54301 of such title, as redesignated by subsection (a)(2), is amended—

(1) in subsection (a)—

(A) in paragraph (2) by striking “or subsection (d)” and inserting “or subsection (b)”;

(B) in paragraph (3)(A)(ii)—

(i) in subclause (II) by striking “; or” and inserting a semicolon;

(ii) by striking subclause (III); and

(iii) by adding at the end the following:

“(III) operational improvements, including projects to improve port resilience; or

“(IV) environmental and emission mitigation measures; including projects for—

“(aa) port electrification or electrification master planning;

“(bb) harbor craft or equipment replacements or retrofits;

“(cc) development of port or terminal microgrids;

“(dd) providing idling reduction infrastructure;

“(ee) purchase of cargo handling equipment and related infrastructure;

“(ff) worker training to support electrification technology;

“(gg) installation of port bunkering facilities from oceangoing vessels for fuels;

“(hh) electric vehicle charge or hydrogen refueling infrastructure for drayage and medium or heavy duty trucks and locomotives that service the port and related grid upgrades; or

“(ii) other related port activities, including charging infrastructure, electric rubber-tired gantry cranes, and anti-idling technologies.”;

(C) in paragraph (5)—

(i) in subparagraph (A) by striking “or subsection (d)” and inserting “or subsection (b)”;

(ii) in subparagraph (B) by striking “subsection (d)” and inserting “subsection (b)”;

(D) in paragraph (6)(B)—

(i) in clause (i) by striking “; and” and inserting a semicolon;

(ii) in clause (ii) by striking the period and inserting “; and”; and

(iii) by adding at the end the following:

“(iii) a port’s increased resilience as a result of the project.”;

(E) in paragraph (7)—

(i) in subparagraph (B)—

- (I) by striking “subsection (d)” in each place it appears and inserting “subsection (b)”; and
- (II) by striking “18 percent” and inserting “25 percent”;
- (ii) in subparagraph (C) by striking “subsection (d)(3)(A)(ii)(III)” and inserting “subsection (b)(3)(A)(ii)(III)”;
- (F) in paragraph (8)—
 - (i) in subparagraph (A) by striking “or subsection (d)” and inserting “or subsection (b)”; and
 - (ii) in subparagraph (B)—
 - (I) in clause (i) by striking “subsection (d)” and inserting “subsection (b)”; and
 - (II) in clause (ii) by striking “subsection (d)” and inserting “subsection (b)”; and
- (G) in paragraph (9) by striking “subsection (d)” and inserting “subsection (b)”; and
- (H) in paragraph (10)—
 - (i) in subparagraph (A), by striking “subsection (d)” and inserting “subsection (b)”; and
 - (ii) by redesignating subparagraphs (B) and (C) as subparagraphs (C) and (D), respectively; and
 - (iii) by inserting after subparagraph (A) the following new subparagraph (B):

“(B) EFFICIENT USE OF NON-FEDERAL FUNDS.—

 - “(i) IN GENERAL.—Notwithstanding any other provision of law and subject to approval by the Secretary, in the case of any grant for a project under this section, during the period beginning on the date on which the grant recipient is selected and ending on the date on which the grant agreement is signed—
 - “(I) the grant recipient may obligate and expend non-Federal funds with respect to the project for which the grant is provided; and
 - “(II) any non-Federal funds obligated or expended in accordance with subclause (I) shall be credited toward the non-Federal cost share for the project for which the grant is provided.
 - “(ii) REQUIREMENTS.—
 - “(I) APPLICATION.—In order to obligate and expend non-Federal funds under clause (i), the grant recipient shall submit to the Secretary a request to obligate and expend non-Federal funds under that clause, including—
 - “(aa) a description of the activities the grant recipient intends to fund;
 - “(bb) a justification for advancing the activities described in item (aa), including an assessment of the effects to the project scope, schedule, and budget if the request is not approved; and
 - “(cc) the level of risk of the activities described in item (aa).
 - “(II) APPROVAL.—The Secretary shall approve or disapprove each request submitted under subclause (I).

“(III) COMPLIANCE WITH APPLICABLE REQUIREMENTS.—Any obligation or expenditure of non-Federal funds under clause (i) shall be in compliance with all applicable requirements, including any requirements included in the grant agreement.

“(iii) EFFECT.—The obligation or expenditure of any non-Federal funds in accordance with this subparagraph shall not—

“(I) affect the signing of a grant agreement or other applicable grant procedures with respect to the applicable grant;

“(II) create an obligation on the part of the Federal Government to repay any non-Federal funds if the grant agreement is not signed; or

“(III) affect the ability of the recipient of the grant to obligate or expend non-Federal funds to meet the non-Federal cost share for the project for which the grant is provided after the period described in clause (i).”; and

(I) in paragraph (12)—

(i) by striking “subsection (d)” and inserting “subsection (b)”; and

(ii) by adding at the end the following:

“(D) RESILIENCE.—The term ‘resilience’ means the ability to anticipate, prepare for, adapt to, withstand, respond to, and recover from operational disruptions and sustain critical operations at ports, including disruptions caused by natural or manmade hazards, such as sea level rise, flooding, earthquakes, hurricanes, tsunami inundation or other extreme weather events.”;

(2) in subsection (b)—

(A) in the subsection heading by striking “INLAND” and inserting “INLAND RIVER”;

(B) in paragraph (1) by striking “subsection (c)(7)(B)” and inserting “subsection (a)(7)(B)”;

(C) in paragraph (3)(A)(ii)(III) by striking “subsection (c)(3)(B)” and inserting “subsection (a)(3)(B)”; and

(D) in paragraph (5)(A) by striking “subsection (c)(8)(B)” and inserting “subsection (a)(8)(B)”; and

(3) in subsection (c)—

(A) by striking “subsection (c) or subsection (d)” and inserting “subsection (a) or subsection (b)”; and

(B) by striking “subsection (c)(2)” and inserting “subsection (a)(2)”.

(c) GRANTS FOR EMISSION MITIGATION MEASURES.—For fiscal year 2022, the Secretary may make grants under section 54301(a) of title 46, United States Code, as redesignated by subsection (a)(2) and amended by subsection (b), to provide for emission mitigation measures that provide for the use of shore power for vessels to which sections 3507 and 3508 of such title apply, if such grants meet the other requirements set out in such section 54301(a).

(d) CLERICAL AMENDMENTS.—The table of chapters for subtitle V of title 46, United States Code, as amended by this title, is further amended by inserting after the item relating to chapter 541 the following:

“543. Port Infrastructure Development Program 54301”.

SEC. 3514. USES OF EMERGING MARINE TECHNOLOGIES AND PRACTICES.

Section 50307 of title 46, United States Code, is amended—

(1) by redesignating subsection (e) as subsection (f); and

(2) by inserting after subsection (d) the following new subsection (e):

“(e) USES.—The results of activities conducted under subsection (b)(1) shall be used to inform—

“(1) the policy decisions of the United States related to domestic regulations; and

“(2) the position of the United States on matters before the International Maritime Organization.”.

SEC. 3515. PROHIBITION ON PARTICIPATION OF LONG TERM CHARTERS IN TANKER SECURITY FLEET.

(a) DEFINITION OF LONG TERM CHARTER.—Section 53401 of title 46, United States Code, is amended by adding at the end the following new paragraph:

“(8) LONG TERM CHARTER.—The term ‘long term charter’ means any time charter of a product tank vessel to the United States Government that, together with options, occurs for a continuous period of more than 180 days.”.

(b) PARTICIPATION OF LONG TERM CHARTERS IN TANKER SECURITY FLEET.—Section 53404(b) of such title is amended—

(1) by striking “The program participant of a” and inserting “Any”;

(2) by inserting “long term” before “charter”;

(3) by inserting “not” before “eligible”; and

(4) by striking “receive payments pursuant to any operating agreement that covers such vessel” and inserting “participate in the Fleet”.

SEC. 3516. COASTWISE ENDORSEMENT.

Notwithstanding section 12112 of title 46, United States Code, the Secretary of the department in which the Coast Guard is operating may issue a certificate of documentation with a coastwise endorsement for the vessel WIDGEON (United States official number 1299656).

SEC. 3517. REPORT ON EFFORTS OF COMBATANT COMMANDS TO COMBAT THREATS POSED BY ILLEGAL, UNREPORTED, AND UNREGULATED FISHING.

(a) REPORT REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Secretary of the Navy, in consultation with the Director of the Office of Naval Research, the co-chairs of the collaborative interagency working group on maritime security and IUU fishing established under section 3551 of the Maritime Security and Fisheries Enforcement Act (16 U.S.C. 8031), and the heads of other relevant agencies, as determined by the Secretary, shall submit to the appropriate congressional committees a report on the combatant commands’ maritime domain awareness efforts to combat the threats posed by illegal, unreported, and unregulated fishing.

Consultation.
Determination.

(b) CONTENTS OF REPORT.—The report required by subsection (a) shall include a detailed summary of each of the following for each combatant command:

Summary.

(1) The activities undertaken to date to combat the threats posed by illegal, unreported, and unregulated fishing in the

geographic area of the combatant command, including the steps taken to build partner capacity to combat such threats.

(2) Coordination with the Armed Forces of the United States, partner nations, and public-private partnerships to combat such threats.

(3) Efforts undertaken to support unclassified data integration, analysis, and delivery with regional partners to combat such threats.

(4) Information sharing and coordination with efforts of the collaborative interagency working group on maritime security and IUU fishing established under section 3551 of the Maritime Security and Fisheries Enforcement Act (16 U.S.C. 8031).

(5) Best practices and lessons learned from existing and previous efforts relating to such threats, including strategies for coordination and success in public-private partnerships.

(6) Limitations related to affordability, resource constraints, or other gaps or factors that affect the success or expansion of efforts related to such threats.

(7) Any new authorities needed to support efforts to combat such threats.

(c) **FORM OF REPORT.**—The report required by subsection (a) shall be submitted in unclassified form, but may include a classified annex.

(d) **APPROPRIATE CONGRESSIONAL COMMITTEES.**—In this section, the term “appropriate congressional committees” means—

(1) the Committee on Armed Services, the Committee on Commerce, Science, and Transportation, the Committee on Foreign Relations, and the Committee on Appropriations of the Senate; and

(2) the Committee on Armed Services, the Committee on Natural Resources, the Committee on Transportation and Infrastructure, the Committee on Foreign Affairs, and the Committee on Appropriations of the House of Representatives.

SEC. 3518. AUTHORIZATION TO PURCHASE DUPLICATE MEDALS.

(a) **IN GENERAL.**—The Secretary of Transportation, acting through the Administrator of the Maritime Administration, may use funds appropriated for the fiscal year in which the date of the enactment of this Act occurs, or funds appropriated for any prior fiscal year, for the Maritime Administration to purchase duplicate medals authorized under the Merchant Mariners of World War II Congressional Gold Medal Act of 2020 (Public Law 116–125) and provide such medals to eligible individuals who engaged in qualified service who submit an application under subsection (b) and were United States merchant mariners of World War II.

(b) **APPLICATION.**—To be eligible to receive a medal described in subsection (a), an eligible individual who engaged in qualified service shall submit to the Administrator an application containing such information and assurances as the Administrator may require.

(c) **ELIGIBLE INDIVIDUAL WHO ENGAGED IN QUALIFIED SERVICE.**—In this section, the term “eligible individual who engaged in qualified service” means an individual who, between December 7, 1941, and December 31, 1946—

(1) was a member of the United States merchant marine, including the Army Transport Service and the Navy Transport Service, serving as a crewmember of a vessel that was—

Definition.

(A) operated by the War Shipping Administration, the Office of Defense Transportation, or an agent of such departments;

(B) operated in waters other than inland waters, the Great Lakes, and other lakes, bays, or harbors of the United States;

(C) under contract or charter to, or property of, the Government of the United States; and

(D) serving in the Armed Forces; and

(2) while so serving, was licensed or otherwise documented for service as a crewmember of such a vessel by an officer or employee of the United States authorized to license or document the person for such service.

DIVISION D—FUNDING TABLES

SEC. 4001. AUTHORIZATION OF AMOUNTS IN FUNDING TABLES.

(a) **IN GENERAL.**—Whenever a funding table in this division specifies a dollar amount authorized for a project, program, or activity, the obligation and expenditure of the specified dollar amount for the project, program, or activity is hereby authorized, subject to the availability of appropriations.

(b) **MERIT-BASED DECISIONS.**—

(1) **IN GENERAL.**—A decision to commit, obligate, or expend funds with or to a specific entity on the basis of a dollar amount authorized pursuant to subsection (a) shall—

(A) except as provided in paragraph (2), be based on merit-based selection procedures in accordance with the requirements of sections 2304(k) and 2374 of title 10, United States Code, or on competitive procedures; and

(B) comply with other applicable provisions of law.

Compliance.

(2) **EXCEPTION.**—Paragraph (1)(A) does not apply to a decision to commit, obligate, or expend funds on the basis of a dollar amount authorized pursuant to subsection (a) if the project, program, or activity involved—

(A) is listed in section 4201; and

(B) is identified as Community Project Funding through the inclusion of the abbreviation “CPF” immediately before the name of the project, program, or activity.

(c) **RELATIONSHIP TO TRANSFER AND PROGRAMMING AUTHORITY.**—An amount specified in the funding tables in this division may be transferred or reprogrammed under a transfer or reprogramming authority provided by another provision of this Act or by other law. The transfer or reprogramming of an amount specified in such funding tables shall not count against a ceiling on such transfers or reprogrammings under section 1001 of this Act or any other provision of law, unless such transfer or reprogramming would move funds between appropriation accounts.

(d) **APPLICABILITY TO CLASSIFIED ANNEX.**—This section applies to any classified annex that accompanies this Act.

(e) **ORAL AND WRITTEN COMMUNICATIONS.**—No oral or written communication concerning any amount specified in the funding tables in this division shall supersede the requirements of this section.

TITLE XLI—PROCUREMENT

SEC. 4101. PROCUREMENT.

SEC. 4101. PROCUREMENT (In Thousands of Dollars)			
Line	Item	FY 2022 Request	Conference Authorized
AIRCRAFT PROCUREMENT, ARMY			
FIXED WING			
001	UTILITY F/W AIRCRAFT		20,000
	Program increase—fixed wing avionics upgrade		[20,000]
004	SMALL UNMANNED AIRCRAFT SYSTEM	16,005	16,005
ROTARY			
007	AH–64 APACHE BLOCK IIIA REMAN	504,136	494,136
	Unit cost growth		[–10,000]
008	AH–64 APACHE BLOCK IIIA REMAN	192,230	192,230
010	UH–60 BLACKHAWK M MODEL (MYP)	630,263	841,763
	UH–60 Black Hawk for Army Guard		[211,500]
011	UH–60 BLACKHAWK M MODEL (MYP)	146,068	146,068
012	UH–60 BLACK HAWK L AND V MODELS	166,205	166,205
013	CH–47 HELICOPTER	145,218	397,218
	Army UFR—Support minimum sustainment rate		[252,000]
014	CH–47 HELICOPTER AP	18,559	47,559
	Program increase—F Block II		[29,000]
MODIFICATION OF AIRCRAFT			
017	GRAY EAGLE MODS2	3,143	33,143
	Program increase—recapitalization of legacy MQ–1C to extended range MDO configuration.		[30,000]
018	MULTI SENSOR ABN RECON	127,665	122,910
	Unjustified cost—spares		[–4,755]
019	AH–64 MODS	118,560	118,560
020	CH–47 CARGO HELICOPTER MODS (MYP)	9,918	11,918
	Program increase—improved vibration control		[2,000]
021	GRCS SEMA MODS	2,762	2,762
022	ARL SEMA MODS	9,437	9,437
023	EMARSS SEMA MODS	1,568	1,568
024	UTILITY/CARGO AIRPLANE MODS	8,530	8,530
025	UTILITY HELICOPTER MODS	15,826	40,826
	UH–72 modernization		[25,000]
026	NETWORK AND MISSION PLAN	29,206	29,206
027	COMMS, NAV SURVEILLANCE	58,117	58,117
029	AVIATION ASSURED PNT	47,028	45,862
	Excess to need		[–1,166]
030	GATM ROLLUP	16,776	16,776
032	UAS MODS	3,840	3,840
GROUND SUPPORT AVIONICS			
033	AIRCRAFT SURVIVABILITY EQUIPMENT	64,561	64,561
034	SURVIVABILITY CM	5,104	5,104
035	CMWS	148,570	148,570
036	COMMON INFRARED COUNTERMEASURES (CIRCM)	240,412	238,012
	Training support cost growth		[–2,400]
OTHER SUPPORT			
038	COMMON GROUND EQUIPMENT	13,561	13,561
039	AIRCREW INTEGRATED SYSTEMS	41,425	41,425
040	AIR TRAFFIC CONTROL	21,759	21,759
	TOTAL AIRCRAFT PROCUREMENT, ARMY	2,806,452	3,357,631
MISSILE PROCUREMENT, ARMY			
SURFACE-TO-AIR MISSILE SYSTEM			
002	LOWER TIER AIR AND MISSILE DEFENSE (AMD) SEN	35,473	35,473
003	M-SHORAD—PROCUREMENT	331,575	331,575
004	MSE MISSILE	776,696	776,696
005	PRECISION STRIKE MISSILE (PRSM)	166,130	166,130
006	INDIRECT FIRE PROTECTION CAPABILITY INC 2–I	25,253	20,253
	Maintain level of effort		[–5,000]
AIR-TO-SURFACE MISSILE SYSTEM			
007	HELLFIRE SYS SUMMARY	118,800	115,800
	Unit cost growth		[–3,000]
008	JOINT AIR-TO-GROUND MSLS (JAGM)	152,177	214,177

SEC. 4101. PROCUREMENT (In Thousands of Dollars)			
Line	Item	FY 2022 Request	Conference Authorized
	Army UFR—Additional JAGM procurement		[67,000]
	Unit cost growth		[–5,000]
009	LONG RANGE PRECISION MUNITION	44,744	44,744
	ANTI-TANK/ASSAULT MISSILE SYS		
010	JAVELIN (AAWS-M) SYSTEM SUMMARY	120,842	125,842
	Army UFR—Light Weight Command Launch Units		[5,000]
011	TOW 2 SYSTEM SUMMARY	104,412	102,412
	Excess to need		[–2,000]
012	GUIDED MLRS ROCKET (GMLRS)	935,917	968,262
	Army UFR—Restores GMLRS procurement		[50,000]
	Tooling request previously funded		[–17,655]
013	MLRS REDUCED RANGE PRACTICE ROCKETS (RRPR)	29,574	29,574
014	HIGH MOBILITY ARTILLERY ROCKET SYSTEM (HIMARS)	128,438	128,438
016	LETHAL MINIATURE AERIAL MISSILE SYSTEM (LMAMS)	68,278	68,278
	MODIFICATIONS		
017	PATRIOT MODS	205,469	205,469
021	AVENGER MODS	11,227	11,227
022	ITAS/TOW MODS	4,561	4,561
023	MLRS MODS	273,856	273,856
024	HIMARS MODIFICATIONS	7,192	7,192
	SPARES AND REPAIR PARTS		
025	SPARES AND REPAIR PARTS	5,019	5,019
	SUPPORT EQUIPMENT & FACILITIES		
026	AIR DEFENSE TARGETS	10,618	10,618
	TOTAL MISSILE PROCUREMENT, ARMY	3,556,251	3,645,596
	PROCUREMENT OF W&TCV, ARMY		
	TRACKED COMBAT VEHICLES		
001	ARMORED MULTI PURPOSE VEHICLE (AMPV)	104,727	104,727
002	ASSAULT BREACHER VEHICLE (ABV)	16,454	16,454
003	MOBILE PROTECTED FIREPOWER	286,977	286,977
	MODIFICATION OF TRACKED COMBAT VEHICLES		
005	STRYKER UPGRADE	1,005,028	1,120,028
	Excess growth		[–24,000]
	Program increase		[139,000]
006	BRADLEY PROGRAM (MOD)	461,385	538,354
	Army UFR—Improved Bradley Acquisition System upgrade		[56,969]
	Program increase		[20,000]
007	M109 FOV MODIFICATIONS	2,534	2,534
008	PALADIN INTEGRATED MANAGEMENT (PIM)	446,430	673,430
	Army UFR—PIM increase		[227,000]
009	IMPROVED RECOVERY VEHICLE (M88A2 HERCULES)	52,059	52,059
010	ASSAULT BRIDGE (MOD)	2,136	2,136
013	JOINT ASSAULT BRIDGE	110,773	110,773
015	ABRAMS UPGRADE PROGRAM	981,337	1,350,337
	Army UFR—Abrams ARNG M1A2SEpV3 fielding		[369,000]
016	VEHICLE PROTECTION SYSTEMS (VPS)	80,286	80,286
	WEAPONS & OTHER COMBAT VEHICLES		
018	MULTI-ROLE ANTI-ARMOR ANTI-PERSONNEL WEAPON S ...	31,623	31,623
019	MORTAR SYSTEMS	37,485	50,338
	Army UFR—120mm mortar cannon		[12,853]
020	XM320 GRENADE LAUNCHER MODULE (GLM)	8,666	8,666
021	PRECISION SNIPER RIFLE	11,040	10,040
	Unit cost growth		[–1,000]
023	CARBINE	4,434	4,434
024	NEXT GENERATION SQUAD WEAPON	97,087	97,087
026	HANDGUN	4,930	4,930
	MOD OF WEAPONS AND OTHER COMBAT VEH		
027	MK–19 GRENADE MACHINE GUN MODS	13,027	13,027
028	M777 MODS	21,976	23,771
	Army UFR—Software Defined Radio-Hardware Integration Kits		[1,795]
030	M2 50 CAL MACHINE GUN MODS	3,612	21,527
	Army UFR—Additional M2A1s for MATVs		[17,915]
	SUPPORT EQUIPMENT & FACILITIES		
036	ITEMS LESS THAN \$5.0M (WOCV-WTCV)	1,068	1,068
037	PRODUCTION BASE SUPPORT (WOCV-WTCV)	90,819	90,819
	TOTAL PROCUREMENT OF W&TCV, ARMY	3,875,893	4,695,425

SEC. 4101. PROCUREMENT (In Thousands of Dollars)			
Line	Item	FY 2022 Request	Conference Authorized
PROCUREMENT OF AMMUNITION, ARMY			
SMALL/MEDIUM CAL AMMUNITION			
001	CTG, 5.56MM, ALL TYPES	47,490	79,890
	Army UFR—Enhanced Performance Round and Tracer		[32,400]
002	CTG, 7.62MM, ALL TYPES	74,870	101,926
	Program increase		[28,473]
	Unit cost growth		[–1,417]
003	NEXT GENERATION SQUAD WEAPON AMMUNITION	76,794	76,794
004	CTG, HANDGUN, ALL TYPES	7,812	7,812
005	CTG, .50 CAL, ALL TYPES	29,716	58,116
	Program increase		[28,400]
006	CTG, 20MM, ALL TYPES	4,371	4,371
008	CTG, 30MM, ALL TYPES	34,511	34,511
009	CTG, 40MM, ALL TYPES	35,231	46,731
	Army UFR—MK19 training and war reserves		[14,000]
	BA54 and BA55 uncertainty		[–2,500]
MORTAR AMMUNITION			
010	60MM MORTAR, ALL TYPES	23,219	23,219
011	81MM MORTAR, ALL TYPES	52,135	52,135
012	120MM MORTAR, ALL TYPES	104,144	98,944
	Unit cost growth		[–5,200]
TANK AMMUNITION			
013	CARTRIDGES, TANK, 105MM AND 120MM, ALL TYPES	224,503	217,603
	Unit cost growth		[–6,900]
ARTILLERY AMMUNITION			
014	ARTILLERY CARTRIDGES, 75MM & 105MM, ALL TYPES	26,709	57,553
	Army UPL		[30,844]
015	ARTILLERY PROJECTILE, 155MM, ALL TYPES	174,015	174,715
	Army UFR—Additional inventory		[5,000]
	Unit cost growth		[–4,300]
016	PROJ 155MM EXTENDED RANGE M982	73,498	61,498
	Unit cost growth		[–12,000]
017	ARTILLERY PROPELLANTS, FUZES AND PRIMERS, ALL	150,873	143,373
	Unit cost growth		[–7,500]
MINES			
018	MINES & CLEARING CHARGES, ALL TYPES	25,980	20,980
	Excess to need		[–5,000]
019	CLOSE TERRAIN SHAPING OBSTACLE	34,761	34,761
ROCKETS			
020	SHOULDER LAUNCHED MUNITIONS, ALL TYPES	24,408	22,408
	Excess to need		[–2,000]
021	ROCKET, HYDRA 70, ALL TYPES	109,536	117,536
	Program increase		[8,000]
OTHER AMMUNITION			
022	CAD/PAD, ALL TYPES	6,549	6,549
023	DEMOLITION MUNITIONS, ALL TYPES	27,904	27,904
024	GRENADERS, ALL TYPES	37,437	37,437
025	SIGNALS, ALL TYPES	7,530	7,530
026	SIMULATORS, ALL TYPES	8,350	8,350
027	REACTIVE ARMOR TILES	17,755	17,755
MISCELLANEOUS			
028	AMMO COMPONENTS, ALL TYPES	2,784	2,784
029	ITEMS LESS THAN \$5 MILLION (AMMO)	17,797	17,797
030	AMMUNITION PECULIAR EQUIPMENT	12,290	12,290
031	FIRST DESTINATION TRANSPORTATION (AMMO)	4,331	4,331
032	CLOSEOUT LIABILITIES	99	99
PRODUCTION BASE SUPPORT			
034	INDUSTRIAL FACILITIES	538,120	642,620
	Army UFR—Demolition of Legacy Nitrate Esters (Nitroglycerin) NG1 Facility, Radford Army Ammunition Plant (RFAAP), Vir- ginia.		[40,000]
	Army UFR—Environmental, Safety, Construction, Maintenance and Repair of GOCO Facilities in VA, TN, MO, PA, & IA.		[40,000]
	Army UFR—Pyrotechnics Energetic Capability (PEC) construc- tion at Lake City Army Ammunition Plant (LCAAP), Missouri.		[12,000]

SEC. 4101. PROCUREMENT (In Thousands of Dollars)			
Line	Item	FY 2022 Request	Conference Authorized
	Army UFR—Solvent Propellant Facility, Preliminary Design, Radford Army Ammunition Plant, Virginia.		[12,500]
035	CONVENTIONAL MUNITIONS DEMILITARIZATION	139,410	232,410
	Program increase		[93,000]
036	ARMS INITIATIVE	3,178	3,178
	TOTAL PROCUREMENT OF AMMUNITION, ARMY	2,158,110	2,455,910
OTHER PROCUREMENT, ARMY			
TACTICAL VEHICLES			
002	SEMITRAILERS, FLATBED:	12,539	18,931
	Army UFR—M872 semitrailer		[6,392]
003	SEMITRAILERS, TANKERS	17,985	17,985
004	HI MOB MULTI-PURP WHLD VEH (HMMWV)	60,706	60,706
005	GROUND MOBILITY VEHICLES (GMV)	29,807	37,307
	Program increase—infantry squad vehicle		[7,500]
008	JOINT LIGHT TACTICAL VEHICLE FAMILY OF VEHICL	574,562	605,562
	Army UFR—Additional JLTV fielding		[120,000]
	Early to need		[–89,000]
009	TRUCK, DUMP, 20T (CCE)	9,882	19,632
	Program increase		[9,750]
010	FAMILY OF MEDIUM TACTICAL VEH (FMTV)	36,885	61,885
	Program increase		[25,000]
011	FAMILY OF COLD WEATHER ALL-TERRAIN VEHICLE	16,450	16,450
012	FIRETRUCKS & ASSOCIATED FIREFIGHTING EQUIP	26,256	26,256
013	FAMILY OF HEAVY TACTICAL VEHICLES (FHTV)	64,282	64,282
014	PLS ESP	16,943	16,943
015	HVY EXPANDED MOBILE TACTICAL TRUCK EXT SERV		109,000
	Program increase		[109,000]
017	TACTICAL WHEELED VEHICLE PROTECTION KITS	17,957	17,957
018	MODIFICATION OF IN SVC EQUIP	29,349	212,650
	HMMWV modifications		[183,301]
NON-TACTICAL VEHICLES			
020	PASSENGER CARRYING VEHICLES	1,232	1,232
021	NONTACTICAL VEHICLES, OTHER	24,246	19,246
	Excess carryover		[–5,000]
COMM—JOINT COMMUNICATIONS			
022	SIGNAL MODERNIZATION PROGRAM	140,036	142,536
	Army UFR—Multi-Domain Task Force All-Domain Operations Center cloud pilot.		[2,500]
023	TACTICAL NETWORK TECHNOLOGY MOD IN SVC	436,524	429,024
	Excess to need		[–7,500]
025	DISASTER INCIDENT RESPONSE COMMS TERMINAL	3,863	3,863
026	JCSE EQUIPMENT (USRDECOM)	4,845	4,845
COMM—SATELLITE COMMUNICATIONS			
029	DEFENSE ENTERPRISE WIDEBAND SATCOM SYSTEMS	97,369	97,369
030	TRANSPORTABLE TACTICAL COMMAND COMMUNICA- TIONS.	120,550	120,550
031	SHF TERM	38,129	38,129
032	ASSURED POSITIONING, NAVIGATION AND TIMING	115,291	112,791
	Excess to need		[–2,500]
033	SMART-T (SPACE)	15,407	15,407
034	GLOBAL BRDCST SVC—GBS	2,763	2,763
COMM—C3 SYSTEM			
037	COE TACTICAL SERVER INFRASTRUCTURE (TSD)	99,858	99,858
COMM—COMBAT COMMUNICATIONS			
038	HANDHELD MANPACK SMALL FORM FIT (HMS)	775,069	730,069
	Cost deviation		[–5,000]
	Single channel data radio program decrease		[–35,000]
	Support cost excess to need		[–5,000]
040	ARMY LINK 16 SYSTEMS	17,749	17,749
042	UNIFIED COMMAND SUITE	17,984	17,984
043	COTS COMMUNICATIONS EQUIPMENT	191,702	185,702
	Unit cost growth		[–6,000]
044	FAMILY OF MED COMM FOR COMBAT CASUALTY CARE	15,957	15,957
045	ARMY COMMUNICATIONS & ELECTRONICS	89,441	79,441
	Insufficient justification		[–10,000]
COMM—INTELLIGENCE COMM			

SEC. 4101. PROCUREMENT (In Thousands of Dollars)			
Line	Item	FY 2022 Request	Conference Authorized
047	CI AUTOMATION ARCHITECTURE-INTEL	13,317	13,317
048	DEFENSE MILITARY DECEPTION INITIATIVE	5,207	5,207
049	MULTI-DOMAIN INTELLIGENCE	20,095	20,095
	INFORMATION SECURITY		
051	INFORMATION SYSTEM SECURITY PROGRAM-ISSP	987	987
052	COMMUNICATIONS SECURITY (COMSEC)	126,273	126,273
053	DEFENSIVE CYBER OPERATIONS	27,389	31,489
	Army UFR—Cybersecurity / IT Network Mapping		[4,100]
056	SIO CAPABILITY	21,303	21,303
057	BIOMETRIC ENABLING CAPABILITY (BEC)	914	914
	COMM—LONG HAUL COMMUNICATIONS		
059	BASE SUPPORT COMMUNICATIONS	9,209	24,209
	Land mobile radios		[15,000]
	COMM—BASE COMMUNICATIONS		
060	INFORMATION SYSTEMS	219,026	219,026
061	EMERGENCY MANAGEMENT MODERNIZATION PROGRAM	4,875	4,875
064	INSTALLATION INFO INFRASTRUCTURE MOD PROGRAM ...	223,001	225,041
	EUCOM UFR—Mission Partner Environment		[2,040]
	ELECT EQUIP—TACT INT REL ACT (TIARA)		
067	JTT/CIBS-M	5,463	5,463
068	TERRESTRIAL LAYER SYSTEMS (TLS)	39,240	39,240
070	DCGS-A-INTEL	92,613	119,563
	Army UFR—Additional fixed node cloud servers		[26,950]
071	JOINT TACTICAL GROUND STATION (JTAGS)-INTEL	8,088	8,088
072	TROJAN	30,828	30,828
073	MOD OF IN-SVC EQUIP (INTEL SPT)	39,039	39,039
074	BIOMETRIC TACTICAL COLLECTION DEVICES	11,097	11,097
	ELECT EQUIP—ELECTRONIC WARFARE (EW)		
076	EW PLANNING & MANAGEMENT TOOLS (EWPMT)	783	783
077	AIR VIGILANCE (AV)	13,486	13,486
079	FAMILY OF PERSISTENT SURVEILLANCE CAP.	14,414	14,414
080	COUNTERINTELLIGENCE/SECURITY COUNTERMEASURES	19,111	19,111
081	CI MODERNIZATION	421	421
	ELECT EQUIP—TACTICAL SURV. (TAC SURV)		
082	SENTINEL MODS	47,642	47,642
083	NIGHT VISION DEVICES	1,092,341	828,875
	IVAS ahead of need		[–213,466]
	Transfer to RDTE, Army line 98		[–50,000]
084	SMALL TACTICAL OPTICAL RIFLE MOUNTED MLRF	21,103	21,103
085	INDIRECT FIRE PROTECTION FAMILY OF SYSTEMS	6,153	6,153
086	FAMILY OF WEAPON SIGHTS (FWS)	184,145	184,145
087	ENHANCED PORTABLE INDUCTIVE ARTILLERY FUZE SE ...	2,371	2,371
088	FORWARD LOOKING INFRARED (IFLIR)	11,929	11,929
089	COUNTER SMALL UNMANNED AERIAL SYSTEM (C-SUAS) ..	60,058	60,058
090	JOINT BATTLE COMMAND—PLATFORM (JBC-P)	263,661	259,661
	Unit cost growth		[–4,000]
091	JOINT EFFECTS TARGETING SYSTEM (JETS)	62,082	62,082
093	COMPUTER BALLISTICS: LHMBBC XM32	2,811	2,811
094	MORTAR FIRE CONTROL SYSTEM	17,236	17,236
095	MORTAR FIRE CONTROL SYSTEMS MODIFICATIONS	2,830	2,830
096	COUNTERFIRE RADARS	31,694	26,694
	Excess to need		[–5,000]
	ELECT EQUIP—TACTICAL C2 SYSTEMS		
097	ARMY COMMAND POST INTEGRATED INFRASTRUCTURE ...	49,410	49,410
098	FIRE SUPPORT C2 FAMILY	9,853	9,853
099	AIR & MSL DEFENSE PLANNING & CONTROL SYS	67,193	67,193
100	IAMD BATTLE COMMAND SYSTEM	301,872	291,872
	Excess costs previously funded		[–10,000]
101	LIFE CYCLE SOFTWARE SUPPORT (LCSS)	5,182	5,182
102	NETWORK MANAGEMENT INITIALIZATION AND SERVICE	31,349	31,349
104	GLOBAL COMBAT SUPPORT SYSTEM-ARMY (GCSS-A)	11,271	11,271
105	INTEGRATED PERSONNEL AND PAY SYSTEM-ARMY (IPPS-A).	16,077	16,077
107	MOD OF IN-SVC EQUIPMENT (ENFIRE)	3,160	9,160
	Program increase—land surveying systems		[6,000]
	ELECT EQUIP—AUTOMATION		
108	ARMY TRAINING MODERNIZATION	9,833	9,833

SEC. 4101. PROCUREMENT (In Thousands of Dollars)			
Line	Item	FY 2022 Request	Conference Authorized
109	AUTOMATED DATA PROCESSING EQUIP	130,924	133,924
	Army UFR—ATRRS unlimited data rights		[3,000]
110	ACCESSIONS INFORMATION ENVIRONMENT (AIE)	44,635	39,635
	Program decrease		[–5,000]
111	GENERAL FUND ENTERPRISE BUSINESS SYSTEMS FAM	1,452	1,452
112	HIGH PERF COMPUTING MOD PGM (HPCMP)	69,943	69,943
113	CONTRACT WRITING SYSTEM	16,957	16,957
114	CSS COMMUNICATIONS	73,110	73,110
115	RESERVE COMPONENT AUTOMATION SYS (RCAS)	12,905	12,905
	ELECT EQUIP—SUPPORT		
117	BCT EMERGING TECHNOLOGIES	13,835	13,835
	CLASSIFIED PROGRAMS		
9999	CLASSIFIED PROGRAMS	18,304	18,304
	CHEMICAL DEFENSIVE EQUIPMENT		
119	BASE DEFENSE SYSTEMS (BDS)	62,295	62,295
120	CBRN DEFENSE	55,632	55,632
	BRIDGING EQUIPMENT		
122	TACTICAL BRIDGING	9,625	9,625
123	TACTICAL BRIDGE, FLOAT-RIBBON	76,082	76,082
124	BRIDGE SUPPLEMENTAL SET	19,867	19,867
125	COMMON BRIDGE TRANSPORTER (CBT) RECAP	109,796	109,796
	ENGINEER (NON-CONSTRUCTION) EQUIPMENT		
126	HANDHELD STANDOFF MINEFIELD DETECTION SYS-HST	5,628	5,628
128	HUSKY MOUNTED DETECTION SYSTEM (HMDS)	26,823	75,123
	Army UFR—Additional HMDS		[48,300]
131	ROBOTICS AND APPLIQUE SYSTEMS	124,233	134,233
	Army UFR—Common Robotic System-Individual (CRS-I)		[10,000]
132	RENDER SAFE SETS KITS OUTFITS	84,000	87,158
	Army UFR—Additional render safe equipment		[3,158]
	COMBAT SERVICE SUPPORT EQUIPMENT		
134	HEATERS AND ECU'S	7,116	5,116
	Contract delay		[–2,000]
135	SOLDIER ENHANCEMENT	1,286	7,786
	Program increase		[6,500]
136	PERSONNEL RECOVERY SUPPORT SYSTEM (PRSS)	9,741	9,741
137	GROUND SOLDIER SYSTEM	150,244	150,244
138	MOBILE SOLDIER POWER	17,815	17,815
139	FORCE PROVIDER	28,860	28,860
140	FIELD FEEDING EQUIPMENT	2,321	2,321
141	CARGO AERIAL DEL & PERSONNEL PARACHUTE SYSTEM	40,240	40,240
142	FAMILY OF ENGR COMBAT AND CONSTRUCTION SETS	36,163	36,163
	PETROLEUM EQUIPMENT		
144	QUALITY SURVEILLANCE EQUIPMENT	744	744
145	DISTRIBUTION SYSTEMS, PETROLEUM & WATER	72,296	76,716
	Army UFR—Modular Fuel System (MFS)		[4,420]
	MEDICAL EQUIPMENT		
146	COMBAT SUPPORT MEDICAL	122,145	122,145
	MAINTENANCE EQUIPMENT		
147	MOBILE MAINTENANCE EQUIPMENT SYSTEMS	14,756	12,856
	Excess carryover		[–1,900]
	CONSTRUCTION EQUIPMENT		
154	ALL TERRAIN CRANES	112,784	107,784
	Cost savings		[–5,000]
156	CONST EQUIP ESP	8,694	8,694
	RAIL FLOAT CONTAINERIZATION EQUIPMENT		
158	ARMY WATERCRAFT ESP	44,409	58,009
	Army UFR—Landing Craft Utility modernization		[13,600]
159	MANEUVER SUPPORT VESSEL (MSV)	76,660	76,660
	GENERATORS		
161	GENERATORS AND ASSOCIATED EQUIP	47,606	47,606
162	TACTICAL ELECTRIC POWER RECAPITALIZATION	10,500	10,500
	MATERIAL HANDLING EQUIPMENT		
163	FAMILY OF FORKLIFTS	13,325	13,325
	TRAINING EQUIPMENT		
164	COMBAT TRAINING CENTERS SUPPORT	79,565	79,565
165	TRAINING DEVICES, NONSYSTEM	174,644	174,644
166	SYNTHETIC TRAINING ENVIRONMENT (STE)	122,104	92,266

SEC. 4101. PROCUREMENT (In Thousands of Dollars)			
Line	Item	FY 2022 Request	Conference Authorized
	RVCT ahead of need		[-29,838]
168	GAMING TECHNOLOGY IN SUPPORT OF ARMY TRAINING ..	11,642	10,642
	Excess carryover		[-1,000]
	TEST MEASURE AND DIG EQUIPMENT (TMD)		
170	INTEGRATED FAMILY OF TEST EQUIPMENT (IFTE)	42,934	42,934
172	TEST EQUIPMENT MODERNIZATION (TEMOD)	24,304	24,304
	OTHER SUPPORT EQUIPMENT		
174	PHYSICAL SECURITY SYSTEMS (OPA3)	86,930	86,930
175	BASE LEVEL COMMON EQUIPMENT	27,823	27,823
176	MODIFICATION OF IN-SVC EQUIPMENT (OPA-3)	32,392	32,392
177	BUILDING, PRE-FAB, RELOCATABLE	32,227	32,227
179	SPECIAL EQUIPMENT FOR TEST AND EVALUATION	76,917	76,917
	OPA2		
180	INITIAL SPARES—C&E	9,272	9,272
	TOTAL OTHER PROCUREMENT, ARMY	8,873,558	8,987,865
	AIRCRAFT PROCUREMENT, NAVY		
	COMBAT AIRCRAFT		
001	F/A-18E/F (FIGHTER) HORNET	87,832	977,161
	Production line shutdown		[-10,671]
	Program increase—12 additional aircraft		[900,000]
003	JOINT STRIKE FIGHTER CV	2,111,009	2,060,757
	Unit cost savings		[-50,252]
004	JOINT STRIKE FIGHTER CV	246,781	246,781
005	JSF STOVL	2,256,829	2,317,929
	F-35 B PGSE & depot support—USMC UPL		[128,800]
	Target cost savings		[-67,700]
006	JSF STOVL	216,720	216,720
007	CH-53K (HEAVY LIFT)	1,286,296	1,503,126
	Excess to need—pub/tech data		[-14,782]
	GFE electronics excess growth		[-3,388]
	Program increase—two additional aircraft		[250,000]
	Unjustified growth—NRE production capacity		[-15,000]
008	CH-53K (HEAVY LIFT)	182,871	182,871
009	V-22 (MEDIUM LIFT)	751,716	1,500,516
	Program increase—five additional MV-22		[414,400]
	Program increase—four additional CMV-22		[334,400]
011	H-1 UPGRADES (UH-1Y/AH-1Z)	939	939
013	P-8A POSEIDON	44,595	384,595
	Additional aircraft		[340,000]
014	E-2D ADV HAWKEYE	766,788	957,788
	Navy UFR—Additional E-2D		[191,000]
015	E-2D ADV HAWKEYE	118,095	118,095
	TRAINER AIRCRAFT		
016	ADVANCED HELICOPTER TRAINING SYSTEM	163,490	163,490
	OTHER AIRCRAFT		
017	KC-130J	520,787	947,187
	Marine Corps UFR—KC-130J weapons system trainer		[31,500]
	Marine Corps UFR—Replace KC-130J aircraft		[197,900]
	Two additional C-130J aircraft—Navy UPL		[197,000]
018	KC-130J	68,088	68,088
021	MQ-4 TRITON	160,151	483,151
	Additional aircraft		[323,000]
023	MQ-8 UAV	49,249	49,249
024	STUASLO UAV	13,151	13,151
025	MQ-25	47,468	47,468
027	MARINE GROUP 5 UAS	233,686	273,686
	Marine Corps UFR—Additional aircraft		[40,000]
	MODIFICATION OF AIRCRAFT		
030	F-18 A-D UNIQUE	163,095	244,595
	F/A-18 aircraft structural life management (OSIP 11-99) inner wing installation excess cost growth		[-1,000]
	Marine Corps UFR—F-18 ALR-67(V)5 radar warning receiver		[55,000]
	Marine Corps UFR—F-18C/D AESA radar upgrade		[27,500]
031	F-18E/F AND EA-18G MODERNIZATION AND SUSTAINM	482,899	482,899
032	MARINE GROUP 5 UAS SERIES	1,982	1,982
033	AEA SYSTEMS	23,296	20,221

SEC. 4101. PROCUREMENT (In Thousands of Dollars)			
Line	Item	FY 2022 Request	Conference Authorized
	Excess support costs		[–3,075]
034	AV–8 SERIES	17,882	17,882
035	INFRARED SEARCH AND TRACK (IRST)	138,827	120,377
	Limit production growth		[–18,450]
036	ADVERSARY	143,571	143,571
037	F–18 SERIES	327,571	327,571
038	H–53 SERIES	112,436	109,136
	Excess to need		[–3,300]
039	MH–60 SERIES	94,794	94,794
040	H–1 SERIES	124,194	118,857
	Excess to need		[–5,337]
041	EP–3 SERIES	28,848	28,848
042	E–2 SERIES	204,826	199,991
	Electronic support measures (OSIP 007–21) excess installation costs.		[–1,800]
	Electronic support measures (OSIP 007–21) previously funded		[–1,785]
	NAVWAR A-kit installation (OSIP 011–19) previously funded		[–1,250]
043	TRAINER A/C SERIES	7,849	7,849
044	C–2A	2,843	2,843
045	C–130 SERIES	145,610	143,106
	A and B kits (OSIP 019–14) unit cost growth		[–2,504]
046	FEWSG	734	734
047	CARGO/TRANSPORT A/C SERIES	10,682	10,682
048	E–6 SERIES	128,029	128,029
049	EXECUTIVE HELICOPTERS SERIES	45,326	45,326
051	T–45 SERIES	158,772	158,772
052	POWER PLANT CHANGES	24,915	24,915
053	JPATS SERIES	22,955	22,955
054	AVIATION LIFE SUPPORT MODS	2,477	2,477
055	COMMON ECM EQUIPMENT	119,574	119,574
056	COMMON AVIONICS CHANGES	118,839	118,839
057	COMMON DEFENSIVE WEAPON SYSTEM	5,476	5,476
058	ID SYSTEMS	13,154	13,154
059	P–8 SERIES	131,298	115,998
	Program delays		[–15,300]
060	MAGTF EW FOR AVIATION	29,151	29,151
061	MQ–8 SERIES	31,624	31,624
062	V–22 (TILT/ROTOR ACFT) OSPREY	312,835	312,835
063	NEXT GENERATION JAMMER (NGJ)	266,676	266,676
064	F–35 STOVL SERIES	177,054	168,154
	Block 4 B kits early to need		[–8,900]
065	F–35 CV SERIES	138,269	131,369
	TR–3/B4 delay		[–6,900]
066	QRC	98,563	98,563
067	MQ–4 SERIES	7,100	7,100
068	RQ–21 SERIES	14,123	14,123
	AIRCRAFT SPARES AND REPAIR PARTS		
072	SPARES AND REPAIR PARTS	2,339,077	2,466,977
	Marine Corps UFR—F–35B engine spares		[117,800]
	Marine Corps UFR—KC–130J initial spares		[7,000]
	Marine Corps UFR—KC–130J weapons system trainer initial spares.		[3,100]
	AIRCRAFT SUPPORT EQUIP & FACILITIES		
073	COMMON GROUND EQUIPMENT	517,267	517,267
074	AIRCRAFT INDUSTRIAL FACILITIES	80,500	80,500
075	WAR CONSUMABLES	42,496	42,496
076	OTHER PRODUCTION CHARGES	21,374	21,374
077	SPECIAL SUPPORT EQUIPMENT	271,774	271,774
	TOTAL AIRCRAFT PROCUREMENT, NAVY	16,477,178	19,804,184
	WEAPONS PROCUREMENT, NAVY		
	MODIFICATION OF MISSILES		
001	TRIDENT II MODS	1,144,446	1,144,446
	SUPPORT EQUIPMENT & FACILITIES		
002	MISSILE INDUSTRIAL FACILITIES	7,319	7,319
	STRATEGIC MISSILES		
003	TOMAHAWK	124,513	138,140

SEC. 4101. PROCUREMENT (In Thousands of Dollars)			
Line	Item	FY 2022 Request	Conference Authorized
	MK14 canisters previously funded		[–3,743]
	Program increase—ten additional tomahawks		[17,370]
	TACTICAL MISSILES		
005	SIDEWINDER	86,366	82,788
	Unit cost adjustment—AUR Block II		[–2,624]
	Unit cost adjustment—CATM Block II		[–954]
006	STANDARD MISSILE	521,814	521,814
007	STANDARD MISSILE	45,357	45,357
008	JASSM	37,039	37,039
009	SMALL DIAMETER BOMB II	40,877	40,877
010	RAM	92,981	73,015
	Contract award delay		[–19,966]
011	JOINT AIR GROUND MISSILE (JAGM)	49,702	49,702
012	HELLFIRE	7,557	7,557
013	AERIAL TARGETS	150,339	150,339
014	DRONES AND DECOYS	30,321	30,321
015	OTHER MISSILE SUPPORT	3,474	3,474
016	LRASM	161,212	161,212
017	NAVAL STRIKE MISSILE (NSM)	59,331	52,377
	Program decrease		[–6,954]
	MODIFICATION OF MISSILES		
018	TOMAHAWK MODS	206,233	206,233
019	ESSM	248,619	161,519
	ESSM block 2 contract award delays		[–87,100]
021	AARGM	116,345	116,345
022	STANDARD MISSILES MODS	148,834	148,834
	SUPPORT EQUIPMENT & FACILITIES		
023	WEAPONS INDUSTRIAL FACILITIES	1,819	1,819
	ORDNANCE SUPPORT EQUIPMENT		
026	ORDNANCE SUPPORT EQUIPMENT	191,905	191,905
	TORPEDOES AND RELATED EQUIP		
027	SSTD	4,545	4,545
028	MK–48 TORPEDO	159,107	172,477
	Contract award delay		[–34,000]
	Navy UFR—Heavyweight Torpedo (HWT) quantity increase		[50,000]
	Program decrease		[–2,630]
029	ASW TARGETS	13,630	13,630
	MOD OF TORPEDOES AND RELATED EQUIP		
030	MK–54 TORPEDO MODS	106,112	106,112
031	MK–48 TORPEDO ADCAP MODS	35,680	35,680
032	MARITIME MINES	8,567	8,567
	SUPPORT EQUIPMENT		
033	TORPEDO SUPPORT EQUIPMENT	93,400	93,400
034	ASW RANGE SUPPORT	3,997	3,997
	DESTINATION TRANSPORTATION		
035	FIRST DESTINATION TRANSPORTATION	4,023	4,023
	GUNS AND GUN MOUNTS		
036	SMALL ARMS AND WEAPONS	14,909	14,909
	MODIFICATION OF GUNS AND GUN MOUNTS		
037	CIWS MODS	6,274	6,274
038	COAST GUARD WEAPONS	45,958	45,958
039	GUN MOUNT MODS	68,775	68,775
040	LCS MODULE WEAPONS	2,121	2,121
041	AIRBORNE MINE NEUTRALIZATION SYSTEMS	14,822	14,822
	SPARES AND REPAIR PARTS		
043	SPARES AND REPAIR PARTS	162,382	166,682
	Navy UFR—Maritime outfitting and interim spares		[4,300]
	TOTAL WEAPONS PROCUREMENT, NAVY	4,220,705	4,134,404
	PROCUREMENT OF AMMO, NAVY & MC		
	NAVY AMMUNITION		
001	GENERAL PURPOSE BOMBS	48,635	43,424
	Excess to need—BLU–137		[–5,211]
002	JDAM	74,140	48,526
	Contract award delay		[–25,614]
003	AIRBORNE ROCKETS, ALL TYPES	75,383	75,383
004	MACHINE GUN AMMUNITION	11,215	11,215

SEC. 4101. PROCUREMENT (In Thousands of Dollars)			
Line	Item	FY 2022 Request	Conference Authorized
005	PRACTICE BOMBS	52,225	52,225
006	CARTRIDGES & CART ACTUATED DEVICES	70,876	70,492
	MK122 parachute deploy rocket unit cost overestimation		[–384]
007	AIR EXPENDABLE COUNTERMEASURES	61,600	57,069
	IR decoys previously funded		[–4,531]
008	JATOS	6,620	6,620
009	5 INCH/54 GUN AMMUNITION	28,922	27,923
	Unit cost growth—5"/54 prop charge, full DA65		[–999]
010	INTERMEDIATE CALIBER GUN AMMUNITION	36,038	31,537
	ALaMO contract award delay		[–4,501]
011	OTHER SHIP GUN AMMUNITION	39,070	39,070
012	SMALL ARMS & LANDING PARTY AMMO	45,493	44,195
	NSW SMCA previously funded		[–1,298]
013	PYROTECHNIC AND DEMOLITION	9,163	9,163
015	AMMUNITION LESS THAN \$5 MILLION	1,575	1,575
	MARINE CORPS AMMUNITION		
016	MORTARS	50,707	50,707
017	DIRECT SUPPORT MUNITIONS	120,037	118,157
	Excess to need—20mm Carl Gustaf trainer system		[–1,880]
018	INFANTRY WEAPONS AMMUNITION	94,001	63,259
	Excess to need—BA54 & BA55 termination		[–30,742]
019	COMBAT SUPPORT MUNITIONS	35,247	35,247
020	AMMO MODERNIZATION	16,267	16,267
021	ARTILLERY MUNITIONS	105,669	95,169
	Contract delay		[–10,500]
022	ITEMS LESS THAN \$5 MILLION	5,135	5,135
	TOTAL PROCUREMENT OF AMMO, NAVY & MC	988,018	902,358
	SHIPBUILDING AND CONVERSION, NAVY		
	FLEET BALLISTIC MISSILE SHIPS		
001	OHIO REPLACEMENT SUBMARINE	3,003,000	3,003,000
002	OHIO REPLACEMENT SUBMARINE AP	1,643,980	1,773,980
	Program increase—submarine supplier development		[130,000]
	OTHER WARSHIPS		
003	CARRIER REPLACEMENT PROGRAM	1,068,705	1,062,205
	Program decrease		[–6,500]
004	CVN–81	1,299,764	1,287,719
	Program decrease		[–12,045]
005	VIRGINIA CLASS SUBMARINE	4,249,240	4,449,240
	Industrial base expansion		[200,000]
006	VIRGINIA CLASS SUBMARINE AP	2,120,407	2,105,407
	Program adjustment		[–15,000]
007	CVN REFUELING OVERHAULS	2,456,018	2,436,018
	Excess growth		[–20,000]
008	CVN REFUELING OVERHAULS	66,262	66,262
009	DDG 1000	56,597	56,597
010	DDG–51	2,016,787	4,929,073
	Change order excessive cost growth		[–11,651]
	Electronics excessive cost growth		[–35,500]
	Plans cost excessive cost growth		[–47,000]
	Program decrease		[–20,463]
	Termination liability not required		[–33,000]
	Two additional ships		[3,059,900]
011	DDG–51 AP		120,000
	Program increase—Advance procurement for DDG–51		[120,000]
013	FFG-FRIGATE	1,087,900	1,087,900
014	FFG-FRIGATE	69,100	69,100
	AMPHIBIOUS SHIPS		
015	LPD FLIGHT II	60,636	60,636
016	LPD FLIGHT II AP		250,000
	Program increase		[250,000]
019	LHA REPLACEMENT	68,637	168,637
	Program increase		[100,000]
020	EXPEDITIONARY FAST TRANSPORT (EPF)		540,000
	Two additional ships		[540,000]
	AUXILIARIES, CRAFT AND PRIOR YR PROGRAM COST		
021	TAO FLEET OILER	668,184	1,336,384

SEC. 4101. PROCUREMENT (In Thousands of Dollars)			
Line	Item	FY 2022 Request	Conference Authorized
	One additional ship		[668,200]
022	TAO FLEET OILER AP	76,012	0
	Unjustified request		[–76,012]
023	TAGOS SURTASS SHIPS	434,384	434,384
024	TOWING, SALVAGE, AND RESCUE SHIP (ATS)	183,800	183,800
025	LCU 1700	67,928	67,928
026	OUTFITTING	655,707	622,926
	Outfitting early to need		[–32,781]
027	SHIP TO SHORE CONNECTOR	156,738	286,738
	Ship to shore connector		[130,000]
028	SERVICE CRAFT	67,866	67,866
029	LCAC SLEP	32,712	32,712
030	AUXILIARY VESSELS (USED SEALIFT)	299,900	120,000
	Program reduction		[–179,900]
031	COMPLETION OF PY SHIPBUILDING PROGRAMS	660,795	660,795
	TOTAL SHIPBUILDING AND CONVERSION, NAVY	22,571,059	27,279,307
	OTHER PROCUREMENT, NAVY		
	SHIP PROPULSION EQUIPMENT		
001	SURFACE POWER EQUIPMENT	41,414	41,414
	GENERATORS		
002	SURFACE COMBATANT HM&E	83,746	83,746
	NAVIGATION EQUIPMENT		
003	OTHER NAVIGATION EQUIPMENT	72,300	72,300
	OTHER SHIPBOARD EQUIPMENT		
004	SUB PERISCOPE, IMAGING AND SUPT EQUIP PROG	234,932	234,932
005	DDG MOD	583,136	583,136
006	FIREFIGHTING EQUIPMENT	15,040	15,040
007	COMMAND AND CONTROL SWITCHBOARD	2,194	2,194
008	LHA/LHD MIDLIFE	133,627	120,854
	Program decrease		[–12,773]
009	LCC 19/20 EXTENDED SERVICE LIFE PROGRAM	4,387	4,387
010	POLLUTION CONTROL EQUIPMENT	18,159	18,159
011	SUBMARINE SUPPORT EQUIPMENT	88,284	98,284
	Spare Seawolf-class bow dome		[10,000]
012	VIRGINIA CLASS SUPPORT EQUIPMENT	22,669	22,669
013	LCS CLASS SUPPORT EQUIPMENT	9,640	9,640
014	SUBMARINE BATTERIES	21,834	21,834
015	LPD CLASS SUPPORT EQUIPMENT	34,292	29,478
	Program decrease		[–4,814]
016	DDG 1000 CLASS SUPPORT EQUIPMENT	126,107	111,761
	Program decrease		[–14,346]
017	STRATEGIC PLATFORM SUPPORT EQUIP	12,256	12,256
018	DSSP EQUIPMENT	10,682	10,682
019	CG MODERNIZATION	156,951	156,951
020	LCAC	21,314	21,314
021	UNDERWATER EOD EQUIPMENT	24,146	24,146
022	ITEMS LESS THAN \$5 MILLION	84,789	84,789
023	CHEMICAL WARFARE DETECTORS	2,997	2,997
	REACTOR PLANT EQUIPMENT		
025	SHIP MAINTENANCE, REPAIR AND MODERNIZATION	1,307,651	1,475,051
	Navy UFR—A–120 availability		[167,400]
026	REACTOR POWER UNITS	3,270	3,270
027	REACTOR COMPONENTS	438,729	438,729
	OCEAN ENGINEERING		
028	DIVING AND SALVAGE EQUIPMENT	10,772	10,772
	SMALL BOATS		
029	STANDARD BOATS	58,770	58,770
	PRODUCTION FACILITIES EQUIPMENT		
030	OPERATING FORCES IPE	168,822	150,822
	Program decrease		[–18,000]
	OTHER SHIP SUPPORT		
031	LCS COMMON MISSION MODULES EQUIPMENT	74,231	74,231
032	LCS MCM MISSION MODULES	40,630	30,119
	Program decrease		[–10,511]
033	LCS ASW MISSION MODULES	1,565	1,565
034	LCS SUW MISSION MODULES	3,395	3,395

SEC. 4101. PROCUREMENT (In Thousands of Dollars)			
Line	Item	FY 2022 Request	Conference Authorized
035	LCS IN-SERVICE MODERNIZATION	122,591	122,591
036	SMALL & MEDIUM UUV	32,534	32,534
	SHIP SONARS		
038	SPQ–9B RADAR	15,927	15,927
039	AN/SQQ–89 SURF ASW COMBAT SYSTEM	131,829	126,871
	Program decrease		[–4,958]
040	SSN ACOUSTIC EQUIPMENT	379,850	360,898
	Virginia class technical insertion kits previously funded		[–18,952]
041	UNDERSEA WARFARE SUPPORT EQUIPMENT	13,965	13,965
	ASW ELECTRONIC EQUIPMENT		
042	SUBMARINE ACOUSTIC WARFARE SYSTEM	24,578	24,578
043	SSTD	11,010	11,010
044	FIXED SURVEILLANCE SYSTEM	363,651	363,651
045	SURTASS	67,500	67,500
	ELECTRONIC WARFARE EQUIPMENT		
046	AN/SLQ–32	370,559	370,559
	RECONNAISSANCE EQUIPMENT		
047	SHIPBOARD IW EXPLOIT	261,735	261,735
048	AUTOMATED IDENTIFICATION SYSTEM (AIS)	3,777	3,777
	OTHER SHIP ELECTRONIC EQUIPMENT		
049	COOPERATIVE ENGAGEMENT CAPABILITY	24,641	46,924
	Navy UFR—Accelerate Naval Tactical Grid Development for Joint All-Domain Command and Control (JADC2).		[8,983]
	Navy UFR—Maritime outfitting and interim spares		[13,300]
050	NAVAL TACTICAL COMMAND SUPPORT SYSTEM (NTCSS) ..	14,439	14,439
051	ATDLS	101,595	101,595
052	NAVY COMMAND AND CONTROL SYSTEM (NCCS)	3,535	3,535
053	MINESWEEPING SYSTEM REPLACEMENT	15,640	15,640
054	SHALLOW WATER MCM	5,610	5,610
055	NAVSTAR GPS RECEIVERS (SPACE)	33,097	33,097
056	AMERICAN FORCES RADIO AND TV SERVICE	2,513	2,513
057	STRATEGIC PLATFORM SUPPORT EQUIP	4,823	4,823
	AVIATION ELECTRONIC EQUIPMENT		
058	ASHORE ATC EQUIPMENT	83,464	83,464
059	AFLOAT ATC EQUIPMENT	67,055	67,055
060	ID SYSTEMS	46,918	46,918
061	JOINT PRECISION APPROACH AND LANDING SYSTEM (.....	35,386	35,386
062	NAVAL MISSION PLANNING SYSTEMS	17,951	17,951
	OTHER SHORE ELECTRONIC EQUIPMENT		
063	MARITIME INTEGRATED BROADCAST SYSTEM	2,360	2,360
064	TACTICAL/MOBILE C4I SYSTEMS	18,919	18,919
065	DCGS-N	16,691	16,691
066	CANES	412,002	441,002
	Navy UFR—Resilient Communications PNT for Combat Logistics Fleet (CLF).		[29,000]
067	RADIAC	9,074	9,074
068	CANES-INTELL	51,593	51,593
069	GPETE	23,930	23,930
070	MASF	8,795	8,795
071	INTEG COMBAT SYSTEM TEST FACILITY	5,829	5,829
072	EMI CONTROL INSTRUMENTATION	3,925	3,925
073	ITEMS LESS THAN \$5 MILLION	156,042	156,042
	SHIPBOARD COMMUNICATIONS		
074	SHIPBOARD TACTICAL COMMUNICATIONS	43,212	43,212
075	SHIP COMMUNICATIONS AUTOMATION	90,724	90,724
076	COMMUNICATIONS ITEMS UNDER \$5M	44,447	44,447
	SUBMARINE COMMUNICATIONS		
077	SUBMARINE BROADCAST SUPPORT	47,579	47,579
078	SUBMARINE COMMUNICATION EQUIPMENT	64,642	64,642
	SATELLITE COMMUNICATIONS		
079	SATELLITE COMMUNICATIONS SYSTEMS	38,636	38,636
080	NAVY MULTIBAND TERMINAL (NMT)	34,723	34,723
	SHORE COMMUNICATIONS		
081	JOINT COMMUNICATIONS SUPPORT ELEMENT (JCSE)	2,651	2,651
	CRYPTOGRAPHIC EQUIPMENT		
082	INFO SYSTEMS SECURITY PROGRAM (ISSP)	146,879	146,879
083	MIO INTEL EXPLOITATION TEAM	977	977

SEC. 4101. PROCUREMENT (In Thousands of Dollars)			
Line	Item	FY 2022 Request	Conference Authorized
	CRYPTOLOGIC EQUIPMENT		
084	CRYPTOLOGIC COMMUNICATIONS EQUIP	17,809	17,809
	OTHER ELECTRONIC SUPPORT		
092	COAST GUARD EQUIPMENT	63,214	63,214
	SONOBUOYS		
094	SONOBUOYS—ALL TYPES	249,121	303,521
	Navy UFR—Additional sonobuoys		[54,400]
	AIRCRAFT SUPPORT EQUIPMENT		
095	MINOTAUR	4,963	4,963
096	WEAPONS RANGE SUPPORT EQUIPMENT	98,898	98,898
097	AIRCRAFT SUPPORT EQUIPMENT	178,647	178,647
098	ADVANCED ARRESTING GEAR (AAG)	22,265	22,265
099	METEOROLOGICAL EQUIPMENT	13,687	13,687
100	LEGACY AIRBORNE MCM	4,446	4,446
101	LAMPS EQUIPMENT	1,470	1,470
102	AVIATION SUPPORT EQUIPMENT	70,665	70,665
103	UMCS-UNMAN CARRIER AVIATION(UCA)MISSION CNTRL ...	86,584	86,584
	SHIP GUN SYSTEM EQUIPMENT		
104	SHIP GUN SYSTEMS EQUIPMENT	5,536	5,536
	SHIP MISSILE SYSTEMS EQUIPMENT		
105	HARPOON SUPPORT EQUIPMENT	204	204
106	SHIP MISSILE SUPPORT EQUIPMENT	237,987	237,987
107	TOMAHAWK SUPPORT EQUIPMENT	88,726	88,726
	FBM SUPPORT EQUIPMENT		
108	STRATEGIC MISSILE SYSTEMS EQUIP	281,259	281,259
	ASW SUPPORT EQUIPMENT		
109	SSN COMBAT CONTROL SYSTEMS	143,289	143,289
110	ASW SUPPORT EQUIPMENT	30,595	30,595
	OTHER ORDNANCE SUPPORT EQUIPMENT		
111	EXPLOSIVE ORDNANCE DISPOSAL EQUIP	1,721	1,721
112	ITEMS LESS THAN \$5 MILLION	8,746	8,746
	OTHER EXPENDABLE ORDNANCE		
113	ANTI-SHIP MISSILE DECOY SYSTEM	76,994	76,994
114	SUBMARINE TRAINING DEVICE MODS	75,813	75,813
115	SURFACE TRAINING EQUIPMENT	127,814	127,814
	CIVIL ENGINEERING SUPPORT EQUIPMENT		
116	PASSENGER CARRYING VEHICLES	4,140	4,140
117	GENERAL PURPOSE TRUCKS	2,805	2,805
118	CONSTRUCTION & MAINTENANCE EQUIP	48,403	46,403
	Excess carryover		[-2,000]
119	FIRE FIGHTING EQUIPMENT	15,084	15,084
120	TACTICAL VEHICLES	27,400	27,400
121	POLLUTION CONTROL EQUIPMENT	2,607	2,607
122	ITEMS LESS THAN \$5 MILLION	51,963	51,963
123	PHYSICAL SECURITY VEHICLES	1,165	1,165
	SUPPLY SUPPORT EQUIPMENT		
124	SUPPLY EQUIPMENT	24,698	24,698
125	FIRST DESTINATION TRANSPORTATION	5,385	5,385
126	SPECIAL PURPOSE SUPPLY SYSTEMS	660,750	660,750
	TRAINING DEVICES		
127	TRAINING SUPPORT EQUIPMENT	3,465	3,465
128	TRAINING AND EDUCATION EQUIPMENT	60,114	60,114
	COMMAND SUPPORT EQUIPMENT		
129	COMMAND SUPPORT EQUIPMENT	31,007	31,007
130	MEDICAL SUPPORT EQUIPMENT	7,346	14,346
	Navy UFR—Expeditionary medical readiness		[7,000]
132	NAVAL MIP SUPPORT EQUIPMENT	2,887	2,887
133	OPERATING FORCES SUPPORT EQUIPMENT	12,815	12,815
134	C4ISR EQUIPMENT	6,324	6,324
135	ENVIRONMENTAL SUPPORT EQUIPMENT	25,098	25,098
136	PHYSICAL SECURITY EQUIPMENT	110,647	107,471
	Program decrease		[-3,176]
137	ENTERPRISE INFORMATION TECHNOLOGY	31,709	31,709
	OTHER		
141	NEXT GENERATION ENTERPRISE SERVICE	41	41
142	CYBERSPACE ACTIVITIES	12,859	12,859
	CLASSIFIED PROGRAMS		

SEC. 4101. PROCUREMENT (In Thousands of Dollars)			
Line	Item	FY 2022 Request	Conference Authorized
9999	CLASSIFIED PROGRAMS	19,808	19,808
	SPARES AND REPAIR PARTS		
143	SPARES AND REPAIR PARTS	424,405	517,105
	Navy UFR—Maritime outfitting and interim spares		[92,700]
	TOTAL OTHER PROCUREMENT, NAVY	10,875,912	11,169,165
	PROCUREMENT, MARINE CORPS		
	TRACKED COMBAT VEHICLES		
001	AAV7A1 PIP	36,836	36,836
002	AMPHIBIOUS COMBAT VEHICLE FAMILY OF VEHICLES	532,355	532,355
003	LAV PIP	23,476	23,476
	ARTILLERY AND OTHER WEAPONS		
004	155MM LIGHTWEIGHT TOWED HOWITZER	32	32
005	ARTILLERY WEAPONS SYSTEM	67,548	221,347
	Marine Corps UFR—Ground-launched anti-ship missiles		[57,799]
	Marine Corps UFR—Ground-launched long range fires		[96,000]
006	WEAPONS AND COMBAT VEHICLES UNDER \$5 MILLION	35,402	35,402
	GUIDED MISSILES		
008	GROUND BASED AIR DEFENSE	9,349	9,349
009	ANTI-ARMOR MISSILE-JAVELIN	937	937
010	FAMILY ANTI-ARMOR WEAPON SYSTEMS (FOAAWS)	20,481	20,481
011	ANTI-ARMOR MISSILE-TOW	14,359	12,359
	Unit cost growth		[–2,000]
012	GUIDED MLRS ROCKET (GMLRS)	98,299	98,299
	COMMAND AND CONTROL SYSTEMS		
013	COMMON AVIATION COMMAND AND CONTROL SYSTEM (C	18,247	18,247
	REPAIR AND TEST EQUIPMENT		
014	REPAIR AND TEST EQUIPMENT	33,554	33,554
	OTHER SUPPORT (TEL)		
015	MODIFICATION KITS	167	167
	COMMAND AND CONTROL SYSTEM (NON-TEL)		
016	ITEMS UNDER \$5 MILLION (COMM & ELEC)	64,879	130,779
	Marine Corps UFR—Fly-Away Broadcast System		[9,000]
	Marine Corps UFR—INOD Block III long-range sight		[16,900]
	Marine Corps UFR—Squad binocular night vision goggle		[40,000]
017	AIR OPERATIONS C2 SYSTEMS	1,291	1,291
	RADAR + EQUIPMENT (NON-TEL)		
019	GROUND/AIR TASK ORIENTED RADAR (G/ATOR)	297,369	645,369
	Marine Corps UFR—Additional G/ATOR units		[304,000]
	Marine Corps UFR—Additional radar retrofit kits and FRP sys-		[44,000]
	tems.		
	INTELL/COMM EQUIPMENT (NON-TEL)		
020	GCSS-MC	604	604
021	FIRE SUPPORT SYSTEM	39,810	39,810
022	INTELLIGENCE SUPPORT EQUIPMENT	67,309	72,860
	Marine Corps UFR—SCINet equipment		[5,551]
024	UNMANNED AIR SYSTEMS (INTEL)	24,299	24,299
025	DCGS-MC	28,633	28,633
026	UAS PAYLOADS	3,730	3,730
	OTHER SUPPORT (NON-TEL)		
029	NEXT GENERATION ENTERPRISE NETWORK (NGEN)	97,060	97,060
030	COMMON COMPUTER RESOURCES	83,606	79,606
	Training and education headquarters support unjustified request		[–2,000]
	Wargaming hardware early to need		[–2,000]
031	COMMAND POST SYSTEMS	53,708	39,708
	NOTM refresh early to need		[–14,000]
032	RADIO SYSTEMS	468,678	444,678
	TCM ground radios sparing previously funded		[–10,000]
	Unjustified request		[–14,000]
033	COMM SWITCHING & CONTROL SYSTEMS	49,600	43,600
	Excess growth		[–6,000]
034	COMM & ELEC INFRASTRUCTURE SUPPORT	110,835	116,635
	Excess growth		[–10,000]
	Marine Corps UFR—Base telecommunications equipment up-		[15,800]
	grades.		
035	CYBERSPACE ACTIVITIES	25,377	46,577

SEC. 4101. PROCUREMENT (In Thousands of Dollars)			
Line	Item	FY 2022 Request	Conference Authorized
	Marine Corps UFR—Defensive Cyber Ops-Internal Defensive Measures suites.		[21,200]
	CLASSIFIED PROGRAMS		
9999	CLASSIFIED PROGRAMS	4,034	4,034
	ADMINISTRATIVE VEHICLES		
038	COMMERCIAL CARGO VEHICLES	17,848	17,848
	TACTICAL VEHICLES		
039	MOTOR TRANSPORT MODIFICATIONS	23,363	21,924
	Excess growth		[-1,439]
040	JOINT LIGHT TACTICAL VEHICLE	322,013	322,013
042	TRAILERS	9,876	9,876
	ENGINEER AND OTHER EQUIPMENT		
044	TACTICAL FUEL SYSTEMS	2,161	2,161
045	POWER EQUIPMENT ASSORTED	26,625	18,955
	Intelligent power distribution previously funded		[-7,670]
046	AMPHIBIOUS SUPPORT EQUIPMENT	17,119	15,909
	Excess carryover		[-1,210]
047	EOD SYSTEMS	94,472	107,672
	Marine Corps UFR—BCWD/UnSAT/Explosive Hazard Defeat Systems.		[7,800]
	Marine Corps UFR—ENFIRE/Explosive Hazard Defeat Systems		[5,400]
	MATERIALS HANDLING EQUIPMENT		
048	PHYSICAL SECURITY EQUIPMENT	84,513	84,513
	GENERAL PROPERTY		
049	FIELD MEDICAL EQUIPMENT	8,105	8,105
050	TRAINING DEVICES	37,814	35,211
	CACCTUS lap equipment previously funded		[-2,603]
051	FAMILY OF CONSTRUCTION EQUIPMENT	34,658	50,458
	Marine Corps UFR—All-terrain crane		[10,800]
	Marine Corps UFR—Rough terrain container handler		[5,000]
052	ULTRA-LIGHT TACTICAL VEHICLE (ULTV)	15,439	15,439
	OTHER SUPPORT		
053	ITEMS LESS THAN \$5 MILLION	4,402	15,002
	Marine Corps UFR—Lightweight water purification system		[10,600]
	SPARES AND REPAIR PARTS		
054	SPARES AND REPAIR PARTS	32,819	32,819
	TOTAL PROCUREMENT, MARINE CORPS	3,043,091	3,620,019
	AIRCRAFT PROCUREMENT, AIR FORCE		
	STRATEGIC OFFENSIVE		
001	B–21 RAIDER	108,027	108,027
	TACTICAL FORCES		
002	F–35	4,167,604	4,392,604
	Air Force UFR—F–35 power modules		[175,000]
	USG depot acceleration		[50,000]
003	F–35	352,632	352,632
005	F–15EX	1,186,903	1,762,903
	Air Force UFR—Additional aircraft, spares, support equipment ...		[576,000]
006	F–15EX	147,919	147,919
	TACTICAL AIRLIFT		
007	KC–46A MDAP	2,380,315	2,315,315
	Excess growth		[-65,000]
	OTHER AIRLIFT		
008	C–130J	128,896	128,896
009	MC–130J	220,049	220,049
	UPT TRAINERS		
011	ADVANCED TRAINER REPLACEMENT T-X	10,397	0
	Procurement funds ahead of need		[-10,397]
	HELICOPTERS		
012	MH–139A		75,000
	Program increase		[75,000]
013	COMBAT RESCUE HELICOPTER	792,221	792,221
	MISSION SUPPORT AIRCRAFT		
016	CIVIL AIR PATROL A/C	2,813	11,400
	Program increase		[8,587]
	OTHER AIRCRAFT		
017	TARGET DRONES	116,169	116,169

SEC. 4101. PROCUREMENT (In Thousands of Dollars)			
Line	Item	FY 2022 Request	Conference Authorized
019	E–11 BACN/HAG	124,435	124,435
021	MQ–9	3,288	78,567
	Program increase—four aircraft		[75,279]
	STRATEGIC AIRCRAFT		
023	B–2A	29,944	29,944
024	B–1B	30,518	27,406
	Radio crypto mod ahead of need		[–3,112]
025	B–52	82,820	82,820
026	COMBAT RESCUE HELICOPTER	61,191	45,891
	Early to need—contract delay		[–15,300]
027	LARGE AIRCRAFT INFRARED COUNTERMEASURES	57,001	57,001
	TACTICAL AIRCRAFT		
028	A–10	83,621	83,621
029	E–11 BACN/HAG	68,955	68,955
030	F–15	234,340	232,457
	F–15E MIDS–JTRS installs excess to need		[–1,883]
031	F–16	613,166	733,166
	F–16 AESAs		[100,000]
	Program increase—HUD upgrade		[20,000]
032	F–22A	424,722	384,722
	Program decrease		[–40,000]
033	F–35 MODIFICATIONS	304,135	1,388,935
	F–35 upgrades to Block 4		[1,100,000]
	TR–3/B4 delay		[–15,200]
034	F–15 EPAW	149,797	149,797
036	KC–46A MDAP	1,984	1,984
	AIRLIFT AIRCRAFT		
037	C–5	25,431	25,431
038	C–17A	59,570	59,570
040	C–32A	1,949	1,949
041	C–37A	5,984	5,984
	TRAINER AIRCRAFT		
042	GLIDER MODS	142	142
043	T–6	8,735	8,735
044	T–1	3,872	872
	Excess to need		[–3,000]
045	T–38	49,851	49,851
	OTHER AIRCRAFT		
046	U–2 MODS	126,809	126,809
047	KC–10A (ATCA)	1,902	1,902
049	VC–25A MOD	96	96
050	C–40	262	262
051	C–130	29,071	169,771
	Program increase—eight blade propeller upgrade		[75,700]
	Program increase—engine enhancement program		[50,000]
	Program increase—modular airborne firefighting system		[15,000]
052	C–130J MODS	110,784	110,784
053	C–135	61,376	61,376
054	COMPASS CALL	195,098	270,098
	Air Force UFR—Additional spare engines		[75,000]
056	RC–135	207,596	207,596
057	E–3	109,855	109,855
058	E–4	19,081	19,081
059	E–8	16,312	43,312
	Program increase—CDL		[27,000]
060	AIRBORNE WARNING AND CNTRL SYS (AWACS) 40/45	30,327	26,627
	Block 40/45 carryover		[–3,700]
062	H–1	1,533	1,533
063	H–60	13,709	32,709
	OLR mod early to need		[–1,000]
	Restore degraded visual environment		[20,000]
064	RQ–4 MODS	3,205	3,205
065	HC/MC–130 MODIFICATIONS	150,263	148,815
	Communications modernization phase 1 NRE ahead of need		[–1,448]
066	OTHER AIRCRAFT	54,828	54,828
067	MQ–9 MODS	144,287	144,287
068	MQ–9 UAS PAYLOADS	40,800	40,800

SEC. 4101. PROCUREMENT (In Thousands of Dollars)			
Line	Item	FY 2022 Request	Conference Authorized
069	SENIOR LEADER C3, SYSTEM—AIRCRAFT	23,554	23,554
070	CV–22 MODS	158,162	240,562
	SOCOM UFR—CV–22 reliability acceleration		[82,400]
	AIRCRAFT SPARES AND REPAIR PARTS		
071	INITIAL SPARES/REPAIR PARTS	915,710	915,710
	COMMON SUPPORT EQUIPMENT		
072	AIRCRAFT REPLACEMENT SUPPORT EQUIP	138,761	138,761
	POST PRODUCTION SUPPORT		
073	B–2A	1,651	1,651
074	B–2B	38,811	38,811
075	B–52	5,602	5,602
078	F–15	2,324	2,324
079	F–16	10,456	10,456
081	RQ–4 POST PRODUCTION CHARGES	24,592	24,592
	INDUSTRIAL PREPAREDNESS		
082	INDUSTRIAL RESPONSIVENESS	18,110	18,110
	WAR CONSUMABLES		
083	WAR CONSUMABLES	35,866	35,866
	OTHER PRODUCTION CHARGES		
084	OTHER PRODUCTION CHARGES	979,388	1,019,388
	Classified modifications—program increase		[40,000]
	CLASSIFIED PROGRAMS		
9999	CLASSIFIED PROGRAMS	18,092	18,092
	TOTAL AIRCRAFT PROCUREMENT, AIR FORCE	15,727,669	18,132,595
	MISSILE PROCUREMENT, AIR FORCE		
	MISSILE REPLACEMENT EQUIPMENT—BALLISTIC		
001	MISSILE REPLACEMENT EQ-BALLISTIC	57,793	57,793
	BALLISTIC MISSILES		
002	GROUND BASED STRATEGIC DETERRENT	8,895	8,895
	TACTICAL		
003	REPLAC EQUIP & WAR CONSUMABLES	7,681	7,681
004	AGM–183A AIR-LAUNCHED RAPID RESPONSE WEAPON	160,850	116,850
	Procurement early to need		[–44,000]
006	JOINT AIR-SURFACE STANDOFF MISSILE	710,550	660,550
	Program decrease		[–50,000]
008	SIDEWINDER (AIM–9X)	107,587	107,587
009	AMRAAM	214,002	214,002
010	PREDATOR HELLFIRE MISSILE	103,684	103,684
011	SMALL DIAMETER BOMB	82,819	82,819
012	SMALL DIAMETER BOMB II	294,649	294,649
	INDUSTRIAL FACILITIES		
013	INDUSTRL PREPAREDNS/POL PREVENTION	757	757
	CLASS IV		
015	ICBM FUZE MOD	53,013	65,263
	Realignment of funds		[12,250]
016	ICBM FUZE MOD AP	47,757	35,507
	Realignment of funds		[–12,250]
017	MM III MODIFICATIONS	88,579	88,579
019	AIR LAUNCH CRUISE MISSILE (ALCM)	46,799	46,799
	MISSILE SPARES AND REPAIR PARTS		
020	MSL SPRS/REPAIR PARTS (INITIAL)	16,212	16,212
021	MSL SPRS/REPAIR PARTS (REPLEN)	63,547	63,547
022	INITIAL SPARES/REPAIR PARTS	4,045	4,045
	SPECIAL PROGRAMS		
027	SPECIAL UPDATE PROGRAMS	30,352	30,352
	CLASSIFIED PROGRAMS		
9999	CLASSIFIED PROGRAMS	570,240	570,240
	TOTAL MISSILE PROCUREMENT, AIR FORCE	2,669,811	2,575,811
	PROCUREMENT, SPACE FORCE		
	SPACE PROCUREMENT, SF		
002	AF SATELLITE COMM SYSTEM	43,655	39,655
	Unjustified cost growth		[–4,000]
003	COUNTERSPACE SYSTEMS	64,804	64,804
004	FAMILY OF BEYOND LINE-OF-SIGHT TERMINALS	39,444	39,444
005	GENERAL INFORMATION TECH—SPACE	3,316	5,116

SEC. 4101. PROCUREMENT (In Thousands of Dollars)			
Line	Item	FY 2022 Request	Conference Authorized
	Space Force UFR—Modernize space aggressor equipment		[1,800]
006	GPSIII FOLLOW ON	601,418	601,418
007	GPS III SPACE SEGMENT	84,452	84,452
008	GLOBAL POSITIONING (SPACE)	2,274	2,274
009	HERITAGE TRANSITION	13,529	13,529
010	SPACEBORNE EQUIP (COMSEC)	26,245	48,945
	Space Force UFR—Space-rated crypto devices to support launch		[22,700]
011	MILSATCOM	24,333	24,333
012	SBIR HIGH (SPACE)	154,526	154,526
013	SPECIAL SPACE ACTIVITIES	142,188	142,188
014	MOBILE USER OBJECTIVE SYSTEM	45,371	45,371
015	NATIONAL SECURITY SPACE LAUNCH	1,337,347	1,337,347
016	NUDET DETECTION SYSTEM	6,690	6,690
017	PTES HUB	7,406	7,406
018	ROCKET SYSTEMS LAUNCH PROGRAM	10,429	10,429
020	SPACE MODS	64,371	64,371
021	SPACELIFT RANGE SYSTEM SPACE	93,774	93,774
	SPARES		
022	SPARES AND REPAIR PARTS	1,282	1,282
	TOTAL PROCUREMENT, SPACE FORCE	2,766,854	2,787,354
	PROCUREMENT OF AMMUNITION, AIR FORCE		
	ROCKETS		
001	ROCKETS	36,597	36,597
	CARTRIDGES		
002	CARTRIDGES	169,163	164,163
	Excess to need		[–5,000]
	BOMBS		
003	PRACTICE BOMBS	48,745	48,745
004	GENERAL PURPOSE BOMBS	176,565	176,565
005	MASSIVE ORDNANCE PENETRATOR (MOP)	15,500	15,500
006	JOINT DIRECT ATTACK MUNITION	124,102	48,584
	Program carryover		[–75,518]
007	B–61	2,709	2,709
	OTHER ITEMS		
008	CAD/PAD	47,210	47,210
009	EXPLOSIVE ORDNANCE DISPOSAL (EOD)	6,151	6,151
010	SPARES AND REPAIR PARTS	535	535
011	MODIFICATIONS	292	292
012	ITEMS LESS THAN \$5,000,000	9,164	9,164
	FLARES		
013	FLARES	95,297	95,297
	FUZES		
014	FUZES	50,795	50,795
	SMALL ARMS		
015	SMALL ARMS	12,343	12,343
	TOTAL PROCUREMENT OF AMMUNITION, AIR FORCE ..	795,168	714,650
	OTHER PROCUREMENT, AIR FORCE		
	PASSENGER CARRYING VEHICLES		
001	PASSENGER CARRYING VEHICLES	8,448	8,448
	CARGO AND UTILITY VEHICLES		
002	MEDIUM TACTICAL VEHICLE	5,804	5,804
003	CAP VEHICLES	1,066	1,800
	Program increase—Civil Air Patrol		[734]
004	CARGO AND UTILITY VEHICLES	57,459	57,459
	SPECIAL PURPOSE VEHICLES		
005	JOINT LIGHT TACTICAL VEHICLE	97,326	92,326
	Excess carryover		[–5,000]
006	SECURITY AND TACTICAL VEHICLES	488	488
007	SPECIAL PURPOSE VEHICLES	75,694	77,694
	CNGB UFR—Temperature control trailers		[2,000]
	FIRE FIGHTING EQUIPMENT		
008	FIRE FIGHTING/CRASH RESCUE VEHICLES	12,525	12,525
	MATERIALS HANDLING EQUIPMENT		
009	MATERIALS HANDLING VEHICLES	34,933	34,933
	BASE MAINTENANCE SUPPORT		

SEC. 4101. PROCUREMENT (In Thousands of Dollars)			
Line	Item	FY 2022 Request	Conference Authorized
010	RUNWAY SNOW REMOV AND CLEANING EQU	9,134	9,134
011	BASE MAINTENANCE SUPPORT VEHICLES	111,820	103,728
	Program decrease		[-8,092]
	COMM SECURITY EQUIPMENT(COMSEC)		
013	COMSEC EQUIPMENT	66,022	66,022
014	STRATEGIC MICROELECTRONIC SUPPLY SYSTEM	885,051	885,051
	INTELLIGENCE PROGRAMS		
015	INTERNATIONAL INTEL TECH & ARCHITECTURES	5,809	5,809
016	INTELLIGENCE TRAINING EQUIPMENT	5,719	5,719
017	INTELLIGENCE COMM EQUIPMENT	25,844	25,844
	ELECTRONICS PROGRAMS		
018	AIR TRAFFIC CONTROL & LANDING SYS	44,516	44,516
019	BATTLE CONTROL SYSTEM—FIXED	2,940	2,940
020	THEATER AIR CONTROL SYS IMPROVEMEN	43,442	47,842
	EUCOM UFR—Air base air defens ops center		[4,400]
021	3D EXPEDITIONARY LONG-RANGE RADAR	96,186	248,186
	Air Force UFR—Build command and control framework		[152,000]
022	WEATHER OBSERVATION FORECAST	32,376	32,376
023	STRATEGIC COMMAND AND CONTROL	37,950	37,950
024	CHEYENNE MOUNTAIN COMPLEX	8,258	8,258
025	MISSION PLANNING SYSTEMS	14,717	14,717
	SPCL COMM-ELECTRONICS PROJECTS		
027	GENERAL INFORMATION TECHNOLOGY	43,917	88,247
	EUCOM UFR—Mission Partner Environment		[13,800]
	INDOPACOM UFR—Mission Partner Environment		[30,530]
028	AF GLOBAL COMMAND & CONTROL SYS	414	414
030	MOBILITY COMMAND AND CONTROL	10,619	10,619
031	AIR FORCE PHYSICAL SECURITY SYSTEM	101,896	116,797
	EUCOM UFR—Counter-UAS for UASFE installations		[1,241]
	EUCOM UFR—Sensors for air base air defense		[11,660]
	Space Force UFR—Maui Optical Site security system		[2,000]
032	COMBAT TRAINING RANGES	222,598	222,598
033	COMBAT TRAINING RANGES	14,730	14,730
034	MINIMUM ESSENTIAL EMERGENCY COMM N	77,119	77,119
035	WIDE AREA SURVEILLANCE (WAS)	38,794	38,794
036	C3 COUNTERMEASURES	131,238	131,238
037	INTEGRATED PERSONNEL AND PAY SYSTEM	15,240	15,240
038	GCSS-AF FOS	3,959	3,959
040	MAINTENANCE REPAIR & OVERHAUL INITIATIVE	4,387	4,387
041	THEATER BATTLE MGT C2 SYSTEM	4,052	4,052
042	AIR & SPACE OPERATIONS CENTER (AOC)	2,224	2,224
	AIR FORCE COMMUNICATIONS		
043	BASE INFORMATION TRANSPIT INFRAST (BITI) WIRED	58,499	58,499
044	AFNET	65,354	65,354
045	JOINT COMMUNICATIONS SUPPORT ELEMENT (JCSE)	4,377	4,377
046	USCENTCOM	18,101	18,101
047	USSTRATCOM	4,226	4,226
	ORGANIZATION AND BASE		
048	TACTICAL C-E EQUIPMENT	162,955	157,817
	Program decrease		[-5,138]
049	RADIO EQUIPMENT	14,232	15,732
	Space Force UFR—radio equipment		[1,500]
051	BASE COMM INFRASTRUCTURE	200,797	262,797
	EUCOM UFR—Modernize IT infrastructure		[55,000]
	Space Force UFR—Lifecycle SIPR/NIP replacement		[7,000]
	MODIFICATIONS		
052	COMM ELECT MODS	18,607	18,607
	PERSONAL SAFETY & RESCUE EQUIP		
053	PERSONAL SAFETY AND RESCUE EQUIPMENT	106,449	106,449
	DEPOT PLANT+MTRLS HANDLING EQ		
054	POWER CONDITIONING EQUIPMENT	11,274	11,274
055	MECHANIZED MATERIAL HANDLING EQUIP	8,594	8,594
	BASE SUPPORT EQUIPMENT		
056	BASE PROCURED EQUIPMENT	1	33,251
	CNGB UFR—Modular small arms ranges		[25,000]
	EUCOM UFR—Tactical decoy devices		[8,250]
057	ENGINEERING AND EOD EQUIPMENT	32,139	32,139

SEC. 4101. PROCUREMENT (In Thousands of Dollars)			
Line	Item	FY 2022 Request	Conference Authorized
058	MOBILITY EQUIPMENT	63,814	63,814
059	FUELS SUPPORT EQUIPMENT (FSE)	17,928	17,928
060	BASE MAINTENANCE AND SUPPORT EQUIPMENT	48,534	48,534
	SPECIAL SUPPORT PROJECTS		
062	DARP RC135	27,359	27,359
063	DCGS-AF	261,070	261,070
065	SPECIAL UPDATE PROGRAM	777,652	777,652
	CLASSIFIED PROGRAMS		
9999	CLASSIFIED PROGRAMS	20,983,908	21,183,908
	Program increase		[200,000]
	SPARES AND REPAIR PARTS		
066	SPARES AND REPAIR PARTS (CYBER)	978	978
067	SPARES AND REPAIR PARTS	9,575	9,575
	TOTAL OTHER PROCUREMENT, AIR FORCE	25,251,137	25,748,022
	PROCUREMENT, DEFENSE-WIDE		
	MAJOR EQUIPMENT, OSD		
081	AGILE PROCUREMENT TRANSITION PILOT		100,000
	Program increase		[100,000]
	MAJOR EQUIPMENT, SDA		
024	MAJOR EQUIPMENT, DPAA	494	494
047	MAJOR EQUIPMENT, OSD	31,420	31,420
048	JOINT CAPABILITY TECH DEMONSTRATION (JCTD)	74,060	74,060
	MAJOR EQUIPMENT, NSA		
046	INFORMATION SYSTEMS SECURITY PROGRAM (ISSP)	315	315
	MAJOR EQUIPMENT, DISA		
010	INFORMATION SYSTEMS SECURITY	18,923	18,923
011	TELEPORT PROGRAM	34,908	34,908
012	JOINT FORCES HEADQUARTERS—DODIN	1,968	1,968
013	ITEMS LESS THAN \$5 MILLION	42,270	42,270
014	DEFENSE INFORMATION SYSTEM NETWORK	18,025	18,025
015	WHITE HOUSE COMMUNICATION AGENCY	44,522	44,522
016	SENIOR LEADERSHIP ENTERPRISE	54,592	54,592
017	JOINT REGIONAL SECURITY STACKS (JRSS)	62,657	62,657
018	JOINT SERVICE PROVIDER	102,039	102,039
019	FOURTH ESTATE NETWORK OPTIMIZATION (4ENO)	80,645	80,645
	MAJOR EQUIPMENT, DLA		
021	MAJOR EQUIPMENT	530,896	510,896
	Excess growth		[–20,000]
	MAJOR EQUIPMENT, DCSA		
002	MAJOR EQUIPMENT	3,014	3,014
	MAJOR EQUIPMENT, TJS		
049	MAJOR EQUIPMENT, TJS	7,830	7,830
	MAJOR EQUIPMENT, MISSILE DEFENSE AGENCY		
029	THAAD	251,543	361,122
	MDA UFR—Additional interceptors		[109,579]
031	AEGIS BMD	334,621	334,621
032	AEGIS BMD	17,493	17,493
033	BMDS AN/TPY–2 RADARS	2,738	2,738
034	SM–3 IAS	295,322	336,822
	MDA UFR—Additional AURs		[41,500]
035	ARROW 3 UPPER TIER SYSTEMS	62,000	62,000
036	SHORT RANGE BALLISTIC MISSILE DEFENSE (SRBMD)	30,000	30,000
037	DEFENSE OF GUAM PROCUREMENT	40,000	80,000
	INDOPACOM UFR—Guam Defense System		[40,000]
038	AEGIS ASHORE PHASE III	25,866	25,866
039	IRON DOME	108,000	108,000
040	AEGIS BMD HARDWARE AND SOFTWARE	81,791	81,791
	MAJOR EQUIPMENT, DHRA		
004	PERSONNEL ADMINISTRATION	4,042	4,042
	MAJOR EQUIPMENT, DEFENSE THREAT REDUCTION AGENCY		
026	VEHICLES	118	118
027	OTHER MAJOR EQUIPMENT	12,681	12,681
	MAJOR EQUIPMENT, DODEA		
023	AUTOMATION/EDUCATIONAL SUPPORT & LOGISTICS	2,963	2,963
	MAJOR EQUIPMENT, DMACT		

SEC. 4101. PROCUREMENT (In Thousands of Dollars)			
Line	Item	FY 2022 Request	Conference Authorized
022	MAJOR EQUIPMENT	8,498	8,498
	CLASSIFIED PROGRAMS		
9999	CLASSIFIED PROGRAMS	635,338	635,338
	AVIATION PROGRAMS		
052	ARMED OVERWATCH/TARGETING	170,000	166,000
	Unit cost growth		[-4,000]
053	MANNED ISR	2,500	2,500
054	MC-12	2,250	2,250
055	MH-60 BLACKHAWK	29,900	29,900
056	ROTARY WING UPGRADES AND SUSTAINMENT	202,278	202,278
057	UNMANNED ISR	55,951	55,951
058	NON-STANDARD AVIATION	3,282	3,282
059	U-28	4,176	4,176
060	MH-47 CHINOOK	130,485	130,485
061	CV-22 MODIFICATION	41,762	47,572
	SOCOM UFR—CV-22 reliability acceleration		[5,810]
062	MQ-9 UNMANNED AERIAL VEHICLE	8,020	8,020
063	PRECISION STRIKE PACKAGE	165,224	165,224
064	AC/MC-130J	205,216	205,216
065	C-130 MODIFICATIONS	13,373	13,373
	SHIPBUILDING		
066	UNDERWATER SYSTEMS	17,227	23,327
	SOCOM UFR—Combat diving advanced equipment acceleration		[5,200]
	SOCOM UFR—Modernized forward look sonar		[900]
	AMMUNITION PROGRAMS		
067	ORDNANCE ITEMS <\$5M	168,072	168,072
	OTHER PROCUREMENT PROGRAMS		
068	INTELLIGENCE SYSTEMS	131,889	131,889
069	DISTRIBUTED COMMON GROUND/SURFACE SYSTEMS	5,991	5,991
070	OTHER ITEMS <\$5M	62,722	62,722
071	COMBATANT CRAFT SYSTEMS	17,080	17,080
072	SPECIAL PROGRAMS	44,351	75,531
	SOCOM UFR—Medium fixed wing mobility modifications		[31,180]
073	TACTICAL VEHICLES	26,806	26,806
074	WARRIOR SYSTEMS <\$5M	284,548	294,548
	Radio integration system program upgrade		[10,000]
075	COMBAT MISSION REQUIREMENTS	27,513	27,513
077	OPERATIONAL ENHANCEMENTS INTELLIGENCE	20,252	20,252
078	OPERATIONAL ENHANCEMENTS	328,569	389,872
	SOCOM UFR—Armored ground mobility systems acceleration		[33,303]
	SOCOM UFR—Fused panoramic night vision goggles acceleration		[28,000]
	CBDP		
079	CHEMICAL BIOLOGICAL SITUATIONAL AWARENESS	167,918	167,918
080	CB PROTECTION & HAZARD MITIGATION	189,265	183,884
	TATPE excess growth		[-5,381]
	TOTAL PROCUREMENT, DEFENSE-WIDE	5,548,212	5,924,303
	NATIONAL GUARD AND RESERVE EQUIPMENT		
	UNDISTRIBUTED		
001	MISCELLANEOUS EQUIPMENT		950,000
	Program increase		[950,000]
	TOTAL NATIONAL GUARD AND RESERVE EQUIPMENT		950,000
	TOTAL PROCUREMENT	132,205,078	146,884,599

TITLE XLII—RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

SEC. 4201. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION.

SEC. 4201. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION (In Thousands of Dollars)				
Line	Program Element	Item	FY 2022 Request	Conference Authorized
RESEARCH, DEVELOPMENT, TEST & EVAL, ARMY				
BASIC RESEARCH				
001	0601102A	DEFENSE RESEARCH SCIENCES	297,241	328,788
		Program increase		[22,047]
		Program increase—digital thread for advanced manufacturing.		[5,000]
		Program increase—lightweight high entropy metallic alloy discovery.		[3,000]
		Program increase—unmanned aerial systems hybrid propulsion.		[1,500]
002	0601103A	UNIVERSITY RESEARCH INITIATIVES	66,981	96,981
		Program increase—defense university research instrumentation program.		[30,000]
003	0601104A	UNIVERSITY AND INDUSTRY RESEARCH CENTERS.	94,003	103,003
		Program increase—biotechnology advancements		[4,000]
		SMART and cognitive research for RF/radar		[5,000]
004	0601121A	CYBER COLLABORATIVE RESEARCH ALLIANCE	5,067	5,067
005	0601601A	ARTIFICIAL INTELLIGENCE AND MACHINE LEARNING BASIC RESEARCH.	10,183	15,183
		Program increase—extreme events in structurally evolving materials.		[5,000]
		SUBTOTAL BASIC RESEARCH	473,475	549,022
APPLIED RESEARCH				
006	0602115A	BIOMEDICAL TECHNOLOGY	11,925	11,925
007	0602134A	COUNTER IMPROVISED-THREAT ADVANCED STUDIES.	1,976	1,976
008	0602141A	LETHALITY TECHNOLOGY	64,126	65,126
		CPF—research and development of next generation explosives and propellants.		[1,000]
009	0602142A	ARMY APPLIED RESEARCH	28,654	28,654
010	0602143A	SOLDIER LETHALITY TECHNOLOGY	105,168	115,168
		Program increase—Pathfinder air assault		[10,000]
011	0602144A	GROUND TECHNOLOGY	56,400	105,400
		Additive manufacturing materials		[8,000]
		CPF—Army Research Lab (ARL) Additive Manufacturing/Machine Learning (AM/ML) Initiative.		[5,000]
		Military footwear research		[2,500]
		Modeling enabled multifunctional materials development (MEMMD).		[6,000]
		Program increase—advanced manufacturing materials processes initiative.		[10,000]
		Program increase—advanced polymers for force protection.		[8,000]
		Program increase—ceramic materials for extreme environments.		[2,500]
		Program increase—earthen structures soil enhancement.		[3,000]
		Program increase—polar proving ground and training program.		[2,000]
		Program increase—verified inherent control		[2,000]
012	0602145A	NEXT GENERATION COMBAT VEHICLE TECHNOLOGY.	172,166	192,666
		CPF—high-efficiency truck users forum (HTUF)		[2,500]
		CPF—structural thermoplastics large-scale low-cost tooling solutions.		[4,500]
		Light detection and ranging (LiDAR) technology		[2,500]

SEC. 4201. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION (In Thousands of Dollars)				
Line	Program Element	Item	FY 2022 Request	Conference Authorized
		Program increase—prototyping energy smart autonomous ground systems.		[8,000]
013	0602146A	Tactical behaviors for autonomous maneuver		[3,000]
		NETWORK C3I TECHNOLOGY	84,606	120,406
		Alternative PNT		[8,000]
		CPF—future nano- and micro-fabrication - Advanced Materials Engineering Research Institute.		[6,800]
		CPF—multiple drone, multiple sensor ISR capabilities.		[5,000]
		Distributed radio frequency sensor/effector technology for strategic defense.		[8,000]
		Intelligent electronic protection technologies		[6,000]
014	0602147A	UAS sensor research		[2,000]
		LONG RANGE PRECISION FIRES TECHNOLOGY	64,285	67,285
		Program increase—novel printed armaments components.		[3,000]
015	0602148A	FUTURE VERTICLE LIFT TECHNOLOGY	91,411	91,411
016	0602150A	AIR AND MISSILE DEFENSE TECHNOLOGY	19,316	72,566
		Advancement of critical HEL technologies		[10,000]
		Counter-UAS applied research		[5,000]
		Cyber electromagnetic (CEMA) missile defender		[15,000]
		High energy laser integration		[10,000]
		Program increase—kill chain automation		[8,000]
		Program increase—precision long range integrated strike.		[5,250]
017	0602180A	ARTIFICIAL INTELLIGENCE AND MACHINE LEARNING TECHNOLOGIES.	15,034	15,034
018	0602181A	ALL DOMAIN CONVERGENCE APPLIED RESEARCH.	25,967	25,967
019	0602182A	C3I APPLIED RESEARCH	12,406	12,406
020	0602183A	AIR PLATFORM APPLIED RESEARCH	6,597	16,597
		High density eVTOL power source		[10,000]
021	0602184A	SOLDIER APPLIED RESEARCH	11,064	11,064
022	0602213A	C3I APPLIED CYBER	12,123	12,123
023	0602386A	BIOTECHNOLOGY FOR MATERIALS—APPLIED RESEARCH.	20,643	20,643
024	0602785A	MANPOWER/PERSONNEL/TRAINING TECHNOLOGY.	18,701	18,701
025	0602787A	MEDICAL TECHNOLOGY	91,720	95,720
		CPF—human performance optimization (HPO) center.		[2,000]
		CPF—suicide prevention with focus on rural, remote, isolated, and OCONUS locations.		[2,000]
		SUBTOTAL APPLIED RESEARCH	914,288	1,100,838
		ADVANCED TECHNOLOGY DEVELOPMENT		
026	0603002A	MEDICAL ADVANCED TECHNOLOGY	43,804	43,804
027	0603007A	MANPOWER, PERSONNEL AND TRAINING ADVANCED TECHNOLOGY.	14,273	14,273
028	0603025A	ARMY AGILE INNOVATION AND DEMONSTRATION.	22,231	22,231
029	0603040A	ARTIFICIAL INTELLIGENCE AND MACHINE LEARNING ADVANCED TECHNOLOGIES.	909	909
030	0603041A	ALL DOMAIN CONVERGENCE ADVANCED TECHNOLOGY.	17,743	17,743
031	0603042A	C3I ADVANCED TECHNOLOGY	3,151	3,151
032	0603043A	AIR PLATFORM ADVANCED TECHNOLOGY	754	754
033	0603044A	SOLDIER ADVANCED TECHNOLOGY	890	890
034	0603115A	MEDICAL DEVELOPMENT	26,521	26,521
035	0603116A	LETHALITY ADVANCED TECHNOLOGY	8,066	8,066
036	0603117A	ARMY ADVANCED TECHNOLOGY DEVELOPMENT.	76,815	76,815
037	0603118A	SOLDIER LETHALITY ADVANCED TECHNOLOGY.	107,966	115,966
		Program increase		[8,000]
038	0603119A	GROUND ADVANCED TECHNOLOGY	23,403	68,403

SEC. 4201. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION (In Thousands of Dollars)				
Line	Program Element	Item	FY 2022 Request	Conference Authorized
		Additive manufacturing capabilities for austere operating environments.		[14,000]
		CPF—military operations in a permafrost environment.		[3,000]
		Ground advanced technology—3D printed structures		[2,000]
		Polar research and testing		[4,000]
		Program increase—3D printing of infrastructure		[5,000]
		Program increase—cold weather research		[2,000]
		Program increase—entry control points at installations.		[5,000]
		Program increase—graphene applications for military engineering.		[2,000]
		Program increase—rapid entry and sustainment for the arctic.		[8,000]
039	0603134A	COUNTER IMPROVISED-THREAT SIMULATION	24,747	24,747
040	0603386A	BIOTECHNOLOGY FOR MATERIALS—ADVANCED RESEARCH.	53,736	53,736
041	0603457A	C3I CYBER ADVANCED DEVELOPMENT	31,426	31,426
042	0603461A	HIGH PERFORMANCE COMPUTING MODERNIZATION PROGRAM.	189,123	229,123
		Program increase		[40,000]
043	0603462A	NEXT GENERATION COMBAT VEHICLE ADVANCED TECHNOLOGY.	164,951	179,951
		Cyber and connected vehicle integration research		[3,500]
		Program increase—combat vehicle lithium 6T battery development.		[1,500]
		Robotics development		[5,000]
		Vehicle cyber security research		[5,000]
044	0603463A	NETWORK C3I ADVANCED TECHNOLOGY	155,867	161,867
		C3I assured position, navigation, and timing technology.		[4,000]
		Command post modernization		[2,000]
045	0603464A	LONG RANGE PRECISION FIRES ADVANCED TECHNOLOGY.	93,909	113,909
		Missile effects planning tool development		[10,000]
		Project AG5		[10,000]
046	0603465A	FUTURE VERTICAL LIFT ADVANCED TECHNOLOGY.	179,677	187,677
		Program increase—20mm chaingun development for FLARA.		[8,000]
047	0603466A	AIR AND MISSILE DEFENSE ADVANCED TECHNOLOGY.	48,826	68,826
		Program increase—armored combat vehicle HEL integration.		[10,000]
		Program increase—missile MENTOR		[10,000]
048	0603920A	HUMANITARIAN DEMINING	8,649	8,649
		SUBTOTAL ADVANCED TECHNOLOGY DEVELOPMENT.	1,297,437	1,459,437
ADVANCED COMPONENT DEVELOPMENT & PROTOTYPES				
049	0603305A	ARMY MISSILE DEFENSE SYSTEMS INTEGRATION.	11,702	25,702
		Electro-magnetic denial and protect		[6,000]
		PNT resiliency lab		[8,000]
050	0603308A	ARMY SPACE SYSTEMS INTEGRATION	18,755	20,755
		Program increase—multi-function and multi-mission payload.		[2,000]
051	0603327A	AIR AND MISSILE DEFENSE SYSTEMS ENGINEERING.		5,000
		Program increase—machine learning for integrated fires.		[5,000]
052	0603619A	LANDMINE WARFARE AND BARRIER—ADV DEV.	50,314	48,814
		Test and evaluation excess		[–1,500]
053	0603639A	TANK AND MEDIUM CALIBER AMMUNITION	79,873	77,373
		Testing excess		[–2,500]

SEC. 4201. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION (In Thousands of Dollars)					
Line	Program Element	Item	FY 2022 Request	Conference Authorized	
054	0603645A	ARMORED SYSTEM MODERNIZATION—ADV DEV.	170,590	166,590	
		Excess to need		[–4,000]	
055	0603747A	SOLDIER SUPPORT AND SURVIVABILITY	2,897	2,897	
056	0603766A	TACTICAL ELECTRONIC SURVEILLANCE SYS- TEM—ADV DEV.	113,365	113,365	
057	0603774A	NIGHT VISION SYSTEMS ADVANCED DEVELOP- MENT.	18,000	21,804	
		Soldier maneuver sensors adv dev lethality smart system—Army UPL.		[3,804]	
058	0603779A	ENVIRONMENTAL QUALITY TECHNOLOGY— DEM/VAL.	11,921	11,921	
059	0603790A	NATO RESEARCH AND DEVELOPMENT	3,777	3,777	
060	0603801A	AVIATION—ADV DEV	1,125,641	1,134,141	
		Excess to need		[–24,500]	
		Program increase—FLRAA		[33,000]	
061	0603804A	LOGISTICS AND ENGINEER EQUIPMENT—ADV DEV.	7,055	7,055	
062	0603807A	MEDICAL SYSTEMS—ADV DEV	22,071	22,071	
063	0603827A	SOLDIER SYSTEMS—ADVANCED DEVELOP- MENT.	17,459	17,459	
064	0604017A	ROBOTICS DEVELOPMENT	87,198	75,048	
		Excess carryover		[–7,150]	
		Unjustified growth—other support costs		[–5,000]	
065	0604019A	EXPANDED MISSION AREA MISSILE (EMAM)	50,674	43,674	
		IFPC-HEL late contract award		[–7,000]	
067	0604035A	LOW EARTH ORBIT (LEO) SATELLITE CAPA- BILITY.	19,638	19,638	
068	0604036A	MULTI-DOMAIN SENSING SYSTEM (MDSS) ADV DEV.	50,548	50,548	
069	0604037A	TACTICAL INTEL TARGETING ACCESS NODE (TITAN) ADV DEV.	28,347	28,347	
070	0604100A	ANALYSIS OF ALTERNATIVES	10,091	10,091	
071	0604101A	SMALL UNMANNED AERIAL VEHICLE (SUAV) (6.4).	926	926	
072	0604113A	FUTURE TACTICAL UNMANNED AIRCRAFT SYSTEM (FTUAS).	69,697	75,697	
		Army UFR—Acceleration of FTUAS		[6,000]	
073	0604114A	LOWER TIER AIR MISSILE DEFENSE (LTAMD) SENSOR.	327,690	307,567	
		Long term power and support costs ahead of need		[–20,123]	
074	0604115A	TECHNOLOGY MATURATION INITIATIVES	270,124	180,324	
		Insufficient justification		[–80,000]	
		Program decrease		[–9,800]	
075	0604117A	MANEUVER—SHORT RANGE AIR DEFENSE (M- SHORAD).	39,376	39,376	
076	0604119A	ARMY ADVANCED COMPONENT DEVELOP- MENT & PROTOTYPING.	189,483	189,483	
077	0604120A	ASSURED POSITIONING, NAVIGATION AND TIMING (PNT).	96,679	96,679	
078	0604121A	SYNTHETIC TRAINING ENVIRONMENT RE- FINEMENT & PROTOTYPING.	194,195	196,795	
		Prior-year carryover		[–2,000]	
		Program increase—multi-sensor terrain data capture and processing.		[4,600]	
079	0604134A	COUNTER IMPROVISED-THREAT DEMONSTRA- TION, PROTOTYPE DEVELOPMENT, AND TESTING.	13,379	13,379	
080	0604182A	HYPERSONICS	300,928	300,928	
081	0604403A	FUTURE INTERCEPTOR	7,895	7,895	
082	0604531A	COUNTER—SMALL UNMANNED AIRCRAFT SYSTEMS ADVANCED DEVELOPMENT.	19,148	19,148	
083	0604541A	UNIFIED NETWORK TRANSPORT	35,409	35,409	
084	0604644A	MOBILE MEDIUM RANGE MISSILE	286,457	286,457	
085	0604785A	INTEGRATED BASE DEFENSE (BUDGET ACTIV- ITY 4).	2,040	2,040	

SEC. 4201. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION (In Thousands of Dollars)				
Line	Program Element	Item	FY 2022 Request	Conference Authorized
086	0305251A	CYBERSPACE OPERATIONS FORCES AND FORCE SUPPORT.	52,988	52,988
		SUBTOTAL ADVANCED COMPONENT DEVELOPMENT & PROTOTYPES.	3,806,330	3,711,161
		SYSTEM DEVELOPMENT & DEMONSTRATION		
089	0604201A	AIRCRAFT AVIONICS	6,654	6,654
090	0604270A	ELECTRONIC WARFARE DEVELOPMENT	30,840	26,440
		Early to need		[–4,400]
091	0604601A	INFANTRY SUPPORT WEAPONS	67,873	72,873
		Program increase—turret gunner survivability and simulation environment.		[5,000]
092	0604604A	MEDIUM TACTICAL VEHICLES	11,374	11,374
093	0604611A	JAVELIN	7,094	7,094
094	0604622A	FAMILY OF HEAVY TACTICAL VEHICLES	31,602	30,077
		Leader/follower test support ahead of need		[–1,525]
095	0604633A	AIR TRAFFIC CONTROL	4,405	4,405
096	0604642A	LIGHT TACTICAL WHEELED VEHICLES	2,055	7,655
		Army UFR—Electric light reconnaissance vehicle		[5,600]
097	0604645A	ARMORED SYSTEMS MODERNIZATION (ASM)— ENG DEV.	137,256	135,506
		Government support excess		[–1,750]
098	0604710A	NIGHT VISION SYSTEMS—ENG DEV	62,690	112,690
		Transfer from Other Procurement, Army line 83		[50,000]
099	0604713A	COMBAT FEEDING, CLOTHING, AND EQUIP- MENT.	1,658	1,658
100	0604715A	NON-SYSTEM TRAINING DEVICES—ENG DEV ...	26,540	26,540
101	0604741A	AIR DEFENSE COMMAND, CONTROL AND IN- TELLIGENCE—ENG DEV.	59,518	59,518
102	0604742A	CONSTRUCTIVE SIMULATION SYSTEMS DE- VELOPMENT.	22,331	22,331
103	0604746A	AUTOMATIC TEST EQUIPMENT DEVELOPMENT	8,807	8,807
104	0604760A	DISTRIBUTIVE INTERACTIVE SIMULATIONS (DIS)—ENG DEV.	7,453	7,453
107	0604798A	BRIGADE ANALYSIS, INTEGRATION AND EVAL- UATION.	21,534	21,534
108	0604802A	WEAPONS AND MUNITIONS—ENG DEV	309,778	306,722
		C-DAEM overestimation		[–3,056]
109	0604804A	LOGISTICS AND ENGINEER EQUIPMENT—ENG DEV.	59,261	52,261
		Excess carryover		[–7,000]
110	0604805A	COMMAND, CONTROL, COMMUNICATIONS SYS- TEMS—ENG DEV.	20,121	20,121
111	0604807A	MEDICAL MATERIEL/MEDICAL BIOLOGICAL DEFENSE EQUIPMENT—ENG DEV.	44,424	44,424
112	0604808A	LANDMINE WARFARE/BARRIER—ENG DEV	14,137	9,137
		Insufficient justification		[–5,000]
113	0604818A	ARMY TACTICAL COMMAND & CONTROL HARDWARE & SOFTWARE.	162,704	162,704
114	0604820A	RADAR DEVELOPMENT	127,919	127,919
115	0604822A	GENERAL FUND ENTERPRISE BUSINESS SYS- TEM (GFEBS).	17,623	17,623
117	0604827A	SOLDIER SYSTEMS—WARRIOR DEM/VAL	6,454	6,454
118	0604852A	SUITE OF SURVIVABILITY ENHANCEMENT SYSTEMS—EMD.	106,354	127,354
		Army UFR—Active protection systems for Bradley and Stryker.		[21,000]
120	0605013A	INFORMATION TECHNOLOGY DEVELOPMENT	122,168	120,168
		GFIM unjustified growth		[–2,000]
121	0605018A	INTEGRATED PERSONNEL AND PAY SYSTEM- ARMY (IPPS-A).	76,936	58,736
		Program decrease		[–18,200]
122	0605028A	ARMORED MULTI-PURPOSE VEHICLE (AMPV) ...	35,560	35,560
124	0605030A	JOINT TACTICAL NETWORK CENTER (JTNC)	16,364	16,364
125	0605031A	JOINT TACTICAL NETWORK (JTN)	28,954	28,954

SEC. 4201. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION (In Thousands of Dollars)					
Line	Program Element	Item	FY 2022 Request	Conference Authorized	
128	0605035A	COMMON INFRARED COUNTERMEASURES (CIRCM).	16,630	16,630	
130	0605038A	NUCLEAR BIOLOGICAL CHEMICAL RECON- NAISSANCE VEHICLE (NBCRV) SENSOR SUITE.	7,618	7,618	
131	0605041A	DEFENSIVE CYBER TOOL DEVELOPMENT	18,892	13,892	
		Cyber situational understanding reduction		[-5,000]	
132	0605042A	TACTICAL NETWORK RADIO SYSTEMS (LOW- TIER).	28,849	28,849	
133	0605047A	CONTRACT WRITING SYSTEM	22,960	20,960	
		Program reduction		[-2,000]	
135	0605051A	AIRCRAFT SURVIVABILITY DEVELOPMENT	65,603	65,603	
136	0605052A	INDIRECT FIRE PROTECTION CAPABILITY INC 2—BLOCK 1.	233,512	233,512	
137	0605053A	GROUND ROBOTICS	18,241	18,241	
138	0605054A	EMERGING TECHNOLOGY INITIATIVES	254,945	254,945	
139	0605143A	BIOMETRICS ENABLING CAPABILITY (BEC)	4,326	4,326	
140	0605144A	NEXT GENERATION LOAD DEVICE—MEDIUM ...	15,616	15,616	
141	0605145A	MEDICAL PRODUCTS AND SUPPORT SYSTEMS DEVELOPMENT.	962	962	
142	0605148A	TACTICAL INTEL TARGETING ACCESS NODE (TITAN) EMD.	54,972	54,972	
143	0605203A	ARMY SYSTEM DEVELOPMENT & DEMONSTRA- TION.	122,175	122,175	
144	0605205A	SMALL UNMANNED AERIAL VEHICLE (SUAV) (6.5).	2,275	2,275	
145	0605224A	MULTI-DOMAIN INTELLIGENCE	9,313	9,313	
146	0605225A	SIO CAPABILITY DEVELOPMENT	22,713	22,713	
147	0605231A	PRECISION STRIKE MISSILE (PRSM)	188,452	188,452	
148	0605232A	HYPERSONICS EMD	111,473	111,473	
149	0605233A	ACCESSIONS INFORMATION ENVIRONMENT (AIE).	18,790	18,790	
150	0605450A	JOINT AIR-TO-GROUND MISSILE (JAGM)	2,134	2,134	
151	0605457A	ARMY INTEGRATED AIR AND MISSILE DE- FENSE (AIAMD).	157,873	157,873	
152	0605531A	COUNTER—SMALL UNMANNED AIRCRAFT SYSTEMS SYS DEV & DEMONSTRATION.	33,386	33,386	
153	0605625A	MANNED GROUND VEHICLE	225,106	203,106	
		Excess carryover		[-10,000]	
		Unjustified growth—other support costs		[-7,000]	
		Unjustified growth—program management		[-5,000]	
154	0605766A	NATIONAL CAPABILITIES INTEGRATION (MIP)	14,454	14,454	
155	0605812A	JOINT LIGHT TACTICAL VEHICLE (JLTV) ENGI- NEERING AND MANUFACTURING DEVELOP- MENT PH.	2,564	2,564	
156	0605830A	AVIATION GROUND SUPPORT EQUIPMENT	1,201	1,201	
157	0303032A	TROJAN—RH12	3,362	3,362	
161	0304270A	ELECTRONIC WARFARE DEVELOPMENT	75,520	75,520	
		SUBTOTAL SYSTEM DEVELOPMENT & DEM- ONSTRATION.	3,392,358	3,402,027	
MANAGEMENT SUPPORT					
162	0604256A	THREAT SIMULATOR DEVELOPMENT	18,439	18,439	
163	0604258A	TARGET SYSTEMS DEVELOPMENT	17,404	17,404	
164	0604759A	MAJOR T&E INVESTMENT	68,139	68,139	
165	0605103A	RAND ARROYO CENTER	33,126	33,126	
166	0605301A	ARMY KWAJALEIN ATOLL	240,877	240,877	
167	0605326A	CONCEPTS EXPERIMENTATION PROGRAM	79,710	79,710	
169	0605601A	ARMY TEST RANGES AND FACILITIES	354,227	354,227	
170	0605602A	ARMY TECHNICAL TEST INSTRUMENTATION AND TARGETS.	49,253	49,253	
171	0605604A	SURVIVABILITY/LETHALITY ANALYSIS	36,389	36,389	
172	0605606A	AIRCRAFT CERTIFICATION	2,489	2,489	
173	0605702A	METEOROLOGICAL SUPPORT TO RDT&E AC- TIVITIES.	6,689	6,689	
174	0605706A	MATERIEL SYSTEMS ANALYSIS	21,558	21,558	
175	0605709A	EXPLOITATION OF FOREIGN ITEMS	13,631	13,631	

SEC. 4201. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION (In Thousands of Dollars)				
Line	Program Element	Item	FY 2022 Request	Conference Authorized
176	0605712A	SUPPORT OF OPERATIONAL TESTING	55,122	55,122
177	0605716A	ARMY EVALUATION CENTER	65,854	65,854
178	0605718A	ARMY MODELING & SIM X-CMD COLLABORA- TION & INTEG.	2,633	2,633
179	0605801A	PROGRAMWIDE ACTIVITIES	96,589	96,589
180	0605803A	TECHNICAL INFORMATION ACTIVITIES	26,808	26,808
181	0605805A	MUNITIONS STANDARDIZATION, EFFECTIVE- NESS AND SAFETY.	43,042	48,042
		Program increase—polymer case ammunition		[5,000]
182	0605857A	ENVIRONMENTAL QUALITY TECHNOLOGY MGMT SUPPORT.	1,789	1,789
183	0605898A	ARMY DIRECT REPORT HEADQUARTERS—R&D - MHA.	52,108	52,108
185	0606002A	RONALD REAGAN BALLISTIC MISSILE DE- FENSE TEST SITE.	80,952	80,952
186	0606003A	COUNTERINTEL AND HUMAN INTEL MOD- ERNIZATION.	5,363	5,363
187	0606105A	MEDICAL PROGRAM-WIDE ACTIVITIES	39,041	39,041
188	0606942A	ASSESSMENTS AND EVALUATIONS CYBER VULNERABILITIES.	5,466	5,466
		SUBTOTAL MANAGEMENT SUPPORT	1,416,698	1,421,698
		OPERATIONAL SYSTEMS DEVELOPMENT UNDISTRIBUTED		
190	0603778A	MLRS PRODUCT IMPROVEMENT PROGRAM	12,314	12,314
191	0605024A	ANTI-TAMPER TECHNOLOGY SUPPORT	8,868	8,868
192	0607131A	WEAPONS AND MUNITIONS PRODUCT IM- PROVEMENT PROGRAMS.	22,828	30,828
		Agile manufacturing for advanced armament sys- tems.		[8,000]
194	0607136A	BLACKHAWK PRODUCT IMPROVEMENT PRO- GRAM.	4,773	4,773
195	0607137A	CHINOOK PRODUCT IMPROVEMENT PROGRAM CH–47 Chinook cargo on/off loading system	52,372	70,372 [8,000]
		Program increase—T55–714C acceleration		[10,000]
196	0607139A	IMPROVED TURBINE ENGINE PROGRAM	275,024	315,024
		Army improved turbine engine program		[40,000]
197	0607142A	AVIATION ROCKET SYSTEM PRODUCT IM- PROVEMENT AND DEVELOPMENT.	12,417	12,417
198	0607143A	UNMANNED AIRCRAFT SYSTEM UNIVERSAL PRODUCTS.	4,594	4,594
199	0607145A	APACHE FUTURE DEVELOPMENT	10,067	25,067
		Program increase		[15,000]
200	0607148A	AN/TPQ–53 COUNTERFIRE TARGET ACQUI- SION RADAR SYSTEM.	56,681	56,681
201	0607150A	INTEL CYBER DEVELOPMENT	3,611	12,471
		Army UFR—Cyber-Info Dominance Center		[8,860]
202	0607312A	ARMY OPERATIONAL SYSTEMS DEVELOPMENT	28,029	28,029
203	0607313A	ELECTRONIC WARFARE DEVELOPMENT	5,673	5,673
204	0607665A	FAMILY OF BIOMETRICS	1,178	1,178
205	0607865A	PATRIOT PRODUCT IMPROVEMENT	125,932	125,932
206	0203728A	JOINT AUTOMATED DEEP OPERATION CO- ORDINATION SYSTEM (JADOCs).	25,547	25,547
207	0203735A	COMBAT VEHICLE IMPROVEMENT PROGRAMS Program increase—Abrams modernization	211,523	276,523 [65,000]
208	0203743A	155MM SELF-PROPELLED HOWITZER IM- PROVEMENTS.	213,281	208,136
		Excess carryover		[–5,145]
210	0203752A	AIRCRAFT ENGINE COMPONENT IMPROVE- MENT PROGRAM.	132	132
211	0203758A	DIGITIZATION	3,936	3,936
212	0203801A	MISSILE/AIR DEFENSE PRODUCT IMPROVE- MENT PROGRAM.	127	127
213	0203802A	OTHER MISSILE PRODUCT IMPROVEMENT PROGRAMS.	10,265	10,265
214	0205412A	ENVIRONMENTAL QUALITY TECHNOLOGY— OPERATIONAL SYSTEM DEV.	262	262

SEC. 4201. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION (In Thousands of Dollars)				
Line	Program Element	Item	FY 2022 Request	Conference Authorized
215	0205456A	LOWER TIER AIR AND MISSILE DEFENSE (AMD) SYSTEM.	182	182
216	0205778A	GUIDED MULTIPLE-LAUNCH ROCKET SYSTEM (GMLRS).	63,937	63,937
217	0208053A	JOINT TACTICAL GROUND SYSTEM	13,379	13,379
219	0303028A	SECURITY AND INTELLIGENCE ACTIVITIES	24,531	24,531
220	0303140A	INFORMATION SYSTEMS SECURITY PROGRAM	15,720	11,720
		Carryover		[-4,000]
221	0303141A	GLOBAL COMBAT SUPPORT SYSTEM	52,739	61,739
		Army UFR—ERP convergence/modernization		[9,000]
222	0303142A	SATCOM GROUND ENVIRONMENT (SPACE)	15,247	15,247
226	0305179A	INTEGRATED BROADCAST SERVICE (IBS)	5,430	5,430
227	0305204A	TACTICAL UNMANNED AERIAL VEHICLES	8,410	8,410
228	0305206A	AIRBORNE RECONNAISSANCE SYSTEMS	24,460	24,460
233	0307665A	BIOMETRICS ENABLED INTELLIGENCE	2,066	2,066
234	0708045A	END ITEM INDUSTRIAL PREPAREDNESS ACTIVITIES.	61,720	76,720
		Digital night vision cameras		[15,000]
		SUBTOTAL UNDISTRIBUTED		169,715
999	9999999999	CLASSIFIED PROGRAMS	2,993	2,993
		SUBTOTAL OPERATIONAL SYSTEMS DEVELOPMENT.	1,380,248	1,549,963
SOFTWARE AND DIGITAL TECHNOLOGY PILOT PROGRAMS				
237	0608041A	DEFENSIVE CYBER—SOFTWARE PROTOTYPE DEVELOPMENT.	118,811	118,811
		SUBTOTAL SOFTWARE AND DIGITAL TECHNOLOGY PILOT PROGRAMS.	118,811	118,811
		TOTAL RESEARCH, DEVELOPMENT, TEST & EVAL, ARMY.	12,799,645	13,312,957
RESEARCH, DEVELOPMENT, TEST & EVAL, NAVY				
BASIC RESEARCH				
001	0601103N	UNIVERSITY RESEARCH INITIATIVES	117,448	167,448
		Defense university research instrumentation program.		[20,000]
		University research programs		[30,000]
002	0601152N	IN-HOUSE LABORATORY INDEPENDENT RESEARCH.		23,399
		Program increase		[23,399]
003	0601153N	DEFENSE RESEARCH SCIENCES	484,421	489,406
		CPF—Digital twins for Navy maintenance		[1,985]
		Program increase		[3,000]
		SUBTOTAL BASIC RESEARCH	601,869	680,253
APPLIED RESEARCH				
004	0602114N	POWER PROJECTION APPLIED RESEARCH	23,013	31,013
		Program increase—multi-mission UAV-borne electronic attack.		[8,000]
005	0602123N	FORCE PROTECTION APPLIED RESEARCH	122,888	138,388
		Relative positioning of autonomous platforms		[3,000]
		Resilient Innovative Sustainable Economies via University Partnerships (RISE-UP).		[2,000]
		Talent and technology for Navy power and energy systems.		[10,500]
006	0602131M	MARINE CORPS LANDING FORCE TECHNOLOGY.	51,112	58,612
		Program increase—unmanned logistics solutions		[7,500]
007	0602235N	COMMON PICTURE APPLIED RESEARCH	51,477	51,477
008	0602236N	WARFIGHTER SUSTAINMENT APPLIED RESEARCH.	70,547	78,547
		Anti-corrosion nanotechnologies		[3,000]
		High mobility ground robots to assist dismounted infantry in urban operations.		[5,000]

SEC. 4201. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION (In Thousands of Dollars)				
Line	Program Element	Item	FY 2022 Request	Conference Authorized
009	0602271N	ELECTROMAGNETIC SYSTEMS APPLIED RE- SEARCH.	85,157	85,157
010	0602435N	OCEAN WARFIGHTING ENVIRONMENT AP- PLIED RESEARCH.	70,086	70,086
011	0602651M	JOINT NON-LETHAL WEAPONS APPLIED RE- SEARCH.	6,405	6,405
012	0602747N	UNDERSEA WARFARE APPLIED RESEARCH Academic partnerships for undersea vehicle research and manufacturing. Continuous distributed sensing systems CPF—connected AI for autonomous UUV systems CPF—persistent maritime surveillance Program increase—undersea warfare applied re- search ocean aero.	57,484	98,984 [16,500] [4,000] [5,000] [5,000] [11,000]
013	0602750N	FUTURE NAVAL CAPABILITIES APPLIED RE- SEARCH. Program increase—long endurance, autonomous mo- bile acoustic detection systems.	173,356	193,356 [20,000]
014	0602782N	MINE AND EXPEDITIONARY WARFARE AP- PLIED RESEARCH.	32,160	32,160
015	0602792N	INNOVATIVE NAVAL PROTOTYPES (INP) AP- PLIED RESEARCH.	152,976	152,976
016	0602861N	SCIENCE AND TECHNOLOGY MANAGEMENT— ONR FIELD ACTIVITIES. SUBTOTAL APPLIED RESEARCH	79,254 975,915	79,254 1,076,415
ADVANCED TECHNOLOGY DEVELOPMENT				
017	0603123N	FORCE PROTECTION ADVANCED TECH- NOLOGY.	21,661	21,661
018	0603271N	ELECTROMAGNETIC SYSTEMS ADVANCED TECHNOLOGY.	8,146	8,146
019	0603640M	USMC ADVANCED TECHNOLOGY DEMONSTRA- TION (ATD). Marine Corps UFR—Maritime Targeting Cell-Expe- ditionary. Marine Corps UFR—Unmanned adversary tech- nology investment. Next generation logistics—autonomous littoral con- nector. Program increase—low-cost atrittable aircraft tech- nology.	224,155	274,055 [5,300] [10,000] [9,600] [25,000]
020	0603651M	JOINT NON-LETHAL WEAPONS TECHNOLOGY DEVELOPMENT.	13,429	13,429
021	0603673N	FUTURE NAVAL CAPABILITIES ADVANCED TECHNOLOGY DEVELOPMENT.	265,299	265,299
022	0603680N	MANUFACTURING TECHNOLOGY PROGRAM	57,236	57,236
023	0603729N	WARFIGHTER PROTECTION ADVANCED TECH- NOLOGY.	4,935	4,935
024	0603758N	NAVY WARFIGHTING EXPERIMENTS AND DEM- ONSTRATIONS.	47,167	47,167
025	0603782N	MINE AND EXPEDITIONARY WARFARE AD- VANCED TECHNOLOGY.	1,981	1,981
026	0603801N	INNOVATIVE NAVAL PROTOTYPES (INP) AD- VANCED TECHNOLOGY DEVELOPMENT. Attritable group III ultra-long endurance unmanned aircraft for persistent ISR. Program increase—railgun	133,779 [10,000] [10,000]	153,779 [10,000] [10,000]
SUBTOTAL ADVANCED TECHNOLOGY DE- VELOPMENT.			777,788	847,688
ADVANCED COMPONENT DEVELOPMENT & PROTOTYPES				
027	0603128N	UNMANNED AERIAL SYSTEM	16,879	16,879
028	0603178N	MEDIUM AND LARGE UNMANNED SURFACE VEHICLES (USVS). LUSV integrated combat system early to need	144,846	102,846 [–42,000]
029	0603207N	AIR/OCEAN TACTICAL APPLICATIONS	27,849	27,849

SEC. 4201. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION (In Thousands of Dollars)				
Line	Program Element	Item	FY 2022 Request	Conference Authorized
030	0603216N	AVIATION SURVIVABILITY	16,815	16,815
031	0603239N	NAVAL CONSTRUCTION FORCES	5,290	5,290
033	0603254N	ASW SYSTEMS DEVELOPMENT	17,612	17,612
034	0603261N	TACTICAL AIRBORNE RECONNAISSANCE	3,111	3,111
035	0603382N	ADVANCED COMBAT SYSTEMS TECHNOLOGY ..	32,310	32,310
036	0603502N	SURFACE AND SHALLOW WATER MINE COUN- TERMEASURES.	58,013	58,013
037	0603506N	SURFACE SHIP TORPEDO DEFENSE	1,862	1,862
038	0603512N	CARRIER SYSTEMS DEVELOPMENT	7,182	7,182
039	0603525N	PILOT FISH	408,087	408,087
040	0603527N	RETRACT LARCH	44,197	44,197
041	0603536N	RETRACT JUNIPER	144,541	144,541
042	0603542N	RADIOLOGICAL CONTROL	761	761
043	0603553N	SURFACE ASW	1,144	1,144
044	0603561N	ADVANCED SUBMARINE SYSTEM DEVELOP- MENT.	99,782	99,782
045	0603562N	SUBMARINE TACTICAL WARFARE SYSTEMS	14,059	14,059
046	0603563N	SHIP CONCEPT ADVANCED DESIGN	111,590	111,590
047	0603564N	SHIP PRELIMINARY DESIGN & FEASIBILITY STUDIES.	106,957	106,957
048	0603570N	ADVANCED NUCLEAR POWER SYSTEMS	203,572	203,572
049	0603573N	ADVANCED SURFACE MACHINERY SYSTEMS ...	78,122	78,122
050	0603576N	CHALK EAGLE	80,270	80,270
051	0603581N	LITTORAL COMBAT SHIP (LCS)	84,924	84,924
052	0603582N	COMBAT SYSTEM INTEGRATION	17,322	17,322
053	0603595N	OHIO REPLACEMENT	296,231	303,731
		Program increase—composites development		[7,500]
054	0603596N	LCS MISSION MODULES	75,995	75,995
055	0603597N	AUTOMATED TEST AND RE-TEST (ATRT)	7,805	7,805
056	0603599N	FRIGATE DEVELOPMENT	109,459	109,459
057	0603609N	CONVENTIONAL MUNITIONS	7,296	7,296
058	0603635M	MARINE CORPS GROUND COMBAT/SUPPORT SYSTEM.	77,065	67,707
		Armored reconnaissance vehicle GFE excess to need		[–4,400]
		Armored reconnaissance vehicle testing early to need.		[–4,958]
059	0603654N	JOINT SERVICE EXPLOSIVE ORDNANCE DE- VELOPMENT.	34,785	34,785
060	0603713N	OCEAN ENGINEERING TECHNOLOGY DEVEL- OPMENT.	8,774	8,774
061	0603721N	ENVIRONMENTAL PROTECTION	20,677	20,677
062	0603724N	NAVY ENERGY PROGRAM	33,824	43,824
		AR3P auto refueling system		[10,000]
063	0603725N	FACILITIES IMPROVEMENT	6,327	6,327
064	0603734N	CHALK CORAL	579,389	579,389
065	0603739N	NAVY LOGISTIC PRODUCTIVITY	669	669
066	0603746N	RETRACT MAPLE	295,295	295,295
067	0603748N	LINK PLUMERIA	692,280	692,280
068	0603751N	RETRACT ELM	83,904	83,904
069	0603764M	LINK EVERGREEN	221,253	264,453
		Marine Corps UFR—Additional development		[43,200]
071	0603790N	NATO RESEARCH AND DEVELOPMENT	5,805	5,805
072	0603795N	LAND ATTACK TECHNOLOGY	4,017	4,017
073	0603851M	JOINT NON-LETHAL WEAPONS TESTING	29,589	29,589
074	0603860N	JOINT PRECISION APPROACH AND LANDING SYSTEMS—DEM/VAL.	24,450	24,450
075	0603925N	DIRECTED ENERGY AND ELECTRIC WEAPON SYSTEMS.	81,803	81,803
076	0604014N	F/A –18 INFRARED SEARCH AND TRACK (IRST)	48,793	48,793
077	0604027N	DIGITAL WARFARE OFFICE	46,769	55,752
		Navy UFR—Accelerate Naval Tactical Grid Develop- ment for Joint All-Domain Command and Control (JADC2).		[8,983]
078	0604028N	SMALL AND MEDIUM UNMANNED UNDERSEA VEHICLES.	84,676	84,676
079	0604029N	UNMANNED UNDERSEA VEHICLE CORE TECH- NOLOGIES.	59,299	59,299

SEC. 4201. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION (In Thousands of Dollars)				
Line	Program Element	Item	FY 2022 Request	Conference Authorized
081	0604031N	LARGE UNMANNED UNDERSEA VEHICLES	88,063	81,407
		Contract award excess to need		[–6,656]
082	0604112N	GERALD R. FORD CLASS NUCLEAR AIRCRAFT CARRIER (CVN 78—80).	121,509	121,509
083	0604126N	LITTORAL AIRBORNE MCM	18,669	15,187
		COBRA Block II early to need		[–3,482]
084	0604127N	SURFACE MINE COUNTERMEASURES	13,655	13,655
085	0604272N	TACTICAL AIR DIRECTIONAL INFRARED COUN- TERMEASURES (TADIRCM).	33,246	33,246
086	0604289M	NEXT GENERATION LOGISTICS	1,071	1,071
087	0604292N	FUTURE VERTICAL LIFT (MARITIME STRIKE) ...	9,825	9,825
088	0604320M	RAPID TECHNOLOGY CAPABILITY PROTOTYPE	6,555	6,555
089	0604454N	LX (R)	3,344	3,344
090	0604536N	ADVANCED UNDERSEA PROTOTYPING	58,473	51,283
		Test and evaluation excess to need		[–7,190]
091	0604636N	COUNTER UNMANNED AIRCRAFT SYSTEMS (C- UAS).	5,529	5,529
092	0604659N	PRECISION STRIKE WEAPONS DEVELOPMENT PROGRAM.	97,944	97,944
093	0604707N	SPACE AND ELECTRONIC WARFARE (SEW) AR- CHITECTURE/ENGINEERING SUPPORT.	9,340	9,340
094	0604786N	OFFENSIVE ANTI-SURFACE WARFARE WEAP- ON DEVELOPMENT.	127,756	104,756
		Project 3343 lack of program justification		[–23,000]
095	0605512N	MEDIUM UNMANNED SURFACE VEHICLES (MUSVS)).	60,028	60,028
096	0605513N	UNMANNED SURFACE VEHICLE ENABLING CAPABILITIES.	170,838	123,838
		USV machinery qualification insufficient justifica- tion.		[–47,000]
097	0605514M	GROUND BASED ANTI-SHIP MISSILE (MARFORRES).	102,716	102,716
098	0605516M	LONG RANGE FIRES (MARFORRES)	88,479	88,479
099	0605518N	CONVENTIONAL PROMPT STRIKE (CPS)	1,372,340	1,498,340
		Navy UFR—Additional CPS development		[126,000]
100	0303354N	ASW SYSTEMS DEVELOPMENT—MIP	8,571	8,571
101	0304240M	ADVANCED TACTICAL UNMANNED AIRCRAFT SYSTEM.	16,204	23,204
		Program increase—K-max unmanned logistics sys- tem.		[7,000]
102	0304270N	ELECTRONIC WARFARE DEVELOPMENT—MIP	506	506
		SUBTOTAL ADVANCED COMPONENT DEVEL- OPMENT & PROTOTYPES.	7,077,987	7,141,984
SYSTEM DEVELOPMENT & DEMONSTRATION				
103	0603208N	TRAINING SYSTEM AIRCRAFT	5,864	5,864
104	0604212N	OTHER HELO DEVELOPMENT	56,444	49,312
		Attack and utility replacement aircraft excess stud- ies and analysis.		[–7,132]
105	0604214M	AV–8B AIRCRAFT—ENG DEV	10,146	10,146
106	0604215N	STANDARDS DEVELOPMENT	4,082	4,082
107	0604216N	MULTI-MISSION HELICOPTER UPGRADE DE- VELOPMENT.	46,418	54,418
		Program increase—MH–60 modernization		[8,000]
108	0604221N	P–3 MODERNIZATION PROGRAM	579	579
109	0604230N	WARFARE SUPPORT SYSTEM	10,167	10,167
110	0604231N	COMMAND AND CONTROL SYSTEMS	122,913	122,913
111	0604234N	ADVANCED HAWKEYE	386,860	386,860
112	0604245M	H–1 UPGRADES	50,158	50,158
113	0604261N	ACOUSTIC SEARCH SENSORS	46,066	46,066
114	0604262N	V–22A	107,984	107,984
115	0604264N	AIR CREW SYSTEMS DEVELOPMENT	22,746	22,746
116	0604269N	EA–18	68,425	68,425
117	0604270N	ELECTRONIC WARFARE DEVELOPMENT	139,535	136,593
		Dual band decoy previously funded		[–2,942]
118	0604273M	EXECUTIVE HELO DEVELOPMENT	45,932	45,932

SEC. 4201. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION (In Thousands of Dollars)				
Line	Program Element	Item	FY 2022 Request	Conference Authorized
119	0604274N	NEXT GENERATION JAMMER (NGJ)	243,923	235,423
		Test and evaluation delays		[–8,500]
120	0604280N	JOINT TACTICAL RADIO SYSTEM—NAVY (JTRS-NAVY).	234,434	243,417
		Navy tactical grid development for JADC2		[8,983]
121	0604282N	NEXT GENERATION JAMMER (NGJ) INCREMENT II.	248,096	230,100
		Contract delays		[–17,996]
122	0604307N	SURFACE COMBATANT COMBAT SYSTEM ENGINEERING.	371,575	371,575
123	0604311N	LPD–17 CLASS SYSTEMS INTEGRATION	904	904
124	0604329N	SMALL DIAMETER BOMB (SDB)	46,769	46,769
125	0604366N	STANDARD MISSILE IMPROVEMENTS	343,511	343,511
126	0604373N	AIRBORNE MCM	10,881	10,881
127	0604378N	NAVAL INTEGRATED FIRE CONTROL—COUNTER AIR SYSTEMS ENGINEERING.	46,121	52,621
		Program increase—stratospheric balloons		[6,500]
128	0604419N	ADVANCED SENSORS APPLICATION PROGRAM (ASAP).		15,000
		Program increase		[15,000]
129	0604501N	ADVANCED ABOVE WATER SENSORS	77,852	77,852
130	0604503N	SSN–688 AND TRIDENT MODERNIZATION	95,693	95,693
131	0604504N	AIR CONTROL	27,499	27,499
132	0604512N	SHIPBOARD AVIATION SYSTEMS	8,924	8,924
133	0604518N	COMBAT INFORMATION CENTER CONVERSION	11,631	11,631
134	0604522N	AIR AND MISSILE DEFENSE RADAR (AMDR) SYSTEM.	96,556	96,556
135	0604530N	ADVANCED ARRESTING GEAR (AAG)	147	147
136	0604558N	NEW DESIGN SSN	503,252	603,252
		SSN Block VI design and advanced capabilities		[100,000]
137	0604562N	SUBMARINE TACTICAL WARFARE SYSTEM	62,115	62,115
138	0604567N	SHIP CONTRACT DESIGN/ LIVE FIRE T&E	54,829	54,829
139	0604574N	NAVY TACTICAL COMPUTER RESOURCES	4,290	4,290
140	0604601N	MINE DEVELOPMENT	76,027	65,646
		Encapsulated effector contract delays		[–10,381]
141	0604610N	LIGHTWEIGHT TORPEDO DEVELOPMENT	94,386	94,386
142	0604654N	JOINT SERVICE EXPLOSIVE ORDNANCE DEVELOPMENT.	8,348	8,348
143	0604657M	USMC GROUND COMBAT/SUPPORTING ARMS SYSTEMS—ENG DEV.	42,144	42,144
144	0604703N	PERSONNEL, TRAINING, SIMULATION, AND HUMAN FACTORS.	7,375	7,375
146	0604755N	SHIP SELF DEFENSE (DETECT & CONTROL)	149,433	149,433
147	0604756N	SHIP SELF DEFENSE (ENGAGE: HARD KILL)	87,862	84,488
		Project 0173 MK9 CWTI replacement delay		[–3,374]
148	0604757N	SHIP SELF DEFENSE (ENGAGE: SOFT KILL/EW)	69,006	69,006
149	0604761N	INTELLIGENCE ENGINEERING	20,684	20,684
150	0604771N	MEDICAL DEVELOPMENT	3,967	11,467
		Program increase—autonomous aerial technology for distributed logistics.		[7,500]
151	0604777N	NAVIGATION/ID SYSTEM	48,837	48,837
152	0604800M	JOINT STRIKE FIGHTER (JSF)—EMD	577	577
153	0604800N	JOINT STRIKE FIGHTER (JSF)—EMD	262	262
154	0604850N	SSN(X)	29,829	29,829
155	0605013M	INFORMATION TECHNOLOGY DEVELOPMENT	11,277	11,277
156	0605013N	INFORMATION TECHNOLOGY DEVELOPMENT	243,828	239,892
		Contract writing systems reduction		[–3,936]
157	0605024N	ANTI-TAMPER TECHNOLOGY SUPPORT	8,426	8,426
158	0605180N	TACAMO MODERNIZATION	150,592	90,472
		Unjustified air vehicle acquisition strategy		[–60,120]
159	0605212M	CH–53K RDTE	256,903	256,903
160	0605215N	MISSION PLANNING	88,128	88,128
161	0605217N	COMMON AVIONICS	60,117	92,017
		Marine Corps UFR—MANGL Digital Interoperability.		[31,900]
162	0605220N	SHIP TO SHORE CONNECTOR (SSC)	6,320	6,320
163	0605327N	T-AO 205 CLASS	4,336	4,336

SEC. 4201. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION (In Thousands of Dollars)				
Line	Program Element	Item	FY 2022 Request	Conference Authorized
164	0605414N	UNMANNED CARRIER AVIATION (UCA)	268,937	268,937
165	0605450M	JOINT AIR-TO-GROUND MISSILE (JAGM)	356	356
166	0605500N	MULTI-MISSION MARITIME AIRCRAFT (MMA) ...	27,279	27,279
167	0605504N	MULTI-MISSION MARITIME (MMA) INCREMENT III.	173,784	173,784
168	0605611M	MARINE CORPS ASSAULT VEHICLES SYSTEM DEVELOPMENT & DEMONSTRATION.	80,709	80,709
169	0605813M	JOINT LIGHT TACTICAL VEHICLE (JLTV) SYS- TEM DEVELOPMENT & DEMONSTRATION.	2,005	2,005
170	0204202N	DDG–1000	112,576	112,576
174	0304785N	ISR & INFO OPERATIONS	136,140	133,781
		Program decrease		[–2,359]
175	0306250M	CYBER OPERATIONS TECHNOLOGY DEVELOP- MENT.	26,318	26,318
		SUBTOTAL SYSTEM DEVELOPMENT & DEM- ONSTRATION.	5,910,089	5,971,232
MANAGEMENT SUPPORT				
176	0604256N	THREAT SIMULATOR DEVELOPMENT	20,862	20,862
177	0604258N	TARGET SYSTEMS DEVELOPMENT	12,113	12,113
178	0604759N	MAJOR T&E INVESTMENT	84,617	84,617
179	0605152N	STUDIES AND ANALYSIS SUPPORT—NAVY	3,108	3,108
180	0605154N	CENTER FOR NAVAL ANALYSES	38,590	38,590
183	0605804N	TECHNICAL INFORMATION SERVICES	934	934
184	0605853N	MANAGEMENT, TECHNICAL & INTER- NATIONAL SUPPORT.	93,966	93,966
185	0605856N	STRATEGIC TECHNICAL SUPPORT	3,538	3,538
186	0605863N	RDT&E SHIP AND AIRCRAFT SUPPORT	135,149	135,149
187	0605864N	TEST AND EVALUATION SUPPORT	429,277	429,277
188	0605865N	OPERATIONAL TEST AND EVALUATION CAPA- BILITY.	24,872	24,872
189	0605866N	NAVY SPACE AND ELECTRONIC WARFARE (SEW) SUPPORT.	17,653	17,653
190	0605867N	SEW SURVEILLANCE/RECONNAISSANCE SUP- PORT.	8,065	8,065
191	0605873M	MARINE CORPS PROGRAM WIDE SUPPORT	47,042	44,042
		Wargaming capability project restructured		[–3,000]
192	0605898N	MANAGEMENT HQ—R&D	35,614	35,614
193	0606355N	WARFARE INNOVATION MANAGEMENT	38,958	38,958
194	0305327N	INSIDER THREAT	2,581	2,581
195	0902498N	MANAGEMENT HEADQUARTERS (DEPART- MENTAL SUPPORT ACTIVITIES).	1,747	1,747
		SUBTOTAL MANAGEMENT SUPPORT	998,686	995,686
OPERATIONAL SYSTEMS DEVELOPMENT				
199	0604840M	F–35 C2D2	515,746	515,746
200	0604840N	F–35 C2D2	481,962	481,962
201	0605520M	MARINE CORPS AIR DEFENSE WEAPONS SYS- TEMS (MARFORRES).	65,381	65,381
202	0607658N	COOPERATIVE ENGAGEMENT CAPABILITY (CEC).	176,486	176,486
203	0101221N	STRATEGIC SUB & WEAPONS SYSTEM SUP- PORT.	177,098	198,998
		D5LE2 integration and test early to need		[–2,100]
		Next generation strategic inertial measurement unit		[9,000]
		Strategic weapons system shipboard navigation mod- ernization.		[15,000]
204	0101224N	SSBN SECURITY TECHNOLOGY PROGRAM	45,775	45,775
205	0101226N	SUBMARINE ACOUSTIC WARFARE DEVELOP- MENT.	64,752	64,752
206	0101402N	NAVY STRATEGIC COMMUNICATIONS	35,451	35,451
207	0204136N	F/A–18 SQUADRONS	189,224	196,224
		Program increase—neural network algorithms on advanced processors.		[3,000]
		Program increase—noise reduction research		[4,000]
208	0204228N	SURFACE SUPPORT	13,733	13,733

SEC. 4201. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION (In Thousands of Dollars)				
Line	Program Element	Item	FY 2022 Request	Conference Authorized
209	0204229N	TOMAHAWK AND TOMAHAWK MISSION PLAN- NING CENTER (TMPC).	132,181	132,181
210	0204311N	INTEGRATED SURVEILLANCE SYSTEM	84,276	84,276
211	0204313N	SHIP-TOWED ARRAY SURVEILLANCE SYSTEMS	6,261	6,261
212	0204413N	AMPHIBIOUS TACTICAL SUPPORT UNITS (DIS- PLACEMENT CRAFT).	1,657	1,657
213	0204460M	GROUND/AIR TASK ORIENTED RADAR (G/ATOR) Marine Corps UFR—Air traffic control Block IV de- velopment.	21,367	68,367 [23,000]
		Marine Corps UFR—Radar signal processor refresh		[12,000]
		Marine Corps UFR—Software mods to implement NIFC.		[12,000]
214	0204571N	CONSOLIDATED TRAINING SYSTEMS DEVEL- OPMENT.	56,741	56,741
215	0204575N	ELECTRONIC WARFARE (EW) READINESS SUP- PORT.	62,006	62,006
216	0205601N	ANTI-RADIATION MISSILE IMPROVEMENT	133,520	125,823
		Program decrease		[-7,697]
217	0205620N	SURFACE ASW COMBAT SYSTEM INTEGRA- TION.	28,804	28,804
218	0205632N	MK-48 ADCAP	114,492	114,492
219	0205633N	AVIATION IMPROVEMENTS	132,486	132,486
220	0205675N	OPERATIONAL NUCLEAR POWER SYSTEMS	113,760	113,760
221	0206313M	MARINE CORPS COMMUNICATIONS SYSTEMS .. Compact solid state antenna—USMC UPL	89,897	92,697 [2,800]
222	0206335M	COMMON AVIATION COMMAND AND CONTROL SYSTEM (CAC2S). Marine Corps UFR—Software development for NIFC integration.	9,324	12,824 [3,500]
223	0206623M	MARINE CORPS GROUND COMBAT/SUP- PORTING ARMS SYSTEMS.	108,235	108,235
224	0206624M	MARINE CORPS COMBAT SERVICES SUPPORT ..	13,185	13,185
225	0206625M	USMC INTELLIGENCE/ELECTRONIC WARFARE SYSTEMS (MIP). Marine Corps UFR—G-BOSS High Definition mod- ernization.	37,695	44,295 [3,700]
		Marine Corps UFR—SCINet transition		[2,900]
226	0206629M	AMPHIBIOUS ASSAULT VEHICLE	7,551	7,551
227	0207161N	TACTICAL AIM MISSILES	23,881	23,881
228	0207163N	ADVANCED MEDIUM RANGE AIR-TO-AIR MIS- SILE (AMRAAM).	32,564	32,564
229	0208043N	PLANNING AND DECISION AID SYSTEM (PDAS)	3,101	3,101
234	0303138N	AFLOAT NETWORKS	30,890	35,690
		Navy UFR—Accelerate Naval Tactical Grid Develop- ment for Joint All-Domain Command and Control (JADC2).		[4,800]
235	0303140N	INFORMATION SYSTEMS SECURITY PROGRAM	33,311	33,311
236	0305192N	MILITARY INTELLIGENCE PROGRAM (MIP) AC- TIVITIES.	7,514	7,514
237	0305204N	TACTICAL UNMANNED AERIAL VEHICLES	9,837	9,837
238	0305205N	UAS INTEGRATION AND INTEROPERABILITY ...	9,797	9,797
239	0305208M	DISTRIBUTED COMMON GROUND/SURFACE SYSTEMS.	38,800	38,800
240	0305220N	MQ-4C TRITON	13,029	13,029
241	0305231N	MQ-8 UAV	26,543	26,543
242	0305232M	RQ-11 UAV	533	533
243	0305234N	SMALL (LEVEL 0) TACTICAL UAS (STUASLO)	1,772	1,772
245	0305241N	MULTI-INTELLIGENCE SENSOR DEVELOP- MENT.	59,252	59,252
246	0305242M	UNMANNED AERIAL SYSTEMS (UAS) PAY- LOADS (MIP).	9,274	9,274
247	0305251N	CYBERSPACE OPERATIONS FORCES AND FORCE SUPPORT.	36,378	36,378
248	0305421N	RQ-4 MODERNIZATION	134,323	134,323
249	0307577N	INTELLIGENCE MISSION DATA (IMD)	907	907
250	0308601N	MODELING AND SIMULATION SUPPORT	9,772	9,772
251	0702207N	DEPOT MAINTENANCE (NON-IF)	36,880	41,880

SEC. 4201. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION (In Thousands of Dollars)				
Line	Program Element	Item	FY 2022 Request	Conference Authorized
		CPF—defense industrial skills and technology training.		[5,000]
252	0708730N	MARITIME TECHNOLOGY (MARITECH)	3,329	3,329
999	9999999999	CLASSIFIED PROGRAMS	1,872,586	1,872,586
		SUBTOTAL OPERATIONAL SYSTEMS DEVELOPMENT.	5,313,319	5,404,222
SOFTWARE AND DIGITAL TECHNOLOGY PILOT PROGRAMS UNDISTRIBUTED				
254	0608013N	RISK MANAGEMENT INFORMATION—SOFTWARE PILOT PROGRAM.	13,703	13,703
255	0608113N	NAVY NEXT GENERATION ENTERPRISE NETWORK (NGEN)—SOFTWARE PILOT PROGRAM.	955,151	955,151
256	0608231N	MARITIME TACTICAL COMMAND AND CONTROL (MTC2)—SOFTWARE PILOT PROGRAM.	14,855	14,855
		SUBTOTAL SOFTWARE AND DIGITAL TECHNOLOGY PILOT PROGRAMS.	983,709	983,709
		TOTAL RESEARCH, DEVELOPMENT, TEST & EVAL, NAVY.	22,639,362	23,101,189
RESEARCH, DEVELOPMENT, TEST & EVAL, AF				
BASIC RESEARCH				
001	0601102F	DEFENSE RESEARCH SCIENCES	328,303	347,823
		Program increase—basic research		[19,520]
002	0601103F	UNIVERSITY RESEARCH INITIATIVES	162,403	193,903
		CPF—neural-enabled prosthetics		[1,500]
		University research programs		[30,000]
		SUBTOTAL BASIC RESEARCH	490,706	541,726
APPLIED RESEARCH				
004	0602020F	FUTURE AF CAPABILITIES APPLIED RESEARCH.	79,901	79,901
005	0602102F	MATERIALS	113,460	145,460
		Continuous composites 3D printing		[7,000]
		CPF—affordable multifunctional aerospace composites.		[10,000]
		Digital maintenance advisor		[5,000]
		High energy synchrotron x-ray research		[5,000]
		Maturation of carbon/carbon thermal protection systems.		[5,000]
006	0602201F	AEROSPACE VEHICLE TECHNOLOGIES	163,032	170,532
		Ground test and development of hypersonic engines		[5,000]
		Nano-UAS for the military warfighter		[2,500]
007	0602202F	HUMAN EFFECTIVENESS APPLIED RESEARCH	136,273	136,273
008	0602203F	AEROSPACE PROPULSION	174,683	181,683
		Low-cost small turbine engine research		[7,000]
009	0602204F	AEROSPACE SENSORS	198,918	461,918
		Chip-locking microelectronics security		[6,000]
		Cyber assurance and assessment of electronic hardware systems.		[7,000]
		Microelectronics research network		[250,000]
011	0602298F	SCIENCE AND TECHNOLOGY MANAGEMENT—MAJOR HEADQUARTERS ACTIVITIES.	8,891	8,891
012	0602602F	CONVENTIONAL MUNITIONS	151,757	151,757
013	0602605F	DIRECTED ENERGY TECHNOLOGY	111,052	113,552
		CPF—directed energy research and education for workforce development.		[2,500]
014	0602788F	DOMINANT INFORMATION SCIENCES AND METHODS.	169,110	181,110
		CPF—assessment of a national laboratory for transformational computing.		[2,000]
		Program increase—quantum network testbed		[10,000]
		SUBTOTAL APPLIED RESEARCH	1,307,077	1,631,077

SEC. 4201. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION (In Thousands of Dollars)				
Line	Program Element	Item	FY 2022 Request	Conference Authorized
ADVANCED TECHNOLOGY DEVELOPMENT				
017	0603032F	FUTURE AF INTEGRATED TECHNOLOGY DEMOS.	131,643	187,643
		Procure Valkyrie aircraft		[75,000]
		Program reduction		[-19,000]
018	0603112F	ADVANCED MATERIALS FOR WEAPON SYSTEMS.	31,905	41,905
		Metals affordability research		[10,000]
019	0603199F	SUSTAINMENT SCIENCE AND TECHNOLOGY (S&T).	21,057	21,057
020	0603203F	ADVANCED AEROSPACE SENSORS	45,464	54,764
		Authorization software for autonomous sensors		[9,300]
021	0603211F	AEROSPACE TECHNOLOGY DEV/DEMO	70,486	85,486
		Enhanced capability hypersonic airbreathing testbed		[15,000]
022	0603216F	AEROSPACE PROPULSION AND POWER TECHNOLOGY.	75,273	159,773
		CPF—development of advanced propulsion technologies for hypersonic systems.		[5,000]
		Ground testing of reusable high mach turbine engines.		[20,000]
		Next generation UAS propulsion development		[30,000]
		Reusable high mach turbine engine		[29,500]
023	0603270F	ELECTRONIC COMBAT TECHNOLOGY	46,591	46,591
026	0603456F	HUMAN EFFECTIVENESS ADVANCED TECHNOLOGY DEVELOPMENT.	24,589	24,589
027	0603601F	CONVENTIONAL WEAPONS TECHNOLOGY	157,423	157,423
028	0603605F	ADVANCED WEAPONS TECHNOLOGY	28,258	33,258
		Program increase—LIDAR CUAS automated target recognition.		[5,000]
029	0603680F	MANUFACTURING TECHNOLOGY PROGRAM	45,259	157,259
		Aerospace and defense supply ecosystem		[6,000]
		CPF—additive manufacturing and ultra-high performance concrete.		[5,000]
		Program increase		[70,000]
		Smart manufacturing digital thread initiative		[10,000]
		Sustainment and modernization research and development program.		[7,000]
		Universal robotic controller		[6,000]
		Virtual, augmented, and mixed reality readiness		[8,000]
030	0603788F	BATTLESPACE KNOWLEDGE DEVELOPMENT AND DEMONSTRATION.	56,772	56,772
		SUBTOTAL ADVANCED TECHNOLOGY DEVELOPMENT.	734,720	1,026,520
ADVANCED COMPONENT DEVELOPMENT & PROTOTYPES				
031	0603260F	INTELLIGENCE ADVANCED DEVELOPMENT	5,795	5,795
032	0603742F	COMBAT IDENTIFICATION TECHNOLOGY	21,939	21,939
033	0603790F	NATO RESEARCH AND DEVELOPMENT	4,114	4,114
034	0603851F	INTERCONTINENTAL BALLISTIC MISSILE—DEM/VAL.	49,621	49,621
036	0604001F	NC3 ADVANCED CONCEPTS	6,900	6,900
037	0604002F	AIR FORCE WEATHER SERVICES RESEARCH	986	986
038	0604003F	ADVANCED BATTLE MANAGEMENT SYSTEM (ABMS).	203,849	203,849
039	0604004F	ADVANCED ENGINE DEVELOPMENT	123,712	380,712
		Program increase—AETP		[257,000]
040	0604006F	ARCHITECTURE INITIATIVES	82,438	128,438
		Acceleration of tactical datalink waveform		[80,000]
		Program decrease		[-34,000]
041	0604015F	LONG RANGE STRIKE—BOMBER	2,872,624	2,872,624
042	0604032F	DIRECTED ENERGY PROTOTYPING	10,820	10,820
043	0604033F	HYPERSONICS PROTOTYPING	438,378	438,378
044	0604201F	PNT RESILIENCY, MODS, AND IMPROVEMENTS	39,742	39,742
045	0604257F	ADVANCED TECHNOLOGY AND SENSORS	23,745	23,745
046	0604288F	SURVIVABLE AIRBORNE OPERATIONS CENTER	95,788	95,788
047	0604317F	TECHNOLOGY TRANSFER	15,768	23,268

SEC. 4201. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION (In Thousands of Dollars)				
Line	Program Element	Item	FY 2022 Request	Conference Authorized
		Program increase—academic partnership inter- mediary agreement tech transfer.		[7,500]
048	0604327F	HARD AND DEEPLY BURIED TARGET DEFEAT SYSTEM (HDBTDS) PROGRAM.	15,886	15,886
049	0604414F	CYBER RESILIENCY OF WEAPON SYSTEMS-ACS	71,229	71,229
050	0604776F	DEPLOYMENT & DISTRIBUTION ENTERPRISE R&D.	40,103	40,103
051	0604858F	TECH TRANSITION PROGRAM	343,545	442,545
		Blended wing body prototype phase 1		[15,000]
		C–17 active winglets phase 1		[2,000]
		KC–135 winglets		[2,000]
		NORTHCOM UFR—Proliferated low earth orbit Arc- tic communications.		[80,000]
052	0605230F	GROUND BASED STRATEGIC DETERRENT	2,553,541	2,553,541
054	0207110F	NEXT GENERATION AIR DOMINANCE	1,524,667	1,524,667
055	0207455F	THREE DIMENSIONAL LONG-RANGE RADAR (3DELRR).		50,000
		Build command and control framework		[50,000]
056	0207522F	AIRBASE AIR DEFENSE SYSTEMS (ABADS)	10,905	10,905
057	0208030F	WAR RESERVE MATERIEL—AMMUNITION	3,943	3,943
059	0305236F	COMMON DATA LINK EXECUTIVE AGENT (CDL EA).	43,881	43,881
061	0305601F	MISSION PARTNER ENVIRONMENTS	16,420	16,420
062	0306250F	CYBER OPERATIONS TECHNOLOGY SUPPORT .. Coordination with private sector to protect against foreign malicious cyber actors.	242,499	282,499
		CYBERCOM UFR enhanced attribution transition ...		[25,000]
063	0306415F	ENABLED CYBER ACTIVITIES	16,578	16,578
066	0901410F	CONTRACTING INFORMATION TECHNOLOGY SYSTEM.	20,343	20,343
		SUBTOTAL ADVANCED COMPONENT DEVEL- OPMENT & PROTOTYPES.	8,899,759	9,399,259
		SYSTEM DEVELOPMENT & DEMONSTRATION		
078	0604200F	FUTURE ADVANCED WEAPON ANALYSIS & PROGRAMS.	23,499	23,499
079	0604201F	PNT RESILIENCY, MODS, AND IMPROVEMENTS	167,520	167,520
080	0604222F	NUCLEAR WEAPONS SUPPORT	30,050	30,050
081	0604270F	ELECTRONIC WARFARE DEVELOPMENT	2,110	2,110
082	0604281F	TACTICAL DATA NETWORKS ENTERPRISE	169,836	169,836
083	0604287F	PHYSICAL SECURITY EQUIPMENT	8,469	8,469
085	0604602F	ARMAMENT/ORDNANCE DEVELOPMENT	9,047	9,047
086	0604604F	SUBMUNITIONS	2,954	2,954
087	0604617F	AGILE COMBAT SUPPORT	16,603	16,603
089	0604706F	LIFE SUPPORT SYSTEMS	25,437	25,437
090	0604735F	COMBAT TRAINING RANGES	23,980	34,180
		Air Force combat training ranges		[7,200]
		Gulf test range improvement		[3,000]
092	0604932F	LONG RANGE STANDOFF WEAPON	609,042	609,042
093	0604933F	ICBM FUZE MODERNIZATION	129,709	129,709
095	0605056F	OPEN ARCHITECTURE MANAGEMENT	37,109	37,109
096	0605221F	KC–46	1	1
097	0605223F	ADVANCED PILOT TRAINING	188,898	188,898
098	0605229F	HH–60W	66,355	30,506
		Early to need—capability upgrades and moderniza- tion.		[–35,849]
101	0207171F	F–15 EPAWSS	112,012	112,012
102	0207328F	STAND IN ATTACK WEAPON	166,570	166,570
103	0207701F	FULL COMBAT MISSION TRAINING	7,064	12,064
		Program increase—airborne augmented reality for pilot training.		[5,000]
105	0401221F	KC–46A TANKER SQUADRONS	73,459	67,459
		Underexecution		[–6,000]
107	0401319F	VC–25B	680,665	655,665
		Early to need		[–25,000]
108	0701212F	AUTOMATED TEST SYSTEMS	15,445	15,445

SEC. 4201. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION (In Thousands of Dollars)				
Line	Program Element	Item	FY 2022 Request	Conference Authorized
109	0804772F	TRAINING DEVELOPMENTS	4,482	4,482
		SUBTOTAL SYSTEM DEVELOPMENT & DEMONSTRATION.	2,570,316	2,518,667
		MANAGEMENT SUPPORT		
124	0604256F	THREAT SIMULATOR DEVELOPMENT	41,909	41,909
125	0604759F	MAJOR T&E INVESTMENT	130,766	130,766
126	0605101F	RAND PROJECT AIR FORCE	36,017	36,017
128	0605712F	INITIAL OPERATIONAL TEST & EVALUATION ..	12,582	12,582
129	0605807F	TEST AND EVALUATION SUPPORT	811,032	811,032
131	0605827F	ACQ WORKFORCE- GLOBAL VIG & COMBAT SYS.	243,796	243,796
132	0605828F	ACQ WORKFORCE- GLOBAL REACH	435,930	435,930
133	0605829F	ACQ WORKFORCE- CYBER, NETWORK, & BUS SYS.	435,274	435,274
135	0605831F	ACQ WORKFORCE- CAPABILITY INTEGRATION	243,806	243,806
136	0605832F	ACQ WORKFORCE- ADVANCED PRGM TECH- NOLOGY.	103,041	103,041
137	0605833F	ACQ WORKFORCE- NUCLEAR SYSTEMS	226,055	226,055
138	0605898F	MANAGEMENT HQ—R&D	4,079	4,079
139	0605976F	FACILITIES RESTORATION AND MODERNIZA- TION—TEST AND EVALUATION SUPPORT.	70,788	70,788
140	0605978F	FACILITIES SUSTAINMENT—TEST AND EVAL- UATION SUPPORT.	30,057	30,057
141	0606017F	REQUIREMENTS ANALYSIS AND MATURATION Program decrease	85,799	80,799 [–5,000]
142	0606398F	MANAGEMENT HQ—T&E	6,163	6,163
143	0303166F	SUPPORT TO INFORMATION OPERATIONS (IO) CAPABILITIES.	537	537
144	0303255F	COMMAND, CONTROL, COMMUNICATION, AND COMPUTERS (C4)—STRATCOM. Program increase—NC3 rapid engineering architec- ture collaboration hub.	25,340	35,340 [10,000]
145	0308602F	ENTERPRISE INFORMATION SERVICES (EIS)	28,720	28,720
146	0702806F	ACQUISITION AND MANAGEMENT SUPPORT	37,211	37,211
147	0804731F	GENERAL SKILL TRAINING	1,506	1,506
148	0804772F	TRAINING DEVELOPMENTS	2,957	2,957
150	1001004F	INTERNATIONAL ACTIVITIES	2,420	2,420
156	1206864F	SPACE TEST PROGRAM (STP)	3	3
		SUBTOTAL MANAGEMENT SUPPORT	3,015,788	3,020,788
		OPERATIONAL SYSTEMS DEVELOPMENT		
157	0604233F	SPECIALIZED UNDERGRADUATE FLIGHT TRAINING.	5,509	5,509
158	0604445F	WIDE AREA SURVEILLANCE	2,760	2,760
160	0604840F	F–35 C2D2	985,404	985,404
161	0605018F	AF INTEGRATED PERSONNEL AND PAY SYS- TEM (AF-IPPS).	22,010	22,010
162	0605024F	ANTI-TAMPER TECHNOLOGY EXECUTIVE AGENCY.	51,492	51,492
163	0605117F	FOREIGN MATERIEL ACQUISITION AND EX- PLOITATION.	71,391	71,391
164	0605278F	HC/MC–130 RECAP RDT&E	46,796	46,796
165	0606018F	NC3 INTEGRATION	26,532	26,532
167	0101113F	B–52 SQUADRONS	715,811	660,811 [–55,000]
		CERP rapid prototyping materiel contract delay		
168	0101122F	AIR-LAUNCHED CRUISE MISSILE (ALCM)	453	453
169	0101126F	B–1B SQUADRONS	29,127	29,127
170	0101127F	B–2 SQUADRONS	144,047	144,047
171	0101213F	MINUTEMAN SQUADRONS	113,622	113,622
172	0101316F	WORLDWIDE JOINT STRATEGIC COMMUNICA- TIONS.	15,202	15,202
174	0101328F	ICBM REENTRY VEHICLES	96,313	96,313
176	0102110F	UH–1N REPLACEMENT PROGRAM	16,132	16,132
177	0102326F	REGION/SECTOR OPERATION CONTROL CEN- TER MODERNIZATION PROGRAM.	771	771
178	0102412F	NORTH WARNING SYSTEM (NWS)	99	25,199

SEC. 4201. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION (In Thousands of Dollars)				
Line	Program Element	Item	FY 2022 Request	Conference Authorized
179	0102417F	NORTHCOM UFR—Over the horizon radar		[25,100]
180	0202834F	OVER-THE-HORIZON BACKSCATTER RADAR	42,300	42,300
181	0205219F	VEHICLES AND SUPPORT EQUIPMENT—GEN- ERAL. MQ-9 UAV	5,889	5,889
		Early to need—program protection technology inser- tion.	85,135	84,121
182	0205671F	JOINT COUNTER RCIED ELECTRONIC WAR- FARE.		[–1,014]
183	0207040F	JOINT COUNTER RCIED ELECTRONIC WAR- FARE.	3,111	3,111
184	0207131F	MULTI-PLATFORM ELECTRONIC WARFARE EQUIPMENT.	36,607	36,607
185	0207133F	A-10 SQUADRONS	39,224	39,224
186	0207134F	F-16 SQUADRONS	224,573	224,573
187	0207136F	F-15E SQUADRONS	239,616	239,616
188	0207138F	MANNED DESTRUCTIVE SUPPRESSION	15,855	15,855
189	0207142F	F-22A SQUADRONS	647,296	647,296
190	0207146F	F-35 SQUADRONS	69,365	69,365
191	0207146F	F-15EX	118,126	118,126
192	0207161F	TACTICAL AIM MISSILES	32,974	32,974
193	0207163F	ADVANCED MEDIUM RANGE AIR-TO-AIR MIS- SILE (AMRAAM).	51,288	51,288
194	0207227F	COMBAT RESCUE—PARARESCUE	852	852
195	0207247F	AF TENCAP	23,685	23,685
196	0207249F	PRECISION ATTACK SYSTEMS PROCUREMENT	12,083	12,083
197	0207253F	COMPASS CALL	91,266	91,266
198	0207268F	AIRCRAFT ENGINE COMPONENT IMPROVE- MENT PROGRAM.	103,715	103,715
199	0207325F	JOINT AIR-TO-SURFACE STANDOFF MISSILE (JASSM).	117,325	117,325
200	0207327F	SMALL DIAMETER BOMB (SDB)	27,109	27,109
201	0207410F	AIR & SPACE OPERATIONS CENTER (AOC)	3	3
202	0207412F	CONTROL AND REPORTING CENTER (CRC)	9,875	9,875
203	0207417F	AIRBORNE WARNING AND CONTROL SYSTEM (AWACS).	171,014	171,014
204	0207418F	AFSPECWAR—TACP	4,598	4,598
205	0207431F	COMBAT AIR INTELLIGENCE SYSTEM ACTIVI- TIES.	21,863	21,863
206	0207438F	THEATER BATTLE MANAGEMENT (TBM) C4I	7,905	7,905
207	0207439F	ELECTRONIC WARFARE INTEGRATED RE- PROGRAMMING (EWIR).	15,000	15,000
208	0207444F	TACTICAL AIR CONTROL PARTY-MOD	13,081	13,081
209	0207452F	DCAPES	4,305	4,305
210	0207521F	AIR FORCE CALIBRATION PROGRAMS	1,984	1,984
211	0207522F	AIRBASE AIR DEFENSE SYSTEMS (ABADS)	7,392	7,392
212	0207573F	NATIONAL TECHNICAL NUCLEAR FORENSICS	1,971	1,971
213	0207590F	SEEK EAGLE	30,539	30,539
214	0207601F	USAF MODELING AND SIMULATION	17,110	17,110
215	0207605F	WARGAMING AND SIMULATION CENTERS	7,535	7,535
216	0207610F	BATTLEFIELD ABN COMM NODE (BACN)	32,008	32,008
217	0207697F	DISTRIBUTED TRAINING AND EXERCISES	4,007	4,007
218	0208006F	MISSION PLANNING SYSTEMS	92,557	92,557
219	0208007F	TACTICAL DECEPTION	489	489
220	0208064F	OPERATIONAL HQ—CYBER	2,115	2,115
221	0208087F	DISTRIBUTED CYBER WARFARE OPERATIONS	72,487	72,487
222	0208088F	AF DEFENSIVE CYBERSPACE OPERATIONS	18,449	18,449
223	0208097F	JOINT CYBER COMMAND AND CONTROL (JCC2)	79,079	79,079
224	0208099F	UNIFIED PLATFORM (UP)	101,893	101,893
225	0208288F	INTEL DATA APPLICATIONS	493	493
226	0301025F	GEOBASE	2,782	2,782
227	0301113F	CYBER SECURITY INTELLIGENCE SUPPORT	5,224	5,224
228	0301401F	AIR FORCE SPACE AND CYBER NON-TRADI- TIONAL ISR FOR BATTLESPACE AWARENESS.	2,463	2,463
229	0302015F	E-4B NATIONAL AIRBORNE OPERATIONS CEN- TER (NAOC).	26,331	26,331
230	0303131F	MINIMUM ESSENTIAL EMERGENCY COMMU- NICATIONS NETWORK (MEECN).	58,165	58,165
231	0303140F	INFORMATION SYSTEMS SECURITY PROGRAM	8,032	8,032

SEC. 4201. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION (In Thousands of Dollars)				
Line	Program Element	Item	FY 2022 Request	Conference Authorized
243	0303142F	GLOBAL FORCE MANAGEMENT—DATA INITIA- TIVE.	452	452
244	0303248F	ALL DOMAIN COMMON PLATFORM	64,000	64,000
246	0304260F	AIRBORNE SIGINT ENTERPRISE	97,546	93,546
		Excess carryover—special projects		[–4,000]
247	0304310F	COMMERCIAL ECONOMIC ANALYSIS	3,770	8,770
		CPF—mobilizing civilian expertise for national secu- rity education on geo-economics, and innovation in the era of great power competition.		[5,000]
251	0305020F	CCMD INTELLIGENCE INFORMATION TECH- NOLOGY.	1,663	1,663
252	0305022F	ISR MODERNIZATION & AUTOMATION DVMT (IMAD).	18,888	15,888
		Excess to need		[–3,000]
253	0305099F	GLOBAL AIR TRAFFIC MANAGEMENT (GATM) ..	4,672	4,672
254	0305103F	CYBER SECURITY INITIATIVE	290	290
255	0305111F	WEATHER SERVICE	26,228	36,228
		Program increase—commercial weather data pilot		[10,000]
256	0305114F	AIR TRAFFIC CONTROL, APPROACH, AND LANDING SYSTEM (ATCALs).	8,749	8,749
257	0305116F	AERIAL TARGETS	1,528	126,528
		Unmanned adversary air platforms		[125,000]
260	0305128F	SECURITY AND INVESTIGATIVE ACTIVITIES	223	223
262	0305146F	DEFENSE JOINT COUNTERINTELLIGENCE AC- TIVITIES.	8,733	8,733
264	0305179F	INTEGRATED BROADCAST SERVICE (IBS)	21,335	21,335
265	0305202F	DRAGON U–2	17,146	35,846
		Air Force UFR—Antenna replacement		[18,700]
267	0305206F	AIRBORNE RECONNAISSANCE SYSTEMS	71,791	151,291
		Air Force UFR—ASARS processor and antenna de- velopment.		[67,000]
		Program increase—wide area motion imagery		[12,500]
268	0305207F	MANNED RECONNAISSANCE SYSTEMS	14,799	14,799
269	0305208F	DISTRIBUTED COMMON GROUND/SURFACE SYSTEMS.	24,568	24,568
270	0305220F	RQ–4 UAV	83,124	83,124
271	0305221F	NETWORK-CENTRIC COLLABORATIVE TAR- GETING.	17,224	17,224
272	0305238F	NATO AGS	19,473	19,473
273	0305240F	SUPPORT TO DCGS ENTERPRISE	40,421	40,421
274	0305600F	INTERNATIONAL INTELLIGENCE TECH- NOLOGY AND ARCHITECTURES.	14,473	14,473
275	0305881F	RAPID CYBER ACQUISITION	4,326	4,326
276	0305984F	PERSONNEL RECOVERY COMMAND & CTRL (PRC2).	2,567	2,567
277	0307577F	INTELLIGENCE MISSION DATA (IMD)	6,169	6,169
278	0401115F	C–130 AIRLIFT SQUADRON	9,752	9,752
279	0401119F	C–5 AIRLIFT SQUADRONS (IF)	17,507	17,507
280	0401130F	C–17 AIRCRAFT (IF)	16,360	16,360
281	0401132F	C–130J PROGRAM	14,112	14,112
282	0401134F	LARGE AIRCRAFT IR COUNTERMEASURES (LAIRCM).	5,540	5,540
283	0401218F	KC–135S	3,564	3,564
285	0401318F	CV–22	17,189	17,189
286	0408011F	SPECIAL TACTICS / COMBAT CONTROL	6,640	6,640
288	0708055F	MAINTENANCE, REPAIR & OVERHAUL SYSTEM	26,921	26,921
289	0708610F	LOGISTICS INFORMATION TECHNOLOGY (LOGIT).	7,071	7,071
291	0804743F	OTHER FLIGHT TRAINING	1,999	1,999
293	0901202F	JOINT PERSONNEL RECOVERY AGENCY	1,841	1,841
294	0901218F	CIVILIAN COMPENSATION PROGRAM	3,560	3,560
295	0901220F	PERSONNEL ADMINISTRATION	3,368	3,368
296	0901226F	AIR FORCE STUDIES AND ANALYSIS AGENCY ..	1,248	1,248
297	0901538F	FINANCIAL MANAGEMENT INFORMATION SYS- TEMS DEVELOPMENT.	4,852	4,852
301	1202140F	SERVICE SUPPORT TO SPACECOM ACTIVITIES	6,737	6,737
999	999999999	CLASSIFIED PROGRAMS	15,868,973	15,868,973

SEC. 4201. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION (In Thousands of Dollars)				
Line	Program Element	Item	FY 2022 Request	Conference Authorized
		SUBTOTAL OPERATIONAL SYSTEMS DEVELOPMENT.	21,743,006	21,943,292
		SOFTWARE AND DIGITAL TECHNOLOGY PILOT PROGRAMS		
317	0608158F	STRATEGIC MISSION PLANNING AND EXECUTION SYSTEM—SOFTWARE PILOT PROGRAM.	96,100	96,100
318	0608410F	AIR & SPACE OPERATIONS CENTER (AOC)—SOFTWARE PILOT PROGRAM.	186,918	186,918
319	0608920F	DEFENSE ENTERPRISE ACCOUNTING AND MANAGEMENT SYSTEM (DEAMS)—SOFTWARE PILOT PRO.	135,263	135,263
		SUBTOTAL SOFTWARE AND DIGITAL TECHNOLOGY PILOT PROGRAMS.	418,281	418,281
		TOTAL RESEARCH, DEVELOPMENT, TEST & EVAL, AF.	39,179,653	40,499,610
		RDTE, SPACE FORCE APPLIED RESEARCH		
001	1206601SF	SPACE TECHNOLOGY	181,209	201,709
		Battery cycle life improvements		[3,000]
		Program increase—hybrid space architecture		[5,000]
		Program increase—radiation hardened micro-processor.		[5,000]
		Program increase—university consortia for space technology.		[7,500]
		SUBTOTAL APPLIED RESEARCH	181,209	201,709
		ADVANCED TECHNOLOGY DEVELOPMENT		
002	1206616SF	SPACE ADVANCED TECHNOLOGY DEVELOPMENT/DEMO.	75,919	136,919
		Space Force UFR—accelerate cislunar flight experiment.		[61,000]
		SUBTOTAL ADVANCED TECHNOLOGY DEVELOPMENT.	75,919	136,919
		ADVANCED COMPONENT DEVELOPMENT & PROTOTYPES		
003	1203164SF	NAVSTAR GLOBAL POSITIONING SYSTEM (USER EQUIPMENT) (SPACE).	434,194	434,194
004	1203710SF	EO/IR WEATHER SYSTEMS	162,274	162,274
005	1203905SF	SPACE SYSTEM SUPPORT	37,000	37,000
006	1206422SF	WEATHER SYSTEM FOLLOW-ON	61,521	61,521
007	1206425SF	SPACE SITUATION AWARENESS SYSTEMS	123,262	130,262
		Space Force UFR—Maui optical site		[7,000]
008	1206427SF	SPACE SYSTEMS PROTOTYPE TRANSITIONS (SSPT).	101,851	129,851
		Space Force UFR—Expand Blackjack radio frequency payloads.		[28,000]
009	1206438SF	SPACE CONTROL TECHNOLOGY	32,931	32,931
010	1206730SF	SPACE SECURITY AND DEFENSE PROGRAM	56,546	71,546
		Program increase		[15,000]
011	1206760SF	PROTECTED TACTICAL ENTERPRISE SERVICE (PTES).	100,320	100,320
012	1206761SF	PROTECTED TACTICAL SERVICE (PTS)	243,285	243,285
013	1206855SF	EVOLVED STRATEGIC SATCOM (ESS)	160,056	160,056
014	1206857SF	SPACE RAPID CAPABILITIES OFFICE	66,193	66,193
		SUBTOTAL ADVANCED COMPONENT DEVELOPMENT & PROTOTYPES.	1,579,433	1,629,433
		SYSTEM DEVELOPMENT & DEMONSTRATION		
015	1203269SF	GPS III FOLLOW-ON (GPS IIIF)	264,265	264,265
016	1203940SF	SPACE SITUATION AWARENESS OPERATIONS ..	56,279	56,279
017	1206421SF	COUNTERSPACE SYSTEMS	38,063	38,063
018	1206422SF	WEATHER SYSTEM FOLLOW-ON	1,438	1,438

SEC. 4201. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION (In Thousands of Dollars)				
Line	Program Element	Item	FY 2022 Request	Conference Authorized
019	1206425SF	SPACE SITUATION AWARENESS SYSTEMS Space Force UFR—Add space domain rapid innova- tion pathfinders.	127,026	136,026 [9,000]
020	1206431SF	ADVANCED EHF MILSATCOM (SPACE)	28,218	28,218
021	1206432SF	POLAR MILSATCOM (SPACE)	127,870	127,870
022	1206442SF	NEXT GENERATION OPIR	2,451,256	2,451,256
023	1206445SF	COMMERCIAL SATCOM (COMSATCOM) INTE- GRATION.	23,400	23,400
024	1206853SF	NATIONAL SECURITY SPACE LAUNCH PRO- GRAM (SPACE)—EMD. Maintain competition for Ph3—DOD unique require- ments. Space Force UFR—Liquid oxygen explosive tests	221,510	280,710 [50,000] [9,200]
		SUBTOTAL SYSTEM DEVELOPMENT & DEM- ONSTRATION.	3,339,325	3,407,525
		MANAGEMENT SUPPORT		
025	1206116SF	SPACE TEST AND TRAINING RANGE DEVELOP- MENT. Space Force UFR—signal emulation generation sub- system.	19,319	52,619 [33,300]
026	1206392SF	ACQ WORKFORCE—SPACE & MISSILE SYS- TEMS.	214,051	214,051
027	1206398SF	SPACE & MISSILE SYSTEMS CENTER—MHA	12,119	12,119
028	1206759SF	MAJOR T&E INVESTMENT—SPACE	71,503	71,503
029	1206860SF	ROCKET SYSTEMS LAUNCH PROGRAM (SPACE) CPF—small rocket program	17,769	21,769 [4,000]
030	1206862SF	TACTICALLY RESPONSIVE LAUNCH		50,000
		Program increase		[50,000]
031	1206864SF	SPACE TEST PROGRAM (STP)	20,881	20,881
		SUBTOTAL MANAGEMENT SUPPORT	355,642	442,942
		OPERATIONAL SYSTEM DEVELOPMENT		
033	1201017SF	GLOBAL SENSOR INTEGRATED ON NETWORK (GSIN).	4,731	4,731
034	1203001SF	FAMILY OF ADVANCED BLOS TERMINALS (FAB-T).	156,788	156,788
035	1203040SF	DCO-SPACE	2,150	2,150
036	1203109SF	NARROWBAND SATELLITE COMMUNICATIONS	112,012	112,012
037	1203110SF	SATELLITE CONTROL NETWORK (SPACE)	36,810	36,810
038	1203165SF	NAVSTAR GLOBAL POSITIONING SYSTEM (SPACE AND CONTROL SEGMENTS).	1,966	1,966
039	1203173SF	SPACE AND MISSILE TEST AND EVALUATION CENTER. Space Force UFR—Improve operations of payload adapter.	1,699	5,699 [4,000]
040	1203174SF	SPACE INNOVATION, INTEGRATION AND RAPID TECHNOLOGY DEVELOPMENT. Space Force UFR—Digital core services for distrib- uted space test and training.	18,054	33,354 [15,300]
041	1203182SF	SPACELIFT RANGE SYSTEM (SPACE)	11,115	23,115 [7,000]
		CPF—tactically responsive launch/deployable space- port. Program increase		[5,000]
042	1203265SF	GPS III SPACE SEGMENT	7,207	7,207
043	1203330SF	SPACE SUPERIORITY ISR	18,109	18,109
044	1203620SF	NATIONAL SPACE DEFENSE CENTER	1,280	1,280
045	1203873SF	BALLISTIC MISSILE DEFENSE RADARS	12,292	12,292
046	1203906SF	NCMC—TW/AA SYSTEM	9,858	9,858
047	1203913SF	NUDET DETECTION SYSTEM (SPACE)	45,887	45,887
048	1203940SF	SPACE SITUATION AWARENESS OPERATIONS ..	64,763	64,763
049	1206423SF	GLOBAL POSITIONING SYSTEM III—OPER- ATIONAL CONTROL SEGMENT.	413,766	413,766
053	1206770SF	ENTERPRISE GROUND SERVICES	191,713	191,713
999	9999999999	CLASSIFIED PROGRAMS	4,474,809	4,680,009
		Space Force UFR—classified		[205,200]

SEC. 4201. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION (In Thousands of Dollars)				
Line	Program Element	Item	FY 2022 Request	Conference Authorized
		SUBTOTAL OPERATIONAL SYSTEM DEVELOPMENT.	5,585,009	5,821,509
		SOFTWARE & DIGITAL TECHNOLOGY PILOT PROGRAMS		
		UNDISTRIBUTED		
054	1203614SF	JSPOC MISSION SYSTEM	154,529	154,529
		SUBTOTAL SOFTWARE & DIGITAL TECHNOLOGY PILOT PROGRAMS.	154,529	154,529
		TOTAL RDTE, SPACE FORCE	11,271,066	11,794,566
		RESEARCH, DEVELOPMENT, TEST & EVAL, DW		
		BASIC RESEARCH		
001	0601000BR	DTRA BASIC RESEARCH	11,828	12,705
		Program increase		[877]
002	0601101E	DEFENSE RESEARCH SCIENCES	395,781	454,281
		Adversary Influence Operations (IO)—detection, modeling, mitigation.		[5,000]
		Artificial Intelligence (AI)—trustworthy, human integrated, robust.		[5,000]
		Biotechnology for challenging environments		[7,000]
		CPF—novel analytical and empirical approaches to the prediction and monitoring of disease transmission.		[1,500]
		High assurance software systems—resilient, adaptable, trustworthy.		[5,000]
		Increase for DARPA-funded university research activities.		[15,000]
		Program increase—ERI 2.0		[20,000]
003	0601108D8Z	HIGH ENERGY LASER RESEARCH INITIATIVES	15,390	15,390
004	0601110D8Z	BASIC RESEARCH INITIATIVES	39,828	77,061
		Consortium to study irregular warfare		[8,000]
		CPF—Florida Memorial University Department of Natural Sciences STEM equipment.		[400]
		CPF—SOUTHCOM Enhanced Domain Awareness (EDA) initiative.		[1,300]
		DEPSCoR		[10,000]
		Minerva management and social science research		[13,000]
		Program increase		[4,533]
005	0601117E	BASIC OPERATIONAL MEDICAL RESEARCH SCIENCE.	76,018	86,018
		Assessing immune memory		[5,000]
		Traumatic brain injury research		[5,000]
006	0601120D8Z	NATIONAL DEFENSE EDUCATION PROGRAM	112,195	132,195
		Civics education		[2,000]
		CPF—Florida Memorial Avionics Smart Scholars		[1,000]
		SMART scholarships for AI related education		[13,000]
		SMART scholarships program increase		[4,000]
007	0601228D8Z	HISTORICALLY BLACK COLLEGES AND UNIVERSITIES/MINORITY INSTITUTIONS.	31,136	73,247
		CPF—augmenting quantum sensing research, education, and training in DOD COE at DSU.		[1,111]
		CPF—HBCU training for the future of aerospace		[1,000]
		Program increase		[40,000]
008	0601384BP	CHEMICAL AND BIOLOGICAL DEFENSE PROGRAM.	34,708	37,208
		Program increase—chemically resistant, high-performance military cordage, rope, and webbing.		[2,500]
		SUBTOTAL BASIC RESEARCH	716,884	888,105
		APPLIED RESEARCH		
009	0602000D8Z	JOINT MUNITIONS TECHNOLOGY	19,591	19,591
010	0602115E	BIOMEDICAL TECHNOLOGY	108,698	118,698
		Bridging the gap after spinal cord injury		[5,000]

SEC. 4201. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION (In Thousands of Dollars)				
Line	Program Element	Item	FY 2022 Request	Conference Authorized
		Non-invasive neurotechnology rehabilitation take home trials.		[5,000]
012	0602230D8Z	DEFENSE TECHNOLOGY INNOVATION	22,918	82,918
		6G and beyond experimentation efforts		[50,000]
		Artificial intelligence (AI)—trustworthy, human integrated, robust.		[10,000]
013	0602234D8Z	LINCOLN LABORATORY RESEARCH PROGRAM	55,692	55,692
014	0602251D8Z	APPLIED RESEARCH FOR THE ADVANCEMENT OF S&T PRIORITIES.	65,015	115,015
		AI research and development		[50,000]
015	0602303E	INFORMATION & COMMUNICATIONS TECHNOLOGY.	430,363	745,363
		National Security Commission on Artificial Intelligence implementation.		[200,000]
		Program increase—AI, cyber, and data analytics		[15,000]
		Quantum computing acceleration		[100,000]
016	0602383E	BIOLOGICAL WARFARE DEFENSE	31,421	31,421
017	0602384BP	CHEMICAL AND BIOLOGICAL DEFENSE PROGRAM.	206,956	213,456
		Biodetection system for joint force infrastructure protection.		[6,500]
018	0602668D8Z	CYBER SECURITY RESEARCH	15,380	35,380
		AI-enabled cyber defense acceleration study		[10,000]
		Program increase		[10,000]
019	0602702E	TACTICAL TECHNOLOGY	202,515	249,515
		MADFIRES		[30,000]
		Program increase—AI, cyber and data analytics		[17,000]
020	0602715E	MATERIALS AND BIOLOGICAL TECHNOLOGY ...	317,024	378,624
		Adaptive immunomodulation-based therapeutics (ElectRx).		[4,600]
		Agile chemical manufacturing technologies (ACMT)		[20,000]
		Bioengineered electronics and electromagnetic devices (Bio-INC).		[6,000]
		Bioremediation of battlefields		[7,000]
		Maritime materials technologies (M2T)		[5,000]
		Materiel protection through biologics		[5,000]
		Neuroprotection from brain injury		[9,000]
		Regenerative engineering for complex tissue regeneration & limb reconstruction.		[5,000]
021	0602716E	ELECTRONICS TECHNOLOGY	357,384	393,384
		Program increase—ERI 2.0		[36,000]
022	0602718BR	COUNTER WEAPONS OF MASS DESTRUCTION APPLIED RESEARCH.	197,011	197,011
023	0602751D8Z	SOFTWARE ENGINEERING INSTITUTE (SEI) APPLIED RESEARCH.	9,601	9,601
024	0602890D8Z	HIGH ENERGY LASER RESEARCH	45,997	115,997
		Directed energy innovation—improved beam control		[50,000]
		Joint Directed Energy Transition Office		[20,000]
025	1160401BB	SOF TECHNOLOGY DEVELOPMENT	44,829	48,829
		Program increase—sustained human performance and resilience.		[4,000]
		SUBTOTAL APPLIED RESEARCH	2,130,395	2,810,495
		ADVANCED TECHNOLOGY DEVELOPMENT		
026	0603000D8Z	JOINT MUNITIONS ADVANCED TECHNOLOGY ..	23,213	23,213
027	0603121D8Z	SO/LIC ADVANCED DEVELOPMENT	4,665	4,665
028	0603122D8Z	COMBATING TERRORISM TECHNOLOGY SUPPORT.	69,376	69,376
029	0603133D8Z	FOREIGN COMPARATIVE TESTING	25,432	25,432
031	0603160BR	COUNTER WEAPONS OF MASS DESTRUCTION ADVANCED TECHNOLOGY DEVELOPMENT.	399,362	404,362
		Reduced order models		[5,000]
032	0603176C	ADVANCED CONCEPTS AND PERFORMANCE ASSESSMENT.	15,800	29,700
		BATMAA BMDS advanced technology		[8,700]
		MDA UFR—Cybersecurity improvements		[5,200]
033	0603180C	ADVANCED RESEARCH	21,466	26,466

SEC. 4201. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION (In Thousands of Dollars)				
Line	Program Element	Item	FY 2022 Request	Conference Authorized
		Program increase—high speed flight experiment testing.		[5,000]
034	0603183D8Z	JOINT HYPERSONIC TECHNOLOGY DEVELOPMENT & TRANSITION.	51,340	51,340
035	0603225D8Z	JOINT DOD-DOE MUNITIONS TECHNOLOGY DEVELOPMENT.	19,063	19,063
036	0603286E	ADVANCED AEROSPACE SYSTEMS	174,043	256,043
		Glide breaker		[20,000]
		Hypersonic Air-Breathing Weapon Concept (HAWC) OpFires		[37,000]
		Tactical Boost Glide (TBG)		[10,000]
		SPACE PROGRAMS AND TECHNOLOGY		[15,000]
037	0603287E	Blackjack critical risk reduction	101,524	186,524
		Blackjack schedule assurance		[25,000]
		Robotic Servicing of Geosynchronous Satellites (RSGS).		[30,000]
038	0603288D8Z	ANALYTIC ASSESSMENTS	24,012	24,012
039	0603289D8Z	ADVANCED INNOVATIVE ANALYSIS AND CONCEPTS.	51,513	51,513
042	0603338D8Z	DEFENSE MODERNIZATION AND PROTOTYPING.	115,443	193,443
		Defense critical supply chain documentation and monitoring.		[3,000]
		Rapid Innovation Program		[75,000]
043	0603342D8Z	DEFENSE INNOVATION UNIT (DIU)	31,873	31,873
044	0603375D8Z	TECHNOLOGY INNOVATION	54,433	54,433
045	0603384BP	CHEMICAL AND BIOLOGICAL DEFENSE PROGRAM—ADVANCED DEVELOPMENT.	197,824	197,824
046	0603527D8Z	RETRACT LARCH	99,175	99,175
047	0603618D8Z	JOINT ELECTRONIC ADVANCED TECHNOLOGY	18,221	18,221
048	0603648D8Z	JOINT CAPABILITY TECHNOLOGY DEMONSTRATIONS.	102,669	102,669
049	0603662D8Z	NETWORKED COMMUNICATIONS CAPABILITIES.	2,984	2,984
050	0603680D8Z	DEFENSE-WIDE MANUFACTURING SCIENCE AND TECHNOLOGY PROGRAM.	134,022	380,322
		Additive manufacturing training		[5,000]
		Biotechnology innovation—enabling modular and scalable bioindustrial and reusable assets.		[200,000]
		Certification-based workforce training programs for manufacturing.		[3,000]
		CPF—cold spray and rapid deposition lab		[1,300]
		Cybersecurity for industrial control systems		[3,000]
		Data analytics and visual system		[3,000]
		HPC-enabled advanced manufacturing		[8,000]
		Hypersonics advanced manufacturing		[10,000]
		Integrated silicon-based lasers		[10,000]
		Virtual reality-enabled smart installation experimentation.		[3,000]
051	0603680S	MANUFACTURING TECHNOLOGY PROGRAM	37,543	47,543
		Program increase—steel performance initiative		[10,000]
053	0603712S	GENERIC LOGISTICS R&D TECHNOLOGY DEMONSTRATIONS.	12,418	12,418
054	0603716D8Z	STRATEGIC ENVIRONMENTAL RESEARCH PROGRAM.	51,863	81,863
		Program increase—AFFF replacement, disposal, and cleanup technology.		[15,000]
		Program increase—PFAS remediation and disposal technology.		[15,000]
055	0603720S	MICROELECTRONICS TECHNOLOGY DEVELOPMENT AND SUPPORT.	160,821	160,821
056	0603727D8Z	JOINT WARFIGHTING PROGRAM	2,169	2,169
057	0603739E	ADVANCED ELECTRONICS TECHNOLOGIES	116,716	140,716
		Program increase—ERI 2.0		[24,000]
058	0603760E	COMMAND, CONTROL AND COMMUNICATIONS SYSTEMS.	251,794	295,394
		Classified increase		[21,000]

SEC. 4201. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION (In Thousands of Dollars)				
Line	Program Element	Item	FY 2022 Request	Conference Authorized
		Deep water active sonar		[15,000]
		Network UP		[5,000]
		SHARE alignment with OTNK research		[1,100]
		SHARE ICN performance enhancements for operational use.		[1,500]
059	0603766E	NETWORK-CENTRIC WARFARE TECHNOLOGY ..	584,771	779,246
		Air combat evolution (ACE)		[8,200]
		Artificial intelligence research activities		[100,000]
		Assault breaker II		[50,000]
		Classified increase		[20,400]
		Ocean of things		[875]
		Ocean of things phase 3 demonstration		[10,000]
		Timely information for maritime engagements (TIMEly).		[5,000]
060	0603767E	SENSOR TECHNOLOGY	294,792	367,392
		Classified increase		[27,800]
		SECTRE munitions digital twin for in theater/flight target additions and performance improvements.		[4,400]
		Systems of systems-enhanced small units (SESU)		[4,400]
		Thermal imaging technology experiment-recon (TITE-R).		[36,000]
061	0603769D8Z	DISTRIBUTED LEARNING ADVANCED TECHNOLOGY DEVELOPMENT.	6,398	9,198
		Systems of systems-enhanced small units (SESU)		[2,800]
062	0603781D8Z	SOFTWARE ENGINEERING INSTITUTE	14,677	14,977
		CODE enhancements for SESU		[300]
065	0603924D8Z	HIGH ENERGY LASER ADVANCED TECHNOLOGY PROGRAM.	107,397	107,397
066	0603941D8Z	TEST & EVALUATION SCIENCE & TECHNOLOGY.	267,161	267,161
067	0603950D8Z	NATIONAL SECURITY INNOVATION NETWORK	21,270	31,270
		Program increase		[10,000]
068	0604055D8Z	OPERATIONAL ENERGY CAPABILITY IMPROVEMENT.	74,300	74,300
070	0303310D8Z	CWMD SYSTEMS		5,000
		Data storage capabilities for special operations forces.		[5,000]
074	1160402BB	SOF ADVANCED TECHNOLOGY DEVELOPMENT	93,415	98,415
		SOF platform agnostic data storage capability		[5,000]
075	1206310SDA	SPACE SCIENCE AND TECHNOLOGY RESEARCH AND DEVELOPMENT.	172,638	172,638
		SUBTOTAL ADVANCED TECHNOLOGY DEVELOPMENT.	4,007,596	4,920,571
		ADVANCED COMPONENT DEVELOPMENT & PROTOTYPES		
076	0603161D8Z	NUCLEAR AND CONVENTIONAL PHYSICAL SECURITY EQUIPMENT RDT&E ADC&P.	28,687	28,687
077	0603600D8Z	WALKOFF	108,652	108,652
078	0603821D8Z	ACQUISITION ENTERPRISE DATA & INFORMATION SERVICES.		5,000
		CDO for ADA		[5,000]
079	0603851D8Z	ENVIRONMENTAL SECURITY TECHNICAL CERTIFICATION PROGRAM.	71,429	89,429
		Military energy resilience catalyst		[3,000]
		Program increase—AFFF replacement, disposal, and cleanup technology.		[5,000]
		Program increase—PFAS remediation and disposal technology.		[10,000]
080	0603881C	BALLISTIC MISSILE DEFENSE TERMINAL DEFENSE SEGMENT.	277,949	213,382
		Unjustified request, lacking acquisition strategy—LHD.		[-64,567]
081	0603882C	BALLISTIC MISSILE DEFENSE MIDCOURSE DEFENSE SEGMENT.	745,144	740,144

SEC. 4201. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION (In Thousands of Dollars)				
Line	Program Element	Item	FY 2022 Request	Conference Authorized
		Unjustified growth—ground support and fire control LHD lack of validated requirement and acquisition strategy.		[–5,000]
082	0603884BP	CHEMICAL AND BIOLOGICAL DEFENSE PRO- GRAM—DEM/VAL.	129,445	129,445
083	0603884C	BALLISTIC MISSILE DEFENSE SENSORS	224,750	227,762
		MDA UFR—Cybersecurity improvements		[3,012]
084	0603890C	BMD ENABLING PROGRAMS	595,301	631,881
		MDA UFR—Cybersecurity improvements		[44,830]
		Unjustified growth—LHD lack of validated require- ment and acquisition strategy.		[–8,250]
085	0603891C	SPECIAL PROGRAMS—MDA	413,374	413,374
086	0603892C	AEGIS BMD	732,512	694,418
		Layered homeland defense lack of requirement		[–86,494]
		MDA UFR—Radar upgrades		[48,400]
087	0603896C	BALLISTIC MISSILE DEFENSE COMMAND AND CONTROL, BATTLE MANAGEMENT AND COMMUNICATI.	603,448	587,424
		MDA UFR—Cybersecurity improvements		[2,000]
		MDA UFR—JADC2 integration		[4,476]
		Unjustified growth—LHD lack of validated require- ment and acquisition strategy.		[–22,500]
088	0603898C	BALLISTIC MISSILE DEFENSE JOINT WARFIGHTER SUPPORT.	50,594	50,594
089	0603904C	MISSILE DEFENSE INTEGRATION & OPER- ATIONS CENTER (MDIOC).	52,403	52,403
090	0603906C	REGARDING TRENCH	11,952	11,952
091	0603907C	SEA BASED X-BAND RADAR (SBX)	147,241	147,241
092	0603913C	ISRAELI COOPERATIVE PROGRAMS	300,000	300,000
093	0603914C	BALLISTIC MISSILE DEFENSE TEST	362,906	362,906
094	0603915C	BALLISTIC MISSILE DEFENSE TARGETS	553,334	568,784
		Advanced target front end configuration 3 tech mat- uration.		[5,000]
		Architecture RTS development		[10,000]
		MDS architecture IAC prototype		[5,000]
		Unjustified growth—LHD lack of validated require- ment and acquisition strategy.		[–4,550]
096	0603923D8Z	COALITION WARFARE	5,103	5,103
097	0604011D8Z	NEXT GENERATION INFORMATION COMMU- NICATIONS TECHNOLOGY (5G).	374,665	474,665
		5G acceleration activities		[100,000]
098	0604016D8Z	DEPARTMENT OF DEFENSE CORROSION PRO- GRAM.	3,259	3,259
099	0604102C	GUAM DEFENSE DEVELOPMENT	78,300	138,300
		INDOPACOM UFR—Guam Defense System		[60,000]
100	0604115C	TECHNOLOGY MATURATION INITIATIVES		34,000
		Program increase—diode pumped alkali laser		[14,000]
		Short pulse laser directed energy demonstration		[20,000]
103	0604181C	HYPERSONIC DEFENSE	247,931	309,796
		MDA UFR—Accelerate hypersonic defensive systems		[61,865]
104	0604250D8Z	ADVANCED INNOVATIVE TECHNOLOGIES	716,456	831,456
		Mission-based acquisition		[100,000]
		Program increase—mobile nuclear microreactor		[15,000]
105	0604294D8Z	TRUSTED & ASSURED MICROELECTRONICS	509,195	548,995
		Advanced analog & mixed signal microelectronics design and manufacturing.		[6,800]
		Radiation-hardened application specific integrated circuits.		[18,000]
		Trusted and assured GaN and GaAs RFIC tech- nology.		[15,000]
106	0604331D8Z	RAPID PROTOTYPING PROGRAM	103,575	182,575
		ADA network resiliency/cloud		[79,000]
107	0604341D8Z	DEFENSE INNOVATION UNIT (DIU) PROTO- TYPING.	11,213	26,213
		National security innovation capital program in- crease.		[15,000]

SEC. 4201. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION (In Thousands of Dollars)				
Line	Program Element	Item	FY 2022 Request	Conference Authorized
108	0604400D8Z	DEPARTMENT OF DEFENSE (DOD) UNMANNED SYSTEM COMMON DEVELOPMENT.	2,778	2,778
109	0604551BR	CATAPULT	7,166	7,166
110	0604555D8Z	OPERATIONAL ENERGY CAPABILITY IMPROVE- MENT—NON S&T.	23,200	23,200
111	0604672C	HOMELAND DEFENSE RADAR—HAWAII (HDR- H).		75,000
		INDOPACOM UFR—Restoration of HDR-H		[75,000]
113	0604682D8Z	WARGAMING AND SUPPORT FOR STRATEGIC ANALYSIS (SSA).	3,519	3,519
114	0604826J	JOINT C5 CAPABILITY DEVELOPMENT, INTE- GRATION AND INTEROPERABILITY ASSESS- MENTS.	17,439	17,439
115	0604873C	LONG RANGE DISCRIMINATION RADAR (LRDR)	133,335	133,335
116	0604874C	IMPROVED HOMELAND DEFENSE INTERCEP- TORS.	926,125	926,125
117	0604876C	BALLISTIC MISSILE DEFENSE TERMINAL DE- FENSE SEGMENT TEST.	32,697	32,697
118	0604878C	AEGIS BMD TEST	117,055	111,255
		Unjustified growth—AEGIS LHD test funding early to need.		[–5,800]
119	0604879C	BALLISTIC MISSILE DEFENSE SENSOR TEST	77,428	77,428
120	0604880C	LAND-BASED SM–3 (LBSM3)	43,158	43,158
121	0604887C	BALLISTIC MISSILE DEFENSE MIDCOURSE SEGMENT TEST.	61,424	61,424
122	0202057C	SAFETY PROGRAM MANAGEMENT	2,323	2,323
123	0300206R	ENTERPRISE INFORMATION TECHNOLOGY SYSTEMS.	2,568	2,568
125	0305103C	CYBER SECURITY INITIATIVE	1,142	1,142
126	1206410SDA	SPACE TECHNOLOGY DEVELOPMENT AND PROTOTYPING.	636,179	648,179
		Laser communication terminal technologies		[6,000]
		Space laser communications		[6,000]
127	1206893C	SPACE TRACKING & SURVEILLANCE SYSTEM ..	15,176	15,176
128	1206895C	BALLISTIC MISSILE DEFENSE SYSTEM SPACE PROGRAMS.	292,811	292,811
		SUBTOTAL ADVANCED COMPONENT DEVEL- OPMENT & PROTOTYPES.	9,854,341	10,394,563
		SYSTEM DEVELOPMENT & DEMONSTRA- TION		
129	0604161D8Z	NUCLEAR AND CONVENTIONAL PHYSICAL SE- CURITY EQUIPMENT RDT&E SDD.	5,682	5,682
131	0604384BP	CHEMICAL AND BIOLOGICAL DEFENSE PRO- GRAM—EMD.	299,848	299,848
132	0604771D8Z	JOINT TACTICAL INFORMATION DISTRIBU- TION SYSTEM (JTIDS).	9,345	9,345
133	0605000BR	COUNTER WEAPONS OF MASS DESTRUCTION SYSTEMS DEVELOPMENT.	14,063	14,063
134	0605013BL	INFORMATION TECHNOLOGY DEVELOPMENT	4,265	4,265
135	0605021SE	HOMELAND PERSONNEL SECURITY INITIA- TIVE.	7,205	7,205
136	0605022D8Z	DEFENSE EXPORTABILITY PROGRAM	5,447	5,447
137	0605027D8Z	OUSD(C) IT DEVELOPMENT INITIATIVES	16,892	34,892
		ADVANA for ADA		[18,000]
138	0605070S	DOD ENTERPRISE SYSTEMS DEVELOPMENT AND DEMONSTRATION.	679	679
140	0605080S	DEFENSE AGENCY INITIATIVES (DAI)—FINAN- CIAL SYSTEM.	32,254	32,254
142	0605141BR	MISSION ASSURANCE RISK MANAGEMENT SYSTEM (MARMS).	5,500	5,500
143	0605210D8Z	DEFENSE-WIDE ELECTRONIC PROCUREMENT CAPABILITIES.	7,148	7,148
144	0605294D8Z	TRUSTED & ASSURED MICROELECTRONICS	113,895	113,895
146	0605772D8Z	NUCLEAR COMMAND, CONTROL, & COMMU- NICATIONS.	3,991	3,991

SEC. 4201. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION (In Thousands of Dollars)				
Line	Program Element	Item	FY 2022 Request	Conference Authorized
149	0305304D8Z	DOD ENTERPRISE ENERGY INFORMATION MANAGEMENT (EEIM).	2,227	2,227
150	0305310D8Z	CWMD SYSTEMS: SYSTEM DEVELOPMENT AND DEMONSTRATION.	20,246	20,246
		SUBTOTAL SYSTEM DEVELOPMENT & DEM- ONSTRATION.	548,687	566,687
		MANAGEMENT SUPPORT		
151	0603829J	JOINT CAPABILITY EXPERIMENTATION	8,444	8,444
152	0604774D8Z	DEFENSE READINESS REPORTING SYSTEM (DRRS).	7,508	7,508
153	0604875D8Z	JOINT SYSTEMS ARCHITECTURE DEVELOP- MENT.	7,859	7,859
154	0604940D8Z	CENTRAL TEST AND EVALUATION INVEST- MENT DEVELOPMENT (CTEIP).	550,140	550,140
155	0604942D8Z	ASSESSMENTS AND EVALUATIONS	17,980	17,980
156	0605001E	MISSION SUPPORT	73,145	73,145
157	0605100D8Z	JOINT MISSION ENVIRONMENT TEST CAPA- BILITY (JMETC).	71,410	71,410
159	0605126J	JOINT INTEGRATED AIR AND MISSILE DE- FENSE ORGANIZATION (JIAMDO).	52,671	52,671
161	0605142D8Z	SYSTEMS ENGINEERING	40,030	40,030
162	0605151D8Z	STUDIES AND ANALYSIS SUPPORT—OSD	4,612	4,612
163	0605161D8Z	NUCLEAR MATTERS-PHYSICAL SECURITY	14,429	14,429
164	0605170D8Z	SUPPORT TO NETWORKS AND INFORMATION INTEGRATION.	4,759	4,759
165	0605200D8Z	GENERAL SUPPORT TO USD (INTELLIGENCE) ..	1,952	1,952
166	0605384BP	CHEMICAL AND BIOLOGICAL DEFENSE PRO- GRAM.	110,503	110,503
172	0605790D8Z	SMALL BUSINESS INNOVATION RESEARCH (SBIR)/ SMALL BUSINESS TECHNOLOGY TRANSFER.	3,639	3,639
173	0605797D8Z	MAINTAINING TECHNOLOGY ADVANTAGE	25,889	63,889
		Regional secure computing enclave pilot		[38,000]
174	0605798D8Z	DEFENSE TECHNOLOGY ANALYSIS	39,774	257,774
		ISR & information operations		[10,000]
		PNT modernization—signals of opportunity		[140,000]
		Spectrum innovation—low SWaP-C directional sources.		[68,000]
175	0605801KA	DEFENSE TECHNICAL INFORMATION CENTER (DTIC).	61,453	61,453
176	0605803SE	R&D IN SUPPORT OF DOD ENLISTMENT, TEST- ING AND EVALUATION.	18,762	18,762
177	0605804D8Z	DEVELOPMENT TEST AND EVALUATION	27,366	27,366
178	0605898E	MANAGEMENT HQ—R&D	12,740	12,740
179	0605998KA	MANAGEMENT HQ—DEFENSE TECHNICAL IN- FORMATION CENTER (DTIC).	3,549	3,549
180	0606100D8Z	BUDGET AND PROGRAM ASSESSMENTS	15,438	15,438
181	0606225D8Z	ODNA TECHNOLOGY AND RESOURCE ANAL- YSIS.	2,897	2,897
182	0606589D8W	DEFENSE DIGITAL SERVICE (DDS) DEVELOP- MENT SUPPORT.	918	918
183	0606771D8Z	CYBER RESILIENCY AND CYBERSECURITY POLICY.	31,638	31,638
184	0203345D8Z	DEFENSE OPERATIONS SECURITY INITIATIVE (DOSI).	2,925	2,925
185	0204571J	JOINT STAFF ANALYTICAL SUPPORT	977	977
186	0208045K	C4I INTEROPERABILITY	55,361	60,361
		Joint warfighting network architecture		[5,000]
189	0303140SE	INFORMATION SYSTEMS SECURITY PROGRAM	853	853
191	0303260D8Z	DEFENSE MILITARY DECEPTION PROGRAM OFFICE (DMDPO).	969	969
192	0305172K	COMBINED ADVANCED APPLICATIONS	15,696	15,696
194	0305208K	DISTRIBUTED COMMON GROUND/SURFACE SYSTEMS.	3,073	3,073
197	0804768J	COCOM EXERCISE ENGAGEMENT AND TRAIN- ING TRANSFORMATION (CE2T2)—NON-MHA.	29,530	29,530

SEC. 4201. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION (In Thousands of Dollars)				
Line	Program Element	Item	FY 2022 Request	Conference Authorized
198	0808709SE	DEFENSE EQUAL OPPORTUNITY MANAGE- MENT INSTITUTE (DEOMI).	689	689
199	0901598C	MANAGEMENT HQ—MDA	24,102	24,102
200	0903235K	JOINT SERVICE PROVIDER (JSP)	2,645	2,645
999	9999999999	CLASSIFIED PROGRAMS	37,520	37,520
		SUBTOTAL MANAGEMENT SUPPORT	1,383,845	1,644,845
OPERATIONAL SYSTEMS DEVELOPMENT				
202	0604130V	ENTERPRISE SECURITY SYSTEM (ESS)	5,355	5,355
203	0604532K	JOINT ARTIFICIAL INTELLIGENCE	10,033	67,833
		JAIC for ADA		[57,800]
206	0607210D8Z	INDUSTRIAL BASE ANALYSIS AND SUSTAINMENT SUPPORT.	58,189	149,689
		Accelerated training in defense manufacturing (ATDM) pilot.		[10,000]
		Carbon/carbon industrial base enhancement		[6,000]
		Demonstration program on domestic production of rare earth elements from coal byproducts.		[3,000]
		Digital manufacturing		[1,500]
		Directed energy supply chain assurance		[2,000]
		Industrial skills training		[2,500]
		Machine and advanced manufacturing—IACMI		[20,000]
		Program increase		[20,000]
		Radar resiliency		[2,500]
		Rare earth element separation technologies		[4,000]
		Submarine construction workforce training pipeline		[20,000]
207	0607310D8Z	CWMD SYSTEMS: OPERATIONAL SYSTEMS DE- VELOPMENT.	18,721	18,721
208	0607327T	GLOBAL THEATER SECURITY COOPERATION MANAGEMENT INFORMATION SYSTEMS (G- TSCMIS).	7,398	7,398
209	0607384BP	CHEMICAL AND BIOLOGICAL DEFENSE (OPER- ATIONAL SYSTEMS DEVELOPMENT).	58,261	58,261
215	0302019K	DEFENSE INFO INFRASTRUCTURE ENGINEER- ING AND INTEGRATION.	16,233	16,233
216	0303126K	LONG-HAUL COMMUNICATIONS—DCS	10,275	10,275
217	0303131K	MINIMUM ESSENTIAL EMERGENCY COMMU- NICATIONS NETWORK (MEECN).	4,892	4,892
218	0303136G	KEY MANAGEMENT INFRASTRUCTURE (KMI) ...	83,751	83,751
219	0303140D8Z	INFORMATION SYSTEMS SECURITY PROGRAM Workforce transformation cyber initiative pilot pro- gram.	49,191	69,191
				[20,000]
220	0303140G	INFORMATION SYSTEMS SECURITY PROGRAM Additional cybersecurity support for the defense in- dustrial base.	423,745	535,845
				[25,000]
		Hardening DOD networks		[12,100]
		JFHQ DODIN staffing and tools		[50,000]
		Pilot program on public-private partnership with internet ecosystem companies.		[25,000]
221	0303140K	INFORMATION SYSTEMS SECURITY PROGRAM	5,707	5,707
222	0303150K	GLOBAL COMMAND AND CONTROL SYSTEM	4,150	4,150
223	0303153K	DEFENSE SPECTRUM ORGANIZATION	19,302	19,302
224	0303228K	JOINT REGIONAL SECURITY STACKS (JRSS)	9,342	9,342
226	0303430V	FEDERAL INVESTIGATIVE SERVICES INFOR- MATION TECHNOLOGY.	15,326	15,326
232	0305128V	SECURITY AND INVESTIGATIVE ACTIVITIES	8,800	8,800
235	0305146V	DEFENSE JOINT COUNTERINTELLIGENCE AC- TIVITIES.	3,820	3,820
237	0305186D8Z	POLICY R&D PROGRAMS	4,843	4,843
238	0305199D8Z	NET CENTRICITY	13,471	13,471
240	0305208BB	DISTRIBUTED COMMON GROUND/SURFACE SYSTEMS.	5,994	5,994
247	0305387D8Z	HOMELAND DEFENSE TECHNOLOGY TRANS- FER PROGRAM.	1,273	1,273
255	0708012K	LOGISTICS SUPPORT ACTIVITIES	1,690	1,690
256	0708012S	PACIFIC DISASTER CENTERS	1,799	1,799

SEC. 4201. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION (In Thousands of Dollars)					
Line	Program Element	Item	FY 2022 Request	Conference Authorized	
257	0708047S	DEFENSE PROPERTY ACCOUNTABILITY SYS- TEM.	6,390	6,390	
259	1105219BB	MQ-9 UAV	19,065	19,065	
261	1160403BB	AVIATION SYSTEMS	173,537	173,537	
262	1160405BB	INTELLIGENCE SYSTEMS DEVELOPMENT	32,766	32,766	
263	1160408BB	OPERATIONAL ENHANCEMENTS	145,830	167,230	
		Program increase—AISUM		[21,400]	
264	1160431BB	WARRIOR SYSTEMS	78,592	82,803	
		SOCOM UFR—Maritime scalable effects accelera- tion.		[4,211]	
265	1160432BB	SPECIAL PROGRAMS	6,486	6,486	
266	1160434BB	UNMANNED ISR	18,006	18,006	
267	1160480BB	SOF TACTICAL VEHICLES	7,703	7,703	
268	1160483BB	MARITIME SYSTEMS	58,430	58,430	
270	1160490BB	OPERATIONAL ENHANCEMENTS INTEL- LIGENCE.	10,990	10,990	
999	9999999999	CLASSIFIED PROGRAMS	5,208,029	5,208,029	
		SUBTOTAL OPERATIONAL SYSTEMS DEVELOP- MENT.	6,607,385	6,914,396	
SOFTWARE AND DIGITAL TECHNOLOGY PILOT PROGRAMS UNDISTRIBUTED					
272	0604532K	JOINT ARTIFICIAL INTELLIGENCE	186,639	186,639	
273	0608197V	NATIONAL BACKGROUND INVESTIGATION SERVICES—SOFTWARE PILOT PROGRAM.	123,570	123,570	
274	0608648D8Z	ACQUISITION VISIBILITY—SOFTWARE PILOT PROGRAM.	18,307	18,307	
275	0303150K	GLOBAL COMMAND AND CONTROL SYSTEM	32,774	32,774	
276	0308588D8Z	ALGORITHMIC WARFARE CROSS FUNCTIONAL TEAMS—SOFTWARE PILOT PROGRAM.	247,452	283,452	
		MAVEN for ADA		[36,000]	
		SUBTOTAL SOFTWARE AND DIGITAL TECH- NOLOGY PILOT PROGRAMS.	608,742	644,742	
		SUBTOTAL UNDISTRIBUTED		36,000	
		TOTAL RESEARCH, DEVELOPMENT, TEST & EVAL, DW.	25,857,875	28,784,404	
OPERATIONAL TEST & EVAL, DEFENSE MANAGEMENT SUPPORT					
001	0605118OTE	OPERATIONAL TEST AND EVALUATION	105,394	105,394	
002	0605131OTE	LIVE FIRE TEST AND EVALUATION	68,549	68,549	
003	0605814OTE	OPERATIONAL TEST ACTIVITIES AND ANAL- YSES.	42,648	62,648	
		Joint Test and Evaluation restoration		[20,000]	
		SUBTOTAL MANAGEMENT SUPPORT	216,591	236,591	
		TOTAL OPERATIONAL TEST & EVAL, DE- FENSE.	216,591	236,591	
		TOTAL RDT&E	111,964,192	117,729,317	

TITLE XLIII—OPERATION AND MAINTENANCE

SEC. 4301. OPERATION AND MAINTENANCE.

SEC. 4301. OPERATION AND MAINTENANCE (In Thousands of Dollars)			
Line	Item	FY 2022 Request	Conference Authorized
OPERATION & MAINTENANCE, ARMY			
OPERATING FORCES			
010	MANEUVER UNITS	3,563,856	3,528,856
	Unjustified growth		[–35,000]
020	MODULAR SUPPORT BRIGADES	142,082	142,082
030	ECHELONS ABOVE BRIGADE	758,174	758,174
040	THEATER LEVEL ASSETS	2,753,783	2,653,783
	Unjustified growth		[–100,000]
050	LAND FORCES OPERATIONS SUPPORT	1,110,156	1,110,156
060	AVIATION ASSETS	1,795,522	1,775,522
	Unjustified growth		[–20,000]
070	FORCE READINESS OPERATIONS SUPPORT	7,442,976	7,652,631
	Advanced bomb suit		[12,940]
	Army UFR—Arctic cold weather gloves		[13,867]
	Army UFR—Arctic OCIE		[65,050]
	Army UFR—ECWCS procurement		[8,999]
	Army UFR—Female/small stature body armor		[81,750]
	Army UFR—Garrison Installation Facilities-Related Control Systems (FRCS)		[13,071]
	Army UFR—Heavylift transportation for OIR		[33,854]
	Army UFR—Industrial base special installation con- trol systems		[14,824]
	CENTCOM UFR—Heavylift logistics		[40,300]
	Unjustified growth		[–75,000]
080	LAND FORCES SYSTEMS READINESS	580,921	594,921
	CENTCOM UFR—COMSAT air time		[34,000]
	Unjustified growth		[–20,000]
090	LAND FORCES DEPOT MAINTENANCE	1,257,959	1,346,976
	Army UFR—Tactical Combat Vehicle Repair Cycle Float		[89,017]
100	MEDICAL READINESS	1,102,964	1,102,964
110	BASE OPERATIONS SUPPORT	8,878,603	8,868,603
	Program decrease		[–10,000]
120	FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION	4,051,869	4,534,869
	Program increase—FSRM		[483,000]
130	MANAGEMENT AND OPERATIONAL HEAD- QUARTERS	289,891	289,891
140	ADDITIONAL ACTIVITIES	526,517	526,517
160	RESET	397,196	392,196
	Unjustified growth		[–5,000]
170	US AFRICA COMMAND	384,791	518,337
	AFRICOM UFR—Commercial SATCOM		[16,500]
	AFRICOM UFR—ISR improvements		[67,000]
	Army UFR—MQ–9 COCO Support to AFRICOM		[50,046]
180	US EUROPEAN COMMAND	293,932	335,910
	EUCOM UFR—Information Operations		[26,765]
	EUCOM UFR—Mission Partner Environment		[15,213]
190	US SOUTHERN COMMAND	196,726	196,726
200	US FORCES KOREA	67,052	67,052
210	CYBERSPACE ACTIVITIES—CYBERSPACE OPER- ATIONS	621,836	654,751

SEC. 4301. OPERATION AND MAINTENANCE (In Thousands of Dollars)			
Line	Item	FY 2022 Request	Conference Authorized
	Army UFR—Critical infrastructure risk management cyber resiliency mitigations		[13,630]
	Army UFR—MRCT / Cyber I&W / Ops Cell		[4,655]
	Army UFR—Security Operations Center as a Service (SOCaaS)		[14,630]
220	CYBERSPACE ACTIVITIES—CYBERSECURITY	629,437	726,176
	Army UFR—C-SCRM supplier vetting and equipment inspection		[1,200]
	Army UFR—Cybersecurity control systems assess- ments		[89,889]
	Army UFR—Cyber-Supply Chain Risk Mgmt (C- SCRM) program		[2,750]
	Army UFR—Defensive cyber sensors		[2,900]
	SUBTOTAL OPERATING FORCES	36,846,243	37,777,093
MOBILIZATION			
230	STRATEGIC MOBILITY	353,967	353,967
240	ARMY PREPOSITIONED STOCKS	381,192	381,192
250	INDUSTRIAL PREPAREDNESS	3,810	3,810
	SUBTOTAL MOBILIZATION	738,969	738,969
TRAINING AND RECRUITING			
260	OFFICER ACQUISITION	163,568	163,568
270	RECRUIT TRAINING	75,140	75,140
280	ONE STATION UNIT TRAINING	81,274	81,274
290	SENIOR RESERVE OFFICERS TRAINING CORPS ..	520,973	520,973
300	SPECIALIZED SKILL TRAINING	998,869	998,869
310	FLIGHT TRAINING	1,309,556	1,309,556
320	PROFESSIONAL DEVELOPMENT EDUCATION	218,651	218,651
330	TRAINING SUPPORT	616,380	629,480
	Army UFR—ATRRS Modernization		[18,100]
	Unjustified growth		[–5,000]
340	RECRUITING AND ADVERTISING	683,569	684,963
	Army UFR—Enterprise Technology Integration, Gov- ernance, and Engineering Requirements (ETIGER)		[1,394]
350	EXAMINING	169,442	169,442
360	OFF-DUTY AND VOLUNTARY EDUCATION	214,923	231,078
	Army UFR—Tuition assistance		[16,155]
370	CIVILIAN EDUCATION AND TRAINING	220,589	220,589
380	JUNIOR RESERVE OFFICER TRAINING CORPS	187,569	187,569
	SUBTOTAL TRAINING AND RECRUITING	5,460,503	5,491,152
ADMIN & SRVWIDE ACTIVITIES			
400	SERVICEWIDE TRANSPORTATION	684,562	672,562
	Unjustified growth		[–12,000]
410	CENTRAL SUPPLY ACTIVITIES	808,895	808,895
420	LOGISTIC SUPPORT ACTIVITIES	767,053	796,157
	Army UFR—AMC LiTeS		[29,104]
430	AMMUNITION MANAGEMENT	469,038	469,038
440	ADMINISTRATION	488,535	484,535
	Unjustified growth		[–4,000]
450	SERVICEWIDE COMMUNICATIONS	1,952,742	2,007,462
	Army UFR—CHRA IT Cloud		[5,300]
	Army UFR—ERP convergence/modernization		[49,420]
460	MANPOWER MANAGEMENT	323,273	323,273
470	OTHER PERSONNEL SUPPORT	663,602	694,670
	Army UFR—Enterprise Technology Integration, Gov- ernance, and Engineering Requirements (ETIGER)		[1,393]
	Army UFR—HR cloud and IT modernization		[29,675]

SEC. 4301. OPERATION AND MAINTENANCE (In Thousands of Dollars)			
Line	Item	FY 2022 Request	Conference Authorized
480	OTHER SERVICE SUPPORT	2,004,981	2,031,364
	Program increase—DFAS unfunded requirement		[49,983]
	Unjustified growth		[–23,600]
490	ARMY CLAIMS ACTIVITIES	180,178	180,178
500	REAL ESTATE MANAGEMENT	269,009	272,509
	Program increase—real estate inventory tool		[3,500]
510	FINANCIAL MANAGEMENT AND AUDIT READI- NESS	437,940	437,940
520	INTERNATIONAL MILITARY HEADQUARTERS	482,571	482,571
530	MISC. SUPPORT OF OTHER NATIONS	29,670	29,670
9999	CLASSIFIED PROGRAMS	2,008,633	2,026,633
	SOUTHCOM UFR—Additional traditional ISR oper- ations		[18,000]
	SUBTOTAL ADMIN & SRVWIDE ACTIVITIES	11,570,682	11,717,457
	UNDISTRIBUTED		
998	UNDISTRIBUTED		–125,000
	Historical unobligated balances		[–125,000]
	SUBTOTAL UNDISTRIBUTED		–125,000
	TOTAL OPERATION & MAINTENANCE, ARMY	54,616,397	55,599,671
	OPERATION & MAINTENANCE, ARMY RES OPERATING FORCES		
010	MODULAR SUPPORT BRIGADES	10,465	10,465
020	ECHELONS ABOVE BRIGADE	554,992	554,992
030	THEATER LEVEL ASSETS	120,892	120,892
040	LAND FORCES OPERATIONS SUPPORT	597,718	597,718
050	AVIATION ASSETS	111,095	111,095
060	FORCE READINESS OPERATIONS SUPPORT	385,506	385,506
070	LAND FORCES SYSTEMS READINESS	98,021	98,021
080	LAND FORCES DEPOT MAINTENANCE	34,368	34,368
090	BASE OPERATIONS SUPPORT	584,513	584,513
100	FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION	342,433	342,433
110	MANAGEMENT AND OPERATIONAL HEAD- QUARTERS	22,472	22,472
120	CYBERSPACE ACTIVITIES—CYBERSPACE OPER- ATIONS	2,764	2,764
130	CYBERSPACE ACTIVITIES—CYBERSECURITY	7,476	7,476
	SUBTOTAL OPERATING FORCES	2,872,715	2,872,715
	ADMIN & SRVWD ACTIVITIES		
140	SERVICEWIDE TRANSPORTATION	15,400	15,400
150	ADMINISTRATION	19,611	19,611
160	SERVICEWIDE COMMUNICATIONS	37,458	37,458
170	MANPOWER MANAGEMENT	7,162	7,162
180	RECRUITING AND ADVERTISING	48,289	48,289
	SUBTOTAL ADMIN & SRVWD ACTIVITIES	127,920	127,920
	UNDISTRIBUTED		
998	UNDISTRIBUTED		–10,000
	Historical unobligated balances		[–10,000]
	SUBTOTAL UNDISTRIBUTED		–10,000
	TOTAL OPERATION & MAINTENANCE, ARMY RES	3,000,635	2,990,635
	OPERATION & MAINTENANCE, ARNG		

SEC. 4301. OPERATION AND MAINTENANCE (In Thousands of Dollars)			
Line	Item	FY 2022 Request	Conference Authorized
OPERATING FORCES			
010	MANEUVER UNITS	799,854	799,854
020	MODULAR SUPPORT BRIGADES	211,561	211,561
030	ECHELONS ABOVE BRIGADE	835,709	835,709
040	THEATER LEVEL ASSETS	101,179	101,179
050	LAND FORCES OPERATIONS SUPPORT	34,436	34,436
060	AVIATION ASSETS	1,110,416	1,100,416
	Unjustified growth		[–10,000]
070	FORCE READINESS OPERATIONS SUPPORT	704,827	709,927
	CNGB UFR—Weapons of Mass Destruction Civil Support Teams Equipment Sustainment		[5,100]
080	LAND FORCES SYSTEMS READINESS	47,886	47,886
090	LAND FORCES DEPOT MAINTENANCE	244,439	244,439
100	BASE OPERATIONS SUPPORT	1,097,960	1,097,960
110	FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION	956,988	956,988
120	MANAGEMENT AND OPERATIONAL HEADQUARTERS	1,047,870	1,047,870
130	CYBERSPACE ACTIVITIES—CYBERSPACE OPERATIONS	8,071	8,071
140	CYBERSPACE ACTIVITIES—CYBERSECURITY	7,828	7,828
	SUBTOTAL OPERATING FORCES	7,209,024	7,204,124
ADMIN & SRVWD ACTIVITIES			
150	SERVICEWIDE TRANSPORTATION	8,017	8,017
160	ADMINISTRATION	76,993	81,993
	Program increase—State Partnership Program		[5,000]
170	SERVICEWIDE COMMUNICATIONS	101,113	101,113
180	MANPOWER MANAGEMENT	8,920	8,920
190	OTHER PERSONNEL SUPPORT	240,292	240,292
200	REAL ESTATE MANAGEMENT	2,850	2,850
	SUBTOTAL ADMIN & SRVWD ACTIVITIES	438,185	443,185
UNDISTRIBUTED			
998	UNDISTRIBUTED		–40,000
	Historical unobligated balances		[–40,000]
	SUBTOTAL UNDISTRIBUTED		–40,000
	TOTAL OPERATION & MAINTENANCE, ARNG	7,647,209	7,607,309
AFGHANISTAN SECURITY FORCES FUND			
AFGHAN NATIONAL ARMY			
010	SUSTAINMENT	1,053,668	0
	Program reduction		[–1,053,668]
020	INFRASTRUCTURE	1,818	0
	Program reduction		[–1,818]
030	EQUIPMENT AND TRANSPORTATION	22,911	0
	Program reduction		[–22,911]
040	TRAINING AND OPERATIONS	31,837	0
	Program reduction		[–31,837]
	SUBTOTAL AFGHAN NATIONAL ARMY	1,110,234	0
AFGHAN NATIONAL POLICE			
050	SUSTAINMENT	440,628	0
	Program reduction		[–440,628]
070	EQUIPMENT AND TRANSPORTATION	38,551	0
	Program reduction		[–38,551]
080	TRAINING AND OPERATIONS	38,152	0
	Program reduction		[–38,152]

SEC. 4301. OPERATION AND MAINTENANCE (In Thousands of Dollars)			
Line	Item	FY 2022 Request	Conference Authorized
	SUBTOTAL AFGHAN NATIONAL POLICE	517,331	0
	AFGHAN AIR FORCE		
090	SUSTAINMENT	562,056	0
	Program reduction		[–562,056]
110	EQUIPMENT AND TRANSPORTATION	26,600	0
	Program reduction		[–26,600]
120	TRAINING AND OPERATIONS	169,684	0
	Program reduction		[–169,684]
	SUBTOTAL AFGHAN AIR FORCE	758,340	0
	AFGHAN SPECIAL SECURITY FORCES		
130	SUSTAINMENT	685,176	0
	Program reduction		[–685,176]
150	EQUIPMENT AND TRANSPORTATION	78,962	0
	Program reduction		[–78,962]
160	TRAINING AND OPERATIONS	177,767	0
	Program reduction		[–177,767]
	SUBTOTAL AFGHAN SPECIAL SECURITY FORCES	941,905	0
	TOTAL AFGHANISTAN SECURITY FORCES FUND	3,327,810	0
	COUNTER ISIS TRAIN AND EQUIP FUND (CTEF)		
	COUNTER ISIS TRAIN AND EQUIP FUND (CTEF)		
010	IRAQ	345,000	345,000
020	SYRIA	177,000	177,000
	SUBTOTAL COUNTER ISIS TRAIN AND EQUIP FUND (CTEF)	522,000	522,000
	TOTAL COUNTER ISIS TRAIN AND EQUIP FUND (CTEF)	522,000	522,000
	OPERATION & MAINTENANCE, NAVY OPERATING FORCES		
010	MISSION AND OTHER FLIGHT OPERATIONS	6,264,654	6,545,054
	Navy UFR—Flying hour program - fleet operations		[280,400]
020	FLEET AIR TRAINING	2,465,007	2,465,007
030	AVIATION TECHNICAL DATA & ENGINEERING SERVICES	55,140	55,140
040	AIR OPERATIONS AND SAFETY SUPPORT	197,904	197,904
050	AIR SYSTEMS SUPPORT	1,005,932	1,005,932
060	AIRCRAFT DEPOT MAINTENANCE	1,675,356	1,897,556
	Navy UFR—Additional aircraft depot maintenance events		[222,200]
070	AIRCRAFT DEPOT OPERATIONS SUPPORT	65,518	65,518
080	AVIATION LOGISTICS	1,460,546	1,460,546
090	MISSION AND OTHER SHIP OPERATIONS	5,858,028	5,893,028
	Navy UFR—Resilient Communications and PNT for Combat Logistics Fleet (CLF)		[29,000]
	Navy UFR—Submarine Tender Overhaul		[42,000]
	Unjustified growth		[–36,000]
100	SHIP OPERATIONS SUPPORT & TRAINING	1,154,696	1,154,696
110	SHIP DEPOT MAINTENANCE	10,300,078	10,514,878
	Navy UFR—A–120 availability		[39,800]
	Retained cruisers		[135,000]

SEC. 4301. OPERATION AND MAINTENANCE (In Thousands of Dollars)			
Line	Item	FY 2022 Request	Conference Authorized
	USS Connecticut emergent repairs		[40,000]
120	SHIP DEPOT OPERATIONS SUPPORT	2,188,454	2,188,454
130	COMBAT COMMUNICATIONS AND ELECTRONIC WARFARE	1,551,846	1,551,846
140	SPACE SYSTEMS AND SURVEILLANCE	327,251	327,251
150	WARFARE TACTICS	798,082	798,082
160	OPERATIONAL METEOROLOGY AND OCEANOGRAPHY	447,486	447,486
170	COMBAT SUPPORT FORCES	2,250,756	2,282,856
	CENTCOM UFR—Naval patrol craft support		[47,100]
	Unjustified growth		[–15,000]
180	EQUIPMENT MAINTENANCE AND DEPOT OPERATIONS SUPPORT	192,968	192,968
190	COMBATANT COMMANDERS CORE OPERATIONS	61,614	61,614
200	COMBATANT COMMANDERS DIRECT MISSION SUPPORT	198,596	445,596
	INDOPACOM UFR—Critical HQ manpower positions		[4,620]
	INDOPACOM UFR—ISR augmentation		[41,000]
	INDOPACOM UFR—Multi-Domain Training and Experimentation Capability		[59,410]
	Program increase—INDOPACOM Future fusion centers		[3,300]
	Program increase—INDOPACOM Mission Partner Environment		[50,170]
	Program increase—INDOPACOM Pacific Movement Coordination Center		[500]
	Program increase—INDOPACOM Wargaming analytical tools		[88,000]
210	MILITARY INFORMATION SUPPORT OPERATIONS	8,984	36,984
	Program increase—INDOPACOM Military Information Support Operations		[28,000]
220	CYBERSPACE ACTIVITIES	565,926	560,926
	Identity, credentialing, and access management reduction		[–5,000]
230	FLEET BALLISTIC MISSILE	1,476,247	1,476,247
240	WEAPONS MAINTENANCE	1,538,743	1,513,743
	Historical underexecution		[–25,000]
250	OTHER WEAPON SYSTEMS SUPPORT	592,357	592,357
260	ENTERPRISE INFORMATION	734,970	690,970
	Unjustified growth		[–44,000]
270	SUSTAINMENT, RESTORATION AND MODERNIZATION	2,961,937	3,511,937
	Program increase—FSRM		[550,000]
280	BASE OPERATING SUPPORT	4,826,314	4,816,314
	Program decrease		[–10,000]
	SUBTOTAL OPERATING FORCES	51,225,390	52,750,890
MOBILIZATION			
290	SHIP PREPOSITIONING AND SURGE	457,015	457,015
300	READY RESERVE FORCE	645,522	645,522
310	SHIP ACTIVATIONS/INACTIVATIONS	353,530	349,030
	Historical underexecution		[–4,500]
320	EXPEDITIONARY HEALTH SERVICES SYSTEMS ..	149,384	149,384
330	COAST GUARD SUPPORT	20,639	20,639
	SUBTOTAL MOBILIZATION	1,626,090	1,621,590
TRAINING AND RECRUITING			
340	OFFICER ACQUISITION	172,913	172,913

SEC. 4301. OPERATION AND MAINTENANCE (In Thousands of Dollars)			
Line	Item	FY 2022 Request	Conference Authorized
350	RECRUIT TRAINING	13,813	13,813
360	RESERVE OFFICERS TRAINING CORPS	167,152	167,152
370	SPECIALIZED SKILL TRAINING	1,053,104	1,053,104
380	PROFESSIONAL DEVELOPMENT EDUCATION	311,209	311,209
390	TRAINING SUPPORT	306,302	306,302
400	RECRUITING AND ADVERTISING	205,219	205,219
410	OFF-DUTY AND VOLUNTARY EDUCATION	79,053	79,053
420	CIVILIAN EDUCATION AND TRAINING	109,754	109,754
430	JUNIOR ROTC	57,323	57,323
	SUBTOTAL TRAINING AND RECRUITING	2,475,842	2,475,842
	ADMIN & SRVWD ACTIVITIES		
440	ADMINISTRATION	1,268,961	1,290,961
	Program increase—Naval Audit Service		[25,000]
	Unjustified growth		[–3,000]
450	CIVILIAN MANPOWER AND PERSONNEL MAN- AGEMENT	212,952	212,952
460	MILITARY MANPOWER AND PERSONNEL MAN- AGEMENT	562,546	562,546
470	MEDICAL ACTIVITIES	285,436	285,436
480	SERVICEWIDE TRANSPORTATION	217,782	217,782
500	PLANNING, ENGINEERING, AND PROGRAM SUP- PORT	479,480	479,480
510	ACQUISITION, LOGISTICS, AND OVERSIGHT	741,045	741,045
520	INVESTIGATIVE AND SECURITY SERVICES	738,187	736,687
	Unjustified growth		[–1,500]
9999	CLASSIFIED PROGRAMS	607,517	603,477
	Classified adjustment		[–4,040]
	SUBTOTAL ADMIN & SRVWD ACTIVITIES	5,113,906	5,130,366
	UNDISTRIBUTED		
998	UNDISTRIBUTED		–58,000
	Historical unobligated balances		[–58,000]
	SUBTOTAL UNDISTRIBUTED		–58,000
	TOTAL OPERATION & MAINTENANCE, NAVY ..	60,441,228	61,920,688
	OPERATION & MAINTENANCE, MARINE CORPS		
	OPERATING FORCES		
010	OPERATIONAL FORCES	1,587,456	1,632,756
	Marine Corps UFR—Plate Carrier Gen III		[45,300]
020	FIELD LOGISTICS	1,532,630	1,527,630
	Unjustified growth		[–5,000]
030	DEPOT MAINTENANCE	215,949	215,949
040	MARITIME PREPOSITIONING	107,969	107,969
050	CYBERSPACE ACTIVITIES	233,486	233,486
060	SUSTAINMENT, RESTORATION & MODERNIZA- TION	1,221,117	1,354,117
	Program increase—FSRM		[133,000]
070	BASE OPERATING SUPPORT	2,563,278	2,560,278
	Unjustified growth		[–3,000]
	SUBTOTAL OPERATING FORCES	7,461,885	7,632,185
	TRAINING AND RECRUITING		
080	RECRUIT TRAINING	24,729	24,729
090	OFFICER ACQUISITION	1,208	1,208
100	SPECIALIZED SKILL TRAINING	110,752	110,752
110	PROFESSIONAL DEVELOPMENT EDUCATION	61,539	61,539

SEC. 4301. OPERATION AND MAINTENANCE (In Thousands of Dollars)			
Line	Item	FY 2022 Request	Conference Authorized
120	TRAINING SUPPORT	490,975	490,975
130	RECRUITING AND ADVERTISING	223,643	223,643
140	OFF-DUTY AND VOLUNTARY EDUCATION	49,369	49,369
150	JUNIOR ROTC	26,065	26,065
	SUBTOTAL TRAINING AND RECRUITING	988,280	988,280
	ADMIN & SRVWD ACTIVITIES		
160	SERVICEWIDE TRANSPORTATION	100,475	100,475
170	ADMINISTRATION	410,729	410,729
9999	CLASSIFIED PROGRAMS	63,422	63,422
	SUBTOTAL ADMIN & SRVWD ACTIVITIES	574,626	574,626
	UNDISTRIBUTED		
998	UNDISTRIBUTED		–10,000
	Historical unobligated balances		[–10,000]
	SUBTOTAL UNDISTRIBUTED		–10,000
	TOTAL OPERATION & MAINTENANCE, MA- RINE CORPS	9,024,791	9,185,091
	OPERATION & MAINTENANCE, NAVY RES OPERATING FORCES		
010	MISSION AND OTHER FLIGHT OPERATIONS	628,522	628,522
020	INTERMEDIATE MAINTENANCE	9,593	9,593
030	AIRCRAFT DEPOT MAINTENANCE	135,280	135,280
040	AIRCRAFT DEPOT OPERATIONS SUPPORT	497	497
050	AVIATION LOGISTICS	29,435	29,435
070	COMBAT COMMUNICATIONS	18,469	18,469
080	COMBAT SUPPORT FORCES	136,710	136,710
090	CYBERSPACE ACTIVITIES	440	440
100	ENTERPRISE INFORMATION	26,628	26,628
110	SUSTAINMENT, RESTORATION AND MOD- ERNIZATION	42,311	42,311
120	BASE OPERATING SUPPORT	103,606	103,606
	SUBTOTAL OPERATING FORCES	1,131,491	1,131,491
	ADMIN & SRVWD ACTIVITIES		
130	ADMINISTRATION	1,943	1,943
140	MILITARY MANPOWER AND PERSONNEL MAN- AGEMENT	12,191	12,191
150	ACQUISITION AND PROGRAM MANAGEMENT	3,073	3,073
	SUBTOTAL ADMIN & SRVWD ACTIVITIES	17,207	17,207
	UNDISTRIBUTED		
998	UNDISTRIBUTED		–2,500
	Historical unobligated balances		[–2,500]
	SUBTOTAL UNDISTRIBUTED		–2,500
	TOTAL OPERATION & MAINTENANCE, NAVY RES	1,148,698	1,146,198
	OPERATION & MAINTENANCE, MC RESERVE OPERATING FORCES		
010	OPERATING FORCES	102,271	148,171
	Marine Corps UFR—Individual combat clothing and equipment		[45,900]
020	DEPOT MAINTENANCE	16,811	16,811
030	SUSTAINMENT, RESTORATION AND MOD- ERNIZATION	42,702	42,702

SEC. 4301. OPERATION AND MAINTENANCE (In Thousands of Dollars)			
Line	Item	FY 2022 Request	Conference Authorized
040	BASE OPERATING SUPPORT	109,210	109,210
	SUBTOTAL OPERATING FORCES	270,994	316,894
	ADMIN & SRVWD ACTIVITIES		
050	ADMINISTRATION	14,056	14,056
	SUBTOTAL ADMIN & SRVWD ACTIVITIES	14,056	14,056
	TOTAL OPERATION & MAINTENANCE, MC RE- SERVE	285,050	330,950
	OPERATION & MAINTENANCE, AIR FORCE OPERATING FORCES		
010	PRIMARY COMBAT FORCES	706,860	680,530
	A–10 aircraft retention		[1,670]
	Unjustified growth		[–28,000]
020	COMBAT ENHANCEMENT FORCES	2,382,448	2,346,948
	CENTCOM—MQ–9 combat lines		[53,000]
	EUCOM UFR—Air base air defense operations center Unjustified growth		[1,500] [–90,000]
030	AIR OPERATIONS TRAINING (OJT, MAINTAIN SKILLS)	1,555,320	1,542,750
	A–10 aircraft retention		[12,430]
	Contract adversary air		[5,000]
	Unjustified growth		[–30,000]
040	DEPOT PURCHASE EQUIPMENT MAINTENANCE A–10 aircraft retention	3,661,762	3,707,337
	Unjustified growth		[65,575] [–20,000]
050	FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION	3,867,114	4,342,114
	Program increase—FSRM		[475,000]
060	CYBERSPACE SUSTAINMENT	179,568	179,568
070	CONTRACTOR LOGISTICS SUPPORT AND SYS- TEM SUPPORT	8,457,653	8,784,538
	A–10 aircraft retention		[15,885]
	A–10/F–35 contract maintenance		[156,000]
	Program increase—F–35 sustainment		[185,000]
	Unjustified growth		[–30,000]
080	FLYING HOUR PROGRAM	5,646,730	5,699,590
	A–10 aircraft retention		[52,860]
090	BASE SUPPORT	9,846,037	9,776,037
	Unjustified growth		[–70,000]
100	GLOBAL C3I AND EARLY WARNING	979,705	988,905
	EUCOM—MPE air component battle network		[9,200]
110	OTHER COMBAT OPS SPT PROGRAMS	1,418,515	1,399,625
	EUCOM UFR—Air base air defense		[110]
	Unjustified growth		[–19,000]
120	CYBERSPACE ACTIVITIES	864,761	864,761
150	SPACE CONTROL SYSTEMS	13,223	13,223
160	US NORTHCOM/NORAD	196,774	196,774
170	US STRATCOM	475,015	475,015
180	US CYBERCOM	389,663	416,163
	CYBERCOM UFR—Acceleration of cyber intelligence Program increase—cyber training		[3,200] [23,300]
190	US CENTCOM	372,354	386,354
	CENTCOM UFR—MISO program		[24,000]
	Unjustified growth—OSC-I		[–10,000]
200	US SOCOM	28,733	28,733
220	CENTCOM CYBERSPACE SUSTAINMENT	1,289	1,289
230	USSPACECOM	272,601	282,601

SEC. 4301. OPERATION AND MAINTENANCE (In Thousands of Dollars)			
Line	Item	FY 2022 Request	Conference Authorized
	SPACECOM UFR—Bridging space protection gaps		[10,000]
9999	CLASSIFIED PROGRAMS	1,454,383	1,454,383
	SUBTOTAL OPERATING FORCES	42,770,508	43,567,238
	MOBILIZATION		
240	AIRLIFT OPERATIONS	2,422,784	2,397,784
	Unjustified growth		[–25,000]
250	MOBILIZATION PREPAREDNESS	667,851	667,851
	SUBTOTAL MOBILIZATION	3,090,635	3,065,635
	TRAINING AND RECRUITING		
260	OFFICER ACQUISITION	156,193	156,193
270	RECRUIT TRAINING	26,072	26,072
280	RESERVE OFFICERS TRAINING CORPS (ROTC)	127,693	127,693
290	SPECIALIZED SKILL TRAINING	491,286	481,286
	Unjustified growth		[–10,000]
300	FLIGHT TRAINING	718,742	718,742
310	PROFESSIONAL DEVELOPMENT EDUCATION	302,092	302,092
320	TRAINING SUPPORT	162,165	162,165
330	RECRUITING AND ADVERTISING	171,339	171,339
340	EXAMINING	8,178	8,178
350	OFF-DUTY AND VOLUNTARY EDUCATION	236,760	236,760
360	CIVILIAN EDUCATION AND TRAINING	306,602	306,602
370	JUNIOR ROTC	65,940	65,940
	SUBTOTAL TRAINING AND RECRUITING	2,773,062	2,763,062
	ADMIN & SRVWD ACTIVITIES		
380	LOGISTICS OPERATIONS	1,062,709	1,062,709
390	TECHNICAL SUPPORT ACTIVITIES	169,957	169,957
400	ADMINISTRATION	1,005,827	987,327
	Unjustified growth		[–18,500]
410	SERVICEWIDE COMMUNICATIONS	31,054	31,054
420	OTHER SERVICEWIDE ACTIVITIES	1,470,757	1,470,757
430	CIVIL AIR PATROL	29,128	47,300
	Program increase		[18,172]
450	INTERNATIONAL SUPPORT	81,118	81,118
9999	CLASSIFIED PROGRAMS	1,391,720	1,391,428
	Classified adjustment		[–292]
	SUBTOTAL ADMIN & SRVWD ACTIVITIES	5,242,270	5,241,650
	UNDISTRIBUTED		
998	UNDISTRIBUTED		–150,000
	Historical unobligated balances		[–150,000]
	SUBTOTAL UNDISTRIBUTED		–150,000
	TOTAL OPERATION & MAINTENANCE, AIR FORCE	53,876,475	54,487,585
	OPERATION & MAINTENANCE, SPACE FORCE OPERATING FORCES		
010	GLOBAL C3I & EARLY WARNING	495,615	495,615
020	SPACE LAUNCH OPERATIONS	185,700	185,700
030	SPACE OPERATIONS	611,269	611,269
040	EDUCATION & TRAINING	22,887	22,887
060	DEPOT MAINTENANCE	280,165	306,165
	Program increase—weapon system sustainment		[26,000]
070	FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION	213,347	279,647
	Space Force UFR—FSRM Cheyenne Mountain Com- plex		[66,300]

SEC. 4301. OPERATION AND MAINTENANCE (In Thousands of Dollars)			
Line	Item	FY 2022 Request	Conference Authorized
080	CONTRACTOR LOGISTICS AND SYSTEM SUP- PORT	1,158,707	1,246,707
	Program increase—weapon system sustainment		[94,000]
	Unjustified growth		[–6,000]
090	SPACE OPERATIONS -BOS	143,520	143,520
9999	CLASSIFIED PROGRAMS	172,755	172,755
	SUBTOTAL OPERATING FORCES	3,283,965	3,464,265
	ADMINISTRATION AND SERVICE WIDE AC- TIVITIES		
100	ADMINISTRATION	156,747	146,747
	Unjustified growth		[–10,000]
	SUBTOTAL ADMINISTRATION AND SERVICE WIDE ACTIVITIES	156,747	146,747
	TOTAL OPERATION & MAINTENANCE, SPACE FORCE	3,440,712	3,611,012
	OPERATION & MAINTENANCE, AF RESERVE OPERATING FORCES		
010	PRIMARY COMBAT FORCES	1,665,015	1,636,015
	Unjustified growth		[–29,000]
020	MISSION SUPPORT OPERATIONS	179,486	179,486
030	DEPOT PURCHASE EQUIPMENT MAINTENANCE	530,540	530,540
040	FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION	114,987	123,987
	Program increase—FSRM		[9,000]
050	CONTRACTOR LOGISTICS SUPPORT AND SYS- TEM SUPPORT	254,831	254,831
060	BASE SUPPORT	470,801	470,801
070	CYBERSPACE ACTIVITIES	1,372	1,372
	SUBTOTAL OPERATING FORCES	3,217,032	3,197,032
	ADMINISTRATION AND SERVICEWIDE AC- TIVITIES		
080	ADMINISTRATION	91,289	91,289
090	RECRUITING AND ADVERTISING	23,181	23,181
100	MILITARY MANPOWER AND PERS MGMT (ARPC)	13,966	13,966
110	OTHER PERS SUPPORT (DISABILITY COMP)	6,196	6,196
120	AUDIOVISUAL	442	442
	SUBTOTAL ADMINISTRATION AND SERVICEWIDE ACTIVITIES	135,074	135,074
	UNDISTRIBUTED		
998	UNDISTRIBUTED		–18,000
	Historical unobligated balances		[–18,000]
	SUBTOTAL UNDISTRIBUTED		–18,000
	TOTAL OPERATION & MAINTENANCE, AF RE- SERVE	3,352,106	3,314,106
	OPERATION & MAINTENANCE, ANG OPERATING FORCES		
010	AIRCRAFT OPERATIONS	2,281,432	2,281,432
020	MISSION SUPPORT OPERATIONS	582,848	588,748
	CNGB UFR—HRF/CERFP sustainment		[5,900]
030	DEPOT PURCHASE EQUIPMENT MAINTENANCE	1,241,318	1,226,318
	Unjustified growth		[–15,000]
040	FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION	353,193	379,193

SEC. 4301. OPERATION AND MAINTENANCE (In Thousands of Dollars)			
Line	Item	FY 2022 Request	Conference Authorized
	Program increase—FSRM		[26,000]
050	CONTRACTOR LOGISTICS SUPPORT AND SYS- TEM SUPPORT	1,077,654	1,067,654
	Unjustified growth		[–10,000]
060	BASE SUPPORT	908,198	908,198
070	CYBERSPACE SUSTAINMENT	23,895	23,895
080	CYBERSPACE ACTIVITIES	17,263	17,263
	SUBTOTAL OPERATING FORCES	6,485,801	6,492,701
	ADMINISTRATION AND SERVICE-WIDE AC- TIVITIES		
090	ADMINISTRATION	46,455	46,455
100	RECRUITING AND ADVERTISING	41,764	41,764
	SUBTOTAL ADMINISTRATION AND SERVICE- WIDE ACTIVITIES	88,219	88,219
	UNDISTRIBUTED		
998	UNDISTRIBUTED		–15,000
	Historical unobligated balances		[–15,000]
	SUBTOTAL UNDISTRIBUTED		–15,000
	TOTAL OPERATION & MAINTENANCE, ANG	6,574,020	6,565,920
	OPERATION AND MAINTENANCE, DEFENSE- WIDE		
	OPERATING FORCES		
010	JOINT CHIEFS OF STAFF	407,240	402,240
	Unjustified growth		[–5,000]
020	JOINT CHIEFS OF STAFF—CE2T2	554,634	607,734
	AFRICOM UFR—Joint Exercise Program		[18,000]
	INDOPACOM UFR—Joint Exercise Program		[35,100]
030	JOINT CHIEFS OF STAFF—CYBER	8,098	8,098
050	SPECIAL OPERATIONS COMMAND COMBAT DE- VELOPMENT ACTIVITIES	2,044,479	2,047,789
	SOCOM—Armored ground mobility systems (AGMS) acceleration		[3,310]
060	SPECIAL OPERATIONS COMMAND CYBERSPACE ACTIVITIES	45,851	45,851
070	SPECIAL OPERATIONS COMMAND INTEL- LIGENCE	1,614,757	1,614,757
080	SPECIAL OPERATIONS COMMAND MAINTENANCE	1,081,869	1,088,210
	SOCOM UFR—Modernized forward look sonar		[900]
	SOCOM UFR—Personal signature management accel- eration		[5,441]
090	SPECIAL OPERATIONS COMMAND MANAGE- MENT/OPERATIONAL HEADQUARTERS	180,042	180,042
100	SPECIAL OPERATIONS COMMAND OPER- ATIONAL SUPPORT	1,202,060	1,202,060
110	SPECIAL OPERATIONS COMMAND THEATER FORCES	3,175,789	3,175,789
	SUBTOTAL OPERATING FORCES	10,314,819	10,372,570
	TRAINING AND RECRUITING		
130	DEFENSE ACQUISITION UNIVERSITY	171,607	171,607
140	JOINT CHIEFS OF STAFF	92,905	92,905
150	PROFESSIONAL DEVELOPMENT EDUCATION	31,669	31,669
	SUBTOTAL TRAINING AND RECRUITING	296,181	296,181

SEC. 4301. OPERATION AND MAINTENANCE (In Thousands of Dollars)			
Line	Item	FY 2022 Request	Conference Authorized
ADMIN & SRVWIDE ACTIVITIES			
170	CIVIL MILITARY PROGRAMS	137,311	264,592
	Program increase—National Guard Youth Challenge		[85,281]
	Program increase—STARBASE		[42,000]
190	DEFENSE CONTRACT AUDIT AGENCY	618,526	606,526
	Unjustified growth		[–12,000]
200	DEFENSE CONTRACT AUDIT AGENCY—CYBER ...	3,984	3,984
220	DEFENSE CONTRACT MANAGEMENT AGENCY ...	1,438,296	1,435,796
	Unjustified growth		[–2,500]
230	DEFENSE CONTRACT MANAGEMENT AGENCY— CYBER	11,999	11,999
240	DEFENSE COUNTERINTELLIGENCE AND SECU- RITY AGENCY	941,488	931,488
	Unjustified growth		[–10,000]
260	DEFENSE COUNTERINTELLIGENCE AND SECU- RITY AGENCY—CYBER	9,859	9,859
270	DEFENSE HUMAN RESOURCES ACTIVITY	816,168	881,168
	DHRA/DSPO—support FY2021 congressional in- creases		[5,000]
	DHRA/SAPRO—FY2021 baseline restoral		[60,000]
280	DEFENSE HUMAN RESOURCES ACTIVITY— CYBER	17,655	17,655
290	DEFENSE INFORMATION SYSTEMS AGENCY	1,913,734	1,934,769
	milCloud 2.0 migration		[21,035]
310	DEFENSE INFORMATION SYSTEMS AGENCY— CYBER	530,278	612,378
	Program increase—hardening DOD networks		[62,100]
	Program increase—securing the Department of De- fense Information Network		[20,000]
350	DEFENSE LEGAL SERVICES AGENCY	229,498	229,498
360	DEFENSE LOGISTICS AGENCY	402,864	407,664
	Program increase—Procurement Technical Assistance Program		[4,800]
370	DEFENSE MEDIA ACTIVITY	222,655	222,655
380	DEFENSE PERSONNEL ACCOUNTING AGENCY ...	130,174	155,174
	DPAA (POW/MIA)—support FY2021 congressional in- creases		[25,000]
390	DEFENSE SECURITY COOPERATION AGENCY	2,067,446	1,922,157
	Program increase		[104,711]
	Transfer to Ukraine Security Assistance		[–250,000]
420	DEFENSE TECHNOLOGY SECURITY ADMINIS- TRATION	39,305	39,305
440	DEFENSE THREAT REDUCTION AGENCY	885,749	885,749
460	DEFENSE THREAT REDUCTION AGENCY— CYBER	36,736	36,736
470	DEPARTMENT OF DEFENSE EDUCATION ACTIV- ITY	3,138,345	3,208,345
	Program increase—Impact Aid		[50,000]
	Program increase—Impact Aid for children with se- vere disabilities		[20,000]
490	MISSILE DEFENSE AGENCY	502,450	502,450
530	OFFICE OF THE LOCAL DEFENSE COMMUNITY COOPERATION—OSD	89,686	104,686
	Program increase—Defense Community Infrastruc- ture Program		[15,000]
540	OFFICE OF THE SECRETARY OF DEFENSE	1,766,614	1,844,114
	Bien Hoa dioxin cleanup		[15,000]
	Cost Assessment Data Enterprise		[3,500]
	Military working dog pilot program		[10,000]

SEC. 4301. OPERATION AND MAINTENANCE (In Thousands of Dollars)			
Line	Item	FY 2022 Request	Conference Authorized
	National Commission on Synthetic Biology		[10,000]
	Office of the Secretary of Defense civilian workforce ...		[9,000]
	Personnel in the Office of Assistant Secretary of De- fense Sustainment and Environment, Safety, and Occupational Health		[3,000]
	Program increase—Afghanistan War Commission		[5,000]
	Program increase—CDC water contamination study and assessment		[15,000]
	Program increase—Commission on Planning, Pro- gramming, Budgeting, and Execution Reform		[5,000]
	Program increase—Commission on the National De- fense Strategy		[5,000]
	Program increase—Commission on the Strategic Pos- ture of the U.S.		[7,000]
	Unjustified growth—non-pay		[–10,000]
550	OFFICE OF THE SECRETARY OF DEFENSE— CYBER	32,851	32,851
560	SPACE DEVELOPMENT AGENCY	53,851	53,851
570	WASHINGTON HEADQUARTERS SERVICES	369,698	364,698
	Unjustified growth		[–5,000]
999	CLASSIFIED PROGRAMS	17,900,146	17,833,213
	Classified adjustment		[–66,933]
	SUBTOTAL ADMIN & SRVWIDE ACTIVITIES	34,307,366	34,553,360
	UNDISTRIBUTED		
998	UNDISTRIBUTED		490,304
	Depot capital investment		[500,000]
	Program reduction—SOCOM unjustified increase in management and headquarters expenses		[–9,696]
	SUBTOTAL UNDISTRIBUTED		490,304
	TOTAL OPERATION AND MAINTENANCE, DE- FENSE-WIDE	44,918,366	45,712,415
	MISCELLANEOUS APPROPRIATIONS		
	US COURT OF APPEALS FOR THE ARMED FORCES, DEF		
010	US COURT OF APPEALS FOR THE ARMED FORCES, DEFENSE	15,589	15,589
	SUBTOTAL US COURT OF APPEALS FOR THE ARMED FORCES, DEF	15,589	15,589
	TOTAL MISCELLANEOUS APPROPRIATIONS ..	15,589	15,589
	MISCELLANEOUS APPROPRIATIONS		
	OVERSEAS HUMANITARIAN, DISASTER, AND CIVIC AID		
010	OVERSEAS HUMANITARIAN, DISASTER AND CIVIC AID	110,051	150,051
	Program increase		[40,000]
	SUBTOTAL OVERSEAS HUMANITARIAN, DIS- ASTER, AND CIVIC AID	110,051	150,051
	TOTAL MISCELLANEOUS APPROPRIATIONS ..	110,051	150,051
	MISCELLANEOUS APPROPRIATIONS		
	COOPERATIVE THREAT REDUCTION AC- COUNT		
010	COOPERATIVE THREAT REDUCTION	239,849	344,849

SEC. 4301. OPERATION AND MAINTENANCE (In Thousands of Dollars)			
Line	Item	FY 2022 Request	Conference Authorized
	Program increase—Biological Threat Reduction Program		[105,000]
	SUBTOTAL COOPERATIVE THREAT REDUC- TION ACCOUNT	239,849	344,849
	TOTAL MISCELLANEOUS APPROPRIATIONS ..	239,849	344,849
	MISCELLANEOUS APPROPRIATIONS		
	ACQUISITION WORKFORCE DEVELOPMENT		
010	ACQ WORKFORCE DEV FD	54,679	54,679
	SUBTOTAL ACQUISITION WORKFORCE DE- VELOPMENT	54,679	54,679
	TOTAL MISCELLANEOUS APPROPRIATIONS ..	54,679	54,679
	MISCELLANEOUS APPROPRIATIONS		
	ENVIRONMENTAL RESTORATION, ARMY		
050	ENVIRONMENTAL RESTORATION, ARMY	200,806	299,606
	Program increase for PFAS		[98,800]
	SUBTOTAL ENVIRONMENTAL RESTORATION, ARMY	200,806	299,606
	TOTAL MISCELLANEOUS APPROPRIATIONS ..	200,806	299,606
	MISCELLANEOUS APPROPRIATIONS		
	ENVIRONMENTAL RESTORATION, NAVY		
060	ENVIRONMENTAL RESTORATION, NAVY	298,250	465,550
	Program increase for PFAS		[167,300]
	SUBTOTAL ENVIRONMENTAL RESTORATION, NAVY	298,250	465,550
	TOTAL MISCELLANEOUS APPROPRIATIONS ..	298,250	465,550
	MISCELLANEOUS APPROPRIATIONS		
	ENVIRONMENTAL RESTORATION, AIR FORCE		
070	ENVIRONMENTAL RESTORATION, AIR FORCE	301,768	476,768
	Program increase for PFAS		[175,000]
	SUBTOTAL ENVIRONMENTAL RESTORATION, AIR FORCE	301,768	476,768
	TOTAL MISCELLANEOUS APPROPRIATIONS ..	301,768	476,768
	MISCELLANEOUS APPROPRIATIONS		
	ENVIRONMENTAL RESTORATION, DEFENSE		
080	ENVIRONMENTAL RESTORATION, DEFENSE	8,783	10,979
	Program increase		[2,196]
	SUBTOTAL ENVIRONMENTAL RESTORATION, DEFENSE	8,783	10,979
	TOTAL MISCELLANEOUS APPROPRIATIONS ..	8,783	10,979
	MISCELLANEOUS APPROPRIATIONS		
	ENVIRONMENTAL RESTORATION FORMERLY USED SITES		
090	ENVIRONMENTAL RESTORATION FORMERLY USED SITES	218,580	292,580
	Program increase for PFAS		[74,000]
	SUBTOTAL ENVIRONMENTAL RESTORATION FORMERLY USED SITES	218,580	292,580

SEC. 4301. OPERATION AND MAINTENANCE (In Thousands of Dollars)			
Line	Item	FY 2022 Request	Conference Authorized
	TOTAL MISCELLANEOUS APPROPRIATIONS ..	218,580	292,580
	UKRAINE SECURITY ASSISTANCE		
	UKRAINE SECURITY ASSISTANCE		
010	UKRAINE SECURITY ASSISTANCE		300,000
	Program increase		[50,000]
	Transfer from Defense Security Cooperation Agency ..		[250,000]
	TOTAL UKRAINE SECURITY ASSISTANCE		300,000
	TOTAL OPERATION & MAINTENANCE	253,623,852	255,404,231

TITLE XLIV—MILITARY PERSONNEL

SEC. 4401. MILITARY PERSONNEL.

SEC. 4401. MILITARY PERSONNEL (In Thousands of Dollars)			
	Item	FY 2022 Request	Conference Authorized
	Military Personnel Appropriations	157,947,920	157,567,460
	ARNG CBRN Response Forces Readiness		[9,200]
	Manpower costs associated with retaining two cruisers		[45,000]
	A–10/F–35 Active duty maintainers		[93,000]
	Military personnel historical underexecution		[–527,660]
	Medicare-Eligible Retiree Health Care Fund Contributions	9,337,175	9,337,175
	TOTAL, Military Personnel	167,285,095	166,904,635

TITLE XLV—OTHER AUTHORIZATIONS

SEC. 4501. OTHER AUTHORIZATIONS.

SEC. 4501. OTHER AUTHORIZATIONS (In Thousands of Dollars)			
	Program Title	FY 2022 Request	Conference Authorized
	WORKING CAPITAL FUND, ARMY		
	ARMY ARSENALS INITIATIVE	26,935	26,935
	ARMY SUPPLY MANAGEMENT	357,776	357,776
	TOTAL WORKING CAPITAL FUND, ARMY	384,711	384,711
	WORKING CAPITAL FUND, NAVY		
	SUPPLY MANAGEMENT—NAVY	150,000	150,000
	TOTAL WORKING CAPITAL FUND, NAVY	150,000	150,000
	WORKING CAPITAL FUND, AIR FORCE		
	SUPPLY MANAGEMENT	77,453	77,453
	TOTAL WORKING CAPITAL FUND, AIR FORCE	77,453	77,453
	WORKING CAPITAL FUND, DEFENSE-WIDE		
	ENERGY MANAGEMENT—DEFENSE	40,000	40,000
	SUPPLY CHAIN MANAGEMENT—DEFENSE	87,765	87,765

SEC. 4501. OTHER AUTHORIZATIONS (In Thousands of Dollars)		
Program Title	FY 2022 Request	Conference Authorized
TOTAL WORKING CAPITAL FUND, DEFENSE- WIDE	127,765	127,765
WORKING CAPITAL FUND, DECA		
COMMISSARY OPERATIONS	1,162,071	1,162,071
TOTAL WORKING CAPITAL FUND, DECA	1,162,071	1,162,071
CHEM AGENTS & MUNITIONS DESTRUCTION		
CHEM DEMILITARIZATION—O&M	93,121	93,121
CHEM DEMILITARIZATION—RDT&E	1,001,231	1,001,231
TOTAL CHEM AGENTS & MUNITIONS DESTRUC- TION	1,094,352	1,094,352
DRUG INTERDICTION & CTR-DRUG ACTIVITIES, DEF		
COUNTER-NARCOTICS SUPPORT	593,250	593,250
DRUG DEMAND REDUCTION PROGRAM	126,024	126,024
NATIONAL GUARD COUNTER-DRUG PROGRAM	96,970	96,970
NATIONAL GUARD COUNTER-DRUG SCHOOLS	5,664	5,664
TOTAL DRUG INTERDICTION & CTR-DRUG AC- TIVITIES, DEF	821,908	821,908
OFFICE OF THE INSPECTOR GENERAL		
OFFICE OF THE INSPECTOR GENERAL	434,700	434,700
OFFICE OF THE INSPECTOR GENERAL—CYBER	1,218	1,218
OFFICE OF THE INSPECTOR GENERAL—RDTE	2,365	2,365
OFFICE OF THE INSPECTOR GENERAL—PROCURE- MENT	80	80
TOTAL OFFICE OF THE INSPECTOR GENERAL	438,363	438,363
DEFENSE HEALTH PROGRAM		
IN-HOUSE CARE	9,720,004	9,587,742
Assumptions for care		[-27,800]
Excess funding for capability replacement		[-104,462]
PRIVATE SECTOR CARE	18,092,679	18,068,879
Unjustified support services growth		[-23,800]
CONSOLIDATED HEALTH SUPPORT	1,541,122	1,556,522
Assumptions for care		[-14,600]
Program increase: Anomalous health incidents care capacity		[30,000]
INFORMATION MANAGEMENT	2,233,677	2,233,677
MANAGEMENT ACTIVITIES	335,138	335,138
EDUCATION AND TRAINING	333,234	333,234
BASE OPERATIONS/COMMUNICATIONS	1,926,865	1,921,865
Program decrease		[-5,000]
R&D RESEARCH	9,091	9,091
R&D EXPLORATORY DEVELOPMENT	75,463	75,463
R&D ADVANCED DEVELOPMENT	235,556	235,556
R&D DEMONSTRATION/VALIDATION	142,252	142,252
R&D ENGINEERING DEVELOPMENT	101,054	101,054
R&D MANAGEMENT AND SUPPORT	49,645	49,645
R&D CAPABILITIES ENHANCEMENT	17,619	17,619
UNDISTRIBUTED RDT&E		12,500
Combat triple negative breast cancer		[10,000]
Post-traumatic stress disorder		[2,500]
PROC INITIAL OUTFITTING	20,926	20,926
PROC REPLACEMENT & MODERNIZATION	250,366	250,366
PROC MILITARY HEALTH SYSTEM—DESKTOP TO DATACENTER	72,302	72,302
PROC DOD HEALTHCARE MANAGEMENT SYSTEM MOD- ERNIZATION	435,414	435,414

SEC. 4501. OTHER AUTHORIZATIONS (In Thousands of Dollars)		
Program Title	FY 2022 Request	Conference Authorized
TOTAL DEFENSE HEALTH PROGRAM	35,592,407	35,459,245
TOTAL OTHER AUTHORIZATIONS	39,849,030	39,715,868

TITLE XLVI—MILITARY CONSTRUCTION

Military
Construction
Authorization
Act for Fiscal
Year 2022.

SEC. 4601. MILITARY CONSTRUCTION.

SEC. 4601. MILITARY CONSTRUCTION (In Thousands of Dollars)				
Account	State/Country and Installation	Project Title	FY 2022 Request	Conference Authorized
	Alabama			
Army	Fort Rucker	AIT Barracks Complex	0	66,000
Army	Redstone Arsenal	Propulsion Systems Lab	55,000	55,000
	Belgium			
Army	Shape Head- quarters	Command and Control Facility	16,000	16,000
	California			
Army	Fort Irwin	Simulations Center	52,000	52,000
	Georgia			
Army	Fort Gordon	Cyber Center of Excellence School Head- quarters and Classrooms (P&D).	0	3,670
Army	Fort Gordon	Cyber Instructional Fac (Admin/Cmd), Inc. 2.	69,000	69,000
Army	Fort Stewart	Barracks	0	105,000
	Germany			
Army	East Camp	EDI: Barracks and Dining Facility	103,000	103,000
	Grafenwoehr			
Army	Smith Barracks	Indoor Small Arms Range	17,500	17,500
Army	Smith Barracks	Live Fire Exercise Shootouse	16,000	16,000
	Hawaii			
Army	Fort Shafter	Ctc—Command and Control Facility	0	55,000
Army	Wheeler Army Airfield	Rotary Wing Parking Apron	0	56,000
Army	Wheeler Army Airfield	Aviation Unit OPS Building	0	84,000
Army	West Loch Nav Mag Annex	Ammunition Storage	51,000	51,000
	Kansas			
Army	Fort Leavenworth	Child Development Center	0	34,000
	Kentucky			
Army	Fort Knox	Child Development Center	0	27,000
	Louisiana			
Army	Fort Polk	Joint Operations Center	55,000	55,000
Army	Fort Polk	Barracks	0	56,000
	Maryland			
Army	Aberdeen Proving Ground	Moving Target Simulator (Combat Sys- tems Simulation Laboratory).	0	0
Army	Fort Detrick	Medical Waste Incinerator	0	23,981
Army	Fort Detrick	USAMRMC Headquarters	0	0
Army	Fort Meade	Barracks	81,000	81,000
	Mississippi			
Army	Engineer Re- search and De- velopment Cen- ter	Communications Center	0	0
	Missouri			
Army	Engineer Re- search and De- velopment Cen- ter	Rtd&e (Risk Lab)	0	0

SEC. 4601. MILITARY CONSTRUCTION (In Thousands of Dollars)				
Account	State/Country and Installation	Project Title	FY 2022 Request	Conference Authorized
Army	Fort Leonard Wood New Jersey	Advanced Individual Training Battalion Complex (P&D).	0	4,000
Army	Picatinny Arsenal New Mexico	Igloo Storage, Installation	0	0
Army	White Sands Missile Range New York	Missile Assembly Support Facility	0	29,000
Army	Fort Hamilton	Information Systems Facility	26,000	26,000
Army	West Point Military Reservation	Ctc—Engineering Center	0	17,200
Army	Watervliet Arsenal Pennsylvania	Access Control Point	20,000	20,000
Army	Letterkenny Army Depot South Carolina	Fire Station	21,000	21,000
Army	Fort Jackson	Reception Barracks Complex, Ph2, Inc. 2	34,000	34,000
Army	Fort Jackson Texas	Ctc- Reception Barracks, Ph1	0	21,000
Army	Camp Bullis	Ctc- Vehicle Maintenance Shop	0	16,400
Army	Fort Hood	Barracks	0	61,000
Army	Fort Hood	Barracks	0	69,000
Army	Virginia Joint Base Langley-Eustis	AIT Barracks Complex, Ph4	0	16,000
Army	Worldwide Classified Location	Forward Operating Site	31,000	31,000
Army	Worldwide Unspecified	Host Nation Support	27,000	27,000
Army	Worldwide Unspecified Locations	Minor Construction	35,543	35,543
Army	Worldwide Unspecified Locations	Planning and Design	124,649	134,649
Army	Worldwide Various Locations	Labs and RDT&E Planning and Design Unfunded Requirement.	0	45,000
Army	Worldwide Various Locations	Cost to Complete—Unspecified Minor Construction.	0	69,000
Military Construction, Army Total			834,692	1,727,943
Arizona				
Navy	Marine Corps Air Station Yuma	Combat Training Tank Complex	0	29,300
Navy	Marine Corps Air Station Yuma	Bachelor Enlisted Quarters	0	0
California				
Navy	Marine Corps Base Camp Pendleton	I MEF Consolidated Information Center Inc..	19,869	19,869
Navy	Marine Corps Base Camp Pendleton	Warehouse Replacement	0	22,200
Navy	Marine Corps Base Camp Pendleton	Basilone Road Realignment	0	0
Navy	Marine Corps Air Station Miramar	F–35 Centralized Engine Repair Facility	0	31,400

SEC. 4601. MILITARY CONSTRUCTION (In Thousands of Dollars)				
Account	State/Country and Installation	Project Title	FY 2022 Request	Conference Authorized
Navy	Marine Corps Air Station Miramar	Aircraft Maintenance Hangar	0	185,991
Navy	Naval Air Station Lemoore	F–35C Hangar 6 Phase 2 (Mod 3/4) Inc.	75,070	50,000
Navy	Marine Corps Air Ground Combat Center	Cost to Complete—Wastewater Treat- ment Plant.	0	45,000
Navy	Naval Base Ven- tura County	Combat Vehicle Maintenance Facility	0	48,700
Navy	Naval Base Ven- tura County	MQ–25 Aircraft Maintenance Hangar	0	125,291
Navy	Naval Base Coro- nado	CMV–22B Aircraft Maintenance Hangar	0	63,600
Navy	Marine Corps Base Camp Pendleton	CLB MEU Complex	0	83,900
Navy	Marine Corps Re- serve Depot San Diego	Recruit Mess Hall Replacement	0	93,700
Navy	Naval Information Warfare Center Pacific	Reconfigurable Cyber Laboratory	0	0
Navy	Naval Weapons Station Seal Beach	Missile Magazines Inc.	10,840	10,840
Navy	Naval Base San Diego	Pier 6 Replacement Inc.	50,000	50,000
Navy	San Nicholas Is- land	Directed Energy Weapons Test Facilities	19,907	19,907
Navy	District of Columbia Naval Research Laboratory	Electromagnetic & Cyber Counter- measures Laboratory.	0	0
Navy	Naval Research Laboratory	Biomolecular Science & Synthetic Biol- ogy Laboratory.	0	0
Navy	El Salvador Cooperative Secu- rity Location Comalapa	Hangar and Ramp Expansion	0	0
Navy	Florida Naval Air Station Jacksonville	Planning and Design for Lighterage and Small Craft.	0	7,000
Navy	Naval Surface Warfare Center Panama City Division	Unmanned Vehicle Littoral Combat Space.	0	0
Navy	Naval Surface Warfare Center Panama City Division	Mine Warfare RDT&E Facility	0	0
Navy	Naval Undersea Warfare Center Panama City Division	AUTEC Pier Facility 1902	0	37,980
Navy	Marine Corps Support Facility Blount Island	Lighterage and Small Craft Facility	0	69,400
Navy	Naval Undersea Warfare Center Panama City Division	Array Calibration Facility	0	0
Navy	Greece Naval Support Ac- tivity Souda Bay	EDI: Joint Mobility Processing Center ...	41,650	41,650
	Guam			

SEC. 4601. MILITARY CONSTRUCTION (In Thousands of Dollars)				
Account	State/Country and Installation	Project Title	FY 2022 Request	Conference Authorized
Navy	Andersen Air Force Base	Aviation Admin Building	50,890	50,890
Navy	Joint Region Mar- ianas	4th Marines Regiment Facilities	109,507	65,000
Navy	Joint Region Mar- ianas	Bachelor Enlisted Quarters H Inc.	43,200	43,200
Navy	Joint Region Mar- ianas	Combat Logistics Battalion–4 Facility	92,710	49,710
Navy	Joint Region Mar- ianas	Consolidated Armory	43,470	43,470
Navy	Joint Region Mar- ianas	Infantry Battalion Company HQ	44,100	44,100
Navy	Joint Region Mar- ianas	Joint Communication Upgrade Inc.	84,000	84,000
Navy	Joint Region Mar- ianas	Marine Expeditionary Brigade Enablers	66,830	66,830
Navy	Joint Region Mar- ianas	Principal End Item (PEI) Warehouse	47,110	47,110
Navy	Joint Region Mar- ianas	X-Ray Wharf Berth 2	103,800	51,900
Hawaii				
Navy	Marine Corps Training Area Bellows	Perimeter Security Fence	0	6,220
Navy	Marine Corps Base Kaneohe	Bachelor Enlisted Quarters, Ph 2 Inc, ...	0	101,200
Navy	Marine Corps Base Kaneohe	Electrical Distribution Modernization	0	64,500
Indiana				
Navy	Naval Surface Warfare Center Crane Division	Strategic Systems Engineering & Hard- ware Assurance Center.	0	0
Navy	Naval Surface Warfare Center Crane Division	Corporate Operations and Training Cen- ter.	0	0
Navy	Naval Surface Warfare Center Crane Division	Anti-Ship Missile Defense Life Cycle In- tegration and Test Center.	0	0
Japan				
Navy	Fleet Activities Yokosuka	Pier 5 (Berths 2 and 3) Inc.	15,292	15,292
Navy	Fleet Activities Yokosuka	Ship Handling & Combat Training Fa- cilities.	49,900	49,900
Maine				
Navy	Naval Support Ac- tivity Cutler	Firehouse (P&D)	0	2,500
Navy	Portsmouth Naval Shipyards	Multi-Mission Drydock #1 Extension Inc.	250,000	250,000
Navy	Portsmouth Naval Shipyards	Multi-Mission Drydock #1 Extension Inc.—Navy #1 Ufr.	0	0
Maryland				
Navy	Naval Air Station Patuxent River	Planning and Design for Aircraft Proto- typing Facility, Ph 3.	0	1,500
Navy	Naval Air War- fare Center Air- craft Division	Aircraft Prototyping Facility, Ph 3	0	0
Navy	Naval Air War- fare Center Air- craft Division	Rotary Wing T&E Hangar Replacement	0	0
Navy	Naval Surface Warfare Center Carderock Divi- sion	Ship Systems Design & Integration Fa- cility.	0	0
Navy	Naval Surface Warfare Center Carderock Divi- sion	ARD Range Craft Berthing Facility	0	0

SEC. 4601. MILITARY CONSTRUCTION (In Thousands of Dollars)				
Account	State/Country and Installation	Project Title	FY 2022 Request	Conference Authorized
Navy	Naval Surface Warfare Center Carderock Division	Navy Combatant Craft Laboratory	0	0
Navy	Naval Surface Warfare Center Indian Head	Planning and Design for Contained Burn Facility.	0	1,500
Navy	Naval Surface Warfare Center Indian Head	Energetic Systems and Technology Laboratory Complex, Ph 2.	0	0
Navy	Naval Surface Warfare Center Indian Head	Contained Burn Facility	0	0
Navy	Naval Surface Warfare Center Indian Head	Energetic Chemical Scale-up Facility	0	0
Navy	Naval Surface Warfare Center Indian Head	Energetics Prototyping Facility	0	0
Navy	Naval Surface Warfare Center Indian Head	Energetic Systems and Technology Laboratory Complex, Ph 3.	0	0
Navy	Nevada Naval Air Station Fallon	Training Range Land Acquisition—Ph 2	48,250	0
Navy	North Carolina Marine Corps Base Camp Lejeune	Cost to Complete—Water Treatment Plant Replacement Hadnot Pt.	0	64,200
Navy	Marine Corps Base Camp Lejeune	II MEF Operations Center Replacement Inc..	42,200	42,200
Navy	Marine Corps Air Station Cherry Point	Aircraft Maintenance Hangar	207,897	57,897
Navy	Marine Corps Air Station Cherry Point	F–35 Flightline Utilities Modernization Ph 2.	113,520	30,000
Navy	Marine Corps Air Station Cherry Point	F–35 Joint Strike Fighter Sustainment Center (P–993) (P&D).	0	10,000
Navy	Marine Corps Air Station Cherry Point	Ctc—ATC Tower and Airfield Operations	0	18,700
Navy	Marine Corps Air Station New River	Maintenance Hangar (P&D)	0	13,300
Navy	Marine Corps Air Station New River	Aircraft Maintenance Hangar Addition/Alteration (P&D).	0	2,700
Navy	Pennsylvania Naval Surface Warfare Center Philadelphia Division	Machinery Control Development Center	0	77,290
Navy	Naval Surface Warfare Center Philadelphia Division	Machinery Integration Lab, Ph 1	0	0
Navy	Naval Surface Warfare Center Philadelphia Division	Power & Energy Tech Systems Integration Lab.	0	0
Navy	Poland Redzikowo	AEGIS Ashore Barracks Planning and Design.	0	0

SEC. 4601. MILITARY CONSTRUCTION (In Thousands of Dollars)				
Account	State/Country and Installation	Project Title	FY 2022 Request	Conference Authorized
	Rhode Island			
Navy	Naval Station Newport	Next Generation Torpedo Integration Lab (P&D).	0	1,200
Navy	Naval Station Newport	Submarine Payloads Integration Labora- tory (P&D).	0	1,400
Navy	Naval Station Newport	Consolidated RDT&E Systems Facility (P&D).	0	1,700
Navy	Naval Station Newport	Next Generation Secure Submarine Plat- form Facility (P&D).	0	4,000
Navy	Naval Undersea Warfare Center Newport Divi- sion	Next Generation Secure Submarine Plat- form Facility.	0	0
Navy	Naval Undersea Warfare Center Newport Divi- sion	Next Generation Torpedo Integration Lab.	0	0
Navy	Naval Undersea Warfare Center Newport Divi- sion	Submarine Payloads Integration Facility	0	0
Navy	Naval Undersea Warfare Center Newport Divi- sion	Consolidation RDT&E Systems Facility	0	0
	South Carolina			
Navy	Marine Corps Air Station Beau- fort	Instrument Landing System	0	3,000
Navy	Marine Corps Air Station Beau- fort	F–35 Operational Support Facility	0	4,700
Navy	Marine Corps Air Station Beau- fort	Ctc—Recycling/Hazardous Waste Facil- ity.	0	5,000
Navy	Marine Corps Air Station Beau- fort	Aircraft Maintenance Hangar	0	122,600
Navy	Marine Corps Re- serve Depot Parris Island	Entry Control Facility	0	6,000
	Spain			
Navy	Naval Station Rota	EDI: Explosive Ordnance Disposal (EOD) Mobile Unit Facilities.	0	85,600
	Texas			
Navy	Naval Air Station Kingsville	Planning and Design for Fire Rescue Safety Center.	0	2,500
	Virginia			
Navy	Naval Station Norfolk	CMV–22 Aircraft Maintenance Hangar and Airfield Improvement.	0	75,100
Navy	Naval Station Norfolk	Submarine Pier 3 Inc.	88,923	43,923
Navy	Naval Surface Warfare Center Dahlgren Divi- sion	Cyber Threat & Weapon Systems Engi- neering Complex.	0	0
Navy	Naval Surface Warfare Center Dahlgren Divi- sion	High Powered Electric Weapons Labora- tory.	0	0
Navy	Norfolk Naval Shipyard	Dry Dock Saltwater System for CVN–78	156,380	30,000
Navy	Marine Corps Base Quantico	Vehicle Inspection and Visitor Control Center.	42,850	42,850
Navy	Marine Corps Base Quantico	Wargaming Center Inc.	30,500	30,500

SEC. 4601. MILITARY CONSTRUCTION (In Thousands of Dollars)				
Account	State/Country and Installation	Project Title	FY 2022 Request	Conference Authorized
Navy	Naval Weapons Station York- town	Navy Munitions Command (Nmc) Ord- nance Facilities Recap, Phase 2.	0	93,500
Navy	Worldwide Unspec- ified	Planning and Design	363,252	413,252
Navy	Unspecified Worldwide Lo- cations	Shipyards Investment Optimization Pro- gram.	0	225,000
Navy	Unspecified Worldwide Lo- cations	Shipyards Investment Optimization Pro- gram—Planning and Design.	0	62,820
Navy	Unspecified Worldwide Lo- cations	Unspecified Minor Construction	56,435	56,435
Navy	Worldwide Var- ious Locations	PDI: Planning and Design Unfunded Re- quirement.	0	68,200
Navy	Worldwide Var- ious Locations	Unspecified Minor Construction	0	75,000
Navy	Worldwide Var- ious Locations	Labs and RDT&E Planning and Design Unfunded Requirement.	0	50,000
Military Construction, Navy Total			2,368,352	3,895,117
Alaska				
AF	Eielson Air Force Base	Contaminated Soil Removal	0	44,850
AF	Joint Base Elmen- dorf-Richardson	Extend Runway 16/34, Inc. 1	79,000	79,000
Arizona				
AF	Davis-Monthan Air Force Base	South Wilmot Gate	13,400	13,400
AF	Luke Air Force Base	F–35A ADAL AMU Facility Squadron #6	28,000	28,000
AF	Luke Air Force Base	F–35A Squadron Operations Facility #6	21,000	21,000
Australia				
AF	Royal Australian Air Force Base Darwin	Squadron Operations Facility	7,400	7,400
AF	Royal Australian Air Force Base Tindal	Aircraft Maintenance Support Facility ...	6,200	6,200
AF	Royal Australian Air Force Base Tindal	Squadron Operations Facility	8,200	8,200
California				
AF	Edwards Air Force Base	Flight Test Engineering Lab Complex	4,000	4,000
AF	Edwards Air Force Base	Upgrade Munitions Complex	0	0
AF	Edwards Air Force Base	Rocket Engineering, Analysis, and Col- laboration Hub (Reach).	0	0
AF	Vandenberg Space Force Base	GBSD Re-Entry Vehicle Facility	48,000	48,000
AF	Vandenberg Space Force Base	GBSD Stage Processing Facility	19,000	19,000
Colorado				
AF	Schriever Space Force Base	ADAL Fitness Center	0	30,000
AF	United States Air Force Academy	Add High Bay Vehicle Maintenance	0	4,360
AF	United States Air Force Academy	Cadet Prep School Dormitory	0	0
District of Columbia				

SEC. 4601. MILITARY CONSTRUCTION (In Thousands of Dollars)				
Account	State/Country and Installation	Project Title	FY 2022 Request	Conference Authorized
AF	Joint Base Ana- costia Bolling Florida	Joint Air Defense Operations Center Ph 2.	24,000	24,000
AF	Eglin Air Force Base	Weapons Technology Integration Center (P&D).	0	40,000
AF	Eglin Air Force Base	HC-Blackfyre Facilities	0	0
AF	Eglin Air Force Base	JADC2 & Abms Test Facility	0	0
AF	Eglin Air Force Base	F–35A Development/Operational Test 2– Bay Hangar (P&D).	0	4,000
AF	Eglin Air Force Base	Ctc—Advanced Munitions Technology Complex.	0	35,000
AF	Eglin Air Force Base	Integrated Control Facility	0	0
AF	Eglin Air Force Base	F–35A Development Test 2–Bay MX Hangar.	0	0
AF	Eglin Air Force Base	Flightline Fire Station at Duke Field	0	14,000
AF	Georgia Moody Air Force Base	41 Rqs Hh–60w Apron	0	0
AF	Germany Spangdahlem Air Base	F/a–22 LO/Composite Repair Facility	22,625	22,625
AF	Guam Joint Region Mar- ianas	Airfield Damage Repair Warehouse	30,000	30,000
AF	Joint Region Mar- ianas	Hayman Munitions Storage Igloos, MSA2.	9,824	9,824
AF	Joint Region Mar- ianas	Munitions Storage Igloos IV	55,000	55,000
AF	Hawaii Maui Experi- mental Site #3	Secure Integration Support Lab W/ Land Acquisition (P&D).	0	8,800
AF	Hungary Kecskemet Air Base	EDI: Construct Airfield Upgrades	20,564	20,564
AF	Kecskemet Air Base	EDI: Construct Parallel Taxiway	38,650	38,650
AF	Italy Aviano Air Force Base	Area A1 Entry Control Point	0	10,200
AF	Japan Kadena Air Base	Airfield Damage Repair Storage Facility	38,000	38,000
AF	Kadena Air Base	Helicopter Rescue OPS Maintenance Hangar.	168,000	35,000
AF	Kadena Air Base	Replace Munitions Structures	26,100	26,100
AF	Misawa Air Base	Airfield Damage Repair Facility	25,000	25,000
AF	Yokota Air Base	C–130J Corrosion Control Hangar	67,000	67,000
AF	Yokota Air Base	Airfield Damage Repair Warehouse	0	39,000
AF	Yokota Air Base	Construct CATM Facility	25,000	25,000
AF	Louisiana Barksdale Air Force Base	Weapons Generation Facility, Inc. 1	40,000	40,000
AF	Barksdale Air Force Base	New Entrance Road and Gate Com- plex—Ctc.	0	36,000
AF	Maryland Joint Base An- drews	Fire Crash Rescue Station	26,000	26,000
AF	Joint Base An- drews	Military Working Dog Kennel—Ctc	0	10,000
AF	Massachusetts Hanscom Air Force Base	NC3 Acquisitions Management Facility	66,000	66,000
	Nebraska			

SEC. 4601. MILITARY CONSTRUCTION (In Thousands of Dollars)				
Account	State/Country and Installation	Project Title	FY 2022 Request	Conference Authorized
AF	Offutt Air Force Base Nevada	Replace Trestle F312	0	0
AF	Creech Air Force Base	Warrior Fitness Training Center (P&D)	0	2,200
AF	Creech Air Force Base	Mission Support Facility	0	14,200
AF	New Mexico Cannon Air Force Base	192 Bed Dormitory (P&D)	0	5,568
AF	Cannon Air Force Base	Deployment Processing Center (P&D) ...	0	5,976
AF	Holloman Air Force Base	Indoor Target Flip Facility (P&D)	0	2,340
AF	Holloman Air Force Base	RAMS Indoor Target Flip Facility	0	0
AF	Holloman Air Force Base	Holloman High Speed Test Track Re- capitalization.	0	0
AF	Holloman Air Force Base	ADAL Fabrication Shop	0	0
AF	Holloman Air Force Base	MQ-9 Formal Training Unit Operations Facility.	0	0
AF	Kirtland Air Force Base	Dedicated Facility for the Space Rapid Capabilities Office (P&D).	0	5,280
AF	Kirtland Air Force Base	Ctc—Wyoming Gate Antiterrorism Com- pliance.	0	5,600
AF	Kirtland Air Force Base	Pj/Cro Urban Training Complex (P&D) ..	0	810
AF	Kirtland Air Force Base	High Power Electromagnetic (HPEM) Laboratory.	0	0
AF	Kirtland Air Force Base	Laser Effects & Simulation Laboratory ..	0	0
AF	Kirtland Air Force Base	ADAL Systems & Engineering Lab	0	0
AF	New Jersey Joint Base McGuire-Dix- Lakehurst	SFS OPS Confinement Facility (P&D)	0	450
AF	Ohio Wright-Patterson Air Force Base	Child Development Center	0	24,000
AF	Wright-Patterson Air Force Base	Human Performance Wing Laboratory ...	0	0
AF	Wright-Patterson Air Force Base	Bionatronics Research Center Labora- tory.	0	0
AF	Oklahoma Tinker Air Force Base	KC–46A 3–Bay Depot Maintenance Hangar.	160,000	60,000
AF	South Carolina Joint Base Charleston	Flightline Support Facility	0	29,000
AF	Joint Base Charleston	Fire and Rescue Station	0	30,000
AF	South Dakota Ellsworth Air Force Base	B–21 2–Bay LO Restoration Facility, Inc. 2.	91,000	41,000
AF	Ellsworth Air Force Base	B–21 ADAL Flight Simulator	24,000	24,000
AF	Ellsworth Air Force Base	B–21 Field Training Detachment Facil- ity.	47,000	47,000
AF	Ellsworth Air Force Base	B–21 Formal Training Unit/AMU	70,000	70,000
AF	Ellsworth Air Force Base	B–21 Mission Operations Planning Fa- cility.	36,000	36,000
AF	Ellsworth Air Force Base	B–21 Washrack & Maintenance Hangar	65,000	65,000
	Spain			

SEC. 4601. MILITARY CONSTRUCTION (In Thousands of Dollars)				
Account	State/Country and Installation	Project Title	FY 2022 Request	Conference Authorized
AF	Moron Air Base	EDI-Hot Cargo Pad	8,542	8,542
	Tennessee			
AF	Arnold Air Force Base	Cooling Water Expansion, Rowland Creek.	0	0
AF	Arnold Air Force Base	Add/Alter Test Cell Delivery Bay	0	14,600
AF	Arnold Air Force Base	Primary Pumping Station Upgrades	0	0
	Texas			
AF	Joint Base San Antonio	BMT Recruit Dormitory 7	141,000	40,000
AF	Joint Base San Antonio	BMT Recruit Dormitory 8, Inc. 3	31,000	31,000
AF	Joint Base San Antonio—Fort Sam Houston	Child Development Center	0	29,000
AF	Joint Base San Antonio—Fort Sam Houston	Directed Energy Research Center	0	0
AF	Joint Base San Antonio— Lackland Air Force Base	Child Development Center	0	29,000
AF	Sheppard Air Force Base	Child Development Center	20,000	20,000
	United Kingdom			
AF	Royal Air Force Fairford	EDI: Construct DABS-FEV Storage	94,000	94,000
AF	Royal Air Force Lakenheath	F–35A Child Development Center	0	24,000
AF	Royal Air Force Lakenheath	F–35A Munition Inspection Facility	31,000	31,000
AF	Royal Air Force Lakenheath	F–35 ADAL Conventional Munitions MX	0	4,500
AF	Royal Air Force Lakenheath	F–35A Weapons Load Training Facility	49,000	49,000
	Utah			
AF	Hill Air Force Base	GBSD Organic Software Sustainment Ctr, Inc. 2.	31,000	31,000
	Virginia			
AF	Joint Base Lang- ley-Eustis	Fuel Systems Maintenance Dock	0	24,000
	Worldwide Unspec- ified			
AF	Various World- wide Locations	EDI: Planning & Design	648	10,648
AF	Various World- wide Locations	PDI: Planning & Design	27,200	47,200
AF	Various World- wide Locations	Planning & Design	201,453	201,453
AF	Various World- wide Locations	Intelligence, Surveillance, and Recon- naissance Infrastructure Planning and Design.	0	20,000
AF	Various World- wide Locations	Cost to Complete—Natural Disaster Conus-Based Projects.	0	100,000
AF	Various World- wide Locations	EDI: UMMC	0	15,000
AF	Various World- wide Locations	Unspecified Minor Military Construction	58,884	58,884
AF	Worldwide Var- ious Locations	Labs and RDT&E Planning and Design Unfunded Requirement.	0	75,000
Military Construction, Air Force Total			2,102,690	2,485,424
	Alabama			
Def-Wide	Fort Rucker	10 MW RICE Generator Plant and Microgrid Controls.	0	24,000

SEC. 4601. MILITARY CONSTRUCTION (In Thousands of Dollars)				
Account	State/Country and Installation	Project Title	FY 2022 Request	Conference Authorized
Def-Wide	Redstone Arsenal	Msic Advanced Analysis Facility Phase 1 (Inc).	0	25,000
Def-Wide	Belgium Chievres Air Force Base	Europe West District Superintendent's Office.	15,000	15,000
Def-Wide	California Marine Corps Base Camp Pendleton	Veterinary Treatment Facility Replace- ment.	13,600	13,600
Def-Wide	Silver Strand Training Com- plex	SOF ATC Operations Support Facility ...	21,700	21,700
Def-Wide	Silver Strand Training Com- plex	SOF NSWG11 Operations Support Facil- ity.	12,000	12,000
Def-Wide	Marine Corps Air Station Miramar	Additional LFG Power Meter Station	0	4,054
Def-Wide	Naval Air Weap- ons Station China Lake	Solar Energy Storage System	0	9,120
Def-Wide	Naval Amphibious Base Coronado	Ctc- SOF Training Command	0	20,500
Def-Wide	Colorado Buckley Air Force Base	JCC Expansion	20,000	20,000
Def-Wide	District of Columbia Joint Base Ana- costia-Bolling	DIA HQ Cooling Towers and Cond Pumps.	0	2,257
Def-Wide	Joint Base Ana- costia-Bolling	PV Carports	0	29,004
Def-Wide	Florida MacDill Air Force Base	Transmission and Switching Stations	0	22,000
Def-Wide	Georgia Fort Benning	4.8 MW Generation and Microgrid	0	17,593
Def-Wide	Fort Benning	SOF Battalion Headquarters Facility	62,000	62,000
Def-Wide	Fort Stewart	10 MW Generation Plant, With Microgrid Controls.	0	22,000
Def-Wide	Kings Bay Naval Submarine Base	Electrical Transmission and Distribution	0	19,314
Def-Wide	Germany Ramstein Air Base	Ramstein Middle School	93,000	13,000
Def-Wide	Guam Polaris Point Sub- marine Base	Inner Apra Harbor Resiliency Upgrades Ph1.	0	38,300
Def-Wide	Hawaii Hdr-Hawaii	Homeland Defense Radar (P&D)	0	9,000
Def-Wide	Joint Base Pearl Harbor-Hickam	Veterinary Treatment Facility Replace- ment.	29,800	29,800
Def-Wide	Idaho Mountain Home Air Force Base	Water Treatment Plant and Pump Sta- tion.	0	33,800
Def-Wide	Japan Marine Corps Air Base Iwakuni	Fuel Pier	57,700	57,700
Def-Wide	Kadena Air Base	Operations Support Facility	24,000	24,000
Def-Wide	Kadena Air Base	Truck Unload Facilities	22,300	22,300
Def-Wide	Misawa Air Base	Additive Injection Pump and Storage Sys.	6,000	6,000
Def-Wide	Naval Air Facility Atsugi	Smart Grid for Utility and Facility Con- trols.	0	3,810
Def-Wide	Yokota Air Base	Hangar/AMU	108,253	31,653
Def-Wide	Kuwait Camp Arifjan	Microgrid Controller, 1.25 MW Solar PV, and 1.5 MWH Battery.	0	15,000

SEC. 4601. MILITARY CONSTRUCTION (In Thousands of Dollars)				
Account	State/Country and Installation	Project Title	FY 2022 Request	Conference Authorized
	Maryland			
Def-Wide	Bethesda Naval Hospital	MEDCEN Addition / Alteration, Inc. 5 ...	153,233	153,233
Def-Wide	Fort Meade	NSAW Mission OPS and Records Center Inc. 1.	94,000	94,000
Def-Wide	Fort Meade	NSAW Recap Building 4, Inc. 1	104,100	104,100
Def-Wide	Fort Meade	SOF Operations Facility	100,000	75,000
	Michigan			
Def-Wide	Camp Grayling	650 KW Gas-Fired Micro-Turbine Gen- eration System.	0	5,700
	Mississippi			
Def-Wide	Camp Shelby	10 MW Generation Plant an Feeder Level Microgrid System.	0	34,500
Def-Wide	Camp Shelby	Electrical Distribution Infrastructure Undergrounding Hardening Project.	0	11,155
	Missouri			
Def-Wide	Fort Leonard Wood	Hospital Replacement, Inc. 4	160,000	160,000
	New Mexico			
Def-Wide	Kirtland Air Force Base	Environmental Health Facility Replace- ment.	8,600	8,600
	New York			
Def-Wide	Fort Drum	Wellfield Expansion Resiliency Project ...	0	27,000
	North Carolina			
Def-Wide	Camp Lejeune	Ctc—SOF Motor Transport Maintenance Expansion.	0	0
Def-Wide	Fort Bragg	Ctc—SOF Intelligence Training Center ..	0	0
Def-Wide	Fort Bragg	10 MW Microgrid Utilizing Existing and New Generators.	0	19,464
Def-Wide	Fort Bragg	Emergency Water System	0	7,705
	North Dakota			
Def-Wide	Cavalier Air Force Station	Pcars Emergency Power Plant Fuel Stor- age.	0	24,150
	Ohio			
Def-Wide	Springfield-Beck- ley Municipal Airport	Base-Wide Microgrid With Natural Gas Generator, Photovaltaic, and Battery Storage.	0	4,700
	Puerto Rico			
Def-Wide	Fort Allen	Microgrid Conrol System, 690 KW PV, 275 KW Gen, 570 Kwh Bess.	0	12,190
Def-Wide	Punta Borinquen	Ramey Unit School Replacement	84,000	84,000
Def-Wide	Aguadilla Ramey Unit School	Microgrid Conrol System, 460 KW PV, 275 KW Generator, 660 Kwh Bess.	0	10,120
	Tennessee			
Def-Wide	Memphis Inter- national Airport	PV Arrays and Battery Storage	0	4,780
	Texas			
Def-Wide	Joint Base San Antonio	Ambulatory Care Center Ph 4	35,000	35,000
	United Kingdom			
Def-Wide	Menwith Hill Sta- tion	Rafmh Main Gate Rehabilitation	20,000	20,000
Def-Wide	Royal Air Force Lakenheath	Hospital Replacement-Temporary Facili- ties.	19,283	19,283
	Virginia			
Def-Wide	Fort Belvoir	Veterinary Treatment Facility Replace- ment.	29,800	29,800
Def-Wide	Humphries Engi- neer Center and Support Activ- ity	SOF Battalion Operations Facility	0	36,000
Def-Wide	Pentagon	Consolidated Maintenance Complex (RRMC).	20,000	20,000
Def-Wide	Pentagon	Force Protection Perimeter Enhance- ments.	8,608	8,608
Def-Wide	Pentagon	Public Works Support Facility	21,935	21,935

SEC. 4601. MILITARY CONSTRUCTION (In Thousands of Dollars)				
Account	State/Country and Installation	Project Title	FY 2022 Request	Conference Authorized
Def-Wide	Fort Belvoir, NGA Campus East	Led Upgrade Package	0	365
Def-Wide	Pentagon, Mark Center, and Raven Rock Mountain Com- plex	Recommissioning of Hvac Systems, Part B.	0	2,600
Def-Wide	National Geospatial-In- telligence Agen- cy Campus East	Electrical System Redundancy	0	5,299
Def-Wide	Washington Oak Harbor	ACC / Dental Clinic (Oak Harbor)	59,000	59,000
Def-Wide	Worldwide Unspec- ified	DIA Planning and Design	11,000	11,000
Def-Wide	Unspecified Worldwide Lo- cations	DODEA Planning and Design	13,317	13,317
Def-Wide	Unspecified Worldwide Lo- cations	DODEA Unspecified Minor Construction	8,000	8,000
Def-Wide	Unspecified Worldwide Lo- cations	ERCIP Design	40,150	40,150
Def-Wide	Unspecified Worldwide Lo- cations	Energy Resilience and Conserv. Invest. Prog..	246,600	0
Def-Wide	Unspecified Worldwide Lo- cations	Exercise Related Minor Construction	5,615	5,615
Def-Wide	Unspecified Worldwide Lo- cations	MDA Unspecified Minor Construction	4,435	4,435
Def-Wide	Unspecified Worldwide Lo- cations	NSA Planning and Design	83,840	83,840
Def-Wide	Unspecified Worldwide Lo- cations	NSA Unspecified Minor Military Con- struction.	12,000	12,000
Def-Wide	Unspecified Worldwide Lo- cations	Planning and Design	14,194	14,194
Def-Wide	Unspecified Worldwide Lo- cations	Unspecified Minor Military Construc- tion.	21,746	21,746
Def-Wide	Unspecified Worldwide Lo- cations	TJS Planning and Design	2,000	2,000
Def-Wide	Unspecified Worldwide Lo- cations	Unspecified Minor Construction	3,000	3,000
Def-Wide	Unspecified Worldwide Lo- cations	WHS Planning and Design	5,275	5,275
Def-Wide	Various World- wide Locations	DHA Planning and Design	35,099	35,099
Def-Wide	Various World- wide Locations	DLA Planning and Design	20,862	20,862
Def-Wide	Various World- wide Locations	DLA Unspecified Minor Construction	6,668	6,668
Def-Wide	Various World- wide Locations	SOCOM Planning and Design	20,576	20,576
Military Construction, Defense-Wide Total			1,957,289	2,029,569

SEC. 4601. MILITARY CONSTRUCTION (In Thousands of Dollars)				
Account	State/Country and Installation	Project Title	FY 2022 Request	Conference Authorized
NATO	Worldwide Unspec- ified NATO Security Investment Pro- gram	NATO Security Investment Program	205,853	205,853
NATO Security Investment Program Total			205,853	205,853
Army NG	Alabama Redstone Arsenal	National Guard Readiness Center	0	17,000
Army NG	Alaska Joint Base Elmen- dorf-Richardson	Planning and Design for National Guard Readiness Center.	0	5,000
Army NG	Connecticut Connecticut Army National Guard Readiness Cen- ter—Putnam	National Guard Readiness Center	17,500	17,500
Army NG	Georgia Fort Benning	Post-Initial Mil. Training Unaccomp. Housing.	13,200	13,200
Army NG	Guam Guam National Guard Read- iness Center Barrigada	National Guard Readiness Center Addi- tion.	34,000	34,000
Army NG	Idaho Jerome National Guard Armory	National Guard Readiness Center	15,000	15,000
Army NG	Illinois Bloomington Na- tional Guard Armory	National Guard Vehicle Maintenance Shop.	15,000	15,000
Army NG	Kansas Nickell Memorial Armory	National Guard/Reserve Center Building SCIF (P&D).	0	420
Army NG	Nickell Memorial Armory	National Guard/Reserve Center Building	16,732	16,732
Army NG	Louisiana Camp Minden Training Site	Collective Training Unaccompanied Housing.	0	13,800
Army NG	Lake Charles Na- tional Guard Readiness Cen- ter	National Guard Readiness Center	18,500	18,500
Army NG	Maine Saco National Guard Read- iness Center	National Guard Vehicle Maintenance Shop.	21,200	21,200
Army NG	Michigan Camp Grayling Military Instal- lation	National Guard Readiness Center	0	16,000
Army NG	Mississippi Camp Shelby Training Site	Maneuver Area Training Equipment Site.	0	15,500
Army NG	Missouri Aviation Classi- fication Repair Activity Depot	Avcrad Aircraft Maintenance Hangar Addition (P&D).	0	3,800
Army NG	Montana Butte Military Entrance Train- ing Site	National Guard Readiness Center	16,000	16,000
	Nebraska			

SEC. 4601. MILITARY CONSTRUCTION (In Thousands of Dollars)						
Account	State/Country and Installation	Project Title			FY 2022 Request	Conference Authorized
Army NG	Mead Army National Guard Readiness Center	Collective Housing.	Training	Unaccompanied	0	11,000
Army NG	North Dakota Dickinson National Guard Armory	National Guard Readiness Center			15,500	15,500
Army NG	South Dakota Sioux Falls Army National Guard	National Guard Readiness Center			0	15,000
Army NG	Vermont Ethan Allen Air Force Base	Family Readiness Center			0	4,665
Army NG	Vermont National Guard Armory	National Guard Readiness Center			0	16,900
Army NG	Virginia Virginia National Guard Readiness Center	Army Aviation Support Facility (P&D) ...			0	5,805
Army NG	Virginia National Guard Readiness Center	Combined Support Maintenance Shop Addition.			6,900	6,900
Army NG	Virginia National Guard Readiness Center	National Guard Readiness Center Addition.			6,100	6,100
Army NG	Worldwide Unspecified Unspecified Worldwide Locations	Planning and Design			22,000	32,000
Army NG	Unspecified Worldwide Locations	Unspecified Minor Construction			39,471	39,471
Army NG	Various World-wide Locations	Army National Guard Transformation Plan.			0	0
Military Construction, Army National Guard Total					257,103	391,993
Army Res	Michigan Southfield	Area Maintenance Support Activity			12,000	12,000
Army Res	Ohio Wright-Patterson Air Force Base	AR Center Training Building/ UHS			19,000	19,000
Army Res	Wisconsin Fort McCoy	Transient Training BN HQ			12,200	12,200
Army Res	Fort McCoy	Transient Training Enlisted Barracks			0	29,200
Army Res	Fort McCoy	Transient Training Officer Barracks			0	29,200
Army Res	Fort McCoy	Transient Training Enlisted Barracks			0	0
Army Res	Worldwide Unspecified Unspecified Worldwide Locations	Planning and Design			7,167	7,167
Army Res	Unspecified Worldwide Locations	Cost to Complete			0	0
Army Res	Unspecified Worldwide Locations	Unspecified Minor Military Construction			14,544	14,544
Military Construction, Army Reserve Total					64,911	123,311
N/MC Res	Michigan Navy Operational Support Center Battle Creek	Reserve Center & Vehicle Maintenance Facility.			49,090	49,090

SEC. 4601. MILITARY CONSTRUCTION (In Thousands of Dollars)				
Account	State/Country and Installation	Project Title	FY 2022 Request	Conference Authorized
N/MC Res	Minnesota Minneapolis	Joint Reserve Intelligence Center	14,350	14,350
N/MC Res	Worldwide Unspec- ified	MCNR Planning & Design	1,257	1,257
N/MC Res	Unspecified Worldwide Lo- cations	MCNR Unspecified Minor Construction	2,359	2,359
N/MC Res	Unspecified Worldwide Lo- cations	USMCR Planning and Design	4,748	4,748
Military Construction, Naval Reserve Total			71,804	71,804
Air NG	Alabama Sumpter Smith Air National Guard Base	Security and Services Training Facility ..	0	7,500
Air NG	Montgomery Re- gional Airport	Aircraft Maintenance Facility	0	19,200
Air NG	Connecticut Bradley Inter- national Airport	Composite ASE/Vehicle MX Facility	0	17,000
Air NG	Delaware Newcastle Air Na- tional Guard Base	Fuel Cell/Corrosion Control Hangar	0	17,500
Air NG	Idaho Boise Air Na- tional Guard Base Gowen Field	Medical Training Facility	0	6,500
Air NG	Illinois Abraham Lincoln Capital Airport	Base Civil Engineering Facility	0	10,200
Air NG	Massachusetts Barnes Air Na- tional Guard	Combined Engine/ASE/NDI Shop	12,200	12,200
Air NG	Michigan Alpena County Regional Air- port	Aircraft Maintenance Hangar/Shops	23,000	23,000
Air NG	Selfridge Air Na- tional Guard Base	a–10 Maintenance Hangar and Shops	0	28,000
Air NG	W. K. Kellog Re- gional Airport	Construct Main Base Entrance	10,000	10,000
Air NG	Mississippi Jackson Inter- national Airport	Fire Crash and Rescue Station	9,300	9,300
Air NG	New York Francis S. Gabreski Air- port	Base Civil Engineer Complex	0	14,800
Air NG	Schenectady Mu- nicipal Airport	C–130 Flight Simulator Facility	10,800	10,800
Air NG	Ohio Camp Perry	Red Horse Logistics Complex	7,800	7,800
Air NG	South Carolina McEntire Joint National Guard Base	Hazardous Cargo Pad	0	9,000

SEC. 4601. MILITARY CONSTRUCTION (In Thousands of Dollars)				
Account	State/Country and Installation	Project Title	FY 2022 Request	Conference Authorized
Air NG	Mcentire Joint National Guard Base	F–16 Mission Training Center	9,800	9,800
Air NG	South Dakota Joe Foss Field	F–16 Mission Training Center	9,800	9,800
Air NG	Texas Kelly Field Annex	Aircraft Corrosion Control	0	9,500
Air NG	Washington Camp Murray Air National Guard Station	Air Support Operations Complex	0	27,000
Air NG	Wisconsin Truax Field	F–35 3–Bay Specialized Hangar	31,000	31,000
Air NG	Truax Field	Medical Readiness Facility	13,200	13,200
Air NG	Volk Combat Readiness Training Center	Replace Aircraft Maintenance Hangar/ Shops (P&D).	0	2,280
Air NG	Worldwide Unspec- ified	Unspecified Minor Construction	29,068	29,068
Air NG	Unspecified Worldwide Lo- cations	Planning and Design	18,402	34,402
Air NG	Various World- wide Locations			
Air NG	Wyoming Cheyenne Munic- ipal Airport	Combined Vehicle Maintenance & ASE Complex.	13,400	13,400
Military Construction, Air National Guard Total			197,770	382,250
AF Res	California Beale Air Force Base	940 ARW SQ OPS &amu Complex	0	33,000
AF Res	Florida Homestead Air Force Reserve Base	Corrosion Control Facility	14,000	14,000
AF Res	Patrick Air Force Base	Simulator C–130J	18,500	18,500
AF Res	Indiana Grissom Air Re- serve Base	Logistics Readiness Complex	0	29,000
AF Res	Minnesota Minneapolis-St Paul Inter- national Airport	Mission Support Group Facility	14,000	14,000
AF Res	New York Niagara Falls Air Reserve Station	Main Gate	10,600	10,600
AF Res	Ohio Youngstown Air Reserve Base	Assault Runway	0	8,700
AF Res	Worldwide Unspec- ified			
AF Res	Worldwide Var- ious Locations	KC–46 Mob 5 (P&D)	0	15,000
AF Res	Unspecified Worldwide Lo- cations	Planning & Design	5,830	5,830
AF Res	Unspecified Worldwide Lo- cations	Unspecified Minor Military Construction	15,444	15,444
Military Construction, Air Force Reserve Total			78,374	164,074
FH Con Army	Italy Vicenza	Family Housing New Construction	92,304	92,304

SEC. 4601. MILITARY CONSTRUCTION (In Thousands of Dollars)				
Account	State/Country and Installation	Project Title	FY 2022 Request	Conference Authorized
FH Con Army	Kwajalein Atoll	Family Housing Replacement Construc- tion.	0	10,000
FH Con Army	Pennsylvania Tobyhanna Army Depot	Ctc- Family Housing Replacement Con- struction.	0	7,500
FH Con Army	Puerto Rico Fort Buchanan	Ctc- Family Housing Replacement Con- struction.	0	14,000
FH Con Army	Worldwide Unspec- ified Unspecified Worldwide Lo- cations	Family Housing P&D	7,545	37,545
Family Housing Construction, Army Total			99,849	161,349
FH Ops Army	Worldwide Unspec- ified Unspecified Worldwide Lo- cations	Furnishings	18,077	18,077
FH Ops Army	Unspecified Worldwide Lo- cations	Housing Privatization Support	38,404	38,404
FH Ops Army	Unspecified Worldwide Lo- cations	Leasing	128,110	128,110
FH Ops Army	Unspecified Worldwide Lo- cations	Maintenance	111,181	111,181
FH Ops Army	Unspecified Worldwide Lo- cations	Management	42,850	42,850
FH Ops Army	Unspecified Worldwide Lo- cations	Miscellaneous	556	556
FH Ops Army	Unspecified Worldwide Lo- cations	Services	8,277	8,277
FH Ops Army	Unspecified Worldwide Lo- cations	Utilities	43,772	43,772
Family Housing Operation And Maintenance, Army Total			391,227	391,227
FH Con Navy	Worldwide Unspec- ified Unspecified Worldwide Lo- cations	Construction Improvements	71,884	71,884
FH Con Navy	Unspecified Worldwide Lo- cations	Planning & Design	3,634	3,634
FH Con Navy	Unspecified Worldwide Lo- cations	USMC DPRI/Guam Planning and De- sign.	2,098	2,098
Family Housing Construction, Navy And Marine Corps Total			77,616	77,616
FH Ops Navy	Worldwide Unspec- ified Unspecified Worldwide Lo- cations	Furnishings	16,537	16,537

SEC. 4601. MILITARY CONSTRUCTION (In Thousands of Dollars)				
Account	State/Country and Installation	Project Title	FY 2022 Request	Conference Authorized
FH Ops Navy	Unspecified Worldwide Lo- cations	Housing Privatization Support	54,544	54,544
FH Ops Navy	Unspecified Worldwide Lo- cations	Leasing	62,567	62,567
FH Ops Navy	Unspecified Worldwide Lo- cations	Maintenance	95,417	95,417
FH Ops Navy	Unspecified Worldwide Lo- cations	Management	54,083	54,083
FH Ops Navy	Unspecified Worldwide Lo- cations	Miscellaneous	285	285
FH Ops Navy	Unspecified Worldwide Lo- cations	Services	17,637	17,637
FH Ops Navy	Unspecified Worldwide Lo- cations	Utilities	56,271	56,271
Family Housing Operation And Maintenance, Navy And Marine Corps Total.			357,341	357,341
FH Con AF	Georgia Robins Air Force Base	Robins 2 MHPI Restructure	6,000	6,000
FH Con AF	Nebraska Offutt Air Force Base	Offutt MHPI Restructure	50,000	50,000
FH Con AF	Worldwide Unspec- ified	Construction Improvements	49,258	49,258
FH Con AF	Unspecified Worldwide Lo- cations	Planning & Design	10,458	10,458
Family Housing Construction, Air Force Total			115,716	115,716
FH Ops AF	Worldwide Unspec- ified	Furnishings	26,842	26,842
FH Ops AF	Unspecified Worldwide Lo- cations	Housing Privatization	23,275	23,275
FH Ops AF	Unspecified Worldwide Lo- cations	Leasing	9,520	9,520
FH Ops AF	Unspecified Worldwide Lo- cations	Maintenance	141,754	141,754
FH Ops AF	Unspecified Worldwide Lo- cations	Management	70,062	70,062
FH Ops AF	Unspecified Worldwide Lo- cations	Miscellaneous	2,200	2,200
FH Ops AF	Unspecified Worldwide Lo- cations	Services	8,124	8,124

SEC. 4601. MILITARY CONSTRUCTION (In Thousands of Dollars)				
Account	State/Country and Installation	Project Title	FY 2022 Request	Conference Authorized
FH Ops AF	Unspecified Worldwide Lo- cations	Utilities	43,668	43,668
Family Housing Operation And Maintenance, Air Force Total			325,445	325,445
	Worldwide Unspec- ified			
FH Ops DW	Unspecified Worldwide Lo- cations	DIA Furnishings	656	656
FH Ops DW	Unspecified Worldwide Lo- cations	DIA Leasing	31,430	31,430
FH Ops DW	Unspecified Worldwide Lo- cations	DIA Utilities	4,166	4,166
FH Ops DW	Unspecified Worldwide Lo- cations	Maintenance	49	49
FH Ops DW	Unspecified Worldwide Lo- cations	NSA Furnishings	83	83
FH Ops DW	Unspecified Worldwide Lo- cations	NSA Leasing	13,387	13,387
FH Ops DW	Unspecified Worldwide Lo- cations	NSA Utilities	14	14
Family Housing Operation And Maintenance, Defense-Wide Total ...			49,785	49,785
	Worldwide Unspec- ified			
FHIF	Unspecified Worldwide Lo- cations	Administrative Expenses—FHIF	6,081	6,081
Unaccompanied Housing Improvement Fund Total			6,081	6,081
	Worldwide Unspec- ified			
UHIF	Unspecified Worldwide Lo- cations	Administrative Expenses—UHIF	494	494
Unaccompanied Housing Improvement Fund Total			494	494
	Worldwide Unspec- ified			
BRAC	Base Realignment & Closure, Army	Base Realignment and Closure	65,301	115,301
Base Realignment and Closure—Army Total			65,301	115,301
	Worldwide Unspec- ified			
BRAC	Unspecified Worldwide Lo- cations	Base Realignment & Closure	111,155	161,155
Base Realignment and Closure—Navy Total			111,155	161,155
	Worldwide Unspec- ified			

SEC. 4601. MILITARY CONSTRUCTION (In Thousands of Dollars)				
Account	State/Country and Installation	Project Title	FY 2022 Request	Conference Authorized
BRAC	Unspecified Worldwide Lo- cations	DOD BRAC Activities—Air Force	104,216	104,216
Base Realignment and Closure—Air Force Total			104,216	104,216
BRAC	Worldwide Unspec- ified Unspecified Worldwide Lo- cations	Base Realignment and Closure	0	0
BRAC	Unspecified Worldwide Lo- cations	Int–4: DLA Activities	3,967	3,967
Base Realignment and Closure—Defense-wide Total			3,967	3,967
Total, Military Construction			9,847,031	13,347,031

TITLE XLVII—DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS

SEC. 4701. DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS.

SEC. 4701. DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS (In Thousands of Dollars)			
Program	FY 2022 Request	Conference Authorized	
Discretionary Summary by Appropriation			
Energy and Water Development and Related Agencies			
Appropriation Summary:			
Energy Programs			
Nuclear energy	149,800	149,800	
Atomic Energy Defense Activities			
National Nuclear Security Administration:			
Weapons activities	15,484,295	15,981,328	
Defense nuclear nonproliferation	1,934,000	1,957,000	
Naval reactors	1,860,705	1,860,705	
Federal Salaries and Expenses	464,000	464,000	
Total, National Nuclear Security Administra- tion	19,743,000	20,263,033	
Defense environmental cleanup	6,841,670	6,480,759	
Defense Uranium Enrichment D&D	0	0	
Other defense activities	1,170,000	920,000	
Total, Atomic Energy Defense Activities	27,754,670	27,663,792	
Total, Discretionary Funding	27,904,470	27,813,592	
Nuclear Energy			
Safeguards and security	149,800	149,800	
Total, Nuclear Energy	149,800	149,800	

SEC. 4701. DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS (In Thousands of Dollars)		
Program	FY 2022 Request	Conference Authorized
National Nuclear Security Administration		
Federal Salaries and Expenses		
Program direction	464,000	464,000
Weapons Activities		
Stockpile management		
Stockpile major modernization		
B61 Life extension program	771,664	771,664
W76–2 Modification program	0	0
W88 Alteration program	207,157	207,157
W80–4 Life extension program	1,080,400	1,080,400
W80–4 ALT SLCM	10,000	10,000
W87–1 Modification Program (formerly IW1)	691,031	691,031
W93	72,000	72,000
Subtotal, Stockpile major modernization	2,832,252	2,832,252
Stockpile sustainment	1,180,483	1,180,483
Weapons dismantlement and disposition	51,000	51,000
Production operations	568,941	568,941
Total, Stockpile management	4,632,676	4,632,676
Production modernization		
Primary Capability Modernization		
Plutonium Modernization		
Los Alamos plutonium modernization		
Los Alamos Plutonium Operations	660,419	660,419
21–D–512, Plutonium Pit Production Project, LANL	350,000	350,000
Subtotal, Los Alamos plutonium moderniza- tion	1,010,419	1,010,419
Savannah River plutonium modernization		
Savannah River plutonium operations	128,000	128,000
21–D–511, Savannah River Plutonium Proc- essing Facility, SRS	475,000	475,000
Subtotal, Savannah River plutonium mod- ernization	603,000	603,000
Enterprise Plutonium Support	107,098	107,098
Total, Plutonium Modernization	1,720,517	1,720,517
High Explosives & Energetics	68,785	68,785
Total, Primary Capability Modernization	1,789,302	1,789,302
Secondary Capability Modernization	488,097	488,097
Tritium and Domestic Uranium Enrichment	489,017	489,017
Non-Nuclear Capability Modernization	144,563	144,563
Total, Production modernization	2,910,979	2,910,979
Stockpile research, technology, and engineering		
Assessment science	689,578	769,394
Engineering and integrated assessments	336,766	292,085
Inertial confinement fusion	529,000	580,000
Advanced simulation and computing	747,012	747,012
Weapon technology and manufacturing maturation	292,630	292,630
Academic programs	95,645	101,945
Total, Stockpile research, technology, and engineering	2,690,631	2,783,066
Infrastructure and operations		
Operating		
Operations of facilities	1,014,000	1,014,000
Safety and Environmental Operations	165,354	165,354

SEC. 4701. DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS (In Thousands of Dollars)		
Program	FY 2022 Request	Conference Authorized
Maintenance and Repair of Facilities	670,000	1,020,000
Recapitalization		
Infrastructure and Safety	508,664	508,664
Capabilities Based Investments	143,066	143,066
Planning for Programmatic Construction (Pre- CD-1)	0	0
Subtotal, Recapitalization	651,730	651,730
Total, Operating	2,501,084	2,851,084
Construction		
Programmatic		
22–D–513 Power Sources Capability, SNL	13,827	13,827
21–D–510, HE Synthesis, Formulation, and Pro- duction Facility, PX	44,500	36,200
18–D–690, Lithium Processing Facility, Y–12	167,902	167,902
18–D–650, Tritium Finishing Facility, SRS	27,000	27,000
18–D–620, Exascale Computing Facility Mod- ernization Project, LLNL	0	0
17–D–640, U1a Complex Enhancements Project, NNSS	135,000	135,000
15–D–302, TA–55 Reinvestment Project—Phase 3, LANL	27,000	27,000
15–D–301, HE Science & Engineering Facility, PX	0	0
07–D–220-04, Transuranic Liquid Waste Facil- ity, LANL	0	0
06–D–141, Uranium Processing Facility, Y–12	524,000	600,000
04–D–125, Chemistry and Metallurgy Research Replacement Project, LANL	138,123	138,123
Total, Programmatic	1,077,352	1,145,052
Mission enabling		
22–D–514 Digital Infrastructure Capability Ex- pansion	8,000	8,000
Total, Mission enabling	8,000	8,000
Total, Construction	1,085,352	1,153,052
Total, Infrastructure and operations	3,586,436	4,004,136
Secure transportation asset		
Operations and equipment	213,704	213,704
Program direction	117,060	117,060
Total, Secure transportation asset	330,764	330,764
Defense nuclear security		
Operations and maintenance	824,623	811,521
Security improvements program	0	0
Construction:		
17–D–710, West end protected area reduction project, Y–12	23,000	23,000
Subtotal, construction	23,000	23,000
Total, Defense nuclear security	847,623	834,521
Information technology and cybersecurity	406,530	406,530
Legacy contractor pensions	78,656	78,656
Total, Weapons Activities	15,484,295	15,981,328
Adjustments		
Use of prior year balances	0	0
Total, Adjustments	0	0
Total, Weapons Activities	15,484,295	15,981,328

SEC. 4701. DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS (In Thousands of Dollars)		
Program	FY 2022 Request	Conference Authorized
Defense Nuclear Nonproliferation		
Defense Nuclear Nonproliferation Programs		
Material management and minimization		
Conversion (formerly HEU Reactor Conversion)	100,660	100,660
Nuclear material removal	42,100	42,100
Material disposition	200,186	200,186
Laboratory and partnership support	0	0
Total, Material management & minimization	342,946	342,946
Global material security		
International nuclear security	79,939	79,939
Domestic radiological security	158,002	158,002
International radiological security	85,000	85,000
Nuclear smuggling detection and deterrence	175,000	185,000
Total, Global material security	497,941	507,941
Nonproliferation and arms control	184,795	184,795
National Technical Nuclear Forensics R&D	45,000	45,000
Defense nuclear nonproliferation R&D		
Proliferation detection	269,407	269,407
Nonproliferation stewardship program	87,329	100,329
Nuclear detonation detection	271,000	271,000
Nonproliferation fuels development	0	0
Total, Defense Nuclear Nonproliferation R&D	627,736	640,736
Nonproliferation construction		
U. S. Construction:		
18–D–150 Surplus Plutonium Disposition Project	156,000	156,000
99–D–143, Mixed Oxide (MOX) Fuel Fabrication Facility, SRS	0	0
Total, U. S. Construction:	156,000	156,000
Total, Nonproliferation construction	156,000	156,000
Total, Defense Nuclear Nonproliferation Programs	1,854,418	1,877,418
Legacy contractor pensions	38,800	38,800
Nuclear counterterrorism and incident response program		
Emergency Operations	14,597	14,597
Counterterrorism and Counterproliferation	356,185	356,185
Total, Nuclear counterterrorism and incident response program	370,782	370,782
Subtotal, Defense Nuclear Nonproliferation	2,264,000	2,287,000
Adjustments		
Use of prior year balances	0	0
Use of prior year MOX funding	–330,000	–330,000
Total, Adjustments	–330,000	–330,000
Total, Defense Nuclear Nonproliferation	1,934,000	1,957,000
Naval Reactors		
Naval reactors development	640,684	640,684
Columbia-Class reactor systems development	55,000	55,000
S8G Prototype refueling	126,000	126,000
Naval reactors operations and infrastructure	594,017	594,017
Program direction	55,579	55,579
Construction:		
22–D–532 Security Upgrades KL	5,100	5,100

SEC. 4701. DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS (In Thousands of Dollars)		
Program	FY 2022 Request	Conference Authorized
22–D–531 KL Chemistry & Radiological Health Building	41,620	41,620
21–D–530 KL Steam and Condensate Upgrades	0	0
14–D–901, Spent Fuel Handling Recapitalization Project, NRF	348,705	348,705
Total, Construction	395,425	395,425
Use of Prior Year unobligated balances	–6,000	–6,000
Total, Naval Reactors	1,860,705	1,860,705
TOTAL, National Nuclear Security Administration	19,743,000	20,263,033
Defense Environmental Cleanup		
Closure sites administration	3,987	3,987
Richland:		
River corridor and other cleanup operations	196,000	211,000
Central plateau remediation	689,776	689,776
Richland community and regulatory support	5,121	5,121
18–D–404 Modification of Waste Encapsulation and Stor- age Facility	8,000	8,000
22–D–401 L–888, 400 Area Fire Station	15,200	15,200
22–D–402 L–897, 200 Area Water Treatment Facility	12,800	12,800
Total, Richland	926,897	941,897
Office of River Protection:		
Waste Treatment Immobilization Plant Commissioning ...	50,000	50,000
Rad liquid tank waste stabilization and disposition	817,642	837,642
Construction:		
18–D–16 Waste treatment and immobilization plant—LBL/Direct feed LAW	586,000	586,000
01–D–16 D, High-level waste facility	60,000	60,000
01–D–16 E, Pretreatment Facility	20,000	20,000
Total, Construction	666,000	666,000
ORP Low-level waste offsite disposal	7,000	7,000
Total, Office of River Protection	1,540,642	1,560,642
Idaho National Laboratory:		
Idaho cleanup and waste disposition	358,925	358,925
Idaho community and regulatory support	2,658	2,658
Construction:		
22–D–403 Idaho Spent Nuclear Fuel Staging Fa- cility	3,000	3,000
22–D–404 Addl ICDF Landfill Disposal Cell and Evaporation Ponds Project	5,000	5,000
Total, Construction	8,000	8,000
Total, Idaho National Laboratory	369,583	369,583
NNSA sites and Nevada off-sites		
Lawrence Livermore National Laboratory	1,806	1,806
LLNL Excess facilities D&D	35,000	35,000
Separations Processing Research Unit	15,000	15,000
Nevada Test Site	60,737	60,737
Sandia National Laboratory	4,576	4,576
Los Alamos National Laboratory	275,119	275,119
Los Alamos Excess facilities D&D	58,381	58,381
Total, NNSA sites and Nevada off-sites	450,619	450,619
Oak Ridge Reservation:		
OR Nuclear facility D&D	274,923	287,316
U233 Disposition Program	55,000	55,000
OR cleanup and waste disposition	73,725	73,725

SEC. 4701. DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS (In Thousands of Dollars)		
Program	FY 2022 Request	Conference Authorized
Construction:		
17–D–401 On-site waste disposal facility	12,500	12,500
14–D–403 Outfall 200 Mercury Treatment Facility ...	0	0
Subtotal, Construction:	12,500	12,500
OR community & regulatory support	5,096	5,096
OR technology development and deployment	3,000	3,000
Total, Oak Ridge Reservation	424,244	436,637
Savannah River Site:		
Savannah River risk management operations	452,724	454,090
SR legacy pensions	130,882	130,882
SR community and regulatory support	5,805	11,805
Construction:		
20–D–402 Advanced Manufacturing Collaborative Facility (AMC)	0	0
20–D–401 Saltstone Disposal Unit #10, 11, 12	19,500	19,500
19–D–701 SR Security systems replacement	5,000	5,000
18–D–402 Saltstone disposal unit #8/9	68,000	68,000
17–D–402 Saltstone Disposal Unit #7	0	0
05–D–405 Salt waste processing facility, SRS	0	0
8–D–402 Emergency Operations Center Replacement, SR	8,999	8,999
Radioactive liquid tank waste stabilization	890,865	890,865
Total, Savannah River Site	1,581,775	1,589,141
Waste Isolation Pilot Plant		
Waste Isolation Pilot Plant	350,424	350,424
Construction:		
15–D–411 Safety significant confinement ventilation system, WIPP	55,000	55,000
15–D–412 Exhaust shaft, WIPP	25,000	25,000
21–D–401 Hoisting Capability Project	0	0
Total, Construction	80,000	80,000
Total, Waste Isolation Pilot Plant	430,424	430,424
Program direction—Defense Environmental Cleanup	293,106	293,106
Program support—Defense Environmental Cleanup	62,979	62,979
Safeguards and Security—Defense Environmental Cleanup ...	316,744	316,744
Technology development and deployment	25,000	25,000
Federal contribution to the Uranium Enrichment D&D Fund	415,670	0
Use of prior year balances	0	0
Subtotal, Defense environmental cleanup	6,841,670	6,480,759
TOTAL, Defense Environmental Cleanup	6,841,670	6,480,759
Defense Uranium Enrichment D&D	0	0
Other Defense Activities		
Environment, health, safety and security		
Environment, health, safety and security mission support	130,809	130,809
Program direction	75,511	75,511
Total, Environment, health, safety and security	206,320	206,320
Independent enterprise assessments		
Enterprise assessments	27,335	27,335
Program direction—Office of Enterprise Assessments	56,049	56,049
Total, Office of Enterprise Assessments	83,384	83,384

SEC. 4701. DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS (In Thousands of Dollars)		
Program	FY 2022 Request	Conference Authorized
Specialized security activities	283,500	283,500
Office of Legacy Management		
Legacy management activities—defense	408,797	158,797
Program direction	19,933	19,933
Total, Office of Legacy Management	428,730	178,730
Defense related administrative support	163,710	163,710
Office of hearings and appeals	4,356	4,356
Subtotal, Other defense activities	1,170,000	920,000
Use of prior year balances	0	0
Total, Other Defense Activities	1,170,000	920,000

DIVISION E—DEPARTMENT OF STATE AUTHORIZATION ACT OF 2021

Sec. 5001. Short title.
Sec. 5002. Definitions.

Department
of State
Authorization
Act of 2021.

SEC. 5001. SHORT TITLE.

This division may be cited as the “Department of State Authorization Act of 2021”.

SEC. 5002. DEFINITIONS.

22 USC 263 note.

In this division:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term “appropriate congressional committees” means the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives.

(2) DEPARTMENT.—If not otherwise specified, the term “Department” means the Department of State.

(3) SECRETARY.—If not otherwise specified, the term “Secretary” means the Secretary of State.

TITLE LI—ORGANIZATION AND OPERATIONS OF THE DEPARTMENT OF STATE

Sec. 5101. Sense of Congress on importance of Department of State’s work.

Sec. 5102. Assistant Secretary for International Narcotics and Law Enforcement Affairs.

Sec. 5103. Bureau of Consular Affairs; Bureau of Population, Refugees, and Migration.

Sec. 5104. Office of International Disability Rights.

Sec. 5105. Special appointment authority.

Sec. 5106. Repeal of authority for Special Representative and Policy Coordinator for Burma.

Sec. 5107. Anti-piracy information sharing.

Sec. 5108. Importance of foreign affairs training to national security.

Sec. 5109. Classification and assignment of Foreign Service officers.

Sec. 5110. Reporting on implementation of GAO recommendations.

Sec. 5111. Extension of period for reimbursement of fishermen for costs incurred from the illegal seizure and detention of U.S.-flag fishing vessels by foreign governments.

Sec. 5112. Art in embassies.

Sec. 5113. International fairs and expositions.

Sec. 5114. Amendment or repeal of reporting requirements.

SEC. 5101. SENSE OF CONGRESS ON IMPORTANCE OF DEPARTMENT OF STATE'S WORK.

It is the sense of Congress that—

(1) United States global engagement is key to a stable and prosperous world;

(2) United States leadership is indispensable in light of the many complex and interconnected threats facing the United States and the world;

(3) diplomacy and development are critical tools of national power, and full deployment of these tools is vital to United States national security;

(4) challenges such as the global refugee and migration crises, terrorism, historic famine and food insecurity, and fragile or repressive societies cannot be addressed without sustained and robust United States diplomatic and development leadership;

(5) the United States Government must use all of the instruments of national security and foreign policy at its disposal to protect United States citizens, promote United States interests and values, and support global stability and prosperity;

(6) United States security and prosperity depend on having partners and allies that share our interests and values, and these partnerships are nurtured and our shared interests and values are promoted through United States diplomatic engagement, security cooperation, economic statecraft, and assistance that helps further economic development, good governance, including the rule of law and democratic institutions, and the development of shared responses to natural and humanitarian disasters;

(7) as the United States Government agencies primarily charged with conducting diplomacy and development, the Department and the United States Agency for International Development (USAID) require sustained and robust funding to carry out this important work, which is essential to our ability to project United States leadership and values and to advance United States interests around the world;

(8) the work of the Department and USAID makes the United States and the world safer and more prosperous by alleviating global poverty and hunger, fighting HIV/AIDS and other infectious diseases, strengthening alliances, expanding educational opportunities for women and girls, promoting good governance and democracy, supporting anti-corruption efforts, driving economic development and trade, preventing armed conflicts and humanitarian crises, and creating American jobs and export opportunities;

(9) the Department and USAID are vital national security agencies, whose work is critical to the projection of United States power and leadership worldwide, and without which Americans would be less safe, United States economic power would be diminished, and global stability and prosperity would suffer;

(10) investing in diplomacy and development before conflicts break out saves American lives while also being cost-effective; and

(11) the contributions of personnel working at the Department and USAID are extraordinarily valuable and allow the United States to maintain its leadership around the world.

SEC. 5102. ASSISTANT SECRETARY FOR INTERNATIONAL NARCOTICS AND LAW ENFORCEMENT AFFAIRS.

(a) IN GENERAL.—Section 1(c) of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2651a(c)) is amended—

(1) by redesignating paragraphs (3) and (4) as paragraphs (4) and (5), respectively; and

(2) by inserting after paragraph (2) the following new paragraph:

“(3) ASSISTANT SECRETARY FOR INTERNATIONAL NARCOTICS AND LAW ENFORCEMENT AFFAIRS.—

“(A) IN GENERAL.—There is authorized to be in the Department of State an Assistant Secretary for International Narcotics and Law Enforcement Affairs, who shall be responsible to the Secretary of State for all matters, programs, and related activities pertaining to international narcotics, anti-crime, and law enforcement affairs in the conduct of foreign policy by the Department, including, as appropriate, leading the coordination of programs carried out by United States Government agencies abroad, and such other related duties as the Secretary may from time to time designate.

“(B) AREAS OF RESPONSIBILITY.—The Assistant Secretary for International Narcotics and Law Enforcement Affairs shall maintain continuous observation and coordination of all matters pertaining to international narcotics, anti-crime, and law enforcement affairs in the conduct of foreign policy, including programs carried out by other United States Government agencies when such programs pertain to the following matters:

“(i) Combating international narcotics production and trafficking.

“(ii) Strengthening foreign justice systems, including judicial and prosecutorial capacity, appeals systems, law enforcement agencies, prison systems, and the sharing of recovered assets.

“(iii) Training and equipping foreign police, border control, other government officials, and other civilian law enforcement authorities for anti-crime purposes, including ensuring that no foreign security unit or member of such unit shall receive such assistance from the United States Government absent appropriate vetting.

“(iv) Ensuring the inclusion of human rights and women’s participation issues in law enforcement programs, in consultation with the Assistant Secretary for Democracy, Human Rights, and Labor, and other senior officials in regional and thematic bureaus and offices.

“(v) Combating, in conjunction with other relevant bureaus of the Department of State and other United

States Government agencies, all forms of transnational organized crime, including human trafficking, illicit trafficking in arms, wildlife, and cultural property, migrant smuggling, corruption, money laundering, the illicit smuggling of bulk cash, the licit use of financial systems for malign purposes, and other new and emerging forms of crime.

“(vi) Identifying and responding to global corruption, including strengthening the capacity of foreign government institutions responsible for addressing financial crimes and engaging with multilateral organizations responsible for monitoring and supporting foreign governments’ anti-corruption efforts.

“(C) ADDITIONAL DUTIES.—In addition to the responsibilities specified in subparagraph (B), the Assistant Secretary for International Narcotics and Law Enforcement Affairs shall also—

“(i) carry out timely and substantive consultation with chiefs of mission and, as appropriate, the heads of other United States Government agencies to ensure effective coordination of all international narcotics and law enforcement programs carried out overseas by the Department and such other agencies;

“(ii) coordinate with the Office of National Drug Control Policy to ensure lessons learned from other United States Government agencies are available to the Bureau of International Narcotics and Law Enforcement Affairs of the Department;

“(iii) develop standard requirements for monitoring and evaluation of Bureau programs, including metrics for success that do not rely solely on the amounts of illegal drugs that are produced or seized;

“(iv) in coordination with the Secretary of State, annually certify in writing to the Committee on Foreign Relations of the Senate that United States and the Committee on Foreign Affairs of the House of Representatives enforcement personnel posted abroad whose activities are funded to any extent by the Bureau of International Narcotics and Law Enforcement Affairs are complying with section 207 of the Foreign Service Act of 1980 (22 U.S.C. 3927); and

“(v) carry out such other relevant duties as the Secretary may assign.

“(D) RULE OF CONSTRUCTION.—Nothing in this paragraph may be construed to limit or impair the authority or responsibility of any other Federal agency with respect to law enforcement, domestic security operations, or intelligence activities as defined in Executive Order 12333.”.

(b) MODIFICATION OF ANNUAL INTERNATIONAL NARCOTICS CONTROL STRATEGY REPORT.—Subsection (a) of section 489 of the Foreign Assistance Act of 1961 (22 U.S.C. 2291h) is amended by inserting after paragraph (9) the following new paragraph:

“(10) A separate section that contains an identification of all United States Government-supported units funded by the Bureau of International Narcotics and Law Enforcement Affairs and any Bureau-funded operations by such units in

which United States law enforcement personnel have been physically present.”.

SEC. 5103. BUREAU OF CONSULAR AFFAIRS; BUREAU OF POPULATION, REFUGEES, AND MIGRATION.

Section 1 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2651a) is amended—

- (1) by redesignating subsection (g) as subsection (j); and
- (2) by inserting after subsection (f) the following new subsections:

“(g) BUREAU OF CONSULAR AFFAIRS.—There is in the Department of State the Bureau of Consular Affairs, which shall be headed by the Assistant Secretary of State for Consular Affairs.

“(h) BUREAU OF POPULATION, REFUGEES, AND MIGRATION.—There is in the Department of State the Bureau of Population, Refugees, and Migration, which shall be headed by the Assistant Secretary of State for Population, Refugees, and Migration.”.

SEC. 5104. OFFICE OF INTERNATIONAL DISABILITY RIGHTS.

(a) ESTABLISHMENT.—There should be established in the Department of State an Office of International Disability Rights (referred to in this section as the “Office”).

(b) DUTIES.—The Office should—

(1) seek to ensure that all United States foreign operations are accessible to, and inclusive of, persons with disabilities;

(2) promote the human rights and full participation in international development activities of all persons with disabilities;

(3) promote disability inclusive practices and the training of Department of State staff on soliciting quality programs that are fully inclusive of people with disabilities;

(4) represent the United States in diplomatic and multilateral fora on matters relevant to the rights of persons with disabilities, and work to raise the profile of disability across a broader range of organizations contributing to international development efforts;

(5) conduct regular consultation with civil society organizations working to advance international disability rights and empower persons with disabilities internationally;

(6) consult with other relevant offices at the Department that are responsible for drafting annual reports documenting progress on human rights, including, wherever applicable, references to instances of discrimination, prejudice, or abuses of persons with disabilities;

(7) advise the Bureau of Human Resources or its equivalent within the Department regarding the hiring and recruitment and overseas practices of civil service employees and Foreign Service officers with disabilities and their family members with chronic medical conditions or disabilities; and

(8) carry out such other relevant duties as the Secretary of State may assign.

(c) SUPERVISION.—The Office may be headed by—

(1) a senior advisor to the appropriate Assistant Secretary of State; or

(2) an officer exercising significant authority who reports to the President or Secretary of State, appointed by and with the advice and consent of the Senate.

(d) CONSULTATION.—The Secretary of State should direct Ambassadors at Large, Representatives, Special Envoys, and coordinators working on human rights to consult with the Office to promote the human rights and full participation in international development activities of all persons with disabilities.

SEC. 5105. SPECIAL APPOINTMENT AUTHORITY.

Section 1 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2651a), as amended by section 6103 of this Act, is further amended by inserting after subsection (h) the following new subsection:

“(i) SPECIAL APPOINTMENTS.—

“(1) POSITIONS EXERCISING SIGNIFICANT AUTHORITY.—The President may, by and with the advice and consent of the Senate, appoint an individual as a Special Envoy, Special Representative, Special Coordinator, Special Negotiator, Envoy, Representative, Coordinator, Special Advisor, or other position performing a similar function, regardless of title, at the Department of State exercising significant authority pursuant to the laws of the United States. Except as provided in paragraph (3) or in clause 3, section 2, article II of the Constitution (relating to recess appointments), an individual may not be designated as a Special Envoy, Special Representative, Special Coordinator, Special Negotiator, Envoy, Representative, Coordinator, Special Advisor, or other position performing a similar function, regardless of title, at the Department exercising significant authority pursuant to the laws of the United States without the advice and consent of the Senate.

“(2) POSITIONS NOT EXERCISING SIGNIFICANT AUTHORITY.—The President or Secretary of State may appoint any Special Envoy, Special Representative, Special Coordinator, Special Negotiator, Special Envoy, Representative, Coordinator, Special Advisor, or other position performing a similar function, regardless of title, at the Department of State not exercising significant authority pursuant to the laws of the United States without the advice and consent of the Senate, if the President or Secretary, not later than 15 days before the appointment of a person to such a position, submits to the appropriate congressional committees a notification that includes the following:

“(A) A certification that the position does not require the exercise of significant authority pursuant to the laws of the United States.

“(B) A description of the duties and purpose of the position.

“(C) The rationale for giving the specific title and function to the position.

“(3) LIMITED EXCEPTION FOR TEMPORARY APPOINTMENTS EXERCISING SIGNIFICANT AUTHORITY.—The President may maintain or establish a position with the title of Special Envoy, Special Representative, Special Coordinator, Special Negotiator, Envoy, Representative, Coordinator, Special Advisor, or other position performing a similar function, regardless of title, at the Department of State exercising significant authority pursuant to the laws of the United States for not longer than 180 days if the Secretary of State, not later than 15 days after the appointment of a person to such a position, or 30 days

after the date of the enactment of this subsection, whichever is earlier, submits to the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives a notification that includes the following:

“(A) The necessity for conferring such title and function.

“(B) The dates during which such title and function will be held.

“(C) The justification for not submitting the proposed conferral of such title and function to the Senate as a nomination for advice and consent to appointment.

“(D) All relevant information concerning any potential conflict of interest which the proposed recipient of such title and function may have with regard to the appointment.

“(4) RENEWAL OF TEMPORARY APPOINTMENT.—The President may renew for one period not to exceed 180 days any position maintained or established under paragraph (3) if the President, not later than 15 days before issuing such renewal, submits to the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives a detailed justification on the necessity of such extension, including the dates with respect to which such title will continue to be held and the justification for not submitting such title to the Senate as a nomination for advice and consent.

“(5) EXEMPTION.—Paragraphs (1) through (4) shall not apply to a Special Envoy, Special Representative, Special Coordinator, Special Negotiator, Envoy, Representative, Coordinator, Special Advisor, or other person performing a similar function, regardless of title, at the Department of State if the position is expressly mandated by statute.

“(6) EFFECTIVE DATE.—This subsection shall apply to appointments made on or after January 3, 2023.”.

SEC. 5106. REPEAL OF AUTHORITY FOR SPECIAL REPRESENTATIVE AND POLICY COORDINATOR FOR BURMA.

Section 7 of the Tom Lantos Block Burmese Jade (Junta’s Anti-Democratic Efforts) Act of 2008 (Public Law 110–286; 50 U.S.C. 1701 note) relating to the establishment of a Special Representative and Policy Coordinator for Burma) is hereby repealed.

SEC. 5107. ANTI-PIRACY INFORMATION SHARING.

22 USC 263c.

The Secretary is authorized to provide for the participation by the United States in the Information Sharing Centre located in Singapore, as established by the Regional Cooperation Agreement on Combating Piracy and Armed Robbery against Ships in Asia (ReCAAP).

SEC. 5108. IMPORTANCE OF FOREIGN AFFAIRS TRAINING TO NATIONAL SECURITY.

(a) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the Department is a crucial national security agency, whose employees, both Foreign and Civil Service, require the best possible training at every stage of their careers to prepare them to promote and defend United States national interests and the health and safety of United States citizens abroad;

(2) the Department’s investment of time and resources with respect to the training and education of its personnel

is considerably below the level of other Federal departments and agencies in the national security field, and falls well below the investments many allied and adversarial countries make in the development of their diplomats;

(3) the Department faces increasingly complex and rapidly evolving challenges, many of which are science and technology-driven, and which demand the continual, high-quality training and education of its personnel;

(4) the Department must move beyond reliance on “on-the-job training” and other informal mentorship practices, which lead to an inequality in skillset development and career advancement opportunities, often particularly for minority personnel, and towards a robust professional tradecraft training continuum that will provide for greater equality in career advancement and increase minority participation in the senior ranks;

(5) the Department’s Foreign Service Institute and other training facilities should seek to substantially increase their educational and training offerings to Department personnel, including developing new and innovative educational and training courses, methods, programs, and opportunities; and

(6) consistent with existing Department gift acceptance authority and other applicable laws, the Department and Foreign Service Institute may accept funds and other resources from foundations, not-for-profit corporations, and other appropriate sources to help the Department and the Institute enhance the quantity and quality of training offerings, especially in the introduction of new, innovative, and pilot model courses.

Deadline.
Strategy.

(b) TRAINING FLOAT.—Not later than 90 days after the date of the enactment of this Act, the Secretary of State shall develop and submit to the appropriate congressional committees a strategy to establish a “training float” to allow for up to 15 percent of the Civil and Foreign Service to participate in long-term training at any given time. The strategy should identify steps necessary to ensure the implementation of the training priorities identified in subsection (c), sufficient training capacity and opportunities are available to Civil and Foreign Service officers, the equitable distribution of long-term training opportunities to Civil and Foreign Service officers, and the provision of any additional resources or authorities necessary to facilitate such a training float, including programs at the George P. Schultz National Foreign Affairs Training Center, the Foreign Service Institute, the Foreign Affairs Security Training Center, and other facilities or programs operated by the Department of State. The strategy shall identify which types of training would be prioritized, the extent (if any) to which such training is already being provided to Civil and Foreign Service officers by the Department of State, any factors incentivizing or disincentivizing such training, and why such training cannot be achieved without Civil and Foreign Service officers leaving the workforce. In addition to training opportunities provided by the Department, the strategy shall consider training that could be provided by the other United States Government training institutions, as well as nongovernmental educational institutions. The strategy shall consider approaches to overcome disincentives to pursuing long-term training.

(c) **PRIORITIZATION.**—In order to provide the Civil and Foreign Service with the level of education and training needed to effectively advance United States interests across the globe, the Department of State should—

(1) increase its offerings—

(A) of virtual instruction to make training more accessible to personnel deployed throughout the world; or

(B) at partner organizations to provide useful outside perspectives to Department personnel;

(2) offer courses utilizing computer-based or assisted simulations, allowing civilian officers to lead decisionmaking in a crisis environment; and

(3) consider increasing the duration and expanding the focus of certain training courses, including—

(A) the A-100 orientation course for Foreign Service officers, and

(B) the chief of mission course to more accurately reflect the significant responsibilities accompanying such role.

(d) **OTHER AGENCY RESPONSIBILITIES.**—Other national security agencies should increase the enrollment of their personnel in courses at the Foreign Service Institute and other Department of State training facilities to promote a whole-of-government approach to mitigating national security challenges.

SEC. 5109. CLASSIFICATION AND ASSIGNMENT OF FOREIGN SERVICE OFFICERS.

The Foreign Service Act of 1980 is amended—

(1) in section 501 (22 U.S.C. 3981), by inserting “If a position designated under this section is unfilled for more than 365 calendar days, such position may be filled, as appropriate, on a temporary basis, in accordance with section 309.” after “Positions designated under this section are excepted from the competitive service.”; and

(2) in paragraph (2) of section 502(a) (22 U.S.C. 3982(a)), by inserting “, or domestically, in a position working on issues relating to a particular country or geographic area,” after “geographic area”.

SEC. 5110. REPORTING ON IMPLEMENTATION OF GAO RECOMMENDATIONS.

(a) **INITIAL REPORT.**—Not later than 120 days after the date of the enactment of this Act, the Secretary shall submit to the appropriate congressional committees a report that lists all of the Government Accountability Office’s recommendations relating to the Department that have not been fully implemented.

(b) **IMPLEMENTATION REPORT.**—

(1) **IN GENERAL.**—Not later than 120 days after the date of the submission of the Comptroller General’s report under subsection (b), the Secretary shall submit to the appropriate congressional committees a report that describes the implementation status of each recommendation from the Government Accountability Office included in the report submitted under subsection (a).

(2) **JUSTIFICATION.**—The report under paragraph (1) shall include—

(A) a detailed justification for each decision not to fully implement a recommendation or to implement a recommendation in a different manner than specified by the Government Accountability Office;

(B) a timeline for the full implementation of any recommendation the Secretary has decided to adopt, but has not yet fully implemented; and

(C) an explanation for any discrepancies included in the Comptroller General report submitted under subsection (b).

(c) **FORM.**—The information required in each report under this section shall be submitted in unclassified form, to the maximum extent practicable, but may be included in a classified annex to the extent necessary.

SEC. 5111. EXTENSION OF PERIOD FOR REIMBURSEMENT OF FISHERMEN FOR COSTS INCURRED FROM THE ILLEGAL SEIZURE AND DETENTION OF U.S.-FLAG FISHING VESSELS BY FOREIGN GOVERNMENTS.

(a) **IN GENERAL.**—Subsection (e) of section 7 of the Fishermen’s Protective Act of 1967 (22 U.S.C. 1977) is amended to read as follows:

“(e) **AMOUNTS.**—Payments may be made under this section only to such extent and in such amounts as are provided in advance in appropriation Acts.”.

(b) **RETROACTIVE APPLICABILITY.**—

(1) **EFFECTIVE DATE.**—The amendment made by subsection (a) shall take effect on the date of the enactment of this Act and apply as if the date specified in subsection (e) of section 7 of the Fishermen’s Protective Act of 1967, as in effect on the day before the date of the enactment of this Act, were the day after such date of enactment.

(2) **AGREEMENTS AND PAYMENTS.**—The Secretary is authorized to—

(A) enter into agreements pursuant to section 7 of the Fishermen’s Protective Act of 1967 for any claims to which such section would otherwise apply but for the date specified in subsection (e) of such section, as in effect on the day before the date of the enactment of this Act; and

(B) make payments in accordance with agreements entered into pursuant to such section if any such payments have not been made as a result of the expiration of the date specified in such section, as in effect on the day before the date of the enactment of this Act.

SEC. 5112. ART IN EMBASSIES.

(a) **IN GENERAL.**—No funds are authorized to be appropriated for the purchase of any piece of art for the purposes of installation or display in any embassy, consulate, or other foreign mission of the United States if the purchase price of such piece of art is in excess of \$37,500, unless such purchase is subject to prior consultation with, and the regular notification procedures of, the appropriate congressional committees.

(b) **REPORT.**—Not later than 90 days after the date of the enactment of this Act, the Secretary shall submit to the appropriate congressional committees and the Committees on Appropriations of the Senate and the House of Representatives a report on the

22 USC 1977
note.

Consultation.
Notification.

Time period.

costs of the Art in Embassies Program for each of fiscal years 2016 through 2020.

(c) SUNSET.—This section shall terminate on the date that is 2 years after the date of the enactment of this Act.

(d) DEFINITION.—In this section, the term “art” includes paintings, sculptures, photographs, industrial design, and craft art.

SEC. 5113. INTERNATIONAL FAIRS AND EXPOSITIONS.

There is authorized to be appropriated \$20,000,000 for the Department of State for United States participation in international fairs and expositions abroad, including for construction and the operation of United States pavilions or other major exhibits.

SEC. 5114. AMENDMENT OR REPEAL OF REPORTING REQUIREMENTS.

(a) BURMA.—

(1) IN GENERAL.—Section 570 of Public Law 104–208 is amended—

50 USC 1701
note.

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

“(c) MULTILATERAL STRATEGY.—The President shall develop, in coordination with likeminded countries, a comprehensive, multilateral strategy to—

President.
Coordination.

“(1) support democratic governance and inclusive and representative civilian government, including by supporting entities promoting democracy in Burma and denying legitimacy and resources to the military junta;

“(2) support organizations that represent the democratic aspirations of the people of Burma in the struggle against the military junta;

“(3) impose costs on the military junta;

“(4) secure the unconditional release of all political prisoners in Burma;

“(5) promote genuine national reconciliation among Burma’s diverse ethnic and religious groups;

“(6) provide humanitarian assistance to internally displaced persons in Burma, particularly in areas targeted by the military junta, and in neighboring countries for refugees from Burma;

“(7) pursue accountability for atrocities, human rights violations, and crimes against humanity committed by the military junta or the Tatmadaw; and

“(8) counter corrosive malign influence of the People’s Republic of China and the Russian Federation in Burma.”; and

(B) in subsection (d)—

(i) in the matter preceding paragraph (1), by striking “six months” and inserting “year”; and

(ii) by striking paragraphs (1) through (3) and inserting the following new paragraphs:

“(1) progress towards inclusive, democratic governance in Burma;

“(2) improvements in human rights practices and accountability for atrocities, human rights violations, and crimes against humanity committed by the Tatmadaw, or military junta of Burma;

“(3) progress toward broad-based and inclusive economic growth;

“(4) progress toward genuine national reconciliation;

“(5) steps taken to impose costs on the military junta;

“(6) progress made in advancing the strategy referred to in subsection (c); and

“(7) actions by the People’s Republic of China or the Russian Federation that undermine the sovereignty, stability, or unity of Burma.”.

Applicability.
50 USC 1701
note.

(2) **EFFECTIVE DATE.**—The amendments made by paragraph (1) shall take effect on the date of the enactment of this Act and apply with respect to the first report required under subsection (d) of section 570 of Public Law 104–208 that is required after the date of the enactment of this Act.

(b) **REPEALS.**—The following provisions of law are hereby repealed:

(1) Subsection (b) of section 804 of Public Law 101–246.

(2) Section 6 of Public Law 104–45.

(3) Subsection (c) of section 702 of Public Law 96–465 (22 U.S.C. 4022).

(4) Section 404 of the Arms Control and Disarmament Act (22 U.S.C. 2593b).

(5) Section 5 of Public Law 94–304 (22 U.S.C. 3005).

(6) Subsection (b) of section 502 of the International Security and Development Cooperation Act of 1985 (22 U.S.C. 2349aa–7).

(c) **REPORT TO CONGRESS.**—Not later than 180 days after the date of the enactment of this Act, the Secretary of State and the Administrator of the United States Agency for International Development shall submit to the appropriate congressional committees a report that includes each of the following:

List.

(1) A list of all reports described in subsection (d) required to be submitted by their respective agency.

(2) For each such report, a citation to the provision of law under which the report is required to be submitted.

(3) The reporting frequency of each such report.

Cost estimate.

(4) The estimated cost of each report, to include personnel time costs.

(d) **COVERED REPORTS.**—A report described in this subsection is a recurring report that is required to be submitted to Congress by the Department of State or the United States Agency for International Development, or by any officer, official, component, or element of each entity.

(e) **APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.**—In this section, the term “appropriate congressional committees” means the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives and the Committees on Appropriations of the Senate and the House of Representatives.

TITLE LII—EMBASSY CONSTRUCTION

Sec. 5201. Embassy security, construction, and maintenance.

Sec. 5202. Standard design in capital construction.

Sec. 5203. Capital construction transparency.

Sec. 5204. Contractor performance information.

Sec. 5205. Growth projections for new embassies and consulates.

Sec. 5206. Long-range planning process.

Sec. 5207. Value engineering and risk assessment.

Sec. 5208. Business volume.

Sec. 5209. Embassy security requests and deficiencies.

Sec. 5210. Overseas security briefings.

Sec. 5211. Contracting methods in capital construction.

Sec. 5212. Competition in embassy construction.
 Sec. 5213. Statement of policy.
 Sec. 5214. Definitions.

SEC. 5201. EMBASSY SECURITY, CONSTRUCTION, AND MAINTENANCE.

For “Embassy Security, Construction, and Maintenance”, there is authorized to be appropriated \$1,983,149,000 for fiscal year 2022.

SEC. 5202. STANDARD DESIGN IN CAPITAL CONSTRUCTION.

(a) SENSE OF CONGRESS.—It is the sense of Congress that the Department’s Bureau of Overseas Building Operations (OBO) or successor office should give appropriate consideration to standardization in construction, in which each new United States embassy and consulate starts with a standard design and keeps customization to a minimum.

(b) CONSULTATION.—The Secretary shall carry out any new United States embassy compound or new consulate compound project that utilizes a non-standard design, including those projects that are in the design or pre-design phase as of the date of the enactment of this Act, only in consultation with the appropriate congressional committees and the Committees on Appropriations of the Senate and the House of Representatives. The Secretary shall provide the appropriate congressional committees and the Committees on Appropriations of the Senate and the House of Representatives, for each such project, the following documentation:

(1) A comparison of the estimated full lifecycle costs of the project to the estimated full lifecycle costs of such project if it were to use a standard design.

Cost estimate.

(2) A comparison of the estimated completion date of such project to the estimated completion date of such project if it were to use a standard design.

Estimate.

(3) A comparison of the security of the completed project to the security of such completed project if it were to use a standard design.

(4) A justification for the Secretary’s selection of a non-standard design over a standard design for such project.

(5) A written explanation if any of the documentation necessary to support the comparisons and justification, as the case may be, described in paragraphs (1) through (4) cannot be provided.

(c) SUNSET.—The consultation requirement under subsection (b) shall expire on the date that is 4 years after the date of the enactment of this Act.

SEC. 5203. CAPITAL CONSTRUCTION TRANSPARENCY.

(a) IN GENERAL.—Section 118 of the Department of State Authorities Act, Fiscal Year 2017 (22 U.S.C. 304) is amended—

(1) in the section heading , by striking “ANNUAL REPORT ON EMBASSY CONSTRUCTION COSTS” and inserting “BIANNUAL REPORT ON OVERSEAS CAPITAL CONSTRUCTION PROJECTS”; and

(2) by striking subsections (a) and (b) and inserting the following new subsections:

“(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this subsection and every 180 days thereafter until the date that is 4 years after such date of enactment, the Secretary shall submit to the appropriate congressional committees and the Committees on Appropriations of the Senate and the House of Representatives a comprehensive report regarding all ongoing

Reports.
Time period.

overseas capital construction projects and major embassy security upgrade projects.

“(b) CONTENTS.—Each report required under subsection (a) shall include the following with respect to each ongoing overseas capital construction project and major embassy security upgrade project:

Cost estimate. “(1) The initial cost estimate as specified in the proposed allocation of capital construction and maintenance funds required by the Committees on Appropriations for Acts making appropriations for the Department of State, foreign operations, and related programs.

Cost estimate. “(2) The current cost estimate.

“(3) The value of each request for equitable adjustment received by the Department to date.

“(4) The value of each certified claim received by the Department to date.

“(5) The value of any usage of the project’s contingency fund to date and the value of the remainder of the project’s contingency fund.

“(6) An enumerated list of each request for adjustment and certified claim that remains outstanding or unresolved.

List. “(7) An enumerated list of each request for equitable adjustment and certified claim that has been fully adjudicated or that the Department has settled, and the final dollar amount of each adjudication or settlement.

Estimate.
Deadline. “(8) The date of estimated completion specified in the proposed allocation of capital construction and maintenance funds required by the Committees on Appropriations not later than 45 days after the date of the enactment of an Act making appropriations for the Department of State, foreign operations, and related programs.

Estimate. “(9) The current date of estimated completion.”.

(b) CLERICAL AMENDMENT.—The table of contents in section 1(b) of the Department of State Authorities Act, Fiscal Year 2017 (Public Law 114–323; 130 Stat. 1905) is amended by amending the item relating to section 118 to read as follows:

“Sec. 118. Biannual report on overseas capital construction projects.”.

Evaluations. **SEC. 5204. CONTRACTOR PERFORMANCE INFORMATION.**

(a) DEADLINE FOR COMPLETION.—The Secretary shall complete all contractor performance evaluations outstanding as of the date of the enactment of this Act required by subpart 42.15 of the Federal Acquisition Regulation for those contractors engaged in construction of new embassy or new consulate compounds by April 1, 2022.

(b) PRIORITIZATION SYSTEM.—

Deadline. (1) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Secretary shall develop a prioritization system for clearing the current backlog of required evaluations referred to in subsection (a).

(2) ELEMENTS.—The system required under paragraph (1) should prioritize the evaluations as follows:

(A) Project completion evaluations should be prioritized over annual evaluations.

(B) Evaluations for relatively large contracts should have priority.

(C) Evaluations that would be particularly informative for the awarding of government contracts should have priority.

(c) BRIEFING.—Not later than 90 days after the date of the enactment of this Act, the Secretary of State shall brief the appropriate congressional committees on the Department’s plan for completing all evaluations by April 1, 2022, in accordance with subsection (a) and the prioritization system developed pursuant to subsection (b). Deadline.

(d) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) contractors deciding whether to bid on Department contracts would benefit from greater understanding of the Department as a client; and

(2) the Department should develop a forum where contractors can comment on the Department’s project management performance.

SEC. 5205. GROWTH PROJECTIONS FOR NEW EMBASSIES AND CONSULATES. 22 USC 305.

(a) IN GENERAL.—For each new United States embassy compound (NEC) and new consulate compound project (NCC) in or not yet in the design phase as of the date of the enactment of this Act, the Department shall project growth over the estimated life of the facility using all available and relevant data, including the following:

(1) Relevant historical trends for Department personnel and personnel from other agencies represented at the NEC or NCC that is to be constructed.

(2) An analysis of the tradeoffs between risk and the needs of United States Government policy conducted as part of the most recent Vital Presence Validation Process, if applicable.

(3) Reasonable assumptions about the strategic importance of the NEC or NCC, as the case may be, over the life of the building at issue.

(4) Any other data that would be helpful in projecting the future growth of NEC or NCC.

(b) OTHER FEDERAL AGENCIES.—The head of each Federal agency represented at a United States embassy or consulate shall provide to the Secretary, upon request, growth projections for the personnel of each such agency over the estimated life of each embassy or consulate, as the case may be.

(c) BASIS FOR ESTIMATES.—The Department shall base its growth assumption for all NECs and NCCs on the estimates required under subsections (a) and (b).

(d) CONGRESSIONAL NOTIFICATION.—Any congressional notification of site selection for a NEC or NCC submitted after the date of the enactment of this Act shall include the growth assumption used pursuant to subsection (c).

SEC. 5206. LONG-RANGE PLANNING PROCESS.

(a) PLANS REQUIRED.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, and annually thereafter for the next five years as the Secretary of State considers appropriate, the Secretary shall develop— Deadline.

(A) a comprehensive 6-year plan documenting the Department's overseas building program for the replacement of overseas diplomatic posts taking into account security factors under the Secure Embassy Construction and Counterterrorism Act of 1999 and other relevant statutes and regulations, as well as occupational safety and health factors pursuant to the Occupational Safety and Health Act of 1970 and other relevant statutes and regulations, including environmental factors such as indoor air quality that impact employee health and safety; and

(B) a comprehensive 6-year plan detailing the Department's long-term planning for the maintenance and sustainment of completed diplomatic posts, which takes into account security factors under the Secure Embassy Construction and Counterterrorism Act of 1999 and other relevant statutes and regulations, as well as occupational safety and health factors pursuant to the Occupational Safety and Health Act of 1970 and other relevant statutes and regulations, including environmental factors such as indoor air quality that impact employee health and safety.

(2) INITIAL REPORT.—The first plan developed pursuant to paragraph (1)(A) shall also include a one-time status report on existing small diplomatic posts and a strategy for establishing a physical diplomatic presence in countries in which there is no current physical diplomatic presence and with which the United States maintains diplomatic relations. Such report, which may include a classified annex, shall include the following:

(A) A description of the extent to which each small diplomatic post furthers the national interest of the United States.

(B) A description of how each small diplomatic post provides American Citizen Services, including data on specific services provided and the number of Americans receiving services over the previous year.

(C) A description of whether each small diplomatic post meets current security requirements.

(D) A description of the full financial cost of maintaining each small diplomatic post.

(E) Input from the relevant chiefs of mission on any unique operational or policy value the small diplomatic post provides.

(F) A recommendation of whether any small diplomatic posts should be closed.

(3) UPDATED INFORMATION.—The annual updates of each of the plans developed pursuant to paragraph (1) shall highlight any changes from the previous year's plan to the ordering of construction and maintenance projects.

(b) REPORTING REQUIREMENTS.—

(1) SUBMISSION OF PLANS TO CONGRESS.—Not later than 60 days after the completion of each plan required under subsection (a), the Secretary shall submit the plans to the appropriate congressional committees and the Committees on Appropriations of the Senate and the House of Representatives.

(2) REFERENCE IN BUDGET JUSTIFICATION MATERIALS.—In the budget justification materials submitted to the appropriate congressional committees in support of the Department's budget

Recommendations.

Deadline.

for any fiscal year (as submitted with the budget of the President under section 1105(a) of title 31, United States Code), the plans required under subsection (a) shall be referenced to justify funding requested for building and maintenance projects overseas.

(3) **FORM OF REPORT.**—Each report required under paragraph (1) shall be submitted in unclassified form but may include a classified annex.

(c) **SMALL DIPLOMATIC POST DEFINED.**—In this section, the term “small diplomatic post” means any United States embassy or consulate that has employed five or fewer United States Government employees or contractors on average over the 36 months prior to the date of the enactment of this Act.

SEC. 5207. VALUE ENGINEERING AND RISK ASSESSMENT.

22 USC 292 note.

(a) **FINDINGS.**—Congress makes the following findings:

(1) Federal departments and agencies are required to use value engineering (VE) as a management tool, where appropriate, to reduce program and acquisition costs pursuant to OMB Circular A–131, Value Engineering, dated December 31, 2013.

(2) OBO has a Policy Directive and Standard Operation Procedure, dated May 24, 2017, on conducting risk management studies on all international construction projects.

(b) **NOTIFICATION REQUIREMENTS.**—

(1) **SUBMISSION TO AUTHORIZING COMMITTEES.**—Any notification that includes the allocation of capital construction and maintenance funds shall be submitted to the appropriate congressional committees.

(2) **REQUIREMENT TO CONFIRM COMPLETION OF VALUE ENGINEERING AND RISK ASSESSMENT STUDIES.**—The notifications required under paragraph (1) shall include confirmation that the Department has completed the requisite VE and risk management process described in subsection (a), or applicable successor process.

(c) **REPORTING AND BRIEFING REQUIREMENTS.**—The Secretary shall provide to the appropriate congressional committees upon request—

(1) a description of each risk management study referred to in subsection (a)(2) and a table detailing which recommendations related to each such study were accepted and which were rejected; and

(2) a report or briefing detailing the rationale for not implementing any such recommendations that may otherwise yield significant cost savings to the Department if implemented.

SEC. 5208. BUSINESS VOLUME.

Section 402(c)(2)(E) of the Omnibus Diplomatic Security and Antiterrorism Act of 1986 (22 U.S.C. 4852(c)(2)(E)) is amended by striking “in 3 years” and inserting “cumulatively over 3 years”.

SEC. 5209. EMBASSY SECURITY REQUESTS AND DEFICIENCIES.

22 USC 4851
note.

The Secretary of State shall provide to the appropriate congressional committees, the Committee on Armed Services of the House of Representatives, and the Committee on Armed Services of the Senate upon request information on physical security deficiencies at United States diplomatic posts, including relating to the following:

(1) Requests made over the previous year by United States diplomatic posts for security upgrades.

(2) Significant security deficiencies at United States diplomatic posts that are not operating out of a new embassy compound or new consulate compound.

Deadline.
22 USC 4802
note.

SEC. 5210. OVERSEAS SECURITY BRIEFINGS.

Not later than one year after the date of the enactment of this Act, the Secretary of State shall revise the Foreign Affairs Manual to stipulate that information on the current threat environment shall be provided to all United States Government employees under chief of mission authority traveling to a foreign country on official business. To the extent practicable, such material shall be provided to such employees prior to their arrival at a United States diplomatic post or as soon as possible thereafter.

22 USC 306.
Notification.

SEC. 5211. CONTRACTING METHODS IN CAPITAL CONSTRUCTION.

(a) **DELIVERY.**—Unless the Secretary of State notifies the appropriate congressional committees that the use of the design-build project delivery method would not be appropriate, the Secretary shall make use of such method at United States diplomatic posts that have not yet received design or capital construction contracts as of the date of the enactment of this Act.

(b) **NOTIFICATION.**—Before executing a contract for a delivery method other than design-build in accordance with subsection (a), the Secretary of State shall notify the appropriate congressional committees in writing of the decision, including the reasons therefor. The notification required by this subsection may be included in any other report regarding a new United States diplomatic post that is required to be submitted to the appropriate congressional committees.

Reports.

(c) **PERFORMANCE EVALUATION.**—Not later than 180 days after the date of the enactment of this Act, the Secretary of State shall report to the appropriate congressional committees regarding performance evaluation measures in accordance with GAO’s “Standards for Internal Control in the Federal Government” that will be applicable to design and construction, lifecycle cost, and building maintenance programs of the Bureau of Overseas Building Operations of the Department.

Reports.

SEC. 5212. COMPETITION IN EMBASSY CONSTRUCTION.

Not later than 45 days after the date of the enactment of this Act, the Secretary of State shall submit to the appropriate congressional committee and the Committees on Appropriations of the Senate and the House of Representatives a report detailing steps the Department of State is taking to expand the embassy construction contractor base in order to increase competition and maximize value.

22 USC 292 note.

SEC. 5213. STATEMENT OF POLICY.

It is the policy of the United States that the Bureau of Overseas Building Operations of the Department or its successor office shall continue to balance functionality and security with accessibility, as defined by guidelines established by the United States Access Board in constructing embassies and consulates, and shall ensure compliance with the Architectural Barriers Act of 1968 (42 U.S.C. 4151 et seq.) to the fullest extent possible.

SEC. 5214. DEFINITIONS.

22 USC 306 note.

In this title:

(1) **DESIGN-BUILD.**—The term “design-build” means a method of project delivery in which one entity works under a single contract with the Department to provide design and construction services.

(2) **NON-STANDARD DESIGN.**—The term “non-standard design” means a design for a new embassy compound project or new consulate compound project that does not utilize a standardized design for the structural, spatial, or security requirements of such embassy compound or consulate compound, as the case may be.

TITLE LIII—PERSONNEL ISSUES

- Sec. 5301. Defense Base Act insurance waivers.
- Sec. 5302. Study on Foreign Service allowances.
- Sec. 5303. Science and technology fellowships.
- Sec. 5304. Travel for separated families.
- Sec. 5305. Home leave travel for separated families.
- Sec. 5306. Sense of Congress regarding certain fellowship programs.
- Sec. 5307. Technical correction.
- Sec. 5308. Foreign Service awards.
- Sec. 5309. Workforce actions.
- Sec. 5310. Sense of Congress regarding veterans employment at the Department of State.
- Sec. 5311. Employee assignment restrictions and preclusions.
- Sec. 5312. Recall and reemployment of career members.
- Sec. 5313. Strategic staffing plan for the Department of State.
- Sec. 5314. Consulting services.
- Sec. 5315. Incentives for critical posts.
- Sec. 5316. Extension of authority for certain accountability review boards.
- Sec. 5317. Foreign Service suspension without pay.
- Sec. 5318. Foreign Affairs Manual and Foreign Affairs Handbook changes.
- Sec. 5319. Waiver authority for individual occupational requirements of certain positions.
- Sec. 5320. Appointment of employees to the Global Engagement Center.
- Sec. 5321. Competitive status for certain employees hired by Inspectors General to support the lead IG mission.
- Sec. 5322. Report relating to Foreign Service Officer training and development.
- Sec. 5323. Cooperation with Office of the Inspector General.
- Sec. 5324. Information on educational opportunities for children with special education needs consistent with the Individuals with Disabilities Education Act.
- Sec. 5325. Implementation of gap memorandum in selection board process.

SEC. 5301. DEFENSE BASE ACT INSURANCE WAIVERS.

Deadlines.

(a) **APPLICATION FOR WAIVERS.**—Not later than 30 days after the date of the enactment of this Act, the Secretary shall apply to the Department of Labor for a waiver from insurance requirements under the Defense Base Act (42 U.S.C. 1651 et seq.) for all countries with respect to which the requirement was waived prior to January 2017, and for which there is not currently a waiver.

(b) **CERTIFICATION REQUIREMENT.**—Not later than 45 days after the date of the enactment of this Act, the Secretary shall certify to the appropriate congressional committees that the requirement in subsection (a) has been met.

SEC. 5302. STUDY ON FOREIGN SERVICE ALLOWANCES.

(a) **REPORT REQUIRED.**—

(1) **IN GENERAL.**—Not later than one year after date of the enactment of this Act, the Secretary shall submit to the Analysis.

appropriate congressional committees a report detailing an empirical analysis on the effect of overseas allowances on the foreign assignment of Foreign Service officers (FSOs), to be conducted by a federally-funded research and development center with appropriate expertise in labor economics and military compensation.

(2) CONTENTS.—The analysis required under paragraph (1) shall—

	(A) identify all allowances paid to FSOs assigned permanently or on temporary duty to foreign areas;
Examination.	(B) examine the efficiency of the Foreign Service bidding system in determining foreign assignments;
Determination.	(C) examine the factors that incentivize FSOs to bid on particular assignments, including danger levels and hardship conditions;
Examination.	(D) examine the Department's strategy and process for incentivizing FSOs to bid on assignments that are historically in lower demand, including with monetary compensation, and whether monetary compensation is necessary for assignments in higher demand;
	(E) make any relevant comparisons to military compensation and allowances, noting which allowances are shared or based on the same regulations;
Recommendations.	(F) recommend options for restructuring allowances to improve the efficiency of the assignments system and better align FSO incentives with the needs of the Foreign Service, including any cost savings associated with such restructuring;
Recommendations.	(G) recommend any statutory changes necessary to implement subparagraph (F), such as consolidating existing legal authorities for the provision of hardship and danger pay; and
Consultation.	(H) detail any effects of recommendations made pursuant to subparagraphs (F) and (G) on other United States Government departments and agencies with civilian employees permanently assigned or on temporary duty in foreign areas, following consultation with such departments and agencies.
Deadline.	(b) BRIEFING REQUIREMENT.—Before initiating the analysis required under subsection (a)(1), and not later than 60 days after the date of the enactment of this Act, the Secretary shall provide to the appropriate congressional committees a briefing on the implementation of this section that includes the following: (1) The name of the federally funded research and development center that will conduct such analysis. (2) The scope of such analysis and terms of reference for such analysis as specified between the Department and such federally funded research and development center.
	(c) AVAILABILITY OF INFORMATION.—
Data.	(1) IN GENERAL.—The Secretary shall make available to the federally-funded research and development center carrying out the analysis required under subsection (a)(1) all necessary and relevant information to allow such center to conduct such analysis in a quantitative and analytical manner, including historical data on the number of bids for each foreign assignment and any survey data collected by the Department from eligible bidders on their bid decision-making.

(2) COOPERATION.—The Secretary shall work with the heads of other relevant United States Government departments and agencies to ensure such departments and agencies provide all necessary and relevant information to the federally-funded research and development center carrying out the analysis required under subsection (a)(1).

(d) INTERIM REPORT TO CONGRESS.—The Secretary shall require that the chief executive officer of the federally-funded research and development center that carries out the analysis required under subsection (a)(1) submit to the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives an interim report on such analysis not later than 180 days after the date of the enactment of this Act. Requirement.

SEC. 5303. SCIENCE AND TECHNOLOGY FELLOWSHIPS.

Section 504 of the Foreign Relations Authorization Act, Fiscal Year 1979 (22 U.S.C. 2656d) is amended by adding at the end the following new subsection:

“(e) GRANTS AND COOPERATIVE AGREEMENTS RELATED TO SCIENCE AND TECHNOLOGY FELLOWSHIP PROGRAMS.— Contracts.

“(1) IN GENERAL.—The Secretary is authorized to make grants or enter into cooperative agreements related to Department of State science and technology fellowship programs, including for assistance in recruiting fellows and the payment of stipends, travel, and other appropriate expenses to fellows.

“(2) EXCLUSION FROM CONSIDERATION AS COMPENSATION.—Stipends under paragraph (1) shall not be considered compensation for purposes of section 209 of title 18, United States Code.

“(3) MAXIMUM ANNUAL AMOUNT.—The total amount of grants made pursuant to this subsection may not exceed \$500,000 in any fiscal year.”.

SEC. 5304. TRAVEL FOR SEPARATED FAMILIES.

Section 901(15) of the Foreign Service Act of 1980 (22 U.S.C. 4081(15)) is amended—

(1) in the matter preceding subparagraph (A), by striking “1 round-trip per year for each child below age 21 of a member of the Service assigned abroad” and inserting “in the case of one or more children below age 21 of a member of the Service assigned abroad, 1 round-trip per year”;

(2) in subparagraph (A)—

(A) by inserting “for each child” before “to visit the member abroad”; and

(B) by striking “; or” and inserting a comma;

(3) in subparagraph (B)—

(A) by inserting “for each child” before “to visit the other parent”; and

(B) by inserting “or” after “resides,”;

(4) by inserting after subparagraph (B) the following new subparagraph:

“(C) for one of the child’s parents to visit the child or children abroad if the child or children do not regularly reside with that parent and that parent is not receiving an education allowance or educational travel allowance for the child or children under section 5924(4) of title 5, United States Code,”; and

(5) in the matter following subparagraph (C), as added by paragraph (4) of this section, by striking “a payment” and inserting “the cost of round-trip travel”.

SEC. 5305. HOME LEAVE TRAVEL FOR SEPARATED FAMILIES.

Section 903(b) of the Foreign Service Act of 1980 (22 U.S.C. 4083(b)) is amended by adding at the end the following new sentence: “In cases in which a member of the Service has official orders to an unaccompanied post and in which the family members of the member reside apart from the member at authorized locations outside the United States, the member may take the leave ordered under this section where that member’s family members reside, notwithstanding section 10305 of title 5, United States Code.”.

SEC. 5306. SENSE OF CONGRESS REGARDING CERTAIN FELLOWSHIP PROGRAMS.

It is the sense of Congress that Department fellowships that promote the employment of candidates belonging to under-represented groups, including the Charles B. Rangel International Affairs Graduate Fellowship Program, the Thomas R. Pickering Foreign Affairs Fellowship Program, and the Donald M. Payne International Development Fellowship Program, represent smart investments vital for building a strong, capable, and representative national security workforce.

SEC. 5307. TECHNICAL CORRECTION.

Subparagraph (A) of section 601(c)(6) of the Foreign Service Act of 1980 (22 U.S.C. 4001(c)(6)) is amended, in the matter preceding clause (i), by—

(1) striking “promotion” and inserting “promotion, on or after January 1, 2017,”; and

(2) striking “individual joining the Service on or after January 1, 2017,” and inserting “Foreign Service officer, appointed under section 302(a)(1), who has general responsibility for carrying out the functions of the Service”.

SEC. 5308. FOREIGN SERVICE AWARDS.

(a) IN GENERAL.—Section 614 of the Foreign Service Act of 1980 (22 U.S.C. 4013) is amended—

(1) by amending the section heading to read as follows: “DEPARTMENT AWARDS”; and

(2) in the first sentence, by inserting “or Civil Service” after “the Service”.

(b) CONFORMING AMENDMENT.—The item relating to section 614 in the table of contents of the Foreign Service Act of 1980 is amended to read as follows:

“Sec. 614. Department awards.”.

SEC. 5309. WORKFORCE ACTIONS.

(a) SENSE OF CONGRESS ON WORKFORCE RECRUITMENT.—It is the sense of Congress that the Secretary should continue to hold entry-level classes for Foreign Service officers and specialists and continue to recruit civil servants through programs such as the Presidential Management Fellows Program and Pathways Internship Programs in a manner and at a frequency consistent with prior years and consistent with the need to maintain a pool of experienced personnel effectively distributed across skill codes and ranks. It is further the sense of Congress that absent continuous

recruitment and training of Foreign Service officers and civil servants, the Department will lack experienced, qualified personnel in the short, medium, and long terms.

(b) **LIMITATION.**—The Secretary should not implement any reduction-in-force action under section 3502 or 3595 of title 5, United States Code, or for any incentive payments for early separation or retirement under any other provision of law unless—

(1) the appropriate congressional committees are notified not less than 15 days in advance of such obligation or expenditure; and

(2) the Secretary has provided to the appropriate congressional committees a detailed report that describes the Department's strategic staffing goals, including—

(A) a justification that describes how any proposed workforce reduction enhances the effectiveness of the Department;

(B) a certification that such workforce reduction is in the national interest of the United States;

(C) a comprehensive strategic staffing plan for the Department, including 5-year workforce forecasting and a description of the anticipated impact of any proposed workforce reduction; and

(D) a dataset displaying comprehensive workforce data for all current and planned employees of the Department, disaggregated by—

(i) Foreign Service officer and Foreign Service specialist rank;

(ii) civil service job skill code, grade level, and bureau of assignment;

(iii) contracted employees, including the equivalent job skill code and bureau of assignment; and

(iv) employees hired under schedule C of subpart C of part 213 of title 5, Code of Federal Regulations, including their equivalent grade and job skill code and bureau of assignment.

SEC. 5310. SENSE OF CONGRESS REGARDING VETERANS EMPLOYMENT AT THE DEPARTMENT OF STATE.

It is the sense of Congress that—

(1) the Department should continue to promote the employment of veterans, in accordance with section 301 of the Foreign Service Act of 1980 (22 U.S.C. 3941), as amended by section 10406 of this Act, including those veterans belonging to traditionally underrepresented groups at the Department;

(2) veterans employed by the Department have made significant contributions to United States foreign policy in a variety of regional and global affairs bureaus and diplomatic posts overseas; and

(3) the Department should continue to encourage veteran employment and facilitate their participation in the workforce.

SEC. 5311. EMPLOYEE ASSIGNMENT RESTRICTIONS AND PRECLUSIONS.

(a) **SENSE OF CONGRESS.**—It is the sense of Congress that the Department should expand the appeal process it makes available to employees related to assignment preclusions and restrictions.

Deadline. (b) APPEAL OF ASSIGNMENT RESTRICTION OR PRECLUSION.—Subsection (a) of section 414 of the Department of State Authorities Act, Fiscal Year 2017 (22 U.S.C. 2734c(a)) is amended by adding at the end the following new sentences: “Such right and process shall ensure that any employee subjected to an assignment restriction or preclusion shall have the same appeal rights as provided by the Department regarding denial or revocation of a security clearance. Any such appeal shall be resolved not later than 60 days after such appeal is filed.”.

Deadline. Applicability. 22 USC 2734c note. (c) NOTICE AND CERTIFICATION.—Not later than 90 days after the date of the enactment of this Act, the Secretary shall revise, and certify to the appropriate congressional committees regarding such revision, the Foreign Affairs Manual guidance regarding denial or revocation of a security clearance to expressly state that all review and appeal rights relating thereto shall also apply to any recommendation or decision to impose an assignment restriction or preclusion to an employee.

22 USC 2734e. (d) ANNUAL REPORT.—Not later than 90 days after the date of the enactment of this Act, and annually thereafter, the Secretary of State shall submit to the Committee on Foreign Affairs and the Committee on Appropriations of the House of Representatives and the Committee on Foreign Relations and the Committee on Appropriations of the Senate a report that contains the following:

(1) A rationale for the use of assignment restrictions by the Department of State, including specific case studies related to cleared United States Foreign Service and civil service employees of the Department that demonstrate country-specific restrictions serve a counterintelligence role beyond that which is already covered by the security clearance process.

(2) The number of such Department employees subject to assignment restrictions over the previous year, with data disaggregated by—

(A) identification as a Foreign Service officer, civil service employee, eligible family member, or other employment status;

(B) the ethnicity, national origin, and race of the precluded employee;

(C) gender; and

(D) the country of restriction.

(3) A description of the considerations and criteria used by the Bureau of Diplomatic Security to determine whether an assignment restriction is warranted.

(4) The number of restrictions that were appealed and the success rate of such appeals.

(5) The impact of assignment restrictions in terms of unused language skills as measured by Foreign Service Institute language scores of such precluded employees.

(6) Measures taken to ensure the diversity of adjudicators and contracted investigators, with accompanying data on results.

SEC. 5312. RECALL AND REEMPLOYMENT OF CAREER MEMBERS.

(a) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) career Department employees provide invaluable service to the United States as nonpartisan professionals who contribute subject matter expertise and professional skills to the

successful development and execution of United States foreign policy; and

(2) reemployment of skilled former members of the Foreign and civil service who have voluntarily separated from the Foreign or civil service due to family reasons or to obtain professional skills outside government is of benefit to the Department.

(b) NOTICE OF EMPLOYMENT OPPORTUNITIES.—Title 5, United States Code, is amended by inserting after chapter 102 the following new chapter:

“CHAPTER 103—DEPARTMENT OF STATE

5 USC
prec. 10301.

“Sec.

“10301. Notice of employment opportunities for Department of State and USAID positions.

“10302. Consulting services for the Department of State.

“§ 10301. Notice of employment opportunities for Department of State and USAID positions

5 USC 10301.

“To ensure that individuals who have separated from the Department of State or the United States Agency for International Development and who are eligible for reappointment are aware of such opportunities, the Department of State and the United States Agency for International Development shall publicize notice of all employment opportunities, including positions for which the relevant agency is accepting applications from individuals within the agency’s workforce under merit promotion procedures, on publicly accessible sites, including www.usajobs.gov. If using merit promotion procedures, the notice shall expressly state that former employees eligible for reinstatement may apply.”.

(c) CLERICAL AMENDMENT.—The table of chapters at the beginning of title 5, United States Code, is amended by inserting after the item relating to chapter 102 the following:

5 USC
prec. 2101.

“103. Department of State 10301.”.

SEC. 5313. STRATEGIC STAFFING PLAN FOR THE DEPARTMENT OF STATE.

22 USC 2734f.

(a) IN GENERAL.—Not later than 18 months after the date of the enactment of this Act, the Secretary shall submit to the appropriate congressional committees and the Committees on Appropriations of the Senate and the House of Representatives a comprehensive 5-year strategic staffing plan for the Department that is aligned with and furthers the objectives of the National Security Strategy of the United States of America issued in December 2017, or any subsequent strategy issued not later than 18 months after the date of the enactment of this Act, which shall include the following:

Deadline.
Time period.
Recommendations.

(1) A dataset displaying comprehensive workforce data, including all shortages in bureaus described in GAO report GAO–19–220, for all current and planned employees of the Department, disaggregated by—

Data.

(A) Foreign Service officer and Foreign Service specialist rank;

(B) civil service job skill code, grade level, and bureau of assignment;

(C) contracted employees, including the equivalent job skill code and bureau of assignment;

(D) employees hired under schedule C of subpart C of part 213 of title 5, Code of Federal Regulations, including the equivalent grade and job skill code and bureau of assignment of such employee; and

(E) overseas region.

(2) Recommendations on the number of Foreign Service officers disaggregated by service cone that should be posted at each United States diplomatic post and in the District of Columbia, with a detailed basis for such recommendations.

(3) Recommendations on the number of civil service officers that should be employed by the Department, with a detailed basis for such recommendations.

Updates.

(b) MAINTENANCE.—The dataset required under subsection (a)(1) shall be maintained and updated on a regular basis.

(c) CONSULTATION.—The Secretary shall lead the development of the plan required under subsection (a) but may consult or partner with private sector entities with expertise in labor economics, management, or human resources, as well as organizations familiar with the demands and needs of the Department’s workforce.

(d) REPORT.—Not later than 120 days after the date of the enactment of this Act, the Secretary of State shall submit to the appropriate congressional committees a report regarding root causes of Foreign Service and civil service shortages, the effect of such shortages on national security objectives, and the Department’s plan to implement recommendations described in GAO–19–220.

SEC. 5314. CONSULTING SERVICES.

(a) IN GENERAL.—Chapter 103 of title 5, United States Code, as added by section 10312, is amended by adding at the end the following:

5 USC 10302.

“§ 10302. Consulting services for the Department of State

Contracts.

“Any consulting service obtained by the Department of State through procurement contract pursuant to section 3109 of title 5, United States Code, shall be limited to those contracts with respect to which expenditures are a matter of public record and available for public inspection, except if otherwise provided under existing law, or under existing Executive order issued pursuant to existing law.”.

(b) CLERICAL AMENDMENT.—The table of sections for chapter 103 of title 5, United States Code, as added by section 10312(b) of this Act, is amended by adding after the item relating to section 10301 of title 5, United States Code, the following new item:

“10302. Consulting services for the Department of State.”.

5 USC 5753 note.

SEC. 5315. INCENTIVES FOR CRITICAL POSTS.

Section 1115(d) of the Supplemental Appropriations Act, 2009 (Public Law 111–32) is amended by striking the last sentence.

SEC. 5316. EXTENSION OF AUTHORITY FOR CERTAIN ACCOUNTABILITY REVIEW BOARDS.

Section 301(a)(3) of the Omnibus Diplomatic Security and Antiterrorism Act of 1986 (22 U.S.C. 4831(a)(3)) is amended—

(1) in the heading, by striking “AFGHANISTAN AND” and inserting “AFGHANISTAN, YEMEN, SYRIA, AND”; and

(2) in subparagraph (A)—

(A) in clause (i), by striking “Afghanistan or” and inserting “Afghanistan, Yemen, Syria, or”; and

(B) in clause (ii), by striking “beginning on October 1, 2005, and ending on September 30, 2009” and inserting “beginning on October 1, 2020, and ending on September 30, 2022”.

SEC. 5317. FOREIGN SERVICE SUSPENSION WITHOUT PAY.

Subsection (c) of section 610 of the Foreign Service Act of 1980 (22 U.S.C. 4010) is amended—

(1) in paragraph (1), in the matter preceding subparagraph (A), by striking “suspend” and inserting “indefinitely suspend without duties”;

(2) by redesignating paragraph (5) as paragraph (7);

(3) by inserting after paragraph (4) the following new paragraphs:

“(5) For each member of the Service suspended under paragraph (1)(A) whose security clearance remains suspended for more than one calendar year, not later than 30 days after the end of such calendar year, the Secretary of State shall report to the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate in writing regarding the specific reasons relating to the duration of each such suspension.

Reports.

“(6) Any member of the Service suspended under paragraph (1)(B) may be suspended without pay only after a final written decision is provided to such member pursuant to paragraph (2).”; and

(4) in paragraph (7), as so redesignated—

(A) by striking “this subsection” and all that follows through “The term” in subparagraph (A) and inserting “this subsection, the term”;

(B) by redesignating clauses (i) and (ii) as subparagraphs (A) and (B), respectively, and moving such subparagraphs 2 ems to the left; and

(C) by striking subparagraph (B) (relating to the definition of “suspend” and “suspension”).

SEC. 5318. FOREIGN AFFAIRS MANUAL AND FOREIGN AFFAIRS HANDBOOK CHANGES.

22 USC 2658a.

(a) **APPLICABILITY.**—The Foreign Affairs Manual and the Foreign Affairs Handbook apply with equal force and effect and without exception to all Department of State personnel, including the Secretary of State, Department employees, and political appointees, regardless of an individual’s status as a Foreign Service officer, Civil Service employee, or political appointee hired under any legal authority.

(b) **CERTIFICATION.**—Not later than 30 days after the date of the enactment of this Act, the Secretary of State shall submit to the appropriate congressional committees a certification in unclassified form that the applicability described in subsection (a) has been communicated to all Department personnel, including the personnel referred to in such subsection.

Deadline.

(c) **REPORT.**—

(1) **IN GENERAL.**—Not later than 180 days after the date of the enactment of this Act, and every 180 days thereafter for 5 years, the Secretary shall submit to the appropriate congressional committees a report detailing all significant changes made to the Foreign Affairs Manual or the Foreign Affairs Handbook.

Time period.

(2) COVERED PERIODS.—The first report required under paragraph (1) shall cover the 5-year period preceding the submission of such report. Each subsequent report shall cover the 180-day period preceding submission.

(3) CONTENTS.—Each report required under paragraph (1) shall contain the following:

(A) The location within the Foreign Affairs Manual or the Foreign Affairs Handbook where a change has been made.

(B) The statutory basis for each such change, as applicable.

(C) A side-by-side comparison of the Foreign Affairs Manual or Foreign Affairs Handbook before and after such change.

Summary. (D) A summary of such changes displayed in spreadsheet form.

22 USC 2651a
note.

SEC. 5319. WAIVER AUTHORITY FOR INDIVIDUAL OCCUPATIONAL REQUIREMENTS OF CERTAIN POSITIONS.

Determination.

The Secretary of State may waive any or all of the individual occupational requirements with respect to an employee or prospective employee of the Department of State for a civilian position categorized under the GS–0130 occupational series if the Secretary determines that the individual possesses significant scientific, technological, engineering, or mathematical expertise that is integral to performing the duties of the applicable position, based on demonstrated job performance and qualifying experience. With respect to each waiver granted under this subsection, the Secretary shall set forth in a written document that is transmitted to the Director of the Office of Personnel Management the rationale for the decision of the Secretary to waive such requirements.

Notification.

Time period.
22 USC 2656
note.

SEC. 5320. APPOINTMENT OF EMPLOYEES TO THE GLOBAL ENGAGEMENT CENTER.

The Secretary may appoint, for a 3-year period that may be extended for up to an additional 2 years, solely to carry out the functions of the Global Engagement Center, employees of the Department without regard to the provisions of title 5, United States Code, governing appointment in the competitive service, and may fix the basic compensation of such employees without regard to chapter 51 and subchapter III of chapter 53 of such title.

SEC. 5321. COMPETITIVE STATUS FOR CERTAIN EMPLOYEES HIRED BY INSPECTORS GENERAL TO SUPPORT THE LEAD IG MISSION.

Subparagraph (A) of section 8L(d)(5)(A) of the Inspector General Act of 1978 (5 U.S.C. App.) is amended by striking “a lead Inspector General for” and inserting “any of the Inspectors General specified in subsection (c) for oversight of”.

SEC. 5322. REPORT RELATING TO FOREIGN SERVICE OFFICER TRAINING AND DEVELOPMENT.

(a) IN GENERAL.—Not later than 270 days after the date of the enactment of this Act, the Secretary of State shall submit to the appropriate committees of Congress a report on fellowships or details for Department of State Foreign Service generalists at—

(1) the Department of Defense;

(2) United States intelligence agencies; and

(3) congressional offices or committees.

(b) **ELEMENTS.**—The report required by subsection (a) shall include the following elements:

(1) The number of Senior Foreign Service Officer generalists who, as of the date of the enactment of this Act, have done a tour of at least one year in any of the agencies or congressional committees described in subsection (a).

(2) The total number of senior Foreign Service Officer generalists as of the date of the enactment of this Act.

(3) The average number of Senior Foreign Service Officer generalists inducted annually during the 10 years preceding the date of the enactment of this Act.

(4) The total number of Department advisors stationed in any of the agencies or congressional offices described in subsection (a), including the agencies or offices in which such advisors serve.

(5) The total number of advisors from other United States Government agencies stationed in the Department of State (excluding defense attaches, senior defense officials, and other Department of Defense personnel stationed in United States missions abroad), the home agency of the advisor, and the offices in which such advisors serve.

(c) **EDUCATIONAL EXCLUSION.**—For the purposes of the report required under subsection (a), educational programs shall not be included.

SEC. 5323. COOPERATION WITH OFFICE OF THE INSPECTOR GENERAL.

22 USC 3929b.

(a) **ADMINISTRATIVE DISCIPLINE.**—Not later than 30 days after the date of the enactment of this Act, the Secretary of State shall make explicit in writing to all Department of State personnel, including the Secretary of State, Department employees, contractors, and political appointees, and shall consider updating the Foreign Affairs Manual and the Foreign Affairs Handbook to explicitly specify, that if any of such personnel does not comply within 60 days with a request for an interview or access to documents from the Office of the Inspector General of the Department, such personnel may be subject to appropriate administrative discipline including, when circumstances warrant, suspension without pay or removal.

Notification.
Deadline.

(b) **REPORT.**—

(1) **IN GENERAL.**—Not later than 180 days after the date of the enactment of this Act and on a quarterly basis thereafter, the Office of the Inspector General of the Department of State and the United States Agency for Global Media shall submit to the appropriate congressional committees and the Secretary of State a report in unclassified form detailing the following:

(A) The number of individuals who have failed to comply within 60 days with a request for an interview or access to documents from the Office of the Inspector General pertaining to a noncriminal matter.

(B) The date on which such requests were initially made.

(C) Any extension of time that was voluntarily granted to such individual by the Office of the Inspector General.

Compliance.

(D) The general subject matters regarding which the Office of the Inspector General has requested of such individuals.

(2) FORM.—Additional information pertaining solely to the subject matter of a request described in paragraph (1) may be provided in a supplemental classified annex, if necessary, but all other information required by the reports required under such paragraph shall be provided in unclassified form.

Deadline.
Update.
List.
22 USC 2460
note.

SEC. 5324. INFORMATION ON EDUCATIONAL OPPORTUNITIES FOR CHILDREN WITH SPECIAL EDUCATION NEEDS CONSISTENT WITH THE INDIVIDUALS WITH DISABILITIES EDUCATION ACT.

Not later than March 31, 2022, and annually thereafter, the Director of the Office of Overseas Schools of the Department of State shall maintain and update a list of overseas schools receiving assistance from the Office and detailing the extent to which each such school provides special education and related services to children with disabilities in accordance with part B of the Individuals with Disabilities Education Act (20 U.S.C. 1411 et seq.). Each list required under this section shall be posted on the public website of the Office for access by members of the Foreign Service, the Senior Foreign Service, and their eligible family members.

Public
information.
Web posting.

SEC. 5325. IMPLEMENTATION OF GAP MEMORANDUM IN SELECTION BOARD PROCESS.

(a) IN GENERAL.—Section 603 of the Foreign Service Act of 1980 (22 U.S.C. 4003) is amended by adding at the end the following new subsection:

“(c)(1) A member of the Service or member of the Senior Foreign Service whose performance will be evaluated by a selection board may submit to such selection board a gap memo in advance of such evaluation.

“(2) Members of a selection board may not consider as negative the submission of a gap memo by a member described in paragraph (1) when evaluating the performance of such member.

“(3) In this subsection, the term ‘gap memo’ means a written record, submitted to a selection board in a standard format established by the Director General of the Foreign Service, which indicates and explains a gap in the record of a member of the Service or member of the Senior Foreign Service whose performance will be evaluated by such selection board, which gap is due to personal circumstances, including for health, family, or other reason as determined by the Director General in consultation with the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate.”.

Definition.
Records.
Consultation.
Determination.

22 USC 4003
note.
Deadline.

(b) CONSULTATION AND GUIDANCE.—

(1) CONSULTATION.—Not later than 30 days after the date of the enactment of this Act, the Director General of the Foreign Service shall consult with the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate regarding the development of the gap memo under subsection (c) of section 603 of the Foreign Service Act of 1980 (22 U.S.C. 4003), as added by subsection (a) of this section.

(2) DEFINITION.—In this subsection, the term “gap memo” has the meaning given such term in subsection (c) of section

603 of the Foreign Service Act of 1980 (22 U.S.C. 4003), as added by subsection (a) of this section.

TITLE LIV—A DIVERSE WORKFORCE: RECRUITMENT, RETENTION, AND PROMOTION

Sec. 5401. Definitions.
Sec. 5402. Exit interviews for workforce.
Sec. 5403. Recruitment and retention.
Sec. 5404. Leadership engagement and accountability.
Sec. 5405. Professional development opportunities and tools.
Sec. 5406. Examination and oral assessment for the Foreign Service.
Sec. 5407. Payne fellowship authorization.
Sec. 5408. Voluntary participation.

SEC. 5401. DEFINITIONS.

22 USC 2736
note.

In this title:

(1) **APPLICANT FLOW DATA.**—The term “applicant flow data” means data that tracks the rate of applications for job positions among demographic categories.

(2) **DEMOGRAPHIC DATA.**—The term “demographic data” means facts or statistics relating to the demographic categories specified in the Office of Management and Budget statistical policy directive entitled “Standards for Maintaining, Collecting, and Presenting Federal Data on Race and Ethnicity” (81 Fed. Reg. 67398).

(3) **DIVERSITY.**—The term “diversity” means those classes of persons protected under the Civil Rights Act of 1964 (42 U.S.C. 2000a et seq.) and the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.).

(4) **WORKFORCE.**—The term “workforce” means—

(A) individuals serving in a position in the civil service (as defined in section 2101 of title 5, United States Code);

(B) individuals who are members of the Foreign Service (as defined in section 103 of the Foreign Service Act of 1980 (22 U.S.C. 3902));

(C) all individuals serving under a personal services contract;

(D) all individuals serving under a Foreign Service Limited appointment under section 309 of the Foreign Service Act of 1980; or

(E) individuals other than Locally Employed Staff working in the Department of State under any other authority.

SEC. 5402. EXIT INTERVIEWS FOR WORKFORCE.

22 USC 2736.

(a) **RETAINED MEMBERS.**—The Director General of the Foreign Service and the Director of the Bureau of Human Resources or its equivalent shall conduct periodic interviews with a representative and diverse cross-section of the workforce of the Department—

(1) to understand the reasons of individuals in such workforce for remaining in a position in the Department; and

(2) to receive feedback on workplace policies, professional development opportunities, and other issues affecting the decision of individuals in the workforce to remain in the Department.

- (b) **DEPARTING MEMBERS.**—The Director General of the Foreign Service and the Director of the Bureau of Human Resources or its equivalent shall provide an opportunity for an exit interview to each individual in the workforce of the Department who separates from service with the Department to better understand the reasons of such individual for leaving such service.
- Determination. (c) **USE OF ANALYSIS FROM INTERVIEWS.**—The Director General of the Foreign Service and the Director of the Bureau of Human Resources or its equivalent shall analyze demographic data and other information obtained through interviews under subsections (a) and (b) to determine to what extent, if any, the diversity of those participating in such interviews impacts the results.
- (d) **TRACKING DATA.**—The Department shall—
- Evaluation. (1) track demographic data relating to participants in professional development programs and the rate of placement into senior positions for participants in such programs;
- (2) annually evaluate such data—
- (A) to identify ways to improve outreach and recruitment for such programs, consistent with merit system principles; and
- (B) to understand the extent to which participation in any professional development program offered or sponsored by the Department differs among the demographic categories of the workforce; and
- (3) actively encourage participation from a range of demographic categories, especially from categories with consistently low participation, in such professional development programs.
- 22 USC 2736a. **SEC. 5403. RECRUITMENT AND RETENTION.**
- (a) **IN GENERAL.**—The Secretary shall—
- (1) continue to seek a diverse and talented pool of applicants; and
- Plan. (2) instruct the Director General of the Foreign Service and the Director of the Bureau of Human Resources of the Department to have a recruitment plan of action for the recruitment of people belonging to traditionally under-represented groups, which should include outreach at appropriate colleges, universities, affinity groups, and professional associations.
- (b) **SCOPE.**—The diversity recruitment initiatives described in subsection (a) shall include—
- (1) recruiting at women’s colleges, historically Black colleges and universities, minority-serving institutions, and other institutions serving a significant percentage of minority students;
- (2) placing job advertisements in newspapers, magazines, and job sites oriented toward diverse groups;
- (3) sponsoring and recruiting at job fairs in urban and rural communities and land-grant colleges or universities;
- (4) providing opportunities through highly respected, international leadership programs, that focus on diversity recruitment and retention;
- (5) expanding the use of paid internships; and
- (6) cultivating partnerships with organizations dedicated to the advancement of the profession of international affairs and national security to advance shared diversity goals.
- (c) **EXPAND TRAINING ON ANTI-HARASSMENT AND ANTI-DISCRIMINATION.**—

(1) IN GENERAL.—The Secretary shall, through the Foreign Service Institute and other educational and training opportunities—

(A) ensure the provision to all individuals in the workforce of training on anti-harassment and anti-discrimination information and policies, including in existing Foreign Service Institute courses or modules prioritized in the Department’s Diversity and Inclusion Strategic Plan for 2016–2020 to promote diversity in Bureau awards or mitigate unconscious bias;

(B) expand the provision of training on workplace rights and responsibilities to focus on anti-harassment and anti-discrimination information and policies, including policies relating to sexual assault prevention and response; and

(C) make such expanded training mandatory for—

(i) individuals in senior and supervisory positions;

(ii) individuals having responsibilities related to recruitment, retention, or promotion of employees; and

(iii) any other individual determined by the Department who needs such training based on analysis by the Department or OPM analysis.

(2) BEST PRACTICES.—The Department shall give special attention to ensuring the continuous incorporation of research-based best practices in training provided under this subsection.

SEC. 5404. LEADERSHIP ENGAGEMENT AND ACCOUNTABILITY.

22 USC 2736b.

(a) REWARD AND RECOGNIZE EFFORTS TO PROMOTE DIVERSITY AND INCLUSION.—

(1) IN GENERAL.—The Secretary shall implement performance and advancement requirements that reward and recognize the efforts of individuals in senior positions and supervisors in the Department in fostering an inclusive environment and cultivating talent consistent with merit system principles, such as through participation in mentoring programs or sponsorship initiatives, recruitment events, and other similar opportunities.

Requirements.

(2) OUTREACH EVENTS.—The Secretary shall create opportunities for individuals in senior positions and supervisors in the Department to participate in outreach events and to discuss issues relating to diversity and inclusion with the workforce on a regular basis, including with employee resource groups.

(b) EXTERNAL ADVISORY COMMITTEES AND BOARDS.—For each external advisory committee or board to which individuals in senior positions in the Department appoint members, the Secretary is strongly encouraged by Congress to ensure such external advisory committee or board is developed, reviewed, and carried out by qualified teams that represent the diversity of the organization.

SEC. 5405. PROFESSIONAL DEVELOPMENT OPPORTUNITIES AND TOOLS.

22 USC 2736c.

(a) EXPAND PROVISION OF PROFESSIONAL DEVELOPMENT AND CAREER ADVANCEMENT OPPORTUNITIES.—

(1) IN GENERAL.—The Secretary is authorized to expand professional development opportunities that support the mission needs of the Department, such as—

(A) academic programs;

(B) private-public exchanges; and

- (C) detail assignments to relevant positions in—
 - (i) private or international organizations;
 - (ii) State, local, and Tribal governments;
 - (iii) other branches of the Federal Government;
 or
 - (iv) professional schools of international affairs.

(2) TRAINING FOR SENIOR POSITIONS.—

(A) IN GENERAL.—The Secretary shall offer, or sponsor members of the workforce to participate in, a Senior Executive Service candidate development program or other program that trains members on the skills required for appointment to senior positions in the Department.

Determination.

(B) REQUIREMENTS.—In determining which members of the workforce are granted professional development or career advancement opportunities under subparagraph (A), the Secretary shall—

- (i) ensure any program offered or sponsored by the Department under such subparagraph comports with the requirements of subpart C of part 412 of title 5, Code of Federal Regulations, or any successor thereto, including merit staffing and assessment requirements;
- (ii) consider the number of expected vacancies in senior positions as a factor in determining the number of candidates to select for such programs;
- (iii) understand how participation in any program offered or sponsored by the Department under such subparagraph differs by gender, race, national origin, disability status, or other demographic categories; and
- (iv) actively encourage participation from a range of demographic categories, especially from categories with consistently low participation.

SEC. 5406. EXAMINATION AND ORAL ASSESSMENT FOR THE FOREIGN SERVICE.

(a) SENSE OF CONGRESS.—It is the sense of Congress that the Department should offer both the Foreign Service written examination and oral assessment in more locations throughout the United States. Doing so would ease the financial burden on potential candidates who do not currently reside in and must travel at their own expense to one of the few locations where these assessments are offered.

(b) FOREIGN SERVICE EXAMINATIONS.—Section 301(b) of the Foreign Service Act of 1980 (22 U.S.C. 3941) is amended—

(1) by striking “The Secretary” and inserting: “(1) The Secretary”; and

(2) by adding at the end the following new paragraph:

“(2) The Secretary shall ensure that the Board of Examiners for the Foreign Service annually offers the oral assessment examinations described in paragraph (1) in cities, chosen on a rotating basis, located in at least three different time zones across the United States.”.

22 USC 2736d.

SEC. 5407. PAYNE FELLOWSHIP AUTHORIZATION.

(a) IN GENERAL.—Undergraduate and graduate components of the Donald M. Payne International Development Fellowship Program may conduct outreach to attract outstanding students with

an interest in pursuing a Foreign Service career who represent diverse ethnic and socioeconomic backgrounds.

(b) **REVIEW OF PAST PROGRAMS.**—The Secretary shall review past programs designed to increase minority representation in international affairs positions.

SEC. 5408. VOLUNTARY PARTICIPATION.

22 USC 2736e.

(a) **IN GENERAL.**—Nothing in this title should be construed so as to compel any employee to participate in the collection of the data or divulge any personal information. Department employees shall be informed that their participation in the data collection contemplated by this title is voluntary.

(b) **PRIVACY PROTECTION.**—Any data collected under this title shall be subject to the relevant privacy protection statutes and regulations applicable to Federal employees.

TITLE LV—INFORMATION SECURITY

Sec. 5501. Definitions.

Sec. 5502. List of certain telecommunications providers.

Sec. 5503. Preserving records of electronic communications.

Sec. 5504. Foreign Relations of the United States (FRUS) series and declassification.

SEC. 5501. DEFINITIONS.

22 USC 2679e.

In this title:

(1) **INTELLIGENCE COMMUNITY.**—The term “intelligence community” has the meaning given such term in section 3(4) of the National Security Act of 1947 (50 U.S.C. 3003(4)).

(2) **RELEVANT CONGRESSIONAL COMMITTEES.**—The term “relevant congressional committees” means—

(A) the appropriate congressional committees;

(B) the Select Committee on Intelligence of the Senate;

and

(C) the Permanent Select Committee on Intelligence of the House of Representatives.

SEC. 5502. LIST OF CERTAIN TELECOMMUNICATIONS PROVIDERS.

22 USC 2679e.

(a) **LIST OF COVERED CONTRACTORS.**—Not later than 30 days after the date of the enactment of this Act, the Secretary, in consultation with the Director of National Intelligence and other appropriate Federal agencies as determined jointly by the Secretary and the Director of National Intelligence, shall develop or maintain, as the case may be, and update as frequently as the Secretary determines appropriate, a list of covered contractors with respect to which the Department should seek to avoid entering into contracts. Not later than 30 days after the initial development of the list under this subsection, any update thereto, and annually thereafter for 5 years after such initial 30 day period, the Secretary shall submit to the appropriate congressional committees a copy of such list.

Deadlines.
Consultation.
Updates.
Contracts.

Time periods.
Records.

(b) **COVERED CONTRACTOR DEFINED.**—In this section, the term “covered contractor” means a provider of telecommunications, telecommunications equipment, or information technology equipment, including hardware, software, or services, that has knowingly assisted or facilitated a cyber attack or conducted surveillance, including passive or active monitoring, carried out against—

(1) the United States by, or on behalf of, any government, or persons associated with such government, listed as a cyber threat actor in the intelligence community’s 2017 assessment of worldwide threats to United States national security or any subsequent worldwide threat assessment of the intelligence community; or

(2) individuals, including activists, journalists, opposition politicians, or other individuals for the purposes of suppressing dissent or intimidating critics, on behalf of a country included in the annual country reports on human rights practices of the Department for systematic acts of political repression, including arbitrary arrest or detention, torture, extrajudicial or politically motivated killing, or other gross violations of human rights.

SEC. 5503. PRESERVING RECORDS OF ELECTRONIC COMMUNICATIONS.

(a) SENSE OF CONGRESS.—It is the sense of Congress that all officers and employees of the Department and the United States Agency for International Development are obligated under chapter 31 of title 44, United States Code (popularly referred to as the Federal Records Act of 1950), to create and preserve records containing adequate and proper documentation of the organization, functions, policies, decisions, procedures, and essential transactions or operations of the Department and United States embassies, consulates, and missions abroad, including records of official communications with foreign government officials or other foreign entities.

Deadline.

(b) CERTIFICATION.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall submit to the appropriate congressional committees a certification in unclassified form that the Secretary has communicated to all Department personnel, including the Secretary of State and all political appointees, that such personnel are obligated under chapter 31 of title 44, United States Code, to treat electronic messaging systems, software, and applications as equivalent to electronic mail for the purpose of identifying Federal records.

SEC. 5504. FOREIGN RELATIONS OF THE UNITED STATES (FRUS) SERIES AND DECLASSIFICATION.

The State Department Basic Authorities Act of 1956 is amended—

(1) in section 402(a)(2) (22 U.S.C. 4352(a)(2)), by striking “26” and inserting “20”; and

(2) in section 404(a)(1) (22 U.S.C. 4354(a)(1)), by striking “30” and inserting “25”.

Public Diplomacy
Modernization
Act of 2021.

TITLE LVI—PUBLIC DIPLOMACY

Sec. 5601. Short title.

Sec. 5602. Avoiding duplication of programs and efforts.

Sec. 5603. Improving research and evaluation of public diplomacy.

Sec. 5604. Permanent reauthorization of the United States Advisory Commission on Public Diplomacy.

Sec. 5605. Streamlining of support functions.

Sec. 5606. Guidance for closure of public diplomacy facilities.

Sec. 5607. Definitions.

SEC. 5601. SHORT TITLE.22 USC 2651
note.

This title may be cited as the “Public Diplomacy Modernization Act of 2021”.

SEC. 5602. AVOIDING DUPLICATION OF PROGRAMS AND EFFORTS.

22 USC 2732a.

The Secretary shall—

(1) identify opportunities for greater efficiency of operations, including through improved coordination of efforts across public diplomacy bureaus and offices of the Department; and

(2) maximize shared use of resources between, and within, such public diplomacy bureaus and offices in cases in which programs, facilities, or administrative functions are duplicative or substantially overlapping.

SEC. 5603. IMPROVING RESEARCH AND EVALUATION OF PUBLIC DIPLOMACY.

22 USC 2732b.

(a) **RESEARCH AND EVALUATION ACTIVITIES.**—The Secretary, acting through the Director of Research and Evaluation appointed pursuant to subsection (b), shall—

(1) conduct regular research and evaluation of public diplomacy programs and activities of the Department, including through the routine use of audience research, digital analytics, and impact evaluations, to plan and execute such programs and activities; and

(2) make available to Congress the findings of the research and evaluations conducted under paragraph (1).

(b) **DIRECTOR OF RESEARCH AND EVALUATION.**—

(1) **APPOINTMENT.**—Not later than 90 days after the date of the enactment of this Act, the Secretary shall appoint a Director of Research and Evaluation (referred to in this subsection as the “Director”) in the Office of Policy, Planning, and Resources for Public Diplomacy and Public Affairs of the Department.

Deadline.

(2) **LIMITATION ON APPOINTMENT.**—The appointment of the Director pursuant to paragraph (1) shall not result in an increase in the overall full-time equivalent positions within the Department.

(3) **RESPONSIBILITIES.**—The Director shall—

(A) coordinate and oversee the research and evaluation of public diplomacy programs and activities of the Department in order to—

(i) improve public diplomacy strategies and tactics; and

(ii) ensure that such programs and activities are increasing the knowledge, understanding, and trust of the United States by relevant target audiences;

(B) routinely organize and oversee audience research, digital analytics, and impact evaluations across all public diplomacy bureaus and offices of the Department;

(C) support United States diplomatic posts’ public affairs sections;

(D) share appropriate public diplomacy research and evaluation information within the Department and with other appropriate Federal departments and agencies;

(E) regularly design and coordinate standardized research questions, methodologies, and procedures to

Reports. Time period.	ensure that public diplomacy programs and activities across all public diplomacy bureaus and offices are designed to meet appropriate foreign policy objectives; and (F) report biannually to the United States Advisory Commission on Public Diplomacy, through the Subcommittee on Research and Evaluation established pursuant to subsection (f), regarding the research and evaluation of all public diplomacy bureaus and offices.
Deadline.	(4) GUIDANCE AND TRAINING.—Not later than 1 year after the appointment of the Director pursuant to paragraph (1), the Director shall develop guidance and training, including curriculum for use by the Foreign Service Institute, for all public diplomacy officers of the Department regarding the reading and interpretation of public diplomacy program and activity evaluation findings to ensure that such findings and related lessons learned are implemented in the planning and evaluation of all public diplomacy programs and activities of the Department. (c) PRIORITIZING RESEARCH AND EVALUATION.— (1) IN GENERAL.—The head of the Office of Policy, Planning, and Resources for Public Diplomacy and Public Affairs of the Department shall ensure that research and evaluation of public diplomacy and activities of the Department, as coordinated and overseen by the Director pursuant to subsection (b), supports strategic planning and resource allocation across all public diplomacy bureaus and offices of the Department. (2) ALLOCATION OF RESOURCES.—Amounts allocated for the purpose of research and evaluation of public diplomacy programs and activities of the Department pursuant to subsection (b) shall be made available to be disbursed at the direction of the Director of Research and Evaluation among the research and evaluation staff across all public diplomacy bureaus and offices of the Department. (3) SENSE OF CONGRESS.—It is the sense of Congress that the Department should gradually increase its allocation of funds made available under the headings “Educational and Cultural Exchange Programs” and “Diplomatic Programs” for research and evaluation of public diplomacy programs and activities of the Department pursuant to subsection (b) to a percentage of program funds that is commensurate with Federal Government best practices. (d) LIMITED EXEMPTION RELATING TO THE PAPERWORK REDUCTION ACT.—Chapter 35 of title 44, United States Code (commonly known as the “Paperwork Reduction Act”) shall not apply to the collection of information directed at any individuals conducted by, or on behalf of, the Department of State for the purpose of audience research, monitoring, and evaluations, and in connection with the Department’s activities conducted pursuant to any of the following: (1) The Mutual Educational and Cultural Exchange Act of 1961 (22 U.S.C. 2451 et seq.). (2) Section 1287 of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114–328; 22 U.S.C. 2656 note). (3) The Foreign Assistance Act of 1961 (22 U.S.C. 2151 et seq.). (e) LIMITED EXEMPTION RELATING TO THE PRIVACY ACT.—

(1) **IN GENERAL.**—The Department shall maintain, collect, use, and disseminate records (as such term is defined in section 552a(a)(4) of title 5, United States Code) for audience research, digital analytics, and impact evaluation of communications related to public diplomacy efforts intended for foreign audiences. Records.

(2) **CONDITIONS.**—Audience research, digital analytics, and impact evaluations under paragraph (1) shall be—

(A) reasonably tailored to meet the purposes of this subsection; and

(B) carried out with due regard for privacy and civil liberties guidance and oversight.

(f) **UNITED STATES ADVISORY COMMISSION ON PUBLIC DIPLOMACY.**—

(1) **SUBCOMMITTEE FOR RESEARCH AND EVALUATION.**—The United States Advisory Commission on Public Diplomacy shall establish a Subcommittee on Research and Evaluation to monitor and advise regarding audience research, digital analytics, and impact evaluations carried out by the Department and the United States Agency for Global Media. Establishment.

(2) **ANNUAL REPORT.**—The Subcommittee on Research and Evaluation established pursuant to paragraph (1) shall submit to the appropriate congressional committees an annual report, in conjunction with the United States Advisory Commission on Public Diplomacy’s Comprehensive Annual Report on the performance of the Department and the United States Agency for Global Media, describing all actions taken by the Subcommittee pursuant to paragraph (1) and any findings made as a result of such actions.

SEC. 5604. PERMANENT REAUTHORIZATION OF THE UNITED STATES ADVISORY COMMISSION ON PUBLIC DIPLOMACY.

Section 1334 of the Foreign Affairs Reform and Restructuring Act of 1998 (22 U.S.C. 6553) is amended—

(1) in the section heading, by striking “**SUNSET**” and inserting “**CONTINUATION**”; and

(2) by striking “until October 1, 2021”.

SEC. 5605. STREAMLINING OF SUPPORT FUNCTIONS.

(a) **WORKING GROUP ESTABLISHED.**—Not later than 60 days after the date of the enactment of this Act, the Secretary shall establish a working group to explore the possibilities and cost-benefit analysis of transitioning to a shared services model as such pertains to human resources, travel, purchasing, budgetary planning, and all other executive support functions for all bureaus of the Department that report to the Under Secretary for Public Diplomacy of the Department. Deadline.

(b) **REPORT.**—Not later than 180 days after the date of the enactment of this Act, the Secretary shall submit to the appropriate congressional committees a plan to implement any such findings of the working group established under subsection (a). Deadline. Plan.

SEC. 5606. GUIDANCE FOR CLOSURE OF PUBLIC DIPLOMACY FACILITIES. 22 USC 1475g note.

(a) **IN GENERAL.**—Not later than 180 days after the date of the enactment of this Act, the Secretary of State shall adopt, and include in the Foreign Affairs Manual, guidelines to collect and utilize information from each diplomatic post at which the Deadline. Guidelines.

construction of a new embassy compound or new consulate compound would result in the closure or co-location of an American Space, American Center, American Corner, or any other public diplomacy facility under the Secure Embassy Construction and Counterterrorism Act of 1999 (22 U.S.C. 4865 et seq.).

Notifications.

(b) REQUIREMENTS.—The guidelines required by subsection (a) shall include the following:

(1) Standardized notification to each chief of mission at a diplomatic post describing the requirements of the Secure Embassy Construction and Counterterrorism Act of 1999 and the impact on the mission footprint of such requirements.

Assessment.
Recommendations.

(2) An assessment and recommendations from each chief of mission of potential impacts to public diplomacy programming at such diplomatic post if any public diplomacy facility referred to in subsection (a) is closed or staff is co-located in accordance with such Act.

(3) A process by which assessments and recommendations under paragraph (2) are considered by the Secretary and the appropriate Under Secretaries and Assistant Secretaries of the Department.

(4) Notification to the appropriate congressional committees, prior to the initiation of a new embassy compound or new consulate compound design, of the intent to close any such public diplomacy facility or co-locate public diplomacy staff in accordance with such Act.

Recommendations.

(c) REPORT.—Not later than 1 year after the date of the enactment of this Act, the Secretary shall submit to the appropriate congressional committees a report containing the guidelines required under subsection (a) and any recommendations for any modifications to such guidelines.

22 USC 2732a
note.

SEC. 5607. DEFINITIONS.

In this title:

(1) AUDIENCE RESEARCH.—The term “audience research” means research conducted at the outset of a public diplomacy program or the outset of campaign planning and design regarding specific audience segments to understand the attitudes, interests, knowledge, and behaviors of such audience segments.

(2) DIGITAL ANALYTICS.—The term “digital analytics” means the analysis of qualitative and quantitative data, accumulated in digital format, to indicate the outputs and outcomes of a public diplomacy program or campaign.

(3) IMPACT EVALUATION.—The term “impact evaluation” means an assessment of the changes in the audience targeted by a public diplomacy program or campaign that can be attributed to such program or campaign.

(4) PUBLIC DIPLOMACY BUREAUS AND OFFICES.—The term “public diplomacy bureaus and offices” means, with respect to the Department, the following:

(A) The Bureau of Educational and Cultural Affairs.

(B) The Bureau of Global Public Affairs.

(C) The Office of Policy, Planning, and Resources for Public Diplomacy and Public Affairs.

(D) The Global Engagement Center.

(E) The public diplomacy functions within the regional and functional bureaus.

TITLE LVII—OTHER MATTERS

Sec. 5701. Limitation on assistance to countries in default.

Sec. 5702. Sean and David Goldman Child Abduction Prevention and Return Act of 2014 amendment.

Sec. 5703. Chief of mission concurrence.

Sec. 5704. Report on efforts of the Coronavirus Repatriation Task Force.

SEC. 5701. LIMITATION ON ASSISTANCE TO COUNTRIES IN DEFAULT.

Section 620(q) of the Foreign Assistance Act of 1961 (22 U.S.C. 2370(q)) is amended—

(1) by striking “No assistance” and inserting the following:

“(1) No assistance”;

(2) by inserting “the government of” before “any country”;

(3) by inserting “the government of” before “such country” each place it appears;

(4) by striking “determines” and all that follows and inserting “determines, after consultation with the Committee on Foreign Affairs and the Committee on Appropriations of the House of Representatives and the Committee on Foreign Relations and the Committee on Appropriations of the Senate, that assistance for such country is in the national interest of the United States.”; and

(5) by adding at the end the following new paragraph:

“(2) No assistance shall be furnished under this Act, the Peace Corps Act, the Millennium Challenge Act of 2003, the African Development Foundation Act, the BUILD Act of 2018, section 504 of the FREEDOM Support Act, or section 23 of the Arms Export Control Act to the government of any country which is in default during a period in excess of 1 calendar year in payment to the United States of principal or interest or any loan made to the government of such country by the United States unless the President determines, following consultation with the congressional committees specified in paragraph (1), that assistance for such country is in the national interest of the United States.”.

Determination.
Consultation.

Time period.
President.
Determination.
Consultation.

SEC. 5702. SEAN AND DAVID GOLDMAN CHILD ABDUCTION PREVENTION AND RETURN ACT OF 2014 AMENDMENT.

Subsection (b) of section 101 of the Sean and David Goldman International Child Abduction Prevention and Return Act of 2014 (22 U.S.C. 9111; Public Law 113–150) is amended—

(1) in paragraph (2)—

(A) in subparagraph (A)—

(i) by inserting “, respectively,” after “access cases”; and

(ii) by inserting “and the number of children involved” before the semicolon at the end; and

(B) in subparagraph (D), by inserting “respectively, the number of children involved,” after “access cases,”;

(2) in paragraph (7), by inserting “, and number of children involved in such cases” before the semicolon at the end;

(3) in paragraph (8), by striking “and” after the semicolon at the end;

(4) in paragraph (9), by striking the period at the end and inserting “; and”; and

(5) by adding at the end the following new paragraph:

“(10) the total number of pending cases the Department of State has assigned to case officers and number of children involved for each country and as a total for all countries.”.

10 USC 127e
note.
Consultation.

SEC. 5703. CHIEF OF MISSION CONCURRENCE.

In the course of a chief of mission providing concurrence to the exercise of the authority pursuant to section 127e of title 10, United States Code, or section 1202 of the National Defense Authorization Act for Fiscal Year 2018—

(1) each relevant chief of mission shall inform and consult in a timely manner with relevant individuals at relevant missions or bureaus of the Department of State; and

(2) the Secretary of State shall take such steps as may be necessary to ensure that such relevant individuals have the security clearances necessary and access to relevant compartmented and special programs to so consult in a timely manner with respect to such concurrence.

SEC. 5704. REPORT ON EFFORTS OF THE CORONAVIRUS REPATRIATION TASK FORCE.

Not later than 90 days after the date of the enactment of this Act, the Secretary of State shall submit to the appropriate congressional committees, the Committee on Armed Services of the House of Representatives, and the Committee on Armed Services of the Senate a report evaluating the efforts of the Coronavirus Repatriation Task Force of the Department of State to repatriate United States citizens and legal permanent residents in response to the 2020 coronavirus outbreak. The report shall identify—

(1) the most significant impediments to repatriating such persons;

(2) the lessons learned from such repatriations; and

(3) any changes planned to future repatriation efforts of the Department of State to incorporate such lessons learned.

DIVISION F—OTHER NON-DEPARTMENT OF DEFENSE MATTERS

TITLE LXI—FINANCIAL SERVICES MATTERS

Sec. 6101. FinCEN Exchange.

Sec. 6102. Adverse information in cases of trafficking.

Sec. 6103. Support to enhance the capacity of International Monetary Fund members to evaluate the legal and financial terms of sovereign debt contracts.

Sec. 6104. United States policy on Burma at the International Monetary Fund, the World Bank Group, and the Asian Development Bank.

Sec. 6105. United States policy regarding international financial institution assistance with respect to advanced wireless technologies.

Sec. 6106. Illicit finance improvements.

Sec. 6107. Briefing on delegation of examination authority under the Bank Secrecy Act.

SEC. 6101. FINCEN EXCHANGE.

Section 310(d) of title 31, United States Code, is amended—

(1) in paragraph (2), by inserting “other relevant private sector entities,” after “financial institutions,”;

(2) in paragraph (3)(A)(i)(II), by inserting “and other relevant private sector entities” after “financial institutions”; and
(3) in paragraph (5)—

(A) in subparagraph (A), by inserting “or other relevant private sector entity” after “financial institution”; and

(B) in subparagraph (B)—

(i) by striking “Information” and inserting the following:

“(i) USE BY FINANCIAL INSTITUTIONS.—Information”; and

(ii) by adding at the end the following:

“(ii) USE BY OTHER RELEVANT PRIVATE SECTOR ENTITIES.—Information received by a relevant private sector entity that is not a financial institution pursuant to this section shall not be used for any purpose other than assisting a financial institution in identifying and reporting on activities that may involve the financing of terrorism, money laundering, proliferation financing, or other financial crimes, or in assisting FinCEN or another agency of the Federal Government in mitigating the risk of the financing of terrorism, money laundering, proliferation financing, or other criminal activities.”.

SEC. 6102. ADVERSE INFORMATION IN CASES OF TRAFFICKING.

(a) IN GENERAL.—The Fair Credit Reporting Act (15 U.S.C. 1681 et seq.) is amended by inserting after section 605B the following:

“§ 605C. Adverse information in cases of trafficking

15 USC 1681c–3.

“(a) DEFINITIONS.—In this section:

“(1) TRAFFICKING DOCUMENTATION.—The term ‘trafficking documentation’ means—

“(A) documentation of—

“(i) a determination that a consumer is a victim of trafficking made by a Federal, State, or Tribal governmental entity; or

“(ii) by a court of competent jurisdiction; and

“(B) documentation that identifies items of adverse information that should not be furnished by a consumer reporting agency because the items resulted from a severe form of trafficking in persons or sex trafficking of which the consumer is a victim.

“(2) TRAFFICKING VICTIMS PROTECTION ACT OF 2000 DEFINITIONS.—The terms ‘severe forms of trafficking in persons’ and ‘sex trafficking’ have the meanings given, respectively, in section 103 of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7102).

“(3) VICTIM OF TRAFFICKING.—The term ‘victim of trafficking’ means a person who is a victim of a severe form of trafficking in persons or sex trafficking.

“(b) ADVERSE INFORMATION.—A consumer reporting agency may not furnish a consumer report containing any adverse item of information about a consumer that resulted from a severe form of trafficking in persons or sex trafficking if the consumer has provided trafficking documentation to the consumer reporting agency.

Deadline.	“(c) RULEMAKING.— “(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this section, the Director shall issue rules to implement subsection (a). “(2) CONTENTS.—The rules issued pursuant to paragraph (1) shall establish a method by which consumers shall submit trafficking documentation to consumer reporting agencies.”. (b) TABLE OF CONTENTS AMENDMENT.—The table of contents of the Fair Credit Reporting Act is amended by inserting after the item relating to section 605B the following:
Effective date. 15 USC 1681c–3 note.	“605C. Adverse information in cases of trafficking.”. (c) APPLICATION.—The amendments made by this section shall apply on the date that is 30 days after the date on which the Director of the Bureau of Consumer Financial Protection issues a rule pursuant to section 605C(c) of the Fair Credit Reporting Act, as added by subsection (a) of this section. Any rule issued by the Director to implement such section 605C shall be limited to preventing a consumer reporting agency from furnishing a consumer report containing any adverse item of information about a consumer (as such terms are defined, respectively, in section 603 the Fair Credit Reporting Act (15 U.S.C. 1681a)) that resulted from trafficking.
	SEC. 6103. SUPPORT TO ENHANCE THE CAPACITY OF INTERNATIONAL MONETARY FUND MEMBERS TO EVALUATE THE LEGAL AND FINANCIAL TERMS OF SOVEREIGN DEBT CONTRACTS. (a) IN GENERAL.—Title XVI of the International Financial Institutions Act (22 U.S.C. 262p et seq.) is amended by adding at the end the following:
22 USC 262p–14.	“SEC. 1630. SUPPORT TO ENHANCE THE CAPACITY OF FUND MEMBERS TO EVALUATE THE LEGAL AND FINANCIAL TERMS OF SOVEREIGN DEBT CONTRACTS. “The Secretary of the Treasury shall instruct the United States Executive Director at the International Monetary Fund to use the voice and vote of the United States to advocate that the Fund promote international standards and best practices with respect to sovereign debt contracts and provide technical assistance to Fund members, and in particular to lower middle-income countries and countries eligible to receive assistance from the International Development Association, seeking to enhance their capacity to evaluate the legal and financial terms of sovereign debt contracts with multilateral, bilateral, and private sector creditors.”.
Time period.	(b) REPORT TO THE CONGRESS.—Within 1 year after the date of the enactment of this Act, and annually thereafter for the next 4 years, the Secretary of the Treasury shall report to the Committee on Financial Services of the House of Representatives and the Committee on Foreign Relations of the Senate on— (1) the activities of the International Monetary Fund in the then most recently completed fiscal year to provide technical assistance described in section 1630 of the International Financial Institutions Act (as added by this section), including the ability of the Fund to meet the demand for the assistance; and

(2) the efficacy of efforts by the United States to achieve the policy goal described in such section and any further actions that should be taken, if necessary, to implement that goal.

(c) SUNSET.—The amendment made by subsection (a) shall have no force or effect after the 5-year period that begins with the date of the enactment of this Act.

Time period.
22 USC 262p–14
note.

SEC. 6104. UNITED STATES POLICY ON BURMA AT THE INTERNATIONAL MONETARY FUND, THE WORLD BANK GROUP, AND THE ASIAN DEVELOPMENT BANK.

(a) SENSE OF THE CONGRESS.—It is the sense of the Congress that the United States should not support the recognition of, or dealing with, the State Administration Council, or any successor entity controlled by the military, as the government of Burma for the purpose of the provision of any loan or financial assistance by the International Monetary Fund, the World Bank Group, or the Asian Development Bank, except for humanitarian assistance channeled through an implementing agency not controlled by the Burmese military.

(b) POLICY.—Title XVI of the International Financial Institutions Act (22 U.S.C. 262p et seq.), as amended by section 6103, is further amended by adding at the end the following:

“SEC. 1631. UNITED STATES POLICY ON BURMA AT THE INTERNATIONAL MONETARY FUND, THE WORLD BANK GROUP, AND THE ASIAN DEVELOPMENT BANK.

22 USC 262p–15.

“(a) POLICY OF THE UNITED STATES.—The Secretary of Treasury shall instruct the United States Executive Directors at the International Monetary Fund, the World Bank Group, and the Asian Development Bank to inform the respective institution that it is the policy of the United States to oppose, and to use the voice and vote of the United States to vote against, any loan or financial assistance to Burma through the State Administration Council, or any successor entity controlled by the military, except for humanitarian assistance channeled through an implementing agency not controlled by the Burmese military.

“(b) SUBMISSION OF WRITTEN STATEMENTS.—No later than 60 calendar days after a meeting of the Board of Directors of the World Bank Group or the Asian Development Bank, the Secretary of the Treasury shall submit to the Committee on Financial Services of the House of Representatives and the Committee on Foreign Relations of the Senate any written statement presented at the meeting by the United States Executive Director concerning the United States policy described in subsection (a) or the United States position on any strategy, policy, loan, extension of financial assistance, or technical assistance related to Burma considered by the Board.

Deadline.

“(c) WAIVER.—The President of the United States may waive the application of subsection (a) on a case-by-case basis upon certifying to the Committee on Financial Services of the House of Representatives and the Committee on Foreign Relations of the Senate that the waiver—

Certification.

“(1) substantially promotes the objective of delivering humanitarian assistance to the civilian population of Burma, including a detailed explanation as to the need for such a waiver, the nature of the humanitarian assistance, the mechanisms through which such assistance will be delivered, and

the oversight safeguards that will accompany such assistance;
or

“(2) is otherwise in the national interest of the United States, with a detailed explanation of the reasons therefor.

“(d) **WORLD BANK GROUP DEFINED.**—In this section, the term ‘World Bank Group’ means the International Bank for Reconstruction and Development, the International Development Association, the International Finance Corporation, and the Multilateral Investment Guarantee Agency.”.

Repeal.
22 USC 262p–15
note.

(c) **SUNSET.**—Section 1631 of the International Financial Institutions Act, as added by subsection (b), is repealed on the earlier of—

President.
Certification.

(1) the date the President of the United States submits to the Committee on Financial Services of the House of Representatives and the Committee on Foreign Relations of the Senate a certification that—

(A) the Burmese military has released all political prisoners;

(B) an elected government has been instated following free and fair elections; and

(C) all government institutions involved in the provision of multilateral assistance are fully under civilian control; or

(2) the date that is 10 years after the date of the enactment of this Act.

22 USC note
prec. 261.

SEC. 6105. UNITED STATES POLICY REGARDING INTERNATIONAL FINANCIAL INSTITUTION ASSISTANCE WITH RESPECT TO ADVANCED WIRELESS TECHNOLOGIES.

(a) **IN GENERAL.**—The Secretary of the Treasury (in this section referred to as the “Secretary”) shall instruct the United States Executive Director at each international financial institution (as defined in section 1701(c)(2) of the International Financial Institutions Act (22 U.S.C. 262r(c)(2))) that it is the policy of the United States to—

(1) support assistance by the institution with respect to advanced wireless technologies (such as 5th generation wireless technology for digital cellular networks and related technologies) only if the technologies provide appropriate security for users;

(2) proactively encourage assistance with respect to infrastructure or policy reforms that facilitate the use of secure advanced wireless technologies; and

(3) cooperate, to the maximum extent practicable, with member states of the institution, particularly with United States allies and partners, in order to strengthen international support for such technologies.

Reports.

(b) **WAIVER AUTHORITY.**—The Secretary may waive subsection (a) on a case-by-case basis, on reporting to the Committee on Financial Services of the House of Representatives and the Committee on Foreign Relations of the Senate that the waiver—

(1) will allow the United States to effectively promote the objectives of the policy described in subsection (a); or

(2) is in the national interest of the United States, with an explanation of the reasons therefor.

(c) **PROGRESS REPORT.**—The Chairman of the National Advisory Council on International Monetary and Financial Policies shall

include in the annual report required by section 1701 of the International Financial Institutions Act (22 U.S.C. 262r) a description of progress made toward advancing the policy described in subsection (a) of this section.

(d) SUNSET.—The preceding provisions of this section shall have no force or effect after the earlier of—

(1) the date that is 7 years after the date of the enactment of this Act; or Time period.

(2) the date that the Secretary reports to the committees specified in subsection (b) that terminating the effectiveness of the provisions is important to the national interest of the United States, with a detailed explanation of the reasons therefor. Reports.

SEC. 6106. ILLICIT FINANCE IMPROVEMENTS.

(a) SCOPE OF THE MEETINGS OF THE SUPERVISORY TEAM ON COUNTERING ILLICIT FINANCE.—Section 6214(b) of the William M. (Mac) Thornberry National Defense Authorization Act for Fiscal Year 2021 (31 U.S.C. 5311 note) is amended by striking “to combat the risk relating to proliferation financing” and inserting “for the purposes of countering illicit finance, including proliferation finance and sanctions evasion”.

(b) COMBATING RUSSIAN MONEY LAUNDERING.—Section 9714 of the Combating Russian Money Laundering Act (Public Law 116–283) is amended—

(1) by redesignating subsections (b) and (c) as subsections (f) and (g), respectively; and

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

“(b) CLASSIFIED INFORMATION.—In any judicial review of a finding of the existence of a primary money laundering concern, or of the requirement for 1 or more special measures with respect to a primary money laundering concern made under this section, if the designation or imposition, or both, were based on classified information (as defined in section 1(a) of the Classified Information Procedures Act (18 U.S.C. App.), such information may be submitted by the Secretary to the reviewing court ex parte and in camera. This subsection does not confer or imply any right to judicial review of any finding made or any requirement imposed under this section.”

“(c) AVAILABILITY OF INFORMATION.—The exemptions from, and prohibitions on, search and disclosure provided in section 5319 of title 31, United States Code, shall apply to any report or record of report filed pursuant to a requirement imposed under subsection (a) of this section. For purposes of section 552 of title 5, United States Code, this subsection shall be considered a statute described in subsection (b)(3)(B) of that section.”

“(d) PENALTIES.—The penalties provided for in sections 5321 and 5322 of title 31, United States Code, that apply to violations of special measures imposed under section 5318A of title 31, United States Code, shall apply to violations of any order, regulation, special measure, or other requirement imposed under subsection (a) of this section, in the same manner and to the same extent as described in sections 5321 and 5322.”

“(e) INJUNCTIONS.—The Secretary of the Treasury may bring a civil action to enjoin a violation of any order, regulation, special measure, or other requirement imposed under subsection (a) of this section in the same manner and to the same extent as described in section 5320 of title 31, United States Code.”

134 Stat. 4839.

31 USC 5318A.
Courts.

Applicability.

Applicability.

SEC. 6107. BRIEFING ON DELEGATION OF EXAMINATION AUTHORITY UNDER THE BANK SECRECY ACT.

Deadline.
Consultation.

(a) **IN GENERAL.**—Not later than one year after the date of the enactment of this Act, the Secretary of the Treasury shall, after consultation with State bank supervisors, Federal financial regulators, and other relevant stakeholders, conduct a briefing for the Committee on Financial Services of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate with respect to the delegation of examination authority under the Bank Secrecy Act by the Secretary of the Treasury.

(b) **CONTENTS.**—The briefing conducted by the Secretary of the Treasury pursuant to subsection (a) shall address—

(1) the current status of the delegation of examination authority under the Bank Secrecy Act by the Secretary of the Treasury, including with respect to the mission of the Bank Secrecy Act;

(2) how frequently, on average, agencies delegated examination authority under the Bank Secrecy Act by the Secretary are able to examine entities for which they have delegated authorities;

(3) whether agencies delegated examination authority under the Bank Secrecy Act by the Secretary of the Treasury have appropriate resources to perform such delegated responsibilities; and

(4) whether the examiners within agencies delegated examination authority under the Bank Secrecy Act by the Secretary of the Treasury have sufficient training and support to perform delegated responsibilities.

(c) **DEFINITIONS.**—In this section:

(1) **BANK SECRECY ACT.**—The term “Bank Secrecy Act” means—

(A) section 21 of the Federal Deposit Insurance Act (12 U.S.C. 1829b);

(B) section 123 of Public Law 91–508; and

(C) subchapter II of chapter 53 of title 31, United States Code.

(2) **FEDERAL FINANCIAL REGULATORS.**—The term “Federal financial regulators” means the Board of Governors of the Federal Reserve System, the Federal Deposit Insurance Corporation, the National Credit Union Administration Board, the Comptroller of the Currency, the Commodity Futures Trading Commission, the Securities and Exchange Commission, and the Commissioner of the Internal Revenue Service.

(3) **STATE BANK SUPERVISORS.**—The term “State bank supervisors” has the meaning given the term in section 3 of the Federal Deposit Insurance Act (12 U.S.C. 1813).

Foreign Service
Families Act
of 2021.

TITLE LXII—FOREIGN SERVICE FAMILIES ACT OF 2021

Sec. 6201. Short title.

Sec. 6202. Telecommuting opportunities.

Sec. 6203. Employment and education programs for eligible family members of members of the Foreign Service.

Sec. 6204. Briefing on Foreign Service family reserve corps.

- Sec. 6205. Treatment of family members seeking positions customarily filled by Foreign Service officers or foreign national employees.
- Sec. 6206. In-State tuition rates for members of qualifying Federal service.
- Sec. 6207. Termination of residential or motor vehicle leases and telephone service contracts for certain members of the Foreign Service.

SECTION 6201. SHORT TITLE.

5 USC 101 note.

This title may be cited as the “Foreign Service Families Act of 2021”.

SEC. 6202. TELECOMMUTING OPPORTUNITIES.

5 USC 6502 note.

(a) DETO POLICY.—

(1) **IN GENERAL.**—Each Federal department and agency shall establish a policy enumerating the circumstances under which employees may be permitted to temporarily perform work requirements and duties from approved overseas locations where there is a related Foreign Service assignment pursuant to an approved Domestically Employed Teleworking Overseas (DETO) agreement, consistent with the requirements under section 6502 of title 5, United States code (relating to the executive agencies telework requirements), as amended by paragraph (2), and DETO requirements, as set forth in the Foreign Affairs Manual and Foreign Affairs Handbook of the Department of State.

(2) **AMENDMENT.**—Section 6502(b) of title 5, United States Code, is amended—

(A) in paragraph (4)(B), by striking “and” after the semicolon;

(B) in paragraph 5, by striking the period at the end and inserting “; and”; and

(C) by adding at the end the following new paragraph:

“(6) enumerate the circumstances under which employees may be permitted to temporarily perform work requirements and duties from approved overseas locations, provided that, except in emergency situations as determined by the head of the agency, such circumstances shall not include a situation in which an employee’s official duties require on at least a monthly basis the direct handling of secure materials determined to be inappropriate for telework by the agency head.”.

(b) **ACCESS TO ICASS SYSTEM.**—Not later than 90 days after the date of the enactment of this Act, the Secretary of State shall revise chapter 900 of volume 6 of the Foreign Affairs Manual, the International Cooperative Administrative Support Services Handbook, the Personnel Operations Handbook, and any other relevant regulations to allow each Federal agency that has enacted a policy under subsection (a) to have access to the International Cooperative Administrative Support Services (ICASS) system.

Deadline.
Revision.
Regulations.

SEC. 6203. EMPLOYMENT AND EDUCATION PROGRAMS FOR ELIGIBLE FAMILY MEMBERS OF MEMBERS OF THE FOREIGN SERVICE.

Section 706(b) of the Foreign Service Act of 1980 (22 U.S.C. 4026(b)) is amended—

(1) in paragraph (1)—

(A) by striking “The Secretary may facilitate the employment of spouses of members of the Foreign Service by—” and inserting “The Secretary shall implement such measures as the Secretary considers necessary to facilitate

the employment of spouses and members of the Service. The measures may include—”;

(B) by redesignating subparagraph (C) as subparagraph (D); and

(C) by amending subparagraph (C) to read as follows:

“(C) establishing a program for assisting eligible family members in accessing employment and education opportunities, as appropriate, including by exercising the authorities, in relevant part, under sections 1784 and 1784a of title 10, United States Code, and subject to such regulations as the Secretary may prescribe modeled after those prescribed pursuant to subsection (b) of such section 1784;”;

(2) by redesignating paragraph (2) as paragraph (6);

(3) by inserting after paragraph (1) the following new paragraphs:

Regulations.

“(2) The Secretary may prescribe regulations—

“(A) to provide preference to eligible family members in hiring for any civilian position in the Department, notwithstanding the prohibition on marital discrimination found in 5 U.S.C. 2302(b)(1)(E), if —

“(i) the eligible family member is among persons determined to be best qualified for the position; and

“(ii) the position is located in the overseas country of assignment of their sponsoring employee;

Notice.

“(B) to ensure that notice of any vacant position in the Department is provided in a manner reasonably designed to reach eligible family members of sponsoring employees whose permanent duty stations are in the same country as that in which the position is located; and

“(C) to ensure that an eligible family member who applies for a vacant position in the Department shall, to the extent practicable, be considered for any such position located in the same country as the permanent duty station of their sponsoring employee.

“(3) Nothing in this section may be construed to provide an eligible family member with entitlement or preference in hiring over an individual who is preference eligible.

“(4) Under regulations prescribed by the Secretary, a chief of mission may, consistent with all applicable laws and regulations pertaining to the ICASS system, make available to an eligible family member and a non-Department entity space in an embassy or consulate for the purpose of the non-Department entity providing employment-related training for eligible family members.

“(5) The Secretary may work with the Director of the Office of Personnel Management and the heads of other Federal departments and agencies to expand and facilitate the use of existing Federal programs and resources in support of eligible family member employment.”; and

(4) by adding after paragraph (6), as redesignated by paragraph (2) of this subsection, the following new paragraph:

Definition.

“(7) In this subsection, the term ‘eligible family member’ refers to family members of government employees assigned abroad or hired for service at their post of residence who are appointed by the Secretary of State or the Administrator of the United States Agency for International Development pursuant to sections 102, 202, 303, and 311.”.

SEC. 6204. BRIEFING ON FOREIGN SERVICE FAMILY RESERVE CORPS.

(a) **IN GENERAL.**—Not later than 120 days after the date of the enactment of this Act, the Secretary of State shall brief the appropriate congressional committees on the status of implementation of the Foreign Service Family Reserve Corps. Deadline.

(b) **ELEMENTS.**—The briefing required under subsection (a) shall include the following elements: Estimates.

(1) A description of the status of implementation of the Foreign Service Family Reserve Corps (FSFRC).

(2) An assessment of the extent to which implementation was impacted by the Department’s hiring freeze and a detailed explanation of the effect of any such impacts. Assessment.

(3) A description of the status of implementation of a hiring preference for the FSFRC.

(4) A detailed accounting of any individuals eligible for membership in the FSFRC who were unable to begin working at a new location as a result of being unable to transfer their security clearance, including an assessment of whether they would have been able to port their clearance as a member of the FSFRC if the program had been fully implemented. Assessment.

(5) An estimate of the number of individuals who are eligible to join the FSFRC worldwide and the categories, as detailed in the Under Secretary for Management’s guidance dated May 3, 2016, under which those individuals would enroll.

(6) An estimate of the number of individuals who are enrolled in the FSFRC worldwide and the categories, as detailed in the Under Secretary for Management’s guidance dated May 3, 2016, under which those individuals enrolled.

(7) An estimate of the number of individuals who were enrolled in each phase of the implementation of the FSFRC as detailed in guidance issued by the Under Secretary for Management.

(8) An estimate of the number of individuals enrolled in the FSFRC who have successfully transferred a security clearance to a new post since implementation of the program began.

(9) An estimate of the number of individuals enrolled in the FSFRC who have been unable to successfully transfer a security clearance to a new post since implementation of the program began.

(10) An estimate of the number of individuals who have declined in writing to apply to the FSFRC.

(c) **APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.**—In this section, the term “appropriate congressional committees” means—

(1) the Committee on Foreign Relations and the Committee on Appropriations of the Senate; and

(2) the Committee on Foreign Affairs and the Committee on Appropriations of the House of Representatives.

SEC. 6205. TREATMENT OF FAMILY MEMBERS SEEKING POSITIONS CUSTOMARILY FILLED BY FOREIGN SERVICE OFFICERS OR FOREIGN NATIONAL EMPLOYEES.

Section 311 of the Foreign Service Act of 1980 (22 U.S.C. 3951) is amended by adding at the end the following:

“(e) The Secretary shall hold a family member of a government employee described in subsection (a) seeking employment in a position described in that subsection to the same employment standards

as those applicable to Foreign Service officers, Foreign Service personnel, or foreign national employees seeking the same or a substantially similar position.”.

SEC. 6206. IN-STATE TUITION RATES FOR MEMBERS OF QUALIFYING FEDERAL SERVICE.

(a) **IN GENERAL.**—Section 135 of the Higher Education Act of 1965 (20 U.S.C. 1015d) is amended—

(1) in the section heading, by striking “**THE ARMED FORCES ON ACTIVE DUTY, SPOUSES, AND DEPENDENT CHILDREN**” and inserting “**QUALIFYING FEDERAL SERVICE**”;

(2) in subsection (a), by striking “member of the armed forces who is on active duty for a period of more than 30 days and” and inserting “member of a qualifying Federal service”;

(3) in subsection (b), by striking “member of the armed forces” and inserting “member of a qualifying Federal service”; and

(4) by striking subsection (d) and inserting the following:

“(d) **DEFINITIONS.**—In this section, the term ‘member of a qualifying Federal service’ means—

“(1) a member of the armed forces (as defined in section 101 of title 10, United States Code) who is on active duty for a period of more than 30 days (as defined in section 101 of title 10, United States Code); or

“(2) a member of the Foreign Service (as defined in section 103 of the Foreign Service Act of 1980 (22 U.S.C. 3903)) who is on active duty for a period of more than 30 days.”.

20 USC 1015d
note.

(b) **EFFECTIVE DATE.**—The amendments made by subsection (a) shall take effect at each public institution of higher education in a State that receives assistance under the Higher Education Act of 1965 (20 U.S.C. 1001 et seq.) for the first period of enrollment at such institution that begins after July 1, 2024.

SEC. 6207. TERMINATION OF RESIDENTIAL OR MOTOR VEHICLE LEASES AND TELEPHONE SERVICE CONTRACTS FOR CERTAIN MEMBERS OF THE FOREIGN SERVICE.

(a) **IN GENERAL.**—Chapter 9 of title I of the Foreign Service Act of 1980 (22 U.S.C. 4081 et seq.) is amended by adding at the end the following new section:

22 USC 4087.

“SEC. 907. TERMINATION OF RESIDENTIAL OR MOTOR VEHICLE LEASES AND TELEPHONE SERVICE CONTRACTS.

Applicability.

“The terms governing the termination of residential or motor vehicle leases and telephone service contracts described in sections 305 and 305A, respectively, of the Servicemembers Civil Relief Act (50 U.S.C. 3955 and 3956) with respect to servicemembers who receive military orders described in such Act shall apply in the same manner and to the same extent to members of the Service who are posted abroad at a Foreign Service post in accordance with this Act.”.

(b) CLERICAL AMENDMENT.—The table of contents in section 2 of the Foreign Service Act of 1980 is amended by inserting after the item relating to section 906 the following new item:

“Sec. 907. Termination of residential or motor vehicle leases and telephone service contracts.”.

TITLE LXIII—BARRY GOLDWATER SCHOLARSHIP AND EXCELLENCE IN EDUCATION MODERNIZATION ACT

Barry Goldwater
Scholarship and
Excellence in
Education
Modernization
Act of 2021.

Sec. 6301. Short title.

Sec. 6302. Clarifying amendments to definitions.

Sec. 6303. Barry Goldwater Scholarship and Excellence in Education Awards.

Sec. 6304. Stipends.

Sec. 6305. Scholarship and research internship conditions.

Sec. 6306. Sustainable investments of funds.

Sec. 6307. Administrative provisions.

SEC. 6301. SHORT TITLE.

This title may be cited as the “Barry Goldwater Scholarship and Excellence in Education Modernization Act of 2021”.

20 USC 4701
note.

SEC. 6302. CLARIFYING AMENDMENTS TO DEFINITIONS.

Section 1403 of the Barry Goldwater Scholarship and Excellence in Education Act (20 U.S.C. 4702) is amended—

(1) by striking paragraph (5) and inserting the following new paragraph (5):

“(5) The term ‘State’ means each of the 50 States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, the United States Virgin Islands, American Samoa, the Commonwealth of the Northern Mariana Islands, the Republic of the Marshall Islands, the Federated States of Micronesia, the Republic of Palau, and any other territory or possession of the United States.”; and

(2) by striking paragraph (6), by inserting the following new paragraph (6):

“(6) The term ‘eligible person’ means—

“(A) a permanent resident alien of the United States;

“(B) a citizen or national of the United States;

“(C) a citizen of the Republic of the Marshall Islands, the Federal States of Micronesia, or the Republic of Palau; or

“(D) any person who may be admitted to lawfully engage in occupations and establish residence as a non-immigrant in the United States as permitted under the Compact of Free Association agreements with the Republic of the Marshall Islands, the Federal States of Micronesia, or the Republic of Palau.”.

SEC. 6303. BARRY GOLDWATER SCHOLARSHIP AND EXCELLENCE IN EDUCATION AWARDS.

(a) AWARD OF SCHOLARSHIPS, FELLOWSHIPS, AND RESEARCH INTERNSHIPS.—Section 1405(a) of the Barry Goldwater Scholarship and Excellence in Education Act (20 U.S.C. 4704(a)) is amended—

(1) in the subsection heading, by striking “AWARD OF SCHOLARSHIPS AND FELLOWSHIPS” and inserting “AWARD OF SCHOLARSHIPS, FELLOWSHIPS, AND RESEARCH INTERNSHIPS”;

(2) in paragraph (1)—

(A) by striking “scholarships and fellowships” and inserting “scholarships, fellowships, and research internships”; and

(B) by striking “science and mathematics” and inserting “the natural sciences, engineering, and mathematics”;

(3) in paragraph (2), by striking “mathematics and the natural sciences” and inserting “the natural sciences, engineering, and mathematics, which shall be prioritized for students attending community colleges and minority-serving institutions specified in section 371(a) of the Higher Education Act of 1965 (20 U.S.C. 1067q(a))”;

(4) in paragraph (3), by striking “mathematics and the natural sciences” and inserting “the natural sciences, engineering, and mathematics”;

(5) by redesignating paragraph (4) as paragraph (5);

(6) in paragraph (5), as so redesignated, by striking “scholarships and fellowships” and inserting “scholarships, fellowships, and research internships”; and

(7) by inserting after paragraph (3) the following:

“(4) Research internships shall be awarded to outstanding undergraduate students who intend to pursue careers in the natural sciences, engineering, and mathematics, which shall be prioritized for students attending community colleges and minority-serving institutions specified in section 371(a) of the Higher Education Act of 1965 (20 U.S.C. 1067q(a)).”.

(b) BARRY GOLDWATER SCHOLARS AND RESEARCH INTERNS.—Section 1405(b) of the Barry Goldwater Scholarship and Excellence in Education Act (20 U.S.C. 4704(b)) is amended—

(1) in the subsection heading, by adding “AND RESEARCH INTERNS” after “SCHOLARS”; and

(2) by adding at the end the following new sentence: “Recipients of research internships under this title shall be known as ‘Barry Goldwater Interns’.”.

SEC. 6304. STIPENDS.

Section 1406 of the Barry Goldwater Scholarship and Excellence in Education Act (20 U.S.C. 4705) is amended by adding at the end the following: “Each person awarded a research internship under this title shall receive a stipend as may be prescribed by the Board, which shall not exceed the maximum stipend amount awarded for a scholarship or fellowship.”.

SEC. 6305. SCHOLARSHIP AND RESEARCH INTERNSHIP CONDITIONS.

Section 1407 of the Barry Goldwater Scholarship and Excellence in Education Act (20 U.S.C. 4706) is amended—

(1) in the section heading, by inserting “AND RESEARCH INTERNSHIP” after “SCHOLARSHIP”;

(2) in subsection (a)—

(A) by striking the subsection heading and inserting “SCHOLARSHIP CONDITIONS”; and

(B) by striking “and devoting full time to study or research and is not engaging in gainful employment other than employment approved by the Foundation”;

(3) in subsection (b), by striking the subsection heading and inserting “REPORTS ON SCHOLARSHIPS”; and

(4) by adding at the end the following:

“(c) RESEARCH INTERNSHIP CONDITIONS.—A person awarded a research internship under this title may receive payments authorized under this title only during such periods as the Foundation finds that the person is maintaining satisfactory proficiency pursuant to regulations of the Board.

“(d) REPORTS ON RESEARCH INTERNSHIPS.—The Foundation may require reports containing such information in such form and to be filed at such times as the Foundation determines to be necessary from any person awarded a research internship under this title. Such reports may be accompanied by a certificate from an appropriate official at the institution of higher education or internship employer, approved by the Foundation, stating that such person is maintaining satisfactory progress in the internship.”.

Determination.

Certification.

SEC. 6306. SUSTAINABLE INVESTMENTS OF FUNDS.

Section 1408 of the Barry Goldwater Scholarship and Excellence in Education Act (20 U.S.C. 4707) is amended—

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

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

“(c) INVESTMENT IN SECURITIES.—Notwithstanding subsection (b), the Secretary of the Treasury may invest any public or private funds received by the Foundation after the date of enactment of the Barry Goldwater Scholarship and Excellence in Education Modernization Act of 2021 in securities other than or in addition to public debt securities of the United States, if—

“(1) the Secretary receives a determination from the Board that such investments are necessary to enable the Foundation to carry out the purposes of this title; and

“(2) the securities in which such funds are invested are traded in established United States markets.

Determination.

“(d) CONSTRUCTION.—Nothing in this section shall be construed to limit the authority of the Board to increase the number of scholarships provided under section 4704, or to increase the amount of the stipend authorized by section 4705, as the Board considers appropriate and is otherwise consistent with the requirements of this title.”.

SEC. 6307. ADMINISTRATIVE PROVISIONS.

Section 1411(a) of the Barry Goldwater Scholarship and Excellence in Education Act (20 U.S.C. 4710(a)) is amended—

(1) by striking paragraph (1) and inserting the following:

“(1) appoint and fix the rates of basic pay of not more than three employees (in addition to the Executive Secretary appointed under section 4709) to carry out the provisions of this title, without regard to the provisions in chapter 33 of title 5, United States Code, governing appointment in the competitive service or the provisions of chapter 51 and subchapter III of chapter 53 of such title, except that—

“(A) a rate of basic pay set under this paragraph may not exceed the maximum rate provided for employees in grade GS–15 of the General Schedule under section 5332 of title 5, United States Code; and

“(B) the employee shall be entitled to the applicable locality-based comparability payment under section 5304 of title 5, United States Code, subject to the applicable limitation established under subsection (g) of such section;”;

(2) in paragraph (2), by striking “grade GS–18 under section 5332 of such title” and inserting “level IV of the Executive Schedule”;

(3) in paragraph (7), by striking “and” at the end;

(4) by redesignating paragraph (8) as paragraph (10); and

(5) by inserting after paragraph (7) the following:

“(8) expend not more than 5 percent of the Foundation’s annual operating budget on programs that, in addition to or in conjunction with the Foundation’s scholarship financial awards, support the development of Goldwater Scholars throughout their professional careers;

“(9) expend not more than 5 percent of the Foundation’s annual operating budget to pay the costs associated with fund-raising activities, including public and private gatherings; and”.

TITLE LXIV—DEPARTMENT OF HOMELAND SECURITY MEASURES

Subtitle A—DHS Headquarters, Research and Development, and Related Matters

- Sec. 6401. Employee engagement steering committee and action plan.
- Sec. 6402. Annual employee award program.
- Sec. 6403. Chief Human Capital Officer responsibilities.
- Sec. 6404. Independent investigation and implementation plan.
- Sec. 6405. Authorization of the acquisition professional career program.
- Sec. 6406. National urban security technology laboratory.
- Sec. 6407. Department of Homeland Security Blue Campaign enhancement.
- Sec. 6408. Medical countermeasures program.
- Sec. 6409. Critical domain research and development.
- Sec. 6410. CBP Donations Acceptance Program Reauthorization.

Subtitle B—Transportation Security

- Sec. 6411. Survey of the Transportation Security Administration workforce regarding COVID–19 response.
- Sec. 6412. Transportation Security Preparedness Plan.
- Sec. 6413. Authorization of Transportation Security Administration personnel details.
- Sec. 6414. Transportation Security Administration preparedness.
- Sec. 6415. Plan to reduce the spread of coronavirus at passenger screening checkpoints.
- Sec. 6416. Comptroller General review of Department of Homeland Security trusted traveler programs.
- Sec. 6417. Enrollment redress with respect to Department of Homeland Security trusted traveler programs.
- Sec. 6418. Threat information sharing.
- Sec. 6419. Local law enforcement security training.
- Sec. 6420. Allowable uses of funds for public transportation security assistance grants.
- Sec. 6421. Periods of performance for public transportation security assistance grants.
- Sec. 6422. GAO review of public transportation security assistance grant program.
- Sec. 6423. Sensitive security information; aviation security.

Subtitle A—DHS Headquarters, Research and Development, and Related Matters

SEC. 6401. EMPLOYEE ENGAGEMENT STEERING COMMITTEE AND ACTION PLAN.

(a) IN GENERAL.—Title VII of the Homeland Security Act of 2002 (6 U.S.C. 341 et seq.) is amended by adding at the end the following new section:

“SEC. 711. EMPLOYEE ENGAGEMENT.

“(a) **STEERING COMMITTEE.**—Not later than 120 days after the date of the enactment of this section, the Secretary shall establish an employee engagement steering committee, including representatives from operational components, headquarters, and field personnel, including supervisory and nonsupervisory personnel, and employee labor organizations that represent Department employees, and chaired by the Under Secretary for Management, to carry out the following activities:

Deadlines.
6 USC 351.
Establishment.

“(1) Identify factors that have a negative impact on employee engagement, morale, and communications within the Department, such as perceptions about limitations on career progression, mobility, or development opportunities, collected through employee feedback platforms, including through annual employee surveys, questionnaires, and other communications, as appropriate.

“(2) Identify, develop, and distribute initiatives and best practices to improve employee engagement, morale, and communications within the Department, including through annual employee surveys, questionnaires, and other communications, as appropriate.

“(3) Monitor efforts of each component to address employee engagement, morale, and communications based on employee feedback provided through annual employee surveys, questionnaires, and other communications, as appropriate.

“(4) Advise the Secretary on efforts to improve employee engagement, morale, and communications within specific components and across the Department.

“(5) Conduct regular meetings and report, not less than once per quarter, to the Under Secretary for Management, the head of each component, and the Secretary on Department-wide efforts to improve employee engagement, morale, and communications.

Reports.

“(b) **ACTION PLAN; REPORTING.**—The Secretary, acting through the Chief Human Capital Officer, shall—

“(1) not later than 120 days after the date of the establishment of the employee engagement steering committee under subsection (a), issue a Departmentwide employee engagement action plan, reflecting input from the steering committee and employee feedback provided through annual employee surveys, questionnaires, and other communications in accordance with paragraph (1) of such subsection, to execute strategies to improve employee engagement, morale, and communications within the Department; and

“(2) require the head of each component to—

Requirements.

“(A) develop and implement a component-specific employee engagement plan to advance the action plan required under paragraph (1) that includes performance measures and objectives, is informed by employee feedback provided through annual employee surveys, questionnaires, and other communications, as appropriate, and sets forth how employees and, where applicable, their labor representatives are to be integrated in developing programs and initiatives;

“(B) monitor progress on implementation of such action plan; and

“(C) provide to the Chief Human Capital Officer and the steering committee quarterly reports on actions planned and progress made under this paragraph.

“(c) TERMINATION.—This section shall terminate on the date that is five years after the date of the enactment of this section.”.

(b) CLERICAL AMENDMENT.—The table of contents in section 1(b) of the Homeland Security Act of 2002 is amended by inserting after the item relating to section 710 the following new item: “Sec. 711. Employee engagement.”.

Deadline.
6 USC 351 note.

(c) SUBMISSIONS TO CONGRESS.—

(1) DEPARTMENT-WIDE EMPLOYEE ENGAGEMENT ACTION PLAN.—The Secretary of Homeland Security, acting through the Chief Human Capital Officer of the Department of Homeland Security, shall submit to the Committee on Homeland Security of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate the Department-wide employee engagement action plan required under subsection (b)(1) of section 711 of the Homeland Security Act of 2002 (as added by subsection (a) of this section) not later than 30 days after the issuance of such plan under such subsection (b)(1).

(2) COMPONENT-SPECIFIC EMPLOYEE ENGAGEMENT PLANS.—Each head of a component of the Department of Homeland Security shall submit to the Committee on Homeland Security of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate the component-specific employee engagement plan of each such component required under subsection (b)(2) of section 711 of the Homeland Security Act of 2002 not later than 30 days after the issuance of each such plan under such subsection (b)(2).

SEC. 6402. ANNUAL EMPLOYEE AWARD PROGRAM.

(a) IN GENERAL.—Title VII of the Homeland Security Act of 2002 (6 U.S.C. 341 et seq.), as amended by section 6401 of this Act, is further amended by adding at the end the following new section:

6 USC 352.

“SEC. 712. ANNUAL EMPLOYEE AWARD PROGRAM.

“(a) IN GENERAL.—The Secretary may establish an annual employee award program to recognize Department employees or groups of employees for significant contributions to the achievement of the Department’s goals and missions. If such a program is established, the Secretary shall—

Criteria.

“(1) establish within such program categories of awards, each with specific criteria, that emphasize honoring employees who are at the nonsupervisory level;

“(2) publicize within the Department how any employee or group of employees may be nominated for an award;

Establishment.
Recommendations.

“(3) establish an internal review board comprised of representatives from Department components, headquarters, and field personnel to submit to the Secretary award recommendations regarding specific employees or groups of employees;

“(4) select recipients from the pool of nominees submitted by the internal review board under paragraph (3) and convene a ceremony at which employees or groups of employees receive such awards from the Secretary; and

“(5) publicize such program within the Department.

“(b) INTERNAL REVIEW BOARD.—The internal review board described in subsection (a)(3) shall, when carrying out its function under such subsection, consult with representatives from operational components and headquarters, including supervisory and nonsupervisory personnel, and employee labor organizations that represent Department employees. Consultation.

“(c) RULE OF CONSTRUCTION.—Nothing in this section may be construed to authorize additional funds to carry out the requirements of this section or to require the Secretary to provide monetary bonuses to recipients of an award under this section.”.

(b) CLERICAL AMENDMENT.—The table of contents in section 1(b) of the Homeland Security Act of 2002, as amended by section 6401 of this Act, is further amended by inserting after the item relating to section 711 the following new item:

“Sec. 712. Annual employee award program.”.

SEC. 6403. CHIEF HUMAN CAPITAL OFFICER RESPONSIBILITIES.

Section 704 of the Homeland Security Act of 2002 (6 U.S.C. 344) is amended—

(1) in subsection (b)—

(A) in paragraph (1)—

(i) by inserting “, including with respect to leader development and employee engagement,” after “policies”;

(ii) by striking “and in line” and inserting “, in line”; and

(iii) by inserting “and informed by best practices within the Federal Government and the private sector,” after “priorities,”;

(B) in paragraph (2), by striking “develop performance measures to provide a basis for monitoring and evaluating” and inserting “use performance measures to evaluate, on an ongoing basis,”;

(C) in paragraph (3), by inserting “that, to the extent practicable, are informed by employee feedback” after “policies”;

(D) in paragraph (4), by inserting “including leader development and employee engagement programs,” before “in coordination”;

(E) in paragraph (5), by inserting before the semicolon at the end the following: “that is informed by an assessment, carried out by the Chief Human Capital Officer, of the learning and developmental needs of employees in supervisory and nonsupervisory roles across the Department and appropriate workforce planning initiatives”;

(F) by redesignating paragraphs (9) and (10) as paragraphs (13) and (14), respectively; and

(G) by inserting after paragraph (8) the following new paragraphs:

“(9) maintain a catalogue of available employee development opportunities, including the Homeland Security Rotation Program pursuant to section 844, departmental leadership development programs, interagency development programs, and other rotational programs;

“(10) ensure that employee discipline and adverse action programs comply with the requirements of all pertinent laws,

Analysis.
Deadline.
Recommendations.

rules, regulations, and Federal guidance, and ensure due process for employees;

“(11) analyze each Department or Government-wide Federal workforce satisfaction or morale survey not later than 90 days after the date of the publication of each such survey and submit to the Secretary such analysis, including, as appropriate, recommendations to improve workforce satisfaction or morale within the Department;

“(12) review and approve all component employee engagement action plans to ensure such plans include initiatives responsive to the root cause of employee engagement challenges, as well as outcome-based performance measures and targets to track the progress of such initiatives;”;

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

(3) by inserting after subsection (c) the following new subsection:

“(d) CHIEF LEARNING AND ENGAGEMENT OFFICER.—The Chief Human Capital Officer may designate an employee of the Department to serve as a Chief Learning and Engagement Officer to assist the Chief Human Capital Officer in carrying out this section.”; and

(4) in subsection (e), as so redesignated—

(A) by redesignating paragraphs (2), (3), and (4) as paragraphs (5), (6), and (7), respectively; and

(B) by inserting after paragraph (1) the following new paragraphs:

“(2) information on employee development opportunities catalogued pursuant to paragraph (9) of subsection (b) and any available data on participation rates, attrition rates, and impacts on retention and employee satisfaction;

“(3) information on the progress of Departmentwide strategic workforce planning efforts as determined under paragraph (2) of subsection (b);

“(4) information on the activities of the steering committee established pursuant to section 711(a), including the number of meetings, types of materials developed and distributed, and recommendations made to the Secretary;”.

6 USC 411 note.

SEC. 6404. INDEPENDENT INVESTIGATION AND IMPLEMENTATION PLAN.

Deadline.

(a) IN GENERAL.—Not later than 120 days after the date of the enactment of this Act, the Comptroller General of the United States shall investigate whether the application in the Department of Homeland Security of discipline and adverse actions for managers and non-managers are administered in an equitable and consistent manner that results in the same or substantially similar disciplinary outcomes across the Department that are appropriately calibrated to address the identified misconduct, taking into account relevant aggravating and mitigating factors.

(b) CONSULTATION.—In carrying out the investigation described in subsection (a), the Comptroller General of the United States shall consult with the Under Secretary for Management of the Department of Homeland Security and the employee engagement steering committee established pursuant to subsection (b)(1) of section 711 of the Homeland Security Act of 2002 (as added by section 6401(a) of this Act).

(c) ACTION BY UNDER SECRETARY FOR MANAGEMENT.—Upon completion of the investigation described in subsection (a), the Under Secretary for Management of the Department of Homeland Security shall review the findings and recommendations of such investigation and implement a plan, in consultation with the employee engagement steering committee established pursuant to subsection (b)(1) of section 711 of the Homeland Security Act of 2002, to correct any relevant deficiencies identified by the Comptroller General of the United States in such investigation. The Under Secretary for Management shall direct the employee engagement steering committee to review such plan to inform committee activities and action plans authorized under such section 711.

Reviews.
Consultation.

SEC. 6405. AUTHORIZATION OF THE ACQUISITION PROFESSIONAL CAREER PROGRAM.

(a) IN GENERAL.—Title VII of the Homeland Security Act of 2002 (6 U.S.C. 341 et seq.), as amended by sections 6401 and 6402 of this Act, is further amended by adding at the end the following new section:

“SEC. 713. ACQUISITION PROFESSIONAL CAREER PROGRAM.

6 USC 353.

“(a) ESTABLISHMENT.—There is established in the Department an acquisition professional career program to develop a cadre of acquisition professionals within the Department.

“(b) ADMINISTRATION.—The Under Secretary for Management shall administer the acquisition professional career program established pursuant to subsection (a).

“(c) PROGRAM REQUIREMENTS.—The Under Secretary for Management shall carry out the following with respect to the acquisition professional career program.

“(1) Designate the occupational series, grades, and number of acquisition positions throughout the Department to be included in the program and manage centrally such positions.

“(2) Establish and publish on the Department’s website eligibility criteria for candidates to participate in the program.

“(3) Carry out recruitment efforts to attract candidates—

“(A) from institutions of higher education, including such institutions with established acquisition specialties and courses of study, historically Black colleges and universities, and Hispanic-serving institutions;

“(B) with diverse work experience outside of the Federal Government; or

“(C) with military service.

“(4) Hire eligible candidates for designated positions under the program.

“(5) Develop a structured program comprised of acquisition training, on-the-job experience, Department-wide rotations, mentorship, shadowing, and other career development opportunities for program participants.

“(6) Provide, beyond required training established for program participants, additional specialized acquisition training, including small business contracting and innovative acquisition techniques training.

“(d) REPORTS.—Not later than one year after the date of the enactment of this section, and annually thereafter through 2027, the Secretary shall submit to the Committee on Homeland Security of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate a report on the

Web posting.
Criteria.

acquisition professional career program. Each such report shall include the following information:

List.

“(1) The number of candidates approved for the program.

“(2) The number of candidates who commenced participation in the program, including generalized information on such candidates’ backgrounds with respect to education and prior work experience, but not including personally identifiable information.

“(3) A breakdown of the number of participants hired under the program by type of acquisition position.

“(4) A list of Department components and offices that participated in the program and information regarding length of time of each program participant in each rotation at such components or offices.

“(5) Program attrition rates and post-program graduation retention data, including information on how such data compare to the prior year’s data, as available.

“(6) The Department’s recruiting efforts for the program.

“(7) The Department’s efforts to promote retention of program participants.

“(e) DEFINITIONS.—In this section:

“(1) HISPANIC-SERVING INSTITUTION.—The term ‘Hispanic-serving institution’ has the meaning given such term in section 502 of the Higher Education Act of 1965 (20 U.S.C. 1101a).

“(2) HISTORICALLY BLACK COLLEGES AND UNIVERSITIES.—The term ‘historically Black colleges and universities’ has the meaning given the term ‘part B institution’ in section 322(2) of Higher Education Act of 1965 (20 U.S.C. 1061(2)).

“(3) INSTITUTION OF HIGHER EDUCATION.—The term ‘institution of higher education’ has the meaning given such term in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001).”.

(b) CLERICAL AMENDMENT.—The table of contents in section 1(b) of the Homeland Security Act of 2002, as amended by sections 6401 and 6402 of this Act, is further amended by inserting after the item relating to section 712 the following new item:

“Sec. 713. Acquisition professional career program.”.

SEC. 6406. NATIONAL URBAN SECURITY TECHNOLOGY LABORATORY.

(a) IN GENERAL.—Title III of the Homeland Security Act of 2002 (6 U.S.C. 181 et seq.) is amended by adding at the end the following new section:

6 USC 195h.

Designation.

“SEC. 322. NATIONAL URBAN SECURITY TECHNOLOGY LABORATORY.

“(a) IN GENERAL.—The Secretary, acting through the Under Secretary for Science and Technology, shall designate the laboratory described in subsection (b) as an additional laboratory pursuant to the authority under section 308(c)(2) of this Act. Such laboratory shall be used to test and evaluate emerging technologies and conduct research and development to assist emergency response providers in preparing for, and protecting against, threats of terrorism.

“(b) LABORATORY DESCRIBED.—The laboratory described in this subsection is the laboratory—

“(1) known, as of the date of the enactment of this section, as the National Urban Security Technology Laboratory; and

“(2) transferred to the Department pursuant to section 303(1)(E) of this Act.

“(c) **LABORATORY ACTIVITIES.**—The National Urban Security Technology Laboratory shall—

“(1) conduct tests, evaluations, and assessments of current and emerging technologies, including, as appropriate, the cybersecurity of such technologies that can connect to the internet, for emergency response providers;

“(2) act as a technical advisor to emergency response providers; and

“(3) carry out other such activities as the Secretary determines appropriate.

“(d) **RULE OF CONSTRUCTION.**—Nothing in this section may be construed as affecting in any manner the authorities or responsibilities of the Countering Weapons of Mass Destruction Office of the Department.”.

(b) **CLERICAL AMENDMENT.**—The table of contents in section 1(b) of the Homeland Security Act of 2002 is further amended by inserting after the item relating to section 321 the following new item:

“Sec. 322. National Urban Security Technology Laboratory.”.

SEC. 6407. DEPARTMENT OF HOMELAND SECURITY BLUE CAMPAIGN ENHANCEMENT.

Section 434 of the Homeland Security Act of 2002 (6 U.S.C. 242) is amended—

(1) in subsection (e)(6), by striking “utilizing resources,” and inserting “developing and utilizing, in consultation with the Blue Campaign Advisory Board established pursuant to subsection (g), resources”; and

(2) by adding at the end the following new subsections:

“(f) **WEB-BASED TRAINING PROGRAMS.**—To enhance training opportunities, the Director of the Blue Campaign shall develop web-based interactive training videos that utilize a learning management system to provide online training opportunities. During the 10-year period beginning on the date that is 90 days after the date of the enactment of this subsection such training opportunities shall be made available to the following individuals:

Time period.
Effective date.

“(1) Federal, State, local, Tribal, and territorial law enforcement officers.

“(2) Non-Federal correction system personnel.

“(3) Such other individuals as the Director determines appropriate.

“(g) **BLUE CAMPAIGN ADVISORY BOARD.**—

“(1) **IN GENERAL.**—There is established in the Department a Blue Campaign Advisory Board, which shall be comprised of representatives assigned by the Secretary from—

Establishment.

“(A) the Office for Civil Rights and Civil Liberties of the Department;

“(B) the Privacy Office of the Department; and

“(C) not fewer than four other separate components or offices of the Department.

“(2) **CHARTER.**—The Secretary is authorized to issue a charter for the Blue Campaign Advisory Board, and such charter shall specify the following:

“(A) The Board’s mission, goals, and scope of its activities.

“(B) The duties of the Board’s representatives.

“(C) The frequency of the Board’s meetings.

“(3) CONSULTATION.—The Director shall consult the Blue Campaign Advisory Board and, as appropriate, experts from other components and offices of the Center for Countering Human Trafficking of the Department regarding the following:

“(A) Recruitment tactics used by human traffickers to inform the development of training and materials by the Blue Campaign.

“(B) The development of effective awareness tools for distribution to Federal and non-Federal officials to identify and prevent instances of human trafficking.

“(C) Identification of additional persons or entities that may be uniquely positioned to recognize signs of human trafficking and the development of materials for such persons.

“(h) CONSULTATION.—With regard to the development of programs under the Blue Campaign and the implementation of such programs, the Director is authorized to consult with State, local, Tribal, and territorial agencies, non-governmental organizations, private sector organizations, and experts.”.

SEC. 6408. MEDICAL COUNTERMEASURES PROGRAM.

(a) IN GENERAL.—Subtitle C of title XIX of the Homeland Security Act of 2002 (6 U.S.C. 597) is amended by adding at the end the following new section:

6 USC 597a.

“SEC. 1932. MEDICAL COUNTERMEASURES.

“(a) IN GENERAL.—Subject to the availability of appropriations, the Secretary shall, as appropriate, establish a medical countermeasures program within the components of the Department to—

“(1) facilitate personnel readiness and protection for the employees and working animals of the Department in the event of a chemical, biological, radiological, nuclear, or explosives attack, naturally occurring disease outbreak, other event impacting health, or pandemic; and

“(2) support the mission continuity of the Department.

“(b) OVERSIGHT.—The Secretary, acting through the Chief Medical Officer of the Department, shall—

“(1) provide programmatic oversight of the medical countermeasures program established under subsection (a); and

“(2) develop standards for—

Standards.

“(A) medical countermeasure storage, security, dispensing, and documentation;

“(B) maintaining a stockpile of medical countermeasures, including antibiotics, antivirals, antidotes, therapeutics, and radiological countermeasures, as appropriate;

“(C) ensuring adequate partnerships with manufacturers and executive agencies that enable advance prepositioning by vendors of inventories of appropriate medical countermeasures in strategic locations nationwide, based on risk and employee density, in accordance with applicable Federal statutes and regulations;

“(D) providing oversight and guidance regarding the dispensing of stockpiled medical countermeasures;

“(E) ensuring rapid deployment and dispensing of medical countermeasures in a chemical, biological, radiological, nuclear, or explosives attack, naturally occurring disease outbreak, other event impacting health, or pandemic;

“(F) providing training to employees of the Department on medical countermeasures; and

“(G) supporting dispensing exercises.

“(c) MEDICAL COUNTERMEASURES WORKING GROUP.—The Secretary, acting through the Chief Medical Officer of the Department, shall establish a medical countermeasures working group comprised of representatives from appropriate components and offices of the Department to ensure that medical countermeasures standards are maintained and guidance is consistent.

“(d) MEDICAL COUNTERMEASURES MANAGEMENT.—Not later than 120 days after the date on which appropriations are made available to carry out subsection (a), the Chief Medical Officer shall develop and submit to the Secretary an integrated logistics support plan for medical countermeasures, including—

Deadline.
Plan.

“(1) a methodology for determining the ideal types and quantities of medical countermeasures to stockpile and how frequently such methodology shall be reevaluated;

“(2) a replenishment plan; and

Plan.
Inventory.
Procedures.

“(3) inventory tracking, reporting, and reconciliation procedures for existing stockpiles and new medical countermeasure purchases.

“(e) TRANSFER.—Not later than 120 days after the date of enactment of this section, the Secretary shall transfer all medical countermeasures-related programmatic and personnel resources from the Under Secretary for Management to the Chief Medical Officer.

Deadline.

“(f) STOCKPILE ELEMENTS.—In determining the types and quantities of medical countermeasures to stockpile under subsection (d), the Secretary, acting through the Chief Medical Officer of the Department—

Determination.

“(1) shall use a risk-based methodology for evaluating types and quantities of medical countermeasures required; and

“(2) may use, if available—

“(A) chemical, biological, radiological, and nuclear risk assessments of the Department; and

“(B) guidance on medical countermeasures of the Office of the Assistant Secretary for Preparedness and Response and the Centers for Disease Control and Prevention.

“(g) BRIEFING.—Not later than 180 days after the date of enactment of this section, the Secretary shall provide a briefing to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security of the House of Representatives regarding—

Deadline.

“(1) the plan developed under subsection (d); and

“(2) implementation of the requirements of this section.

“(h) DEFINITION.—In this section, the term ‘medical countermeasures’ means antibiotics, antivirals, antidotes, therapeutics, radiological countermeasures, and other countermeasures that may be deployed to protect the employees and working animals of the Department in the event of a chemical, biological, radiological, nuclear, or explosives attack, naturally occurring disease outbreak, other event impacting health, or pandemic.”

(b) CLERICAL AMENDMENT.—The table of contents in section 1(b) of the Homeland Security Act of 2002 is further amended by inserting after the item relating to section 1931 the following new item:

“Sec. 1932. Medical countermeasures.”.

SEC. 6409. CRITICAL DOMAIN RESEARCH AND DEVELOPMENT.

(a) IN GENERAL.—Subtitle H of title VIII of the Homeland Security Act of 2002 (6 U.S.C. 451 et seq.) is amended by adding at the end the following new section:

6 USC 474.

“SEC. 890B. HOMELAND SECURITY CRITICAL DOMAIN RESEARCH AND DEVELOPMENT.

“(a) IN GENERAL.—

“(1) RESEARCH AND DEVELOPMENT.—The Secretary is authorized to conduct research and development to—

Evaluation.

“(A) identify United States critical domains for economic security and homeland security; and

“(B) evaluate the extent to which disruption, corruption, exploitation, or dysfunction of any of such domain poses a substantial threat to homeland security.

Determination.

“(2) REQUIREMENTS.—

“(A) RISK ANALYSIS OF CRITICAL DOMAINS.—The research under paragraph (1) shall include a risk analysis of each identified United States critical domain for economic security to determine the degree to which there exists a present or future threat to homeland security in the event of disruption, corruption, exploitation, or dysfunction to such domain. Such research shall consider, to the extent possible, the following:

“(i) The vulnerability and resilience of relevant supply chains.

“(ii) Foreign production, processing, and manufacturing methods.

“(iii) Influence of malign economic actors.

“(iv) Asset ownership.

“(v) Relationships within the supply chains of such domains.

“(vi) The degree to which the conditions referred to in clauses (i) through (v) would place such a domain at risk of disruption, corruption, exploitation, or dysfunction.

“(B) ADDITIONAL RESEARCH INTO HIGH-RISK CRITICAL DOMAINS.—Based on the identification and risk analysis of United States critical domains for economic security pursuant to paragraph (1) and subparagraph (A) of this paragraph, respectively, the Secretary may conduct additional research into those critical domains, or specific elements thereof, with respect to which there exists the highest degree of a present or future threat to homeland security in the event of disruption, corruption, exploitation, or dysfunction to such a domain. For each such high-risk domain, or element thereof, such research shall—

Analysis.

“(i) describe the underlying infrastructure and processes;

“(ii) analyze present and projected performance of industries that comprise or support such domain;

Examination.

“(iii) examine the extent to which the supply chain of a product or service necessary to such domain is concentrated, either through a small number of sources, or if multiple sources are concentrated in one geographic area;

“(iv) examine the extent to which the demand for supplies of goods and services of such industries can be fulfilled by present and projected performance of other industries, identify strategies, plans, and potential barriers to expand the supplier industrial base, and identify the barriers to the participation of such other industries;

Examination.

“(v) consider each such domain’s performance capacities in stable economic environments, adversarial supply conditions, and under crisis economic constraints;

“(vi) identify and define needs and requirements to establish supply resiliency within each such domain; and

“(vii) consider the effects of sector consolidation, including foreign consolidation, either through mergers or acquisitions, or due to recent geographic realignment, on such industries’ performances.

“(3) CONSULTATION.—In conducting the research under paragraph (1) and subparagraph (B) of paragraph (2), the Secretary may consult with appropriate Federal agencies, State agencies, and private sector stakeholders.

“(4) PUBLICATION.—Beginning one year after the date of the enactment of this section, the Secretary shall publish a report containing information relating to the research under paragraph (1) and subparagraph (B) of paragraph (2), including findings, evidence, analysis, and recommendations. Such report shall be updated annually through 2026.

Effective date.
Reports.
Recommendations.

Updates.
Time period.

“(b) SUBMISSION TO CONGRESS.—Not later than 90 days after the publication of each report required under paragraph (4) of subsection (a), the Secretary shall transmit to the Committee on Homeland Security of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate each such report, together with a description of actions the Secretary, in consultation with appropriate Federal agencies, will undertake or has undertaken in response to each such report.

Deadline.
Consultation.

“(c) DEFINITIONS.—In this section:

“(1) UNITED STATES CRITICAL DOMAINS FOR ECONOMIC SECURITY.—The term ‘United States critical domains for economic security’ means the critical infrastructure and other associated industries, technologies, and intellectual property, or any combination thereof, that are essential to the economic security of the United States.

“(2) ECONOMIC SECURITY.—The term ‘economic security’ means the condition of having secure and resilient domestic production capacity, combined with reliable access to the global resources necessary to maintain an acceptable standard of living and to protect core national values.

“(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated \$1,000,000 for each of fiscal years 2022 through 2026 to carry out this section.”.

Time period.

(b) CLERICAL AMENDMENT.—The table of contents in section 1(b) of the Homeland Security Act of 2002 is further amended by inserting after the item relating to section 890A the following new item:

“Sec. 890B. Homeland security critical domain research and development.”.

SEC. 6410. CBP DONATIONS ACCEPTANCE PROGRAM REAUTHORIZATION.

Section 482 of the Homeland Security Act of 2002 (6 U.S.C. 301a) is amended—

(1) in subsection (a)—

(A) in paragraph (1)—

(i) in subparagraph (B), by inserting “or -leased” before “land”; and

(ii) in subparagraph (C)—

(I) in the matter preceding clause (i), by inserting “or -leased” before “land”;

(II) in clause (i), by striking “\$50,000,000” and inserting “\$75,000,000”; and

(III) by amending clause (ii) to read as follows:

“(ii) the fair market value of donations with respect to the land port of entry total \$75,000,000 or less over the preceding five years.”; and

(B) in paragraph (3), in the matter preceding subparagraph (A), by inserting “or -leased” before “land”;

(2) in subsection (b)—

(A) in the matter preceding paragraph (1), by striking “Administrator of the General Services Administration” and inserting “Administrator of General Services”;

(B) in paragraph (1)(C)—

(i) in clause (i), by striking “\$50,000,000” and inserting “\$75,000,000”; and

(ii) by amending clause (ii) to read as follows:

“(ii) the fair market value of donations with respect to the land port of entry total \$75,000,000 or less over the preceding five years.”; and

(C) in paragraph (4)—

(i) in subparagraph (A), by striking “terminate” and all that follows through the period at the end and inserting “terminate on December 31, 2026.”; and

(ii) in subparagraph (B), by striking “carrying out the terms of an agreement under this subsection if such agreement is entered into before such termination date” and inserting “a proposal accepted for consideration by U.S. Customs and Border Protection or the General Services Administration pursuant to this section or a prior pilot program prior to such termination date”;

(3) in subsection (c)(6)(B), by striking “the donation will not be used for the construction of a detention facility or a border fence or wall.” and inserting the following:

“(i) the donation will not be used for the construction of a detention facility or a border fence or wall; and

“(ii) the donor will be notified in the Donations Acceptance Agreement that the donor shall be financially responsible for all costs and operating expenses related to the operation, maintenance, and repair of the donated real property until such time as U.S. Customs and Border Protection provides the donor written notice otherwise.”;

(4) in subsection (d), in the matter preceding paragraph (1), by striking “annual” and inserting “biennial”; and

Notifications.

(5) in subsection (e), by striking “Administrator of the General Services Administration” and inserting “Administrator of General Services”.

Subtitle B—Transportation Security

SEC. 6411. SURVEY OF THE TRANSPORTATION SECURITY ADMINISTRATION WORKFORCE REGARDING COVID-19 RESPONSE.

(a) SURVEY.—Not later than one year after the date of the enactment of this Act, the Administrator of the Transportation Security Administration (referred to in this section as the “Administrator”), in consultation with the labor organization certified as the exclusive representative of full- and part-time nonsupervisory Administration personnel carrying out screening functions under section 44901 of title 49, United States Code, shall conduct a survey of the Transportation Security Administration (referred to in this section as the “Administration”) workforce regarding the Administration’s response to the COVID–19 pandemic. Such survey shall be conducted in a manner that allows for the greatest practicable level of workforce participation.

Deadline.
Consultation.

(b) CONTENTS.—In conducting the survey required under subsection (a), the Administrator shall solicit feedback on the following:

(1) The Administration’s communication and collaboration with the Administration’s workforce regarding the Administration’s response to the COVID–19 pandemic and efforts to mitigate and monitor transmission of COVID–19 among its workforce, including through—

(A) providing employees with personal protective equipment and mandating its use;

(B) modifying screening procedures and Administration operations to reduce transmission among officers and passengers and ensuring compliance with such changes;

(C) adjusting policies regarding scheduling, leave, and telework;

(D) outreach as a part of contact tracing when an employee has tested positive for COVID–19; and

(E) encouraging COVID–19 vaccinations and efforts to assist employees that seek to be vaccinated such as communicating the availability of duty time for travel to vaccination sites and recovery from vaccine side effects.

(2) Any other topic determined appropriate by the Administrator.

(c) REPORT.—Not later than 30 days after completing the survey required under subsection (a), the Administration shall provide a report summarizing the results of the survey to the Committee on Homeland Security of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate.

Summary.

SEC. 6412. TRANSPORTATION SECURITY PREPAREDNESS PLAN.

(a) PLAN REQUIRED.—Section 114 of title 49, United States Code, is amended by adding at the end the following new subsection:

“(x) TRANSPORTATION SECURITY PREPAREDNESS PLAN.—

“(1) IN GENERAL.—Not later than two years after the date of the enactment of this subsection, the Secretary of Homeland Security, acting through the Administrator, in coordination with

Deadline.
Coordination.
Consultation.

the Chief Medical Officer of the Department of Homeland Security, and in consultation with the partners identified under paragraphs (3)(A)(i) through (3)(A)(iv), shall develop a transportation security preparedness plan to address the event of a communicable disease outbreak. The Secretary, acting through the Administrator, shall ensure such plan aligns with relevant Federal plans and strategies for communicable disease outbreaks.

“(2) CONSIDERATIONS.—In developing the plan required under paragraph (1), the Secretary, acting through the Administrator, shall consider each of the following:

“(A) The findings of the survey required under section 6411 of the National Defense Authorization Act for Fiscal Year 2022.

“(B) The findings of the analysis required under section 6414 of the National Defense Authorization Act for Fiscal Year 2022.

“(C) The plan required under section 6415 of the National Defense Authorization Act for Fiscal Year 2022.

“(D) All relevant reports and recommendations regarding the Administration’s response to the COVID–19 pandemic, including any reports and recommendations issued by the Comptroller General and the Inspector General of the Department of Homeland Security.

“(E) Lessons learned from Federal interagency efforts during the COVID–19 pandemic.

“(3) CONTENTS OF PLAN.—The plan developed under paragraph (1) shall include each of the following:

“(A) Plans for communicating and collaborating in the event of a communicable disease outbreak with the following partners:

“(i) Appropriate Federal departments and agencies, including the Department of Health and Human Services, the Centers for Disease Control and Prevention, the Department of Transportation, the Department of Labor, and appropriate interagency task forces.

“(ii) The workforce of the Administration, including through the labor organization certified as the exclusive representative of full- and part-time non-supervisory Administration personnel carrying out screening functions under section 44901 of this title.

“(iii) International partners, including the International Civil Aviation Organization and foreign governments, airports, and air carriers.

“(iv) Public and private stakeholders, as such term is defined under subsection (t)(1)(C).

“(v) The traveling public.

“(B) Plans for protecting the safety of the Transportation Security Administration workforce, including—

“(i) reducing the risk of communicable disease transmission at screening checkpoints and within the Administration’s workforce related to the Administration’s transportation security operations and mission;

“(ii) ensuring the safety and hygiene of screening checkpoints and other workstations;

“(iii) supporting equitable and appropriate access to relevant vaccines, prescriptions, and other medical care; and

“(iv) tracking rates of employee illness, recovery, and death.

“(C) Criteria for determining the conditions that may warrant the integration of additional actions in the aviation screening system in response to the communicable disease outbreak and a range of potential roles and responsibilities that align with such conditions.

Criteria.
Determination.

“(D) Contingency plans for temporarily adjusting checkpoint operations to provide for passenger and employee safety while maintaining security during the communicable disease outbreak.

“(E) Provisions setting forth criteria for establishing an interagency task force or other standing engagement platform with other appropriate Federal departments and agencies, including the Department of Health and Human Services and the Department of Transportation, to address such communicable disease outbreak.

Criteria.

“(F) A description of scenarios in which the Administrator should consider exercising authorities provided under subsection (g) and for what purposes.

“(G) Considerations for assessing the appropriateness of issuing security directives and emergency amendments to regulated parties in various modes of transportation, including surface transportation, and plans for ensuring compliance with such measures.

“(H) A description of any potential obstacles, including funding constraints and limitations to authorities, that could restrict the ability of the Administration to respond appropriately to a communicable disease outbreak.

“(4) DISSEMINATION.—Upon development of the plan required under paragraph (1), the Administrator shall disseminate the plan to the partners identified under paragraph (3)(A) and to the Committee on Homeland Security of the House of Representatives and the Committee on Homeland Security and Governmental Affairs and the Committee on Commerce, Science, and Transportation of the Senate.

“(5) REVIEW OF PLAN.—Not later than two years after the date on which the plan is disseminated under paragraph (4), and biennially thereafter, the Secretary, acting through the Administrator and in coordination with the Chief Medical Officer of the Department of Homeland Security, shall review the plan and, after consultation with the partners identified under paragraphs (3)(A)(i) through (3)(A)(iv), update the plan as appropriate.”.

Deadline.
Time period.
Coordination.
Consultation.

(b) COMPTROLLER GENERAL REPORT.—Not later than one year after the date on which the transportation security preparedness plan required under subsection (x) of section 114 of title 49, United States Code, as added by subsection (a), is disseminated under paragraph (4) of such subsection (x), the Comptroller General of the United States shall submit to the Committee on Homeland Security of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report containing the results of a study assessing the transportation security preparedness plan, including an analysis of—

Assessment.
Analysis.

(1) whether such plan aligns with relevant Federal plans and strategies for communicable disease outbreaks; and

(2) the extent to which the Transportation Security Administration is prepared to implement the plan.

49 USC 114 note. **SEC. 6413. AUTHORIZATION OF TRANSPORTATION SECURITY ADMINISTRATION PERSONNEL DETAILS.**

(a) COORDINATION.—Pursuant to sections 106(m) and 114(m) of title 49, United States Code, the Administrator of the Transportation Security Administration may provide Transportation Security Administration personnel, who are not engaged in front line transportation security efforts, to other components of the Department and other Federal agencies to improve coordination with such components and agencies to prepare for, protect against, and respond to public health threats to the transportation security system of the United States.

Deadline. (b) BRIEFING.—Not later than 180 days after the date of the enactment of this Act, the Administrator shall brief the appropriate congressional committees regarding efforts to improve coordination with other components of the Department of Homeland Security and other Federal agencies to prepare for, protect against, and respond to public health threats to the transportation security system of the United States.

SEC. 6414. TRANSPORTATION SECURITY ADMINISTRATION PREPAREDNESS.

(a) ANALYSIS.—

Assessment. (1) IN GENERAL.—The Administrator of the Transportation Security Administration shall conduct an analysis of preparedness of the transportation security system of the United States for public health threats. Such analysis shall assess, at a minimum, the following:

(A) The risks of public health threats to the transportation security system of the United States, including to transportation hubs, transportation security stakeholders, Transportation Security Administration (TSA) personnel, and passengers.

(B) Information sharing challenges among relevant components of the Department of Homeland Security, other Federal agencies, international entities, and transportation security stakeholders.

(C) Impacts to TSA policies and procedures for securing the transportation security system.

(2) COORDINATION.—The analysis conducted of the risks described in paragraph (1)(A) shall be conducted in coordination with the Chief Medical Officer of the Department of Homeland Security, the Secretary of Health and Human Services, and transportation security stakeholders.

Deadline. (b) BRIEFING.—Not later than 180 days after the date of the enactment of this Act, the Administrator shall brief the appropriate congressional committees on the following:

(1) The analysis required under subsection (a).

Cost estimate. (2) Technologies necessary to combat public health threats at security screening checkpoints, such as testing and screening technologies, including temperature screenings, to better protect from future public health threats TSA personnel, passengers, aviation workers, and other personnel authorized to access the sterile area of an airport through such checkpoints,

and the estimated cost of technology investments needed to fully implement across the aviation system solutions to such threats.

(3) Policies and procedures implemented by TSA and transportation security stakeholders to protect from public health threats TSA personnel, passengers, aviation workers, and other personnel authorized to access the sterile area through the security screening checkpoints, as well as future plans for additional measures relating to such protection.

Procedures.

(4) The role of TSA in establishing priorities, developing solutions, and coordinating and sharing information with relevant domestic and international entities during a public health threat to the transportation security system, and how TSA can improve its leadership role in such areas.

(c) DEFINITIONS.—In this section:

(1) The term “appropriate congressional committees” means—

(A) the Committee on Homeland Security of the House of Representatives; and

(B) the Committee on Homeland Security and Governmental Affairs and the Committee on Commerce, Science, and Transportation of the Senate.

(2) The term “sterile area” has the meaning given such term in section 1540.5 of title 49, Code of Federal Regulations.

(3) The term “TSA” means the Transportation Security Administration.

SEC. 6415. PLAN TO REDUCE THE SPREAD OF CORONAVIRUS AT PASSENGER SCREENING CHECKPOINTS.

49 USC 44901 note.

(a) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Administrator, in coordination with the Chief Medical Officer of the Department of Homeland Security, and in consultation with the Secretary of Health and Human Services and the Director of the Centers for Disease Control and Prevention, shall issue and commence implementing a plan to enhance, as appropriate, security operations at airports during the COVID–19 national emergency in order to reduce risk of the spread of the coronavirus at passenger screening checkpoints and among the TSA workforce.

Deadline.
Coordination.
Consultation.

(b) CONTENTS.—The plan required under subsection (a) shall include the following:

(1) An identification of best practices developed and screening technologies deployed in response to the coronavirus among foreign governments, airports, and air carriers conducting aviation security screening operations, as well as among Federal agencies conducting similar security screening operations outside of airports, including in locations where the spread of the coronavirus has been successfully contained, that could be further integrated into the United States aviation security system.

(2) Specific operational changes to aviation security screening operations informed by the identification of best practices and screening technologies under paragraph (1) that could be implemented without degrading aviation security and a corresponding timeline and costs for implementing such changes.

(c) **CONSIDERATIONS.**—In carrying out the identification of best practices under subsection (b), the Administrator shall take into consideration the following:

(1) Aviation security screening procedures and practices in place at security screening locations, including procedures and practices implemented in response to the coronavirus.

(2) Volume and average wait times at each such security screening location.

(3) Public health measures already in place at each such security screening location.

(4) The feasibility and effectiveness of implementing similar procedures and practices in locations where such are not already in place.

(5) The feasibility and potential benefits to security, public health, and travel facilitation of continuing any procedures and practices implemented in response to the COVID–19 national emergency beyond the end of such emergency.

(d) **CONSULTATION.**—In developing the plan required under subsection (a), the Administrator may consult with public and private stakeholders and the TSA workforce, including through the labor organization certified as the exclusive representative of full- and part-time nonsupervisory TSA personnel carrying out screening functions under section 44901 of title 49, United States Code.

(e) **SUBMISSION.**—Upon issuance of the plan required under subsection (a), the Administrator shall submit the plan to the Committee on Homeland Security of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate.

(f) **ISSUANCE AND IMPLEMENTATION.**—The Administrator shall not be required to issue or implement, as the case may be, the plan required under subsection (a) upon the termination of the COVID–19 national emergency except to the extent the Administrator determines such issuance or implementation, as the case may be, to be feasible and beneficial to security screening operations.

Deadline.

(g) **GAO REVIEW.**—Not later than one year after the issuance of the plan required under subsection (a) (if such plan is issued in accordance with subsection (f)), the Comptroller General of the United States shall submit to the Committee on Homeland Security of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a review, if appropriate, of such plan and any efforts to implement such plan.

(h) **DEFINITIONS.**—In this section:

(1) The term “Administrator” means the Administrator of the Transportation Security Administration.

(2) The term “coronavirus” has the meaning given such term in section 506 of the Coronavirus Preparedness and Response Supplemental Appropriations Act, 2020 (Public Law 116–123).

(3) The term “COVID–19 national emergency” means the national emergency declared by the President under the National Emergencies Act (50 U.S.C. 1601 et seq.) on March 13, 2020, with respect to the coronavirus.

(4) The term “public and private stakeholders” has the meaning given such term in section 114(t)(1)(C) of title 49, United States Code.

(5) The term “TSA” means the Transportation Security Administration.

SEC. 6416. COMPTROLLER GENERAL REVIEW OF DEPARTMENT OF HOMELAND SECURITY TRUSTED TRAVELER PROGRAMS.

Not later than one year after the date of the enactment of this Act, the Comptroller General of the United States shall conduct a review of Department of Homeland Security trusted traveler programs. Such review shall examine the following:

Deadline.

Examination.

(1) The extent to which the Department of Homeland Security tracks data and monitors trends related to trusted traveler programs, including root causes for identity-matching errors resulting in an individual’s enrollment in a trusted traveler program being reinstated.

(2) Whether the Department coordinates with the heads of other relevant Federal, State, local, Tribal, or territorial entities regarding redress procedures for disqualifying offenses not covered by the Department’s own redress processes but which offenses impact an individual’s enrollment in a trusted traveler program.

(3) How the Department may improve individuals’ access to reconsideration procedures regarding a disqualifying offense for enrollment in a trusted traveler program that requires the involvement of any other Federal, State, local, Tribal, or territorial entity.

(4) The extent to which travelers are informed about reconsideration procedures regarding enrollment in a trusted traveler program.

SEC. 6417. ENROLLMENT REDRESS WITH RESPECT TO DEPARTMENT OF HOMELAND SECURITY TRUSTED TRAVELER PROGRAMS.

49 USC 44919
note.

Notwithstanding any other provision of law, the Secretary of Homeland Security shall, with respect to an individual whose enrollment in a trusted traveler program was revoked in error extend by an amount of time equal to the period of revocation the period of active enrollment in such a program upon reenrollment in such a program by such an individual.

SEC. 6418. THREAT INFORMATION SHARING.

6 USC 124h–1.

(a) **PRIORITIZATION.**—The Secretary of Homeland Security shall prioritize the assignment of officers and intelligence analysts under section 210A of the Homeland Security Act of 2002 (6 U.S.C. 124h) from the Transportation Security Administration and, as appropriate, from the Office of Intelligence and Analysis of the Department of Homeland Security, to locations with participating State, local, and regional fusion centers in jurisdictions with a high-risk surface transportation asset in order to enhance the security of such assets, including by improving timely sharing, in a manner consistent with the protection of privacy rights, civil rights, and civil liberties, of information regarding threats of terrorism and other threats, including targeted violence.

(b) **INTELLIGENCE PRODUCTS.**—Officers and intelligence analysts assigned to locations with participating State, local, and regional fusion centers under this section shall participate in the generation and dissemination of transportation security intelligence products,

with an emphasis on such products that relate to threats of terrorism and other threats, including targeted violence, to surface transportation assets that—

(1) assist State, local, and Tribal law enforcement agencies in deploying their resources, including personnel, most efficiently to help detect, prevent, investigate, apprehend, and respond to such threats;

(2) promote more consistent and timely sharing with and among jurisdictions of threat information; and

(3) enhance the Department of Homeland Security’s situational awareness of such threats.

(c) CLEARANCES.—The Secretary of Homeland Security shall make available to appropriate owners and operators of surface transportation assets, and to any other person that the Secretary determines appropriate to foster greater sharing of classified information relating to threats of terrorism and other threats, including targeted violence, to surface transportation assets, the process of application for security clearances under Executive Order No. 13549 (75 Fed. Reg. 162; relating to a classified national security information program) or any successor Executive order.

(d) REPORT TO CONGRESS.—Not later than one year after the date of the enactment of this Act, the Secretary of Homeland Security shall submit to the Committee on Homeland Security of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate a report that includes a detailed description of the measures used to ensure privacy rights, civil rights, and civil liberties protections in carrying out this section.

(e) GAO REPORT.—Not later than two years after the date of the enactment of this Act, the Comptroller General of the United States shall submit to the Committee on Homeland Security of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate a review of the implementation of this section, including an assessment of the measures used to ensure privacy rights, civil rights, and civil liberties protections, and any recommendations to improve this implementation, together with any recommendations to improve information sharing with State, local, Tribal, territorial, and private sector entities to prevent, identify, and respond to threats of terrorism and other threats, including targeted violence, to surface transportation assets.

(f) DEFINITIONS.—In this section:

(1) The term “surface transportation asset” includes facilities, equipment, or systems used to provide transportation services by—

(A) a public transportation agency (as such term is defined in section 1402(5) of the Implementing Recommendations of the 9/11 Commission Act of 2007 (Public Law 110–53; 6 U.S.C. 1131(5)));

(B) a railroad carrier (as such term is defined in section 20102(3) of title 49, United States Code);

(C) an owner or operator of—

(i) an entity offering scheduled, fixed-route transportation services by over-the-road bus (as such term is defined in section 1501(4) of the Implementing Recommendations of the 9/11 Commission Act of 2007 (Public Law 110–53; 6 U.S.C. 1151(4))); or

Review.
Assessment.
Recommendations.

(ii) a bus terminal; or
(D) other transportation facilities, equipment, or systems, as determined by the Secretary.

(2) The term “targeted violence” means an incident of violence in which an attacker selected a particular target in order to inflict mass injury or death with no discernable political or ideological motivation beyond mass injury or death.

(3) The term “terrorism” means the terms—

(A) domestic terrorism (as such term is defined in section 2331(5) of title 18, United States Code); and

(B) international terrorism (as such term is defined in section 2331(1) of title 18, United States Code).

SEC. 6419. LOCAL LAW ENFORCEMENT SECURITY TRAINING.

6 USC 1137a.

(a) **IN GENERAL.**—The Secretary of Homeland Security, in consultation with public and private sector stakeholders, may in a manner consistent with the protection of privacy rights, civil rights, and civil liberties, develop, through the Federal Law Enforcement Training Centers, a training program to enhance the protection, preparedness, and response capabilities of law enforcement agencies with respect to threats of terrorism and other threats, including targeted violence, at a surface transportation asset.

Consultation.

(b) **REQUIREMENTS.**—If the Secretary of Homeland Security develops the training program described in subsection (a), such training program shall—

(1) be informed by current information regarding tactics used by terrorists and others engaging in targeted violence;

(2) include tactical instruction tailored to the diverse nature of the surface transportation asset operational environment; and

(3) prioritize training officers from law enforcement agencies that are eligible for or receive grants under sections 2003 or 2004 of the Homeland Security Act of 2002 (6 U.S.C. 604 and 605) and officers employed by railroad carriers that operate passenger service, including interstate passenger service.

(c) **REPORT.**—If the Secretary of Homeland Security develops the training program described in subsection (a), not later than one year after the date on which the Secretary first implements the program, and annually thereafter during each year the Secretary carries out the program, the Secretary shall submit to the Committee on Homeland Security of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate a report on the program. Each such report shall include, for the year covered by the report—

(1) a description of the curriculum for the training and any changes to such curriculum;

(2) an identification of any contracts entered into for the development or provision of training under the program;

(3) information on the law enforcement agencies the personnel of which received the training, and for each such agency, the number of participants; and

(4) a description of the measures used to ensure the program was carried out to provide for protections of privacy rights, civil rights, and civil liberties.

(d) **DEFINITIONS.**—In this section:

(1) The term “public and private sector stakeholders” has the meaning given such term in section 114(t)(1)(c) of title 49, United States Code.

(2) The term “surface transportation asset” includes facilities, equipment, or systems used to provide transportation services by—

(A) a public transportation agency (as such term is defined in section 1402(5) of the Implementing Recommendations of the 9/11 Commission Act of 2007 (Public Law 110–53; 6 U.S.C. 1131(5)));

(B) a railroad carrier (as such term is defined in section 20102(3) of title 49, United States Code);

(C) an owner or operator of—

(i) an entity offering scheduled, fixed-route transportation services by over-the-road bus (as such term is defined in section 1501(4) of the Implementing Recommendations of the 9/11 Commission Act of 2007 (Public Law 110–53; 6 U.S.C. 1151(4))); or

(ii) a bus terminal; or

(D) other transportation facilities, equipment, or systems, as determined by the Secretary.

(3) The term “targeted violence” means an incident of violence in which an attacker selected a particular target in order to inflict mass injury or death with no discernable political or ideological motivation beyond mass injury or death.

(4) The term “terrorism” means the terms—

(A) domestic terrorism (as such term is defined in section 2331(5) of title 18, United States Code); and

(B) international terrorism (as such term is defined in section 2331(1) of title 18, United States Code).

SEC. 6420. ALLOWABLE USES OF FUNDS FOR PUBLIC TRANSPORTATION SECURITY ASSISTANCE GRANTS.

Subparagraph (A) of section 1406(b)(2) of the Implementing Recommendations of the 9/11 Commission Act of 2007 (6 U.S.C. 1135(b)(2); Public Law 110–53) is amended by inserting “and associated backfill” after “security training”.

SEC. 6421. PERIODS OF PERFORMANCE FOR PUBLIC TRANSPORTATION SECURITY ASSISTANCE GRANTS.

Section 1406 of the Implementing Recommendations of the 9/11 Commission Act of 2007 (6 U.S.C. 1135; Public Law 110–53) is amended—

(1) by redesignating subsection (m) as subsection (n); and

(2) by inserting after subsection (l) the following new subsection:

“(m) PERIODS OF PERFORMANCE.—

“(1) IN GENERAL.—Except as provided in paragraph (2), funds provided pursuant to a grant awarded under this section for a use specified in subsection (b) shall remain available for use by a grant recipient for a period of not fewer than 36 months.

“(2) EXCEPTION.—Funds provided pursuant to a grant awarded under this section for a use specified in subparagraph (M) or (N) of subsection (b)(1) shall remain available for use by a grant recipient for a period of not fewer than 48 months.”.

SEC. 6422. GAO REVIEW OF PUBLIC TRANSPORTATION SECURITY ASSISTANCE GRANT PROGRAM.

(a) **IN GENERAL.**—The Comptroller General of the United States shall conduct a review of the public transportation security assistance grant program under section 1406 of the Implementing Recommendations of the 9/11 Commission Act of 2007 (6 U.S.C. 1135; Public Law 110–53).

(b) **SCOPE.**—The review required under paragraph (1) shall include the following: Assessments.

(1) An assessment of the type of projects funded under the public transportation security grant program referred to in such paragraph.

(2) An assessment of the manner in which such projects address threats to public transportation infrastructure.

(3) An assessment of the impact, if any, of sections 5342 through 5345 (including the amendments made by this Act) on types of projects funded under the public transportation security assistance grant program.

(4) An assessment of the management and administration of public transportation security assistance grant program funds by grantees.

(5) Recommendations to improve the manner in which public transportation security assistance grant program funds address vulnerabilities in public transportation infrastructure. Recommendations.

(6) Recommendations to improve the management and administration of the public transportation security assistance grant program. Recommendations.

(c) **REPORT.**—Not later than one year after the date of the enactment of this Act and again not later than five years after such date of enactment, the Comptroller General of the United States shall submit to the Committee on Homeland Security of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate a report on the review required under this section.

SEC. 6423. SENSITIVE SECURITY INFORMATION; AVIATION SECURITY. 6 USC 114 note.

(a) **SENSITIVE SECURITY INFORMATION.**—

(1) **IN GENERAL.**—Not later than 90 days after the date of the enactment of this Act, the Administrator of the Transportation Security Administration (TSA) shall— Deadline.

(A) ensure clear and consistent designation of “Sensitive Security Information”, including reasonable security justifications for such designation;

(B) develop and implement a schedule to regularly review and update, as necessary, TSA Sensitive Security Information identification guidelines; Schedule.

(C) develop a tracking mechanism for all Sensitive Security Information redaction and designation challenges;

(D) document justifications for changes in position regarding Sensitive Security Information redactions and designations, and make such changes accessible to TSA personnel for use with relevant stakeholders, including air carriers, airport operators, surface transportation operators, and State and local law enforcement, as necessary; and

(E) ensure that TSA personnel are adequately trained on appropriate designation policies.

Deadline.

(2) **STAKEHOLDER OUTREACH.**—Not later than 180 days after the date of the enactment of this Act, the Administrator of the Transportation Security Administration (TSA) shall conduct outreach to relevant stakeholders described in paragraph (1)(D) that regularly are granted access to Sensitive Security Information to raise awareness of the TSA’s policies and guidelines governing the designation and use of Sensitive Security Information.

49 USC 114 note.

Deadline.

Guidelines.

(b) **AVIATION SECURITY.**—

(1) **IN GENERAL.**—Not later than 60 days after the date of the enactment of this Act, the Administrator of the Transportation Security Administration shall develop and implement guidelines with respect to domestic and last point of departure airports to—

(A) ensure the inclusion, as appropriate, of air carriers, domestic airport operators, and other transportation security stakeholders in the development and implementation of security directives and emergency amendments;

(B) document input provided by air carriers, domestic airport operators, and other transportation security stakeholders during the security directive and emergency amendment, development, and implementation processes;

(C) define a process, including timeframes, and with the inclusion of feedback from air carriers, domestic airport operators, and other transportation security stakeholders, for cancelling or incorporating security directives and emergency amendments into security programs;

(D) conduct engagement with foreign partners on the implementation of security directives and emergency amendments, as appropriate, including recognition if existing security measures at a last point of departure airport are found to provide commensurate security as intended by potential new security directives and emergency amendments; and

(E) ensure that new security directives and emergency amendments are focused on defined security outcomes.

Deadline.

(2) **BRIEFING TO CONGRESS.**—Not later than 90 days after the date of the enactment of this Act, the Administrator of the Transportation Security Administration shall brief the Committee on Homeland Security of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate on the guidelines described in paragraph (1).

(3) **DECISIONS NOT SUBJECT TO JUDICIAL REVIEW.**—Notwithstanding any other provision of law, any action of the Administrator of the Transportation Security Administration under paragraph (1) is not subject to judicial review.

TITLE LXV—OTHER MATTERS RELATING TO FOREIGN AFFAIRS

Sec. 6501. Authorization for United States Participation in the Coalition for Epidemic Preparedness Innovations.

Sec. 6502. Required notification and reports related to Peacekeeping Operations account.

Sec. 6503. Transnational Repression Accountability and Prevention.

Sec. 6504. Human rights awareness for American athletic delegations.

Sec. 6505. Cooperation between the United States and Ukraine regarding the titanium industry.

- Sec. 6506. Updates to the National Strategy for Combating Terrorist and Other Illicit Financing.
 Sec. 6507. Report on net worth of Syrian President Bashar al-Assad.
 Sec. 6508. Annual report on United States policy toward South Sudan.
 Sec. 6509. Strategy for engagement with Southeast Asia and ASEAN.
 Sec. 6510. Supporting democracy in Burma.
 Sec. 6511. United States Grand Strategy with respect to China.

SEC. 6501. AUTHORIZATION FOR UNITED STATES PARTICIPATION IN THE COALITION FOR EPIDEMIC PREPAREDNESS INNOVATIONS.

22 USC 276c–5.

(a) **IN GENERAL.**—The United States is authorized to participate in the Coalition for Epidemic Preparedness Innovations (referred to in this section as “CEPI”).

(b) **INVESTORS COUNCIL AND BOARD OF DIRECTORS.**—

President.

Designation.

(1) **INITIAL DESIGNATION.**—The President shall designate an employee of the United States Agency for International Development to serve on the Investors Council and, if nominated, on the Board of Directors of CEPI, as a representative of the United States during the period beginning on the date of such designation and ending on September 30, 2022.

(2) **ONGOING DESIGNATIONS.**—The President may designate an employee of the relevant Federal department or agency with fiduciary responsibility for United States contributions to CEPI to serve on the Investors Council and, if nominated, on the Board of Directors of CEPI, as a representative of the United States.

(3) **QUALIFICATIONS.**—Any employee designated pursuant to paragraph (1) or (2) shall have demonstrated knowledge and experience in the field of development and, if designated from a Federal department or agency with primary fiduciary responsibility for United States contributions pursuant to paragraph (2), in the field of public health, epidemiology, or medicine.

(4) **COORDINATION.**—In carrying out the responsibilities under this section, any employee designated pursuant to paragraph (1) or (2) shall coordinate with the Secretary of Health and Human Services to promote alignment, as appropriate, between CEPI and the strategic objectives and activities of the Secretary of Health and Human Services with respect to the research, development, and procurement of medical countermeasures, consistent with titles III and XXVIII of the Public Health Service Act (42 U.S.C. 241 et seq. and 300hh et seq.).

(c) **CONSULTATION.**—Not later than 60 days after the date of the enactment of this Act, the employee designated pursuant to subsection (b)(1) shall consult with the Committee on Foreign Relations, the Committee on Appropriations, and the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Foreign Affairs, the Committee on Appropriations, and the Committee on Energy and Commerce of the House of Representatives regarding—

Deadline.

(1) the manner and extent to which the United States plans to participate in CEPI, including through the governance of CEPI;

(2) any planned financial contributions from the United States to CEPI; and

(3) how participation in CEPI is expected to support—

(A) the applicable revision of the National Biodefense Strategy required under section 1086 of the National

Defense Authorization Act for Fiscal Year 2017 (6 U.S.C. 104); and

(B) any other relevant programs relating to global health security and biodefense.

22 USC 2348
note.

**SEC. 6502. REQUIRED NOTIFICATION AND REPORTS RELATED TO
PEACEKEEPING OPERATIONS ACCOUNT.**

Deadline.

(a) CONGRESSIONAL NOTIFICATION.—Not later than 15 days prior to the obligation of amounts made available to provide assistance pursuant to section 551 of the Foreign Assistance Act of 1961 (22 U.S.C. 2348), the Secretary of State shall submit to the appropriate congressional committees a notification, in accordance with the applicable procedures under section 634A of such Act (22 U.S.C. 2394–1), that includes, with respect to such assistance, the following:

(1) An itemized identification of each foreign country or entity the capabilities of which the assistance is intended to support.

(2) An identification of the amount, type, and purpose of assistance to be provided to each such country or entity.

Assessment.

(3) An assessment of the capacity of each such country or entity to effectively implement, benefit from, or use the assistance to be provided for the intended purpose identified under paragraph (2).

(4) A description of plans to encourage and monitor adherence to international human rights and humanitarian law by the foreign country or entity receiving the assistance.

(5) An identification of any implementers, including third party contractors or other such entities, and the anticipated timeline for implementing any activities to carry out the assistance.

(6) As applicable, a description of plans to sustain and account for any military or security equipment and subsistence funds provided as an element of the assistance beyond the date of completion of such activities, including the estimated cost and source of funds to support such sustainment.

Assessment.

(7) An assessment of how such activities promote the following:

(A) The diplomatic and national security objectives of the United States.

(B) The objectives and regional strategy of the country or entity receiving the assistance.

(C) The priorities of the United States regarding the promotion of good governance, rule of law, the protection of civilians, and human rights.

(D) The peacekeeping capabilities of partner countries of the country or entity receiving the assistance, including an explanation if such activities do not support peacekeeping.

Assessment.

(8) An assessment of the possible impact of such activities on local political and social dynamics, including a description of any consultations with local civil society.

**(b) REPORTS ON PROGRAMS UNDER PEACEKEEPING OPERATIONS
ACCOUNT.—**

Time period.

(1) ANNUAL REPORT.—Not later than 90 days after the enactment of this Act, and annually thereafter for 5 years,

the Secretary of State shall submit to the appropriate congressional committees a report on any security assistance made available, during the three fiscal years preceding the date on which the report is submitted, to foreign countries that received assistance authorized under section 551 of the Foreign Assistance Act of 1961 (22 U.S.C. 2348) for any of the following purposes:

(A) Building the capacity of the foreign military, border security, or law enforcement entities, of the country.

(B) Strengthening the rule of law of the country.

(C) Countering violent extremist ideology or recruitment within the country.

(2) MATTERS.—Each report under paragraph (1) shall include, with respect to each foreign country that has received assistance as specified in such paragraph, the following:

(A) An identification of the authority used to provide such assistance and a detailed description of the purpose of assistance provided.

(B) An identification of the amount of such assistance and the program under which such assistance was provided.

(C) A description of the arrangements to sustain any equipment provided to the country as an element of such assistance beyond the date of completion of the assistance, including the estimated cost and source of funds to support such sustainment.

(D) An assessment of the impact of such assistance on the peacekeeping capabilities and security situation of the country, including with respect to the levels of conflict and violence, the local, political, and social dynamics, and the human rights record, of the country.

Assessment.

(c) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term “appropriate congressional committees” means—

(1) the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives; and

(2) the Committees on Appropriations of the Senate and of the House of Representatives.

SEC. 6503. TRANSNATIONAL REPRESSION ACCOUNTABILITY AND PREVENTION.

22 USC 263b.

(a) SENSE OF CONGRESS.—It is the sense of Congress that some INTERPOL member countries have repeatedly misused INTERPOL’s databases and processes, including Notice and Diffusion mechanisms, to conduct activities of an overtly political or other unlawful character and in violation of international human rights standards, including by making requests to harass or persecute political opponents, human rights defenders, or journalists.

(b) SUPPORT FOR INTERPOL INSTITUTIONAL REFORMS.—The Attorney General and the Secretary of State shall—

(1) use the voice, vote, and influence of the United States, as appropriate, within INTERPOL’s General Assembly and Executive Committee to promote reforms aimed at improving the transparency of INTERPOL and ensuring its operation consistent with its Constitution, particularly articles 2 and 3, and Rules on the Processing of Data, including—

(A) supporting INTERPOL's reforms enhancing the screening process for Notices, Diffusions, and other INTERPOL communications to ensure they comply with INTERPOL's Constitution and Rules on the Processing of Data (RPD);

(B) supporting and strengthening INTERPOL's coordination with the Commission for Control of INTERPOL's Files (CCF) in cases in which INTERPOL or the CCF has determined that a member country issued a Notice, Diffusion, or other INTERPOL communication against an individual in violation of articles 2 or 3 of the INTERPOL Constitution, or the RPD, to prohibit such member country from seeking the publication or issuance of any subsequent Notices, Diffusions, or other INTERPOL communication against the same individual based on the same set of claims or facts;

(C) increasing, to the extent practicable, dedicated funding to the CCF and the Notices and Diffusions Task Force in order to further expand operations related to the review of requests for red notices and red diffusions;

(D) supporting candidates for positions within INTERPOL's structures, including the Presidency, Executive Committee, General Secretariat, and CCF who have demonstrated experience relating to and respect for the rule of law;

(E) seeking to require INTERPOL in its annual report to provide a detailed account, disaggregated by member country or entity of—

(i) the number of Notice requests, disaggregated by color, that it received;

(ii) the number of Notice requests, disaggregated by color, that it rejected;

(iii) the category of violation identified in each instance of a rejected Notice;

(iv) the number of Diffusions that it cancelled without reference to decisions by the CCF; and

(v) the sources of all INTERPOL income during the reporting period; and

(F) supporting greater transparency by the CCF in its annual report by providing a detailed account, disaggregated by country, of—

(i) the number of admissible requests for correction or deletion of data received by the CCF regarding issued Notices, Diffusions, and other INTERPOL communications; and

(ii) the category of violation alleged in each such complaint;

(2) inform the INTERPOL General Secretariat about incidents in which member countries abuse INTERPOL communications for politically motivated or other unlawful purposes so that, as appropriate, action can be taken by INTERPOL; and

(3) request to censure member countries that repeatedly abuse and misuse INTERPOL's red notice and red diffusion mechanisms, including restricting the access of those countries to INTERPOL's data and information systems.

(c) REPORT ON INTERPOL.—

(1) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, and biannually thereafter for a period of 4 years, the Attorney General and the Secretary of State, in consultation with the heads of other relevant United States Government departments or agencies, shall submit to the appropriate committees of Congress a report containing an assessment of how INTERPOL member countries abuse INTERPOL Red Notices, Diffusions, and other INTERPOL communications for political motives and other unlawful purposes within the past three years.

Time period.
Consultation.

(2) ELEMENTS.—The report required under paragraph (1) shall include the following elements:

(A) A list of countries that the Attorney General and the Secretary determine have repeatedly abused and misused the red notice and red diffusion mechanisms for political purposes.

List.
Determination.

(B) A description of the most common tactics employed by member countries in conducting such abuse, including the crimes most commonly alleged and the INTERPOL communications most commonly exploited.

(C) An assessment of the adequacy of INTERPOL mechanisms for challenging abusive requests, including the Commission for the Control of INTERPOL's Files (CCF), an assessment of the CCF's March 2017 Operating Rules, and any shortcoming the United States believes should be addressed.

Assessment.

(D) A description of how INTERPOL's General Secretariat identifies requests for red notice or red diffusions that are politically motivated or are otherwise in violation of INTERPOL's rules and how INTERPOL reviews and addresses cases in which a member country has abused or misused the red notice and red diffusion mechanisms for overtly political purposes.

(E) A description of any incidents in which the Department of Justice assesses that United States courts and executive departments or agencies have relied on INTERPOL communications in contravention of existing law or policy to seek the detention of individuals or render judgments concerning their immigration status or requests for asylum, with holding of removal, or convention against torture claims and any measures the Department of Justice or other executive departments or agencies took in response to these incidents.

(F) A description of how the United States monitors and responds to likely instances of abuse of INTERPOL communications by member countries that could affect the interests of the United States, including citizens and nationals of the United States, employees of the United States Government, aliens lawfully admitted for permanent residence in the United States, aliens who are lawfully present in the United States, or aliens with pending asylum, withholding of removal, or convention against torture claims, though they may be unlawfully present in the United States.

(G) A description of what actions the United States takes in response to credible information it receives concerning likely abuse of INTERPOL communications targeting employees of the United States Government for activities they undertook in an official capacity.

(H) A description of United States advocacy for reform and good governance within INTERPOL.

Strategy.

(I) A strategy for improving interagency coordination to identify and address instances of INTERPOL abuse that affect the interests of the United States, including international respect for human rights and fundamental freedoms, citizens and nationals of the United States, employees of the United States Government, aliens lawfully admitted for permanent residence in the United States, aliens who are lawfully present in the United States, or aliens with pending asylum, withholding of removal, or convention against torture claims, though they may be unlawfully present in the United States.

Public
information.
Web posting.

(3) FORM OF REPORT.—Each report required under this subsection shall be submitted in unclassified form, but may include a classified annex, as appropriate. The unclassified portion of the report shall be posted on a publicly available website of the Department of State and of the Department of Justice.

Deadline.
Coordination.

(4) BRIEFING.—Not later than 30 days after the submission of each report under paragraph (1), the Department of Justice and the Department of State, in coordination with other relevant United States Government departments and agencies, shall brief the appropriate committees of Congress on the content of the reports and recent instances of INTERPOL abuse by member countries and United States efforts to identify and challenge such abuse, including efforts to promote reform and good governance within INTERPOL.

(d) PROHIBITION REGARDING BASIS FOR EXTRADITION.—No United States Government department or agency may extradite an individual based solely on an INTERPOL Red Notice or Diffusion issued by another INTERPOL member country for such individual.

(e) DEFINITIONS.—In this section:

(1) APPROPRIATE COMMITTEES OF CONGRESS.—The term “appropriate committees of Congress” means—

(A) the Committee on Foreign Relations and the Committee on the Judiciary of the Senate; and

(B) the Committee on Foreign Affairs and the Committee on the Judiciary of the House of Representatives.

(2) INTERPOL COMMUNICATIONS.—The term “INTERPOL communications” means any INTERPOL Notice or Diffusion or any entry into any INTERPOL database or other communications system maintained by INTERPOL.

22 USC 2656k.

SEC. 6504. HUMAN RIGHTS AWARENESS FOR AMERICAN ATHLETIC DELEGATIONS.

(a) SENSE OF CONGRESS.—It is the sense of Congress that individuals representing the United States at international athletic competitions in foreign countries should have the opportunity to be informed about human rights and security concerns in such countries and how best to safeguard their personal security and privacy.

(b) IN GENERAL.—

(1) IN GENERAL.—Not later than 120 days after the date of the enactment of this Act, the Secretary of State shall devise and implement a strategy for disseminating briefing materials, including information described in subsection (c), to individuals representing the United States at international athletic competitions in a covered country. Deadline.
Strategy.

(2) TIMING AND FORM OF MATERIALS.—

(A) IN GENERAL.—The briefing materials referred to in paragraph (1) shall be offered not later than 180 days prior to the commencement of an international athletic competition in a covered country. Deadline.

(B) FORM OF DELIVERY.—Briefing materials related to the human rights record of covered countries may be delivered electronically or disseminated in person, as appropriate.

(C) SPECIAL CONSIDERATION.—Information briefing materials related to personal security risks may be offered electronically, in written format, by video teleconference, or prerecorded video.

(3) CONSULTATIONS.—In devising and implementing the strategy required under paragraph (1), the Secretary of State shall consult with the following:

(A) The Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations in the Senate, not later than 90 days after the date of the enactment of this Act. Deadline.

(B) Leading human rights nongovernmental organizations and relevant subject-matter experts in determining the content of the briefings required under this subsection.

(C) The United States Olympic and Paralympic Committee and the national governing bodies of amateur sports that play a role in determining which individuals represent the United States in international athletic competitions, regarding the most appropriate and effective method to disseminate briefing materials.

(c) CONTENT OF BRIEFINGS.—The briefing materials required under subsection (b) shall include, with respect to a covered country hosting an international athletic competition in which individuals may represent the United States, the following:

(1) Information on the human rights concerns present in such covered country, as described in the Department of State's Annual Country Reports on Human Rights Practices.

(2) Information, as applicable, on risks such individuals may face to their personal and digital privacy and security, and recommended measures to safeguard against certain forms of foreign intelligence targeting, as appropriate.

(d) COVERED COUNTRY DEFINED.—In this section, the term “covered country” means, with respect to a country hosting an international athletic competition in which individuals representing the United States may participate, any of the following:

(1) Any Communist country specified in subsection (f) of section 620 of the Foreign Assistance Act of 1961 (22 U.S.C. 2370(f)).

(2) Any country ranked as a Tier 3 country in the most recent Department of State's annual Trafficking in Persons Report.

Determination.

(3) Any other country the Secretary of State determines presents serious human rights concerns for the purpose of informing such individuals.

Consultation.
Determination.

(4) Any country the Secretary of State, in consultation with other cabinet officials as appropriate, determines presents a serious counterintelligence risk.

22 USC 8902
note.

SEC. 6505. COOPERATION BETWEEN THE UNITED STATES AND UKRAINE REGARDING THE TITANIUM INDUSTRY.

(a) STATEMENT OF POLICY.—It is the policy of the United States to engage with the Government of Ukraine on cooperation in the titanium industry as a potential alternative to Chinese and Russian sources on which the United States and Europe currently depend.

(b) REPORTING REQUIREMENT.—Not later than 180 days after the date of the enactment of this Act, the Secretary of State shall submit to the appropriate congressional committees a report that describes the feasibility of utilizing titanium sources from Ukraine as a potential alternative to Chinese and Russian sources.

(c) FORM.—The report required by subsection (b) shall be submitted in unclassified form, but may include a classified annex.

(d) APPROPRIATE CONGRESSIONAL COMMITTEES.—In this section, the term “appropriate congressional committees” means—

(1) the Committee on Foreign Relations and the Committee on Armed Services of the Senate; and

(2) the Committee on Foreign Affairs and the Committee on Armed Services of the House of Representatives.

SEC. 6506. UPDATES TO THE NATIONAL STRATEGY FOR COMBATING TERRORIST AND OTHER ILLICIT FINANCING.

The Countering Russian Influence in Europe and Eurasia Act of 2017 (22 U.S.C. 9501 et seq.) is amended—

131 Stat. 934.

(1) in section 261(b)(2)—

(A) by striking “2020” and inserting “2024”; and

(B) by striking “2022” and inserting “2026”;

(2) in section 262—

131 Stat. 935.

(A) in paragraph (1)—

(i) by striking “in the documents entitled ‘2015 National Money Laundering Risk Assessment’ and ‘2015 National Terrorist Financing Risk Assessment,’” and inserting “in the documents entitled ‘2020 National Strategy for Combating Terrorist and Other Illicit Financing’ and ‘2022 National Strategy for Combating Terrorist and Other Illicit Financing’”; and

(ii) by striking “the broader counter terrorism strategy of the United States” and inserting “the broader counter terrorism and national security strategies of the United States”;

(B) in paragraph (6)—

(i) by striking “PREVENTION OF ILLICIT FINANCE” and inserting “PREVENTION, DETECTION, AND DISRUPTION OF ILLICIT FINANCE”;

(ii) by striking “private financial sector” and inserting “private sector, including financial and other relevant industries,”; and

(iii) by striking “with regard to the prevention and detection of illicit finance” and inserting “with regard to the prevention, detection, and disruption of illicit finance”; and

(C) in paragraph (8), by striking “such as so-called cryptocurrencies, other methods that are computer, telecommunications, or Internet-based, cyber crime,”. 131 Stat. 936.

SEC. 6507. REPORT ON NET WORTH OF SYRIAN PRESIDENT BASHAR AL-ASSAD.

(a) IN GENERAL.—Not later than 120 days after the date of the enactment of this Act, the Secretary of State shall submit to the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate a report on the estimated net worth and known sources of income of Syrian President Bashar al-Assad and his family members (including spouse, children, siblings, and paternal and maternal cousins), including income from corrupt or illicit activities and including assets, investments, other business interests, and relevant beneficial ownership information.

(b) FORM.—The report required by subsection (a) shall be submitted in unclassified form, but may contain a classified annex if necessary. The unclassified portion of such report shall be made available on a publicly available internet website of the Federal Government.

Public
information.
Web posting.

SEC. 6508. ANNUAL REPORT ON UNITED STATES POLICY TOWARD SOUTH SUDAN.

(a) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the signatories to the Revitalized Agreement on the Resolution of the Conflict in the Republic of South Sudan, signed on September 12, 2018, have delayed implementation, leading to continued conflict and instability in South Sudan;

(2) despite years of fighting, 2 peace agreements, punitive actions by the international community, and widespread suffering among civilian populations, the leaders of South Sudan have failed to build sustainable peace;

(3) the United Nations arms embargo on South Sudan, most recently extended by 1 year to May 31, 2022, through United Nations Security Council Resolution 2577 (2021), is necessary to stem the illicit transfer and destabilizing accumulation and misuse of small arms and light weapons in perpetuation of the conflict in South Sudan;

(4) the United States should call on other member states of the United Nations to redouble efforts to enforce the United Nations arms embargo on South Sudan; and

(5) the United States, through the United States Mission to the United Nations, should use its voice and vote in the United Nations Security Council in favor of maintaining the United Nations arms embargo on South Sudan until—

(A) the Revitalized Agreement on the Resolution of the Conflict in the Republic of South Sudan is fully implemented; or

(B) credible, fair, and transparent democratic elections are held in South Sudan.

(b) REPORT REQUIRED.—

(1) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act and annually thereafter for 5 years, the Secretary of State, in consultation with the Administrator of the United States Agency for International Development and the heads of other Federal department and agencies as necessary, shall submit to the appropriate congressional

Time period.
Consultation.

	committees a report on United States policy toward South Sudan, including the most recent approved interagency strategy developed to address political, security, and humanitarian issues prevalent in the country since it gained independence from Sudan in July 2011.
Assessments.	(2) ELEMENTS.—The report required by paragraph (1) shall include the following: (A) An assessment of the situation in South Sudan, including the role of South Sudanese government officials in intercommunal violence, corruption, and obstruction of the peace process. (B) An assessment of the status of the implementation of the 2018 R-ARCSS and the ongoing peace processes. (C) A detailed description of United States assistance and other efforts to support peace processes in South Sudan, including an assessment of the efficacy of stakeholder engagement and United States assistance to advance peacebuilding, conflict mitigation, and other related activities.
Time period.	(D) An assessment of the United Nations Mission in South Sudan capacity and progress in fulfilling its mandate over the last 3 fiscal years. (E) A detailed description of United States funding for emergency and non-emergency humanitarian and development assistance to South Sudan, as well as support provided to improve anti-corruption and fiscal transparency efforts in South Sudan over the last 5 fiscal years.
Summary.	(F) A summary of United States efforts to promote accountability for human rights abuses and an assessment of efforts by the Government of South Sudan and the African Union, respectively, to hold responsible parties accountable.
Analysis.	(G) Analysis of the impact of domestic and international sanctions on deterring and combating corruption, mitigating and reducing conflict, and holding those responsible for human rights abuses accountable. (H) An assessment of the prospects for, and impediments to, holding credible general elections.
Web posting. Briefing.	(3) FORM.—The report required by paragraph (1) shall be submitted in unclassified form and posted to a website of the Department of State, may include a classified annex, and shall be accompanied by a briefing as determined necessary.
Deadline. Time period. Consultation.	(c) BRIEFING.—Not later than 90 days after the date of the enactment of this Act and annually thereafter for 2 years, the Secretary of the Treasury, in consultation with the Secretary of State and the heads of other Federal department and agencies as necessary, shall brief the appropriate congressional committees on United States efforts, including assistance provided by the Department of Treasury and United States law enforcement and intelligence communities, to detect and deter money laundering and counter illicit financial flows, trafficking in persons, weapons, and other illicit goods, and the financing of terrorists and armed groups. Such briefing shall be provided in unclassified setting and may include a classified briefing as determined necessary. (d) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term “appropriate congressional committees” means—

(1) the Committee on Foreign Relations, the Committee on Banking, and the Committee on Appropriations of the Senate;

(2) the Committee on Foreign Affairs, the Committee on Financial Services, and the Committee on Appropriations of the House of Representatives.

SEC. 6509. STRATEGY FOR ENGAGEMENT WITH SOUTHEAST ASIA AND ASEAN.

(a) **IN GENERAL.**—Not later than 180 days after the date of the enactment of this Act, the Secretary of State, in consultation with the heads of other Federal departments and agencies as appropriate, shall develop and submit to the appropriate congressional committees a comprehensive strategy for engagement with Southeast Asia and the Association of Southeast Asian Nations (ASEAN).

Deadline.
Consultation.

(b) **MATTERS TO BE INCLUDED.**—The strategy required by subsection (a) shall include the following:

Summaries.

(1) A statement of enduring United States interests in Southeast Asia and a description of efforts to bolster the effectiveness of ASEAN.

Statement.

(2) A description of efforts to—

(A) deepen and expand Southeast Asian alliances, partnerships, and multilateral engagements, including efforts to expand broad based and inclusive economic growth, security ties, security cooperation and interoperability, economic connectivity, and expand opportunities for ASEAN to work with other like-minded partners in the region; and

(B) encourage like-minded partners outside of the Indo-Pacific region to engage with ASEAN.

(3) A summary of initiatives across the whole of the United States Government to strengthen the United States partnership with Southeast Asian nations and ASEAN, including to promote broad based and inclusive economic growth, trade, investment, energy innovation and sustainability, public-private partnerships, physical and digital infrastructure development, education, disaster management, public health and global health security, and economic, political, and public diplomacy in Southeast Asia.

(4) A summary of initiatives across the whole of the United States Government to enhance the capacity of Southeast Asian nations with respect to enforcing international law and multilateral sanctions, and initiatives to cooperate with ASEAN as an institution in these areas.

(5) A summary of initiatives across the whole of the United States Government to promote human rights and democracy, to strengthen the rule of law, civil society, and transparent governance, to combat disinformation and to protect the integrity of elections from outside influence.

(6) A summary of initiatives to promote security cooperation and security assistance within Southeast Asian nations, including—

(A) maritime security and maritime domain awareness initiatives for protecting the maritime commons and supporting international law and freedom of navigation in the South China Sea; and

(B) efforts to combat terrorism, human trafficking, piracy, and illegal fishing, and promote more open, reliable routes for sea lines of communication.

(c) DISTRIBUTION OF STRATEGY.—For the purposes of assuring allies and partners in Southeast Asia and deepening United States engagement with ASEAN, the Secretary of State shall direct each United States chief of mission to ASEAN and its member states to distribute the strategy required by subsection (a) to host governments.

(d) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term “appropriate congressional committees” means—

- (1) the Committee on Foreign Affairs and the Committee on Armed Services of the House of Representatives; and
- (2) the Committee on Foreign Relations and the Committee on Armed Services of the Senate.

SEC. 6510. SUPPORTING DEMOCRACY IN BURMA.

(a) DEFINED TERM.—In this section, the term “appropriate congressional committees” means—

- (1) the Committee on Foreign Relations of the Senate;
- (2) the Committee on Foreign Affairs of the House of Representatives;
- (3) the Committee on Appropriations of the Senate;
- (4) the Committee on Appropriations of the House of Representatives;
- (5) the Committee on Armed Services of the Senate;
- (6) the Committee on Armed Services of the House of Representatives;
- (7) the Committee on Banking, Housing, and Urban Affairs of the Senate; and
- (8) the Committee on Financial Services of the House of Representatives.

(b) BRIEFING REQUIRED.—

(1) IN GENERAL.—Not later than 60 days after the date of the enactment of this Act, the following officials shall jointly brief the appropriate congressional committees regarding actions taken by the United States Government to further United States policy and security objectives in Burma (officially known as the “Republic of the Union of Myanmar”):

- (A) The Assistant Secretary of State for East Asian and Pacific Affairs.
- (B) The Counselor of the Department of State.
- (C) The Under Secretary of the Treasury for Terrorism and Financial Intelligence.
- (D) The Assistant to the Administrator for the Bureau for Conflict Prevention and Stabilization.
- (E) Additional officials from the Department of Defense or the Intelligence Community, as appropriate.

(2) INFORMATION REQUIRED.—The briefing required under paragraph (1) shall include—

- (A) a detailed description of the specific United States policy and security objectives in Burma;
- (B) information about any actions taken by the United States, either directly or in coordination with other countries—

Deadline.

(i) to support and legitimize the National Unity Government of the Republic of the Union of Myanmar, The Civil Disobedience Movement in Myanmar, and other entities promoting democracy in Burma, while simultaneously denying legitimacy and resources to the Myanmar’s military junta;

(ii) to impose costs on Myanmar’s military junta, including—

(I) an assessment of the impact of existing United States and international sanctions; and Assessment.

(II) a description of potential prospects for additional sanctions;

(iii) to secure the restoration of democracy, the establishment of inclusive and representative civilian government, with a reformed military reflecting the diversity of Burma and under civilian control, and the enactment of constitutional, political, and economic reform in Burma;

(iv) to secure the unconditional release of all political prisoners in Burma;

(v) to promote genuine national reconciliation among Burma’s diverse ethnic and religious groups;

(vi) to ensure accountability for atrocities, human rights violations, and crimes against humanity committed by Myanmar’s military junta; and

(vii) to avert a large-scale humanitarian disaster;

(C) an update on the current status of United States assistance programs in Burma, including— Update.

(i) humanitarian assistance for affected populations, including internally displaced persons and efforts to mitigate humanitarian and health crises in neighboring countries and among refugee populations;

(ii) democracy assistance, including support to the National Unity Government of the Republic of the Union of Myanmar and civil society groups in Burma;

(iii) economic assistance; and

(iv) global health assistance, including COVID–19 relief; and

(D) a description of the strategic interests in Burma of the People’s Republic of China and the Russian Federation, including—

(i) access to natural resources and lines of communications to sea routes; and

(ii) actions taken by such countries—

(I) to support Myanmar’s military junta in order to preserve or promote such interests;

(II) to undermine the sovereignty and territorial integrity of Burma; and

(III) to promote ethnic conflict within Burma.

(c) CLASSIFICATION AND FORMAT.—The briefing required under subsection (b)—

(1) shall be provided in an unclassified setting; and

(2) may be accompanied by a separate classified briefing, as appropriate.

SEC. 6511. UNITED STATES GRAND STRATEGY WITH RESPECT TO CHINA.

Deadlines.
President.

(a) STRATEGY REQUIRED.—

(1) **IN GENERAL.**—Not later than 30 days after the date on which the President first submits to Congress a national security strategy under section 108 of the National Security Act of 1947 (50 U.S.C. 3043) after the date of the enactment of this Act, the President shall commence developing a comprehensive report that articulates the strategy of the United States with respect to the People’s Republic of China (in this section referred to as the “China Strategy”) that builds on the work of such national security strategy.

(2) **SUBMITTAL.**—Not later than 270 days after the date on which the President first submits to Congress a national security strategy under section 108 of the National Security Act of 1947 (50 U.S.C. 3043) after the date of the enactment of this Act, the President shall submit to Congress the China Strategy developed under paragraph (1).

Classified
information.
Summary.

(3) **FORM.**—The China Strategy shall be submitted in classified form and shall include an unclassified summary.

(b) **CONTENTS.**—The China Strategy developed under subsection (a) shall set forth the national security strategy of the United States with respect to the People’s Republic of China and shall include a comprehensive description and discussion of the following:

(1) The strategy of the People’s Republic of China regarding the military, economic, and political power of China in the Indo-Pacific region and worldwide, including why the People’s Republic of China has decided on such strategy and what the strategy means for the long-term interests, values, goals, and objectives of the United States.

(2) The worldwide interests, values, goals, and objectives of the United States as they relate to geostrategic and geoeconomic competition with the People’s Republic of China.

(3) The foreign and economic policy, worldwide commitments, and national defense capabilities of the United States necessary to deter aggression and to implement the national security strategy of the United States as they relate to the new era of competition with the People’s Republic of China.

(4) How the United States will exercise the political, economic, military, diplomatic, and other elements of its national power to protect or advance its interests and values and achieve the goals and objectives referred to in paragraph (1).

Evaluation.

(5) The adequacy of the capabilities of the United States Government to carry out the national security strategy of the United States within the context of new and emergent challenges to the international order posed by the People’s Republic of China, including an evaluation—

(A) of the balance among the capabilities of all elements of national power of the United States; and

(B) the balance of all United States elements of national power in comparison to equivalent elements of national power of the People’s Republic of China.

(6) The assumptions and end-state or end-states of the strategy of the United States globally and in the Indo-Pacific region with respect to the People’s Republic of China.

(7) Such other information as the President considers necessary to help inform Congress on matters relating to the

national security strategy of the United States with respect to the People's Republic of China.

(c) ADVISORY BOARD ON UNITED STATES GRAND STRATEGY WITH RESPECT TO CHINA.—

(1) ESTABLISHMENT.—The President may establish in the executive branch an advisory board to be known as the “Advisory Board on United States Grand Strategy with respect to China” (in this section referred to as the “Board”).

(2) PURPOSE.—The purpose of the Board is to convene outside experts to advise the President on development of the China Strategy.

(3) DUTIES.—

(A) REVIEW.—The Board shall review the current national security strategy of the United States with respect to the People's Republic of China, including assumptions, capabilities, strategy, and end-state or end-states.

(B) ASSESSMENT AND RECOMMENDATIONS.—The Board shall analyze the United States national security strategy with respect to the People's Republic of China, including challenging its assumptions and approach, and make recommendations to the President for the China Strategy.

(C) CLASSIFIED BRIEFING.—

(i) IN GENERAL.—Not later than 30 days after the date on which the President submits the China Strategy to Congress under subsection (a)(2), the Board shall provide the appropriate congressional committees a classified briefing on its review, assessment, and recommendations.

Deadline.

(ii) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this subparagraph, the term “appropriate congressional committees” means—

- (I) the congressional defense committees;
- (II) the Committee on Foreign Relations and the Select Committee on Intelligence of the Senate; and
- (III) the Committee on Foreign Affairs and the Permanent Select Committee on Intelligence of the House of Representatives.

(4) COMPOSITION.—

(A) RECOMMENDATIONS.—Not later than 30 days after the date on which the President first submits to Congress a national security strategy under section 108 of the National Security Act of 1947 (50 U.S.C. 3043) after the date of the enactment of this Act, the majority leader of the Senate, the minority leader of the Senate, the Speaker of the House of Representatives, and the minority leader of the House of Representatives shall each provide to the President 2 candidates for membership on the Board, at least 1 of whom shall be an individual in the private sector and 1 of whom shall be an individual in academia or employed by a nonprofit research institution.

Deadline.

(B) MEMBERSHIP.—The Board shall be composed of 9 members appointed by the President as follows:

- (i) The National Security Advisor or such other designee as the President considers appropriate, such as the Asia Coordinator from the National Security Council.

(ii) Four shall be selected from among individuals in the private sector.

(iii) Four shall be selected from among individuals in academia or employed by a nonprofit research institution.

(iv) Two members shall be selected from among individuals included in the list submitted by the majority leader of the Senate under subparagraph (A), of whom—

(I) one shall be selected from among individuals in the private sector; and

(II) one shall be selected from among individuals in academia or employed by a nonprofit research institution.

(v) Two members shall be selected from among individuals included in the list submitted by the minority leader of the Senate under subparagraph (A), of whom—

(I) one shall be selected from among individuals in the private sector; and

(II) one shall be selected from among individuals in academia or employed by a nonprofit research institution.

(vi) Two members shall be selected from among individuals included in the list submitted by the Speaker of the House of Representatives under subparagraph (A), or whom—

(I) one shall be selected from among individuals in the private sector; and

(II) one shall be selected from among individuals in academia or employed by a nonprofit research institution.

(vii) Two members shall be selected from among individuals included in the list submitted by the minority leader of the House of Representatives under subparagraph (A), of whom—

(I) one shall be selected from among individuals in the private sector; and

(II) one shall be selected from among individuals in academia or employed by a nonprofit research institution.

(C) CHAIRPERSON.—The Chairperson of the Board shall be the member of the Board appointed under subparagraph (B)(i).

(D) NONGOVERNMENTAL MEMBERSHIP; PERIOD OF APPOINTMENT; VACANCIES.—

(i) NONGOVERNMENTAL MEMBERSHIP.—Except in the case of the Chairperson of the Board, an individual appointed to the Board may not be an officer or employee of an instrumentality of government.

(ii) PERIOD OF APPOINTMENT.—Members shall be appointed for the life of the Board.

(iii) VACANCIES.—Any vacancy in the Board shall be filled in the same manner as the original appointment.

President.

(5) DEADLINE FOR APPOINTMENT.—Not later than 60 days after the date on which the President first submits to Congress

a national security strategy under section 108 of the National Security Act of 1947 (50 U.S.C. 3043) after the date of the enactment of this Act, the President shall—

(A) appoint the members of the Board pursuant to paragraph (4); and

(B) submit to Congress a list of the members so appointed. List.

(6) EXPERTS AND CONSULTANTS.—The Board is authorized to procure temporary and intermittent services under section 3109 of title 5, United States Code, but at rates for individuals not to exceed the daily equivalent of the maximum annual rate of basic pay under level IV of the Executive Schedule under section 5315 of title 5, United States Code. Contracts.

(7) SECURITY CLEARANCES.—The appropriate Federal departments or agencies shall cooperate with the Board in expeditiously providing to the Board members and experts and consultants appropriate security clearances to the extent possible pursuant to existing procedures and requirements, except that no person may be provided with access to classified information under this Act without the appropriate security clearances.

(8) RECEIPT, HANDLING, STORAGE, AND DISSEMINATION.—Information shall only be received, handled, stored, and disseminated by members of the Board and any experts and consultants consistent with all applicable statutes, regulations, and Executive orders.

(9) UNCOMPENSATED SERVICE.—A member of the Board who is not an officer or employee of the Federal Government shall serve without compensation.

(10) COOPERATION FROM GOVERNMENT.—In carrying out its duties, the Board shall receive the full and timely cooperation of the heads of relevant Federal departments and agencies in providing the Board with analysis, briefings, and other information necessary for the fulfillment of its responsibilities.

(11) TERMINATION.—The Board shall terminate on the date that is 60 days after the date on which the President submits the China Strategy to Congress under subsection (a)(2).

TITLE LXVI—OTHER MATTERS

- Sec. 6601. Eligibility of certain individuals who served with special guerrilla units or irregular forces in Laos for interment in national cemeteries.
- Sec. 6602. Expansion of scope of Department of Veterans Affairs open burn pit registry to include open burn pits in Egypt and Syria.
- Sec. 6603. Anomalous health incidents interagency coordinator.
- Sec. 6604. Chief Human Capital Officers Council annual report.
- Sec. 6605. National Global War on Terrorism Memorial.
- Sec. 6606. Establishment of Subcommittee on the Economic and Security Implications of Quantum Information Science.
- Sec. 6607. Study and report on the redistribution of COVID–19 vaccine doses that would otherwise expire to foreign countries and economies.
- Sec. 6608. Catawba Indian Nation lands.
- Sec. 6609. Property disposition for affordable housing.
- Sec. 6610. Blocking deadly fentanyl imports.

SEC. 6601. ELIGIBILITY OF CERTAIN INDIVIDUALS WHO SERVED WITH SPECIAL GUERRILLA UNITS OR IRREGULAR FORCES IN LAOS FOR INTERMENT IN NATIONAL CEMETERIES.

(a) IN GENERAL.—Section 2402(a)(10) of title 38, United States Code, is amended—

(1) by striking the period at the end and inserting “; or”;
and

(2) by adding at the end the following new subparagraph:

“(B) who—

Determination.
Time period.

“(i) the Secretary determines served honorably with a special guerrilla unit or irregular forces operating from a base in Laos in support of the Armed Forces at any time during the period beginning on February 28, 1961, and ending on May 7, 1975; and

“(ii) at the time of the individual’s death—

“(I) was a citizen of the United States or an alien lawfully admitted for permanent residence in the United States; and

“(II) resided in the United States.”.

38 USC 2402
note.

(b) **EFFECTIVE DATE.**—The amendments made by this section shall have effect as if included in the enactment of section 251(a) of title II of the Military Construction, Veterans Affairs, and Related Agencies Appropriations Act, 2018 (division J of Public Law 115–141; 132 Stat. 824).

SEC. 6602. EXPANSION OF SCOPE OF DEPARTMENT OF VETERANS AFFAIRS OPEN BURN PIT REGISTRY TO INCLUDE OPEN BURN PITS IN EGYPT AND SYRIA.

Section 201(c)(2) of the Dignified Burial and Other Veterans’ Benefits Improvement Act of 2012 (Public Law 112–260; 38 U.S.C. 527 note) is amended, in the matter before subparagraph (A), by striking “or Uzbekistan” and inserting “, Uzbekistan, Egypt, or Syria”.

50 USC 3001
note.

SEC. 6603. ANOMALOUS HEALTH INCIDENTS INTERAGENCY COORDINATOR.

(a) **ANOMALOUS HEALTH INCIDENTS INTERAGENCY COORDINATOR.**—

Deadline.
President.

(1) **DESIGNATION.**—Not later than 30 days after the date of the enactment of this Act, the President shall designate an appropriate senior official to be known as the Anomalous Health Incidents Interagency Coordinator (in this section referred to as the “Interagency Coordinator”).

(2) **DUTIES.**—The Interagency Coordinator, working through the interagency national security process, shall, with respect to anomalous health incidents—

(A) coordinate the response of the United States Government to such incidents;

(B) coordinate among relevant Federal agencies to ensure equitable and timely access to assessment and care for affected United States Government personnel, dependents of such personnel, and other appropriate individuals;

(C) ensure adequate training and education relating to such incidents for United States Government personnel;

(D) ensure that information regarding such incidents is efficiently shared across relevant Federal agencies in a manner that provides appropriate protections for classified, sensitive, and personal information;

(E) coordinate, in consultation with the Director of the White House Office of Science and Technology Policy, the technological and research efforts of the United States Government to address suspected attacks presenting as such incidents; and

(F) develop policy options to prevent, mitigate, and deter suspected attacks presenting as such incidents.

(b) DESIGNATION OF AGENCY COORDINATION LEADS.—

(1) DESIGNATION; RESPONSIBILITIES.—The head of each relevant agency shall designate an official appointed by the President, by and with the advice and consent of the Senate, or other appropriate senior official, who shall—

(A) serve as the Anomalous Health Incident Agency Coordination Lead (in this section referred to as the “Agency Coordination Lead”) for the relevant agency concerned;

(B) report directly to the head of such relevant agency regarding activities carried out under this section;

(C) perform functions specific to such relevant agency and related to anomalous health incidents, consistent with the directives of the Interagency Coordinator and the interagency national security process;

(D) represent such relevant agency in meetings convened by the Interagency Coordinator; and

(E) participate in interagency briefings to Congress regarding the response of the United States Government to anomalous health incidents, including briefings required under subsection (c).

(2) DELEGATION PROHIBITED.—An Agency Coordination Lead may not delegate any of the responsibilities specified in paragraph (1).

(c) BRIEFINGS.—

(1) IN GENERAL.—Not later than 60 days after the date of the enactment of this Act, and quarterly thereafter for the following two years, the Agency Coordination Leads shall jointly provide to the appropriate congressional committees a briefing on progress made in carrying out the duties under subsection (b)(2).

Deadline.
Time period.

(2) ELEMENTS.—Each briefing required under paragraph (1) shall include—

(A) an update on the investigation into anomalous health incidents affecting United States Government personnel and dependents of such personnel, including technical causation and suspected perpetrators;

Update.

(B) an update on new or persistent anomalous health incidents;

Update.

(C) a description of threat prevention and mitigation efforts with respect to anomalous health incidents, to include personnel training;

(D) an identification of any changes to operational posture as a result of anomalous health threats;

(E) an update on diagnosis and treatment efforts for individuals affected by anomalous health incidents, including patient numbers and wait times to access care;

Update.

(F) a description of efforts to improve and encourage reporting of anomalous health incidents;

(G) a detailed description of the roles and responsibilities of the Agency Coordination Leads;

(H) information regarding additional authorities or resources needed to support the interagency response to anomalous health incidents; and

(I) such other matters as the Interagency Coordinator or the Agency Coordination Leads may consider appropriate.

(3) UNCLASSIFIED BRIEFING SUMMARY.—

Deadline.
Time period.

(A) IN GENERAL.—Not later than 60 days after the date of the enactment of this Act, and quarterly thereafter for the following two years, the Agency Coordination Leads shall provide to the appropriate congressional committees a coordinated written summary of the briefings provided under paragraph (1).

(B) FORM.—The summary under subparagraph (A) shall be submitted in an unclassified form to the extent practicable, consistent with the protection of intelligence sources and methods.

(d) SECURE REPORTING MECHANISMS.—Not later than 90 days after the date of the enactment of this section, the Interagency Coordinator shall ensure that the head of each relevant agency—

(1) develops a process to provide a secure mechanism for personnel of the relevant agency concerned, the dependents of such personnel, and other appropriate individuals, to self-report any suspected exposure that could be an anomalous health incident;

(2) shares all relevant data reported through such mechanism in a timely manner with the Office of the Director of National Intelligence and other relevant agencies, through existing processes coordinated by the Interagency Coordinator; and

(3) in developing the mechanism pursuant to paragraph (1), prioritizes secure information collection and handling processes to protect classified, sensitive, and personal information.

(e) WORKFORCE GUIDANCE.—

President.

(1) DEVELOPMENT AND DISSEMINATION.—The President shall direct the heads of the relevant agencies to develop and disseminate to employees of such relevant agencies who are determined to be at risk of exposure to anomalous health incidents updated workforce guidance that describes, at a minimum—

(A) the threat posed by anomalous health incidents;

(B) known defensive techniques with respect to anomalous health incidents; and

(C) processes to self-report any suspected exposure that could be an anomalous health incident.

(2) DEADLINE.—The workforce guidance specified under paragraph (1) shall be developed and disseminated pursuant to such paragraph by not later than 60 days after the date of the enactment of this Act.

(f) RULE OF CONSTRUCTION.—Nothing in this section, including the designation of the Interagency Coordinator pursuant to subsection (a)(1), shall be construed to limit the authority of any Federal agency to independently perform the authorized functions of such agency.

(g) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary of State \$5,000,000 for fiscal year 2022, to be used to—

(1) increase capacity and staffing for the Health Incident Response Task Force of the Department of State;

(2) support the development and implementation of efforts by the Department of State to prevent and mitigate anomalous health incidents affecting the workforce of the Department;

(3) investigate and characterize the cause of anomalous health incidents, including investigations of causation and attribution; Investigation.

(4) collect and analyze data related to anomalous health incidents; Data.

(5) coordinate with other relevant agencies and the National Security Council regarding anomalous health incidents; and Coordination.

(6) support other activities to understand, prevent, deter, and respond to suspected attacks presenting as anomalous health incidents, at the discretion of the Secretary of State.

(h) DEFINITIONS.—In this section:

(1) The term “appropriate congressional committees” means—

(A) the Committees on Armed Services, Foreign Relations, Homeland Security and Governmental Affairs, the Judiciary, and Appropriations, and the Select Committee on Intelligence, of the Senate; and

(B) the Committees on Armed Services, Foreign Affairs, Homeland Security, the Judiciary, and Appropriations, and the Permanent Select Committee on Intelligence, of the House of Representatives.

(2) The term “relevant Federal agencies” means—

(A) the Department of Defense;

(B) the Department of State;

(C) the Office of the Director of National Intelligence;

(D) the Central Intelligence Agency;

(E) the Department of Justice;

(F) the Department of Homeland Security; and

(G) such other Federal departments or agencies as may be designated by the Interagency Coordinator.

SEC. 6604. CHIEF HUMAN CAPITAL OFFICERS COUNCIL ANNUAL REPORT.

Subsection (d) of section 1303 of the Homeland Security Act of 2002 (Public Law 107–296; 5 U.S.C. 1401 note) is amended to read as follows:

“(d) ANNUAL REPORTS.—

“(1) IN GENERAL.—Each year, the Chief Human Capital Officers Council shall submit to Congress a report that includes the following:

“(A) A description of the activities of the Council.

“(B) A description of employment barriers that prevent the agencies of its members from hiring qualified applicants, including those for digital talent positions, and recommendations for addressing the barriers that would allow such agencies to more effectively hire qualified applicants.

“(2) PUBLIC AVAILABILITY.—Not later than 30 days after the date on which the Council submits a report under paragraph (1), the Director of the Office of Personnel Management shall make the report publicly available on the website of the Office of Personnel Management.”. Web posting.

SEC. 6605. NATIONAL GLOBAL WAR ON TERRORISM MEMORIAL.

(a) **SITE.**—Notwithstanding section 8908(c) of title 40, United States Code, the National Global War on Terrorism Memorial authorized by section 2(a) of the Global War on Terrorism War Memorial Act (40 U.S.C. 8903 note; Public Law 115–51; 131 Stat. 1003) (referred to in this section as the “Memorial”) shall be located within the Reserve (as defined in section 8902(a) of title 40, United States Code).

(b) **APPLICABILITY OF COMMEMORATIVE WORKS ACT.**—Except as provided in subsection (a), chapter 89 of title 40, United States Code (commonly known as the “Commemorative Works Act”), shall apply to the Memorial.

SEC. 6606. ESTABLISHMENT OF SUBCOMMITTEE ON THE ECONOMIC AND SECURITY IMPLICATIONS OF QUANTUM INFORMATION SCIENCE.

(a) **ESTABLISHMENT.**—Title I of the National Quantum Initiative Act (15 U.S.C. 8811 et seq.) is amended—

15 USC 8815.

(1) by redesignating section 105 as section 106; and

(2) by inserting after section 104 the following new section:

15 USC 8814a.

“SEC. 105. SUBCOMMITTEE ON THE ECONOMIC AND SECURITY IMPLICATIONS OF QUANTUM INFORMATION SCIENCE.

“(a) **ESTABLISHMENT.**—The President shall establish, through the National Science and Technology Council, the Subcommittee on the Economic and Security Implications of Quantum Information Science.

“(b) **MEMBERSHIP.**—The Subcommittee shall include a representative of—

“(1) the Department of Energy;

“(2) the Department of Defense;

“(3) the Department of Commerce;

“(4) the Department of Homeland Security;

“(5) the Office of the Director of National Intelligence;

“(6) the Office of Management and Budget;

“(7) the Office of Science and Technology Policy;

“(8) the Department of Justice;

“(9) the National Science Foundation;

“(10) the National Institute of Standards and Technology;

and

“(11) such other Federal department or agency as the President considers appropriate.

“(c) **RESPONSIBILITIES.**—The Subcommittee shall—

“(1) in coordination with the Director of the Office and Management and Budget, the Director of the National Quantum Coordination Office, and the Subcommittee on Quantum Information Science, track investments of the Federal Government in quantum information science research and development;

“(2) review and assess any economic or security implications of such investments;

“(3) review and assess any counterintelligence risks or other foreign threats to such investments;

“(4) recommend goals and priorities for the Federal Government and make recommendations to Federal departments and agencies and the Director of the National Quantum Coordination Office to address any counterintelligence risks or other

foreign threats identified as a result of an assessment under paragraph (3);

“(5) assess the export of technology associated with quantum information science and recommend to the Secretary of Commerce and the Secretary of State export controls necessary to protect the economic and security interests of the United States as a result of such assessment;

“(6) recommend to Federal departments and agencies investment strategies in quantum information science that advance the economic and security interest of the United States;

“(7) recommend to the Director of National Intelligence and the Secretary of Energy appropriate protections to address counterintelligence risks or other foreign threats identified as a result of the assessment under paragraph (3); and

“(8) in coordination with the Subcommittee on Quantum Information Science, ensure the approach of the United States to investments of the Federal Government in quantum information science research and development reflects a balance between scientific progress and the potential economic and security implications of such progress.

“(d) TECHNICAL AND ADMINISTRATIVE SUPPORT.—

“(1) IN GENERAL.—The Secretary of Energy, the Director of National Intelligence, and the Director of the National Quantum Coordination Office may provide to the Subcommittee personnel, equipment, facilities, and such other technical and administrative support as may be necessary for the Subcommittee to carry out the responsibilities of the Subcommittee under this section.

“(2) SUPPORT RELATED TO CLASSIFIED INFORMATION.—The Director of the Office of Science and Technology Policy and the Director of National Intelligence shall provide to the Subcommittee technical and administrative support related to the responsibilities of the Subcommittee that involve classified information, including support related to sensitive compartmented information facilities and the storage of classified information.”.

(b) SUNSET FOR SUBCOMMITTEE.—

(1) INCLUSION IN SUNSET PROVISION.—Such title is further amended in section 106, as redesignated by subsection (a), by striking “103, and 104” and inserting “103, 104, and 105”.

(2) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect as if included in the enactment of the National Quantum Initiative Act (15 U.S.C. 8801 et seq.).

15 USC 8814a
note.

(c) CONFORMING AMENDMENTS.—The National Quantum Initiative Act (15 U.S.C. 8801 et seq.) is further amended—

(1) in section 2, by striking paragraph (7) and inserting the following new paragraphs:

15 USC 8801.

“(7) SUBCOMMITTEE ON ECONOMIC AND SECURITY IMPLICATIONS.—The term ‘Subcommittee on Economic and Security Implications’ means the Subcommittee on the Economic and Security Implications of Quantum Information Science established under section 105(a).

“(8) SUBCOMMITTEE ON QUANTUM INFORMATION SCIENCE.—The term ‘Subcommittee on Quantum Information Science’ means the Subcommittee on Quantum Information Science of the National Science and Technology Council established under section 103(a).”;

15 USC 8812.

(2) in section 102(b)(1)—

(A) in subparagraph (A), by striking “; and” and inserting “on Quantum Information Science;”;

(B) in subparagraph (B), by inserting “and” after the semicolon; and

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

“(C) the Subcommittee on Economic and Security Implications;”;

15 USC 8814.

(3) in section 104(d)(1), by striking “ and the Subcommittee” and inserting “, the Subcommittee on Quantum Information Science, and the Subcommittee on Economic and Security Implications”.

132 Stat. 5092.

(d) CLERICAL AMENDMENT.—The table of contents in section 1(b) of such Act is amended by striking the item relating to section 105 and inserting the following new items:

“105. Subcommittee on the Economic and Security Implications of Quantum Information Science.

“106. Sunset.”.

SEC. 6607. STUDY AND REPORT ON THE REDISTRIBUTION OF COVID-19 VACCINE DOSES THAT WOULD OTHERWISE EXPIRE TO FOREIGN COUNTRIES AND ECONOMIES.

(a) STUDY.—

Consultation.
Analysis.

(1) IN GENERAL.—The Secretary of Health and Human Services, in consultation with the Secretary of State and the Administrator of the United States Agency for International Development, shall conduct a study to identify and analyze the logistical prerequisites for the collection of unused and unexpired doses of the COVID–19 vaccine in the United States and for the distribution of such doses to foreign countries and economies.

(2) MATTERS STUDIED.—The matters studied by the Secretary of Health and Human Services under paragraph (1) shall include—

(A) options for the collection of unused and unexpired doses of the COVID–19 vaccine from entities in the United States;

(B) methods for the collection and shipment of such doses to foreign countries and economies;

(C) methods for ensuring the appropriate storage and handling of such doses during and following the distribution and delivery of the doses to such countries and economies;

(D) the capacity and capability of foreign countries and economies receiving such doses to distribute and administer the doses while assuring their safety and quality;

(E) the minimum supply of doses of the COVID–19 vaccine necessary to be retained within the United States; and

(F) other Federal agencies with which the heads of the relevant agencies should coordinate to accomplish the tasks described in subparagraphs (A) through (E) and the degree of coordination necessary between such agencies.

Consultation.

(b) REPORT REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Health and Human

Services, in consultation with the other heads of the relevant agencies, shall submit to the appropriate congressional committees a report on the results of the study conducted under subsection (a).

(c) DEFINITIONS.—In this section:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term “appropriate congressional committees” means—

(A) the Committee on Health, Education, Labor, and Pensions, and the Committee on Foreign Relations of the Senate; and

(B) the Committee on Energy and Commerce, and the Committee on Foreign Affairs of the House of Representatives.

(2) RELEVANT AGENCIES.—The term “relevant agencies” means—

(A) the Department of Health and Human Services;

(B) the Department of State; and

(C) the United States Agency for International Development.

SEC. 6608. CATAWBA INDIAN NATION LANDS.

South Carolina.

(a) APPLICATION OF CURRENT LAW.—

(1) LANDS IN SOUTH CAROLINA.—Section 14 of the Catawba Indian Tribe of South Carolina Claims Settlement Act of 1993 (Public Law 103–116) shall only apply to gaming conducted by the Catawba Indian Nation on lands located in South Carolina.

(2) LANDS IN STATES OTHER THAN SOUTH CAROLINA.—Gaming conducted by the Catawba Indian Nation on lands located in States other than South Carolina shall be subject to the Indian Gaming Regulatory Act (25 U.S.C. 2701 et seq.) and sections 1166 through 1168 of title 18, United States Code.

(b) REAFFIRMATION OF STATUS AND ACTIONS.—

(1) RATIFICATION OF TRUST STATUS.—The action taken by the Secretary of the Interior on July 10, 2020, to place approximately 17 acres of land located in Cleveland County, North Carolina, into trust for the benefit of the Catawba Indian Nation is hereby ratified and confirmed as if that action had been taken under a Federal law specifically authorizing or directing that action.

(2) ADMINISTRATION.—The land placed into trust for the benefit of the Catawba Indian Nation by the Secretary on July 10, 2020, shall—

(A) be a part of the Catawba Reservation and administered in accordance with the laws and regulations generally applicable to land held in trust by the United States for an Indian Tribe; and

(B) be deemed to have been acquired and taken into trust as part of the restoration of lands for an Indian tribe that is restored to Federal recognition pursuant to section 20(b)(1)(B)(iii) of the Indian Gaming Regulatory Act (25 U.S.C. 2719(b)(1)(B)(iii)).

(3) RULES OF CONSTRUCTION.—Nothing in this section shall—

(A) enlarge, impair, or otherwise affect any right or claim of the Catawba Indian Nation to any land or interest in land in existence before the date of the enactment of this Act;

(B) affect any water right of the Catawba Indian Nation in existence before the date of the enactment of this Act;

(C) terminate or limit any access in any way to any right-of-way or right-of-use issued, granted, or permitted before the date of the enactment of this Act; or

(D) alter or diminish the right of the Catawba Indian Nation to seek to have additional land taken into trust by the United States for the benefit of the Catawba Indian Nation.

SEC. 6609. PROPERTY DISPOSITION FOR AFFORDABLE HOUSING.

Section 5334(h)(1) of title 49, United States Code, is amended to read as follows:

“(1) IN GENERAL.—If a recipient of assistance under this chapter decides an asset acquired under this chapter at least in part with that assistance is no longer needed for the purpose for which such asset was acquired, the Secretary may authorize the recipient to transfer such asset to—

“(A) a local governmental authority to be used for a public purpose with no further obligation to the Government if the Secretary decides—

“(i) the asset will remain in public use for at least 5 years after the date the asset is transferred;

“(ii) there is no purpose eligible for assistance under this chapter for which the asset should be used;

“(iii) the overall benefit of allowing the transfer is greater than the interest of the Government in liquidation and return of the financial interest of the Government in the asset, after considering fair market value and other factors; and

“(iv) through an appropriate screening or survey process, that there is no interest in acquiring the asset for Government use if the asset is a facility or land; or

“(B) a local governmental authority, nonprofit organization, or other third party entity to be used for the purpose of transit-oriented development with no further obligation to the Government if the Secretary decides—

“(i) the asset is a necessary component of a proposed transit-oriented development project;

“(ii) the transit-oriented development project will increase transit ridership;

“(iii) at least 40 percent of the housing units offered in the transit-oriented development, including housing units owned by nongovernmental entities, are legally binding affordability restricted to tenants with incomes at or below 60 percent of the area median income and owners with incomes at or below 60 percent the area median income, which shall include at least 20 percent of such housing units offered restricted to tenants with incomes at or below 30 percent of the area median income and owners with incomes at or below 30 percent the area median income;

“(iv) the asset will remain in use as described in this section for at least 30 years after the date the asset is transferred; and

Time period.

Time period.

“(v) with respect to a transfer to a third party entity—

“(I) a local government authority or nonprofit organization is unable to receive the property;

“(II) the overall benefit of allowing the transfer is greater than the interest of the Government in liquidation and return of the financial interest of the Government in the asset, after considering fair market value and other factors; and

“(III) the third party has demonstrated a satisfactory history of construction or operating an affordable housing development.”.

SEC. 6610. BLOCKING DEADLY FENTANYL IMPORTS.

(a) **SHORT TITLE.**—This section may be cited as the “Blocking Deadly Fentanyl Imports Act”.

(b) **DEFINITIONS.**—Section 481(e) of the Foreign Assistance Act of 1961 (22 U.S.C. 2291(e)) is amended—

(1) in paragraph (2)—

(A) in the matter preceding subparagraph (A), by striking “in which”;

(B) in subparagraph (A), by inserting “in which” before “1,000”;

(C) in subparagraph (B)—

(i) by inserting “in which” before “1,000”; and

(ii) by striking “or” at the end;

(D) in subparagraph (C)—

(i) by inserting “in which” before “5,000”; and

(ii) by inserting “or” after the semicolon; and

(E) by adding at the end the following:

“(D) that is a significant source of illicit synthetic opioids significantly affecting the United States;”; and

(2) in paragraph (4)—

(A) in subparagraph (C), by striking “and” at the end; and

(B) by adding at the end the following:

“(E) assistance that furthers the objectives set forth in paragraphs (1) through (4) of section 664(b) of the Foreign Relations Authorization Act, Fiscal Year 2003 (22 U.S.C. 2151n–2(b));

“(F) assistance to combat trafficking authorized under the Victims of Trafficking and Violence Protection Act of 2000 (22 U.S.C. 7101 et seq.); and

“(G) global health assistance authorized under sections 104 through 104C of the Foreign Assistance Act of 1961 (22 U.S.C. 2151b through 22 U.S.C. 2151b–4).”.

(c) **INTERNATIONAL NARCOTICS CONTROL STRATEGY REPORT.**—Section 489(a) of the Foreign Assistance Act of 1961 (22 U.S.C. 2291h(a)) is amended by adding at the end the following:

“(10) A separate section that contains the following:

“(A) An identification of the countries, to the extent feasible, that are the most significant sources of illicit fentanyl and fentanyl analogues significantly affecting the United States during the preceding calendar year.

“(B) A description of the extent to which each country identified pursuant to subparagraph (A) has cooperated with the United States to prevent the articles or chemicals

Blocking Deadly
Fentanyl Imports
Act.
22 USC 2151
note.

described in subparagraph (A) from being exported from such country to the United States.

“(C) A description of whether each country identified pursuant to subparagraph (A) has adopted and utilizes scheduling or other procedures for illicit drugs that are similar in effect to the procedures authorized under title II of the Controlled Substances Act (21 U.S.C. 811 et seq.) for adding drugs and other substances to the controlled substances schedules;

“(D) A description of whether each country identified pursuant to subparagraph (A) is following steps to prosecute individuals involved in the illicit manufacture or distribution of controlled substance analogues (as defined in section 102(32) of the Controlled Substances Act (21 U.S.C. 802(32))); and

“(E) A description of whether each country identified pursuant to subparagraph (A) requires the registration of tableting machines and encapsulating machines or other measures similar in effect to the registration requirements set forth in part 1310 of title 21, Code of Federal Regulations, and has not made good faith efforts, in the opinion of the Secretary, to improve regulation of tableting machines and encapsulating machines.”.

(d) WITHHOLDING OF ASSISTANCE.—

(1) DESIGNATION OF ILLICIT FENTANYL COUNTRIES WITHOUT SCHEDULING PROCEDURES.—Section 706(2) of the Foreign Relations Authorization Act, Fiscal Year 2003 (22 U.S.C. 2291j–1(2)) is amended—

(A) in the matter preceding subparagraph (A), by striking “also”;

(B) in subparagraph (A)(ii), by striking “and” at the end;

(C) by redesignating subparagraph (B) as subparagraph (D);

(D) by inserting after subparagraph (A) the following:

“(B) designate each country, if any, identified under section 489(a)(10) of the Foreign Assistance Act of 1961 (22 U.S.C. 2291h(a)(10)) that has failed to adopt and utilize scheduling procedures for illicit drugs that are comparable to the procedures authorized under title II of the Controlled Substances Act (21 U.S.C. 811 et seq.) for adding drugs and other substances to the controlled substances schedules;”;

(E) in subparagraph (D), as redesignated, by striking “so designated” and inserting “designated under subparagraph (A), (B), or (C)”.

(2) DESIGNATION OF ILLICIT FENTANYL COUNTRIES WITHOUT ABILITY TO PROSECUTE CRIMINALS FOR THE MANUFACTURE OR DISTRIBUTION OF FENTANYL ANALOGUES.—Section 706(2) of the Foreign Relations Authorization Act, Fiscal Year 2003 (22 U.S.C. 2291j–1(2)), as amended by paragraph (2), is further amended by inserting after subparagraph (B) the following:

“(C) designate each country, if any, identified under section 489(a)(10) of the Foreign Assistance Act of 1961 (22 U.S.C. 2291h(a)(10)) that has not taken significant steps to prosecute individuals involved in the illicit manufacture or distribution of controlled substance analogues

(as defined in section 102(32) of the Controlled Substances Act (21 U.S.C. 802(32));”.

(3) LIMITATION ON ASSISTANCE FOR DESIGNATED COUNTRIES.—Section 706(3) of the Foreign Relations Authorization Act, Fiscal Year 2003 (22 U.S.C. 2291j–1(3)) is amended by striking “also designated under paragraph (2) in the report” and inserting “designated in the report under paragraph (2)(A) or thrice designated during a 5-year period in the report under subparagraph (B) or (C) of paragraph (2)”.

Time period.

(4) EXCEPTIONS TO THE LIMITATION ON ASSISTANCE.—Section 706(5) of the Foreign Relations Authorization Act, Fiscal Year 2003 (22 U.S.C. 2291j–1(5)) is amended—

(A) by redesignating subparagraph (C) as subparagraph (F);

(B) by inserting after subparagraph (B) the following:

“(C) Notwithstanding paragraph (3), assistance to promote democracy (as described in section 481(e)(4)(E) of the Foreign Assistance Act of 1961 (22 U.S.C. 2291(e)(4)(E))) shall be provided to countries identified in a report under paragraph (1) and designated under subparagraph (B) or (C) of paragraph (2), to the extent such countries are otherwise eligible for such assistance, regardless of whether the President reports to the appropriate congressional committees in accordance with such paragraph.

“(D) Notwithstanding paragraph (3), assistance to combat trafficking (as described in section 481(e)(4)(F) of such Act) shall be provided to countries identified in a report under paragraph (1) and designated under subparagraph (B) or (C) of paragraph (2), to the extent such countries are otherwise eligible for such assistance, regardless of whether the President reports to the appropriate congressional committees in accordance with such paragraph.

“(E) Notwithstanding paragraph (3), global health assistance (as described in section 481(e)(4)(G) of such Act) shall be provided to countries identified in a report under paragraph (1) and designated under subparagraph (B) or (C) of paragraph (2), to the extent such countries are otherwise eligible for such assistance, regardless of whether the President reports to the appropriate congressional committees in accordance with such paragraph”; and

(C) in subparagraph (F), as redesignated, by striking “section clause (i) or (ii) of” and inserting “clause (i) or (ii) of section”.

22 USC 2291
note.

(e) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date that is 90 days after the date of the enactment of this Act.

Approved December 27, 2021.

LEGISLATIVE HISTORY—S. 1605 (H.R. 4350):

HOUSE REPORTS: No. 117–118 and Pt. 2 (both from Comm. on Armed Services) accompanying H.R. 4350.

CONGRESSIONAL RECORD, Vol. 167 (2021):

June 9, considered and passed Senate.

Dec. 7, considered and passed House, amended.

Dec. 8, 14, 15, Senate considered and concurred in House amendment.

DAILY COMPILATION OF PRESIDENTIAL DOCUMENTS (2021):

Dec. 27, Presidential statement.

CONCURRENT RESOLUTIONS

FIRST SESSION, ONE HUNDRED SEVENTEENTH CONGRESS

JOINT SESSION—ELECTORAL VOTE COUNT

Jan. 3, 2021
[S. Con. Res. 1]

Resolved by the Senate (the House of Representatives concurring), That the two Houses of Congress shall meet in the Hall of the House of Representatives on Wednesday, the 6th day of January 2021, at 1 O'clock post meridian, pursuant to the requirements of the Constitution and laws relating to the election of President and Vice President of the United States, and the President of the Senate shall be their Presiding Officer; that two tellers shall be previously appointed by the President of the Senate on the part of the Senate and two by the Speaker on the part of the House of Representatives, to whom shall be handed, as they are opened by the President of the Senate, all the certificates and papers purporting to be certificates of the electoral votes, which certificates and papers shall be opened, presented, and acted upon in the alphabetical order of the States, beginning with the letter "A"; and said tellers, having then read the same in the presence and hearing of the two Houses, shall make a list of the votes as they shall appear from said certificates; and the votes having been ascertained and counted in the manner and according to the rules by law provided, the result of the same shall be delivered to the President of the Senate, who shall thereupon announce the state of the vote, which announcement shall be deemed a sufficient declaration of the persons, if any, elected President and Vice President of the United States, and together with a list of the votes, be entered on the Journals of the two Houses.

Agreed to January 3, 2021.

JOINT CONGRESSIONAL COMMITTEE ON
INAUGURAL CEREMONIES—REAUTHORIZATION
AND CAPITOL AUTHORIZATIONS

Jan. 3, 2021
[S. Con. Res. 2]

Resolved by the Senate (the House of Representatives concurring),

SECTION 1. REAUTHORIZATION OF JOINT COMMITTEE.

Effective from January 3, 2021, the joint committee created by Senate Concurrent Resolution 38 (116th Congress), agreed to June 26, 2020, to make the necessary arrangements for the inauguration of the President-elect and the Vice President-elect of the United States, is continued with the same power and authority provided for in that resolution.

SEC. 2. USE OF CAPITOL.

The rotunda and Emancipation Hall of the United States Capitol are authorized to be used on January 10, 2021, January 17, 2021, and January 20, 2021 by the joint committee created by Senate Concurrent Resolution 38 (116th Congress), agreed to June 26, 2020, in connection with the proceedings and ceremonies conducted for the inauguration of the President-elect and the Vice President-elect of the United States.

Agreed to January 3, 2021.

Feb. 1, 2021
[H. Con. Res. 10]

BRIAN D. SICKNICK—LYING IN HONOR—CAPITOL ROTUNDA AUTHORIZATION

Resolved by the House of Representatives (the Senate concurring), That the remains of the late United States Capitol Police Officer Brian D. Sicknick shall be permitted to lie in honor in the rotunda of the Capitol from February 2, 2021, through February 3, 2021, and the Architect of the Capitol, under the direction of the Speaker of the House of Representatives and the President pro tempore of the Senate, shall take all necessary steps for the accomplishment of that purpose.

Agreed to February 1, 2021.

Feb. 5, 2021
[S. Con. Res. 5]

FEDERAL BUDGET—FISCAL YEAR 2021

Resolved by the Senate (the House of Representatives concurring),

SECTION 1. CONCURRENT RESOLUTION ON THE BUDGET FOR FISCAL YEAR 2021.

(a) DECLARATION.—Congress declares that this resolution is the concurrent resolution on the budget for fiscal year 2021 and that this resolution sets forth the appropriate budgetary levels for fiscal years 2022 through 2030.

(b) TABLE OF CONTENTS.—The table of contents for this concurrent resolution is as follows:

Sec. 1. Concurrent resolution on the budget for fiscal year 2021.

TITLE I—RECOMMENDED LEVELS AND AMOUNTS

Subtitle A—Budgetary Levels in Both Houses

Sec. 1101. Recommended levels and amounts.

Sec. 1102. Major functional categories.

Subtitle B—Levels and Amounts in the Senate

Sec. 1201. Social security in the Senate.

Sec. 1202. Postal Service discretionary administrative expenses in the Senate.

TITLE II—RECONCILIATION

Sec. 2001. Reconciliation in the House of Representatives.

Sec. 2002. Reconciliation in the Senate.

TITLE III—RESERVE FUNDS

Sec. 3001. Reserve fund for reconciliation legislation.

Sec. 3002. Reserve fund for deficit-neutral legislation.

Sec. 3003. Deficit-neutral reserve fund relating to establishing a fund to provide grants to food service and drinking establishments affected by the COVID-19 pandemic.

Sec. 3004. Deficit-neutral reserve fund relating to preventing tax increases on small businesses during a pandemic.

Sec. 3005. Deficit-neutral reserve fund relating to the authority of States and other taxing jurisdictions to tax certain income of employees working in other States or taxing jurisdictions.

Sec. 3006. Deficit-neutral reserve fund relating to targeting economic impact payments to Americans who are suffering from the effects of COVID-19.

Sec. 3007. Deficit-neutral reserve fund relating to COVID-19 vaccine administration and a public awareness campaign.

Sec. 3008. Deficit-neutral reserve fund relating to supporting elementary and secondary schools in States with lost revenue due to the Federal moratorium on oil and natural gas leasing on public lands and offshore waters.

- Sec. 3009. Deficit-neutral reserve fund relating to strengthening the Provider Relief Fund.
- Sec. 3010. Deficit-neutral reserve fund relating to improving services and interventions relating to sexual assault, family violence, domestic violence, dating violence, and child abuse.
- Sec. 3011. Deficit-neutral reserve fund relating to supporting hospitality, conventions, trade shows, entertainment, tourism, and travel and their workers.
- Sec. 3012. Deficit-neutral reserve fund relating to maintaining the United States Embassy in Jerusalem, Israel.
- Sec. 3013. Deficit-neutral reserve fund relating to increasing the Federal minimum wage during a global pandemic.
- Sec. 3014. Deficit-neutral reserve fund relating to funding the police.
- Sec. 3015. Deficit-neutral reserve fund relating to providing information online regarding the expenditure of COVID–19 relief funds.
- Sec. 3016. Deficit-neutral reserve fund relating to improving the solvency of Federal trust funds.
- Sec. 3017. Deficit-neutral reserve fund relating to Federal environmental and water policies.
- Sec. 3018. Deficit-neutral reserve fund relating to Federal relief funds for State or local governments.
- Sec. 3019. Deficit-neutral reserve fund relating to prohibiting actions by the executive branch that would make the United States more reliant on countries with weaker environmental or labor standards for oil, gas, or hardrock mineral production.
- Sec. 3020. Deficit-neutral reserve fund relating to expanding health savings accounts.

TITLE IV—OTHER MATTERS

- Sec. 4001. Enforcement filing.
- Sec. 4002. Budgetary treatment of administrative expenses.
- Sec. 4003. Application and effect of changes in allocations, aggregates, and other budgetary levels.
- Sec. 4004. Adjustments to reflect changes in concepts and definitions.
- Sec. 4005. Adjustment for changes in the baseline.
- Sec. 4006. Limitation on advance appropriations.
- Sec. 4007. Repeal of supermajority enforcement requirement.
- Sec. 4008. Exercise of rulemaking powers.

TITLE I—RECOMMENDED LEVELS AND AMOUNTS

Subtitle A—Budgetary Levels in Both Houses

SEC. 1101. RECOMMENDED LEVELS AND AMOUNTS.

The following budgetary levels are appropriate for each of fiscal years 2021 through 2030:

(1) FEDERAL REVENUES.—For purposes of the enforcement of this resolution:

(A) The recommended levels of Federal revenues are as follows:

Fiscal year 2021: \$2,303,274,000,000.
Fiscal year 2022: \$2,768,717,000,000.
Fiscal year 2023: \$2,971,083,000,000.
Fiscal year 2024: \$3,092,643,000,000.
Fiscal year 2025: \$3,236,199,000,000.
Fiscal year 2026: \$3,514,253,000,000.
Fiscal year 2027: \$3,762,577,000,000.
Fiscal year 2028: \$3,883,209,000,000.
Fiscal year 2029: \$4,007,991,000,000.
Fiscal year 2030: \$4,121,665,000,000.

(B) The amounts by which the aggregate levels of Federal revenues should be changed are as follows:

Fiscal year 2021: −\$15,670,000,000.
Fiscal year 2022: −\$17,390,000,000.
Fiscal year 2023: \$102,000,000.
Fiscal year 2024: \$226,000,000.
Fiscal year 2025: \$216,000,000.
Fiscal year 2026: \$181,000,000.
Fiscal year 2027: \$98,000,000.
Fiscal year 2028: −\$106,000,000.
Fiscal year 2029: −\$121,000,000.
Fiscal year 2030: −\$128,000,000.

(2) NEW BUDGET AUTHORITY.—For purposes of the enforcement of this resolution, the appropriate levels of total new budget authority are as follows:

Fiscal year 2021: \$6,020,543,000,000.
Fiscal year 2022: \$4,091,342,000,000.
Fiscal year 2023: \$4,011,132,000,000.
Fiscal year 2024: \$4,072,784,000,000.
Fiscal year 2025: \$4,267,538,000,000.
Fiscal year 2026: \$4,449,047,000,000.
Fiscal year 2027: \$4,642,875,000,000.
Fiscal year 2028: \$4,960,846,000,000.
Fiscal year 2029: \$5,082,932,000,000.
Fiscal year 2030: \$5,471,756,000,000.

(3) BUDGET OUTLAYS.—For purposes of the enforcement of this resolution, the appropriate levels of total budget outlays are as follows:

Fiscal year 2021: \$6,140,857,000,000.
Fiscal year 2022: \$4,298,244,000,000.
Fiscal year 2023: \$4,070,343,000,000.
Fiscal year 2024: \$4,070,242,000,000.
Fiscal year 2025: \$4,250,436,000,000.
Fiscal year 2026: \$4,425,376,000,000.
Fiscal year 2027: \$4,606,887,000,000.
Fiscal year 2028: \$4,950,170,000,000.
Fiscal year 2029: \$5,019,083,000,000.
Fiscal year 2030: \$5,419,949,000,000.

(4) DEFICITS.—For purposes of the enforcement of this resolution, the amounts of the deficits are as follows:

Fiscal year 2021: \$3,837,583,000,000.
Fiscal year 2022: \$1,529,527,000,000.
Fiscal year 2023: \$1,099,260,000,000.
Fiscal year 2024: \$977,599,000,000.
Fiscal year 2025: \$1,014,237,000,000.
Fiscal year 2026: \$911,123,000,000.
Fiscal year 2027: \$844,310,000,000.
Fiscal year 2028: \$1,066,961,000,000.
Fiscal year 2029: \$1,011,092,000,000.
Fiscal year 2030: \$1,298,284,000,000.

(5) PUBLIC DEBT.—Pursuant to section 301(a)(5) of the Congressional Budget Act of 1974 (2 U.S.C. 632(a)(5)), the appropriate levels of the public debt are as follows:

Fiscal year 2021: \$29,943,000,000,000.
Fiscal year 2022: \$31,647,000,000,000.
Fiscal year 2023: \$32,911,000,000,000.
Fiscal year 2024: \$34,102,000,000,000.

Fiscal year 2025: \$35,262,000,000,000.
Fiscal year 2026: \$36,311,000,000,000.
Fiscal year 2027: \$37,261,000,000,000.
Fiscal year 2028: \$38,443,000,000,000.
Fiscal year 2029: \$39,652,000,000,000.
Fiscal year 2030: \$41,068,000,000,000.

(6) DEBT HELD BY THE PUBLIC.—The appropriate levels of debt held by the public are as follows:

Fiscal year 2021: \$24,081,000,000,000.
Fiscal year 2022: \$25,818,000,000,000.
Fiscal year 2023: \$27,153,000,000,000.
Fiscal year 2024: \$28,380,000,000,000.
Fiscal year 2025: \$29,610,000,000,000.
Fiscal year 2026: \$30,730,000,000,000.
Fiscal year 2027: \$31,882,000,000,000.
Fiscal year 2028: \$33,333,000,000,000.
Fiscal year 2029: \$34,768,000,000,000.
Fiscal year 2030: \$36,518,000,000,000.

SEC. 1102. MAJOR FUNCTIONAL CATEGORIES.

Congress determines and declares that the appropriate levels of new budget authority and outlays for fiscal years 2021 through 2030 for each major functional category are:

(1) National Defense (050):

Fiscal year 2021:

(A) New budget authority, \$762,552,000,000.

(B) Outlays, \$748,719,000,000.

Fiscal year 2022:

(A) New budget authority, \$776,986,000,000.

(B) Outlays, \$766,960,000,000.

Fiscal year 2023:

(A) New budget authority, \$792,882,000,000.

(B) Outlays, \$773,777,000,000.

Fiscal year 2024:

(A) New budget authority, \$810,362,000,000.

(B) Outlays, \$782,210,000,000.

Fiscal year 2025:

(A) New budget authority, \$828,950,000,000.

(B) Outlays, \$804,311,000,000.

Fiscal year 2026:

(A) New budget authority, \$847,993,000,000.

(B) Outlays, \$821,641,000,000.

Fiscal year 2027:

(A) New budget authority, \$868,011,000,000.

(B) Outlays, \$840,472,000,000.

Fiscal year 2028:

(A) New budget authority, \$888,637,000,000.

(B) Outlays, \$865,412,000,000.

Fiscal year 2029:

(A) New budget authority, \$909,676,000,000.

(B) Outlays, \$874,729,000,000.

Fiscal year 2030:

(A) New budget authority, \$931,654,000,000.

(B) Outlays, \$901,459,000,000.

(2) International Affairs (150):

Fiscal year 2021:

(A) New budget authority, \$85,042,000,000.

- (B) Outlays, \$47,310,000,000.
- Fiscal year 2022:
 - (A) New budget authority, \$64,249,000,000.
 - (B) Outlays, \$58,941,000,000.
- Fiscal year 2023:
 - (A) New budget authority, \$60,410,000,000.
 - (B) Outlays, \$60,004,000,000.
- Fiscal year 2024:
 - (A) New budget authority, \$61,722,000,000.
 - (B) Outlays, \$59,578,000,000.
- Fiscal year 2025:
 - (A) New budget authority, \$63,114,000,000.
 - (B) Outlays, \$60,371,000,000.
- Fiscal year 2026:
 - (A) New budget authority, \$64,518,000,000.
 - (B) Outlays, \$61,851,000,000.
- Fiscal year 2027:
 - (A) New budget authority, \$66,053,000,000.
 - (B) Outlays, \$63,271,000,000.
- Fiscal year 2028:
 - (A) New budget authority, \$67,608,000,000.
 - (B) Outlays, \$64,814,000,000.
- Fiscal year 2029:
 - (A) New budget authority, \$69,140,000,000.
 - (B) Outlays, \$66,100,000,000.
- Fiscal year 2030:
 - (A) New budget authority, \$70,703,000,000.
 - (B) Outlays, \$67,498,000,000.
- (3) General Science, Space, and Technology (250):
 - Fiscal year 2021:
 - (A) New budget authority, \$38,543,000,000.
 - (B) Outlays, \$35,563,000,000.
 - Fiscal year 2022:
 - (A) New budget authority, \$38,029,000,000.
 - (B) Outlays, \$37,267,000,000.
 - Fiscal year 2023:
 - (A) New budget authority, \$38,791,000,000.
 - (B) Outlays, \$38,167,000,000.
 - Fiscal year 2024:
 - (A) New budget authority, \$39,609,000,000.
 - (B) Outlays, \$38,841,000,000.
 - Fiscal year 2025:
 - (A) New budget authority, \$40,471,000,000.
 - (B) Outlays, \$39,604,000,000.
 - Fiscal year 2026:
 - (A) New budget authority, \$41,342,000,000.
 - (B) Outlays, \$40,432,000,000.
 - Fiscal year 2027:
 - (A) New budget authority, \$42,249,000,000.
 - (B) Outlays, \$41,291,000,000.
 - Fiscal year 2028:
 - (A) New budget authority, \$43,169,000,000.
 - (B) Outlays, \$42,181,000,000.
 - Fiscal year 2029:
 - (A) New budget authority, \$44,096,000,000.
 - (B) Outlays, \$43,095,000,000.
 - Fiscal year 2030:

- (A) New budget authority, \$45,065,000,000.
- (B) Outlays, \$44,035,000,000.
- (4) Energy (270):
 - Fiscal year 2021:
 - (A) New budget authority, \$4,057,000,000.
 - (B) Outlays, \$5,280,000,000.
 - Fiscal year 2022:
 - (A) New budget authority, \$6,050,000,000.
 - (B) Outlays, \$5,076,000,000.
 - Fiscal year 2023:
 - (A) New budget authority, \$5,730,000,000.
 - (B) Outlays, \$4,542,000,000.
 - Fiscal year 2024:
 - (A) New budget authority, \$5,834,000,000.
 - (B) Outlays, \$4,760,000,000.
 - Fiscal year 2025:
 - (A) New budget authority, \$5,948,000,000.
 - (B) Outlays, \$4,857,000,000.
 - Fiscal year 2026:
 - (A) New budget authority, \$5,819,000,000.
 - (B) Outlays, \$4,810,000,000.
 - Fiscal year 2027:
 - (A) New budget authority, \$5,928,000,000.
 - (B) Outlays, \$4,886,000,000.
 - Fiscal year 2028:
 - (A) New budget authority, \$7,846,000,000.
 - (B) Outlays, \$6,806,000,000.
 - Fiscal year 2029:
 - (A) New budget authority, \$8,318,000,000.
 - (B) Outlays, \$7,337,000,000.
 - Fiscal year 2030:
 - (A) New budget authority, \$8,502,000,000.
 - (B) Outlays, \$7,601,000,000.
- (5) Natural Resources and Environment (300):
 - Fiscal year 2021:
 - (A) New budget authority, \$50,042,000,000.
 - (B) Outlays, \$47,053,000,000.
 - Fiscal year 2022:
 - (A) New budget authority, \$51,243,000,000.
 - (B) Outlays, \$49,042,000,000.
 - Fiscal year 2023:
 - (A) New budget authority, \$53,061,000,000.
 - (B) Outlays, \$50,890,000,000.
 - Fiscal year 2024:
 - (A) New budget authority, \$54,116,000,000.
 - (B) Outlays, \$52,475,000,000.
 - Fiscal year 2025:
 - (A) New budget authority, \$55,219,000,000.
 - (B) Outlays, \$54,269,000,000.
 - Fiscal year 2026:
 - (A) New budget authority, \$54,734,000,000.
 - (B) Outlays, \$55,807,000,000.
 - Fiscal year 2027:
 - (A) New budget authority, \$55,899,000,000.
 - (B) Outlays, \$57,090,000,000.
 - Fiscal year 2028:
 - (A) New budget authority, \$57,141,000,000.

- (B) Outlays, \$58,098,000,000.
- Fiscal year 2029:
 - (A) New budget authority, \$58,378,000,000.
 - (B) Outlays, \$59,056,000,000.
- Fiscal year 2030:
 - (A) New budget authority, \$59,616,000,000.
 - (B) Outlays, \$59,946,000,000.
- (6) Agriculture (350):
 - Fiscal year 2021:
 - (A) New budget authority, \$49,067,000,000.
 - (B) Outlays, \$50,970,000,000.
 - Fiscal year 2022:
 - (A) New budget authority, \$28,047,000,000.
 - (B) Outlays, \$28,576,000,000.
 - Fiscal year 2023:
 - (A) New budget authority, \$28,130,000,000.
 - (B) Outlays, \$27,794,000,000.
 - Fiscal year 2024:
 - (A) New budget authority, \$27,909,000,000.
 - (B) Outlays, \$27,424,000,000.
 - Fiscal year 2025:
 - (A) New budget authority, \$27,496,000,000.
 - (B) Outlays, \$26,898,000,000.
 - Fiscal year 2026:
 - (A) New budget authority, \$27,675,000,000.
 - (B) Outlays, \$27,055,000,000.
 - Fiscal year 2027:
 - (A) New budget authority, \$27,535,000,000.
 - (B) Outlays, \$26,873,000,000.
 - Fiscal year 2028:
 - (A) New budget authority, \$27,715,000,000.
 - (B) Outlays, \$27,072,000,000.
 - Fiscal year 2029:
 - (A) New budget authority, \$27,752,000,000.
 - (B) Outlays, \$27,083,000,000.
 - Fiscal year 2030:
 - (A) New budget authority, \$28,058,000,000.
 - (B) Outlays, \$27,392,000,000.
- (7) Commerce and Housing Credit (370):
 - Fiscal year 2021:
 - (A) New budget authority, –\$242,699,000,000.
 - (B) Outlays, \$327,529,000,000.
 - Fiscal year 2022:
 - (A) New budget authority, \$19,497,000,000.
 - (B) Outlays, \$36,392,000,000.
 - Fiscal year 2023:
 - (A) New budget authority, \$20,198,000,000.
 - (B) Outlays, \$18,376,000,000.
 - Fiscal year 2024:
 - (A) New budget authority, \$21,159,000,000.
 - (B) Outlays, \$18,015,000,000.
 - Fiscal year 2025:
 - (A) New budget authority, \$20,943,000,000.
 - (B) Outlays, \$16,507,000,000.
 - Fiscal year 2026:
 - (A) New budget authority, \$21,827,000,000.
 - (B) Outlays, \$15,783,000,000.

Fiscal year 2027:

(A) New budget authority, \$22,117,000,000.

(B) Outlays, \$15,520,000,000.

Fiscal year 2028:

(A) New budget authority, \$21,953,000,000.

(B) Outlays, \$16,174,000,000.

Fiscal year 2029:

(A) New budget authority, \$22,222,000,000.

(B) Outlays, \$15,056,000,000.

Fiscal year 2030:

(A) New budget authority, \$21,683,000,000.

(B) Outlays, \$13,389,000,000.

(8) Transportation (400):

Fiscal year 2021:

(A) New budget authority, \$206,391,000,000.

(B) Outlays, \$185,619,000,000.

Fiscal year 2022:

(A) New budget authority, \$104,160,000,000.

(B) Outlays, \$119,664,000,000.

Fiscal year 2023:

(A) New budget authority, \$104,738,000,000.

(B) Outlays, \$112,309,000,000.

Fiscal year 2024:

(A) New budget authority, \$105,569,000,000.

(B) Outlays, \$105,989,000,000.

Fiscal year 2025:

(A) New budget authority, \$106,120,000,000.

(B) Outlays, \$108,527,000,000.

Fiscal year 2026:

(A) New budget authority, \$107,067,000,000.

(B) Outlays, \$111,187,000,000.

Fiscal year 2027:

(A) New budget authority, \$108,278,000,000.

(B) Outlays, \$113,982,000,000.

Fiscal year 2028:

(A) New budget authority, \$109,339,000,000.

(B) Outlays, \$116,164,000,000.

Fiscal year 2029:

(A) New budget authority, \$110,222,000,000.

(B) Outlays, \$118,680,000,000.

Fiscal year 2030:

(A) New budget authority, \$111,372,000,000.

(B) Outlays, \$121,056,000,000.

(9) Community and Regional Development (450):

Fiscal year 2021:

(A) New budget authority, \$127,525,000,000.

(B) Outlays, \$98,043,000,000.

Fiscal year 2022:

(A) New budget authority, \$32,000,000,000.

(B) Outlays, \$51,963,000,000.

Fiscal year 2023:

(A) New budget authority, \$32,624,000,000.

(B) Outlays, \$48,433,000,000.

Fiscal year 2024:

(A) New budget authority, \$33,318,000,000.

(B) Outlays, \$45,776,000,000.

Fiscal year 2025:

- (A) New budget authority, \$34,031,000,000.
- (B) Outlays, \$43,758,000,000.
- Fiscal year 2026:
 - (A) New budget authority, \$34,763,000,000.
 - (B) Outlays, \$42,053,000,000.
- Fiscal year 2027:
 - (A) New budget authority, \$35,520,000,000.
 - (B) Outlays, \$42,217,000,000.
- Fiscal year 2028:
 - (A) New budget authority, \$36,283,000,000.
 - (B) Outlays, \$42,162,000,000.
- Fiscal year 2029:
 - (A) New budget authority, \$37,048,000,000.
 - (B) Outlays, \$42,100,000,000.
- Fiscal year 2030:
 - (A) New budget authority, \$37,843,000,000.
 - (B) Outlays, \$42,189,000,000.
- (10) Education, Training, Employment, and Social Services (500):
 - Fiscal year 2021:
 - (A) New budget authority, \$372,350,000,000.
 - (B) Outlays, \$160,006,000,000.
 - Fiscal year 2022:
 - (A) New budget authority, \$115,812,000,000.
 - (B) Outlays, \$178,392,000,000.
 - Fiscal year 2023:
 - (A) New budget authority, \$116,259,000,000.
 - (B) Outlays, \$154,773,000,000.
 - Fiscal year 2024:
 - (A) New budget authority, \$118,661,000,000.
 - (B) Outlays, \$150,171,000,000.
 - Fiscal year 2025:
 - (A) New budget authority, \$121,803,000,000.
 - (B) Outlays, \$144,105,000,000.
 - Fiscal year 2026:
 - (A) New budget authority, \$125,194,000,000.
 - (B) Outlays, \$134,645,000,000.
 - Fiscal year 2027:
 - (A) New budget authority, \$128,638,000,000.
 - (B) Outlays, \$130,729,000,000.
 - Fiscal year 2028:
 - (A) New budget authority, \$132,003,000,000.
 - (B) Outlays, \$131,492,000,000.
 - Fiscal year 2029:
 - (A) New budget authority, \$134,674,000,000.
 - (B) Outlays, \$132,652,000,000.
 - Fiscal year 2030:
 - (A) New budget authority, \$137,812,000,000.
 - (B) Outlays, \$135,558,000,000.
- (11) Health (550):
 - Fiscal year 2021:
 - (A) New budget authority, \$943,093,000,000.
 - (B) Outlays, \$882,818,000,000.
 - Fiscal year 2022:
 - (A) New budget authority, \$748,503,000,000.
 - (B) Outlays, \$797,760,000,000.
 - Fiscal year 2023:

- (A) New budget authority, \$713,126,000,000.
- (B) Outlays, \$722,016,000,000.
- Fiscal year 2024:
 - (A) New budget authority, \$720,847,000,000.
 - (B) Outlays, \$730,335,000,000.
- Fiscal year 2025:
 - (A) New budget authority, \$754,383,000,000.
 - (B) Outlays, \$753,709,000,000.
- Fiscal year 2026:
 - (A) New budget authority, \$790,057,000,000.
 - (B) Outlays, \$785,131,000,000.
- Fiscal year 2027:
 - (A) New budget authority, \$825,982,000,000.
 - (B) Outlays, \$820,641,000,000.
- Fiscal year 2028:
 - (A) New budget authority, \$858,454,000,000.
 - (B) Outlays, \$858,986,000,000.
- Fiscal year 2029:
 - (A) New budget authority, \$900,409,000,000.
 - (B) Outlays, \$901,525,000,000.
- Fiscal year 2030:
 - (A) New budget authority, \$955,814,000,000.
 - (B) Outlays, \$946,672,000,000.
- (12) Medicare (570):
 - Fiscal year 2021:
 - (A) New budget authority, \$766,853,000,000.
 - (B) Outlays, \$766,005,000,000.
 - Fiscal year 2022:
 - (A) New budget authority, \$745,579,000,000.
 - (B) Outlays, \$745,556,000,000.
 - Fiscal year 2023:
 - (A) New budget authority, \$838,359,000,000.
 - (B) Outlays, \$838,200,000,000.
 - Fiscal year 2024:
 - (A) New budget authority, \$851,671,000,000.
 - (B) Outlays, \$851,452,000,000.
 - Fiscal year 2025:
 - (A) New budget authority, \$958,756,000,000.
 - (B) Outlays, \$958,451,000,000.
 - Fiscal year 2026:
 - (A) New budget authority, \$1,026,856,000,000.
 - (B) Outlays, \$1,026,484,000,000.
 - Fiscal year 2027:
 - (A) New budget authority, \$1,098,460,000,000.
 - (B) Outlays, \$1,098,027,000,000.
 - Fiscal year 2028:
 - (A) New budget authority, \$1,244,688,000,000.
 - (B) Outlays, \$1,244,201,000,000.
 - Fiscal year 2029:
 - (A) New budget authority, \$1,184,583,000,000.
 - (B) Outlays, \$1,184,048,000,000.
 - Fiscal year 2030:
 - (A) New budget authority, \$1,331,736,000,000.
 - (B) Outlays, \$1,331,161,000,000.
- (13) Income Security (600):
 - Fiscal year 2021:
 - (A) New budget authority, \$1,845,601,000,000.

- (B) Outlays, \$1,779,410,000,000.
- Fiscal year 2022:
 - (A) New budget authority, \$770,908,000,000.
 - (B) Outlays, \$805,014,000,000.
- Fiscal year 2023:
 - (A) New budget authority, \$619,246,000,000.
 - (B) Outlays, \$628,956,000,000.
- Fiscal year 2024:
 - (A) New budget authority, \$620,759,000,000.
 - (B) Outlays, \$612,726,000,000.
- Fiscal year 2025:
 - (A) New budget authority, \$632,210,000,000.
 - (B) Outlays, \$624,207,000,000.
- Fiscal year 2026:
 - (A) New budget authority, \$640,597,000,000.
 - (B) Outlays, \$638,103,000,000.
- Fiscal year 2027:
 - (A) New budget authority, \$633,758,000,000.
 - (B) Outlays, \$627,362,000,000.
- Fiscal year 2028:
 - (A) New budget authority, \$645,839,000,000.
 - (B) Outlays, \$643,707,000,000.
- Fiscal year 2029:
 - (A) New budget authority, \$641,962,000,000.
 - (B) Outlays, \$627,556,000,000.
- Fiscal year 2030:
 - (A) New budget authority, \$657,398,000,000.
 - (B) Outlays, \$648,615,000,000.
- (14) Social Security (650):
 - Fiscal year 2021:
 - (A) New budget authority, \$40,594,000,000.
 - (B) Outlays, \$40,598,000,000.
 - Fiscal year 2022:
 - (A) New budget authority, \$42,633,000,000.
 - (B) Outlays, \$42,633,000,000.
 - Fiscal year 2023:
 - (A) New budget authority, \$45,486,000,000.
 - (B) Outlays, \$45,486,000,000.
 - Fiscal year 2024:
 - (A) New budget authority, \$48,621,000,000.
 - (B) Outlays, \$48,621,000,000.
 - Fiscal year 2025:
 - (A) New budget authority, \$52,151,000,000.
 - (B) Outlays, \$52,151,000,000.
 - Fiscal year 2026:
 - (A) New budget authority, \$62,223,000,000.
 - (B) Outlays, \$62,223,000,000.
 - Fiscal year 2027:
 - (A) New budget authority, \$68,685,000,000.
 - (B) Outlays, \$68,685,000,000.
 - Fiscal year 2028:
 - (A) New budget authority, \$73,712,000,000.
 - (B) Outlays, \$73,712,000,000.
 - Fiscal year 2029:
 - (A) New budget authority, \$78,912,000,000.
 - (B) Outlays, \$78,912,000,000.
 - Fiscal year 2030:

- (A) New budget authority, \$83,948,000,000.
- (B) Outlays, \$83,948,000,000.
- (15) Veterans Benefits and Services (700):
 - Fiscal year 2021:
 - (A) New budget authority, \$258,560,000,000.
 - (B) Outlays, \$250,738,000,000.
 - Fiscal year 2022:
 - (A) New budget authority, \$243,210,000,000.
 - (B) Outlays, \$267,893,000,000.
 - Fiscal year 2023:
 - (A) New budget authority, \$249,723,000,000.
 - (B) Outlays, \$251,696,000,000.
 - Fiscal year 2024:
 - (A) New budget authority, \$256,945,000,000.
 - (B) Outlays, \$244,770,000,000.
 - Fiscal year 2025:
 - (A) New budget authority, \$264,708,000,000.
 - (B) Outlays, \$263,284,000,000.
 - Fiscal year 2026:
 - (A) New budget authority, \$272,216,000,000.
 - (B) Outlays, \$270,636,000,000.
 - Fiscal year 2027:
 - (A) New budget authority, \$280,109,000,000.
 - (B) Outlays, \$278,409,000,000.
 - Fiscal year 2028:
 - (A) New budget authority, \$288,040,000,000.
 - (B) Outlays, \$299,629,000,000.
 - Fiscal year 2029:
 - (A) New budget authority, \$296,740,000,000.
 - (B) Outlays, \$281,467,000,000.
 - Fiscal year 2030:
 - (A) New budget authority, \$305,496,000,000.
 - (B) Outlays, \$303,520,000,000.
- (16) Administration of Justice (750):
 - Fiscal year 2021:
 - (A) New budget authority, \$72,961,000,000.
 - (B) Outlays, \$74,900,000,000.
 - Fiscal year 2022:
 - (A) New budget authority, \$76,879,000,000.
 - (B) Outlays, \$73,320,000,000.
 - Fiscal year 2023:
 - (A) New budget authority, \$74,336,000,000.
 - (B) Outlays, \$73,557,000,000.
 - Fiscal year 2024:
 - (A) New budget authority, \$75,600,000,000.
 - (B) Outlays, \$75,011,000,000.
 - Fiscal year 2025:
 - (A) New budget authority, \$76,413,000,000.
 - (B) Outlays, \$76,155,000,000.
 - Fiscal year 2026:
 - (A) New budget authority, \$78,161,000,000.
 - (B) Outlays, \$77,827,000,000.
 - Fiscal year 2027:
 - (A) New budget authority, \$80,010,000,000.
 - (B) Outlays, \$79,533,000,000.
 - Fiscal year 2028:
 - (A) New budget authority, \$81,961,000,000.

- (B) Outlays, \$80,963,000,000.
- Fiscal year 2029:
 - (A) New budget authority, \$83,994,000,000.
 - (B) Outlays, \$82,930,000,000.
- Fiscal year 2030:
 - (A) New budget authority, \$92,786,000,000.
 - (B) Outlays, \$91,769,000,000.
- (17) General Government (800):
 - Fiscal year 2021:
 - (A) New budget authority, \$375,971,000,000.
 - (B) Outlays, \$376,468,000,000.
 - Fiscal year 2022:
 - (A) New budget authority, \$24,837,000,000.
 - (B) Outlays, \$24,899,000,000.
 - Fiscal year 2023:
 - (A) New budget authority, \$24,888,000,000.
 - (B) Outlays, \$24,787,000,000.
 - Fiscal year 2024:
 - (A) New budget authority, \$25,205,000,000.
 - (B) Outlays, \$24,961,000,000.
 - Fiscal year 2025:
 - (A) New budget authority, \$25,885,000,000.
 - (B) Outlays, \$25,481,000,000.
 - Fiscal year 2026:
 - (A) New budget authority, \$26,483,000,000.
 - (B) Outlays, \$26,036,000,000.
 - Fiscal year 2027:
 - (A) New budget authority, \$27,170,000,000.
 - (B) Outlays, \$26,711,000,000.
 - Fiscal year 2028:
 - (A) New budget authority, \$27,869,000,000.
 - (B) Outlays, \$27,402,000,000.
 - Fiscal year 2029:
 - (A) New budget authority, \$28,621,000,000.
 - (B) Outlays, \$28,137,000,000.
 - Fiscal year 2030:
 - (A) New budget authority, \$29,416,000,000.
 - (B) Outlays, \$28,918,000,000.
- (18) Net Interest (900):
 - Fiscal year 2021:
 - (A) New budget authority, \$365,131,000,000.
 - (B) Outlays, \$365,131,000,000.
 - Fiscal year 2022:
 - (A) New budget authority, \$345,959,000,000.
 - (B) Outlays, \$345,959,000,000.
 - Fiscal year 2023:
 - (A) New budget authority, \$336,379,000,000.
 - (B) Outlays, \$336,379,000,000.
 - Fiscal year 2024:
 - (A) New budget authority, \$332,881,000,000.
 - (B) Outlays, \$332,881,000,000.
 - Fiscal year 2025:
 - (A) New budget authority, \$341,018,000,000.
 - (B) Outlays, \$341,018,000,000.
 - Fiscal year 2026:
 - (A) New budget authority, \$367,269,000,000.
 - (B) Outlays, \$367,269,000,000.

Fiscal year 2027:

(A) New budget authority, \$418,442,000,000.

(B) Outlays, \$418,442,000,000.

Fiscal year 2028:

(A) New budget authority, \$502,412,000,000.

(B) Outlays, \$502,412,000,000.

Fiscal year 2029:

(A) New budget authority, \$605,086,000,000.

(B) Outlays, \$605,086,000,000.

Fiscal year 2030:

(A) New budget authority, \$727,019,000,000.

(B) Outlays, \$727,019,000,000.

(19) Allowances (920):

Fiscal year 2021:

(A) New budget authority, –\$25,000,000.

(B) Outlays, \$0.

Fiscal year 2022:

(A) New budget authority, –\$33,933,000,000.

(B) Outlays, –\$27,630,000,000.

Fiscal year 2023:

(A) New budget authority, –\$34,686,000,000.

(B) Outlays, –\$31,376,000,000.

Fiscal year 2024:

(A) New budget authority, –\$35,495,000,000.

(B) Outlays, –\$33,380,000,000.

Fiscal year 2025:

(A) New budget authority, –\$36,367,000,000.

(B) Outlays, –\$34,806,000,000.

Fiscal year 2026:

(A) New budget authority, –\$37,240,000,000.

(B) Outlays, –\$35,938,000,000.

Fiscal year 2027:

(A) New budget authority, –\$38,152,000,000.

(B) Outlays, –\$36,942,000,000.

Fiscal year 2028:

(A) New budget authority, –\$38,991,000,000.

(B) Outlays, –\$37,890,000,000.

Fiscal year 2029:

(A) New budget authority, –\$39,927,000,000.

(B) Outlays, –\$38,847,000,000.

Fiscal year 2030:

(A) New budget authority, –\$40,906,000,000.

(B) Outlays, –\$39,817,000,000.

(20) Undistributed Offsetting Receipts (950):

Fiscal year 2021:

(A) New budget authority, –\$101,066,000,000.

(B) Outlays, –\$101,303,000,000.

Fiscal year 2022:

(A) New budget authority, –\$109,306,000,000.

(B) Outlays, –\$109,433,000,000.

Fiscal year 2023:

(A) New budget authority, –\$108,548,000,000.

(B) Outlays, –\$108,423,000,000.

Fiscal year 2024:

(A) New budget authority, –\$102,509,000,000.

(B) Outlays, –\$102,374,000,000.

Fiscal year 2025:

- (A) New budget authority, —\$105,714,000,000.
- (B) Outlays, —\$112,421,000,000.
- Fiscal year 2026:
 - (A) New budget authority, —\$108,507,000,000.
 - (B) Outlays, —\$107,659,000,000.
- Fiscal year 2027:
 - (A) New budget authority, —\$111,817,000,000.
 - (B) Outlays, —\$110,312,000,000.
- Fiscal year 2028:
 - (A) New budget authority, —\$114,832,000,000.
 - (B) Outlays, —\$113,327,000,000.
- Fiscal year 2029:
 - (A) New budget authority, —\$118,974,000,000.
 - (B) Outlays, —\$117,619,000,000.
- Fiscal year 2030:
 - (A) New budget authority, —\$123,259,000,000.
 - (B) Outlays, —\$121,979,000,000.

Subtitle B—Levels and Amounts in the Senate

SEC. 1201. SOCIAL SECURITY IN THE SENATE.

(a) SOCIAL SECURITY REVENUES.—For purposes of Senate enforcement under sections 302 and 311 of the Congressional Budget Act of 1974 (2 U.S.C. 633 and 642), the amounts of revenues of the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund are as follows:

Fiscal year 2021: \$898,089,000,000.
 Fiscal year 2022: \$930,023,000,000.
 Fiscal year 2023: \$996,745,000,000.
 Fiscal year 2024: \$1,040,533,000,000.
 Fiscal year 2025: \$1,085,441,000,000.
 Fiscal year 2026: \$1,133,139,000,000.
 Fiscal year 2027: \$1,182,469,000,000.
 Fiscal year 2028: \$1,231,717,000,000.
 Fiscal year 2029: \$1,279,075,000,000.
 Fiscal year 2030: \$1,326,172,000,000.

(b) SOCIAL SECURITY OUTLAYS.—For purposes of Senate enforcement under sections 302 and 311 of the Congressional Budget Act of 1974 (2 U.S.C. 633 and 642), the amounts of outlays of the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund are as follows:

Fiscal year 2021: \$1,101,575,000,000.
 Fiscal year 2022: \$1,158,817,000,000.
 Fiscal year 2023: \$1,222,448,000,000.
 Fiscal year 2024: \$1,292,270,000,000.
 Fiscal year 2025: \$1,365,124,000,000.
 Fiscal year 2026: \$1,434,051,000,000.
 Fiscal year 2027: \$1,506,794,000,000.
 Fiscal year 2028: \$1,586,096,000,000.
 Fiscal year 2029: \$1,666,850,000,000.
 Fiscal year 2030: \$1,750,666,000,000.

(c) SOCIAL SECURITY ADMINISTRATIVE EXPENSES.—In the Senate, the amounts of new budget authority and budget outlays of the

Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund for administrative expenses are as follows:

Fiscal year 2021:

(A) New budget authority, \$5,650,000,000.

(B) Outlays, \$5,665,000,000.

Fiscal year 2022:

(A) New budget authority, \$6,345,000,000.

(B) Outlays, \$6,318,000,000.

Fiscal year 2023:

(A) New budget authority, \$6,502,000,000.

(B) Outlays, \$6,462,000,000.

Fiscal year 2024:

(A) New budget authority, \$6,672,000,000.

(B) Outlays, \$6,629,000,000.

Fiscal year 2025:

(A) New budget authority, \$6,856,000,000.

(B) Outlays, \$6,808,000,000.

Fiscal year 2026:

(A) New budget authority, \$7,048,000,000.

(B) Outlays, \$6,998,000,000.

Fiscal year 2027:

(A) New budget authority, \$7,247,000,000.

(B) Outlays, \$7,195,000,000.

Fiscal year 2028:

(A) New budget authority, \$7,458,000,000.

(B) Outlays, \$7,403,000,000.

Fiscal year 2029:

(A) New budget authority, \$7,678,000,000.

(B) Outlays, \$7,621,000,000.

Fiscal year 2030:

(A) New budget authority, \$7,908,000,000.

(B) Outlays, \$7,847,000,000.

SEC. 1202. POSTAL SERVICE DISCRETIONARY ADMINISTRATIVE EXPENSES IN THE SENATE.

In the Senate, the amounts of new budget authority and budget outlays of the Postal Service for discretionary administrative expenses are as follows:

Fiscal year 2021:

(A) New budget authority, \$267,000,000.

(B) Outlays, \$268,000,000.

Fiscal year 2022:

(A) New budget authority, \$282,000,000.

(B) Outlays, \$282,000,000.

Fiscal year 2023:

(A) New budget authority, \$289,000,000.

(B) Outlays, \$289,000,000.

Fiscal year 2024:

(A) New budget authority, \$298,000,000.

(B) Outlays, \$298,000,000.

Fiscal year 2025:

(A) New budget authority, \$308,000,000.

(B) Outlays, \$308,000,000.

Fiscal year 2026:

(A) New budget authority, \$317,000,000.

(B) Outlays, \$317,000,000.

Fiscal year 2027:

(A) New budget authority, \$328,000,000.

(B) Outlays, \$328,000,000.

Fiscal year 2028:

(A) New budget authority, \$338,000,000.

(B) Outlays, \$338,000,000.

Fiscal year 2029:

(A) New budget authority, \$350,000,000.

(B) Outlays, \$349,000,000.

Fiscal year 2030:

(A) New budget authority, \$362,000,000.

(B) Outlays, \$361,000,000.

TITLE II—RECONCILIATION

SEC. 2001. RECONCILIATION IN THE HOUSE OF REPRESENTATIVES.

(a) COMMITTEE ON AGRICULTURE.—The Committee on Agriculture of the House of Representatives shall submit changes in laws within its jurisdiction to increase the deficit by not more than \$16,112,000,000 for the period of fiscal years 2021 through 2030.

(b) COMMITTEE ON EDUCATION AND LABOR.—The Committee on Education and Labor of the House of Representatives shall submit changes in laws within its jurisdiction to increase the deficit by not more than \$357,926,000,000 for the period of fiscal years 2021 through 2030.

(c) COMMITTEE ON ENERGY AND COMMERCE.—The Committee on Energy and Commerce of the House of Representatives shall submit changes in laws within its jurisdiction to increase the deficit by not more than \$188,498,000,000 for the period of fiscal years 2021 through 2030.

(d) COMMITTEE ON FINANCIAL SERVICES.—The Committee on Financial Services of the House of Representatives shall submit changes in laws within its jurisdiction to increase the deficit by not more than \$75,000,000,000 for the period of fiscal years 2021 through 2030.

(e) COMMITTEE ON FOREIGN AFFAIRS.—The Committee on Foreign Affairs of the House of Representatives shall submit changes in laws within its jurisdiction to increase the deficit by not more than \$10,000,000,000 for the period of fiscal years 2021 through 2030.

(f) COMMITTEE ON NATURAL RESOURCES.—The Committee on Natural Resources of the House of Representatives shall submit changes in laws within its jurisdiction to increase the deficit by not more than \$1,005,000,000 for the period of fiscal years 2021 through 2030.

(g) COMMITTEE ON OVERSIGHT AND REFORM.—The Committee on Oversight and Reform of the House of Representatives shall submit changes in laws within its jurisdiction to increase the deficit by not more than \$350,690,000,000 for the period of fiscal years 2021 through 2030.

(h) COMMITTEE ON SCIENCE, SPACE, AND TECHNOLOGY.—The Committee on Science, Space, and Technology of the House of Representatives shall submit changes in laws within its jurisdiction to increase the deficit by not more than \$750,000,000 for the period of fiscal years 2021 through 2030.

(i) COMMITTEE ON SMALL BUSINESS.—The Committee on Small Business of the House of Representatives shall submit changes in laws within its jurisdiction to increase the deficit by not more than \$50,000,000,000 for the period of fiscal years 2021 through 2030.

(j) COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE.—The Committee on Transportation and Infrastructure of the House of Representatives shall submit changes in laws within its jurisdiction to increase the deficit by not more than \$95,620,000,000 for the period of fiscal years 2021 through 2030.

(k) COMMITTEE ON VETERANS' AFFAIRS.—The Committee on Veterans' Affairs of the House of Representatives shall submit changes in laws within its jurisdiction to increase the deficit by not more than \$17,000,000,000 for the period of fiscal years 2021 through 2030.

(l) COMMITTEE ON WAYS AND MEANS.—The Committee on Ways and Means of the House of Representatives shall submit changes in laws within its jurisdiction to increase the deficit by not more than \$940,718,000,000 for the period of fiscal years 2021 through 2030.

(m) SUBMISSIONS.—In the House of Representatives, not later than February 16, 2021, the committees named in the subsections of this section shall submit their recommendations to the Committee on the Budget of the House of Representatives to carry out this section.

SEC. 2002. RECONCILIATION IN THE SENATE.

(a) COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY.—The Committee on Agriculture, Nutrition, and Forestry of the Senate shall report changes in laws within its jurisdiction that increase the deficit by not more than \$22,717,000,000 for the period of fiscal years 2021 through 2030.

(b) COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS.—The Committee on Banking, Housing, and Urban Affairs of the Senate shall report changes in laws within its jurisdiction that increase the deficit by not more than \$89,250,000,000 for the period of fiscal years 2021 through 2030.

(c) COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION.—The Committee on Commerce, Science, and Transportation of the Senate shall report changes in laws within its jurisdiction that increase the deficit by not more than \$35,903,000,000 for the period of fiscal years 2021 through 2030.

(d) COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS.—The Committee on Environment and Public Works of the Senate shall report changes in laws within its jurisdiction that increase the deficit by not more than \$3,206,500,000 for the period of fiscal years 2021 through 2030.

(e) COMMITTEE ON FINANCE.—The Committee on Finance of the Senate shall report changes in laws within its jurisdiction that increase the deficit by not more than \$1,296,487,000,000 for the period of fiscal years 2021 through 2030.

(f) COMMITTEE ON FOREIGN RELATIONS.—The Committee on Foreign Relations of the Senate shall report changes in laws within its jurisdiction that increase the deficit by not more than \$10,000,000,000 for the period of fiscal years 2021 through 2030.

(g) COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS.—The Committee on Health, Education, Labor, and Pensions of the

Senate shall report changes in laws within its jurisdiction that increase the deficit by not more than \$304,956,000,000 for the period of fiscal years 2021 through 2030.

(h) COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS.—The Committee on Homeland Security and Governmental Affairs of the Senate shall report changes in laws within its jurisdiction that increase the deficit by not more than \$50,687,000,000 for the period of fiscal years 2021 through 2030.

(i) COMMITTEE ON INDIAN AFFAIRS.—The Committee on Indian Affairs of the Senate shall report changes in laws within its jurisdiction that increase the deficit by not more than \$8,604,000,000 for the period of fiscal years 2021 through 2030.

(j) COMMITTEE ON SMALL BUSINESS AND ENTREPRENEURSHIP.—The Committee on Small Business and Entrepreneurship of the Senate shall report changes in laws within its jurisdiction that increase the deficit by not more than \$50,000,000,000 for the period of fiscal years 2021 through 2030.

(k) COMMITTEE ON VETERANS' AFFAIRS.—The Committee on Veterans' Affairs of the Senate shall report changes in laws within its jurisdiction that increase the deficit by not more than \$17,000,000,000 for the period of fiscal years 2021 through 2030.

(l) SUBMISSIONS.—In the Senate, not later than February 16, 2021, the Committees named in the subsections of this section shall submit their recommendations to the Committee on the Budget of the Senate. Upon receiving all such recommendations, the Committee on the Budget of the Senate shall report to the Senate a reconciliation bill carrying out all such recommendations without any substantive revision.

TITLE III—RESERVE FUNDS

SEC. 3001. RESERVE FUND FOR RECONCILIATION LEGISLATION.

(a) HOUSE OF REPRESENTATIVES.—

(1) IN GENERAL.—In the House of the Representatives, the chair of the Committee on the Budget may revise the allocations of a committee or committees, aggregates, and other appropriate levels in this resolution for any bill or joint resolution considered pursuant to section 2001 containing the recommendations of one or more committees, or for one or more amendments to, a conference report on, or an amendment between the Houses in relation to such a bill or joint resolution, by the amounts necessary to accommodate the budgetary effects of the legislation, if the budgetary effects of the legislation comply with the reconciliation instructions under this concurrent resolution.

(2) DETERMINATION OF COMPLIANCE.—For purposes of this section, compliance with the reconciliation instructions under this concurrent resolution shall be determined by the chair of the Committee on the Budget of the House of Representatives.

(3) EXCEPTION FOR LEGISLATION.—The point of order set forth in clause 10 of rule XXI of the House of Representatives shall not apply to reconciliation legislation reported by the Committee on the Budget pursuant to submissions under section 2001.

(b) SENATE.—

(1) IN GENERAL.—In the Senate, the Chairman of the Committee on the Budget of the Senate may revise the allocations of a committee or committees, aggregates, and other appropriate levels in this resolution, and make adjustments to the pay-as-you-go ledger, for any bill or joint resolution considered pursuant to section 2002 containing the recommendations of one or more committees, or for one or more amendments to, a conference report on, or an amendment between the Houses in relation to such a bill or joint resolution, by the amounts necessary to accommodate the budgetary effects of the legislation, if the budgetary effects of the legislation comply with the reconciliation instructions under this concurrent resolution.

(2) DETERMINATION OF COMPLIANCE.—For purposes of this section, compliance with the reconciliation instructions under this concurrent resolution shall be determined by the Chairman of the Committee on the Budget of the Senate.

(3) EXCEPTIONS FOR LEGISLATION.—

(A) SHORT-TERM.—Section 404 of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010, as amended by section 3201(b)(2) of S. Con. Res. 11 (114th Congress), the concurrent resolution on the budget for fiscal year 2016, shall not apply to legislation for which the Chairman of the Committee on the Budget of the Senate has exercised the authority under paragraph (1).

(B) LONG-TERM.—Section 3101 of S. Con. Res. 11 (114th Congress), the concurrent resolution on the budget for fiscal year 2016, shall not apply to legislation for which the Chairman of the Committee on the Budget of the Senate has exercised the authority under paragraph (1).

SEC. 3002. RESERVE FUND FOR DEFICIT-NEUTRAL LEGISLATION.

The chair of the Committee on the Budget of the House of Representatives may revise the allocations of a committee or committees, aggregates, and other appropriate levels in this resolution for one or more bills, joint resolutions, amendments, or conference reports by the amounts provided in such legislation, provided that such legislation would not increase the deficit for either of the following time periods: fiscal year 2021 to fiscal year 2025 or fiscal year 2021 to fiscal year 2030.

SEC. 3003. DEFICIT-NEUTRAL RESERVE FUND RELATING TO ESTABLISHING A FUND TO PROVIDE GRANTS TO FOOD SERVICE AND DRINKING ESTABLISHMENTS AFFECTED BY THE COVID-19 PANDEMIC.

The Chairman of the Committee on the Budget of the Senate may revise the allocations of a committee or committees, aggregates, and other appropriate levels in this resolution, and make adjustments to the pay-as-you-go ledger, for one or more bills, joint resolutions, amendments, amendments between the Houses, motions, or conference reports relating to establishing a fund to provide grants to food service and drinking establishments affected by the COVID-19 pandemic by the amounts provided in such legislation for those purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2021 through 2025 or the period of the total of fiscal years 2021 through 2030.

SEC. 3004. DEFICIT-NEUTRAL RESERVE FUND RELATING TO PREVENTING TAX INCREASES ON SMALL BUSINESSES DURING A PANDEMIC.

The Chairman of the Committee on the Budget of the Senate may revise the allocations of a committee or committees, aggregates, and other appropriate levels in this resolution, and make adjustments to the pay-as-you-go ledger, for one or more bills, joint resolutions, amendments, amendments between the Houses, motions, or conference reports relating to changes in Federal tax laws, which may include preventing tax increases on small businesses during any period in which a national emergency has been declared with respect to a pandemic, by the amounts provided in such legislation for those purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2021 through 2025 or the period of the total of fiscal years 2021 through 2030.

SEC. 3005. DEFICIT-NEUTRAL RESERVE FUND RELATING TO THE AUTHORITY OF STATES AND OTHER TAXING JURISDICTIONS TO TAX CERTAIN INCOME OF EMPLOYEES WORKING IN OTHER STATES OR TAXING JURISDICTIONS.

The Chairman of the Committee on the Budget of the Senate may revise the allocations of a committee or committees, aggregates, and other appropriate levels in this resolution, and make adjustments to the pay-as-you-go ledger, for one or more bills, joint resolutions, amendments, amendments between the Houses, motions, or conference reports relating to the authority of States or other taxing jurisdictions to tax certain income of employees for employment duties performed in other States or taxing jurisdictions by the amounts provided in such legislation for those purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2021 through 2025 or the period of the total of fiscal years 2021 through 2030.

SEC. 3006. DEFICIT-NEUTRAL RESERVE FUND RELATING TO TARGETING ECONOMIC IMPACT PAYMENTS TO AMERICANS WHO ARE SUFFERING FROM THE EFFECTS OF COVID-19.

The Chairman of the Committee on the Budget of the Senate may revise the allocations of a committee or committees, aggregates, and other appropriate levels in this resolution, and make adjustments to the pay-as-you-go ledger, for one or more bills, joint resolutions, amendments, amendments between the Houses, motions, or conference reports relating to targeting economic impact payments to Americans who are suffering from the effects of COVID-19, including provisions to ensure upper-income taxpayers are not eligible, by the amounts provided in such legislation for those purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2021 through 2025 or the period of the total of fiscal years 2021 through 2030.

SEC. 3007. DEFICIT-NEUTRAL RESERVE FUND RELATING TO COVID-19 VACCINE ADMINISTRATION AND A PUBLIC AWARENESS CAMPAIGN.

The Chairman of the Committee on the Budget of the Senate may revise the allocations of a committee or committees, aggregates,

and other appropriate levels in this resolution, and make adjustments to the pay-as-you-go ledger, for one or more bills, joint resolutions, amendments, amendments between the Houses, motions, or conference reports relating to strengthening and improving the process of distributing COVID-19 vaccines to States, which may include supporting States in implementing a transparent and consistent vaccine administration program and bolstering States' public awareness campaigns to increase awareness and knowledge of the safety and effectiveness of COVID-19 vaccines (particularly among vulnerable communities, including ethnic minority populations), by the amounts provided in such legislation for those purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2021 through 2025 or the period of the total of fiscal years 2021 through 2030.

SEC. 3008. DEFICIT-NEUTRAL RESERVE FUND RELATING TO SUPPORTING ELEMENTARY AND SECONDARY SCHOOLS IN STATES WITH LOST REVENUE DUE TO THE FEDERAL MORATORIUM ON OIL AND NATURAL GAS LEASING ON PUBLIC LANDS AND OFFSHORE WATERS.

The Chairman of the Committee on the Budget of the Senate may revise the allocations of a committee or committees, aggregates, and other appropriate levels in this resolution, and make adjustments to the pay-as-you-go ledger, for one or more bills, joint resolutions, amendments, amendments between the Houses, motions, or conference reports relating to supporting elementary and secondary schools in States with lost revenue due to the Federal moratorium on oil and natural gas leasing on public lands and offshore waters by the amounts provided in such legislation for those purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2021 through 2025 or the period of the total of fiscal years 2021 through 2030.

SEC. 3009. DEFICIT-NEUTRAL RESERVE FUND RELATING TO STRENGTHENING THE PROVIDER RELIEF FUND.

The Chairman of the Committee on the Budget of the Senate may revise the allocations of a committee or committees, aggregates, and other appropriate levels in this resolution, and make adjustments to the pay-as-you-go ledger, for one or more bills, joint resolutions, amendments, amendments between the Houses, motions, or conference reports relating to strengthening the Provider Relief Fund, which may include additional support for rural hospitals in order to preserve jobs and access to specialty services, by the amounts provided in such legislation for those purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2021 through 2025 or the period of the total of fiscal years 2021 through 2030.

SEC. 3010. DEFICIT-NEUTRAL RESERVE FUND RELATING TO IMPROVING SERVICES AND INTERVENTIONS RELATING TO SEXUAL ASSAULT, FAMILY VIOLENCE, DOMESTIC VIOLENCE, DATING VIOLENCE, AND CHILD ABUSE.

The Chairman of the Committee on the Budget of the Senate may revise the allocations of a committee or committees, aggregates, and other appropriate levels in this resolution, and make adjustments to the pay-as-you-go ledger, for one or more bills, joint

resolutions, amendments, amendments between the Houses, motions, or conference reports relating to improving services and interventions for victims relating to sexual assault, family violence, domestic violence, dating violence, and child abuse, which may include funding for programs and grants authorized by the Violence Against Women Act and the Victims of Child Abuse Act, by the amounts provided in such legislation for those purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2021 through 2025 or the period of the total of fiscal years 2021 through 2030.

SEC. 3011. DEFICIT-NEUTRAL RESERVE FUND RELATING TO SUPPORTING HOSPITALITY, CONVENTIONS, TRADE SHOWS, ENTERTAINMENT, TOURISM, AND TRAVEL AND THEIR WORKERS.

The Chairman of the Committee on the Budget of the Senate may revise the allocations of a committee or committees, aggregates, and other appropriate levels in this resolution, and make adjustments to the pay-as-you-go ledger, for one or more bills, joint resolutions, amendments, amendments between the Houses, motions, or conference reports relating to supporting struggling Americans in relation to their employment in hospitality, including those in the convention, trade show, entertainment, tourism, and travel industries, which may include legislation that provides relief and recovery incentives, by the amounts provided in such legislation for those purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2021 through 2025 or the period of the total of fiscal years 2021 through 2030.

SEC. 3012. DEFICIT-NEUTRAL RESERVE FUND RELATING TO MAINTAINING THE UNITED STATES EMBASSY IN JERUSALEM, ISRAEL.

The Chairman of the Committee on the Budget of the Senate may revise the allocations of a committee or committees, aggregates, and other appropriate levels in this resolution, and make adjustments to the pay-as-you-go ledger, for one or more bills, joint resolutions, amendments, amendments between the Houses, motions, or conference reports relating to the United States Embassy in Jerusalem, Israel, maintaining its current location in Jerusalem and level of operations, which may include current funding levels and security, by the amounts provided in such legislation for those purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2021 through 2025 or the period of the total of fiscal years 2021 through 2030.

SEC. 3013. DEFICIT-NEUTRAL RESERVE FUND RELATING TO INCREASING THE FEDERAL MINIMUM WAGE DURING A GLOBAL PANDEMIC.

The Chairman of the Committee on the Budget of the Senate may revise the allocations of a committee or committees, aggregates, and other appropriate levels in this resolution, and make adjustments to the pay-as-you-go ledger, for one or more bills, joint resolutions, amendments, amendments between the Houses, motions, or conference reports relating to increasing the Federal minimum wage during a global pandemic, which may include prohibiting the rate from more than doubling to \$15 per hour,

by the amounts provided in such legislation for those purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2021 through 2025 or the period of the total of fiscal years 2021 through 2030.

SEC. 3014. DEFICIT-NEUTRAL RESERVE FUND RELATING TO FUNDING THE POLICE.

The Chairman of the Committee on the Budget of the Senate may revise the allocations of a committee or committees, aggregates, and other appropriate levels in this resolution, and make adjustments to the pay-as-you-go ledger, for one or more bills, joint resolutions, amendments, amendments between the Houses, motions, or conference reports relating to funding the Nation's police through programs that are in within the jurisdiction of any committee of the Senate instructed under section 2002, which may include funding for law enforcement officer safety programs and fusion centers to protect the United States from domestic and international terrorists administered by the Department of Homeland Security, mental and behavioral health intervention programs administered by the Department of Health and Human Services, programs administered by the Department of Veterans Affairs to increase the hiring of military veterans as law enforcement officers, gang and youth violence education programs administered by the Department of Health and Human Services, and the Department of Education, by the amounts provided in such legislation for those purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2021 through 2025 or the period of the total of fiscal years 2021 through 2030.

SEC. 3015. DEFICIT-NEUTRAL RESERVE FUND RELATING TO PROVIDING INFORMATION ONLINE REGARDING THE EXPENDITURE OF COVID-19 RELIEF FUNDS.

The Chairman of the Committee on the Budget of the Senate may revise the allocations of a committee or committees, aggregates, and other appropriate levels in this resolution, and make adjustments to the pay-as-you-go ledger, for one or more bills, joint resolutions, amendments, amendments between the Houses, motions, or conference reports relating to increasing Government spending transparency, which may include requiring the President to make available online information regarding the amount of funds made available for relief from the COVID-19 pandemic that have been expended, by the amounts provided in such legislation for those purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2021 through 2025 or the period of the total of fiscal years 2021 through 2030.

SEC. 3016. DEFICIT-NEUTRAL RESERVE FUND RELATING TO IMPROVING THE SOLVENCY OF FEDERAL TRUST FUNDS.

The Chairman of the Committee on the Budget of the Senate may revise the allocations of a committee or committees, aggregates, and other appropriate levels in this resolution, and make adjustments to the pay-as-you-go ledger, for one or more bills, joint resolutions, amendments, amendments between the Houses, motions, or conference reports relating to improving the solvency of major Federal trust funds, which may include developing recommendations and legislation to rescue programs that support surface transportation, health care services, and financial protection

and security for individuals, by the amounts provided in such legislation for those purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2021 through 2025 or the period of the total of fiscal years 2021 through 2030.

SEC. 3017. DEFICIT-NEUTRAL RESERVE FUND RELATING TO FEDERAL ENVIRONMENTAL AND WATER POLICIES.

The Chairman of the Committee on the Budget of the Senate may revise the allocations of a committee or committees, aggregates, and other appropriate levels in this resolution, and make adjustments to the pay-as-you-go ledger, for one or more bills, joint resolutions, amendments, amendments between the Houses, motions, or conference reports relating to Federal environmental and water policies, which may include ensuring the effective and efficient implementation of the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.), preserving consistency and certainty in defining water features within, and exclusions from, Federal jurisdiction under that Act, or limiting or prohibiting efforts to withdraw, revoke, or amend the final rule of the Corps of Engineers and the Environmental Protection Agency entitled “The Navigable Waters Protection Rule: Definition of ‘Waters of the United States’” (85 Fed. Reg. 22250 (April 21, 2020)), by the amounts provided in such legislation for those purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2021 through 2025 or the period of the total of fiscal years 2021 through 2030.

SEC. 3018. DEFICIT-NEUTRAL RESERVE FUND RELATING TO FEDERAL RELIEF FUNDS FOR STATE OR LOCAL GOVERNMENTS.

The Chairman of the Committee on the Budget of the Senate may revise the allocations of a committee or committees, aggregates, and other appropriate levels in this resolution, and make adjustments to the pay-as-you-go ledger, for one or more bills, joint resolutions, amendments, amendments between the Houses, motions, or conference reports, relating to adjustments to Federal relief funds for State or local governments within the jurisdiction of the instructed committees, which may include limitations on new or existing Federal COVID-19 relief payments to a State or locality that imposes greater limits on the content of speech, or restrictions on the religious exercise or belief, of houses of worship and faith-based organizations described in section 501(c)(3) of the Internal Revenue Code of 1986 and exempt from taxation under section 501(a) of such Code, than on secular organizations described in that section 501(c)(3) and exempt under that section 501(a), by the amounts provided in such legislation for those purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2021 through 2025 or the period of the total of fiscal years 2021 through 2030.

SEC. 3019. DEFICIT-NEUTRAL RESERVE FUND RELATING TO PROHIBITING ACTIONS BY THE EXECUTIVE BRANCH THAT WOULD MAKE THE UNITED STATES MORE RELIANT ON COUNTRIES WITH WEAKER ENVIRONMENTAL OR LABOR STANDARDS FOR OIL, GAS, OR HARDROCK MINERAL PRODUCTION.

The Chairman of the Committee on the Budget of the Senate may revise the allocations of a committee or committees, aggregates,

and other appropriate levels in this resolution, and make adjustments to the pay-as-you-go ledger, for one or more bills, joint resolutions, amendments, amendments between the Houses, motions, or conference reports relating to prohibiting actions by the executive branch that would cause the United States to import larger quantities of oil, gas, or hardrock minerals from countries that have weaker environmental or labor standards by the amounts provided in such legislation for those purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2021 through 2025 or the period of the total of fiscal years 2021 through 2030.

SEC. 3020. DEFICIT-NEUTRAL RESERVE FUND RELATING TO EXPANDING HEALTH SAVINGS ACCOUNTS.

The Chairman of the Committee on the Budget of the Senate may revise the allocations of a committee or committees, aggregates, and other appropriate levels in this resolution, and make adjustments to the pay-as-you-go ledger, for one or more bills, joint resolutions, amendments, amendments between the Houses, motions, or conference reports relating to expanding health savings accounts by the amounts provided in such legislation for those purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2021 through 2025 or the period of the total of fiscal years 2021 through 2030.

TITLE IV—OTHER MATTERS

SEC. 4001. ENFORCEMENT FILING.

(a) **IN THE HOUSE OF REPRESENTATIVES.**—In the House of Representatives, if a concurrent resolution on the budget for fiscal year 2021 is adopted without the appointment of a committee of conference on the disagreeing votes of the two Houses with respect to this concurrent resolution on the budget, for the purpose of enforcing the Congressional Budget Act of 1974 (2 U.S.C. 621 et seq.) and applicable rules and requirements set forth in the concurrent resolution on the budget, the allocations provided for in this subsection shall apply in the House of Representatives in the same manner as if such allocations were in a joint explanatory statement accompanying a conference report on the budget for fiscal year 2021. The chair of the Committee on the Budget of the House of Representatives shall submit a statement for publication in the Congressional Record containing—

(1) for the Committee on Appropriations, committee allocations for fiscal year 2021 consistent with title I for the purpose of enforcing section 302 of the Congressional Budget Act of 1974 (2 U.S.C. 633); and

(2) for all committees other than the Committee on Appropriations, committee allocations consistent with title I for fiscal year 2021 and for the period of fiscal years 2021 through 2030 for the purpose of enforcing 302 of the Congressional Budget Act of 1974 (2 U.S.C. 633).

(b) **IN THE SENATE.**—If this concurrent resolution on the budget is agreed to by the Senate and House of Representatives without the appointment of a committee of conference on the disagreeing votes of the two Houses, the Chairman of the Committee on the

Budget of the Senate may submit a statement for publication in the Congressional Record containing—

(1) for the Committee on Appropriations, committee allocations for fiscal year 2021 consistent with the levels in title I for the purpose of enforcing section 302 of the Congressional Budget Act of 1974 (2 U.S.C. 633); and

(2) for all committees other than the Committee on Appropriations, committee allocations for fiscal years 2021, 2021 through 2025, and 2021 through 2030 consistent with the levels in title I for the purpose of enforcing section 302 of the Congressional Budget Act of 1974 (2 U.S.C. 633).

SEC. 4002. BUDGETARY TREATMENT OF ADMINISTRATIVE EXPENSES.

(a) IN GENERAL.—Notwithstanding section 302(a)(1) of the Congressional Budget Act of 1974 (2 U.S.C. 633(a)(1)), section 13301 of the Budget Enforcement Act of 1990 (2 U.S.C. 632 note), and section 2009a of title 39, United States Code, the report or the joint explanatory statement, as applicable, accompanying this concurrent resolution on the budget shall include in an allocation under section 302(a) of the Congressional Budget Act of 1974 (2 U.S.C. 633(a)) to the Committee on Appropriations of the applicable House of Congress amounts for the discretionary administrative expenses of the Social Security Administration and the United States Postal Service.

(b) SPECIAL RULE.—In the House of Representatives and the Senate, for purposes of enforcing section 302(f) of the Congressional Budget Act of 1974 (2 U.S.C. 633(f)), estimates of the level of total new budget authority and total outlays provided by a measure shall include any discretionary amounts described in subsection (a).

SEC. 4003. APPLICATION AND EFFECT OF CHANGES IN ALLOCATIONS, AGGREGATES, AND OTHER BUDGETARY LEVELS.

(a) APPLICATION.—Any adjustments of allocations, aggregates, and other budgetary levels made pursuant to this concurrent resolution shall—

- (1) apply while that measure is under consideration;
- (2) take effect upon the enactment of that measure; and
- (3) be published in the Congressional Record as soon as practicable.

(b) EFFECT OF CHANGED ALLOCATIONS, AGGREGATES, AND OTHER BUDGETARY LEVELS.—Revised allocations, aggregates, and other budgetary levels resulting from these adjustments shall be considered for the purposes of the Congressional Budget Act of 1974 (2 U.S.C. 621 et seq.) as the allocations, aggregates, and other budgetary levels contained in this concurrent resolution.

(c) BUDGET COMMITTEE DETERMINATIONS.—For purposes of this concurrent resolution, the levels of new budget authority, outlays, direct spending, new entitlement authority, revenues, deficits, and surpluses for a fiscal year or period of fiscal years shall be determined on the basis of estimates made by the chair of the Committee on the Budget of the applicable House of Congress.

SEC. 4004. ADJUSTMENTS TO REFLECT CHANGES IN CONCEPTS AND DEFINITIONS.

(a) HOUSE OF REPRESENTATIVES.—In the House of Representatives, the chair of the Committee on the Budget may adjust the appropriate aggregates, allocations, and other budgetary levels in

this concurrent resolution for any change in budgetary concepts and definitions consistent with section 251(b)(1) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 901(b)(1)).

(b) SENATE.—Upon the enactment of a bill or joint resolution providing for a change in concepts or definitions, the Chairman of the Committee on the Budget of the Senate may make adjustments to the levels and allocations in this resolution in accordance with section 251(b) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 901(b)).

SEC. 4005. ADJUSTMENT FOR CHANGES IN THE BASELINE.

The chair of the Committee on the Budget of the House of Representatives and the Chairman of the Committee on the Budget of the Senate may adjust the allocations, aggregates, and other appropriate budgetary levels in this concurrent resolution to reflect changes resulting from the Congressional Budget Office's updates to its baseline for fiscal years 2021 through 2030.

SEC. 4006. LIMITATION ON ADVANCE APPROPRIATIONS.

Notwithstanding subsection (d) of section 203 of the Bipartisan Budget Act of 2019 (Public Law 116–37; 133 Stat. 1052), such section 203 shall continue to have force and effect in the House of Representatives during fiscal year 2021.

SEC. 4007. REPEAL OF SUPERMAJORITY ENFORCEMENT REQUIREMENT.

Section 3203 of S. Con. Res. 11 (114th Congress), the concurrent resolution on the budget for fiscal year 2016, is repealed.

SEC. 4008. EXERCISE OF RULEMAKING POWERS.

Congress adopts the provisions of this title—

(1) as an exercise of the rulemaking power of the Senate and the House of Representatives, respectively, and as such they shall be considered as part of the rules of each House or of that House to which they specifically apply, and such rules shall supersede other rules only to the extent that they are inconsistent with such other rules; and

(2) with full recognition of the constitutional right of either the Senate or the House of Representatives to change those rules (insofar as they relate to that House) at any time, in the same manner, and to the same extent as is the case of any other rule of the Senate or House of Representatives.

Agreed to February 5, 2021.

**WILLIAM F. EVANS—LYING IN HONOR—CAPITOL
ROTUNDA AUTHORIZATION**

Apr. 12, 2021
[H. Con. Res. 27]

Resolved by the House of Representatives (the Senate concurring), That the remains of the late United States Capitol Police Officer William F. Evans shall be permitted to lie in honor in the rotunda of the Capitol on April 13, 2021, and the Architect of the Capitol, under the direction of the Speaker of the House of Representatives and the President pro tempore of the Senate,

135 STAT. 2482 CONCURRENT RESOLUTIONS—APR. 12, 2021

shall take all necessary steps for the accomplishment of that purpose.

Agreed to April 12, 2021.

Apr. 12, 2021
[H. Con. Res. 28]

WILLIAM F. EVANS—MEMORIAL SERVICE—
CATAFALQUE AUTHORIZATION

Resolved by the House of Representatives (the Senate concurring), That the Architect of the Capitol is authorized and directed to transfer the catafalque which is situated in the Capitol Visitor Center to the rotunda of the Capitol so that such catafalque may be used in connection with services to be conducted there for United States Capitol Police Officer William F. Evans.

Agreed to April 12, 2021.

Apr. 21, 2021
[H. Con. Res. 30]

JOINT SESSION

Resolved by the House of Representatives (the Senate concurring), That the two Houses of Congress assemble in the Hall of the House of Representatives on Wednesday, April 28, 2021, at 9:00 p.m., for the purpose of receiving such communication as the President of the United States shall be pleased to make to them.

Agreed to April 21, 2021.

Aug. 24, 2021
[S. Con. Res. 14]

FEDERAL BUDGET—FISCAL YEAR 2022

Resolved by the Senate (the House of Representatives concurring),

SECTION 1. CONCURRENT RESOLUTION ON THE BUDGET FOR FISCAL YEAR 2022.

(a) DECLARATION.—Congress declares that this resolution is the concurrent resolution on the budget for fiscal year 2022 and that this resolution sets forth the appropriate budgetary levels for fiscal years 2023 through 2031.

(b) TABLE OF CONTENTS.—The table of contents for this concurrent resolution is as follows:

Sec. 1. Concurrent resolution on the budget for fiscal year 2022.

TITLE I—RECOMMENDED LEVELS AND AMOUNTS

Subtitle A—Budgetary Levels in Both Houses

Sec. 1101. Recommended levels and amounts.

Sec. 1102. Major functional categories.

Subtitle B—Levels and Amounts in the Senate

Sec. 1201. Social Security in the Senate.

Sec. 1202. Postal Service discretionary administrative expenses in the Senate.

TITLE II—RECONCILIATION

- Sec. 2001. Reconciliation in the Senate.
- Sec. 2002. Reconciliation in the House of Representatives.

TITLE III—RESERVE FUNDS

- Sec. 3001. Reserve fund for legislation that won't raise taxes on people making less than \$400,000 in the Senate.
- Sec. 3002. Reserve fund for reconciliation legislation.
- Sec. 3003. Reserve fund.
- Sec. 3004. Deficit-neutral reserve fund to prohibit the Green New Deal.
- Sec. 3005. Reserve fund relating to addressing the crisis of climate change.
- Sec. 3006. Deficit-neutral reserve fund relating to supporting privately-held businesses, farms, and ranches.
- Sec. 3007. Deficit-neutral reserve fund relating to promoting US competitiveness and innovation by supporting research and development.
- Sec. 3008. Reserve fund relating to protecting taxpayer privacy while ensuring those evading the tax system pay what they owe.
- Sec. 3009. Deficit-neutral reserve fund to prohibit the Council on Environmental Quality and Environmental Protection Agency from promulgating rules or guidance that bans fracking in the United States.
- Sec. 3010. Deficit-neutral reserve fund relating to facilitating improved internet service for Cuban citizens.
- Sec. 3011. Deficit-neutral reserve fund relating to adjusting Federal funding for local jurisdictions.
- Sec. 3012. Reserve fund relating to honoring the Capitol Police, DC Metropolitan Police, and first responders.
- Sec. 3013. Deficit-neutral reserve fund relating to supporting or expediting the deployment of carbon capture, utilization, and sequestration technologies.
- Sec. 3014. Deficit-neutral reserve fund relating to policies or legislation to prohibit the Department of Agriculture from making ineligible for financing fossil fuel-burning power plants.
- Sec. 3015. Deficit-neutral reserve fund relating to the provisions of the American Rescue Plan Act.
- Sec. 3016. Deficit-neutral reserve fund relating to means-testing electric vehicle tax credits.
- Sec. 3017. Deficit-neutral reserve fund relating to prohibiting or limiting the issuance of costly Clean Air Act permit requirements on farmers and ranchers in the United States or the imposition of new Federal methane requirements on livestock.
- Sec. 3018. Deficit-neutral reserve fund relating to funding of the Office of Foreign Assets Control.
- Sec. 3019. Deficit-neutral reserve fund relating to abortion funding.
- Sec. 3020. Deficit-neutral reserve fund relating to ensuring robust, secure, and humane supply chains, sourced by the United States and allies of the United States, for renewable energy materials, technology, and critical minerals.
- Sec. 3021. Reserve fund relating to ensuring robust, secure, and humane supply chains by prohibiting the use of Federal funds to purchase materials, technology, and critical minerals produced, manufactured, or mined with forced labor.
- Sec. 3022. Reserve fund relating to Great Lakes ice breaking operational improvements.
- Sec. 3023. Deficit-neutral reserve fund relating to immigration enforcement and addressing the humanitarian crisis at the southern border.
- Sec. 3024. Deficit-neutral reserve fund relating to providing quality education for children.
- Sec. 3025. Deficit-neutral reserve fund relating to hiring 100,000 new police officers.
- Sec. 3026. Deficit-neutral reserve fund relating to preventing electricity blackouts and improving electricity reliability.
- Sec. 3027. Deficit-neutral reserve fund relating to protecting migrants and local communities against COVID-19.
- Sec. 3028. Deficit-neutral reserve fund relating to studying and providing for tax equivalency under the payments in lieu of taxes program.
- Sec. 3029. Deficit-neutral reserve fund relating to preventing tax increases on small businesses.
- Sec. 3030. Deficit-neutral reserve fund relating to providing sufficient resources to detain and deport a higher number of aliens who have been convicted of a crime.
- Sec. 3031. Deficit-neutral reserve fund relating to maintaining the current law tax treatment of like kind exchanges.

TITLE IV—OTHER MATTERS

- Sec. 4001. Emergency legislation.
- Sec. 4002. Point of order against advance appropriations in the Senate.
- Sec. 4003. Point of order against advance appropriations in the House of Representatives.
- Sec. 4004. Program integrity initiatives and other adjustments in the Senate.
- Sec. 4005. Program integrity initiatives and other adjustments in the House of Representatives.
- Sec. 4006. Enforcement filing.
- Sec. 4007. Application and effect of changes in allocations, aggregates, and other budgetary levels.
- Sec. 4008. Adjustments to reflect changes in concepts and definitions.
- Sec. 4009. Adjustment for bipartisan infrastructure legislation in the Senate.
- Sec. 4010. Adjustment for infrastructure legislation in the House of Representatives.
- Sec. 4011. Applicability of adjustments to discretionary spending limits.
- Sec. 4012. Budgetary treatment of administrative expenses.
- Sec. 4013. Appropriate budgetary adjustments in the House of Representatives.
- Sec. 4014. Adjustment for changes in the baseline in the House of Representatives.
- Sec. 4015. Scoring rule in the Senate for child care and pre-kindergarten legislation.
- Sec. 4016. Exercise of rulemaking powers.

TITLE I—RECOMMENDED LEVELS AND AMOUNTS

Subtitle A—Budgetary Levels in Both Houses

SEC. 1101. RECOMMENDED LEVELS AND AMOUNTS.

The following budgetary levels are appropriate for each of fiscal years 2022 through 2031:

(1) FEDERAL REVENUES.—For purposes of the enforcement of this resolution:

(A) The recommended levels of Federal revenues are as follows:

Fiscal year 2022: \$3,401,380,000,000.
Fiscal year 2023: \$3,512,947,000,000.
Fiscal year 2024: \$3,542,298,000,000.
Fiscal year 2025: \$3,565,871,000,000.
Fiscal year 2026: \$3,773,174,000,000.
Fiscal year 2027: \$3,995,160,000,000.
Fiscal year 2028: \$4,090,582,000,000.
Fiscal year 2029: \$4,218,130,000,000.
Fiscal year 2030: \$4,352,218,000,000.
Fiscal year 2031: \$4,505,614,000,000.

(B) The amounts by which the aggregate levels of Federal revenues should be changed are as follows:

Fiscal year 2022: \$0.
Fiscal year 2023: \$0.
Fiscal year 2024: \$0.
Fiscal year 2025: \$0.
Fiscal year 2026: \$0.
Fiscal year 2027: \$0.
Fiscal year 2028: \$0.
Fiscal year 2029: \$0.
Fiscal year 2030: \$0.
Fiscal year 2031: \$0.

(2) NEW BUDGET AUTHORITY.—For purposes of the enforcement of this resolution, the appropriate levels of total new budget authority are as follows:

Fiscal year 2022: \$4,417,362,000,000.
 Fiscal year 2023: \$4,579,359,000,000.
 Fiscal year 2024: \$4,699,353,000,000.
 Fiscal year 2025: \$4,940,084,000,000.
 Fiscal year 2026: \$5,107,577,000,000.
 Fiscal year 2027: \$5,311,640,000,000.
 Fiscal year 2028: \$5,633,086,000,000.
 Fiscal year 2029: \$5,722,075,000,000.
 Fiscal year 2030: \$6,064,522,000,000.
 Fiscal year 2031: \$6,365,907,000,000.

(3) BUDGET OUTLAYS.—For purposes of the enforcement of this resolution, the appropriate levels of total budget outlays are as follows:

Fiscal year 2022: \$4,698,391,000,000.
 Fiscal year 2023: \$4,671,457,000,000.
 Fiscal year 2024: \$4,714,709,000,000.
 Fiscal year 2025: \$4,936,110,000,000.
 Fiscal year 2026: \$5,087,789,000,000.
 Fiscal year 2027: \$5,288,850,000,000.
 Fiscal year 2028: \$5,635,713,000,000.
 Fiscal year 2029: \$5,667,301,000,000.
 Fiscal year 2030: \$6,024,068,000,000.
 Fiscal year 2031: \$6,322,190,000,000.

(4) DEFICITS.—For purposes of the enforcement of this resolution, the amounts of the deficits are as follows:

Fiscal year 2022: \$1,297,011,000,000.
 Fiscal year 2023: \$1,158,510,000,000.
 Fiscal year 2024: \$1,172,411,000,000.
 Fiscal year 2025: \$1,370,239,000,000.
 Fiscal year 2026: \$1,314,615,000,000.
 Fiscal year 2027: \$1,293,690,000,000.
 Fiscal year 2028: \$1,545,131,000,000.
 Fiscal year 2029: \$1,449,171,000,000.
 Fiscal year 2030: \$1,671,850,000,000.
 Fiscal year 2031: \$1,816,576,000,000.

(5) PUBLIC DEBT.—Pursuant to section 301(a)(5) of the Congressional Budget Act of 1974 (2 U.S.C. 632(a)(5)), the appropriate levels of the public debt are as follows:

Fiscal year 2022: \$30,789,000,000,000.
 Fiscal year 2023: \$32,141,000,000,000.
 Fiscal year 2024: \$33,526,000,000,000.
 Fiscal year 2025: \$35,059,000,000,000.
 Fiscal year 2026: \$36,570,000,000,000.
 Fiscal year 2027: \$37,952,000,000,000.
 Fiscal year 2028: \$39,733,000,000,000.
 Fiscal year 2029: \$41,296,000,000,000.
 Fiscal year 2030: \$43,188,000,000,000.
 Fiscal year 2031: \$45,150,000,000,000.

(6) DEBT HELD BY THE PUBLIC.—The appropriate levels of debt held by the public are as follows:

Fiscal year 2022: \$24,622,000,000,000.
 Fiscal year 2023: \$25,826,000,000,000.
 Fiscal year 2024: \$27,153,000,000,000.
 Fiscal year 2025: \$28,678,000,000,000.

Fiscal year 2026: \$30,219,000,000,000.
 Fiscal year 2027: \$31,776,000,000,000.
 Fiscal year 2028: \$33,737,000,000,000.
 Fiscal year 2029: \$35,521,000,000,000.
 Fiscal year 2030: \$37,692,000,000,000.
 Fiscal year 2031: \$39,987,000,000,000.

SEC. 1102. MAJOR FUNCTIONAL CATEGORIES.

Congress determines and declares that the appropriate levels of new budget authority and outlays for fiscal years 2022 through 2031 for each major functional category are:

(1) National Defense (050):

Fiscal year 2022:

(A) New budget authority, \$765,704,000,000.

(B) Outlays, \$763,985,000,000.

Fiscal year 2023:

(A) New budget authority, \$782,245,000,000.

(B) Outlays, \$770,192,000,000.

Fiscal year 2024:

(A) New budget authority, \$799,520,000,000.

(B) Outlays, \$776,297,000,000.

Fiscal year 2025:

(A) New budget authority, \$817,214,000,000.

(B) Outlays, \$794,946,000,000.

Fiscal year 2026:

(A) New budget authority, \$835,351,000,000.

(B) Outlays, \$810,367,000,000.

Fiscal year 2027:

(A) New budget authority, \$843,873,000,000.

(B) Outlays, \$821,610,000,000.

Fiscal year 2028:

(A) New budget authority, \$852,499,000,000.

(B) Outlays, \$836,561,000,000.

Fiscal year 2029:

(A) New budget authority, \$861,191,000,000.

(B) Outlays, \$834,592,000,000.

Fiscal year 2030:

(A) New budget authority, \$870,003,000,000.

(B) Outlays, \$848,928,000,000.

Fiscal year 2031:

(A) New budget authority, \$880,156,000,000.

(B) Outlays, \$858,990,000,000.

(2) International Affairs (150):

Fiscal year 2022:

(A) New budget authority, \$68,740,000,000.

(B) Outlays, \$68,368,000,000.

Fiscal year 2023:

(A) New budget authority, \$66,170,000,000.

(B) Outlays, \$64,121,000,000.

Fiscal year 2024:

(A) New budget authority, \$67,128,000,000.

(B) Outlays, \$65,429,000,000.

Fiscal year 2025:

(A) New budget authority, \$68,621,000,000.

(B) Outlays, \$66,231,000,000.

Fiscal year 2026:

(A) New budget authority, \$70,182,000,000.

- (B) Outlays, \$67,113,000,000.
- Fiscal year 2027:
 - (A) New budget authority, \$71,840,000,000.
 - (B) Outlays, \$68,304,000,000.
- Fiscal year 2028:
 - (A) New budget authority, \$73,526,000,000.
 - (B) Outlays, \$69,474,000,000.
- Fiscal year 2029:
 - (A) New budget authority, \$75,221,000,000.
 - (B) Outlays, \$71,071,000,000.
- Fiscal year 2030:
 - (A) New budget authority, \$76,918,000,000.
 - (B) Outlays, \$72,602,000,000.
- Fiscal year 2031:
 - (A) New budget authority, \$78,648,000,000.
 - (B) Outlays, \$74,169,000,000.
- (3) General Science, Space, and Technology (250):
 - Fiscal year 2022:
 - (A) New budget authority, \$43,582,000,000.
 - (B) Outlays, \$39,492,000,000.
 - Fiscal year 2023:
 - (A) New budget authority, \$46,345,000,000.
 - (B) Outlays, \$43,900,000,000.
 - Fiscal year 2024:
 - (A) New budget authority, \$48,435,000,000.
 - (B) Outlays, \$46,597,000,000.
 - Fiscal year 2025:
 - (A) New budget authority, \$50,286,000,000.
 - (B) Outlays, \$48,830,000,000.
 - Fiscal year 2026:
 - (A) New budget authority, \$51,492,000,000.
 - (B) Outlays, \$50,050,000,000.
 - Fiscal year 2027:
 - (A) New budget authority, \$51,839,000,000.
 - (B) Outlays, \$50,449,000,000.
 - Fiscal year 2028:
 - (A) New budget authority, \$51,169,000,000.
 - (B) Outlays, \$49,783,000,000.
 - Fiscal year 2029:
 - (A) New budget authority, \$50,735,000,000.
 - (B) Outlays, \$49,415,000,000.
 - Fiscal year 2030:
 - (A) New budget authority, \$50,898,000,000.
 - (B) Outlays, \$49,548,000,000.
 - Fiscal year 2031:
 - (A) New budget authority, \$51,324,000,000.
 - (B) Outlays, \$49,936,000,000.
- (4) Energy (270):
 - Fiscal year 2022:
 - (A) New budget authority, \$14,240,000,000.
 - (B) Outlays, \$10,032,000,000.
 - Fiscal year 2023:
 - (A) New budget authority, \$59,665,000,000.
 - (B) Outlays, \$57,248,000,000.
 - Fiscal year 2024:
 - (A) New budget authority, \$55,348,000,000.
 - (B) Outlays, \$53,858,000,000.

- Fiscal year 2025:
 - (A) New budget authority, \$67,729,000,000.
 - (B) Outlays, \$66,867,000,000.
- Fiscal year 2026:
 - (A) New budget authority, \$78,038,000,000.
 - (B) Outlays, \$77,647,000,000.
- Fiscal year 2027:
 - (A) New budget authority, \$79,617,000,000.
 - (B) Outlays, \$79,511,000,000.
- Fiscal year 2028:
 - (A) New budget authority, \$74,543,000,000.
 - (B) Outlays, \$74,164,000,000.
- Fiscal year 2029:
 - (A) New budget authority, \$68,781,000,000.
 - (B) Outlays, \$68,174,000,000.
- Fiscal year 2030:
 - (A) New budget authority, \$63,620,000,000.
 - (B) Outlays, \$62,932,000,000.
- Fiscal year 2031:
 - (A) New budget authority, \$55,974,000,000.
 - (B) Outlays, \$55,198,000,000.
- (5) Natural Resources and Environment (300):
 - Fiscal year 2022:
 - (A) New budget authority, \$60,969,000,000.
 - (B) Outlays, \$54,889,000,000.
 - Fiscal year 2023:
 - (A) New budget authority, \$70,319,000,000.
 - (B) Outlays, \$67,072,000,000.
 - Fiscal year 2024:
 - (A) New budget authority, \$78,314,000,000.
 - (B) Outlays, \$75,927,000,000.
 - Fiscal year 2025:
 - (A) New budget authority, \$85,585,000,000.
 - (B) Outlays, \$84,140,000,000.
 - Fiscal year 2026:
 - (A) New budget authority, \$88,203,000,000.
 - (B) Outlays, \$89,292,000,000.
 - Fiscal year 2027:
 - (A) New budget authority, \$85,995,000,000.
 - (B) Outlays, \$88,010,000,000.
 - Fiscal year 2028:
 - (A) New budget authority, \$79,575,000,000.
 - (B) Outlays, \$81,370,000,000.
 - Fiscal year 2029:
 - (A) New budget authority, \$72,930,000,000.
 - (B) Outlays, \$74,272,000,000.
 - Fiscal year 2030:
 - (A) New budget authority, \$68,352,000,000.
 - (B) Outlays, \$69,251,000,000.
 - Fiscal year 2031:
 - (A) New budget authority, \$68,666,000,000.
 - (B) Outlays, \$68,676,000,000.
- (6) Agriculture (350):
 - Fiscal year 2022:
 - (A) New budget authority, \$23,063,000,000.
 - (B) Outlays, \$25,334,000,000.
 - Fiscal year 2023:

(A) New budget authority, \$21,368,000,000.

(B) Outlays, \$22,442,000,000.

Fiscal year 2024:

(A) New budget authority, \$19,240,000,000.

(B) Outlays, \$23,187,000,000.

Fiscal year 2025:

(A) New budget authority, \$21,860,000,000.

(B) Outlays, \$24,614,000,000.

Fiscal year 2026:

(A) New budget authority, \$23,761,000,000.

(B) Outlays, \$25,151,000,000.

Fiscal year 2027:

(A) New budget authority, \$25,501,000,000.

(B) Outlays, \$26,471,000,000.

Fiscal year 2028:

(A) New budget authority, \$26,186,000,000.

(B) Outlays, \$26,499,000,000.

Fiscal year 2029:

(A) New budget authority, \$25,629,000,000.

(B) Outlays, \$25,874,000,000.

Fiscal year 2030:

(A) New budget authority, \$25,159,000,000.

(B) Outlays, \$25,989,000,000.

Fiscal year 2031:

(A) New budget authority, \$28,515,000,000.

(B) Outlays, \$26,284,000,000.

(7) Commerce and Housing Credit (370):

Fiscal year 2022:

(A) New budget authority, \$18,105,000,000.

(B) Outlays, \$42,495,000,000.

Fiscal year 2023:

(A) New budget authority, \$19,284,000,000.

(B) Outlays, \$29,411,000,000.

Fiscal year 2024:

(A) New budget authority, \$25,017,000,000.

(B) Outlays, \$22,592,000,000.

Fiscal year 2025:

(A) New budget authority, \$24,785,000,000.

(B) Outlays, \$19,146,000,000.

Fiscal year 2026:

(A) New budget authority, \$23,609,000,000.

(B) Outlays, \$15,045,000,000.

Fiscal year 2027:

(A) New budget authority, \$21,752,000,000.

(B) Outlays, \$12,248,000,000.

Fiscal year 2028:

(A) New budget authority, \$21,992,000,000.

(B) Outlays, \$12,894,000,000.

Fiscal year 2029:

(A) New budget authority, \$23,789,000,000.

(B) Outlays, \$13,250,000,000.

Fiscal year 2030:

(A) New budget authority, \$22,410,000,000.

(B) Outlays, \$10,462,000,000.

Fiscal year 2031:

(A) New budget authority, \$17,548,000,000.

(B) Outlays, \$6,105,000,000.

(8) Transportation (400):

Fiscal year 2022:

(A) New budget authority, \$112,406,000,000.

(B) Outlays, \$133,738,000,000.

Fiscal year 2023:

(A) New budget authority, \$113,887,000,000.

(B) Outlays, \$118,957,000,000.

Fiscal year 2024:

(A) New budget authority, \$115,061,000,000.

(B) Outlays, \$112,082,000,000.

Fiscal year 2025:

(A) New budget authority, \$115,757,000,000.

(B) Outlays, \$114,226,000,000.

Fiscal year 2026:

(A) New budget authority, \$116,887,000,000.

(B) Outlays, \$116,667,000,000.

Fiscal year 2027:

(A) New budget authority, \$109,698,000,000.

(B) Outlays, \$119,447,000,000.

Fiscal year 2028:

(A) New budget authority, \$110,385,000,000.

(B) Outlays, \$121,240,000,000.

Fiscal year 2029:

(A) New budget authority, \$110,874,000,000.

(B) Outlays, \$122,515,000,000.

Fiscal year 2030:

(A) New budget authority, \$106,173,000,000.

(B) Outlays, \$117,702,000,000.

Fiscal year 2031:

(A) New budget authority, \$107,256,000,000.

(B) Outlays, \$118,633,000,000.

(9) Community and Regional Development (450):

Fiscal year 2022:

(A) New budget authority, \$43,543,000,000.

(B) Outlays, \$47,318,000,000.

Fiscal year 2023:

(A) New budget authority, \$27,007,000,000.

(B) Outlays, \$33,380,000,000.

Fiscal year 2024:

(A) New budget authority, \$28,430,000,000.

(B) Outlays, \$34,603,000,000.

Fiscal year 2025:

(A) New budget authority, \$27,461,000,000.

(B) Outlays, \$34,658,000,000.

Fiscal year 2026:

(A) New budget authority, \$27,839,000,000.

(B) Outlays, \$35,338,000,000.

Fiscal year 2027:

(A) New budget authority, \$27,744,000,000.

(B) Outlays, \$35,238,000,000.

Fiscal year 2028:

(A) New budget authority, \$28,136,000,000.

(B) Outlays, \$35,738,000,000.

Fiscal year 2029:

(A) New budget authority, \$28,524,000,000.

(B) Outlays, \$36,097,000,000.

Fiscal year 2030:

(A) New budget authority, \$28,943,000,000.

(B) Outlays, \$36,452,000,000.

Fiscal year 2031:

(A) New budget authority, \$33,429,000,000.

(B) Outlays, \$38,014,000,000.

(10) Education, Training, Employment, and Social Services
(500):

Fiscal year 2022:

(A) New budget authority, \$159,805,000,000.

(B) Outlays, \$208,172,000,000.

Fiscal year 2023:

(A) New budget authority, \$180,462,000,000.

(B) Outlays, \$225,204,000,000.

Fiscal year 2024:

(A) New budget authority, \$200,600,000,000.

(B) Outlays, \$249,029,000,000.

Fiscal year 2025:

(A) New budget authority, \$211,940,000,000.

(B) Outlays, \$243,908,000,000.

Fiscal year 2026:

(A) New budget authority, \$212,123,000,000.

(B) Outlays, \$226,623,000,000.

Fiscal year 2027:

(A) New budget authority, \$214,568,000,000.

(B) Outlays, \$218,916,000,000.

Fiscal year 2028:

(A) New budget authority, \$217,422,000,000.

(B) Outlays, \$218,221,000,000.

Fiscal year 2029:

(A) New budget authority, \$220,255,000,000.

(B) Outlays, \$219,079,000,000.

Fiscal year 2030:

(A) New budget authority, \$229,691,000,000.

(B) Outlays, \$228,404,000,000.

Fiscal year 2031:

(A) New budget authority, \$244,488,000,000.

(B) Outlays, \$242,537,000,000.

(11) Health (550):

Fiscal year 2022:

(A) New budget authority, \$853,696,000,000.

(B) Outlays, \$952,919,000,000.

Fiscal year 2023:

(A) New budget authority, \$804,345,000,000.

(B) Outlays, \$827,269,000,000.

Fiscal year 2024:

(A) New budget authority, \$800,361,000,000.

(B) Outlays, \$809,731,000,000.

Fiscal year 2025:

(A) New budget authority, \$830,330,000,000.

(B) Outlays, \$830,449,000,000.

Fiscal year 2026:

(A) New budget authority, \$855,834,000,000.

(B) Outlays, \$849,147,000,000.

Fiscal year 2027:

(A) New budget authority, \$876,704,000,000.

(B) Outlays, \$869,791,000,000.

Fiscal year 2028:

- (A) New budget authority, \$908,063,000,000.
- (B) Outlays, \$906,081,000,000.
- Fiscal year 2029:
 - (A) New budget authority, \$940,898,000,000.
 - (B) Outlays, \$939,318,000,000.
- Fiscal year 2030:
 - (A) New budget authority, \$982,028,000,000.
 - (B) Outlays, \$970,863,000,000.
- Fiscal year 2031:
 - (A) New budget authority, \$1,018,845,000,000.
 - (B) Outlays, \$1,017,586,000,000.
- (12) Medicare (570):
 - Fiscal year 2022:
 - (A) New budget authority, \$772,277,000,000.
 - (B) Outlays, \$771,930,000,000.
 - Fiscal year 2023:
 - (A) New budget authority, \$882,348,000,000.
 - (B) Outlays, \$882,065,000,000.
 - Fiscal year 2024:
 - (A) New budget authority, \$902,102,000,000.
 - (B) Outlays, \$901,899,000,000.
 - Fiscal year 2025:
 - (A) New budget authority, \$1,018,540,000,000.
 - (B) Outlays, \$1,018,302,000,000.
 - Fiscal year 2026:
 - (A) New budget authority, \$1,091,095,000,000.
 - (B) Outlays, \$1,090,814,000,000.
 - Fiscal year 2027:
 - (A) New budget authority, \$1,168,909,000,000.
 - (B) Outlays, \$1,168,581,000,000.
 - Fiscal year 2028:
 - (A) New budget authority, \$1,326,565,000,000.
 - (B) Outlays, \$1,326,191,000,000.
 - Fiscal year 2029:
 - (A) New budget authority, \$1,262,774,000,000.
 - (B) Outlays, \$1,262,367,000,000.
 - Fiscal year 2030:
 - (A) New budget authority, \$1,425,734,000,000.
 - (B) Outlays, \$1,425,284,000,000.
 - Fiscal year 2031:
 - (A) New budget authority, \$1,509,905,000,000.
 - (B) Outlays, \$1,509,433,000,000.
- (13) Income Security (600):
 - Fiscal year 2022:
 - (A) New budget authority, \$830,063,000,000.
 - (B) Outlays, \$867,038,000,000.
 - Fiscal year 2023:
 - (A) New budget authority, \$820,620,000,000.
 - (B) Outlays, \$836,905,000,000.
 - Fiscal year 2024:
 - (A) New budget authority, \$821,754,000,000.
 - (B) Outlays, \$811,159,000,000.
 - Fiscal year 2025:
 - (A) New budget authority, \$792,146,000,000.
 - (B) Outlays, \$780,347,000,000.
 - Fiscal year 2026:
 - (A) New budget authority, \$730,424,000,000.

- (B) Outlays, \$725,612,000,000.
- Fiscal year 2027:
 - (A) New budget authority, \$733,601,000,000.
 - (B) Outlays, \$724,726,000,000.
- Fiscal year 2028:
 - (A) New budget authority, \$752,515,000,000.
 - (B) Outlays, \$749,719,000,000.
- Fiscal year 2029:
 - (A) New budget authority, \$764,277,000,000.
 - (B) Outlays, \$749,137,000,000.
- Fiscal year 2030:
 - (A) New budget authority, \$781,991,000,000.
 - (B) Outlays, \$772,369,000,000.
- Fiscal year 2031:
 - (A) New budget authority, \$802,900,000,000.
 - (B) Outlays, \$792,858,000,000.
- (14) Social Security (650):
 - Fiscal year 2022:
 - (A) New budget authority, \$47,020,000,000.
 - (B) Outlays, \$47,020,000,000.
 - Fiscal year 2023:
 - (A) New budget authority, \$50,129,000,000.
 - (B) Outlays, \$50,129,000,000.
 - Fiscal year 2024:
 - (A) New budget authority, \$53,591,000,000.
 - (B) Outlays, \$53,591,000,000.
 - Fiscal year 2025:
 - (A) New budget authority, \$57,355,000,000.
 - (B) Outlays, \$57,355,000,000.
 - Fiscal year 2026:
 - (A) New budget authority, \$67,932,000,000.
 - (B) Outlays, \$67,932,000,000.
 - Fiscal year 2027:
 - (A) New budget authority, \$74,299,000,000.
 - (B) Outlays, \$74,299,000,000.
 - Fiscal year 2028:
 - (A) New budget authority, \$79,053,000,000.
 - (B) Outlays, \$79,053,000,000.
 - Fiscal year 2029:
 - (A) New budget authority, \$84,197,000,000.
 - (B) Outlays, \$84,197,000,000.
 - Fiscal year 2030:
 - (A) New budget authority, \$89,406,000,000.
 - (B) Outlays, \$89,406,000,000.
 - Fiscal year 2031:
 - (A) New budget authority, \$93,932,000,000.
 - (B) Outlays, \$93,932,000,000.
- (15) Veterans Benefits and Services (700):
 - Fiscal year 2022:
 - (A) New budget authority, \$274,340,000,000.
 - (B) Outlays, \$282,071,000,000.
 - Fiscal year 2023:
 - (A) New budget authority, \$279,810,000,000.
 - (B) Outlays, \$279,868,000,000.
 - Fiscal year 2024:
 - (A) New budget authority, \$288,676,000,000.
 - (B) Outlays, \$276,026,000,000.

- Fiscal year 2025:
(A) New budget authority, \$297,105,000,000.
(B) Outlays, \$299,907,000,000.
- Fiscal year 2026:
(A) New budget authority, \$305,075,000,000.
(B) Outlays, \$307,739,000,000.
- Fiscal year 2027:
(A) New budget authority, \$313,512,000,000.
(B) Outlays, \$316,417,000,000.
- Fiscal year 2028:
(A) New budget authority, \$322,020,000,000.
(B) Outlays, \$336,852,000,000.
- Fiscal year 2029:
(A) New budget authority, \$331,220,000,000.
(B) Outlays, \$315,456,000,000.
- Fiscal year 2030:
(A) New budget authority, \$340,439,000,000.
(B) Outlays, \$338,867,000,000.
- Fiscal year 2031:
(A) New budget authority, \$350,829,000,000.
(B) Outlays, \$349,032,000,000.
- (16) Administration of Justice (750):
- Fiscal year 2022:
(A) New budget authority, \$80,614,000,000.
(B) Outlays, \$78,094,000,000.
- Fiscal year 2023:
(A) New budget authority, \$77,444,000,000.
(B) Outlays, \$77,431,000,000.
- Fiscal year 2024:
(A) New budget authority, \$78,904,000,000.
(B) Outlays, \$78,533,000,000.
- Fiscal year 2025:
(A) New budget authority, \$79,626,000,000.
(B) Outlays, \$78,861,000,000.
- Fiscal year 2026:
(A) New budget authority, \$81,223,000,000.
(B) Outlays, \$80,382,000,000.
- Fiscal year 2027:
(A) New budget authority, \$82,849,000,000.
(B) Outlays, \$81,809,000,000.
- Fiscal year 2028:
(A) New budget authority, \$84,495,000,000.
(B) Outlays, \$83,423,000,000.
- Fiscal year 2029:
(A) New budget authority, \$86,184,000,000.
(B) Outlays, \$85,004,000,000.
- Fiscal year 2030:
(A) New budget authority, \$87,881,000,000.
(B) Outlays, \$86,642,000,000.
- Fiscal year 2031:
(A) New budget authority, \$96,549,000,000.
(B) Outlays, \$94,529,000,000.
- (17) General Government (800):
- Fiscal year 2022:
(A) New budget authority, \$48,565,000,000.
(B) Outlays, \$111,629,000,000.
- Fiscal year 2023:

(A) New budget authority, \$29,912,000,000.

(B) Outlays, \$33,642,000,000.

Fiscal year 2024:

(A) New budget authority, \$30,382,000,000.

(B) Outlays, \$32,557,000,000.

Fiscal year 2025:

(A) New budget authority, \$30,935,000,000.

(B) Outlays, \$33,585,000,000.

Fiscal year 2026:

(A) New budget authority, \$31,538,000,000.

(B) Outlays, \$33,016,000,000.

Fiscal year 2027:

(A) New budget authority, \$32,168,000,000.

(B) Outlays, \$33,540,000,000.

Fiscal year 2028:

(A) New budget authority, \$32,798,000,000.

(B) Outlays, \$33,807,000,000.

Fiscal year 2029:

(A) New budget authority, \$33,432,000,000.

(B) Outlays, \$33,024,000,000.

Fiscal year 2030:

(A) New budget authority, \$34,103,000,000.

(B) Outlays, \$33,539,000,000.

Fiscal year 2031:

(A) New budget authority, \$35,123,000,000.

(B) Outlays, \$34,544,000,000.

(18) Net Interest (900):

Fiscal year 2022:

(A) New budget authority, \$373,011,000,000.

(B) Outlays, \$373,011,000,000.

Fiscal year 2023:

(A) New budget authority, \$378,542,000,000.

(B) Outlays, \$378,542,000,000.

Fiscal year 2024:

(A) New budget authority, \$407,539,000,000.

(B) Outlays, \$407,539,000,000.

Fiscal year 2025:

(A) New budget authority, \$464,069,000,000.

(B) Outlays, \$464,069,000,000.

Fiscal year 2026:

(A) New budget authority, \$541,134,000,000.

(B) Outlays, \$541,134,000,000.

Fiscal year 2027:

(A) New budget authority, \$623,392,000,000.

(B) Outlays, \$623,392,000,000.

Fiscal year 2028:

(A) New budget authority, \$719,805,000,000.

(B) Outlays, \$719,805,000,000.

Fiscal year 2029:

(A) New budget authority, \$813,280,000,000.

(B) Outlays, \$813,280,000,000.

Fiscal year 2030:

(A) New budget authority, \$918,333,000,000.

(B) Outlays, \$918,333,000,000.

Fiscal year 2031:

(A) New budget authority, \$1,025,810,000,000.

(B) Outlays, \$1,025,810,000,000.

- (19) Allowances (920):
Fiscal year 2022:
(A) New budget authority, \$11,507,000,000.
(B) Outlays, \$17,129,000,000.
Fiscal year 2023:
(A) New budget authority, – \$14,188,000,000.
(B) Outlays, – \$2,706,000,000.
Fiscal year 2024:
(A) New budget authority, – \$11,538,000,000.
(B) Outlays, – \$6,811,000,000.
Fiscal year 2025:
(A) New budget authority, – \$9,499,000,000.
(B) Outlays, – \$7,389,000,000.
Fiscal year 2026:
(A) New budget authority, – \$8,979,000,000.
(B) Outlays, – \$7,646,000,000.
Fiscal year 2027:
(A) New budget authority, – \$7,240,000,000.
(B) Outlays, – \$6,478,000,000.
Fiscal year 2028:
(A) New budget authority, – \$5,238,000,000.
(B) Outlays, – \$4,559,000,000.
Fiscal year 2029:
(A) New budget authority, – \$5,126,000,000.
(B) Outlays, – \$3,651,000,000.
Fiscal year 2030:
(A) New budget authority, – \$5,898,000,000.
(B) Outlays, – \$3,393,000,000.
Fiscal year 2031:
(A) New budget authority, \$2,530,000,000.
(B) Outlays, \$1,034,000,000.
- (20) Undistributed Offsetting Receipts (950):
Fiscal year 2022:
(A) New budget authority, – \$183,888,000,000.
(B) Outlays, – \$191,273,000,000.
Fiscal year 2023:
(A) New budget authority, – \$116,355,000,000.
(B) Outlays, – \$123,615,000,000.
Fiscal year 2024:
(A) New budget authority, – \$109,511,000,000.
(B) Outlays, – \$109,116,000,000.
Fiscal year 2025:
(A) New budget authority, – \$111,761,000,000.
(B) Outlays, – \$116,941,000,000.
Fiscal year 2026:
(A) New budget authority, – \$115,184,000,000.
(B) Outlays, – \$113,634,000,000.
Fiscal year 2027:
(A) New budget authority, – \$118,981,000,000.
(B) Outlays, – \$117,431,000,000.
Fiscal year 2028:
(A) New budget authority, – \$122,423,000,000.
(B) Outlays, – \$120,603,000,000.
Fiscal year 2029:
(A) New budget authority, – \$126,990,000,000.
(B) Outlays, – \$125,170,000,000.
Fiscal year 2030:

- (A) New budget authority, — \$131,662,000,000.
- (B) Outlays, — \$130,112,000,000.
- Fiscal year 2031:
- (A) New budget authority, — \$136,520,000,000.
- (B) Outlays, — \$135,110,000,000.

Subtitle B—Levels and Amounts in the Senate

SEC. 1201. SOCIAL SECURITY IN THE SENATE.

(a) SOCIAL SECURITY REVENUES.—For purposes of Senate enforcement under sections 302 and 311 of the Congressional Budget Act of 1974 (2 U.S.C. 633 and 642), the amounts of revenues of the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund are as follows:

- Fiscal year 2022: \$989,019,000,000.
- Fiscal year 2023: \$1,084,547,000,000.
- Fiscal year 2024: \$1,128,287,000,000.
- Fiscal year 2025: \$1,167,700,000,000.
- Fiscal year 2026: \$1,211,081,000,000.
- Fiscal year 2027: \$1,257,670,000,000.
- Fiscal year 2028: \$1,305,822,000,000.
- Fiscal year 2029: \$1,354,109,000,000.
- Fiscal year 2030: \$1,401,701,000,000.
- Fiscal year 2031: \$1,451,146,000,000.

(b) SOCIAL SECURITY OUTLAYS.—For purposes of Senate enforcement under sections 302 and 311 of the Congressional Budget Act of 1974 (2 U.S.C. 633 and 642), the amounts of outlays of the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund are as follows:

- Fiscal year 2022: \$1,073,387,000,000.
- Fiscal year 2023: \$1,153,424,000,000.
- Fiscal year 2024: \$1,231,164,000,000.
- Fiscal year 2025: \$1,311,894,000,000.
- Fiscal year 2026: \$1,389,018,000,000.
- Fiscal year 2027: \$1,472,602,000,000.
- Fiscal year 2028: \$1,566,258,000,000.
- Fiscal year 2029: \$1,662,981,000,000.
- Fiscal year 2030: \$1,764,408,000,000.
- Fiscal year 2031: \$1,868,859,000,000.

(c) SOCIAL SECURITY ADMINISTRATIVE EXPENSES.—In the Senate, the amounts of new budget authority and budget outlays of the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund for administrative expenses are as follows:

- Fiscal year 2022:
 - (A) New budget authority, \$6,339,000,000.
 - (B) Outlays, \$6,311,000,000.
- Fiscal year 2023:
 - (A) New budget authority, \$6,541,000,000.
 - (B) Outlays, \$6,490,000,000.
- Fiscal year 2024:
 - (A) New budget authority, \$6,757,000,000.
 - (B) Outlays, \$6,700,000,000.
- Fiscal year 2025:
 - (A) New budget authority, \$6,969,000,000.

(B) Outlays, \$6,912,000,000.

Fiscal year 2026:

(A) New budget authority, \$7,185,000,000.

(B) Outlays, \$7,128,000,000.

Fiscal year 2027:

(A) New budget authority, \$7,405,000,000.

(B) Outlays, \$7,347,000,000.

Fiscal year 2028:

(A) New budget authority, \$7,631,000,000.

(B) Outlays, \$7,571,000,000.

Fiscal year 2029:

(A) New budget authority, \$7,862,000,000.

(B) Outlays, \$7,800,000,000.

Fiscal year 2030:

(A) New budget authority, \$8,098,000,000.

(B) Outlays, \$8,035,000,000.

Fiscal year 2031:

(A) New budget authority, \$8,343,000,000.

(B) Outlays, \$8,278,000,000.

SEC. 1202. POSTAL SERVICE DISCRETIONARY ADMINISTRATIVE EXPENSES IN THE SENATE.

In the Senate, the amounts of new budget authority and budget outlays of the Postal Service for discretionary administrative expenses are as follows:

Fiscal year 2022:

(A) New budget authority, \$278,000,000.

(B) Outlays, \$278,000,000.

Fiscal year 2023:

(A) New budget authority, \$287,000,000.

(B) Outlays, \$287,000,000.

Fiscal year 2024:

(A) New budget authority, \$299,000,000.

(B) Outlays, \$298,000,000.

Fiscal year 2025:

(A) New budget authority, \$310,000,000.

(B) Outlays, \$310,000,000.

Fiscal year 2026:

(A) New budget authority, \$321,000,000.

(B) Outlays, \$320,000,000.

Fiscal year 2027:

(A) New budget authority, \$332,000,000.

(B) Outlays, \$332,000,000.

Fiscal year 2028:

(A) New budget authority, \$344,000,000.

(B) Outlays, \$343,000,000.

Fiscal year 2029:

(A) New budget authority, \$356,000,000.

(B) Outlays, \$355,000,000.

Fiscal year 2030:

(A) New budget authority, \$368,000,000.

(B) Outlays, \$367,000,000.

Fiscal year 2031:

(A) New budget authority, \$381,000,000.

(B) Outlays, \$380,000,000.

TITLE II—RECONCILIATION

SEC. 2001. RECONCILIATION IN THE SENATE.

(a) COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY.—The Committee on Agriculture, Nutrition, and Forestry of the Senate shall report changes in laws within its jurisdiction that increase the deficit by not more than \$135,000,000,000 for the period of fiscal years 2022 through 2031.

(b) COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS.—The Committee on Banking, Housing, and Urban Affairs of the Senate shall report changes in laws within its jurisdiction that increase the deficit by not more than \$332,000,000,000 for the period of fiscal years 2022 through 2031.

(c) COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION.—The Committee on Commerce, Science, and Transportation of the Senate shall report changes in laws within its jurisdiction that increase the deficit by not more than \$83,076,000,000 for the period of fiscal years 2022 through 2031.

(d) COMMITTEE ON ENERGY AND NATURAL RESOURCES.—The Committee on Energy and Natural Resources of the Senate shall report changes in laws within its jurisdiction that increase the deficit by not more than \$198,000,000,000 for the period of fiscal years 2022 through 2031.

(e) COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS.—The Committee on Environment and Public Works of the Senate shall report changes in laws within its jurisdiction that increase the deficit by not more than \$67,264,000,000 for the period of fiscal years 2022 through 2031.

(f) COMMITTEE ON FINANCE.—The Committee on Finance of the Senate shall report changes in laws within its jurisdiction that reduce the deficit by not less than \$1,000,000,000 for the period of fiscal years 2022 through 2031.

(g) COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS.—The Committee on Health, Education, Labor, and Pensions of the Senate shall report changes in laws within its jurisdiction that increase the deficit by not more than \$726,380,000,000 for the period of fiscal years 2022 through 2031.

(h) COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS.—The Committee on Homeland Security and Governmental Affairs of the Senate shall report changes in laws within its jurisdiction that increase the deficit by not more than \$37,000,000,000 for the period of fiscal years 2022 through 2031.

(i) COMMITTEE ON INDIAN AFFAIRS.—The Committee on Indian Affairs of the Senate shall report changes in laws within its jurisdiction that increase the deficit by not more than \$20,500,000,000 for the period of fiscal years 2022 through 2031.

(j) COMMITTEE ON THE JUDICIARY.—The Committee on the Judiciary of the Senate shall report changes in laws within its jurisdiction that increase the deficit by not more than \$107,500,000,000 for the period of fiscal years 2022 through 2031.

(k) COMMITTEE ON SMALL BUSINESS AND ENTREPRENEURSHIP.—The Committee on Small Business and Entrepreneurship of the Senate shall report changes in laws within its jurisdiction that increase the deficit by not more than \$25,000,000,000 for the period of fiscal years 2022 through 2031.

(l) COMMITTEE ON VETERANS' AFFAIRS.—The Committee on Veterans' Affairs of the Senate shall report changes in laws within its jurisdiction that increase the deficit by not more than \$18,000,000,000 for the period of fiscal years 2022 through 2031.

(m) SUBMISSIONS.—In the Senate, not later than September 15, 2021, the Committees named in the subsections of this section shall submit their recommendations to the Committee on the Budget of the Senate. Upon receiving all such recommendations, the Committee on the Budget of the Senate shall report to the Senate a reconciliation bill carrying out all such recommendations without any substantive revision.

SEC. 2002. RECONCILIATION IN THE HOUSE OF REPRESENTATIVES.

(a) COMMITTEE ON AGRICULTURE.—The Committee on Agriculture of the House of Representatives shall report changes in laws within its jurisdiction that increase the deficit by not more than \$89,100,000,000 for the period of fiscal years 2022 through 2031.

(b) COMMITTEE ON EDUCATION AND LABOR.—The Committee on Education and Labor of the House of Representatives shall report changes in laws within its jurisdiction that increase the deficit by not more than \$779,500,000,000 for the period of fiscal years 2022 through 2031.

(c) COMMITTEE ON ENERGY AND COMMERCE.—The Committee on Energy and Commerce of the House of Representatives shall report changes in laws within its jurisdiction that increase the deficit by not more than \$486,500,000,000 for the period of fiscal years 2022 through 2031.

(d) COMMITTEE ON FINANCIAL SERVICES.—The Committee on Financial Services of the House of Representatives shall report changes in laws within its jurisdiction that increase the deficit by not more than \$339,000,000,000 for the period of fiscal years 2022 through 2031.

(e) COMMITTEE ON HOMELAND SECURITY.—The Committee on Homeland Security of the House of Representatives shall report changes in laws within its jurisdiction that increase the deficit by not more than \$500,000,000 for the period of fiscal years 2022 through 2031.

(f) COMMITTEE ON THE JUDICIARY.—The Committee on the Judiciary of the House of Representatives shall report changes in laws within its jurisdiction that increase the deficit by not more than \$107,500,000,000 for the period of fiscal years 2022 through 2031.

(g) COMMITTEE ON NATURAL RESOURCES.—The Committee on Natural Resources of the House of Representatives shall report changes in laws within its jurisdiction that increase the deficit by not more than \$25,600,000,000 for the period of fiscal years 2022 through 2031.

(h) COMMITTEE ON OVERSIGHT AND REFORM.—The Committee on Oversight and Reform of the House of Representatives shall report changes in laws within its jurisdiction that increase the deficit by not more than \$7,500,000,000 for the period of fiscal years 2022 through 2031.

(i) COMMITTEE ON SCIENCE, SPACE, AND TECHNOLOGY.—The Committee on Science, Space, and Technology of the House of Representatives shall report changes in laws within its jurisdiction that increase the deficit by not more than \$45,510,000,000 for the period of fiscal years 2022 through 2031.

(j) COMMITTEE ON SMALL BUSINESS.—The Committee on Small Business of the House of Representatives shall report changes in laws within its jurisdiction that increase the deficit by not more than \$17,500,000,000 for the period of fiscal years 2022 through 2031.

(k) COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE.—The Committee on Transportation and Infrastructure of the House of Representatives shall report changes in laws within its jurisdiction that increase the deficit by not more than \$60,000,000,000 for the period of fiscal years 2022 through 2031.

(l) COMMITTEE ON VETERANS' AFFAIRS.—The Committee on Veterans' Affairs of the House of Representatives shall report changes in laws within its jurisdiction that increase the deficit by not more than \$18,000,000,000 for the period of fiscal years 2022 through 2031.

(m) COMMITTEE ON WAYS AND MEANS.—The Committee on Ways and Means of the House of Representatives shall report changes in laws within its jurisdiction that reduce the deficit by not less than \$1,000,000,000 for the period of fiscal years 2022 through 2031.

(n) SUBMISSIONS.—In the House of Representatives, not later than September 15, 2021, the committees named in the subsections of this section shall submit their recommendations to the Committee on the Budget of the House of Representatives to carry out this section.

TITLE III—RESERVE FUNDS

SEC. 3001. RESERVE FUND FOR LEGISLATION THAT WON'T RAISE TAXES ON PEOPLE MAKING LESS THAN \$400,000 IN THE SENATE.

The Chairman of the Committee on the Budget of the Senate may revise the allocations of a committee or committees, aggregates, and other appropriate levels in this resolution, and make adjustments to the pay-as-you-go ledger, for one or more bills, joint resolutions, amendments, amendments between the Houses, motions, or conference reports relating to changes in revenues, without raising taxes on people making less than \$400,000, by the amounts in such legislation for those purposes, provided that such legislation would not increase the deficit for the time period of fiscal year 2022 to fiscal year 2031.

SEC. 3002. RESERVE FUND FOR RECONCILIATION LEGISLATION.

(a) SENATE.—

(1) IN GENERAL.—The Chairman of the Committee on the Budget of the Senate may revise the allocations of a committee or committees, aggregates, and other appropriate levels in this resolution, and make adjustments to the pay-as-you-go ledger, for any bill or joint resolution considered pursuant to section 2001 containing the recommendations of one or more committees, or for one or more amendments to, a conference report on, or an amendment between the Houses in relation to such a bill or joint resolution, by the amounts necessary to accommodate the budgetary effects of the legislation, if the budgetary

effects of the legislation comply with the reconciliation instructions under this concurrent resolution, except that no adjustment shall be made pursuant to this subsection if such legislation raises taxes on people making less than \$400,000.

(2) DETERMINATION OF COMPLIANCE.—For purposes of this subsection, compliance with the reconciliation instructions under this concurrent resolution shall be determined by the Chairman of the Committee on the Budget of the Senate.

(3) EXCEPTIONS FOR LEGISLATION.—

(A) SHORT-TERM.—Section 404 of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010, as amended by section 3201(b)(2) of S. Con. Res. 11 (114th Congress), the concurrent resolution on the budget for fiscal year 2016, shall not apply to legislation for which the Chairman of the Committee on the Budget of the Senate has exercised the authority under paragraph (1).

(B) LONG-TERM.—Section 3101 of S. Con. Res. 11 (114th Congress), the concurrent resolution on the budget for fiscal year 2016, shall not apply to legislation for which the Chairman of the Committee on the Budget of the Senate has exercised the authority under paragraph (1).

(b) HOUSE OF REPRESENTATIVES.—

(1) IN GENERAL.—In the House of the Representatives, the chair of the Committee on the Budget may revise the allocations of a committee or committees, aggregates, and other appropriate levels in this concurrent resolution for any bill or joint resolution considered pursuant to this concurrent resolution containing the recommendations of one or more committees, or for one or more amendments to, a conference report on, or an amendment between the Houses in relation to such a bill or joint resolution, by the amounts necessary to accommodate the budgetary effects of the legislation.

(2) EXCEPTION FOR LEGISLATION.—The point of order set forth in clause 10 of rule XXI of the House of Representatives shall not apply to reconciliation legislation reported by the Committee on the Budget pursuant to submissions under this concurrent resolution.

SEC. 3003. RESERVE FUND.

(a) SENATE.—The Chairman of the Committee on the Budget of the Senate may revise the allocations of a committee or committees, aggregates, and other appropriate levels in this resolution, and make adjustments to the pay-as-you-go ledger, for one or more bills, joint resolutions, amendments, amendments between the Houses, motions, or conference reports by the amounts provided in such legislation, provided that such legislation would not increase the deficit for the time period of fiscal year 2022 to fiscal year 2031.

(b) HOUSE OF REPRESENTATIVES.—The chair of the Committee on the Budget of the House of Representatives may revise the allocations of a committee or committees, aggregates, and other appropriate levels in this concurrent resolution for one or more bills, joint resolutions, amendments, or conference reports by the amounts provided in such legislation, provided that such legislation would not increase the deficit for the following time periods: fiscal

year 2022 to fiscal year 2026 and fiscal year 2022 to fiscal year 2031.

SEC. 3004. DEFICIT-NEUTRAL RESERVE FUND TO PROHIBIT THE GREEN NEW DEAL.

The Chairman of the Committee on the Budget of the Senate may revise the allocations of a committee or committees, aggregates, and other appropriate levels in this resolution, and make adjustments to the pay-as-you-go ledger, for one or more bills, joint resolutions, amendments, amendments between the Houses, motions, or conference reports relating to Federal greenhouse gas restrictions, which may include limiting or prohibiting legislation or regulations to implement the Green New Deal, to ship United States companies and jobs overseas, to impose soaring electricity, gasoline, home heating oil, and other energy prices on working class families, or to make the United States increasingly dependent on foreign supply chains, by the amounts provided in such legislation for those purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2022 through 2026 or the period of the total of fiscal years 2022 through 2031.

SEC. 3005. RESERVE FUND RELATING TO ADDRESSING THE CRISIS OF CLIMATE CHANGE.

The Chairman of the Committee on the Budget of the Senate may revise the allocations of a committee or committees, aggregates, and other appropriate levels in this resolution, and make adjustments to the pay-as-you-go ledger, for one or more bills, joint resolutions, amendments, amendments between the Houses, motions, or conference reports relating to addressing the crisis of climate change through new policies that create jobs, reduce pollution, and strengthen the economy of the United States by the amounts provided in such legislation for those purposes, provided that such legislation would not increase the deficit over the period of the total of fiscal years 2022 through 2031.

SEC. 3006. DEFICIT-NEUTRAL RESERVE FUND RELATING TO SUPPORTING PRIVATELY-HELD BUSINESSES, FARMS, AND RANCHES.

The Chairman of the Committee on the Budget of the Senate may revise the allocations of a committee or committees, aggregates, and other appropriate levels in this resolution, and make adjustments to the pay-as-you-go ledger, for one or more bills, joint resolutions, amendments, amendments between the Houses, motions, or conference reports relating to protecting privately-held businesses, farms, and ranches, which may include—

- (1) preserving the tax principles in effect as of the date of the adoption of this resolution which are applicable to owning, operating, or transferring such businesses, farms, and ranches,
- (2) preserving the full benefit of the step-up in basis for assets acquired from a decedent, or
- (3) extending tax relief for such businesses, farms or ranches,

provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2022 through 2026 or the period of the total of fiscal years 2022 through 2031.

SEC. 3007. DEFICIT-NEUTRAL RESERVE FUND RELATING TO PROMOTING US COMPETITIVENESS AND INNOVATION BY SUPPORTING RESEARCH AND DEVELOPMENT.

The Chairman of the Committee on the Budget of the Senate may revise the allocations of a committee or committees, aggregates, and other appropriate levels in this resolution, and make adjustments to the pay-as-you-go ledger, for one or more bills, joint resolutions, amendments, amendments between the Houses, motions, or conference reports relating to supporting United States economic competitiveness and innovation, which may include expanding the research and development tax credit for small businesses and preserving full expensing for research and development investments, by the amounts provided in such legislation for those purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2022 through 2026 or the period of the total of fiscal years 2022 through 2031.

SEC. 3008. RESERVE FUND RELATING TO PROTECTING TAXPAYER PRIVACY WHILE ENSURING THOSE EVADING THE TAX SYSTEM PAY WHAT THEY OWE.

The Chairman of the Committee on the Budget of the Senate may revise the allocations of a committee or committees, aggregates, and other appropriate levels in this resolution, and make adjustments to the pay-as-you-go ledger, for one or more bills, joint resolutions, amendments, amendments between the Houses, motions, or conference reports relating to strengthening Federal tax administration, which may include requiring reporting on large financial account balances to ensure those evading the tax system pay what they owe while protecting the privacy of American taxpayer and small business tax information, by the amounts provided in such legislation for those purposes, provided that such legislation would not increase the deficit over the period of the total of fiscal years 2022 through 2031.

SEC. 3009. DEFICIT-NEUTRAL RESERVE FUND TO PROHIBIT THE COUNCIL ON ENVIRONMENTAL QUALITY AND ENVIRONMENTAL PROTECTION AGENCY FROM PROMULGATING RULES OR GUIDANCE THAT BANS FRACKING IN THE UNITED STATES.

The Chairman of the Committee on the Budget of the Senate may revise the allocations of a committee or committees, aggregates, and other appropriate levels in this resolution, and make adjustments to the pay-as-you-go ledger, for one or more bills, joint resolutions, amendments, amendments between the Houses, motions, or conference reports relating to the National Environmental Policy Act of 1969 and environmental laws and policies, which may include limiting or prohibiting the Chair of the Council on Environmental Quality and the Administrator of the Environmental Protection Agency from proposing, finalizing, or implementing a rule or guidance that bans fracking in the United States by the amounts provided in such legislation for those purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2022 through 2026 or the period of the total of fiscal years 2022 through 2031.

SEC. 3010. DEFICIT-NEUTRAL RESERVE FUND RELATING TO FACILITATING IMPROVED INTERNET SERVICE FOR CUBAN CITIZENS.

The Chairman of the Committee on the Budget of the Senate may revise the allocations of a committee or committees, aggregates, and other appropriate levels in this resolution, and make adjustments to the pay-as-you-go ledger, for one or more bills, joint resolutions, amendments, amendments between the Houses, motions, or conference reports relating to improving the National Telecommunications and Information Administration, which may include ensuring that the internet is an engine for innovation and economic growth for the Cuban people, by the amounts provided in such legislation for those purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2022 through 2026 or the period of the total of fiscal years 2022 through 2031.

SEC. 3011. DEFICIT-NEUTRAL RESERVE FUND RELATING TO ADJUSTING FEDERAL FUNDING FOR LOCAL JURISDICTIONS.

The Chairman of the Committee on the Budget of the Senate may revise the allocations of a committee or committees, aggregates, and other appropriate levels in this resolution, and make adjustments to the pay-as-you-go ledger, for one or more bills, joint resolutions, amendments, amendments between the Houses, motions, or conference reports relating to adjustments to Federal funds for local governments within the jurisdiction of the committees receiving reconciliation instructions under section 2001 of this resolution, which may include limiting or eliminating Federal payments, other than grants under subpart 1 of part E of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (34 U.S.C. 10151 et seq.) (commonly known as the “Byrne JAG grant program”) or section 1701 of title I of such Act (34 U.S.C. 10381) (commonly known as the “COPS grant program”), to local governments that defund the police, by the amounts provided in such legislation for those purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2022 through 2026 or the period of the total of fiscal years 2022 through 2031.

SEC. 3012. RESERVE FUND RELATING TO HONORING THE CAPITOL POLICE, DC METROPOLITAN POLICE, AND FIRST RESPONDERS.

The Chairman of the Committee on the Budget of the Senate may revise the allocations of a committee or committees, aggregates, and other appropriate levels in this resolution, and make adjustments to the pay-as-you-go ledger, for one or more bills, joint resolutions, amendments, amendments between the Houses, motions, or conference reports relating to honoring the United States Capitol Police, the District of Columbia Metropolitan Police, and all other first responders, who fought and died protecting Congress and the United States Capitol from the mob of insurrectionists on January 6th, 2021, by the amounts provided in such legislation for those purposes, provided that such legislation would not increase the deficit over the period of the total of fiscal years 2022 through 2031.

SEC. 3013. DEFICIT-NEUTRAL RESERVE FUND RELATING TO SUPPORTING OR EXPEDITING THE DEPLOYMENT OF CARBON CAPTURE, UTILIZATION, AND SEQUESTRATION TECHNOLOGIES.

The Chairman of the Committee on the Budget of the Senate may revise the allocations of a committee or committees, aggregates, and other appropriate levels in this resolution, and make adjustments to the pay-as-you-go ledger, for one or more bills, joint resolutions, amendments, amendments between the Houses, motions, or conference reports relating to Federal environmental and energy policies, which may include supporting or expediting the deployment of carbon capture, utilization, and sequestration technologies (including technologies that may be used on coal- and natural gas-fired power plants) in the United States to lower emissions and to increase the use of captured carbon dioxide for valuable products and enhanced oil recovery, by the amounts provided in such legislation for those purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2022 through 2026 or the period of the total of fiscal years 2022 through 2031.

SEC. 3014. DEFICIT-NEUTRAL RESERVE FUND RELATING TO POLICIES OR LEGISLATION TO PROHIBIT THE DEPARTMENT OF AGRICULTURE FROM MAKING INELIGIBLE FOR FINANCING FOSSIL FUEL-BURNING POWER PLANTS.

The Chairman of the Committee on the Budget of the Senate may revise the allocations of a committee or committees, aggregates, and other appropriate levels in this resolution, and make adjustments to the pay-as-you-go ledger, for one or more bills, joint resolutions, amendments, amendments between the Houses, motions, or conference reports relating to agriculture policy, which may include prohibiting or limiting the Department of Agriculture from making ineligible for financing the construction, maintenance, or improvement of fossil fuel-burning power plants by the amounts provided in such legislation for those purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2022 through 2026 or the period of the total of fiscal years 2022 through 2031.

SEC. 3015. DEFICIT-NEUTRAL RESERVE FUND RELATING TO THE PROVISIONS OF THE AMERICAN RESCUE PLAN ACT.

The Chairman of the Committee on the Budget of the Senate may revise the allocations of a committee or committees, aggregates, and other appropriate levels in this resolution, and make adjustments to the pay-as-you-go ledger, for one or more bills, joint resolutions, amendments, amendments between the Houses, motions, or conference reports relating to limitations on Federal relief funds for State or local governments, which may include lifting or prohibiting restrictions related to modifications to a State's or territory's tax revenue source, by the amounts provided in such legislation for those purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2022 through 2026 or the period of the total of fiscal years 2022 through 2031.

SEC. 3016. DEFICIT-NEUTRAL RESERVE FUND RELATING TO MEANS-TESTING ELECTRIC VEHICLE TAX CREDITS.

The Chairman of the Committee on the Budget of the Senate may revise the allocations of a committee or committees, aggregates, and other appropriate levels in this resolution, and make adjustments to the pay-as-you-go ledger, for one or more bills, joint resolutions, amendments, amendments between the Houses, motions, or conference reports relating to means-testing electric vehicle tax credits, which may include limiting eligibility of individuals with an adjusted gross income of greater than \$100,000 or setting maximum car values allowed for eligible purchases at \$40,000, by the amounts provided in such legislation for those purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2022 through 2026 or the period of the total of fiscal years 2022 through 2031.

SEC. 3017. DEFICIT-NEUTRAL RESERVE FUND RELATING TO PROHIBITING OR LIMITING THE ISSUANCE OF COSTLY CLEAN AIR ACT PERMIT REQUIREMENTS ON FARMERS AND RANCHERS IN THE UNITED STATES OR THE IMPOSITION OF NEW FEDERAL METHANE REQUIREMENTS ON LIVESTOCK.

The Chairman of the Committee on the Budget of the Senate may revise the allocations of a committee or committees, aggregates, and other appropriate levels in this resolution, and make adjustments to the pay-as-you-go ledger, for one or more bills, joint resolutions, amendments, amendments between the Houses, motions, or conference reports relating to Federal environmental policies under the Clean Air Act (42 U.S.C. 7401 et seq.), which may include prohibiting or limiting the issuance of costly permit requirements under that Act on farmers and ranchers in the United States or the imposition of any new Federal methane requirements on livestock that would have the effect of increasing the cost of beef and other critical products, by the amounts provided in such legislation for those purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2022 through 2026 or the period of the total of fiscal years 2022 through 2031.

SEC. 3018. DEFICIT-NEUTRAL RESERVE FUND RELATING TO FUNDING OF THE OFFICE OF FOREIGN ASSETS CONTROL.

The Chairman of the Committee on the Budget of the Senate may revise the allocations of a committee or committees, aggregates, and other appropriate levels in this resolution, and make adjustments to the pay-as-you-go ledger, for one or more bills, joint resolutions, amendments, amendments between the Houses, motions, or conference reports relating to funding of the Office of Foreign Assets Control, which may include additional resources for enforcement activities or additional sanctions against terrorist organizations, including those in the Gaza Strip and their members, by the amounts provided in such legislation for those purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2022 through 2026 or the period of the total of fiscal years 2022 through 2031.

SEC. 3019. DEFICIT-NEUTRAL RESERVE FUND RELATING TO ABORTION FUNDING.

The Chairman of the Committee on the Budget of the Senate may revise the allocations of a committee or committees, aggregates, and other appropriate levels in this resolution, and make adjustments to the pay-as-you-go ledger, for one or more bills, joint resolutions, amendments, amendments between the Houses, motions, or conference reports relating to improving health programs, which may include prohibiting funding for abortions consistent with the Hyde amendment or limitations on Federal funding to State or local governments that discriminate against entities who refuse to participate in abortion consistent with the Weldon amendment, by the amounts provided in such legislation for those purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2022 through 2026 or the period of the total of fiscal years 2022 through 2031.

SEC. 3020. DEFICIT-NEUTRAL RESERVE FUND RELATING TO ENSURING ROBUST, SECURE, AND HUMANE SUPPLY CHAINS, SOURCED BY THE UNITED STATES AND ALLIES OF THE UNITED STATES, FOR RENEWABLE ENERGY MATERIALS, TECHNOLOGY, AND CRITICAL MINERALS.

The Chairman of the Committee on the Budget of the Senate may revise the allocations of a committee or committees, aggregates, and other appropriate levels in this resolution, and make adjustments to the pay-as-you-go ledger, for one or more bills, joint resolutions, amendments, amendments between the Houses, motions, or conference reports relating to Federal energy policy, which may include ensuring robust, secure, and humane supply chains for renewable energy products and critical minerals and prohibiting or limiting renewable energy projects funded or subsidized by Federal funds from purchasing materials, technology, and critical minerals produced in China, by the amounts provided in such legislation for those purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2022 through 2026 or the period of the total of fiscal years 2022 through 2031.

SEC. 3021. RESERVE FUND RELATING TO ENSURING ROBUST, SECURE, AND HUMANE SUPPLY CHAINS BY PROHIBITING THE USE OF FEDERAL FUNDS TO PURCHASE MATERIALS, TECHNOLOGY, AND CRITICAL MINERALS PRODUCED, MANUFACTURED, OR MINED WITH FORCED LABOR.

The Chairman of the Committee on the Budget of the Senate may revise the allocations of a committee or committees, aggregates, and other appropriate levels in this resolution, and make adjustments to the pay-as-you-go ledger, for one or more bills, joint resolutions, amendments, amendments between the Houses, motions, or conference reports relating to ensuring robust, secure, and humane supply chains by prohibiting the use of Federal funds to purchase materials, technology, and critical minerals produced, manufactured, or mined with forced labor by the amounts provided in such legislation for those purposes, provided that such legislation would not increase the deficit over the period of the total of fiscal years 2022 through 2031.

SEC. 3022. RESERVE FUND RELATING TO GREAT LAKES ICE BREAKING OPERATIONAL IMPROVEMENTS.

The Chairman of the Committee on the Budget of the Senate may revise the allocations of a committee or committees, aggregates, and other appropriate levels in this resolution, and make adjustments to the pay-as-you-go ledger, for one or more bills, joint resolutions, amendments, amendments between the Houses, motions, or conference reports relating to improving Coast Guard operations, which may include funding for the acquisition, design, and construction of a Great Lakes heavy icebreaker, by the amounts provided in such legislation for those purposes, provided that such legislation would not increase the deficit over the period of the total of fiscal years 2022 through 2031.

SEC. 3023. DEFICIT-NEUTRAL RESERVE FUND RELATING TO IMMIGRATION ENFORCEMENT AND ADDRESSING THE HUMANITARIAN CRISIS AT THE SOUTHERN BORDER.

The Chairman of the Committee on the Budget of the Senate may revise the allocations of a committee or committees, aggregates, and other appropriate levels in this resolution, and make adjustments to the pay-as-you-go ledger, for one or more bills, joint resolutions, amendments, amendments between the Houses, motions, or conference reports relating to immigration enforcement, which may include strengthening enforcement of immigration laws to address the humanitarian crisis at the southern border, dramatically increasing funding for smart and effective border security measures, improving asylum processing, and reducing immigration court backlogs, by the amounts provided in such legislation for those purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2022 through 2026 or the period of the total of fiscal years 2022 through 2031.

SEC. 3024. DEFICIT-NEUTRAL RESERVE FUND RELATING TO PROVIDING QUALITY EDUCATION FOR CHILDREN.

The Chairman of the Committee on the Budget of the Senate may revise the allocations of a committee or committees, aggregates, and other appropriate levels in this resolution, and make adjustments to the pay-as-you-go ledger, for one or more bills, joint resolutions, amendments, amendments between the Houses, motions, or conference reports relating to providing quality education for the children of the United States, which may include prohibiting or limiting Federal funding from being used to promote critical race theory or compel teachers or students to affirm critical race theory in prekindergarten programs, elementary schools, and secondary schools, by the amounts provided in such legislation for those purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2022 through 2026 or the period of the total of fiscal years 2022 through 2031.

SEC. 3025. DEFICIT-NEUTRAL RESERVE FUND RELATING TO HIRING 100,000 NEW POLICE OFFICERS.

The Chairman of the Committee on the Budget of the Senate may revise the allocations of a committee or committees, aggregates, and other appropriate levels in this resolution, and make adjustments to the pay-as-you-go ledger, for one or more bills, joint resolutions, amendments, amendments between the Houses,

motions, or conference reports relating to public safety, which may include funding the hiring of 100,000 new police officers nationwide, by the amounts provided in such legislation for those purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2022 through 2026 or the period of the total of fiscal years 2022 through 2031.

SEC. 3026. DEFICIT-NEUTRAL RESERVE FUND RELATING TO PREVENTING ELECTRICITY BLACKOUTS AND IMPROVING ELECTRICITY RELIABILITY.

The Chairman of the Committee on the Budget of the Senate may revise the allocations of a committee or committees, aggregates, and other appropriate levels in this resolution, and make adjustments to the pay-as-you-go ledger, for one or more bills, joint resolutions, amendments, amendments between the Houses, motions, or conference reports relating to Federal environmental and energy policies, which may include promoting the increased deployment and use of, or supporting the expansion of, baseload power resources in the United States, including coal-fired and natural gas-fired power plants with carbon capture, utilization, and sequestration technologies and nuclear power to prevent blackouts and improve electric reliability, by the amounts provided in such legislation for those purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2022 through 2026 or the period of the total of fiscal years 2022 through 2031.

SEC. 3027. DEFICIT-NEUTRAL RESERVE FUND RELATING TO PROTECTING MIGRANTS AND LOCAL COMMUNITIES AGAINST COVID-19.

The Chairman of the Committee on the Budget of the Senate may revise the allocations of a committee or committees, aggregates, and other appropriate levels in this resolution, and make adjustments to the pay-as-you-go ledger, for one or more bills, joint resolutions, amendments, amendments between the Houses, motions, or conference reports relating to protecting migrants and local communities against COVID-19, which may include resources for testing and treatment of migrants at the United States border, resources for quarantining migrants who test positive, or prohibiting migrants who have not received a negative COVID-19 test from being transported elsewhere, by the amounts provided in such legislation for those purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2022 through 2026 or the period of the total of fiscal years 2022 through 2031.

SEC. 3028. DEFICIT-NEUTRAL RESERVE FUND RELATING TO STUDYING AND PROVIDING FOR TAX EQUIVALENCY UNDER THE PAYMENTS IN LIEU OF TAXES PROGRAM.

The Chairman of the Committee on the Budget of the Senate may revise the allocations of a committee or committees, aggregates, and other appropriate levels in this resolution, and make adjustments to the pay-as-you-go ledger, for one or more bills, joint resolutions, amendments, amendments between the Houses, motions, or conference reports relating to studying and providing for tax equivalency under the payments in lieu of taxes program established under chapter 69 of title 31, United States Code, by

the amounts provided in such legislation for those purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2022 through 2026 or the period of the total of fiscal years 2022 through 2031.

SEC. 3029. DEFICIT-NEUTRAL RESERVE FUND RELATING TO PREVENTING TAX INCREASES ON SMALL BUSINESSES.

The Chairman of the Committee on the Budget of the Senate may revise the allocations of a committee or committees, aggregates, and other appropriate levels in this resolution, and make adjustments to the pay-as-you-go ledger, for one or more bills, joint resolutions, amendments, amendments between the Houses, motions, or conference reports relating to preventing tax increases on small businesses by the amounts provided in such legislation for those purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2022 through 2026 or the period of the total of fiscal years 2022 through 2031.

SEC. 3030. DEFICIT-NEUTRAL RESERVE FUND RELATING TO PROVIDING SUFFICIENT RESOURCES TO DETAIN AND DEPORT A HIGHER NUMBER OF ALIENS WHO HAVE BEEN CONVICTED OF A CRIME.

The Chairman of the Committee on the Budget of the Senate may revise the allocations of a committee or committees, aggregates, and other appropriate levels in this resolution, and make adjustments to the pay-as-you-go ledger, for one or more bills, joint resolutions, amendments, amendments between the Houses, motions, or conference reports relating to ensuring that U.S. Immigration and Customs Enforcement has sufficient resources to detain and deport a higher number of illegal aliens who have been convicted of a criminal offense in the United States, by the amounts provided in such legislation for those purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2022 through 2026 or the period of the total of fiscal years 2022 through 2031.

SEC. 3031. DEFICIT-NEUTRAL RESERVE FUND RELATING TO MAINTAINING THE CURRENT LAW TAX TREATMENT OF LIKE KIND EXCHANGES.

The Chairman of the Committee on the Budget of the Senate may revise the allocations of a committee or committees, aggregates, and other appropriate levels in this resolution, and make adjustments to the pay-as-you-go ledger, for one or more bills, joint resolutions, amendments, amendments between the Houses, motions, or conference reports relating to maintaining the current law tax treatment of like kind exchanges under the Internal Revenue Code of 1986 by the amounts provided in such legislation for those purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2022 through 2026 or the period of the total of fiscal years 2022 through 2031.

TITLE IV—OTHER MATTERS

SEC. 4001. EMERGENCY LEGISLATION.

(a) SENATE.—

(1) **AUTHORITY TO DESIGNATE.**—In the Senate, with respect to a provision of direct spending or receipts legislation or appropriations for discretionary accounts that Congress designates as an emergency requirement in such measure, the amounts of new budget authority, outlays, and receipts in all fiscal years resulting from that provision shall be treated as an emergency requirement for the purpose of this subsection.

(2) **EXEMPTION OF EMERGENCY PROVISIONS.**—Any new budget authority, outlays, and receipts resulting from any provision designated as an emergency requirement, pursuant to this subsection, in any bill, joint resolution, amendment, amendment between the Houses, or conference report shall not count for purposes of sections 302 and 311 of the Congressional Budget Act of 1974 (2 U.S.C. 633, 642), section 404(a) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010, section 3101 of S. Con. Res. 11 (114th Congress), the concurrent resolution on the budget for fiscal year 2016, and section 4106 of H. Con. Res. 71 (115th Congress), the concurrent resolution on the budget for fiscal year 2018.

(3) **DESIGNATIONS.**—If a provision of legislation is designated as an emergency requirement under this subsection, the committee report and any statement of managers accompanying that legislation shall include an explanation of the manner in which the provision meets the criteria in paragraph (5).

(4) **DEFINITIONS.**—In this subsection, the terms “direct spending”, “receipts”, and “appropriations for discretionary accounts” mean any provision of a bill, joint resolution, amendment, motion, amendment between the Houses, or conference report that affects direct spending, receipts, or appropriations as those terms have been defined and interpreted for purposes of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 900 et seq.).

(5) **CRITERIA.**—

(A) **IN GENERAL.**—For purposes of this subsection, any provision is an emergency requirement if the situation addressed by such provision is—

(i) necessary, essential, or vital (not merely useful or beneficial);

(ii) sudden, quickly coming into being, and not building up over time;

(iii) an urgent, pressing, and compelling need requiring immediate action;

(iv) subject to subparagraph (B), unforeseen, unpredictable, and unanticipated; and

(v) not permanent, temporary in nature.

(B) **UNFORESEEN.**—An emergency that is part of an aggregate level of anticipated emergencies, particularly when normally estimated in advance, is not unforeseen.

(6) **REPEAL.**—In the Senate, section 4112 of H. Con. Res. 71 (115th Congress), the concurrent resolution on the budget for fiscal year 2018, shall no longer apply.

(b) **HOUSE OF REPRESENTATIVES.**—

(1) **IN GENERAL.**—In the House of Representatives, if a bill, joint resolution, amendment, or conference report contains a provision providing new budget authority and outlays or

reducing revenue, and a designation of such provision as emergency requirement, the chair of the Committee on the Budget of the House of Representatives shall not count the budgetary effects of such provision for any purpose in the House of Representatives.

(2) PROPOSAL TO STRIKE.—A proposal to strike a designation under paragraph (1) shall be excluded from an evaluation of budgetary effects for any purpose in the House of Representatives.

(3) AMENDMENT TO REDUCE AMOUNTS.—An amendment offered under paragraph (2) that also proposes to reduce each amount appropriated or otherwise made available by the pending measure that is not required to be appropriated or otherwise made available shall be in order at any point in the reading of the pending measure.

(4) REFERENCES.—

(A) IN GENERAL.—All references to section 1(f) of H. Res. 467 (117th Congress) in any bill or joint resolution, or an amendment thereto or conference report thereon, shall be treated for all purposes in the House of Representatives as references to this subsection of this concurrent resolution.

(B) BBEDCA.—All references to a designation by the Congress for an emergency requirement pursuant to section 251(b) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 901(b)) for amounts for fiscal year 2022 or succeeding fiscal years in any legislation implementing a bipartisan infrastructure agreement shall be treated for all purposes in the House of Representatives as references to this subsection of this concurrent resolution.

SEC. 4002. POINT OF ORDER AGAINST ADVANCE APPROPRIATIONS IN THE SENATE.

(a) IN GENERAL.—

(1) POINT OF ORDER.—Except as provided in subsection (b), it shall not be in order in the Senate to consider any bill, joint resolution, motion, amendment, amendment between the Houses, or conference report that would provide an advance appropriation for a discretionary account.

(2) DEFINITION.—In this section, the term “advance appropriation” means any new budget authority provided in a bill or joint resolution making appropriations for fiscal year 2022 that first becomes available for any fiscal year after 2022, or any new budget authority provided in a bill or joint resolution making appropriations for fiscal year 2023, that first becomes available for any fiscal year after 2023.

(b) EXCEPTIONS.—Advance appropriations may be provided—

(1) for fiscal years 2023 and 2024 for programs, projects, activities, or accounts identified in the joint explanatory statement of managers accompanying this resolution under the heading “Accounts Identified for Advance Appropriations” in an aggregate amount not to exceed \$28,852,000,000 in new budget authority in each fiscal year;

(2) for the Corporation for Public Broadcasting;

(3) for the Department of Veterans Affairs for the Medical Services, Medical Community Care, Medical Support and

Compliance, and Medical Facilities accounts of the Veterans Health Administration;

(4) for legislation implementing a bipartisan infrastructure agreement, as determined by the Chairman of the Committee on the Budget of the Senate; and

(5) for the Department of Health and Human Services for the Indian Health Services and Indian Health Facilities accounts—

(A) in an amount that is not more than the amount provided for fiscal year 2022 in a bill or joint resolution making appropriations for fiscal year 2022; and

(B) in an amount that is not more than the amount provided for fiscal year 2023 in a bill or joint resolution making appropriations for fiscal year 2023.

(c) SUPERMAJORITY WAIVER AND APPEAL.—

(1) WAIVER.—In the Senate, subsection (a) may be waived or suspended only by an affirmative vote of three-fifths of the Members, duly chosen and sworn.

(2) APPEAL.—An affirmative vote of three-fifths of the Members of the Senate, duly chosen and sworn, shall be required to sustain an appeal of the ruling of the Chair on a point of order raised under subsection (a).

(d) FORM OF POINT OF ORDER.—A point of order under subsection (a) may be raised by a Senator as provided in section 313(e) of the Congressional Budget Act of 1974 (2 U.S.C. 644(e)).

(e) CONFERENCE REPORTS.—When the Senate is considering a conference report on, or an amendment between the Houses in relation to, a bill or joint resolution, upon a point of order being made by any Senator pursuant to this section, and such point of order being sustained, such material contained in such conference report or House amendment shall be stricken, and the Senate shall proceed to consider the question of whether the Senate shall recede from its amendment and concur with a further amendment, or concur in the House amendment with a further amendment, as the case may be, which further amendment shall consist of only that portion of the conference report or House amendment, as the case may be, not so stricken. Any such motion in the Senate shall be debatable. In any case in which such point of order is sustained against a conference report (or Senate amendment derived from such conference report by operation of this subsection), no further amendment shall be in order.

SEC. 4003. POINT OF ORDER AGAINST ADVANCE APPROPRIATIONS IN THE HOUSE OF REPRESENTATIVES.

(a) IN GENERAL.—In the House of Representatives, except as provided in subsection (b), any general appropriation bill or bill or joint resolution continuing appropriations, or an amendment thereto or conference report thereon, may not provide an advance appropriation.

(b) EXCEPTIONS.—An advance appropriation may be provided for programs, activities, or accounts identified in lists submitted for printing in the Congressional Record by the chair of the Committee on the Budget—

(1) for fiscal year 2023, under the heading “Accounts Identified for Advance Appropriations” in an aggregate amount not to exceed \$28,852,000,000 in new budget authority, and for

fiscal year 2024, accounts separately identified under the same heading; and

(2) for fiscal year 2023, under the heading “Veterans Accounts Identified for Advance Appropriations”.

(c) DEFINITION.—In this section, the term “advance appropriation” means any new discretionary budget authority provided in a general appropriation bill or bill or joint resolution continuing appropriations for fiscal year 2022, or an amendment thereto or conference report thereon, that first becomes available following fiscal year 2022.

SEC. 4004. PROGRAM INTEGRITY INITIATIVES AND OTHER ADJUSTMENTS IN THE SENATE.

(a) IN GENERAL.—In the Senate, after the reporting of a bill or joint resolution relating to any matter described in subsection (b) or the adoption of a motion to proceed to, the offering of an amendment to, the laying before the Senate of an amendment between the Houses to, or the submission of a conference report on such a bill or joint resolution—

(1) the Chairman of the Committee on the Budget of the Senate may adjust the budgetary aggregates and allocations pursuant to section 302(a) of the Congressional Budget Act of 1974 (2 U.S.C. 633(a)) by the amount of new budget authority in that measure for that purpose and the outlays flowing therefrom; and

(2) following any adjustment under paragraph (1), the Committee on Appropriations of the Senate may report appropriately revised suballocations pursuant to section 302(b) of the Congressional Budget Act of 1974 (2 U.S.C. 633(b)) to carry out this section.

(b) MATTERS DESCRIBED.—Matters referred to in subsection (a) are as follows:

(1) CONTINUING DISABILITY REVIEWS AND REDETERMINATIONS.—

(A) IN GENERAL.—If a bill, joint resolution, amendment, amendment between the Houses, or conference report making discretionary appropriations for fiscal year 2022 specifies an amount for continuing disability reviews under titles II and XVI of the Social Security Act (42 U.S.C. 401 et seq., 1381 et seq.), for the cost associated with conducting redeterminations of eligibility under title XVI of the Social Security Act, for the cost of co-operative disability investigation units, and for the cost associated with the prosecution of fraud in the programs and operations of the Social Security Administration by Special Assistant United States Attorneys, then the adjustment shall be the additional new budget authority specified in such measure for such costs for fiscal year 2022, but shall not exceed \$1,435,000,000.

(B) DEFINITIONS.—As used in this paragraph—

(i) the term “additional new budget authority” means the amount provided for fiscal year 2022, in excess of \$273,000,000, in a bill, joint resolution, amendment, amendment between the Houses, or conference report making discretionary appropriations and specified to pay for the costs of continuing disability

reviews, redeterminations, cooperative disability investigation units, and the prosecution of fraud in the programs and operations of the Social Security Administration by Special Assistant United States Attorneys under the heading “Limitation on Administrative Expenses” for the Social Security Administration;

(ii) the term “continuing disability reviews” means continuing disability reviews under sections 221(i) and 1614(a)(4) of the Social Security Act (42 U.S.C. 421(i), 1382c(a)(4)), including work-related continuing disability reviews to determine whether earnings derived from services demonstrate an individual’s ability to engage in substantial gainful activity; and

(iii) the term “redetermination” means redetermination of eligibility under sections 1611(c)(1) and 1614(a)(3)(H) of the Social Security Act (42 U.S.C. 1382(c)(1), 1382c(a)(3)(H)).

(2) INTERNAL REVENUE SERVICE ENFORCEMENT.—

(A) IN GENERAL.—If a bill, joint resolution, amendment, amendment between the Houses, or conference report making discretionary appropriations for fiscal year 2022 specifies an amount for tax enforcement activities, including tax compliance to address the Federal tax gap (including an amount for Internal Revenue Service Enforcement (account 020–0913), for Internal Revenue Service Operations Support (account 020–0919), for Internal Revenue Service Business Systems Modernization (account 020–0921), or for Internal Revenue Service Taxpayer Services (account 020–0912)), then the adjustment shall be the additional new budget authority specified in such measure for fiscal year 2022, but shall not exceed \$417,000,000.

(B) DEFINITION.—In this paragraph, the term “additional new budget authority” means the amount provided for fiscal year 2022, in excess of \$11,919,000,000, in a bill, joint resolution, amendment, amendment between the Houses, or conference report making discretionary appropriations and specified to pay for tax enforcement activities, including tax compliance to address the Federal tax gap, for Internal Revenue Service Enforcement (account 020–0913), Internal Revenue Service Operations Support (account 020–0919), Internal Revenue Service Business Systems Modernization (account 020–0921), or Internal Revenue Service Taxpayer Services (account 020–0912).

(3) HEALTH CARE FRAUD AND ABUSE CONTROL.—

(A) IN GENERAL.—If a bill, joint resolution, amendment, amendment between the Houses, or conference report making discretionary appropriations for fiscal year 2022 specifies an amount for the health care fraud abuse control program at the Department of Health and Human Services (75–8393–0–7–571), then the adjustment shall be the additional new budget authority specified in such measure for such program for fiscal year 2022, but shall not exceed \$556,000,000.

(B) DEFINITION.—As used in this paragraph, the term “additional new budget authority” means the amount provided for fiscal year 2022, in excess of \$317,000,000, in a bill, joint resolution, amendment, amendment between the Houses, or conference report making discretionary appropriations and specified to pay for the health care fraud abuse control program at the Department of Health and Human Services (75–8393–0–7–571).

(4) REEMPLOYMENT SERVICES AND ELIGIBILITY ASSESSMENTS.—

(A) IN GENERAL.—If a bill, joint resolution, amendment, amendment between the Houses, or conference report making discretionary appropriations for fiscal year 2022 specifies an amount for grants to States under section 306 of the Social Security Act (42 U.S.C. 506) for claimants of regular compensation, as defined in such section, including those who are profiled as most likely to exhaust their benefits, then the adjustment shall be the additional new budget authority specified in such measure for such grants for fiscal year 2022, but shall not exceed \$133,000,000.

(B) DEFINITION.—As used in this paragraph, the term “additional new budget authority” means the amount provided for fiscal year 2022, in excess of \$117,000,000, in a bill, joint resolution, amendment, amendment between the Houses, or conference report making discretionary appropriations and specified to pay for grants to States under section 306 of the Social Security Act (42 U.S.C. 506) for claimants of regular compensation, as defined in such section, including those who are profiled as most likely to exhaust their benefits.

(5) WILDFIRE SUPPRESSION.—

(A) ADDITIONAL NEW BUDGET AUTHORITY.—If, for any of fiscal years 2022 through 2027, a bill, joint resolution, amendment, amendment between the Houses, or conference report making discretionary appropriations for such a fiscal year provides an amount for wildfire suppression operations in the Wildland Fire Management accounts at the Department of Agriculture or the Department of the Interior, then the adjustments for that fiscal year shall be the amount of additional new budget authority provided in that measure for wildfire suppression operations for that fiscal year, but shall not exceed the amount for that fiscal year specified in section 251(b)(2)(F)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 901(b)(2)(F)(i)).

(B) DEFINITIONS.—As used in this paragraph, the terms “additional new budget authority” and “wildfire suppression operations” have the meanings given those terms in section 251(b)(2)(F)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 901(b)(2)(F)(ii)).

(6) DISASTER RELIEF.—

(A) ADDITIONAL NEW BUDGET AUTHORITY.—If a bill, joint resolution, amendment, amendment between the Houses, or conference report making discretionary appropriations for fiscal year 2022 provides an amount for disaster relief, the adjustment for fiscal year 2022 shall be

the total of such appropriations for fiscal year 2022 designated as being for disaster relief, but not to exceed the amount equal to the total amount calculated for fiscal year 2022 in accordance with the formula in section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 901(b)(2)(D)(i)), except that such formula shall be applied by substituting “fiscal years 2012 through 2022” for “fiscal years 2012 through 2021”.

(B) DEFINITION.—As used in this paragraph, the term “disaster relief” means activities carried out pursuant to a determination under section 102(2) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122(2)).

(7) VETERANS MEDICAL CARE.—

(A) IN GENERAL.—If a bill, joint resolution, amendment, amendment between the Houses, or conference report making discretionary appropriations for fiscal year 2022 specifies an amount for veterans medical care (in the Medical Services, Medical Community Care, Medical Support and Compliance, and Medical Facilities accounts of the Veterans Health Administration), then the adjustment shall be the additional new budget authority specified in such measure for such medical care for fiscal year 2022, but shall not exceed \$7,602,000,000.

(B) DEFINITION.—As used in this paragraph, the term “additional new budget authority” means the amount provided for fiscal year 2022, in excess of \$89,849,000,000, in a bill, joint resolution, amendment, amendment between the Houses, or conference report making discretionary appropriations and specified to pay for veterans medical care.

(c) APPLICATION OF ADJUSTMENTS.—The adjustments made pursuant to subsection (a) for legislation shall—

- (1) apply while that legislation is under consideration;
- (2) take effect upon the enactment of that legislation; and
- (3) be published in the Congressional Record as soon as practicable.

SEC. 4005. PROGRAM INTEGRITY INITIATIVES AND OTHER ADJUSTMENTS IN THE HOUSE OF REPRESENTATIVES.

(a) ADJUSTMENT FOR CONTINUING DISABILITY REVIEWS AND REDETERMINATIONS.—In the House of Representatives, the chair of the Committee on the Budget may adjust the allocations, aggregates, and other budgetary levels included in this concurrent resolution to reflect changes as follows:

- (1) IN GENERAL.—If a bill, joint resolution, amendment, or conference report making discretionary appropriations for fiscal year 2022 specifies an amount for continuing disability reviews under titles II and XVI of the Social Security Act (42 U.S.C. 401 et seq., 1381 et seq.), for the cost associated with conducting redeterminations of eligibility under title XVI of the Social Security Act, for the cost of co-operative disability investigation units, and for the cost associated with the prosecution of fraud in the programs and operations of the Social Security Administration by Special Assistant United States Attorneys, then the adjustment shall be the additional new

budget authority specified in such measure for such purpose, but shall not exceed \$1,435,000,000.

(2) DEFINITIONS.—As used in this subsection—

(A) the term “additional new budget authority” means the amount provided for fiscal year 2022, in excess of \$273,000,000, in a bill, joint resolution, amendment, or conference report and specified to pay for the costs of continuing disability reviews, redeterminations, co-operative disability investigation units, and fraud prosecutions under the heading “Limitation on Administrative Expenses” for the Social Security Administration;

(B) the term “continuing disability reviews” means continuing disability reviews under sections 221(i) and 1614(a)(4) of the Social Security Act (42 U.S.C. 421(i), 1382c(a)(4)), including work related continuing disability reviews to determine whether earnings derived from services demonstrate an individual’s ability to engage in substantial gainful activity; and

(C) the term “redetermination” means redetermination of eligibility under sections 1611(c)(1) and 1614(a)(3)(H) of the Social Security Act (42 U.S.C. 1382(c)(1), 1382c(a)(3)(H)).

(3) REFERENCES.—All references to section 1(k) of H. Res. 467 (117th Congress) in any bill or joint resolution, or amendment thereto or conference report thereon shall be treated for all purposes in the House of Representatives as references to this subsection of this concurrent resolution.

(b) ADJUSTMENT FOR INTERNAL REVENUE SERVICE TAX ENFORCEMENT.—In the House of Representatives, the chair of the Committee on the Budget may adjust the allocations, aggregates, and other budgetary levels included in this concurrent resolution to reflect changes as follows:

(1) IN GENERAL.—If a bill, joint resolution, amendment, or conference report making discretionary appropriations for fiscal year 2022 specifies an amount for tax enforcement activities, including tax compliance to address the Federal tax gap, in the Enforcement account and the Operations Support account of the Internal Revenue Service of the Department of the Treasury, then the adjustment shall be the additional new budget authority provided in such measure for such purpose, but shall not exceed \$417,000,000.

(2) DEFINITION.—As used in this subsection, the term “additional new budget authority” means the amount provided for fiscal year 2022, in excess of \$9,141,000,000, in a bill, joint resolution, amendment, or conference report and specified for tax enforcement activities, including tax compliance to address the Federal tax gap, of the Internal Revenue Service.

(3) REFERENCES.—All references to section 1(i) of H. Res. 467 (117th Congress) in any bill or joint resolution, or amendment thereto or conference report thereon shall be treated for all purposes in the House of Representatives as references to this subsection of this concurrent resolution.

(c) ADJUSTMENT FOR HEALTH CARE FRAUD AND ABUSE CONTROL.—In the House of Representatives, the chair of the Committee on the Budget may adjust the allocations, aggregates, and other budgetary levels included in this concurrent resolution to reflect changes as follows:

(1) IN GENERAL.—If a bill, joint resolution, amendment, or conference report making discretionary appropriations for fiscal year 2022 specifies an amount for the health care fraud abuse control program at the Department of Health and Human Services (75–8393–0–7–571), then the adjustment shall be the additional new budget authority specified in such measure for such purpose for fiscal year 2022, but shall not exceed \$556,000,000.

(2) DEFINITION.—As used in this subsection the term “additional new budget authority” means the amount provided fiscal year 2022, in excess of \$317,000,000, in a bill, joint resolution, amendment, or conference report and specified to pay for the costs of the health care fraud and abuse control program.

(3) REFERENCES.—All references to section 1(j) of H. Res. 467 (117th Congress) in any bill or joint resolution, or amendment thereto or conference report thereon shall be treated for all purposes in the House of Representatives as references to this subsection of this concurrent resolution.

(d) REEMPLOYMENT SERVICES AND ELIGIBILITY ASSESSMENTS.—In the House of Representatives, the chair of the Committee on the Budget may adjust the allocations, aggregates, and other budgetary levels included in this concurrent resolution to reflect changes as follows:

(1) IN GENERAL.—If a bill, joint resolution, amendment, or conference report making discretionary appropriations for fiscal year 2022 specifies an amount for grants to States under section 306 of the Social Security Act (42 U.S.C. 506) for claimants of regular compensation, as defined in such section, including those who are profiled as most likely to exhaust their benefits, then the adjustment shall be the additional new budget authority specified in such measure for such grants for fiscal year 2022, but shall not exceed \$133,000,000.

(2) DEFINITION.—As used in this subsection, the term “additional new budget authority” means the amount provided for fiscal year 2022, in excess of \$117,000,000, in a bill, joint resolution, amendment, or conference report making discretionary appropriations and specified to pay for grants to States under section 306 of the Social Security Act (42 U.S.C. 506) for claimants of regular compensation, as defined in such section, including those who are profiled as most likely to exhaust their benefits.

(e) ADJUSTMENT FOR WILDFIRE SUPPRESSION.—In the House of Representatives, the chair of the Committee on the Budget may adjust the allocations, aggregates, and other budgetary levels in this concurrent resolution to reflect changes as follows:

(1) IN GENERAL.—If a bill, joint resolution, amendment, or conference report making discretionary appropriations for fiscal year 2022 specifies an amount for wildfire suppression operations in the Wildland Fire Management accounts at the Department of Agriculture or the Department of the Interior, then the adjustment shall be the amount of additional new budget authority specified in such measure as being for wildfire suppression operations for fiscal year 2022, but shall not exceed \$2,450,000,000.

(2) DEFINITIONS.—As used in this subsection—

(A) the term “additional new budget authority” means the amount provided for a fiscal year in an appropriation

Act that is in excess of the average costs for wildfire suppression operations as reported in the budget of the President submitted under section 1105(a) of title 31, United States Code, for fiscal year 2015 and are specified to pay for the costs of wildfire suppression operations; and

(B) the term “wildfire suppression operations” means the emergency and unpredictable aspects of wildland firefighting, including—

(i) support, response, and emergency stabilization activities;

(ii) other emergency management activities; and

(iii) the funds necessary to repay any transfers needed for the costs of wildfire suppression operations.

(3) REFERENCES.—All references to section 1(h) of H. Res. 467 (117th Congress) in any bill or joint resolution, or amendment thereto or conference report thereon shall be treated for all purposes in the House of Representatives as references to this subsection of this concurrent resolution.

(f) ADJUSTMENT FOR DISASTER RELIEF.—In the House of Representatives, the chair of the Committee on the Budget may adjust the allocations, aggregates, and other budgetary levels included in this concurrent resolution to reflect changes as follows:

(1) IN GENERAL.—If a bill, joint resolution, amendment, or conference report making discretionary appropriations specifies an amount that Congress designates as being for disaster relief, the adjustment for fiscal year 2022 shall be the total of such appropriations for fiscal year 2022 designated as being for disaster relief, but not to exceed the total of—

(A) the average over the previous 10 fiscal years (excluding the highest and lowest fiscal years) of the sum of the funding provided for disaster relief (as that term is defined on the date immediately before March 23, 2018);

(B) 5 percent of the total appropriations provided in the previous 10 fiscal years, net of any rescissions of budget authority enacted in the same period, with respect to amounts provided for major disasters declared pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.) and designated by the Congress as an emergency; and

(C) the cumulative net total of the unused carryover for fiscal year 2018 and all subsequent fiscal years, where the unused carryover for each fiscal year is calculated as the sum of the amounts in subparagraphs (A) and (B) less the enacted appropriations for that fiscal year that have been designated as being for disaster relief.

(2) DEFINITION.—As used in this subsection, the term “disaster relief” means activities carried out pursuant to a determination under section 102(2) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122(2)).

(3) REFERENCES.—All references to section 1(g) of H. Res. 467 (117th Congress) in any bill or joint resolution, or amendment thereto or conference report thereon shall be treated for all purposes in the House of Representatives as references to this subsection of this concurrent resolution.

(g) **VETERANS MEDICAL CARE.**—In the House of Representatives, the chair of the Committee on the Budget may adjust the allocations, aggregates, and other budgetary levels included in this concurrent resolution to reflect changes as follows:

(1) **IN GENERAL.**—If a bill, joint resolution, amendment, or conference report making discretionary appropriations for fiscal year 2022 specifies an amount for veterans medical care (in the Medical Services, Medical Community Care, Medical Support and Compliance, and Medical Facilities accounts of the Veterans Health Administration), then the adjustment shall be the additional new budget authority specified in such measure for such medical care for fiscal year 2022, but shall not exceed \$7,602,000,000.

(2) **DEFINITION.**—As used in this subsection, the term “additional new budget authority” means the amount provided for fiscal year 2022, in excess of \$89,849,000,000, in a bill, joint resolution, amendment, or conference report making discretionary appropriations and specified to pay for veterans medical care.

SEC. 4006. ENFORCEMENT FILING.

(a) **SENATE.**—In the Senate, if this concurrent resolution on the budget is agreed to by the Senate and House of Representatives without the appointment of a committee of conference on the disagreeing votes of the two Houses, the Chairman of the Committee on the Budget of the Senate may submit a statement for publication in the Congressional Record containing—

(1) for the Committee on Appropriations, committee allocations for fiscal year 2022 consistent with the levels in title I for the purpose of enforcing section 302 of the Congressional Budget Act of 1974 (2 U.S.C. 633); and

(2) for all committees other than the Committee on Appropriations, committee allocations for fiscal years 2022, 2022 through 2026, and 2022 through 2031 consistent with the levels in title I for the purpose of enforcing section 302 of the Congressional Budget Act of 1974 (2 U.S.C. 633).

(b) **HOUSE OF REPRESENTATIVES.**—In the House of Representatives, if a concurrent resolution on the budget for fiscal year 2022 is adopted without the appointment of a committee of conference on the disagreeing votes of the two Houses with respect to this concurrent resolution on the budget, for the purpose of enforcing the Congressional Budget Act of 1974 (2 U.S.C. 621 et seq.) and applicable rules and requirements set forth in the concurrent resolution on the budget, the allocations provided for in this subsection shall apply in the House of Representatives in the same manner as if such allocations were in a joint explanatory statement accompanying a conference report on the budget for fiscal year 2022. The chair of the Committee on the Budget of the House of Representatives shall submit a statement for publication in the Congressional Record containing—

(1) for the Committee on Appropriations, committee allocations for fiscal year 2022 consistent with title I for the purpose of enforcing section 302 of the Congressional Budget Act of 1974 (2 U.S.C. 633); and

(2) for all committees other than the Committee on Appropriations, committee allocations consistent with title I for fiscal year 2022 and for the period of fiscal years 2022 through

2031 for the purpose of enforcing 302 of the Congressional Budget Act of 1974 (2 U.S.C. 633).

SEC. 4007. APPLICATION AND EFFECT OF CHANGES IN ALLOCATIONS, AGGREGATES, AND OTHER BUDGETARY LEVELS.

(a) APPLICATION.—Any adjustments of allocations, aggregates, and other budgetary levels made pursuant to this concurrent resolution shall—

- (1) apply while that measure is under consideration;
- (2) take effect upon the enactment of that measure; and
- (3) be published in the Congressional Record as soon as practicable.

(b) EFFECT OF CHANGED ALLOCATIONS, AGGREGATES, AND OTHER BUDGETARY LEVELS.—Revised allocations, aggregates, and other budgetary levels resulting from these adjustments shall be considered for the purposes of the Congressional Budget Act of 1974 (2 U.S.C. 621 et seq.) as the allocations, aggregates, and other budgetary levels contained in this concurrent resolution.

(c) BUDGET COMMITTEE DETERMINATIONS.—For purposes of this concurrent resolution, the levels of new budget authority, outlays, direct spending, new entitlement authority, revenues, deficits, and surpluses for a fiscal year or period of fiscal years shall be determined on the basis of estimates made by the chair of the Committee on the Budget of the applicable House of Congress.

SEC. 4008. ADJUSTMENTS TO REFLECT CHANGES IN CONCEPTS AND DEFINITIONS.

(a) SENATE.—In the Senate, upon the enactment of a bill or joint resolution providing for a change in concepts or definitions, the Chairman of the Committee on the Budget of the Senate may make adjustments to the levels and allocations in this resolution in accordance with section 251(b) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 901(b)).

(b) HOUSE OF REPRESENTATIVES.—In the House of Representatives, upon the enactment of a bill or joint resolution providing for a change in concepts or definitions, the chair of the Committee on the Budget of the House of Representatives may adjust the allocations, aggregates, and other budgetary levels in this concurrent resolution accordingly.

SEC. 4009. ADJUSTMENT FOR BIPARTISAN INFRASTRUCTURE LEGISLATION IN THE SENATE.

(a) ADJUSTMENTS.—In the Senate, upon the enactment of an infrastructure bill or joint resolution, including legislation implementing a bipartisan infrastructure agreement, the Chairman of the Committee on the Budget of the Senate may make adjustments to the levels and allocations in this resolution to reflect changes resulting from the enactment of such bill or joint resolution.

(b) DETERMINATIONS.—For purposes of this section, the levels of budget authority and outlays shall be determined on the basis of estimates submitted by the Chairman of the Committee on the Budget of the Senate.

SEC. 4010. ADJUSTMENT FOR INFRASTRUCTURE LEGISLATION IN THE HOUSE OF REPRESENTATIVES.

In the House of Representatives, the chair of the Committee on the Budget may adjust the allocations, aggregates, and other budgetary levels included in this concurrent resolution to reflect

changes resulting from the enactment of an infrastructure bill or joint resolution, including legislation implementing the INVEST in America Act or a bipartisan infrastructure agreement.

SEC. 4011. APPLICABILITY OF ADJUSTMENTS TO DISCRETIONARY SPENDING LIMITS.

Except as expressly provided otherwise, the adjustments provided by section 251(b) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 901(b)) shall not apply to allocations, aggregates, or other budgetary levels established pursuant to this concurrent resolution.

SEC. 4012. BUDGETARY TREATMENT OF ADMINISTRATIVE EXPENSES.

(a) SENATE.—

(1) **IN GENERAL.**—In the Senate, notwithstanding section 302(a)(1) of the Congressional Budget Act of 1974 (2 U.S.C. 633(a)(1)), section 13301 of the Budget Enforcement Act of 1990 (2 U.S.C. 632 note), and section 2009a of title 39, United States Code, the report or the joint explanatory statement accompanying this concurrent resolution on the budget or the statement filed pursuant to section 4006(a), as applicable, shall include in an allocation under section 302(a) of the Congressional Budget Act of 1974 (2 U.S.C. 633(a)) to the Committee on Appropriations of the Senate of amounts for the discretionary administrative expenses of the Social Security Administration and the United States Postal Service.

(2) **SPECIAL RULE.**—In the Senate, for purposes of enforcing section 302(f) of the Congressional Budget Act of 1974 (2 U.S.C. 633(f)), estimates of the level of total new budget authority and total outlays provided by a measure shall include any discretionary amounts described in paragraph (1).

(b) HOUSE OF REPRESENTATIVES.—

(1) **IN GENERAL.**—In the House of Representatives, notwithstanding section 302(a)(1) of the Congressional Budget Act of 1974 (2 U.S.C. 633(a)(1)), section 13301 of the Budget Enforcement Act of 1990 (2 U.S.C. 632 note), and section 2009a of title 39, United States Code, the report or the joint explanatory statement accompanying this concurrent resolution on the budget or the statement filed pursuant to section 4006(b), as applicable, shall include in an allocation under section 302(a) of the Congressional Budget Act of 1974 (2 U.S.C. 633(a)) to the Committee on Appropriations of the House of Representatives of amounts for the discretionary administrative expenses of the Social Security Administration and the United States Postal Service.

(2) **SPECIAL RULE.**—In the House of Representatives, for purposes of enforcing section 302(f) of the Congressional Budget Act of 1974 (2 U.S.C. 633(f)), estimates of the level of total new budget authority and total outlays provided by a measure shall include any discretionary amounts described in paragraph (1).

SEC. 4013. APPROPRIATE BUDGETARY ADJUSTMENTS IN THE HOUSE OF REPRESENTATIVES.

In the House of Representatives, the chair of the Committee on the Budget of the House of Representatives may make appropriate budgetary adjustments of new budget authority and the

outlays flowing therefrom pursuant to the adjustment authorities provided by this concurrent resolution.

SEC. 4014. ADJUSTMENT FOR CHANGES IN THE BASELINE IN THE HOUSE OF REPRESENTATIVES.

In the House of Representatives, the chair of the Committee on the Budget of the House of Representatives may adjust the allocations, aggregates, and other appropriate budgetary levels in this concurrent resolution to reflect changes resulting from the Congressional Budget Office's updates to its baseline for fiscal years 2022 through 2031.

SEC. 4015. SCORING RULE IN THE SENATE FOR CHILD CARE AND PRE-KINDERGARTEN LEGISLATION.

(a) **IN GENERAL.**—In the Senate, for the purposes of estimates with respect to any child care or pre-kindergarten legislation during the 117th Congress, the Congressional Budget Office shall consider funding for programs under the Head Start Act (42 U.S.C. 9831 et seq.) to continue at baseline levels.

(b) **EXCEPTION.**—This section shall not apply to any bill or joint resolution making appropriations for discretionary accounts.

SEC. 4016. EXERCISE OF RULEMAKING POWERS.

Congress adopts the provisions of this title—

(1) as an exercise of the rulemaking power of the Senate and the House of Representatives, and as such they shall be considered as part of the rules of each House or of that House to which they specifically apply, and such rules shall supersede other rules only to the extent that they are inconsistent with such other rules; and

(2) with full recognition of the constitutional right of either the Senate or the House of Representatives to change those rules (insofar as they relate to that House) at any time, in the same manner, and to the same extent as is the case of any other rule of the Senate or House of Representatives.

Agreed to August 24, 2021.

**NATIONAL PEACE OFFICERS MEMORIAL SERVICE
AND NATIONAL HONOR GUARD AND PIPE BAND
EXHIBITION—CAPITOL GROUNDS
AUTHORIZATION**

Sept. 23, 2021
[H. Con. Res. 41]

Resolved by the House of Representatives (the Senate concurring), That

SECTION 1. USE OF THE CAPITOL GROUNDS FOR NATIONAL PEACE OFFICERS MEMORIAL SERVICE.

(a) **IN GENERAL.**—The Grand Lodge of the Fraternal Order of Police and its auxiliary shall be permitted to sponsor a public event, the 40th Annual National Peace Officers Memorial Service (in this resolution referred to as the “Memorial Service”), on the Capitol Grounds, in order to honor the law enforcement officers who died in the line of duty during 2020.

(b) **DATE OF MEMORIAL SERVICE.**—The Memorial Service shall be held on October 16, 2021, or on such other date as the Speaker of the House of Representatives and the Committee on Rules and Administration of the Senate jointly designate, with preparation for the event to begin on October 11, 2021, and takedown completed on October 17, 2021.

SEC. 2. USE OF THE CAPITOL GROUNDS FOR NATIONAL HONOR GUARD AND PIPE BAND EXHIBITION.

(a) **IN GENERAL.**—The Grand Lodge of the Fraternal Order of Police and its auxiliary shall be permitted to sponsor a public event, the National Honor Guard and Pipe Band Exhibition (in this resolution referred to as the “Exhibition”), on the Capitol Grounds, in order to allow law enforcement representatives to exhibit their ability to demonstrate Honor Guard programs and provide for a bagpipe exhibition.

(b) **DATE OF EXHIBITION.**—The Exhibition shall be held on October 16, 2021, or on such other date as the Speaker of the House of Representatives and the Committee on Rules and Administration of the Senate jointly designate.

SEC. 3. TERMS AND CONDITIONS.

(a) **IN GENERAL.**—Under conditions to be prescribed by the Architect of the Capitol and the Capitol Police Board, the event shall be—

(1) free of admission charge and open to the public; and

(2) arranged not to interfere with the needs of Congress.

(b) **EXPENSES AND LIABILITIES.**—The sponsors of the Memorial Service and Exhibition shall assume full responsibility for all expenses and liabilities incident to all activities associated with the events.

SEC. 4. EVENT PREPARATIONS.

Subject to the approval of the Architect of the Capitol, the sponsors referred to in section 3(b) are authorized to erect upon the Capitol Grounds such stage, sound amplification devices, and other related structures and equipment, as may be required for the Memorial Service and Exhibition.

SEC. 5. ENFORCEMENT OF RESTRICTIONS.

The Capitol Police Board shall provide for enforcement of the restrictions contained in section 5104(c) of title 40, United States Code, concerning sales, advertisements, displays, and solicitations on the Capitol Grounds, as well as other restrictions applicable to the Capitol Grounds, in connection with the events.

Agreed to September 23, 2021.

Dec. 8, 2021
[S. Con. Res. 22]

**ROBERT JOSEPH DOLE—MEMORIAL SERVICE—
CATAFALQUE AUTHORIZATION**

Resolved by the Senate (the House of Representatives concurring), That the Architect of the Capitol is authorized and directed to transfer the catafalque which is situated in the Exhibition Hall of the Capitol Visitor Center to the rotunda of the Capitol so that such catafalque may be used in connection with services to

CONCURRENT RESOLUTIONS—DEC. 20, 2021 135 STAT. 2527

be conducted there for the Honorable Robert Joseph Dole, a Senator from the State of Kansas.

Agreed to December 8, 2021.

ROBERT JOSEPH DOLE—LYING IN STATE—
CAPITOL ROTUNDA AUTHORIZATION

Dec. 8, 2021
[S. Con. Res. 23]

Resolved by the Senate (the House of Representatives concurring), That in recognition of the long and distinguished service rendered to the Nation by Robert Joseph Dole, a Senator from the State of Kansas, his remains be permitted to lie in state in the rotunda of the Capitol on Thursday, December 9, 2021, and the Architect of the Capitol, under the direction of the President pro tempore of the Senate and the Speaker of the House of Representatives, shall take all necessary steps for the accomplishment of that purpose.

Agreed to December 8, 2021.

ENROLLMENT CORRECTION—S. 1605

Dec. 15, 2021
[H. Con. Res. 64]

Resolved by the House of Representatives (the Senate concurring), That in the enrollment of the bill S. 1605, the Secretary of the Senate shall make the following correction: Amend the long title so as to read: “An Act to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.”.

Agreed to December 15, 2021.

ENROLLMENT CORRECTIONS—S. 1605

Dec. 20, 2021
[S. Con. Res. 24]

Resolved by the Senate (the House of Representatives concurring), That in the enrollment of the bill S. 1605, the Secretary of the Senate shall make the following corrections:

(1) In the table in section 2301(a), in the item relating to Eielson Air Force Base, strike “\$44,850,00” in the amount column and insert “\$44,850,000”.

(2) In section 4601, in the table relating to Military Construction, Navy, in the item relating to AEGIS Ashore Barracks Planning and Design in Redzikowo, Poland, insert “0” in the Conference Authorized column.

Agreed to December 20, 2021.

PROCLAMATIONS

Proclamation 10132 of January 10, 2021**Honoring United States Capitol Police Officers**

By the President of the United States of America

A Proclamation

As a sign of respect for the service and sacrifice of United States Capitol Police Officers Brian D. Sicknick and Howard Liebengood, and all Capitol Police Officers and law enforcement across this great Nation, by the authority vested in me as President of the United States by the Constitution and the laws of the United States of America, I hereby order that the flag of the United States shall be flown at half-staff at the White House and upon all public buildings and grounds, at all military posts and naval stations, and on all naval vessels of the Federal Government in the District of Columbia and throughout the United States and its Territories and possessions until sunset, January 13, 2021. I also direct that the flag shall be flown at half-staff for the same length of time at all United States embassies, legations, consular offices, and other facilities abroad, including all military facilities and naval vessels and stations.

IN WITNESS WHEREOF, I have hereunto set my hand this tenth day of January, in the year of our Lord two thousand twenty-one, and of the Independence of the United States of America the two hundred and forty-fifth.

DONALD J. TRUMP

Proclamation 10133 of January 14, 2021**To Continue Facilitating Positive Adjustment to
Competition From Imports of Large Residential
Washers**

By the President of the United States of America

A Proclamation

1. On January 23, 2018, pursuant to section 203 of the Trade Act of 1974, as amended (the “Trade Act”) (19 U.S.C. 2253), I issued Proclamation 9694, which imposed a safeguard measure for a period of 3 years plus 1 day comprising both a tariff-rate quota (TRQ) on imports of large residential washers (washers) provided for in subheadings 8450.11.00 and 8450.20.00 of the Harmonized Tariff Schedule of the United States (HTS) and a TRQ on covered washer parts provided for in subheadings 8450.90.20 and 8450.90.60 of the HTS. I exempted covered imports from Canada and certain designated beneficiary countries under the Generalized System of Preferences (GSP) from the application of the measure.

2. On May 16, 2019, I issued Proclamation 9887, which removed Turkey from the list of GSP beneficiary countries, and modified the safeguard measure so that imports from Turkey were no longer excluded. On May 31, 2019, I issued Proclamation 9902, which removed India

from the list of GSP beneficiary countries, and modified the safeguard measure so that imports from India were no longer excluded.

3. On August 7, 2019, the United States International Trade Commission (ITC) issued its report pursuant to section 204(a)(2) of the Trade Act (19 U.S.C. 2254(a)(2)), on the results of its monitoring of developments with respect to the domestic washers industry (ITC, Large Residential Washers: Monitoring Developments in the Domestic Industry, No. TA–204–013). After taking into account the information provided in the ITC’s report and receiving a petition from the representative of the majority of the domestic industry, I determined that the domestic industry had begun to make positive adjustment to import competition but that, despite that adjustment, increased imports of washers at peak times of the year impaired the effectiveness of the action I proclaimed in Proclamation 9694. On January 23, 2020, pursuant to sections 204(b)(1)(B) and 204(b)(2) of the Trade Act (19 U.S.C. 2254(b)(1)(B) and (b)(2)), I issued Proclamation 9979 to modify the action I took in Proclamation 9694 by allocating on a quarterly basis, within-quota quantities of 1.2 million units during the third year of the action, beginning February 7, 2020.

4. On December 8, 2020, in response to a petition by the representatives of the domestic industry, the ITC issued its determination and report pursuant to section 204(c) of the Trade Act (19 U.S.C. 2254(c)), finding that the safeguard measure I imposed continues to be necessary to prevent or remedy the serious injury to the domestic industry, and that there is evidence that the domestic industry is making a positive adjustment to import competition (ITC, Large Residential Washers: Extension of Action, No. TA–201–076 (Extension)).

5. Section 203(e)(1)(B) of the Trade Act (19 U.S.C. 2253(e)(1)(B)) authorizes the President, after receiving an affirmative determination from the ITC pursuant to section 204(c) of the Trade Act (19 U.S.C. 2254(c)), to extend the effective period of any action taken under section 203 of the Trade Act if the President determines that the action continues to be necessary to prevent or remedy the serious injury and there is evidence that the domestic industry is making a positive adjustment to import competition.

6. Pursuant to section 203(e)(1)(B) of the Trade Act (19 U.S.C. 2253(e)(1)(B)), I have determined that the action continues to be necessary to prevent or remedy the serious injury to the domestic washers industry and there is evidence that the domestic washers industry is making a positive adjustment to import competition, and I have further determined to extend the safeguard measure proclaimed in Proclamation 9694, as modified, as follows:

(a) continuation of the tariff-rate quota on imports of washers described in paragraph 1 of this proclamation for an additional period of 2 years, with unchanging within-quota quantities, annual reductions in the rates of duties entered within those quantities in the fourth and fifth years, and annual reductions in the rates of duty applicable to goods entered in excess of those quantities in the fourth and fifth years; and

(b) continuation of the tariff-rate quota on imports of covered washer parts described in paragraph 1 of this proclamation for an additional period of 2 years, with increasing within-quota quantities and annual

reductions in the rates of duty applicable to goods entered in excess of those quantities in the fourth and fifth years.

7. As provided in Proclamation 9694, as modified by Proclamations 9887 and 9902, this safeguard measure shall apply to imports from all countries, except for products of Canada and except as provided in paragraph 8 of this proclamation.

8. As I further provided in Proclamation 9694, as modified by Proclamations 9887 and 9902, this safeguard measure shall not apply to imports of any product described in paragraph 1 of this proclamation of a developing country that is a Member of the World Trade Organization (WTO), as listed in subdivision (b)(2) of Note 17 in the Annex to this proclamation, as long as such country's share of total imports of the product, based on imports during a recent representative period, does not exceed 3 percent, provided that imports that are the product of all such countries with less than 3 percent import share collectively account for not more than 9 percent of total imports of the product. If I determine that a surge in imports of a product described in paragraph 1 of this proclamation of a developing country that is a WTO Member results in imports of that product from that developing country exceeding either of the thresholds described in this paragraph, the safeguard measure shall be modified to apply to such product from such country. In addition, if I determine within 60 days of the date of this proclamation, as a result of consultations between the United States and other WTO Members pursuant to Article 12.3 of the WTO Agreement on Safeguards, that it is necessary to modify the terms of extension of the safeguard measure, or to terminate the safeguard measure, I shall proclaim the corresponding modification or termination within 40 days of the date of my determination.

9. As I further provided in Proclamation 9694, the in-quota quantity in each year under the tariff-rate quota described in subparagraph (a) of paragraph 6 of this proclamation shall be allocated on a quarterly basis as provided for in Proclamation 9979.

10. Section 604 of the Trade Act (19 U.S.C. 2483) authorizes the President to embody in the HTS the substance of the relevant provisions of that Act, and of other acts affecting import treatment, and actions thereunder, including the removal, modification, continuance, or imposition of any rate of duty or other import restriction.

NOW, THEREFORE, I, DONALD J. TRUMP, President of the United States of America, acting under the authority vested in me by the Constitution and the laws of the United States, including but not limited to sections 203, 204, and 604 of the Trade Act, do proclaim that:

(1) In order to extend the measure applicable to imports of washers and covered parts described in paragraph 1 of this proclamation, subchapter III of chapter 99 of the HTS is modified as set forth in the Annex to this proclamation. Any merchandise subject to the safeguard measure that is admitted into United States foreign trade zones on or after 12:01 a.m., eastern standard time, on February 8, 2021, must be admitted as "privileged foreign status" as defined in 19 CFR 146.41, and will be subject upon entry for consumption to any tariffs or quantitative restrictions related to the classification under the applicable HTS subheading.

(2) Imports of washers and covered washer parts that are the product of Canada shall continue to be excluded from the safeguard measure

extended by this proclamation, and such imports shall not be counted toward the tariff-rate quota limits that trigger the over-quota rates of duty.

(3) Except as provided in clause (4) below, imports of washers and covered washer parts that are the product of WTO Member developing countries, as listed in subdivision (b)(2) of Note 17 in the Annex to this proclamation, shall continue to be excluded from the safeguard measure extended by this proclamation, and such imports shall not be counted toward the tariff-rate quota limits that trigger the over-quota rates of duties.

(4) If, after the extension proclaimed herein is in effect, the United States Trade Representative (USTR) determines that:

(a) the share of total imports of the product of a country listed in subdivision (b)(2) of Note 17 in the Annex to this proclamation exceeds 3 percent;

(b) imports of the product from all listed countries with less than 3 percent import share collectively account for more than 9 percent of total imports of the product; or

(c) a country listed in subdivision (b)(2) of Note 17 in the Annex to this proclamation is no longer a developing country for purposes of this proclamation;

the USTR is authorized, upon publication of a notice in the *Federal Register*, to revise subdivision (b)(2) of Note 17 in the Annex to this proclamation to remove the relevant country from the list or suspend operation of that subdivision, as appropriate.

(5) If, after the extension proclaimed herein is in effect, the USTR determines that the out-of-quota quantity in units of covered washer parts entered under the tariff lines in chapter 99 enumerated in the Annex to this proclamation has increased by an unjustifiable amount and undermines the effectiveness of the safeguard measure, the USTR is authorized, upon publication of a notice in the *Federal Register* of such determination, to modify the HTS provisions created by the Annex to this proclamation so as to modify the tariff-rate quota on covered washer parts with a quantitative restriction on covered washer parts at a level that the USTR considers appropriate.

(6) In order to continue allocating, on a quarterly basis, the within-quota quantities of the TRQ limits applicable to imports of washers under HTS subheadings 8450.11.00 and 8450.20.00, subchapter III of chapter 99 of the HTS is modified as set forth in the Annex to this proclamation. These allocations shall continue in effect as provided in the Annex to this proclamation, unless such actions are earlier expressly reduced, modified, or terminated.

(7) One year from the termination of the safeguard measure established in this proclamation, the U.S. note and tariff provisions established in the Annex to this proclamation shall be deleted from the HTS.

(8) Any provision of previous proclamations and Executive Orders that is inconsistent with the actions taken in this proclamation is superseded to the extent of such inconsistency.

IN WITNESS WHEREOF, I have hereunto set my hand this fourteenth day of January, in the year of our Lord two thousand twenty-one, and

of the Independence of the United States of America the two hundred and forty-fifth.

DONALD J. TRUMP

ANNEX

1. U.S. note 17(d) to subchapter III of chapter 99 of the Harmonized Tariff Schedule of the United States (HTSUS) is amended by inserting the following provisions at the end of subdivision (d):

“If entered during the period from
February 8, 2021 through February 7,
2022.....15%
If entered during the period from
February 8, 2022 through February 7,
2023.....14%”.

2. U.S. note 17(e) to subchapter III of chapter 99 of the HTSUS is amended by inserting the following provisions at the end of subdivision (e):

“If entered during the period from
February 8, 2021 through February 7,
2022.....35%
If entered during the period from
February 8, 2022 through February 7,
2023.....30%”.

3. U.S. note 17(g) to subchapter III of chapter 99 of the HTSUS is amended by inserting the following provisions at the end of subdivision (g):

“If entered during the period from
February 8, 2021 through February 7,
2022.....110,000 units
If entered during the period from
February 8, 2022 through February 7,
2023.....130,000 units”.

4. U.S. note 17(h) to subchapter III of chapter 99 of the HTSUS is amended by inserting the following provisions at the end of subdivision (h):

“If entered during the period from
February 8, 2021 through February 7,
2022.....35%
If entered during the period from
February 8, 2022 through February 7,
2023.....30%”.

5. U.S. note 17(i) to subchapter III of chapter 99 of the HTSUS is amended by inserting the following provisions at the end of subdivision (i):

“If entered during the period from
February 8, 2021 through May 7,
2021.....300,000 units
If entered during the period from
May 8, 2021 through August 7,
2021.....300,000 units
If entered during the period from
August 8, 2021 through November 7,
2021.....300,000 units
If entered during the period from
November 8, 2021 through February 7,
2022.....300,000 units
If entered during the period from

- February 8, 2022 through May 7, 2022.....300,000 units
 If entered during the period from May 8, 2022 through August 7, 2022.....300,000 units
 If entered during the period from August 8, 2022 through November 7, 2022.....300,000 units
 If entered during the period from November 8, 2022 through February 7, 2023.....300,000 units”.
6. Effective with respect to goods entered for consumption, or withdrawn from warehouse for consumption, on or after 12:01 a.m. eastern standard time on February 8, 2021:
 - a. the “Rates of Duty 1-General” column of subheading 9903.45.01 is modified by deleting “20%” and by inserting “15%” in lieu thereof;
 - b. the “Rates of Duty 1-General” column of subheading 9903.45.02 is modified by deleting “50%” and by inserting “35%” in lieu thereof; and
 - c. the “Rates of Duty 1-General” column of subheading 9903.45.06 is modified by deleting “50%” and by inserting “35%” in lieu thereof.
 7. Effective with respect to goods entered for consumption, or withdrawn from warehouse for consumption, on or after 12:01 a.m. eastern standard time on February 8, 2022:
 - a. the “Rates of Duty 1-General” column of subheading 9903.45.01 is modified by deleting “15%” and by inserting “14%” in lieu thereof;
 - b. the “Rates of Duty 1-General” column of subheading 9903.45.02 is modified by deleting “35%” and by inserting “30%” in lieu thereof; and
 - c. the “Rates of Duty 1-General” column of subheading 9903.45.06 is modified by deleting “35%” and by inserting “30%” in lieu thereof.

Proclamation 10134 of January 15, 2021

Religious Freedom Day, 2021

By the President of the United States of America

A Proclamation

Faith inspires hope. Deeply embedded in the heart and soul of our Nation, this transcendent truth has compelled men and women of uncompromising conscience to give glory to God by worshiping both openly and privately, lifting up themselves and others in prayer. On Religious Freedom Day, we pledge to always protect and cherish this fundamental human right.

When the Pilgrims first crossed the Atlantic Ocean more than 400 years ago in pursuit of religious freedom, their dedication to this first freedom shaped the character and purpose of our Nation. Later, with the signing of the Declaration of Independence, the Constitution, and the Bill of Rights, their deep desire to practice their religion unfettered

from government intrusion was realized. Since then, the United States has set an example for the world in permitting believers to live out their faith in freedom.

Over the past 4 years, my Administration has worked tirelessly to honor the vision of our Founders and defend our proud history of religious liberty. From day one, we have taken action to restore the foundational link between faith and freedom and promote a culture of religious liberty. My Administration has protected the rights of individual religious believers, communities of faith, and faith-based organizations. We have defended religious liberty domestically and around the world. For example, I signed an Executive Order Promoting Free Speech and Religious Liberty to ensure that faith-based organizations would not be forced to compromise their religious beliefs as they serve their communities. This includes defending the rights of religious orders to care for the infirm and elderly without being fined out of existence for refusing to facilitate access to services that violate their faith.

We have also protected healthcare providers' rights not to be forced to perform procedures that violate their most deeply-held convictions. Additionally, we have ended the misguided policies of denying access to educational funding to historically black colleges and universities because of their religious character and of denying loan forgiveness to those who perform public services at religious organizations. Throughout this difficult year, we have continued these efforts, cutting red tape to ensure houses of worship and other faith-based organizations could receive Paycheck Protection Program loans on the same grounds and with the same parameters as any other entity. We have also aggressively defended faith communities against overreach by State and local governments that have tried to shut down communal worship. Together, we have honored the sanctity of every life, protected the rights of Americans to follow their conscience, and preserved the historical tradition of religious freedom in our country.

While Americans enjoy the blessings of religious liberty, we must never forget others around the world who are denied this unalienable right. Sadly, millions of people across the globe are persecuted and discriminated against for their faith. My Administration has held foreign governments accountable for trampling—in many cases, egregiously so—on religious liberty. In 2019, to shed light on this important issue, I welcomed survivors of religious persecution from 16 countries in the Oval Office, including Christians, Jews, and Muslims, and made history by standing before the United Nations General Assembly and calling on all nations of the world to stop persecuting people of faith. The United States will never waver in these efforts to expand religious liberty around the world and calls on all nations to respect the rights of its citizens to live according to their beliefs and conscience.

On Religious Freedom Day, we honor the vision of our Founding Fathers for a Nation made strong and righteous by a people free to exercise their faith and follow their conscience. As Americans united in unparalleled freedom, we recommit to safeguarding and preserving religious freedom across our land and around the world.

NOW, THEREFORE, I, DONALD J. TRUMP, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim January 16, 2021, as Religious Freedom Day. I call on all Americans to com-

memorate this day with events and activities that remind us of our shared heritage of religious liberty and that teach us how to secure this blessing both at home and around the world.

IN WITNESS WHEREOF, I have hereunto set my hand this fifteenth day of January, in the year of our Lord two thousand twenty-one, and of the Independence of the United States of America the two hundred and forty-fifth.

DONALD J. TRUMP

Proclamation 10135 of January 15, 2021

Martin Luther King, Jr., Federal Holiday, 2021

By the President of the United States of America

A Proclamation

On August 28, 1963, just a century after the Emancipation Proclamation, the Reverend Dr. Martin Luther King, Jr. led more than 200,000 Americans in a March on Washington in pursuit of jobs and freedom for all people. Standing on the steps of the Lincoln Memorial, he called on Americans “to sit down together at the table of brotherhood” and meet our promise of life, liberty, and the pursuit of happiness for all. On that historic day, and throughout his life, Dr. King exemplified the quintessential American belief that we will leave a brighter, more prosperous future for our children. Today, we honor and celebrate Dr. King, a giant of the civil rights movement whose nonviolent resistance to the injustices of his era—racial segregation, employment discrimination, and the denial of the right to vote—enlightened our Nation and the world.

In the face of tumult and upheaval, Dr. King reminded us to always meet anger with compassion in order to truly “heal the hurts, right the wrongs and change society.” It is with this same spirit of forgiveness that we come together to bind the wounds of past injustice by lifting up one another regardless of race, gender, creed, or religion, and rising to the first principles enshrined in our founding documents. Indeed, Dr. King described our Constitution and Declaration of Independence as promissory notes left by our Founding Fathers for “every American to fall heir.” His dream, rooted in the American Dream, was that our children might be “judged not by the color of their skin, but by the content of their character.” This dream, he hoped, would finally let freedom ring for all people.

As Dr. King stated in 1961, at the heart of his dream is “equality of opportunity.” For Dr. King, the march toward civil rights is intertwined with economic empowerment. My Administration has fully embraced this spirit, taking historic action to create jobs and uplift every community across our country and reaching the lowest unemployment rate for Black Americans ever recorded. Through the Tax Cuts and Jobs Act of 2017, we created nearly 9,000 Opportunity Zones that have produced more than \$75 billion in new investment in distressed neighborhoods. My Administration has supported our Nation’s incredible Historically Black Colleges and Universities (HBCUs) in several ways, including by establishing the President’s Board of Advisors on HBCUs,

reauthorizing more than \$85 million in funding for them through the FUTURE Act, and allocating \$930 million in higher education emergency relief through the CARES Act. As President, I have fully committed to the educational and economic empowerment of minority communities and young people across our Nation—and the progress we have made must continue into the future.

It is clear now more than ever before that we can no longer allow the American Dream to be deferred for Black Americans. However, in this march toward equality, we cannot permit any “creative protest to degenerate into physical violence.” As a student of nonviolence, Dr. King called on us not to “satisfy the thirst for freedom by drinking from the cup of bitterness and hatred.” In the national effort to achieve freedom and equality, and in this shared love of country, we must endeavor with all our might to meet the promissory notes endowed to us by our Founding Fathers, as Dr. King fervently wished.

With the same dream, faith, and hope championed by the Reverend Dr. Martin Luther King, Jr., we recommit to upholding his legacy and meeting our sacred obligation to protect the unalienable rights of all Americans.

NOW, THEREFORE, I, DONALD J. TRUMP, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim January 18, 2021, as the Martin Luther King, Jr., Federal Holiday. On this day, I encourage all Americans to recommit themselves to Dr. King’s dream by engaging in acts of service to others, to their community, and to our Nation.

IN WITNESS WHEREOF, I have hereunto set my hand this fifteenth day of January, in the year of our Lord two thousand twenty-one, and of the Independence of the United States of America the two hundred and forty-fifth.

DONALD J. TRUMP

Proclamation 10136 of January 17, 2021

National Sanctity of Human Life Day, 2021

By the President of the United States of America

A Proclamation

Every human life is a gift to the world. Whether born or unborn, young or old, healthy or sick, every person is made in the holy image of God. The Almighty Creator gives unique talents, beautiful dreams, and a great purpose to every person. On National Sanctity of Human Life Day, we celebrate the wonder of human existence and renew our resolve to build a culture of life where every person of every age is protected, valued, and cherished.

This month, we mark nearly 50 years since the United States Supreme Court’s *Roe v. Wade* decision. This constitutionally flawed ruling overturned State laws that banned abortion, and has resulted in the loss of more than 50 million innocent lives. But strong mothers, courageous students, and incredible community members and people of faith are

leading a powerful movement to awaken America's conscience and restore the belief that every life is worthy of respect, protection, and care. Because of the devotion of countless pro-life pioneers, the call for every person to recognize the sanctity of life is resounding more loudly in America than ever before. Over the last decade, the rate of abortions has steadily decreased, and today, more than three out of every four Americans support restrictions on abortion.

Since my first day in office, I have taken historic action to protect innocent lives at home and abroad. I reinstituted and strengthened President Ronald Reagan's Mexico City Policy, issued a landmark pro-life rule to govern the use of Title Ten taxpayer funding, and took action to protect the conscience rights of doctors, nurses, and organizations like the Little Sisters of the Poor. My Administration has protected the vital role of faith-based adoption. At the United Nations, I made clear that global bureaucrats have no business attacking the sovereignty of nations that protect innocent life. Just a few months ago, our Nation also joined 32 other countries in signing the Geneva Consensus Declaration, which bolsters global efforts to provide better healthcare to women, protect all human life, and strengthen families.

As a Nation, restoring a culture of respect for the sacredness of life is fundamental to solving our country's most pressing problems. When each person is treated as a beloved child of God, individuals can reach their full potential, communities will flourish, and America will be a place of even greater hope and freedom. That is why it was my profound privilege to be the first President in history to attend the March for Life, and it is what motivates my actions to improve our Nation's adoption and foster care system, secure more funding for Down syndrome research, and expand health services for single mothers. Over the past 4 years, I have appointed more than 200 Federal judges who apply the Constitution as written, including three Supreme Court Justices—Neil Gorsuch, Brett Kavanaugh, and Amy Coney Barrett. I also increased the child tax credit, so that mothers are financially supported as they take on the noble task of raising strong and healthy children. And, recently, I signed an Executive Order on Protecting Vulnerable Newborn and Infant Children, which defends the truth that every newborn baby has the same rights as all other individuals to receive life-saving care.

The United States is a shining example of human rights for the world. However, some in Washington are fighting to keep the United States among a small handful of nations—including North Korea and China—that allow elective abortions after 20 weeks. I join with countless others who believe this is morally and fundamentally wrong, and today, I renew my call on the Congress to pass legislation prohibiting late-term abortion.

Since the beginning, my Administration has been dedicated to lifting up every American, and that starts with protecting the rights of the most vulnerable in our society—the unborn. On National Sanctity of Human Life Day, we promise to continue speaking out for those who have no voice. We vow to celebrate and support every heroic mother who chooses life. And we resolve to defend the lives of every innocent and unborn child, each of whom can bring unbelievable love, joy, beauty, and grace into our Nation and the entire world.

NOW, THEREFORE, I, DONALD J. TRUMP, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim January 22, 2021, as National Sanctity of Human Life Day. Today, I call on the Congress to join me in protecting and defending the dignity of every human life, including those not yet born. I call on the American people to continue to care for women in unexpected pregnancies and to support adoption and foster care in a more meaningful way, so every child can have a loving home. And finally, I ask every citizen of this great Nation to listen to the sound of silence caused by a generation lost to us, and then to raise their voices for all affected by abortion, both seen and unseen.

IN WITNESS WHEREOF, I have hereunto set my hand this seventeenth day of January, in the year of our Lord two thousand twenty-one, and of the Independence of the United States of America the two hundred and forty-fifth.

DONALD J. TRUMP

Proclamation 10137 of January 17, 2021

National School Choice Week, 2021

By the President of the United States of America

A Proclamation

As we mark National School Choice Week, my Administration reaffirms its commitment to solving the civil rights issue of our time: educational inequity. We have made substantial progress on this front, but we must continue our efforts to ensure that each and every family in America has the freedom to choose an education that best meets their needs and values.

Our Nation currently spends more money per pupil than almost every other industrialized country in the world, yet nearly two-thirds of our youth are not proficient readers, and students across all age groups continue to struggle in math. These failures are largely the result of a one-size-fits-all, industrial-style approach to education. Currently, students are assigned to schools based on where they live, so only those whose families can afford to move to a better-performing school district or can afford private school tuition have a choice in the learning environment that best fits their child's needs. That is fundamentally unfair and unjust. All Americans, no matter their family income, deserve the opportunity to choose the best educational option for them.

What is often forgotten is that the failures of this rigid arrangement disproportionately affect racial minorities and distressed communities, perpetuating a cycle of poverty. We can no longer allow America's classrooms to be an exception to our Nation's promise of equal opportunity for all. Instead, we must provide equal access to a quality education for every American student, no matter where they reside. In the land of the free, a child's zip code should never determine their future.

That is why, I recently issued an Executive Order on Expanding Educational Opportunity through School Choice that provides in-person options for low-income parents forced to send their children to virtual

school during the pandemic. But we must continue this progress. Therefore, I renew my call to the Congress to pass the Education Freedom Scholarships and Opportunity Act, so we can finally take a giant step towards true liberty for students. This landmark legislation would give more than 1 million children the freedom to attend the school that best fits their needs, and would create more than \$5 billion in annual tax credits for those who donate to local scholarship funds, empowering more families to choose the best educational setting for their children.

I also call on the Congress to pass the School Choice Now Act, which will ensure every State can fund elementary and high school scholarship programs, so that students do not lose access to their school of choice because of economic disruptions. As too many school districts across the country refuse to open, these scholarships are needed now more than ever so that families unable to afford private tutors or who work during the day can still provide an education for their children.

Education will always be one of the most important factors in a child's future success. That is why I am fighting to empower all families—of all races, backgrounds, and incomes—with the freedom and the resources they need to make the best decisions for their children. In America, more freedom leads to more opportunity—especially in the classroom. By embracing my Administration's school choice policy, we will make sure that every American student is able to fulfill their God-given potential.

NOW, THEREFORE, I, DONALD J. TRUMP, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim January 24 to January 30, 2021, as National School Choice Week.

IN WITNESS WHEREOF, I have hereunto set my hand this seventeenth day of January, in the year of our Lord two thousand twenty-one, and of the Independence of the United States of America the two hundred and forty-fifth.

DONALD J. TRUMP

Proclamation 10138 of January 18, 2021

**Terminating Suspensions of Entry Into the United States
of Aliens Who Have Been Physically Present in the
Schengen Area, the United Kingdom, the Republic of
Ireland, and the Federative Republic of Brazil**

*By the President of the United States of America
A Proclamation*

In the wake of the unprecedented outbreak of COVID-19 in the United States, I took action to suspend and limit the entry of aliens recently present in certain foreign jurisdictions where significant COVID-19 outbreaks had occurred. These jurisdictions included the People's Republic of China (excluding the Special Administrative Regions of Hong Kong and Macau), the Islamic Republic of Iran, the Schengen Area, the

United Kingdom (excluding overseas territories outside of Europe), the Republic of Ireland, and the Federative Republic of Brazil.

Understanding that the nature of the threat posed by COVID-19 would evolve over time, I directed the Secretary of Health and Human Services to make recommendations to me regarding whether to continue, modify, or terminate the restrictions that I had previously imposed. On January 12, 2021, the Centers for Disease Control and Prevention (CDC) issued an order, effective January 26, 2021, requiring proof of a negative COVID-19 test or documentation of having recovered from COVID-19 for all air passengers arriving from a foreign country to the United States. The Secretary has explained that this action will help to prevent air passengers from the Schengen Area, the United Kingdom, the Republic of Ireland, and the Federative Republic of Brazil from spreading the virus that causes COVID-19 into the United States, as it is the Secretary's understanding that the vast majority of persons entering the United States from these jurisdictions do so by air.

Moreover, the Secretary expects cooperation from those jurisdictions in implementing the testing order. Public health officials in the jurisdictions have a proven record of working with the United States to share accurate and timely COVID-19 testing and trend data, and the United States has active collaborations with the jurisdictions regarding how to make travel safe between our respective countries. As a result of that record, the Secretary reports high confidence that these jurisdictions will cooperate with the United States in the implementation of CDC's January 12, 2021, order and that tests administered there will yield accurate results.

This cooperation stands in stark contrast to the behavior of the governments and state-owned enterprises of the People's Republic of China and the Islamic Republic of Iran, which repeatedly have failed to cooperate with the United States public health authorities and to share timely, accurate information about the spread of the virus. Those jurisdictions' responses to the pandemic, their lack of transparency, and their lack of cooperation with the United States thus far in combatting the pandemic, cast doubt on their cooperation in implementing CDC's January 12, 2021, order.

Accordingly, the Secretary has advised me to remove the restrictions applicable to the Schengen Area, the United Kingdom, the Republic of Ireland, and the Federative Republic of Brazil, while leaving in place the restrictions applicable to the People's Republic of China and the Islamic Republic of Iran. I agree with the Secretary that this action is the best way to continue protecting Americans from COVID-19 while enabling travel to resume safely.

NOW, THEREFORE, I, DONALD J. TRUMP, President of the United States, by the authority vested in me by the Constitution and the laws of the United States of America, including sections 212(f) and 215(a) of the Immigration and Nationality Act, 8 U.S.C. 1182(f) and 1185(a), hereby find that the unrestricted entry into the United States of persons who have been physically present in the Schengen Area, the United Kingdom (excluding overseas territories outside of Europe), the Republic of Ireland, and the Federative Republic of Brazil is no longer detrimental to the interests of the United States and find that it is in the interest of the United States to terminate the suspension of entry

into the United States of persons who have been physically present in those jurisdictions. Accordingly, I hereby proclaim:

Section 1. Terminations. Proclamation 9993 of March 11, 2020 (Suspension of Entry as Immigrants and Nonimmigrants of Certain Additional Persons Who Pose a Risk of Transmitting 2019 Novel Coronavirus), Proclamation 9996 of March 14, 2020 (Suspension of Entry as Immigrants and Nonimmigrants of Certain Additional Persons Who Pose a Risk of Transmitting 2019 Novel Coronavirus), and Proclamation 10041 of May 24, 2020 (Suspension of Entry as Immigrants and Nonimmigrants of Certain Additional Persons Who Pose a Risk of Transmitting 2019 Novel Coronavirus), are hereby terminated effective at 12:01 a.m. eastern standard time on January 26, 2021.

Sec. 2. General Provisions. (a) Nothing in this proclamation shall be construed to impair or otherwise affect:

(i) the authority granted by law to an executive department or agency, or the head thereof; or

(ii) the functions of the Director of the Office of Management and Budget relating to budgetary, administrative, or legislative proposals.

(b) This proclamation shall be implemented in a manner consistent with applicable law and subject to the availability of appropriations.

(c) This proclamation is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the United States, its departments, agencies, or entities, its officers, employees, or agents, or any other person.

IN WITNESS WHEREOF, I have hereunto set my hand this eighteenth day of January, in the year of our Lord two thousand twenty-one, and of the Independence of the United States of America the two hundred and forty-fifth.

DONALD J. TRUMP

Proclamation 10139 of January 19, 2021

Adjusting Imports of Aluminum Into the United States

By the President of the United States of America

A Proclamation

1. On January 19, 2018, the Secretary of Commerce (Secretary) transmitted to me a report on his investigation into the effect of imports of aluminum articles on the national security of the United States under section 232 of the Trade Expansion Act of 1962, as amended (19 U.S.C. 1862). The Secretary found and advised me of his opinion that aluminum articles were being imported into the United States in such quantities and under such circumstances as to threaten to impair the national security of the United States.

2. In Proclamation 9704 of March 8, 2018 (Adjusting Imports of Aluminum Into the United States), I concurred in the Secretary's finding that aluminum articles were being imported into the United States in such quantities and under such circumstances as to threaten to impair the national security of the United States, and decided to adjust the

imports of aluminum articles, as defined in clause 1 of Proclamation 9704, by imposing a 10 percent ad valorem tariff on such articles imported from most countries. I further stated that any country with which we have a security relationship is welcome to discuss with the United States alternative ways to address the threatened impairment of the national security caused by imports from that country. I also noted that, should the United States and any such country arrive at a satisfactory alternative means to address the threat to the national security such that I determine that imports from that country no longer threaten to impair the national security, I may remove or modify the restriction on aluminum article imports from that country and, if necessary, make corresponding adjustments to the tariff as it applies to other countries as the national security interests of the United States require.

3. The United States has an important security relationship with the United Arab Emirates, including our shared commitment to supporting each other in addressing national security concerns in the Middle East, particularly in countering Iran's malign influence there; combatting violent extremism around the world; and maintaining the strong economic ties between our countries.

4. In light of the foregoing, the United States has engaged in discussions with the United Arab Emirates on alternative means to address the threatened impairment to our national security posed by aluminum article imports from the United Arab Emirates. On the basis of these discussions, the United States and the United Arab Emirates have now agreed on satisfactory alternative means to address this threat.

5. The United States has successfully concluded discussions with the United Arab Emirates on satisfactory alternative means to address the threatened impairment of the national security posed by aluminum imports from the United Arab Emirates, specifically a quota restricting the quantity of aluminum articles imported into the United States from the United Arab Emirates. This measure is expected to allow imports of aluminum from the United Arab Emirates to remain close to historical levels without meaningful increases, thus making it more likely that domestic capacity utilization will be reasonably commensurate with the target level recommended in the Secretary's report. In my judgment, this measure will provide effective, long-term alternative means to address the contribution of the United Arab Emirates to the threatened impairment to our national security by restraining aluminum article exports from the United Arab Emirates to the United States, limiting export surges by the United Arab Emirates, and discouraging excess aluminum capacity and excess aluminum production. In light of this agreement, I have determined that aluminum article imports from the United Arab Emirates will no longer threaten to impair the national security and have decided to exclude the United Arab Emirates from the tariff proclaimed in Proclamation 9704. The United States will monitor the implementation and effectiveness of the measure agreed with the United Arab Emirates in addressing our national security needs, and this determination may be revisited, as appropriate.

6. In light of my determination to exclude the United Arab Emirates from the tariff proclaimed in Proclamation 9704, as amended, I have considered whether it is necessary and appropriate in light of our national security interests to make any corresponding adjustments to such tariff as it applies to other countries. I have determined that, in light of the agreed-upon measure with the United Arab Emirates, it is

necessary and appropriate, at this time, to maintain the current tariff level as it applies to other countries.

7. Section 232 of the Trade Expansion Act of 1962, as amended, authorizes the President to adjust the imports of an article and its derivatives that are being imported into the United States in such quantities or under such circumstances as to threaten to impair the national security.

8. Section 604 of the Trade Act of 1974, as amended (19 U.S.C. 2483), authorizes the President to embody in the Harmonized Tariff Schedule of the United States (HTSUS) the substance of statutes affecting import treatment, and actions thereunder, including the removal, modification, continuance, or imposition of any rate of duty or other import restriction.

NOW, THEREFORE, I, DONALD J. TRUMP, President of the United States of America, by the authority vested in me by the Constitution and the laws of the United States of America, including section 232 of the Trade Expansion Act of 1962, as amended, section 301 of title 3, United States Code, and section 604 of the Trade Act of 1974, as amended, do hereby proclaim as follows:

(1) Clause 2 of Proclamation 9704, as amended, is further amended in the second sentence by deleting “and” before “(g)” and inserting before the period at the end: “, and (h) on or after 12:01 a.m. eastern standard time on February 3, 2021, from all countries except Argentina, Australia, Canada, Mexico, and the United Arab Emirates.”.

(2) Clauses 1 and 4 of Proclamation 9776 of August 29, 2018 (Adjusting Imports of Aluminum Into the United States) are amended by replacing, in each instance, “subheadings 9903.85.05 and 9903.85.06” with “subheadings 9903.85.05 through 9903.85.08”.

(3) The “Article Description” for subheading 9903.85.01 of the HTSUS is amended by replacing “of Argentina, of Australia, of Canada, of Mexico” with “of Argentina, of Australia, of Canada, of Mexico, of the United Arab Emirates”.

(4) The superior text to subheading 9903.85.11 of the HTSUS is amended by replacing “of Argentina” with “of Argentina and of the United Arab Emirates”, and the “Article Description” for subheading 9903.85.11 of the HTSUS is amended by replacing “9903.85.05 and 9903.85.06” with “9903.85.05 through 9903.85.08”.

(5) In order to implement quantitative limitations on aluminum article imports from the United Arab Emirates, subchapter III of chapter 99 of the HTSUS is amended as provided for in Part A of the Annex to this proclamation. For purposes of administering these quantitative limitations, the annual aggregate limits set out in Part B of the Annex to this proclamation shall apply for the period starting with calendar year 2021 and for subsequent years, unless modified or terminated. The quantitative limitations for the United Arab Emirates, which for calendar year 2021 shall take into account all aluminum article imports since January 1, 2021, shall be effective for aluminum articles entered for consumption, or withdrawn from warehouse for consumption, on or after 12:01 a.m. eastern standard time on February 3, 2021, and shall be implemented by U.S. Customs and Border Protection (CBP) of the Department of Homeland Security as soon as practicable. The Secretary shall monitor the implementation of these quantitative limitations and

shall, in consultation with the United States Trade Representative, inform the President of any circumstance that in the Secretary's opinion might indicate that an adjustment of the quantitative limitations is necessary.

(6) The modifications made by clauses 1 through 5 of this proclamation and the Annex to this proclamation shall be effective with respect to goods entered for consumption, or withdrawn from warehouse for consumption, on or after 12:01 a.m. eastern standard time on February 3, 2021, and shall continue in effect, unless such actions are expressly reduced, modified, or terminated.

(7) Any imports of aluminum articles from the United Arab Emirates that were admitted into a U.S. foreign trade zone under "privileged foreign status" as defined in 19 CFR 146.41, prior to 12:01 a.m. eastern standard time on February 3, 2021, shall not be subject, upon entry for consumption made on or after that date and time, to the additional 10 percent ad valorem rate of duty imposed by Proclamation 9704, as amended, and shall be subject to the quantitative limitations established in this proclamation.

(8) Any provision of previous proclamations and Executive Orders that is inconsistent with the actions taken in this proclamation is superseded to the extent of such inconsistency.

IN WITNESS WHEREOF, I have hereunto set my hand this nineteenth day of January, in the year of our Lord two thousand and twenty-one, and of the Independence of the United States of America the two hundred and forty-fifth.

DONALD J. TRUMP

ANNEX

**TO MODIFY CERTAIN PROVISIONS OF CHAPTER 99 OF
THE HARMONIZED TARIFF SCHEDULE OF THE UNITED STATES**

A. Subchapter III of chapter 99 of the Harmonized Tariff Schedule of the United States (HTSUS) is modified below, with the material in the new tariff provisions inserted in the columns labeled “Heading/Subheading”, “Article Description”, “Rates of Duty 1-General”, “Rates of Duty 1- Special,” and “Rates of Duty 2”, respectively. The modifications shall be effective for goods entered for consumption, or withdrawn from warehouse for consumption, on or after 12:01 a.m. eastern standard time on February 3, 2021. Quota amounts are calculated beginning on January 1 of each calendar year, including for calendar year 2021.

1. The text of subdivision (a)(ii) of U.S. note 19 is modified by deleting “9903.85.05 and 9903.85.06” and by inserting in lieu thereof “9903.85.05 through 9903.85.08”.

2. The text of subdivision (b) of U.S. note 19 is modified by deleting “9903.85.05 and 9903.85.06” and by inserting in lieu thereof “9903.85.05 through 9903.85.08”.

3. The text of subdivision (d) of U.S. note 19 is modified by deleting “9903.85.05 and 9903.85.06” and by inserting in lieu thereof “9903.85.05 through 9903.85.08”.

4. The text of subdivision (e) of U.S. note 19 is modified by deleting “9903.85.05 and 9903.85.06” and by inserting in lieu thereof “9903.85.05 through 9903.85.08”.

5. Subheadings 9903.85.05 and 9903.85.06 and the superior text thereto are replaced and supplemented with the following subheadings and superior texts, which are inserted in numerical sequence in subchapter III:

Heading/ Subheading	Article Description	Rates of Duty		
		1		2
		General	Special	
9903.85.05	Except as provided in subheading 9903.85.11, aluminum products of Argentina enumerated in U.S. note 19(b) to this subchapter, if entered in aggregate quantities prescribed in subdivision (e) of such note for any calendar year starting on January 1, 2021 and for any portion thereof as prescribed in such subdivision (e): Unwrought aluminum, provided for in heading 7601	The duty provided in the applicable subheading		
9903.85.06	Except as provided in subheading 9903.85.11, aluminum products of Argentina and the United Arab Emirates enumerated in U.S. note 19(b) to this subchapter, if entered in aggregate quantities prescribed in subdivision (e) of such note for any calendar year starting on January 1, 2021 and for any portion thereof as prescribed in such subdivision (e): Wrought aluminum, provided for in headings 7604, 7605, 7606, 7607, 7608 or 7609; and castings and forgings of aluminum provided for in subheading 7616.99.51 Except as provided in subheading 9903.85.11, aluminum products of the United Arab Emirates enumerated in U.S. note 19(b) to this subchapter, if entered in aggregate quantities prescribed in subdivision (e) of such note for any calendar year starting on January 1, 2021 and for any portion thereof as prescribed in such subdivision (e):			

9903.85.07	Unwrought aluminum, not alloyed, provided in subheading 7601.10	The duty provided in the applicable subheading		
9903.85.08	Unwrought aluminum, alloyed, provided for in subheading 7601.20	The duty provided in the applicable subheading		

B. For the purposes of administering the quantitative limitations applicable to subheadings 9903.85.06 through 9903.85.08 (as modified or created in part A of this annex), the following annual aggregate limits shall apply for the period starting with calendar year 2021 and for subsequent years, unless modified or terminated:

UNITED ARAB EMIRATES

Heading/ Subheading	Article Description	Quantitative Limitation
	Aluminum products of the United Arab Emirates enumerated in U.S. note 19(b) to this subchapter, if entered in aggregate quantities prescribed in subdivision (e) of such note for any calendar year starting on January 1, 2021 and for any portion thereof as prescribed in such subdivision (e):	
9903.85.06	Wrought aluminum, provided for in headings 7604, 7605, 7606, 7607, 7608 or 7609; and castings and forgings of aluminum provided for in subheading 7616.99.51.....	26,467,182 kilograms
9903.85.07	Unwrought aluminum, not alloyed, provided in subheading 7601.10	149,482,620 kilograms
9903.85.08	Unwrought aluminum, alloyed, provided for in subheading 7601.20	454,050,450 kilograms

Proclamation 10140 of January 20, 2021

A National Day of Unity

By the President of the United States of America

A Proclamation

I am humbled before God and my fellow Americans to take the sacred oath of President of our beloved country.

Today, we celebrate the triumph of democracy after an election that saw more Americans voting than ever before in our Nation's history, and where the will of the people has been heard and heeded.

We do so at a moment of great peril and promise for our Nation. A once-in-a-century deadly pandemic. A historic and deepening economic crisis. Calls for racial justice some 400 years in the making. A climate crisis with force and fury. We also feel the rise in political extremism and domestic terrorism—unleashed just days ago on our Capitol, the citadel of freedom, but brewing long before—that we must confront and defeat.

Yet in this dire moment, democracy prevailed. On this day, we set our sights on the Nation we know we can and must be. I am honored to do so alongside Vice President Kamala Harris, the first woman who has taken the oath to serve in elected national office, and who will not be the last. Together, we know that to overcome the challenges before all of us, to restore the soul of America, requires the beating heart of a democracy: Unity.

With unity, we can save lives and beat this pandemic. We can build our economy back better and include everyone. We can right wrongs and root out systemic racism in our country. We can confront the climate crisis with American jobs and ingenuity. We can protect our democracy by seeing each other not as adversaries but as fellow Americans. For the world to see, with unity we can lead not just by the example of our power, but by the power of our example.

As we start the hard work to be done, I pray this moment gives us the strength to rebuild this house of ours upon a rock that can never be washed away. And, as in the Prayer of St. Francis, for where there is discord, union; where there is doubt, faith, where there is darkness, light.

On this Inauguration Day I swear an oath to be a President for all Americans and ask every American to join me in this cause of democracy. May this be the story that unites us as fellow Americans and as the United States of America.

NOW, THEREFORE, I, JOSEPH R. BIDEN JR., President of the United States of America, by the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim January 20, 2021, a National Day of Unity and call upon the people of our Nation to join together and write the next story of our democracy—an American story of decency and dignity, of love and of healing, and of greatness and of goodness.

IN WITNESS WHEREOF, I have hereunto set my hand this twentieth day of January, in the year of our Lord two thousand twenty-one, and of the Independence of the United States of America the two hundred and forty-fifth.

JOSEPH R. BIDEN, JR.

Proclamation 10141 of January 20, 2021**Ending Discriminatory Bans on Entry to the United States**

By the President of the United States of America

A Proclamation

The United States was built on a foundation of religious freedom and tolerance, a principle enshrined in the United States Constitution. Nevertheless, the previous administration enacted a number of Executive Orders and Presidential Proclamations that prevented certain individuals from entering the United States—first from primarily Muslim countries, and later, from largely African countries. Those actions are a stain on our national conscience and are inconsistent with our long history of welcoming people of all faiths and no faith at all.

Beyond contravening our values, these Executive Orders and Proclamations have undermined our national security. They have jeopardized our global network of alliances and partnerships and are a moral blight that has dulled the power of our example the world over. And they have separated loved ones, inflicting pain that will ripple for years to come. They are just plain wrong.

Make no mistake, where there are threats to our Nation, we will address them. Where there are opportunities to strengthen information-sharing with partners, we will pursue them. And when visa applicants request entry to the United States, we will apply a rigorous, individualized vetting system. But we will not turn our backs on our values with discriminatory bans on entry into the United States.

NOW, THEREFORE, I, JOSEPH R. BIDEN JR., President of the United States, by the authority vested in me by the Constitution and the laws of the United States of America, including sections 212(f) and 215(a) of the Immigration and Nationality Act, 8 U.S.C. 1182(f) and 1185(a), hereby find that it is in the interests of the United States to revoke Executive Order 13780 of March 6, 2017 (Protecting the Nation From Foreign Terrorist Entry Into the United States), Proclamation 9645 of September 24, 2017 (Enhancing Vetting Capabilities and Processes for Detecting Attempted Entry Into the United States by Terrorists or Other Public-Safety Threats), Proclamation 9723 of April 10, 2018 (Maintaining Enhanced Vetting Capabilities and Processes for Detecting Attempted Entry Into the United States by Terrorists or Other Public-Safety Threats), and Proclamation 9983 of January 31, 2020 (Improving Enhanced Vetting Capabilities and Processes for Detecting Attempted Entry Into the United States by Terrorists or Other Public-Safety Threats). Our national security will be enhanced by revoking the Executive Order and Proclamations.

Accordingly, I hereby proclaim:

Section 1. Revocations. Executive Order 13780, and Proclamations 9645, 9723, and 9983 are hereby revoked.

Sec. 2. Resumption of Visa Processing and Clearing the Backlog of Cases in Waiver Processing. (a) The Secretary of State shall direct all Embassies and Consulates, consistent with applicable law and visa processing procedures, including any related to coronavirus disease 2019 (COVID-19), to resume visa processing in a manner consistent

with the revocation of the Executive Order and Proclamations specified in section 1 of this proclamation.

(b) Within 45 days of the date of this proclamation, the Secretary of State shall provide to the President a report that includes the following elements:

(i) The number of visa applicants who were being considered for a waiver of restrictions under Proclamation 9645 or 9983 on the date of this proclamation and a plan for expeditiously adjudicating their pending visa applications.

(ii) A proposal to ensure that individuals whose immigrant visa applications were denied on the basis of the suspension and restriction on entry imposed by Proclamation 9645 or 9983 may have their applications reconsidered. This proposal shall consider whether to reopen immigrant visa applications that were denied due to the suspension and restriction on entry imposed by Proclamation 9645 or 9983, whether it is necessary to charge an additional fee to process those visa applications, and development of a plan for the Department of State to expedite consideration of those visa applications.

(iii) A plan to ensure that visa applicants are not prejudiced as a result of a previous visa denial due to the suspension and restriction on entry imposed by Proclamation 9645 or 9983 if they choose to re-apply for a visa.

Sec. 3. *Review of Information-Sharing Relationships and a Plan to Strengthen Partnerships.* Within 120 days of the date of this proclamation, the Secretary of State and the Secretary of Homeland Security, in consultation with the Director of National Intelligence, shall provide to the President a report consisting of the following elements:

(a) A description of the current screening and vetting procedures for those seeking immigrant and nonimmigrant entry to the United States. This should include information about any procedures put in place as a result of any of the Executive Order and Proclamations revoked in section 1 of this proclamation and should also include an evaluation of the usefulness of form DS-5535.

(b) A review of foreign government information-sharing practices vis-à-vis the United States in order to evaluate the efficacy of those practices, their contribution to processes for screening and vetting those individuals seeking entry to the United States as immigrants and nonimmigrants, and how the United States ensures the accuracy and reliability of the information provided by foreign governments.

(c) Recommendations to improve screening and vetting activities, including diplomatic efforts to improve international information-sharing, use of foreign assistance funds, where appropriate, to support capacity building for information-sharing and identity-management practices, and ways to further integrate relevant executive department and agency data into the vetting system.

(d) A review of the current use of social media identifiers in the screening and vetting process, including an assessment of whether this use has meaningfully improved screening and vetting, and recommendations in light of this assessment.

Sec. 4. *General Provisions.* (a) Nothing in this proclamation shall be construed to impair or otherwise affect:

(i) the authority granted by law to an executive department or agency, or the head thereof; or

(ii) the functions of the Director of the Office of Management and Budget relating to budgetary, administrative, or legislative proposals.

(b) This proclamation shall be implemented in a manner consistent with applicable law and subject to the availability of appropriations.

(c) This proclamation is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the United States, its departments, agencies, or entities, its officers, employees, or agents, or any other person.

IN WITNESS WHEREOF, I have hereunto set my hand this twentieth day of January, in the year of our Lord two thousand twenty-one, and of the Independence of the United States of America the two hundred and forty-fifth.

JOSEPH R. BIDEN, JR.

Proclamation 10142 of January 20, 2021

**Termination of Emergency With Respect to the Southern
Border of the United States and Redirection of Funds
Diverted to Border Wall Construction**

By the President of the United States of America

A Proclamation

Like every nation, the United States has a right and a duty to secure its borders and protect its people against threats. But building a massive wall that spans the entire southern border is not a serious policy solution. It is a waste of money that diverts attention from genuine threats to our homeland security. My Administration is committed to ensuring that the United States has a comprehensive and humane immigration system that operates consistently with our Nation's values. In furtherance of that commitment, I have determined that the declaration of a national emergency at our southern border in Proclamation 9844 of February 15, 2019 (Declaring a National Emergency Concerning the Southern Border of the United States), was unwarranted. It shall be the policy of my Administration that no more American taxpayer dollars be diverted to construct a border wall. I am also directing a careful review of all resources appropriated or redirected to construct a southern border wall.

NOW, THEREFORE, I, JOSEPH R. BIDEN JR., President of the United States of America, by the authority vested in me by the Constitution and the laws of the United States of America, including section 202 of the National Emergencies Act (50 U.S.C. 1601 *et seq.*), hereby declare that the national emergency declared by Proclamation 9844, and continued on February 13, 2020 (85 *Fed. Reg.* 8715), and January 15, 2021, is terminated and that the authorities invoked in that proclamation will no longer be used to construct a wall at southern border. I hereby further direct as follows:

Section 1. *Pause in Construction and Obligation of Funds.* (a) The Secretary of Defense and the Secretary of Homeland Security, in consultation with the Director of the Office of Management and Budget, shall direct the appropriate officials within their respective departments to:

(i) pause work on each construction project on the southern border wall, to the extent permitted by law, as soon as possible but in no case later than seven days from the date of this proclamation, to permit:

(A) assessment of the legality of the funding and contracting methods used to construct the wall;

(B) assessment of the administrative and contractual consequences of ceasing each wall construction project; and

(C) completion and implementation of the plan developed in accordance with section 2 of this proclamation;

(ii) pause immediately the obligation of funds related to construction of the southern border wall, to the extent permitted by law; and

(iii) compile detailed information on all southern border wall construction contracts, the completion status of each wall construction project, and the funds used for wall construction since February 15, 2019, including directly appropriated funds and funds drawn from the Treasury Forfeiture Fund (31 U.S.C. 9705(g)(4)(B)), the Department of Defense Drug Interdiction and Counter-Drug Activities account (10 U.S.C. 284), and the Department of Defense Military Construction account (pursuant to the emergency authorities in 10 U.S.C. 2808(a) and 33 U.S.C. 2293(a)).

(b) The pause directed in subsection (a)(i) of this section shall apply to wall projects funded by redirected funds as well as wall projects funded by direct appropriations. The Secretary of Defense and the Secretary of Homeland Security may make an exception to the pause, however, for urgent measures needed to avert immediate physical dangers or where an exception is required to ensure that funds appropriated by the Congress fulfill their intended purpose.

Sec. 2. *Plan for Redirecting Funding and Repurposing Contracts.* The Secretary of Defense and the Secretary of Homeland Security, in coordination with the Secretary of the Treasury, the Attorney General, the Director of the Office of Management and Budget, and the heads of any other appropriate executive departments and agencies, and in consultation with the Assistant to the President for National Security Affairs, shall develop a plan for the redirection of funds concerning the southern border wall, as appropriate and consistent with applicable law. The process of developing the plan shall include consideration of terminating or repurposing contracts with private contractors engaged in wall construction, while providing for the expenditure of any funds that the Congress expressly appropriated for wall construction, consistent with their appropriated purpose. The plan shall be developed within 60 days from the date of this proclamation. After the plan is developed, the Secretary of Defense and the Secretary of Homeland Security shall take all appropriate steps to resume, modify, or terminate projects and to otherwise implement the plan.

Sec. 3. *Definition.* Consistent with Executive Order 13767 of January 25, 2017 (Border Security and Immigration Enforcement Improvements), for the purposes of this proclamation, “wall” means a contig-

uous, physical wall or other similarly secure, contiguous, and impassable physical barrier.

Sec. 4. General Provisions. (a) Nothing in this proclamation shall be construed to impair or otherwise affect:

(i) the authority granted by law to an executive department or agency, or the head thereof; or

(ii) the functions of the Director of the Office of Management and Budget relating to budgetary, administrative, or legislative proposals.

(b) This proclamation shall be implemented consistent with applicable law and subject to the availability of appropriations.

(c) This proclamation is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the United States, its departments, agencies, or entities, its officers, employees, or agents, or any other person.

IN WITNESS WHEREOF, I have hereunto set my hand this twentieth day of January, in the year of our Lord two thousand twenty-one, and of the Independence of the United States of America the two hundred and forty-fifth.

JOSEPH R. BIDEN, JR.

Proclamation 10143 of January 25, 2021

Suspension of Entry as Immigrants and Nonimmigrants of Certain Additional Persons Who Pose a Risk of Transmitting Coronavirus Disease 2019

By the President of the United States of America

A Proclamation

The Federal Government must act swiftly and aggressively to combat coronavirus disease 2019 (COVID-19). The national emergency caused by the COVID-19 outbreak in the United States continues to pose a grave threat to our health and security. As of January 20, 2021, the United States had experienced more than 24 million confirmed COVID-19 cases and more than 400,000 COVID-19 deaths. It is the policy of my Administration to implement science-based public health measures, across all areas of the Federal Government, to prevent further spread of the disease.

The Centers for Disease Control and Prevention (CDC), within the Department of Health and Human Services, working in close coordination with the Department of Homeland Security, has determined that the Republic of South Africa is experiencing widespread, ongoing person-to-person transmission of SARS-CoV-2, the virus that causes COVID-19, including a variant strain of the virus known as B.1.351. The World Health Organization has reported that the Republic of South Africa has over 1,400,000 confirmed cases of COVID-19. Another variant strain, known as B.1.1.7, is widely circulating and has been traced to the United Kingdom. Furthermore, a third variant strain, which is known as B.1.1.28.1 and may impact the potential for re-infection, has been identified in Brazil. Based on developments with respect to the

variants and the continued spread of the disease, CDC has reexamined its policies on international travel and, after reviewing the public health situations within the Schengen Area, the United Kingdom (excluding overseas territories outside of Europe), the Republic of Ireland, the Federative Republic of Brazil, and the Republic of South Africa, has concluded that continued and further measures are required to protect the public health from travelers entering the United States from those jurisdictions.

In my Executive Order of January 21, 2021, entitled “Promoting COVID-19 Safety in Domestic and International Travel,” I directed the Secretary of Health and Human Services, including through the Director of CDC, and in coordination with the Secretary of Transportation (including through the Administrator of the Federal Aviation Administration) and the Secretary of Homeland Security (including through the Administrator of the Transportation Security Administration), to further examine certain current public health precautions for international travel and take additional appropriate regulatory action, to the extent feasible and consistent with CDC guidelines and applicable law.

While that review continues, and given the determination of CDC, working in close coordination with the Department of Homeland Security, described above, I have determined that it is in the interests of the United States to take action to restrict and suspend the entry into the United States, as immigrants or nonimmigrants, of noncitizens of the United States (“noncitizens”) who were physically present within the Schengen Area, the United Kingdom (excluding overseas territories outside of Europe), the Republic of Ireland, the Federative Republic of Brazil, and the Republic of South Africa during the 14-day period preceding their entry or attempted entry into the United States.

NOW, THEREFORE, I, JOSEPH R. BIDEN JR., President of the United States, by the authority vested in me by the Constitution and the laws of the United States of America, including sections 212(f) and 215(a) of the Immigration and Nationality Act, 8 U.S.C. 1182(f) and 1185(a), and section 301 of title 3, United States Code, hereby find that the unrestricted entry into the United States of persons described in section 1 of this proclamation would, except as provided for in section 2 of this proclamation, be detrimental to the interests of the United States, and that their entry should be subject to certain restrictions, limitations, and exceptions. I therefore hereby proclaim the following:

Section 1. *Suspension and Limitation on Entry.* (a) The entry into the United States, as immigrants or nonimmigrants, of noncitizens who were physically present within the Schengen Area, the United Kingdom (excluding overseas territories outside of Europe), the Republic of Ireland, and the Federative Republic of Brazil during the 14-day period preceding their entry or attempted entry into the United States, is hereby suspended and limited subject to section 2 of this proclamation.

(b) The entry into the United States, as immigrants or nonimmigrants, of noncitizens who were physically present within the Republic of South Africa during the 14-day period preceding their entry or attempted entry into the United States, is hereby suspended and limited subject to section 2 of this proclamation.

Sec. 2. *Scope of Suspension and Limitation on Entry.*

(a) Section 1 of this proclamation shall not apply to:

- (i) any lawful permanent resident of the United States;
- (ii) any noncitizen national of the United States;
- (iii) any noncitizen who is the spouse of a U.S. citizen or lawful permanent resident;
- (iv) any noncitizen who is the parent or legal guardian of a U.S. citizen or lawful permanent resident, provided that the U.S. citizen or lawful permanent resident is unmarried and under the age of 21;
- (v) any noncitizen who is the sibling of a U.S. citizen or lawful permanent resident, provided that both are unmarried and under the age of 21;
- (vi) any noncitizen who is the child, foster child, or ward of a U.S. citizen or lawful permanent resident, or who is a prospective adoptee seeking to enter the United States pursuant to the IR-4 or IH-4 visa classifications;
- (vii) any noncitizen traveling at the invitation of the United States Government for a purpose related to containment or mitigation of the virus;
- (viii) any noncitizen traveling as a nonimmigrant pursuant to a C-1, D, or C-1/D nonimmigrant visa as a crewmember or any noncitizen otherwise traveling to the United States as air or sea crew;
- (ix) any noncitizen
 - (A) seeking entry into or transiting the United States pursuant to one of the following visas: A-1, A-2, C-2, C-3 (as a foreign government official or immediate family member of an official), E-1 (as an employee of TECRO or TECO or the employee's immediate family members), G-1, G-2, G-3, G-4, NATO-1 through NATO-4, or NATO-6 (or seeking to enter as a nonimmigrant in one of those NATO categories); or
 - (B) whose travel falls within the scope of section 11 of the United Nations Headquarters Agreement;
- (x) any noncitizen who is a member of the U.S. Armed Forces and any noncitizen who is a spouse or child of a member of the U.S. Armed Forces;
- (xi) any noncitizen whose entry would further important United States law enforcement objectives, as determined by the Secretary of State, the Secretary of Homeland Security, or their respective designees, based on a recommendation of the Attorney General or his designee; or
- (xii) any noncitizen whose entry would be in the national interest, as determined by the Secretary of State, the Secretary of Homeland Security, or their designees.

(b) Nothing in this proclamation shall be construed to affect any individual's eligibility for asylum, withholding of removal, or protection under the regulations issued pursuant to the legislation implementing the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, consistent with the laws and regulations of the United States.

Sec. 3. Implementation and Enforcement. (a) The Secretary of State shall implement this proclamation as it applies to visas pursuant to

such procedures as the Secretary of State, in consultation with the Secretary of Homeland Security, may establish. The Secretary of Homeland Security shall implement this proclamation as it applies to the entry of noncitizens pursuant to such procedures as the Secretary of Homeland Security, in consultation with the Secretary of State, may establish.

(b) The Secretary of State, the Secretary of Transportation, and the Secretary of Homeland Security shall ensure that any noncitizen subject to this proclamation does not board an aircraft traveling to the United States, to the extent permitted by law.

(c) The Secretary of Homeland Security may establish standards and procedures to ensure the application of this proclamation at and between all United States ports of entry.

(d) Where a noncitizen circumvents the application of this proclamation through fraud, willful misrepresentation of a material fact, or illegal entry, the Secretary of Homeland Security shall consider prioritizing such noncitizen for removal.

Sec. 4. Termination. This proclamation shall remain in effect until terminated by the President. The Secretary of Health and Human Services shall, as circumstances warrant and no more than 30 days after the date of this proclamation and by the final day of each calendar month thereafter, recommend whether the President should continue, modify, or terminate this proclamation.

Sec. 5. Amendment. Section 5 of Proclamation 9984 of January 31, 2020 (Suspension of Entry as Immigrants and Nonimmigrants of Persons Who Pose a Risk of Transmitting 2019 Novel Coronavirus and Other Appropriate Measures To Address This Risk), and section 5 of Proclamation 9992 of February 29, 2020 (Suspension of Entry as Immigrants and Nonimmigrants of Certain Additional Persons Who Pose a Risk of Transmitting 2019 Novel Coronavirus), are each amended to read as follows:

“**Sec. 5. Termination.** This proclamation shall remain in effect until terminated by the President. The Secretary of Health and Human Services shall, as circumstances warrant and no more than 30 days after the date of the Proclamation of January 25, 2021, entitled “Suspension of Entry as Immigrants and Nonimmigrants of Certain Additional Persons Who Pose a Risk of Transmitting Coronavirus Disease 2019,” and by the final day of each calendar month thereafter, recommend whether the President should continue, modify, or terminate this proclamation.”

Sec. 6. Effective Dates. (a) The suspension and limitation on entry set forth in section 1(a) of this proclamation is effective at 12:01 a.m. eastern standard time on January 26, 2021. The suspension and limitation on entry set forth in section 1(a) of this proclamation does not apply to persons aboard a flight scheduled to arrive in the United States that departed prior to 12:01 a.m. eastern standard time on January 26, 2021.

(b) The suspension and limitation on entry set forth in section 1(b) of this proclamation is effective at 12:01 a.m. eastern standard time on January 30, 2021. The suspension and limitation on entry set forth in section 1(b) of this proclamation does not apply to persons aboard a flight scheduled to arrive in the United States that departed prior to 12:01 a.m. eastern standard time on January 30, 2021.

Sec. 7. *Severability.* It is the policy of the United States to enforce this proclamation to the maximum extent possible to advance the national security, public safety, and foreign policy interests of the United States. Accordingly:

(a) if any provision of this proclamation, or the application of any provision to any person or circumstance, is held to be invalid, the remainder of this proclamation and the application of its provisions to any other persons or circumstances shall not be affected thereby; and

(b) if any provision of this proclamation, or the application of any provision to any person or circumstance, is held to be invalid because of the lack of certain procedural requirements, the relevant executive branch officials shall implement those procedural requirements to conform with existing law and with any applicable court orders.

Sec. 8. *General Provisions.* (a) Nothing in this proclamation shall be construed to impair or otherwise affect:

(i) the authority granted by law to an executive department or agency, or the head thereof; or

(ii) the functions of the Director of the Office of Management and Budget relating to budgetary, administrative, or legislative proposals.

(b) This proclamation shall be implemented consistent with applicable law and subject to the availability of appropriations.

(c) This proclamation is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the United States, its departments, agencies, or entities, its officers, employees, or agents, or any other person.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-fifth day of January, in the year of our Lord two thousand twenty-one, and of the Independence of the United States of America the two hundred and forty-fifth.

JOSEPH R. BIDEN, JR.

Proclamation 10144 of February 1, 2021

Adjusting Imports of Aluminum Into the United States

By the President of the United States of America
A Proclamation

1. Proclamation 10139 of January 19, 2021 (Adjusting Imports of Aluminum Into the United States), amended Proclamation 9704 (Adjusting Imports of Aluminum Into the United States), as amended, with respect to tariffs on certain imports of aluminum articles proclaimed under section 232 of the Trade Expansion Act, as amended (19 U.S.C. 1862). Proclamation 10139 provides that those amendments will not take effect until 12:01 a.m. on February 3, 2021.

2. I consider it is necessary and appropriate in light of our national security interests to maintain, at this time, the tariff treatment applied to aluminum article imports from the United Arab Emirates (UAE) under Proclamation 9704, as amended, as they are currently in effect as of this date. Accordingly, and as provided for in clause (6) of Proclama-

tion 10139, I am terminating the modifications contained in that proclamation before they take effect.

3. Proclamation 9704 applied tariffs to help ensure the economic viability of the domestic aluminum industry—an industry that the Secretary of Commerce had previously identified as essential to our critical industries and national defense. Because robust domestic aluminum production capacity is essential to meet our current and future national security needs, Proclamation 9704 aimed to revive idled aluminum facilities, open closed smelters and mills, preserve necessary skills, and maintain or increase domestic production by reducing United States reliance on foreign producers.

4. In my view, the available evidence indicates that imports from the UAE may still displace domestic production, and thereby threaten to impair our national security. Proclamation 9704 authorized the Secretary of Commerce to grant exclusions from the aluminum tariffs based on specific national security considerations or if specific imported aluminum articles were determined not to be produced sufficiently in the United States, such that the imports would not diminish domestic production. Tellingly, there have been 33 such exclusion requests for aluminum imported from the UAE, covering 587,007 metric tons of articles, and the Secretary of Commerce has denied 32 of those requests, covering 582,007 metric tons. This indicates the large degree of overlap between imports from the UAE and what our domestic industry is capable of producing.

5. Since the tariff on aluminum imports was imposed, such imports substantially decreased, including a 25 percent reduction from the UAE, and domestic aluminum production increased by 22 percent through 2019, before the coronavirus pandemic began. In light of that history, I believe that maintaining the tariff is likely to be more effective in protecting our national security than the untested quota described in Proclamation 10139.

6. Section 232 of the Trade Expansion Act of 1962, as amended, authorizes the President to adjust the imports of an article and its derivatives that are being imported into the United States in such quantities or under such circumstances as to threaten to impair the national security.

7. Section 604 of the Trade Act of 1974, as amended (19 U.S.C. 2483), authorizes the President to embody in the Harmonized Tariff Schedule of the United States the substance of statutes affecting import treatment, and actions thereunder, including the removal, modification, continuance, or imposition of any rate of duty or other import restriction.

NOW, THEREFORE, I, JOSEPH R. BIDEN JR., President of the United States of America, by the authority vested in me by the Constitution and the laws of the United States of America, including section 232 of the Trade Expansion Act of 1962, as amended, section 301 of title 3, United States Code, and section 604 of the Trade Act of 1974, as amended, do hereby proclaim that Proclamation 10139, including the Annex, is revoked.

IN WITNESS WHEREOF, I have hereunto set my hand this first day of February, in the year of our Lord two thousand twenty-one, and of

the Independence of the United States of America the two hundred and forty-fifth.

JOSEPH R. BIDEN, JR.

Proclamation 10145 of February 3, 2021

American Heart Month, 2021

By the President of the United States of America

A Proclamation

Tragically, heart disease continues to be a leading cause of death in the United States. It affects Americans of all genders, races, and ethnicities. Yet despite being one of the country's most costly and deadly diseases, it is among the most preventable. During American Heart Month, we recommit to fighting this disease by promoting better health, wellness, and prevention awareness in our communities.

Heart disease can impact anyone, but risk factors such as high cholesterol, high blood pressure, physical inactivity, obesity, tobacco use, and alcohol abuse can increase the likelihood of developing the disease. By adopting a few healthy habits, each of us can reduce our risk. Avoiding tobacco, moderating alcohol consumption, making balanced and nutritious meal choices, and staying active can help prevent or treat conditions that lead to heart disease. Adults with heart conditions are also at increased risk of severe illness from COVID-19, which makes it even more important to follow these suggestions.

We have seen the death rate from heart attacks rise dramatically during the COVID-19 pandemic because people are delaying or not seeking care after experiencing symptoms. It is important not to ignore early warning signs like chest pain, palpitations, shortness of breath, and sudden dizziness. And the symptoms of a heart attack can be different for men and women, an often-overlooked fact that can impact when people seek care. For more resources and information, follow your health care provider's advice or visit www.CDC.gov/HeartDisease.

My Administration is committed to supporting Americans in their efforts to achieve heart health. Under the Affordable Care Act, many insurance plans cover preventive services like blood pressure and obesity screening at no out-of-pocket cost to the patient. By protecting and expanding access to quality, affordable health care, we will work tirelessly to provide all Americans with the care they need to prevent and treat heart disease.

We are also committed to closing the racial disparities in cardiovascular health. Despite an overall decline in death rates for heart disease, risk of heart disease death differs by race and ethnicity, and Black Americans continue to have the highest death rate for heart disease. Increased awareness and access to care will help reduce these staggering and unacceptable statistics.

This month, we also honor the health care professionals, researchers, and heart health advocates who save our fellow Americans' lives with their hard work. Every day, they put themselves on the front lines of our fight against heart disease, as well as the scourge of COVID-19.

The First Lady and I encourage everyone to participate in National Wear Red Day on Friday, February 5th. By wearing red, we honor those we have lost to heart disease, and we raise awareness of the steps we can all take to prevent this devastating disease. Combatting heart disease is essential to improving public health in our Nation, and together we will renew our efforts to make all Americans aware of its signs and symptoms. This month, we recommit to building a healthier future for all.

In acknowledgement of the importance of the ongoing fight against cardiovascular disease, the Congress, by Joint Resolution approved December 30, 1963, as amended (36 U.S.C. 101), has requested that the President issue an annual proclamation designating February as “American Heart Month.”

NOW, THEREFORE, I, JOSEPH R. BIDEN JR., President of the United States of America, do hereby proclaim February 2021 as American Heart Month, and I invite all Americans to participate in National Wear Red Day on February 5, 2021. I also invite the Governors of the States, the Commonwealth of Puerto Rico, officials of other areas subject to the jurisdiction of the United States, and the American people to join me in recognizing and reaffirming our commitment to fighting cardiovascular disease.

IN WITNESS WHEREOF, I have hereunto set my hand this third day of February, in the year of our Lord two thousand twenty-one, and of the Independence of the United States of America the two hundred and forty-fifth.

JOSEPH R. BIDEN, JR.

Proclamation 10146 of February 3, 2021

National Black History Month, 2021

By the President of the United States of America

A Proclamation

This February, during Black History Month, I call on the American people to honor the history and achievements of Black Americans and to reflect on the centuries of struggle that have brought us to this time of reckoning, redemption, and hope.

We have never fully lived up to the founding principles of this Nation—that all people are created equal and have the right to be treated equally throughout their lives. But in the Biden-Harris Administration, we are committed to fulfilling that promise for all Americans.

I am proud to celebrate Black History Month with an Administration that looks like America—one that reflects the full talents and diversity of the American people and that heralds many firsts, including the first Black Vice President of the United States and the first Black Secretary of Defense, among other firsts in a cabinet that is comprised of more Americans of color than any other in our history.

It is long past time to confront deep racial inequities and the systemic racism that continue to plague our Nation. A knee to the neck of jus-

tice opened the eyes of millions of Americans and launched a summer of protest and stirred the Nation's conscience.

A pandemic has further ripped a path of destruction through every community in America, but we see its acute devastation among Black Americans who are dying, losing jobs, and closing businesses at disproportionate rates in the dual crisis of the pandemic and the economy.

We saw how a broad coalition of Americans of every race and background registered and voted—more people than in any other election in our Nation's history—to heal these wounds and unite and move forward as a Nation.

But also less than 1 month after the attack on the Capitol, on our very democracy, by a mob of insurrectionists—of extremists and white supremacists—a bookend of the last 4 years and the hate that marched from the streets of Charlottesville, and that shows we remain in a battle for the soul of America.

We must bring to our work a seriousness of purpose and urgency. That is why we are putting our response to COVID-19 on a war footing and marshalling every resource we have to contain the pandemic, deliver economic relief to millions of Americans who desperately need it, and build back better than ever before.

That is why we are also launching a first-ever whole-government-approach to advancing racial justice and equity across our Administration—in health care, education, housing, our economy, our justice system, and in our electoral process. We do so not only because it is the right thing to do, but because it is the smart thing to do, benefitting all of us in this Nation.

We do so because the soul of our Nation will be troubled as long as systemic racism is allowed to persist. It is corrosive. It is destructive. It is costly. We are not just morally deprived because of systemic racism, we are also less prosperous, less successful, and less secure as a Nation.

We must change. It will take time. But I firmly believe the Nation is ready to make racial justice and equity part of what we do today, tomorrow, and every day. I urge my fellow Americans to honor the history made by Black Americans and to continue the good and necessary work to perfect our Union for every American.

NOW, THEREFORE, I, JOSEPH R. BIDEN JR., President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim February 2021 as National Black History Month. I call upon public officials, educators, librarians, and all the people of the United States to observe this month with appropriate programs, ceremonies, and activities.

IN WITNESS WHEREOF, I have hereunto set my hand this third day of February, in the year of our Lord two thousand twenty-one, and of the Independence of the United States of America the two hundred and forty-fifth.

JOSEPH R. BIDEN, JR.

Proclamation 10147 of February 3, 2021**National Teen Dating Violence Awareness and
Prevention Month, 2021***By the President of the United States of America**A Proclamation*

This February, during National Teen Dating Violence Awareness and Prevention Month, we stand with those who have known the pain and isolation of an abusive relationship, and we recommit to ending the cycle of teen dating violence that affects too many of our young people.

Together, it's on all of us to raise the national awareness about teen dating violence and promote safe and healthy relationships.

Dating violence transcends gender, race, religion, ethnicity, sexual orientation, and socioeconomic status. It takes many forms, among them physical, sexual, and emotional abuse, bullying, and shaming, which can occur in person or through electronic communication and social media. The spiral of violent dating relationships can lead to depression, anxiety, drug and alcohol use, as well as suicidal thoughts. Victims, especially young women, transgender, and gender nonconforming youth who face higher rates of violence, may suffer lifelong consequences. Many young people do not report the abuse for fear of retribution or unwarranted embarrassment. The pattern of abuse often continues to future relationships.

My Administration encourages all Americans to lead by example by promoting healthy relationships, protecting our teens from abuse, and ensuring they have access to good help and support.

If you or someone you know is involved in an abusive relationship of any kind, immediate and confidential support is available by visiting loveisrespect.org, calling 1-866-331-9474 (TTY: 1-800-787-3224), or texting "loveis" to 22522. For additional information and resources on dating violence, please visit VetoViolence.CDC.gov.

NOW, THEREFORE, I, JOSEPH R. BIDEN JR., President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim February 2021 as National Teen Dating Violence Awareness and Prevention Month. I call upon all Americans to support efforts in their communities and schools, and in their own families, to empower young people to develop healthy relationships throughout their lives and to prevent and respond to teen dating violence. It's on all of us.

IN WITNESS WHEREOF, I have hereunto set my hand this third day of February, in the year of our Lord two thousand twenty-one, and of the Independence of the United States of America the two hundred and forty-fifth.

JOSEPH R. BIDEN, JR.

Proclamation 10148 of February 22, 2021**Remembering the 500,000 Americans Lost to COVID-19**

By the President of the United States of America

A Proclamation

As of this week during the dark winter of the COVID-19 pandemic, more than 500,000 Americans have now died from the virus. That is more Americans who have died in a single year of this pandemic than in World War I, World War II, and the Vietnam War combined. On this solemn occasion, we reflect on their loss and on their loved ones left behind. We, as a Nation, must remember them so we can begin to heal, to unite, and find purpose as one Nation to defeat this pandemic.

In their memory, the First Lady and I will be joined by the Vice President and the Second Gentleman for a moment of silence at the White House this evening. I ask all Americans to join us as we remember the more than 500,000 of our fellow Americans lost to COVID-19 and to observe a moment of silence at sunset. I also hereby order, by the authority vested in me by the Constitution and laws of the United States, that the flag of the United States shall be flown at half-staff at the White House and on all public buildings and grounds, at all military posts and naval stations, and on all naval vessels of the Federal Government in the District of Columbia and throughout the United States and its Territories and possessions until sunset February 26, 2021. I also direct that the flag shall be flown at half-staff for the same period at all United States embassies, legations, consular offices, and other facilities abroad, including all military facilities and naval vessels and stations.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-second day of February, in the year of our Lord two thousand twenty-one, and of the Independence of the United States of America the two hundred and forty-fifth.

JOSEPH R. BIDEN, JR.

Proclamation 10149 of February 24, 2021**Revoking Proclamation 10014**

By the President of the United States of America

A Proclamation

The suspension of entry imposed in Proclamation 10014 of April 22, 2020 (Suspension of Entry of Immigrants Who Present a Risk to the United States Labor Market During the Economic Recovery Following the 2019 Novel Coronavirus Outbreak), as extended by section 1 of Proclamation 10052 of June 22, 2020 (Suspension of Entry of Immigrants and Nonimmigrants Who Present a Risk to the United States Labor Market During the Economic Recovery Following the 2019 Novel Coronavirus Outbreak), and section 1 of Proclamation 10131 of December 31, 2020 (Suspension of Entry of Immigrants and Nonimmigrants Who Continue To Present a Risk to the United States Labor Market During the Economic Recovery Following the 2019 Novel Coronavirus

Outbreak), does not advance the interests of the United States. To the contrary, it harms the United States, including by preventing certain family members of United States citizens and lawful permanent residents from joining their families here. It also harms industries in the United States that utilize talent from around the world. And it harms individuals who were selected to receive the opportunity to apply for, and those who have likewise received, immigrant visas through the Fiscal Year 2020 Diversity Visa Lottery. Proclamation 10014 has prevented these individuals from entering the United States, resulting, in some cases, in the delay and possible forfeiture of their opportunity to receive Fiscal Year 2020 diversity visas and to realize their dreams in the United States.

NOW, THEREFORE, I, JOSEPH R. BIDEN JR., President of the United States, by the authority vested in me by the Constitution and the laws of the United States of America, including sections 212(f) and 215(a) of the Immigration and Nationality Act, 8 U.S.C. 1182(f) and 1185(a), hereby find that the unrestricted entry into the United States of persons described in section 1 of Proclamation 10014 is not detrimental to the interests of the United States. I therefore hereby proclaim the following:

Section 1. *Revocation.* Proclamation 10014, section 1 of Proclamation 10052, and section 1 of Proclamation 10131 are revoked.

Sec. 2. *Review of Agency Guidance.* The Secretary of State, the Secretary of Labor, and the Secretary of Homeland Security shall review any regulations, orders, guidance documents, policies, and any other similar agency actions developed pursuant to Proclamation 10014 and, as appropriate, issue revised guidance consistent with the policy set forth in this proclamation.

Sec. 3. *General Provisions.* (a) Nothing in this proclamation shall be construed to impair or otherwise affect:

(i) the authority granted by law to an executive department or agency, or the head thereof; or

(ii) the functions of the Director of the Office of Management and Budget relating to budgetary, administrative, or legislative proposals.

(b) This proclamation shall be implemented consistent with applicable law and subject to the availability of appropriations.

(c) This proclamation is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the United States, its departments, agencies, or entities, its officers, employees, or agents, or any other person.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-fourth day of February, in the year of our Lord two thousand twenty-one, and of the Independence of the United States of America the two hundred and forty-fifth.

JOSEPH R. BIDEN, JR.

Proclamation 10150 of March 1, 2021**American Red Cross Month, 2021**

By the President of the United States of America

A Proclamation

Throughout our country's history, the humanitarian spirit of the American people has shined as a beacon of hope in times of crisis. It is written in our DNA that when hardship strikes, we come together to ensure that no one faces it alone. It is in that spirit that we celebrate American Red Cross Month, a chance to honor all those selfless Americans who step up and lend a hand whenever and wherever people are in need.

For 140 years, the American Red Cross has been synonymous with the prevention and alleviation of human suffering across the globe. Founded by Clara Barton in 1881, the organization's mission lives on in the dedication of Red Cross workers—more than 90 percent of whom are volunteers—and the generosity of the American people in moments of crisis.

We saw unmistakable evidence of that spirit through the challenges of this past year. In 2020, more than 70,000 people became new Red Cross volunteers and stepped up on behalf of those in need—as disaster shelter workers, health workers, blood donor ambassadors, and transportation specialists. And when our country faced a severe blood shortage, the American people rolled up their sleeves, with more than a half-million of our friends and neighbors donating blood with the Red Cross for the first time.

In a year like no other, people made a lifesaving difference. As months of relentless hurricanes, wildfires, and other extreme weather events battered communities, families spent more nights in emergency lodging than in any other year over the past decade—thanks to the hard work and generosity of Red Cross volunteers and partners who provided more than 1.3 million people with overnight stays last year. When the pandemic strained emergency services, Red Cross workers adapted to help fulfill urgent needs. They responded to increased emergency calls from military families, aided hundreds of thousands of home fire survivors, supported international health and hygiene services, and safely provided health and safety courses to essential workers and others to help them manage the COVID-19 threat. In recent days, as harsh winter storms left many Americans without power and water across the South and Midwest, the Red Cross and its partners have worked to help people recover and restore access to safe water.

This month, we renew our commitment to Clara Barton's remarkable vision and join together, as one Nation, to recommit ourselves to a foundational American principle: the duty of care we owe to one another when times get tough. I urge all Americans to take part in that tradition through our own everyday acts of compassion—helping a neighbor, a stranger, or a community in need.

NOW, THEREFORE, I, JOSEPH R. BIDEN JR., President of the United States of America and Honorary Chairman of the American Red Cross, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim March 2021 as American Red Cross Month. I encourage all Americans to observe this month

with appropriate programs, ceremonies and activities, and by supporting the work of service and relief organizations.

IN WITNESS WHEREOF, I have hereunto set my hand this first day of March, in the year of our Lord two thousand twenty-one, and of the Independence of the United States of America the two hundred and forty-fifth.

JOSEPH R. BIDEN, JR.

Proclamation 10151 of March 1, 2021

Irish-American Heritage Month, 2021

By the President of the United States of America

A Proclamation

Since before the founding of our Nation, Irish immigrants have arrived on our shores with an unyielding spirit of determination that has helped define America's soul and shape our success across generations. Driven by the same dreams that still beckon people the world over to America today, so many crossed the Atlantic with nothing but the hope in their hearts and their faith in the possibility of a better life.

That's what brought the Blewitts from County Mayo and the Finnegans of County Louth to the United States. For years, they brought Ireland into their homes in America. Working hard. Raising families. Remembering always where they came from. By 1909, my grandparents Ambrose Finnegan and Geraldine Blewitt met and married in Scranton, Pennsylvania, and passed on to my mother, Catherine Eugenia Finnegan Biden, a pride and a passion that runs through the bloodstream of all Irish-Americans.

The story of the Irish the world over is one of people who have weathered their fair share of hard times, but have always come out strong on the other side. From often humble beginnings, Irish Americans became the farmers, servants, miners, factory workers, and laborers who fed our Nation, kept our homes, and built our industry and infrastructure. They became the soldiers who won American independence, died to preserve our Union, and fought in every battle since to defend America and its values.

Irish Americans became the firefighters and police officers who have protected us. They are the activists who organized unions to give voice and strength to America's workers. They are the educators who taught generations of American students and the public servants who have answered the call to service in the halls of the Congress, the Supreme Court, and the White House.

We owe a debt of gratitude to the Irish-American inventors and entrepreneurs who helped define America as the land of opportunity. Irish-American writers pollinated America's literary landscape with their love of language and storytelling, while Irish lyricism has brought poetry, art, music, and dance to nourish our hearts and souls.

As I said when I visited Dublin in 2016, our nations have always shared a deep spark—linked in memory and imagination, joined by our histories and our futures. Everything between us runs deep: literature,

poetry, sadness, joy, and, most of all, resilience. Through every trial and tempest, we never stop dreaming.

The fabric of modern America is woven through with the green of the Emerald Isle. This month, we celebrate the sacrifices and contributions that generations of Irish Americans have made to build a better America, and we renew the bonds of friendship that will forever tie Ireland and the United States.

NOW, THEREFORE, I, JOSEPH R. BIDEN JR., President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim March 2021 as Irish-American Heritage Month. I call upon all Americans to celebrate the achievements and contributions of Irish Americans to our Nation with appropriate ceremonies, activities, and programs.

IN WITNESS WHEREOF, I have hereunto set my hand this first day of March, in the year of our Lord two thousand twenty-one, and of the Independence of the United States of America the two hundred and forty-fifth.

JOSEPH R. BIDEN, JR.

Proclamation 10152 of March 1, 2021

National Colorectal Cancer Awareness Month, 2021

By the President of the United States of America

A Proclamation

For my family, for the Vice President's family, and for millions of families across our Nation, the fight against cancer is personal. Too many of us know the sinking feeling of shock and devastation when a loved one receives a diagnosis of cancer—too many of us know the unspeakable pain when the fight cannot be won. Each year, colorectal cancer claims more than 50,000 American lives, making it the second leading cause of cancer deaths in our Nation. National Colorectal Cancer Awareness Month is a chance to bring greater attention to this terrible disease and to offer what families living through it need most: hope.

In this battle, hope and awareness are intertwined. Because the risk of death from colorectal cancer drops dramatically when the cancer is caught early, we can save lives by calling attention to risk factors and increasing routine screening. This month is our chance to improve public understanding of colorectal cancer risk, inform people about screening recommendations, and set our sights on broadening prevention strategies, improving treatments, and finding a cure.

Colorectal cancer can afflict anyone, but the risk is higher among some Americans than others. When we lost the trailblazing actor Chadwick Boseman to colon cancer last year after a heroic fight, it served as a reminder that this disease disproportionately impacts communities of color—and is particularly fatal among Black Americans. Age, too, is a factor, as the majority of cases occur in people over 50 years old. People with increased risk for developing the disease include certain racial and ethnic minority populations, as well as individuals with inflammatory bowel disease, a family history of colorectal cancer, or other

risk factors such as tobacco use. For more information on risk factors, you can visit www.cancer.gov.

As with so many diseases, the best defense against colorectal cancer is early detection. Symptoms can include blood in the stool; stomach pain, aches, or cramps that do not go away; and weight loss without a known cause. But many cases have no symptoms, especially early in the disease, when colorectal cancer is most curable. A recent Government study estimated that if all 50-year-old adults were screened for colorectal cancer, we could prevent approximately 35,000 deaths. That is why it is so crucial, especially for Americans over 50 or otherwise at increased risk, to receive regular screenings. And although the disease is relatively rare in younger adults, the incidence of colorectal cancer has been rising among this group. No matter your age, every American should take possible colorectal cancer symptoms seriously and bring them to the attention of your health care provider.

I know how hard it is right now to be mindful of preventive care. The COVID-19 pandemic has disrupted so many parts of our lives, including, for far too many, the routine checkups and screenings that are so vital to guarding against disease. I urge every American to take the precautions they need in order to stay vigilant against cancer—don't delay your recommended screenings, doctor's visits, and treatments. You and your healthcare provider can discuss how to balance the risks and benefits of cancer screening, taking into account medical history, family history, other risk factors, and the time between screenings.

My Administration is strongly committed to improving the prevention and treatment of colorectal cancer, and to giving every American access to quality, affordable health coverage. Because of the Affordable Care Act, most health insurance plans must cover a set of preventive services with no out-of-pocket cost. This includes colorectal cancer screening in adults age 50 and older. In response to the COVID-19 pandemic, my Administration also announced a Special Enrollment Period for the Health Insurance Marketplace now through May 15th, so that millions of uninsured individuals and families can sign up for health coverage and gain these protections. I encourage you to visit www.healthcare.gov to explore your eligibility and get covered.

Above all, I want every family facing this fight—and all those that will in the future—to know that there is hope. As President, I am committed to ending cancer as we know it. That mission motivated me every day when I led the Cancer Moonshot Initiative in 2016 to speed up progress toward prevention, treatment, and cures. Thanks to that effort, researchers, oncologists, care providers, philanthropists, data and tech experts, advocates, patients, and survivors have joined forces to double the rate of progress toward a cure for cancer. One particular program, Accelerating Colorectal Cancer Screening and follow-up through Implementation Science (ACCSIS), has made strides to improve colorectal cancer screening, follow-up, and referral for care among populations that have low screening rates, including communities of color and rural Americans. You can read more about this important work by visiting www.cancer.gov and www.cdc.gov/cancer.

This month, I encourage all Americans to talk to family and friends about getting screened. If we look out for one another, we can reduce suffering, increase the odds of cancer survival, keep more families whole, and win this fight once and for all.

NOW, THEREFORE, I, JOSEPH R. BIDEN JR., President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim March 2021 as National Colorectal Cancer Awareness Month. I encourage all citizens, government agencies, private businesses, non-profit organizations, and other groups to join in activities that will increase awareness and prevention of colorectal cancer.

IN WITNESS WHEREOF, I have hereunto set my hand this first day of March, in the year of our Lord two thousand twenty-one, and of the Independence of the United States of America the two hundred and forty-fifth.

JOSEPH R. BIDEN, JR.

Proclamation 10153 of March 1, 2021

Women's History Month, 2021

By the President of the United States of America

A Proclamation

Each year, Women's History Month offers an important opportunity for us to shine a light on the extraordinary legacy of trailblazing American women and girls who have built, shaped, and improved upon our Nation.

Throughout American history, women and girls have made vital contributions, often in the face of discrimination and undue hardship. Courageous women marched for and won the right to vote, campaigned against injustice, shattered countless barriers, and expanded the possibilities of American life. Our history is also replete with examples of the unflinching bravery and grit of women in America, particularly in times of crisis and emergency. Women served our Nation during World War II, led organizing and litigation efforts during the Civil Rights movement, and represented the United States on the global stage in the fight for human rights, peace, and security. Far too often, their heroic efforts and their stories have gone untold—especially the millions of Black women, immigrant women, and others from diverse communities who have strengthened America across every generation.

In our current moment of crisis, women continue to lead. From vaccine researchers to public health officials to the countless heroines on the frontlines, women are working around the clock to defeat COVID-19. Women, and particularly women of color, also make up the majority of America's essential workers, including educators and child care providers, grocery store workers, farmworkers, and others who are keeping our families, our communities, and our country afloat. This year has also marked an historic milestone of women's leadership 232 years in the making, with the inauguration of America's first woman Vice President.

As we celebrate the contributions and progress of women and girls, we must also reflect on the extraordinary and unequal burdens they continue to bear today. The COVID-19 pandemic has exacerbated barriers that have held back women—particularly women of color—for generations. Gender and racial disparities in pay continue to fester. A dis-

proportionate share of caregiving continues to fall on the shoulders of women and girls. And now, job losses due to COVID-19 have set women's labor force participation back to its lowest point in more than 30 years—threatening the security and well-being of women and their families and imperiling the economic progress of our entire Nation. The share of mothers who have left the labor force is three times that of fathers; in September 2020 alone, an astonishing 865,000 women dropped out of the American workforce. These trends are even more dire among women of color, with Black and Hispanic women facing disproportionately high rates of unemployment. At the same time, food insecurity has risen dramatically since the pandemic began, particularly in female-headed households with children, as have reports of intimate partner violence.

Since taking office on January 20th, Vice President Kamala Harris and I have made COVID-19 vaccination, relief, and broad-based economic recovery efforts a top priority. Our goal is not to return our economy to where it was before the pandemic struck. Our goal is to build back better—and that means creating a strong and durable foundation for the economic opportunity and security of women in America. Our plans include proposals to provide individual payments and tax credits to put money in the hands of families in need; increase housing and food assistance as well as unemployment insurance; lower health costs and expand access to coverage; increase support for and access to child care; and expand existing paid leave policies. We are also committed to making further progress on what, for me, has been a lifelong cause: reducing gender-based violence, and advancing the safety, economic stability, and well-being of survivors.

Sixty years ago, when former First Lady Eleanor Roosevelt confronted President John F. Kennedy about the lack of women in Government, he appointed her as head of a new commission to address the status of women in America and take on discrimination in all of its forms. We have made significant progress in the United States, thanks to the persistence and tireless work of countless women. I am proud that the White House Gender Policy Council will build on those efforts by putting a laser focus on the needs and contributions of women and girls, and ensuring a Government-wide focus on gender equity. Our Administration is also committed to ensuring that women are well-represented at all levels in the executive branch: already, we have selected a record number of women who represent the diversity of America to serve in Cabinet-level positions.

During Women's History Month, let us honor the accomplished and visionary women who have helped build our country, including those whose contributions have not been adequately recognized and celebrated. And let us pay tribute to the trailblazers from the recent and distant past for daring to envision a future for which no past precedent existed, and for building a Nation of endless possibilities for all of its women and girls.

NOW, THEREFORE, I, JOSEPH R. BIDEN JR., President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim March 2021 as Women's History Month. I call upon all Americans to observe this month and to celebrate International Women's Day on March 8, 2021, with appropriate programs, ceremonies, and activities. I also in-

vite all Americans to visit www.WomensHistoryMonth.gov to learn more about the vital contribution of women to our Nation's history.

IN WITNESS WHEREOF, I have hereunto set my hand this first day of March, in the year of our Lord two thousand twenty-one, and of the Independence of the United States of America the two hundred and forty-fifth.

JOSEPH R. BIDEN, JR.

Proclamation 10154 of March 1, 2021

National Consumer Protection Week, 2021

By the President of the United States of America

A Proclamation

American families are grappling with the devastating challenges of the COVID-19 pandemic and the economic crisis with courage and resilience every day. In this moment of crisis, the last thing any of us should have to contend with are predators in the consumer marketplace seeking to take advantage of us, exploit our personal data, or invade our digital privacy.

Unfortunately, the pandemic has brought a wave of fraud in its wake, with scam artists serving up fake websites and advertisements targeting desperate Americans in search of personal protective equipment. Scammers also saw the distribution of stimulus payments as fertile ground for fraud, offering vulnerable people false promises of help to get their payments more quickly. My Administration has zero tolerance for these and other criminals who take Americans' hard-earned dollars or abuse their personal information.

As Americans rely more and more on digital products—from virtual communication tools helping us stay connected through the pandemic, to apps and smart appliances that bring greater convenience to our lives—our commitment to consumer protection must keep pace with these incredible innovations. Just because we increasingly depend on technology to work, shop, go to school, and see our loved ones doesn't mean that we should sacrifice our safety or privacy.

My Administration will make it a priority to ensure that companies providing these and other services honor consumer expectations regarding their privacy and their data. We will pursue fraudulent actors aggressively, and work to raise the bar on digital security standards as new innovations are introduced. We also recognize the important role that savvy consumers play in keeping the marketplace honest. My Administration will make sure that Americans in every community have access to the educational resources they need to make informed choices online—including resources to help them protect their privacy and recognize, avoid, and report fraudulent schemes.

As millions of Americans face continued hardship from the COVID-19 pandemic, we must also prevent abuses that can result in individuals and families losing their homes. My Administration has taken decisive action to help keep people in their homes, and I encourage Americans to visit www.consumerfinance.gov/housing for up-to-date information

on their relief options, protections, and key deadlines. As Federal agencies continue working to implement housing assistance for American families, the Consumer Financial Protection Bureau offers this website as a one-stop shop for both homeowners and renters to learn about programs and resources that can help them stay in their homes by reducing the risk of eviction and foreclosure.

The Federal Trade Commission and the Consumer Financial Protection Bureau, our Nation's consumer protection agencies, in coordination with law enforcement across the country, fight predatory practices and privacy violations day in and day out, with investigations, law enforcement actions, and free, actionable, plain-language consumer education resources. National Consumer Protection Week brings together public and private sector organizations that work to educate and protect the American people from marketplace threats. This week, and all year long, my Administration is dedicated to making sure that every American understands their rights and has access to information that can help protect themselves and their communities. To learn more about these resources, visit www.consumer.ftc.gov. To learn how to get involved with National Consumer Protection Week, visit www.ftc.gov/ncpw.

NOW, THEREFORE, I, JOSEPH R. BIDEN JR., President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim February 28 through March 6, 2021, as National Consumer Protection Week. I call upon government officials, industry leaders, and advocates across the Nation to share information about consumer protection and provide our citizens with information about their rights as consumers.

IN WITNESS WHEREOF, I have hereunto set my hand this first day of March, in the year of our Lord two thousand twenty-one, and of the Independence of the United States of America the two hundred and forty-fifth.

JOSEPH R. BIDEN, JR.

Proclamation 10155 of March 1, 2021

Read Across America Day, 2021

By the President of the United States of America

A Proclamation

I have always believed that America's children are the kite strings that keep our national ambitions aloft—the more we do today to spark their curiosity, their confidence, and their imaginations, the stronger our country will be tomorrow. The key to developing young learners into engaged, active, and innovative thinkers is instilling in them a love of reading at an early age. Reading is the gateway to countless skills and possibilities—it sets children on the path to a lifetime of discovery. On this Read Across America Day, we celebrate the parents, educators, librarians, and other champions of reading who help launch our Nation's children on that critical path.

Once a passion for reading takes hold in a young person, the benefits extend far beyond the classroom. Reading broadens our perspective, in-

troduces us to new worlds, cultures, and languages, and cultivates our sense of empathy and understanding of other people's experiences and views. Reading informs us, empowers us, and teaches us the lessons of history. It helps us make sense of the world as it is—and inspires us to dream of what it could be. Studies also show that reading improves our memory, helps us become better problem solvers, and even reduces the chance of developing cognitive disorders such as Alzheimer's down the road. And with the right book in hand, reading can nourish not only our minds, but our souls.

The First Lady often observes that “any nation that out-educates us will out-compete us.” She is absolutely correct. Literacy is essential to finding a good-paying job, advancing in your career, and carving out your place in the middle class. Reading proficiency is what makes us a Nation of innovators and entrepreneurs—a Nation capable of building and growing a dynamic 21st century economy. Reading comprehension is also what allows us to discern fact from fiction—a critical skill at all times, and especially so in the midst of a global pandemic, when the health and safety of our loved ones could very well depend on determining the veracity of what we read.

According to Department of Education estimates, more than half of United States adults (54 percent) between 16- and 74-years of age lack proficiency in literacy, reading below the equivalent of a sixth-grade level. Illiteracy incurs a massive economic toll on our economy, and keeps not just individuals, but our entire Nation, from reaching our full potential. By every calculation, reading matters to our shared quality of life.

For countless Americans, the path to literacy begins with story time in their school classroom. That is one of many reasons why my Administration is providing support to States and communities to help them create the conditions for students to return to safe, in-person learning as quickly as possible. We must ensure that all of our children receive the high-quality instruction and essential classroom time they need to learn and grow. It is a national imperative that we minimize the learning loss caused by the pandemic—and address the disproportionate impact that lost time imposes on our most vulnerable students and families.

NOW, THEREFORE, I, JOSEPH R. BIDEN JR., President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim March 2, 2021, as Read Across America Day. I call upon children, families, educators, librarians, public officials, and all the people of the United States to observe this day with appropriate programs, ceremonies, and activities.

IN WITNESS WHEREOF, I have hereunto set my hand this first day of March, in the year of our Lord two thousand twenty-one, and of the Independence of the United States of America the two hundred and forty-fifth.

JOSEPH R. BIDEN, JR.

Proclamation 10156 of March 18, 2021**Honoring the Victims of the Tragedy in the Atlanta Metropolitan Area***By the President of the United States of America**A Proclamation*

As a mark of respect for the victims of the senseless acts of violence perpetrated on March 16, 2021, in the Atlanta Metropolitan area, by the authority vested in me as President of the United States by the Constitution and the laws of the United States of America, I hereby order that the flag of the United States shall be flown at half-staff at the White House and upon all public buildings and grounds, at all military posts and naval stations, and on all naval vessels of the Federal Government in the District of Columbia and throughout the United States and its Territories and possessions until sunset, March 22, 2021. I also direct that the flag shall be flown at half-staff for the same length of time at all United States embassies, legations, consular offices, and other facilities abroad, including all military facilities and naval vessels and stations.

IN WITNESS WHEREOF, I have hereunto set my hand this eighteenth day of March, in the year of our Lord two thousand twenty-one, and of the Independence of the United States of America the two hundred and forty-fifth.

JOSEPH R. BIDEN, JR.

Proclamation 10157 of March 19, 2021**National Poison Prevention Week, 2021***By the President of the United States of America**A Proclamation*

Sixty years ago, the Congress established National Poison Prevention Week to remind all Americans to stay vigilant and protect our families from the often hidden threat of poisoning. Never has that reminder been more timely than this year—9 out of 10 poisonings occur inside the home, and with families spending more time indoors due to the COVID-19 pandemic, children and isolated seniors are at an increased risk of accidental poisoning that could result in injury or death.

Young children are particularly vulnerable to accidental poisoning because—as every parent knows—children tend to explore objects with their hands and mouths. That’s especially true when it comes to products with floral or fruity aromas, or those that come in colorful packaging. Hand sanitizer, household cleaning products, laundry packets, medications, coin cell batteries, and liquid nicotine are among the most commonly ingested products; these and similar items should be stored in child-resistant packaging and kept out of sight and out of reach of children. Medications should be secured and, if possible, locked away. And unfinished or unused medicine should be properly discarded—many pharmacies and police departments have disposal kiosks for just that purpose.

In 2019, approximately 67,500 of our Nation's children under the age of 5 had to visit the emergency room due to unintended poisoning. About 85 percent of these incidents occurred in the home, most often because they ingested blood pressure medications, acetaminophen, bleach, ibuprofen, antidepressants, attention deficit disorder medications, or laundry packets. Elderly Americans are also at risk of mistaking medications and ingesting household products; for seniors who are isolated due to the pandemic, it is particularly important to secure and clearly label medications and poisonous substances.

Poison control centers are a vital component of our Nation's response to poisonings. Centers across the United States operate around the clock and respond to approximately three million calls every year from the public, as well as from health care providers, 911 public-safety access points, health departments, law enforcement, first responders, and other safety agencies. They represent our first line of defense in many cases, including when it comes to the opioid epidemic that continues to devastate so many of our families and communities.

According to the Centers for Disease Control and Prevention, overdose deaths have increased significantly in the past several years. Opioids are the main driver for this increase, killing nearly 47,000 people in the United States in 2018. Two out of three opioid-involved overdose deaths involve synthetic opioids, including illegally manufactured fentanyl. When used in combination with other drugs, with or without the user's knowledge, it can be poisonous and deadly.

But even legal substances, like liquid nicotine, can pose a deadly risk. Ingestion of small amounts of liquid nicotine can be extremely hazardous and even deadly to children, which is why the Consumer Product Safety Commission has warned vape shops and other retailers that selling liquid nicotine without proper packaging violates Federal law. To avoid potential poisonings, always store liquid nicotine in its child-resistant packaging, tightly seal the container after each use, and keep it locked or stored away from children.

If you believe someone has been poisoned, immediately call the Poison Control Help line at 800-222-1222. For more information, go to poisonhelp.org.

To encourage Americans to learn more about the dangers of unintentional poisonings and to take appropriate preventive measures, on September 26, 1961, the United States Congress, by joint resolution (75 Stat. 681), authorized and requested the President to issue a proclamation designating the third week of March each year as "National Poison Prevention Week."

NOW, THEREFORE, I, JOSEPH R. BIDEN JR., President of the United States of America, do hereby proclaim March 21 through March 27, 2021, to be National Poison Prevention Week. I call upon all Americans to observe this week by taking actions to safeguard their families from poisonous products, chemicals, and medicines often found in our homes, and to raise awareness of these dangers to prevent accidental injuries and deaths.

IN WITNESS WHEREOF, I have hereunto set my hand this nineteenth day of March, in the year of our Lord two thousand twenty-one, and

of the Independence of the United States of America the two hundred and forty-fifth.

JOSEPH R. BIDEN, JR.

Proclamation 10158 of March 22, 2021

National Agriculture Day, 2021

By the President of the United States of America

A Proclamation

On National Agriculture Day, we recognize the unique and irreplaceable value that farmers, ranchers, foresters, farmworkers, and other agricultural stewards have contributed to our Nation's past and present. America's agriculture sector safeguards our Nation's lands through sustainable management; ensures the health and safety of animals, plants, and people; provides a safe and abundant food supply; and facilitates opportunities for prosperity and economic development in rural America.

Over the last year, workers and other leaders across the agriculture sector have stepped up to ensure a stable food supply in the face of incredible challenges prompted by the COVID-19 pandemic. Farmworkers, who have always been vital to our food system, continued to grow, harvest, and package food, often at great personal risk. Local farmers helped to meet their communities' needs by selling food directly to consumers. Small meat processors increased their capacity as demand for their services skyrocketed. Restaurants found creative ways to bring food to members of their communities. Grocers and grocery workers also navigated new models, such as curbside pickup and online sales.

These collective efforts helped get food to the millions of adults and children in America experiencing nutrition insecurity. Programs such as the Supplemental Nutrition Assistance Program; the Special Supplemental Nutrition Program for Women, Infants, and Children; school meals; and others focused on eliminating nutrition insecurity play an integral role in making sure that every family has enough food on the table.

As we overcome the pandemic and build back better, we will advance an agriculture sector that works for everyone. When I took office, I made a commitment alongside Vice President Kamala Harris to put racial equity at the forefront of our Administration's priorities. For generations, Black, Indigenous, and other farmers of color have contributed to sustaining this Nation. They fed their communities, gave the country new food products, and nourished communities with rich food traditions. Yet for generations they have faced the harmful effects of systemic racism. On this National Agriculture Day, I remain determined to address racial inequity and create an equitable space for all to participate in the great American enterprise of agriculture.

I also made a commitment to tackle the climate crisis. Farmers, ranchers, and foresters play a critical role in combating climate change. From sequestering carbon in the soil to producing renewable energy on

farms, we will continue to innovate and create new revenue streams for farmers and ranchers while building a resilient agriculture sector.

NOW, THEREFORE, I, JOSEPH R. BIDEN JR., President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim March 23, 2021, as National Agriculture Day. I call upon all Americans to join me in recognizing and reaffirming our commitment to and appreciation for our country's farmers, ranchers, foresters, farmworkers, and those who work in the agriculture sector across the Nation.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-second day of March, in the year of our Lord two thousand twenty-one, and of the Independence of the United States of America the two hundred and forty-fifth.

JOSEPH R. BIDEN, JR.

Proclamation 10159 of March 23, 2021

Education and Sharing Day, U.S.A., 2021

By the President of the United States of America

A Proclamation

If the isolation and loss of the last year has taught us anything, it is just how much we need each other, how intertwined our lives are, and how deeply we crave conversation, connection, and community. We are at our best when we work together and help our neighbors, whether down the road or around the world.

This lesson is at the heart of Education and Sharing Day, U.S.A., when we celebrate the role models, mentors, and leaders who devote themselves to the progress and success of each new generation, to reinforcing our common bonds, and to lifting up our highest ideals. Today, we mark the legacy of Rabbi Menachem Mendel Schneerson, the Lubavitcher Rebbe, a guiding light of the international Chabad-Lubavitch movement and a testament to the power and resilience of the human spirit. A witness to some of the 20th century's darkest events and greatest tragedies, he devoted his life to bringing healing by advancing justice, compassion, inclusivity, and fellowship worldwide. A tireless advocate for students of all ages, he sought to foster exchange, understanding, and unity among all people.

The global pandemic has brought some measure of struggle and sorrow to each of us, and amidst the larger tragedies—the tragic loss of so many lives and livelihoods—we have also missed the many small but meaningful moments that contribute to our shared humanity: a hug or handshake, a smile or a meal, the dignity of daily work, and the simple routines that give our lives greater structure and purpose. We have realized that one of the greatest gifts our schools give to our students and educators is time spent with each other—the daily opportunities to learn and grow together, face to face. There is no substitute for this experience and the wonder and wisdom it brings.

The American Rescue Plan will help to restore these connections. The plan dedicates the resources we need to defeat the pandemic and re-

turn to our lives and loved ones, and provides direct relief to families, small businesses, and communities. It also includes 130 billion dollars to help schools in every community reopen safely and soon, so that our children can return to the invaluable interactions with friends, teachers, and school staff that add up to so much more than the sum of their parts.

On this Education and Sharing Day, U.S.A., let us recommit ourselves to building an America that is more just, equal, unified, and prosperous. Let us leave our children a nation and a world that is better than the one we inherited—and, in the spirit of history’s greatest teachers, let us help all of our students to love learning; seek lives of dignity, decency, and respect; and work together for the common good.

NOW, THEREFORE, I, JOSEPH R. BIDEN JR., President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim March 24, 2021, as Education and Sharing Day, U.S.A. I call upon all government officials, educators, volunteers, and all the people of the United States to observe this day with appropriate programs, ceremonies, and activities.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-third day of March, in the year of our Lord two thousand twenty-one, and of the Independence of the United States of America the two hundred and forty-fifth.

JOSEPH R. BIDEN, JR.

Proclamation 10160 of March 23, 2021

**Honoring the Victims of the Tragedy in Boulder,
Colorado**

*By the President of the United States of America
A Proclamation*

As a mark of respect for the victims of the senseless acts of violence perpetrated on March 22, 2021, in Boulder, Colorado, by the authority vested in me as President of the United States by the Constitution and the laws of the United States of America, I hereby order that the flag of the United States shall be flown at half-staff at the White House and upon all public buildings and grounds, at all military posts and naval stations, and on all naval vessels of the Federal Government in the District of Columbia and throughout the United States and its Territories and possessions until sunset, March 27, 2021. I also direct that the flag shall be flown at half-staff for the same length of time at all United States embassies, legations, consular offices, and other facilities abroad, including all military facilities and naval vessels and stations.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-third day of March, in the year of our Lord two thousand twenty-one, and of the Independence of the United States of America the two hundred and forty-fifth.

JOSEPH R. BIDEN, JR.

Proclamation 10161 of March 24, 2021**Greek Independence Day: A National Day of Celebration
of Greek and American Democracy, 2021**

By the President of the United States of America

A Proclamation

Exactly 200 years ago, inspired by the same ideals of liberty, self-governance, and passionate belief in democracy that sparked the American Revolution, the people of Greece declared their independence. Today, the people of the United States join the Greek people in commemorating the creation of the modern Greek state—and celebrating two centuries of enduring friendship between our nations.

On Greek Independence Day, we celebrate the history and values that unite the United States of America and the Hellenic Republic. Our Founding Fathers drew inspiration from ancient Greece's example as they framed our Constitution and formed the world's first modern democracy. A few decades later, American Philhellenes championed Greece's quest for independence, forging a close connection between our peoples that has flourished over the ensuing years.

During the course of my career, I have had the privilege to work closely with many Greek Prime Ministers. I have been blessed by lifelong friendships in the Greek-American community, including with a great leader whom we recently lost, Senator Paul Sarbanes. From a young age, I have admired the courage, decency, and honor that defines the Greek community—the unwillingness to bend or bow in the face of injustice, or to accept abuses of power.

Today, Greece is a crucial NATO ally and friend of the United States, and a leader for peace and prosperity in the Eastern Mediterranean, Black Sea, and Western Balkans regions. The United States welcomes Greece's commitment to hosting the United States Naval Support Activity at Souda Bay, Crete, and United States rotational forces elsewhere in Greece. Through our ongoing Strategic Dialogue, we have advanced our relationship in nearly every respect. We have accelerated progress on making the region a safer place, and we have increased trade and investment that brings jobs and prosperity to the people of our nations and to the world.

Our strong and historic relationship continues to grow in depth and breadth. We have diversified the region's energy sources, enhanced educational and cultural exchanges, partnered on counterterrorism, and reconfirmed our commitment to the rule of law. As we honor our shared history and accomplishments, we believe the common values that have guided our societies for 200 years will help us accomplish even more together in the years to come.

This bicentennial reminds Americans and Greeks alike of the enduring strength of the principles that sparked our respective revolutions and the values that uphold our democracies. We congratulate Hellenic-American organizations, the estimated three million Americans of Greek descent, and the Greek people on a year of commemorations and events celebrating this historic milestone in both the United States and Greece. Together, we will continue to lift high the lamp of democracy, whatever challenges come our way.

NOW, THEREFORE, I, JOSEPH R. BIDEN JR., President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim March 25, 2021, as Greek Independence Day: A National Day of Celebration of Greek and American Democracy, and I call upon the people of the United States to observe this day with appropriate ceremonies and activities.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-fourth day of March, in the year of our Lord two thousand twenty-one, and of the Independence of the United States of America the two hundred and forty-fifth.

JOSEPH R. BIDEN, JR.

Proclamation 10162 of March 24, 2021

National Equal Pay Day, 2021

By the President of the United States of America

A Proclamation

Equal Pay Day is a reminder of the work that still remains to advance equity and ensure that all Americans have the opportunity to reach their full potential. This day is a symbolic representation of how far into this year women must work to catch up to what men made in the previous year. Women working full-time, year-round are typically paid just 82 cents for every dollar paid to men. It is a day that calls us to action—to renew our commitment to the principles of equity and equal opportunity that define who we are as Americans.

Women lose thousands of dollars each year, and hundreds of thousands over a lifetime, because of the gender and racial wage gap. In 2019, the typical woman who worked full time took home just 82 percent of the typical man's pay. The disparities are even greater for Black, Native American, and Hispanic women, who earned 63 percent, 60 percent, and 55 percent of white men's wages, respectively. While Asian American women make 87 percent of what white men make, the gap for Asian women varies significantly depending on subpopulation, with some Asian women—for example, Cambodian and Vietnamese women—earning among the lowest wages. Those gaps mean we will not be marking Latinas' Equal Pay Day until October—because it takes that long for the average Latina to earn what the average white man made in the previous year. Since the COVID-19 pandemic began, we have seen women, particularly women of color, disproportionately working on the frontlines, caring for our loved ones, and working to combat the virus—but they continue to earn less than their male counterparts.

The Biden-Harris Administration believes that ensuring equal pay is essential to advancing America's values of fairness and equity as well as our economic strength here at home and our competitiveness abroad. The burdens and job losses women sustained this year have erased more than 30 years of progress they have made in the labor force. Due in large part to the impact of the pandemic, there are 4.2 million fewer women working now than there were in February 2020—

and millions more women have had to reduce their hours, often in response to caregiving demands that we know fall disproportionately on women. America's economic recovery depends on us addressing the barriers that have hampered women from fully participating in the labor force, resulting in gender income and wealth gaps that have been magnified and exacerbated by COVID-19.

We must begin by passing the Paycheck Fairness Act, which will take important steps towards the goal of ending pay discrimination. For instance, it will ban employers from seeking salary history—removing a common false justification for under-paying women and people of color—and it will hold employers accountable who engage in systemic discrimination. The bill will also work to ensure transparency and reporting of disparities in wages, because the problem will never be fixed if workers are kept in the dark about the fact that they are not being paid fairly. Relying on individuals to uncover unfair pay practices on their own will not get the job done; when pay data is available, workers can better advocate for fair pay and employers can fix inequities.

We must also provide paid family and medical leave, make schedules more predictable and childcare more affordable, and build pipelines for training that enable women to access higher-paying jobs. This commitment also means increasing pay for childcare workers, preschool teachers, home health aides, and others in the care economy—and taking additional steps to increase wages for American workers, such as raising the minimum wage and empowering workers to organize and collectively bargain, both of which are important to reducing the wage gap for women.

Vice President Harris and I are committed to building back better: for low-wage workers, for working families, and for all women. There is still significant work to be done to make sure our daughters receive the same rights and opportunities as our sons, and that work is critical to ensuring that every American is given a fair shot to get ahead in this country. Today, on Equal Pay Day, we recognize the role that equal pay plays in building back better for everyone.

NOW, THEREFORE, I, JOSEPH R. BIDEN JR., President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim March 24, 2021, as National Equal Pay Day. I call upon all Americans to recognize the full value of women's skills and their significant contributions to the labor force, acknowledge the injustice of wage inequality, and join efforts to achieve equal pay.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-fourth day of March, in the year of our Lord two thousand twenty-one, and of the Independence of the United States of America the two hundred and forty-fifth.

JOSEPH R. BIDEN, JR.

Proclamation 10163 of March 31, 2021**César Chávez Day, 2021**

By the President of the United States of America

A Proclamation

In his time, César E. Chávez witnessed a booming economy that served those at the top, but left millions of hardworking Americans behind—and he earned an enduring place in history by standing strong for the rights and dignity of the working people who built and sustained our Nation. Today, on what would have been his 94th birthday, we summon his courage and moral clarity to guide us as we face the ongoing challenges of a pandemic, a deeply unequal economic crisis, and a long overdue national reckoning on racial and economic justice. As we work to recover and rebuild an economy that rewards hard work and brings everyone along—including the immigrants and farm workers he championed, as well as the essential workers carrying our Nation on their backs today—we have no finer role model than César Chávez.

His legacy as the founder, along with Dolores Huerta, of the United Farm Workers of America, reminds us of the central place that organizing and collective bargaining holds in advancing the dignity and wellbeing of working Americans. It's a reminder that the power of workers coming together to bargain for a better deal is what built the American middle class and made possible the American dream. Chávez taught us: "Our ambitions must be broad enough to include the aspirations and needs of others, for their sakes and for our own." That most American of sentiments is as resonant today as it has ever been, as we seek to build back our Nation in a way that brings every single one of us along.

He fasted. He marched. He organized. He stayed true to his convictions, and brought hope to millions for whom hope had often seemed too far away. To him, "La Causa" meant elevating our common humanity to the center of an agenda for progress. And that elevation meant organizing for safe and healthy workplaces, a living wage, protections against sickness and disability, time with family, and so much else that we continue to prize and fight for today.

I keep that lesson in my heart every day—and I was proud to place a bust of César Chávez in the Oval Office, so that no one who enters that historic room may forget the powerful truths his farm worker hands imparted. On César Chávez Day, let us recommit ourselves to the duty we have in service to one another to work toward equity and justice across our communities.

NOW, THEREFORE, I, JOSEPH R. BIDEN JR., President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim March 31, 2021, as César Chávez Day. I call upon all Americans to observe this day as a day of service and learning, with appropriate service, community, and education programs to honor César Chávez's enduring legacy.

IN WITNESS WHEREOF, I have hereunto set my hand this thirty-first day of March, in the year of our Lord two thousand twenty-one, and

of the Independence of the United States of America the two hundred and forty-fifth.

JOSEPH R. BIDEN, JR.

Proclamation 10164 of March 31, 2021

Transgender Day of Visibility, 2021

By the President of the United States of America

A Proclamation

Today, we honor and celebrate the achievements and resiliency of transgender individuals and communities. Transgender Day of Visibility recognizes the generations of struggle, activism, and courage that have brought our country closer to full equality for transgender and gender non-binary people in the United States and around the world. Their trailblazing work has given countless transgender individuals the bravery to live openly and authentically. This hard-fought progress is also shaping an increasingly accepting world in which peers at school, teammates and coaches on the playing field, colleagues at work, and allies in every corner of society are standing in support and solidarity with the transgender community.

In spite of our progress in advancing civil rights for LGBTQ+ Americans, too many transgender people—adults and youth alike—still face systemic barriers to freedom and equality. Transgender Americans of all ages face high rates of violence, harassment, and discrimination. Nearly one in three transgender Americans have experienced homelessness at some point in life. Transgender Americans continue to face discrimination in employment, housing, health care, and public accommodations. The crisis of violence against transgender women, especially transgender women of color, is a stain on our Nation's conscience.

The Biden-Harris Administration is committed to fulfilling the promise of America for all Americans by stamping out discrimination and delivering freedom and equality for all.

To ensure that the Federal Government protects the civil rights of transgender Americans, I signed, on my first day in office, an Executive Order on Preventing and Combating Discrimination on the Basis of Gender Identity or Sexual Orientation. Today, we are proud to celebrate Transgender Day of Visibility alongside barrier-breaking public servants, including the first openly transgender American to be confirmed by the United States Senate, and alongside patriotic transgender service members, who are once again able to proudly and openly serve their country. We also celebrate together with transgender Americans across the country who will benefit from our efforts to stop discrimination and advance inclusion for transgender Americans in housing, in credit and lending services, in the care we provide for our veterans, and more.

To more fully protect the civil rights of transgender Americans, we must pass the Equality Act and provide long overdue Federal civil rights protections on the basis of sexual orientation and gender identity. The Equality Act will deliver legal protections for LGBTQ+ Ameri-

cans in our housing, education, public services, and lending systems. It will serve as a lasting legacy to the bravery and fortitude of the LGBTQ+ movement.

Vice President Harris and I affirm that transgender Americans make our Nation more prosperous, vibrant, and strong. I urge my fellow Americans to join us in uplifting the worth and dignity of every transgender person.

NOW, THEREFORE, I, JOSEPH R. BIDEN JR., President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim March 31, 2021, as Transgender Day of Visibility. I call upon all Americans to join in the fight for full equality for all transgender people.

IN WITNESS WHEREOF, I have hereunto set my hand this thirty-first day of March, in the year of our Lord two thousand twenty-one, and of the Independence of the United States of America the two hundred and forty-fifth.

JOSEPH R. BIDEN, JR.

Proclamation 10165 of March 31, 2021

Month of the Military Child, 2021

By the President of the United States of America

A Proclamation

April marks the Month of the Military Child, when our Nation pays tribute to the resilience and tenacity of our military children; over 2 million active duty, National Guard, Reserve and children of veterans who did not make the choice to serve, but live each day supporting their brave parents. These young people live out the words of the poet John Milton, “they also serve who only stand and wait.” We see their service and thank them for it.

From a young age, children of service members sometimes endure long separations from their parents and shoulder the burdens of service. They spend holidays and milestones apart from those they love the most, or celebrate with only a short phone call or virtual chat from a faraway parent. This is something the First Lady and I have witnessed in our own lives, as our grandchildren experienced their father’s deployment to Iraq.

Military children change schools up to nine times between the start of kindergarten and high school graduation. With each move, they grapple with difficult goodbyes and the challenge of making new friends. Although life in a military family can include exploring new places and exposure to other cultures and customs, it can also bring frustration and loneliness. During the Month of the Military Child, we show our appreciation for the commitment and service of military children in shouldering these challenges, and we recognize the stressors on military children brought about by the unique demands of their parents’ military life.

The strength of our Armed Forces comes not just from those who wear the uniform, but from their families, who also serve on behalf of our

country. As a Nation, we have many obligations, but we have only one truly sacred obligation: to properly prepare and equip our troops when we send them into harm's way, and to care for them and their families. The First Lady and I understand the gravity of this promise personally, and we have made supporting service members, veterans, their families, caregivers, and survivors a top priority for my Administration.

That is why the First Lady has committed to relaunching the Joining Forces initiative, mobilizing all Americans to continue the national commitment to support and engage our military families. By raising awareness about the unique aspects of military life and working toward solutions to its challenges, my Administration will continue to support military children and will help ensure that they have opportunities to grow and live out their dreams.

Observing the Month of the Military Child demonstrates our support for military children who make daily sacrifices so their parents can keep our Nation safe. Military-connected children are strong and resilient, and we must match their strength with a commitment to provide the full support of our communities and our Government. I encourage all Americans to serve them as well as they serve us.

NOW, THEREFORE, I, JOSEPH R. BIDEN JR., President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim April 2021 as the Month of the Military Child. I call upon the people of the United States to honor military children with appropriate ceremonies and activities.

IN WITNESS WHEREOF, I have hereunto set my hand this thirty-first day of March, in the year of our Lord two thousand twenty-one, and of the Independence of the United States of America the two hundred and forty-fifth.

JOSEPH R. BIDEN, JR.

Proclamation 10166 of March 31, 2021

National Cancer Control Month, 2021

*By the President of the United States of America
A Proclamation*

Despite the incredible advancements we have made in recent years, cancer remains the second leading cause of death in the United States. Behind this statistic are millions of Americans who know the distress of receiving a cancer diagnosis, and millions more who watch family members or friends courageously fight this disease and too often succumb to it. Cancer is brutal and cruel, and I intimately understand the incalculable human toll that this disease inflicts on patients and their loved ones—a toll that strikes communities of color at disproportionately high rates.

During National Cancer Control Month, we celebrate the progress made against this disease, and we reaffirm our national commitment to preventing cancer, improving treatments and the delivery of care, and finding a cure. This includes efforts to improve cancer prevention, pro-

mote early detection, enhance treatment, and support the needs of cancer survivors and caregivers. This issue is deeply personal for me—and as President, I am committed to ending cancer as we know it.

Progress begins with helping people take steps to lower their risk for many kinds of cancer. Tobacco use remains the top cause of cancer deaths in the United States. By helping people quit smoking and limiting exposure to secondhand smoke, we can reduce cancer risk and save lives. Resources to help quit smoking can be found at SmokeFree.gov or by calling 1-800-QUIT-NOW. Eating healthy, getting regular physical activity, limiting alcohol consumption, and reducing sun exposure when the sun is at its peak can also help reduce the risk of getting cancer.

My Administration is proud to support efforts like the Centers for Disease Control and Prevention's National Comprehensive Cancer Control and the National Breast and Cervical Cancer Early Detection Programs, which help Americans in communities throughout the country get recommended cancer screenings. You can read more about these programs at cdc.gov/cancer.

My Administration is also a proud supporter of ClinicalTrials.gov, the world's largest public clinical research database that gives patients, families, health care providers, researchers, and others easy access to information on clinical studies relating to a wide range of diseases and conditions, including cancer.

This year also marks the 50th anniversary of the National Cancer Act of 1971. This landmark legislation cemented our Nation's commitment to cancer research, establishing networks of cancer centers, clinical trials, data collection systems, and advanced research, without which many breakthroughs against cancer in recent years would not have occurred.

In addition, the Cancer Moonshot, which former President Obama and I initiated in 2016, accelerated progress in cancer prevention, treatment, and cures, including by funding six Implementation Science Centers in cancer control. These centers were created to expand the use of proven cancer prevention and early detection strategies, especially among underserved, rural, and minority populations, which often have lower rates of cancer screening and thus find cancer at more advanced stages. You can read about these important research programs and breakthroughs by visiting cancer.gov.

As part of the Cancer Moonshot, we also established the Oncology Center of Excellence at the Food and Drug Administration to drive faster and better integrated development of drugs, medical devices, and biological and other products to tackle this devastating disease. Find out more at fda.gov.

This year, we must be especially mindful of the significant disruptions the COVID-19 pandemic is bringing to cancer care—delaying routine screening, diagnosis, and therapy. I urge Americans not to delay recommended screenings, doctor's visits, and treatments. Because of the Affordable Care Act, most health insurance plans must cover a set of preventive services with no out-of-pocket costs, including many cancer screenings. In response to the COVID-19 pandemic, my Administration also announced a special enrollment period for the Health Insurance Marketplace, allowing uninsured individuals and families to sign up

for health coverage and gain these protections through August 15th. I encourage you to visit healthcare.gov to explore your eligibility and get covered today.

Our Nation has made extraordinary advances in the fight against cancer. Still, much work remains to be done. We owe it to every person who has lost their battle with this disease, every person living with this disease, and every person who may one day contract it, to continue working tirelessly to defeat it. During National Cancer Control Month, let us renew our efforts to save lives and spare suffering by accelerating our work to end cancer as we know it.

NOW, THEREFORE, I, JOSEPH R. BIDEN JR., President of the United States of America, do hereby proclaim April 2021 as National Cancer Control Month. I encourage citizens, government agencies, private businesses, nonprofit organizations, and other interested groups to join in activities that will increase awareness of what Americans can do to prevent and control cancer.

IN WITNESS WHEREOF, I have hereunto set my hand this thirty-first day of March, in the year of our Lord two thousand twenty-one, and of the Independence of the United States of America the two hundred and forty-fifth.

JOSEPH R. BIDEN, JR.

Proclamation 10167 of March 31, 2021

National Child Abuse Prevention Month, 2021

By the President of the United States of America

A Proclamation

As we begin to emerge from a year of unprecedented stress and hardship, children and families need our support more than ever. The confluence of a devastating pandemic and the worst economic crisis in nearly a century have increased the risk for child abuse and neglect as Americans grapple with the compounding challenges of school and child care facility closures, social isolation, and increased financial instability. Children and families of color—who so often across our history have been underserved, marginalized, and adversely affected by persistent poverty and inequality—face even greater adversity today as they disproportionately carry the burdens of the COVID-19 crisis. During National Child Abuse Prevention Month, and throughout the entire year, it is imperative that we join together as one Nation to combat child abuse in all of its forms—through neglect, mistreatment, or physical, emotional, or sexual abuse.

Community-based child abuse prevention programs are a critical tool for preventing the mistreatment of children and advancing equity. Authorized by Title II of the Child Abuse Prevention and Treatment Act, the purpose of community-based child abuse prevention programs is to support local efforts that strengthen and support families to reduce the likelihood of child abuse. These programs offer comprehensive assistance that improves family stabilization, while also fostering meaningful engagement with diverse populations to promote effective prevention strategies.

Across our country, a vast network of frontline workers, court and legal professionals, faith leaders, volunteers, teachers, and helpful loved ones and neighbors work every day to support the wellbeing of our children. They deserve our recognition and our sincere gratitude, particularly in the midst of this difficult year. Though the pandemic has changed the ways that they interact with the families they serve, they have shown remarkable resilience, and their dedication to preventing child abuse continues to transform lives.

We recognize that within the larger context of addressing child abuse, there is a need to specifically address issues of sexual violence against children and adolescents. My Administration is committed to expanding efforts to improve prevention initiatives, enhance trauma-informed responses to assist children and adolescents impacted by sexual violence, and work toward healing and justice. It is an imperative not only in the United States, but also in galvanizing global action to end sexual violence against children and adolescents.

National Child Abuse Prevention Month is a time for us to not only honor those who work to support children and strengthen families, but to shine a light on the many ways we can all play a role in preventing children from being harmed. The Prevention Resource Guide, an annual publication by the Department of Health and Human Services, Administration for Children and Families Children's Bureau outlines actions that can be taken by communities, organizations, families, and individuals to address the root causes of child abuse and provide meaningful and equitable support to families. You can access the Prevention Resource Guide and other resources at the Child Welfare Information Gateway's Child Abuse Prevention Month website. By increasing efforts to prevent child abuse, we will help children, families, and communities thrive.

NOW, THEREFORE, I, JOSEPH R. BIDEN JR., President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim April 2021 as National Child Abuse Prevention Month. I call upon all Americans to protect our Nation's greatest resource—its children—and to take an active role in supporting children and parents and creating safe communities filled with thriving families.

IN WITNESS WHEREOF, I have hereunto set my hand this thirty-first day of March, in the year of our Lord two thousand twenty-one, and of the Independence of the United States of America the two hundred and forty-fifth.

JOSEPH R. BIDEN, JR.

Proclamation 10168 of March 31, 2021

National Donate Life Month, 2021

*By the President of the United States of America
A Proclamation*

April is National Donate Life Month, a time for all Americans to celebrate the generosity of those who have saved lives by becoming organ, eye, tissue, marrow, and blood donors—and to encourage more Ameri-

cans to follow their example. We also honor the families and friends of donors who have supported their loved one's decision to donate, as well as the caring and committed professionals who serve the transplantation community. This month-long observance also encompasses National Pediatric Transplant Week from April 18–24, a week dedicated to ending the pediatric transplant waiting list.

Despite the extraordinary challenges of the COVID–19 pandemic, 2020 saw organ transplants from deceased donors set an annual record for the 10th consecutive year—a testament to Americans' generosity and selflessness even in times of unbearable loss. Thanks to the resilience of our organ donation and transplantation professionals and the caring nature of the American people, more than 39,000 life-saving or life-enhancing organ transplants were performed in the United States last year from both living and deceased donors.

While thousands of Americans receive the gift of life each year through organ transplantation, the number of people in need of life-saving organs remains staggeringly high. There are more than 107,000 people currently on the national transplant waiting list, and another person is added every nine minutes. Sadly, the waiting list currently contains more than 1,900 children under the age of 18 who are awaiting a life-saving organ transplant. While very small children most often must receive donations from other young children due to size constraints, older children and adults can often match. In many cases, that means generous American adults can contribute to our goal of ending the pediatric transplant waiting list.

Current statistics show that Americans belonging to minority groups make up nearly 60 percent of those waiting for an organ transplant. Although a transplant can be successful regardless of the race or ethnicity of the donor and recipient, there is a greater chance of longer-term survival for the recipient if the genetic background of the donor and recipient are closely matched. Americans from every community are needed to help make a life-saving difference.

Nearly 18,000 people are diagnosed each year with illnesses for which blood stem cell transplantation—requiring marrow or cord blood—is the best treatment option. Over 65 percent of these individuals require donors from outside their own family. Although some 30 million adults are currently registered as blood stem cell donors, many individuals still have difficulty finding a suitably matched donor, meaning that we need many more registrants to fill this life-saving need.

Every day, 17 people in America die while waiting for a transplant. Yet, all of us have the power to help: one donor can save up to eight lives through organ donation, and can improve another 75 lives through eye and tissue donation. If you have not signed up as an organ donor, we need your help to fill the gap between the availability of organs and people who need them. I encourage all Americans to give hope to those awaiting a match by visiting organdonor.gov for organ, eye, and tissue donation, and bloodstemcell.hrsa.gov for marrow donation.

NOW, THEREFORE, I, JOSEPH R. BIDEN JR., President of the United States of America, by the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim April 2021 as National Donate Life Month. I call upon every person to share the gift

of life and hope with those in need of a life-saving or life-enhancing transplant by becoming organ, eye, tissue, marrow, and blood donors.

IN WITNESS WHEREOF, I have hereunto set my hand this thirty-first day of March, in the year of our Lord two thousand twenty-one, and of the Independence of the United States of America the two hundred and forty-fifth.

JOSEPH R. BIDEN, JR.

Proclamation 10169 of March 31, 2021

National Financial Capability Month, 2021

By the President of the United States of America

A Proclamation

My Administration is working hard to help Americans overcome the financial impact of COVID-19 and the deep-rooted inequities in our society that have greatly limited the economic prosperity of too many Americans. Given the disproportionate impact the pandemic is having on minority and low-income communities, a concerted effort by the Federal Government is necessary for recovery and building back a better economy. Financial education that builds financial capability helps families receive assistance, build resilience, and benefit from a stronger and more equitable economy. April is recognized as National Financial Capability Month to highlight the value of high-quality financial education to improving Americans' financial capability.

The Financial Literacy and Education Commission, a 23-member body of Federal agencies, chaired by the Secretary of the Treasury, was created to coordinate and improve financial education for all Americans. Its members are helping address the financial challenges our country faces as a result of the COVID-19 pandemic. Agencies are reaching American families with critical assistance and information on home mortgage forbearance, student loan repayment relief, unemployment assistance, and economic impact payments. Federal agencies are also alerting the public about scams, bogus investments, and other ways bad actors have tried to take advantage of people during this crisis.

High-quality financial education should build on and respond to people's individual strengths, circumstances, and needs in order to help them work toward their own unique goals. Yet such high-quality financial education has not historically reached all Americans, especially our most underserved low-income and minority communities. This month, all financial educators in Federal, State, local, and Tribal governments, schools, and private sector organizations should recognize the systemic disparities in our society that have acted as barriers to financial well-being for too many families. They should redouble their efforts to better understand and effectively serve historically underserved people and communities, including people of color, low-income individuals, and persons with disabilities.

NOW, THEREFORE, I, JOSEPH R. BIDEN JR., President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim April 2021 as National Financial Capability Month. I call upon all Americans

to observe this month by understanding barriers to financial well-being, and taking action to build their own financial capability and assist others to do so.

IN WITNESS WHEREOF, I have hereunto set my hand this thirty-first day of March, in the year of our Lord two thousand twenty-one, and of the Independence of the United States of America the two hundred and forty-fifth.

JOSEPH R. BIDEN, JR.

Proclamation 10170 of March 31, 2021

**National Sexual Assault Prevention and Awareness
Month, 2021**

By the President of the United States of America

A Proclamation

Sexual assault, at its core, is a devastating abuse of power—one that affects people of every age, race, sex, gender identity, sexual orientation, national origin, socioeconomic background, and religion. It is the responsibility of each of us to stand up and speak out against it, not only to improve the laws and services available to survivors, but also to change the culture and attitudes that allow sexual assault to proliferate. Together, we must work toward a society that upholds every person's right to live free from sexual violence—where our institutions and communities commit to preventing sexual assault and sexual harassment, supporting survivors, and holding offenders accountable.

The pandemic has exacerbated the already harrowing challenges facing sexual assault survivors by making it more difficult or risky for them to seek help. Victims may be reluctant to go to the hospital for a medical forensic exam because of the risk of COVID-19 exposure; rape crisis centers and other social service providers have struggled to maintain their services while adopting necessary public health protocols; and survivors are often isolated from loved ones, friends, or co-workers who might be in the best position to provide support. As we race to stop the spread of this devastating virus, we must strengthen our efforts to support sexual assault survivors whose suffering may be compounded by this pandemic, as well as by the economic crisis that has further undermined their economic security and taken a toll on service providers.

We also must recognize that sexual assault was already a public health crisis even before the pandemic struck. According to the National Intimate Partner and Sexual Violence Survey, done by the CDC, one in five women has been a victim of a completed or attempted rape at some point in her lifetime. Research has revealed a strong link between sexual violence and chronic disease, as well as greater long-term economic burdens on survivors of sexual assault. The trauma of assault is further compounded by the high costs of medical and mental health care, navigating the criminal justice system, and lost productivity.

My Administration stands with survivors, and is committed to alleviating the public health crisis of sexual assault. As part of the Amer-

ican Rescue Plan (ARP), we included \$450 million in supplemental funding for domestic violence and sexual assault services, including rape crisis centers. Recognizing the added barriers faced by survivors from historically marginalized communities—particularly survivors who are Black, Indigenous, Latino, Asian Americans and Pacific Islanders and other people of color—the ARP includes new funding to support community-based organizations to provide culturally-specific services for survivors of sexual assault and domestic violence.

I am also proud to have created the first-ever White House Gender Policy Council, through an Executive Order that I signed on International Women’s Day. In addition to its work to bring a whole-of-government approach to gender equity in every policy we pursue, this Council will help coordinate Federal agencies to develop a National Action Plan to End Gender-Based Violence. I have also established an independent review commission that will provide recommendations to help guide the development of new policies and enforcement measures in keeping with my Administration’s unwavering commitment to improving the response to, and prevention of, sexual assault and sexual harassment in the military.

To strengthen our national commitment to end gender-based violence, we must also renew and further improve the Violence Against Women Act (VAWA). Writing and championing the passage of VAWA as a Senator is one of my proudest legislative accomplishments—it is a law that has transformed the way our country responds to sexual assault and intimate partner violence. With each reauthorization, I have worked with the Congress to expand VAWA’s provisions on a bipartisan basis to improve protections, including for Native American women, the lesbian, gay, bisexual, and transgender community, as well as immigrant survivors and survivors from communities of color and other underserved groups. I applaud the House of Representatives for recently passing the Violence Against Women Reauthorization Act of 2021 with bipartisan support, and I urge the Senate to follow their lead to renew and strengthen this landmark law immediately. Through this legislation, we can continue to support Federal programs with a proven track record of helping survivors heal, strengthen the coordinated community response, improve the response of the criminal justice system, and provide additional pathways to safety by supporting innovative programs and prevention efforts.

We have made important strides thanks to courageous survivors and dedicated advocates. This month, we honor the strength and resilience of sexual assault survivors, and we recommit ourselves to standing with them for safety, dignity, and justice. There is still much work to do, and it will take all of us to do it. This year’s Sexual Assault Awareness and Prevention Month is an opportunity for every person, employer, school, sports team, faith-based organization, and institution to come together and commit to being part of the solution. We must rededicate ourselves to creating a society where sexual violence—including sexual assault and sexual harassment—is not tolerated, where survivors are supported, and where all people have an opportunity to thrive without fear of abuse or assault.

NOW, THEREFORE, I, JOSEPH R. BIDEN JR., President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim April 2021 as National Sexual Assault Awareness and Prevention Month. I

urge all Americans to support victims when they reach out and disclose abuse.

IN WITNESS WHEREOF, I have hereunto set my hand this thirty-first day of March, in the year of our Lord two thousand twenty-one, and of the Independence of the United States of America the two hundred and forty-fifth.

JOSEPH R. BIDEN, JR.

Proclamation 10171 of March 31, 2021

Second Chance Month, 2021

By the President of the United States of America

A Proclamation

America's criminal justice system must offer meaningful opportunities for redemption and rehabilitation. After incarcerated individuals serve their time, they should have the opportunity to fully reintegrate into society. It benefits not just those individuals but all of society, and it is the best strategy to reduce recidivism. During Second Chance Month, we lift up all those who, having made mistakes, are committed to rejoining society and making meaningful contributions.

My Administration is committed to a holistic approach to building safe and healthy communities. This includes preventing crime and providing opportunities for all Americans. It also requires rethinking the existing criminal justice system—whom we send to prison and for how long; how people are treated while incarcerated; how prepared they are to reenter society once they have served their time; and the racial inequities that lead to the disproportionate number of incarcerated Black and Brown people.

We must commit to second chances from the earliest stages of our criminal justice system. Supporting second chances means, for example, diverting individuals who have used illegal drugs to drug court programs and treatment instead of prison. It requires eliminating exceedingly long sentences and mandatory minimums that keep people incarcerated longer than they should be. It means providing quality job training and educational opportunities during incarceration to prepare individuals for the 21st century economy. And it means reinvesting the savings from reduced incarceration into reentry programs and social services that prevent recidivism and leave us all better off.

More than 600,000 individuals return to their communities from State and Federal prisons every year. Transitioning back into society can be overwhelming for those who are formerly incarcerated as well as their families and communities. Too many individuals face unfair legal and practical barriers to reentry. The reentry process is complicated in the best of times, and is even more so with the additional difficulties presented by the COVID-19 pandemic.

We must remove these barriers. Every person leaving incarceration should have housing, the opportunity at a decent job, and health care. A person's conviction history should not unfairly exclude them from employment, occupational licenses, access to credit, public benefits, or

the right to vote. Certain criminal records should be expunged and sealed so people can overcome their past.

By focusing on prevention, reentry, and social support, rather than incarceration, we can ensure that America is a land of second chances and opportunity for all people.

NOW, THEREFORE, I, JOSEPH R. BIDEN JR., President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim April 2021 as Second Chance Month. I call upon all government officials, educators, volunteers, and all the people of the United States to observe this day with appropriate programs, ceremonies, and activities.

IN WITNESS WHEREOF, I have hereunto set my hand this thirty-first day of March, in the year of our Lord two thousand twenty-one, and of the Independence of the United States of America the two hundred and forty-fifth.

JOSEPH R. BIDEN, JR.

Proclamation 10172 of April 1, 2021

World Autism Awareness Day, 2021

By the President of the United States of America

A Proclamation

On World Autism Awareness Day, we celebrate the countless ways that people with autism contribute to our families, our communities, our Nation, and the world, and we shine a light on the systemic barriers people with autism face in their daily lives.

More than 2 percent of American adults and 1 in every 54 of our children have autism—a community of millions who deserve to live full lives of dignity and respect. My Administration is committed to funding cutting-edge research to help us to better understand autism and related health conditions in order to improve quality of life for people with autism and their families in every community.

Recent Government initiatives have focused on detecting autism in the first year of life, funding new national research networks to improve our knowledge of autism, and advancing services and support to help Americans with autism live independently in their communities. A recent apprenticeship initiative from the Department of Labor seeks to open up career pathways for people with autism and other developmental disabilities in thriving fields like information technology and health care. Investments like these and others that we continue to pursue are critical to expanding possibilities and improving life for all people with autism.

Meanwhile, agencies across the Federal Government are working to protect the rights of all people with disabilities—including people with autism—while also advancing equity when it comes to accessing vital services and supports. Our research agencies are working to reduce barriers in access to early diagnoses, interventions, and services for people with autism—including those from diverse racial, ethnic, and cultural backgrounds and rural communities—and to incorporate the

perspectives of individuals with autism in scientific research. For too long, disparities in access to health care, education, and services have placed an undue burden on individuals with disabilities and their loved ones, particularly those from underserved communities. My Administration is committed to addressing these inequities in partnership with the Interagency Autism Coordinating Committee and the National Autism Coordinator of the Department of Health and Human Services.

We also recognize that the COVID-19 pandemic has caused unique disruptions to, and placed new strains on, the lives of individuals with autism and their families. All Americans should be grateful for the creativity and dedication of educators, health care providers, and others who have rapidly adapted to the limitations of the pandemic by offering virtual learning, telehealth appointments, and other remote services. My Administration is working tirelessly to get America vaccinated, get our children safely back in school, and deliver direct economic relief to families across the country in order to end this year of disruption and alleviate as much of the burden as possible. In addition, agencies including the Centers for Disease Control and Prevention, the National Institutes of Health, and the Department of Education are hard at work developing data-driven guidance to help people with disabilities and their families mitigate the far-reaching effects of the pandemic.

Today, we honor those with autism and recommit ourselves to providing them and their families with the investment, support, and care they need to live independently, fully participate in their communities, and live fulfilling lives of dignity and opportunity.

NOW, THEREFORE, I, JOSEPH R. BIDEN JR., President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim April 2, 2021, as World Autism Awareness Day. I call upon all Americans to learn more about autism to improve early diagnosis, to learn more about the experiences of autistic people from autistic people, and to build more welcoming and inclusive communities to support people with autism.

IN WITNESS WHEREOF, I have hereunto set my hand this first day of April, in the year of our Lord two thousand twenty-one, and of the Independence of the United States of America the two hundred and forty-fifth.

JOSEPH R. BIDEN, JR.

Proclamation 10173 of April 2, 2021

Days of Remembrance of Victims of the Holocaust, 2021

By the President of the United States of America

A Proclamation

On Yom HaShoah—Holocaust Remembrance Day—we stand in solidarity with the Jewish people in America, Israel, and around the world to remember and reflect on the horrors of the Holocaust. An estimated six million Jews perished alongside millions of other innocent victims—Roma and Sinti, Slavs, disabled persons, LGBTQ+ individuals,

and others—systematically murdered by the Nazis and their collaborators in one of the cruelest and most heinous campaigns in human history.

We honor the memories of precious lives lost, contemplate the incomprehensible wound to our humanity, mourn for the communities broken and scattered, and embrace those who survived the Holocaust—some of whom are still with us today, continuing to embody extraordinary resilience after all these years. Having borne witness to the depths of evil, these survivors remind us of the vital refrain: “never again.” The history of the Holocaust is forever seared into the history of humankind, and it is the shared responsibility of all people to ensure that the horrors of the Shoah can never be erased from our collective memory.

It is painful to remember. It is human nature to want to leave the past behind. But in order to prevent a tragedy like the Holocaust from happening again, we must share the truth of this dark period with each new generation. All of us must understand the depravity that is possible when governments back policies fueled by hatred, when we dehumanize groups of people, and when ordinary people decide that it is easier to look away or go along than to speak out. Our children and grandchildren must learn where those roads lead, so that the commitment of “never again” lives strongly in their hearts.

I remember learning about the horrors of the Holocaust from my father when I was growing up, and I have sought to impart that history to my own children and grandchildren in turn. I have taken them on separate visits to Dachau, so that they could see for themselves what happened there, and to impress on them the urgency to speak out whenever they witness anti-Semitism or any form of ethnic and religious hatred, racism, homophobia, or xenophobia. The legacy of the Holocaust must always remind us that silence in the face of such bigotry is complicity—remembering, as Rabbi Abraham Joshua Heschel wrote, that there are moments when “indifference to evil is worse than evil itself.”

Those who survived the Holocaust are an inspiration to every single one of us. Yet they continue to live with the unique mental and physical scars from the unconscionable trauma of the Holocaust, with many survivors in the United States living in poverty. When I served as Vice President, I helped secure Federal funding for grants to support Holocaust survivors—but we must do more to pursue justice and dignity for survivors and their heirs. We have a moral imperative to recognize the pain survivors carry, support them, and ensure that their memories and experiences of the Holocaust are neither denied nor distorted, and that the lessons for all humanity are never forgotten.

Holocaust survivors and their descendants—and each child, grandchild, and great-grandchild of those who lost their lives—are living proof that love and hope will always triumph over murder and destruction. Every child and grandchild of a survivor is a testament to resilience, and a living rebuke to those who sought to extinguish the future of the Jewish people and others who were targeted.

Yom HaShoah reminds us not only of the Jewish victims of the Holocaust, but also reinforces our ongoing duty to counter all forms of dehumanizing bigotry directed against the LGBTQ+, disability, and other marginalized communities. While hate may never be permanently defeated, it must always be confronted and condemned. When we recog-

nize the fundamental human dignity of all people, we help to build a more just and peaceful world. In the memory of all those who were lost, and in honor of all those who survived, we must continue to work toward a better, freer, and more just future for all humankind.

NOW, THEREFORE, I, JOSEPH R. BIDEN JR., President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim April 4 through April 11, 2021, as a week of observance of the Days of Remembrance of Victims of the Holocaust, and call upon the people of the United States to observe this week and pause to remember victims and survivors of the Holocaust.

IN WITNESS WHEREOF, I have hereunto set my hand this second day of April, two thousand twenty-one, and of the Independence of the United States of America the two hundred and forty-fifth.

JOSEPH R. BIDEN, JR.

Proclamation 10174 of April 2, 2021

Honoring United States Capitol Police Officers

By the President of the United States of America

A Proclamation

As a sign of respect for the service and sacrifice of the victims of the attack at the United States Capitol on Friday, April 2, by the authority vested in me as President of the United States by the Constitution and the laws of the United States of America, I hereby order that the flag of the United States shall be flown at half-staff at the White House and upon all public buildings and grounds, at all military posts and naval stations, and on all naval vessels of the Federal Government in the District of Columbia and throughout the United States and its Territories and possessions until sunset, April 6, 2021. I also direct that the flag shall be flown at half-staff for the same length of time at all United States embassies, legations, consular offices, and other facilities abroad, including all military facilities and naval vessels and stations.

IN WITNESS WHEREOF, I have hereunto set my hand this second day of April, in the year of our Lord two thousand twenty-one, and of the Independence of the United States of America the two hundred and forty-fifth.

JOSEPH R. BIDEN, JR.

Proclamation 10175 of April 5, 2021

National Public Health Week, 2021

By the President of the United States of America

A Proclamation

National Public Health Week has increased significance this year, as our Nation mourns the loss of more than half a million lives to

COVID-19, and as we have come to recognize just how essential our public health efforts and public health workers truly are. Whether it is the scientists and researchers who developed life-saving vaccines in record time; or local leaders who have taken evidence-based action to keep their communities safe; or the staff and volunteers who have worked to slow the spread of the virus through testing, case investigation, and contact tracing; or the doctors, nurses, and clinicians who continue to provide around-the-clock care to those who have fallen ill, dedicated public health professionals on the front lines of our response to COVID-19 deserve our gratitude.

During National Public Health Week, we ask everyone to come together to help restore the health of our Nation. Every American can do their patriotic duty for their neighbors, their loved ones, and our country by continuing to wear masks as recommended by the Centers for Disease Control and Prevention, practicing physical distancing, getting the COVID-19 vaccine when it is their turn, and by expressing gratitude to public health professionals who are seeing us through this crisis and who are building a more robust, comprehensive, and equitable public health system for all.

While defeating the coronavirus is our top public health priority, our Nation must also focus on improving our overall health and wellbeing. Greater health is good for us all, and it will bolster our national resilience in the face of new and existing threats. The United States must prioritize and continually invest in our public health system to aggressively address health disparities that have been exposed and worsened by COVID-19. We must also address the environmental and climate factors—air and water pollution, extreme weather, and climate-related disaster events—that threaten public health in communities nationwide. The American Jobs Plan will help to achieve these goals, including by ensuring that children who live along highways and fence lines of industrial facilities will breathe easier because of significant investments in clean energy and infrastructure that promotes public health. Our Nation must also take commonsense steps to address the gun violence public health epidemic, including actions to counter the historic spike in homicides occurring in cities across the country and disproportionately affecting Black and brown Americans. Only by addressing the root causes of health inequity can we build a fairer, stronger, more dependable health system for all Americans.

My Administration is committed to investing in our public health system to not only defeat the pandemic, but also to build a stronger public health system that allows us to be ready for the next virus. The American Rescue Plan provides critical funding to increase the number of vaccination sites, which will help us get Americans vaccinated more quickly so that we can get back to our lives and loved ones. The law also invests in COVID-19 containment measures such as testing and contact tracing, funds our efforts to strengthen domestic supply chains for critical medical equipment, and makes health insurance more affordable and accessible for millions of Americans. Finally, the law invests in crucial measures like air quality monitoring, water and sewer infrastructure, and brownfield remediation so that Americans in every community can live in a healthy environment.

The American Rescue Plan does more than put checks in Americans' pockets—it provides assistance to help stabilize State, local, Tribal, and territorial budgets and keep vital public health services running.

It provides the resources schools need to reopen safely, allowing students to return to the classroom and alleviating the negative health effects that come from isolation, changes in routines, and loss of learning. The American Rescue Plan will also mobilize a generation of future leaders to serve in an enhanced public health workforce, increasing our long-term public health capacity. This law also provides much-needed help to nearly 1,400 Community Health Centers that serve our most vulnerable populations, who are at the highest risk of infection and adverse outcomes from COVID-19.

As we continue working tirelessly to defeat the pandemic and build a stronger public health system for the future, I ask every American to mark National Public Health Week by remembering all those who give their time, expertise, and care—and even put their lives on the line—in service of a healthier, safer, and stronger America for all of us.

NOW, THEREFORE, I, JOSEPH R. BIDEN JR., President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim April 5 through April 11, 2021, as National Public Health Week. I call on all citizens, government agencies, private businesses, non-profit organizations, and other groups to join in activities and take action to improve the health of our Nation.

IN WITNESS WHEREOF, I have hereunto set my hand this fifth day of April, in the year of our Lord two thousand twenty-one, and of the Independence of the United States of America the two hundred and forty-fifth.

JOSEPH R. BIDEN, JR.

Proclamation 10176 of April 9, 2021

National Former Prisoner of War Recognition Day, 2021

By the President of the United States of America

A Proclamation

Throughout our Nation's history, those who have served in our Armed Forces have steadfastly stood in defense of the United States and of freedom throughout the world. Although countless courageous service members and civilians have given their lives for our Nation, more than half a million others have sacrificed their own freedom as prisoners of war so the cause of liberty always prevails.

Enduring with limitless dignity and determination, these former prisoners of war are a powerful reminder that their indomitable spirit could not be broken, even by brutal treatment in contravention of international law and morality. Despite the terrible suffering inflicted upon them by their captors in harsh prisons and camps in Europe and Asia, American prisoners of war steadfastly demonstrated their devotion to duty, honor, and country.

On this day and every day, let us honor all who have borne the hardships of captivity in service to our Nation, remember the brave men and women who were held as prisoners in foreign lands during our Nation's past conflicts, and recognize those at home who anxiously

awaited their loved ones' return. Their faith in God, love of family, and trust in our Nation are an inspiration to all Americans, and we will always remember their sacrifices.

NOW, THEREFORE, I, JOSEPH R. BIDEN JR., President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim April 9, 2021, as National Former Prisoner of War Recognition Day. I call upon all Americans to observe this day by honoring the service and sacrifice of all former prisoners of war as our Nation expresses its eternal gratitude for their sacrifice. I also call upon Federal, State, and local government officials and organizations to observe this day with appropriate ceremonies and activities.

IN WITNESS WHEREOF, I have hereunto set my hand this ninth day of April, in the year of our Lord two thousand twenty-one, and of the Independence of the United States of America the two hundred and forty-fifth.

JOSEPH R. BIDEN, JR.

Proclamation 10177 of April 11, 2021

National Fair Housing Month, 2021

By the President of the United States of America

A Proclamation

Exactly 1 week after the assassination of Dr. Martin Luther King, Jr., struck at the soul of our Nation, President Lyndon B. Johnson signed a landmark piece of legislation—an enduring testament to the ideals of Dr. King that enshrined a portion of his legacy in the lives and laws of the American people. Fifty-three years later, the Fair Housing Act still serves as a powerful statement about who we are as a people: the values of equality, equity, and dignity that we strive to uphold, and the places where we still have work to do to fulfill our full promise as a Nation.

The purpose of the Fair Housing Act was to put an end to inequities in our housing system and eliminate racial segregation in American neighborhoods—and guarantee that all people in America have the right to obtain the housing of their choice, free from discrimination. The law prohibits discrimination in the sale, rental, and financing of housing, and requires Federal, State, and local governments to proactively dismantle the discriminatory structures that held back people of color and other underserved populations from equitable access to the neighborhoods of their choice.

By helping to create a fairer housing system, the law seeks to do more than just open up American neighborhoods to all Americans. Access to quality housing is about more than having a roof over your head—it is the foundation for achieving better educational, employment, and health outcomes, as well as one of the most important ways that families build wealth that they can pass along across the generations. The Fair Housing Act was created at a time when Federal and State policies held that dream at arm's length from far too many Black, Brown, Na-

tive, and Asian American families through the insidious practices of redlining and lending discrimination.

Over the course of 53 years, the law has made a world of difference in the lives of countless families and communities. We have also improved upon it through the years; as a Senator, I was proud to co-sponsor the 1988 Fair Housing Act amendments that extended the law's protections to Americans with disabilities and families with children, and just 2 months ago my Administration issued a rule change to ensure that the law finally guards against discrimination targeting LGBTQ+ Americans. But the truth of the matter is that we have not fully achieved the goals of the Fair Housing Act—we still have so much work to do.

Many of our neighborhoods remain as segregated today as they were in the middle of the 20th century, and the racial wealth gap is wider now than it was when the Fair Housing Act was passed. Though our Nation has come a long way in many regards, our promise will not be fulfilled as long as anyone in America is denied a good home or a fair shot because of who they are. It is our shared duty to work together to ensure that every person has equitable access to all of the opportunities our communities provide—and that no one faces barriers to getting a good education, having quality health care, eating healthy food, or finding stable employment that allows their family to thrive solely because of where they live. This is a moral responsibility that cannot wait, particularly at a time when the COVID-19 pandemic has further highlighted and exacerbated the lack of safe, affordable places to live for far too many people in America.

To affirm equal opportunity as the bedrock of our democracy—and to enlist the entire Federal Government to address entrenched disparities in our laws, public policies, and institutions—I signed an Executive Order on Advancing Racial Equity and Support for Underserved Communities Through the Federal Government on my first day in office. To ensure that the Federal Government continues to prioritize the right to fair housing and actively enforce our Federal civil rights laws, I also signed a Presidential Memorandum on Redressing Our Nation's and the Federal Government's History of Discriminatory Housing Practices and Policies during my first week as President. My Administration will continue our efforts to close persistent racial gaps in wages, housing, credit, lending opportunities, and access to higher education—gaps that, if closed, would add an estimated \$5 trillion in gross domestic product in the American economy over the next 5 years. We are committed to doing all we can to end unlawful housing discrimination and advance equity for all underserved populations, fulfill the full promise of the Fair Housing Act, and put the American dream within reach of all Americans.

NOW, THEREFORE, I, JOSEPH R. BIDEN JR., President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim April 2021 as National Fair Housing Month. I call upon the people of this Nation to help secure freedom and justice for every American by taking action to fulfill the promise made by the Fair Housing Act to ensure everyone has free and fair housing choice.

IN WITNESS WHEREOF, I have hereunto set my hand this eleventh day of April, in the year of our Lord two thousand twenty-one, and of

the Independence of the United States of America the two hundred and forty-fifth.

JOSEPH R. BIDEN, JR.

Proclamation 10178 of April 13, 2021

Black Maternal Health Week, 2021

By the President of the United States of America

A Proclamation

In the United States of America, a person's race should never determine their health outcomes, and pregnancy and childbirth should be safe for all. However, for far too many Black women, safety and equity have been tragically denied. America's maternal mortality rates are among the highest in the developed world, and they are especially high among Black mothers, who die from complications related to pregnancy at roughly two to three times the rate of white, Hispanic, Asian American, and Pacific Islander women—regardless of their income or education levels. This week, I call on all Americans to recognize the importance of addressing the crisis of Black maternal mortality and morbidity in this country.

Ensuring that all women have equitable access to health care before, during, and after pregnancy is essential. The Biden-Harris Administration is committed to addressing these unacceptable disparities, and to building a health care system that delivers equity and dignity to Black, Indigenous, and other women and girls of color.

Health care is a right, not a privilege, and our country needs a health care system that works for all of us. That is something both Vice President Harris and I have fought for throughout our careers. As a Senator, Vice President Harris was a champion of Black maternal health, introducing legislation to close gaps in access to quality maternal care and educate providers about implicit bias. And during my time as Vice President, I fought for the Affordable Care Act and to strengthen Medicaid, both of which ensure access to critical services to support maternal health. Within just a few years of the Affordable Care Act's passage, Black uninsured rates dramatically declined—a key factor in ensuring better maternal health outcomes—as did the persistent health insurance coverage gap between Black and white Americans, which fell by more than 40 percent in the wake of the law's implementation.

As we fight to bring an end to the COVID-19 crisis, we will continue to make quality health care more accessible and affordable for all Americans, as we did through the passage of the landmark American Rescue Plan. We will also work to ensure that everyone—including hospitals, insurance plans, and health care providers—do their part to provide every American with quality, affordable, and equitable care.

Vice President Harris and I are committed to pursuing systemic policies that provide comprehensive, holistic maternal health care that is free from bias and discrimination. The morbidity and mortality disparities that Black mothers face are not the results of isolated incidents. Our Nation must root out systemic racism everywhere it exists, including by addressing unequal social determinants of health that often con-

tribute to racial disparities such as adequate nutrition and housing, toxin-free environments, high-paying job sectors that provide paid leave, and workplaces free of harassment and discrimination.

Addressing systemic barriers across the board will improve outcomes for Black mothers and their families, and make our entire country stronger, healthier, and more prosperous. At the same time, the United States must also grow and diversify the perinatal workforce, improve how we collect data to better understand the causes of maternal death and complications from birth, and invest in community-based organizations to help reduce the glaring racial and ethnic disparities that persist in our health care system.

NOW, THEREFORE, I, JOSEPH R. BIDEN JR., President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim April 11 through April 17, 2021, as Black Maternal Health Week. I call upon all Americans to raise awareness of the state of Black maternal health in the United States by understanding the consequences of systemic discrimination, recognizing the scope of this problem and the need for urgent solutions, amplifying the voices and experiences of Black women, families, and communities, and committing to building a world in which Black women do not have to fear for their safety, their wellbeing, their dignity, and their lives before, during, and after pregnancy.

IN WITNESS WHEREOF, I have hereunto set my hand this thirteenth day of April, in the year of our Lord two thousand twenty-one, and of the Independence of the United States of America the two hundred and forty-fifth.

JOSEPH R. BIDEN, JR.

Proclamation 10179 of April 13, 2021

Pan American Day and Pan American Week, 2021

By the President of the United States of America

A Proclamation

One hundred and thirty-one years ago, our hemisphere formed the International Union of American Republics—the oldest regional international organization in the world, and the precursor to the modern-day Organization of American States. On this Pan American Day and Pan American Week, we reaffirm the strength of our regional community, celebrate the democratic principles that unite us, and resolve to work together to overcome the common challenges before us.

So many of the greatest challenges facing us today are not confined to our respective national boundaries. The global COVID-19 crisis has laid bare persistent inequalities in our societies and structural weaknesses in our economies. Climate change poses an urgent national security threat that is hurting communities throughout the region today and jeopardizing future generations. We are witnessing a humanitarian crisis and mass displacement in Venezuela that is among the worst in history. Violence and endemic corruption, particularly in Central

America, are causing desperate people to uproot their lives and families in hopes of a better future elsewhere.

No nation can address today's challenges alone or hide from them behind walls. A secure, economically prosperous, and democratic hemisphere is overwhelmingly in the economic and national security interest of the United States and the entire Pan American region. Moreover, it is within our capacity to reach that future if we rally together and unite around principled and democratic leadership—anchored in the rule of law.

The people of our hemisphere want governments that are accountable to voters and deliver real benefits: good-paying jobs that allow hard-working people to provide for their families, education for their children, security in their communities, and a future where equal opportunity and fundamental human and political rights are guaranteed to all people.

This year, as we mark the 20th anniversary of the Inter-American Democratic Charter, each of our governments has an obligation to renew, promote, and defend that groundbreaking commitment we made—that all people who call the Americas home have a right to democracy. The Democratic Charter remains at the core of our hemispheric union, working through the Organization of American States, to advance a bold and determined vision of a region whose governments honor and respect democratic values, human rights, fundamental freedoms, and the inherent dignity of each individual. During this Pan American Day and Pan American Week, we celebrate our unity and cooperation—and resolve to work together to overcome the challenges ahead of us and build a better world.

NOW, THEREFORE, I, JOSEPH R. BIDEN JR., President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim April 14, 2021, as Pan American Day and April 11 through April 17, 2021, as Pan American Week. I urge the Governors of the 50 States, the Governor of the Commonwealth of Puerto Rico, and the officials of the other areas under the flag of the United States of America to honor these observances with appropriate ceremonies and activities.

IN WITNESS WHEREOF, I have hereunto set my hand this thirteenth day of April, in the year of our Lord two thousand twenty-one, and of the Independence of the United States of America the two hundred and forty-fifth.

JOSEPH R. BIDEN, JR.

Proclamation 10180 of April 13, 2021**160th Anniversary of the Unification of Italy and the
Establishment of United States-Italy Diplomatic
Relations**

By the President of the United States of America
A Proclamation

Today we commemorate over 160 years since the unification of Italy as a single state and the establishment of United States-Italy diplomatic relations. Our nations share a deep and enduring friendship, bolstered by the bonds of family and culture that tie our peoples together. It is a particularly meaningful relationship for the millions of proud Americans who trace their ancestry to Italy, including my wife Jill. On this anniversary, we celebrate the long-standing partnership we have with Italy, including our commitment in the post-World War II era to enhance our mutual prosperity and security and to advance our core democratic values, including human rights.

This is also a moment to reaffirm the willingness of the United States and Italy to meet the challenges of the future together. We are steadfast NATO Allies and anchors of the trans-Atlantic partnership. Italy is a leader in peacekeeping missions and security operations around the world. As we strive together to overcome new challenges, from defeating the COVID-19 pandemic and fueling an equitable global economic recovery to meeting the existential threat of climate change, the United States and Italy remain close friends and vital allies.

NOW, THEREFORE, I, JOSEPH R. BIDEN JR., President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim April 13 as a day to celebrate over 160 years since the unification of Italy and the establishment of United States-Italy diplomatic relations. I encourage all Americans to honor the enduring friendship between the people of Italy and the people of the United States.

IN WITNESS WHEREOF, I have hereunto set my hand this thirteenth day of April, in the year of our Lord two thousand twenty-one, and of the Independence of the United States of America the two hundred and forty-fifth.

JOSEPH R. BIDEN, JR.

Proclamation 10181 of April 16, 2021**Honoring the Victims of the Tragedy in Indianapolis,
Indiana**

By the President of the United States of America
A Proclamation

As a mark of respect for the victims of the senseless acts of violence perpetrated on April 15, 2021, in Indianapolis, Indiana, by the authority vested in me as President of the United States by the Constitution

and the laws of the United States of America, I hereby order that the flag of the United States shall be flown at half-staff at the White House and upon all public buildings and grounds, at all military posts and naval stations, and on all naval vessels of the Federal Government in the District of Columbia and throughout the United States and its Territories and possessions until sunset, April 20, 2021. I also direct that the flag shall be flown at half-staff for the same length of time at all United States embassies, legations, consular offices, and other facilities abroad, including all military facilities and naval vessels and stations.

IN WITNESS WHEREOF, I have hereunto set my hand this sixteenth day of April, in the year of our Lord two thousand twenty-one, and of the Independence of the United States of America the two hundred and forty-fifth.

JOSEPH R. BIDEN, JR.

Proclamation 10182 of April 16, 2021

National Crime Victims' Rights Week, 2021

By the President of the United States of America

A Proclamation

Millions of people in the United States are victims of crime every year. Some endure horrific acts of violence, some have personal possessions damaged or stolen, and others are defrauded or exploited financially. Whatever the crime, many victims lose something that can never be fully recovered: a sense of trust and safety. Yet we find inspiration and hope in their stories of triumph over adversity and resilience in the wake of tragedy. During this 40th National Crime Victims' Rights Week, we support crime victims throughout the United States and the many dedicated people who serve them.

The Biden-Harris Administration recognizes that true justice requires that victims get the support and assistance they need. Today, victims have access to quality services in their communities through the more than 7,000 local programs funded by the Federal Crime Victims Fund, as well as from other sources of Federal funding, including supplemental funding for victim services in the American Rescue Plan. In spite of this network of support, persistent barriers still prevent many victims from obtaining the support and services they need and the justice they deserve. Fewer than half of violent victimizations are reported to police, and research shows that even fewer reports of rapes or sexual assaults are brought to the attention of law enforcement. There are a variety of reasons why many victims of crime are less likely to report a crime, including fear of negative interactions with law enforcement or the criminal justice system, which disproportionately impacts victims from communities of color. Together, we must commit to the accountability and reform necessary to build trust, increase access to services, and improve public safety.

We must also listen to the voices of those who have experienced gun violence. Gun violence not only impacts its victims, but also their families, friends, colleagues, first responders, and local communities. These brave voices—along with the majority of gun-owners who sup-

port commonsense measures to keep our communities safe—are speaking up and speaking out for public policy that will put a stop to the violence. My Administration is committed to doing everything we can to end the epidemic of gun violence.

Supporting crime victims is part of a larger effort to advance equity and fairness in our society. The Office for Victims of Crime at the Department of Justice is investing in efforts to improve access to services and safety for victims and communities that have been historically marginalized and underserved, as well as support community initiatives to prevent violence. My Administration is taking action to address the surge in anti-Asian violence and harassment, including efforts to prevent hate crimes and build trust with law enforcement. My Administration is also working closely with Tribal governments to help victims in American Indian and Alaska Native communities, and supporting community-driven efforts to reach victims of hate crimes.

Every crime victim deserves justice and the assurance that their safety, wellbeing, and welfare will be protected. We must work together to prevent crimes and ensure that all victims have a place to turn, and the support they need to recover.

NOW, THEREFORE, I, JOSEPH R. BIDEN JR., President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim April 18 through April 24, 2021, as National Crime Victims' Rights Week. I call upon all Americans to observe this week by participating in events that raise awareness of victims' rights and services and by volunteering to serve victims in need.

IN WITNESS WHEREOF, I have hereunto set my hand this sixteenth day of April, in the year of our Lord two thousand twenty-one, and of the Independence of the United States of America the two hundred and forty-fifth.

JOSEPH R. BIDEN, JR.

Proclamation 10183 of April 16, 2021

National Volunteer Week, 2021

By the President of the United States of America

A Proclamation

We are living in a moment that calls for hope and light and love. Hope for our futures, light to see our way forward, and love for one another. Volunteers provide all three. Service—the act of looking out for one another—is part of who we are as a Nation. Our commitment to service reflects our understanding that we can best meet our challenges when we join together. This week, we recognize the enduring contributions of our Nation's volunteers and encourage more Americans to join their ranks.

The tremendous power of volunteers and volunteerism has been on dramatic display in our response to the COVID-19 pandemic. All across the country, retired doctors and nurses, students and veterans, personnel from across the Federal Government, and countless others

have given their time and talent to administer vaccines, staff vaccination centers, boost testing, tracing, and other life-saving public health measures, and provide food, water, and other necessities to those at heightened risk so they can remain safely at home.

Volunteers of all ages and walks of life have stepped forward in other ways to meet this moment. When a severe winter storm left millions without power in Texas and wildfires ravaged our Western States, neighbors from near and far provided food, shelter, and support. Throughout this unprecedented year, people across America have given help and hope by checking on isolated seniors, helping the jobless, and tutoring students to help them stay on track in school. Their compassion reminds us that even in our darkest hours, Americans look out for one another.

To meet the unprecedented challenges of today and build back better for tomorrow, we must unite around a renewed commitment to service and to civic duty. As we work to defeat the pandemic, strengthen our economy, address racial inequity, and tackle the climate crisis, we need more Americans to get involved. Government cannot do the job alone, but government—working together with nonprofits and community organizations, the private sector, and the American people—can make our country stronger, more prosperous, and ready for the future.

When more Americans step forward to serve, it renews our sense of community and strengthens our democracy. Acts of service unite people from different backgrounds and allow us to truly see and hear one another.

By helping others, volunteers also help themselves. They learn new skills, expand their professional networks, connect with neighbors, and experience the satisfaction that comes from serving a larger cause. Service can provide a pathway to employment, education, and other career-building opportunities. As we reopen our economy and build back better, volunteerism can help the unemployed find work and make our communities more resilient and prepared.

The Biden-Harris Administration is committed to expanding service opportunities for Americans, including opportunities that enable us to confront the toughest challenges faced by our Nation. The American Rescue Plan includes a historic investment in AmeriCorps to make national service more accessible. We seek to enable more service members and volunteers to support vaccination efforts, tackle the growing hunger crisis, address learning loss, and meet other critical community needs.

During National Volunteer Week, we celebrate the millions of Americans who volunteer and encourage more to follow their path. Every American has something to give. No matter your age, background, or where you come from, you can have an impact through service. Vice President Harris and I salute every American who takes time to help their neighbors, and we applaud the extraordinary faith-based, non-profit, national service, military service, and community organizations that make this service possible.

NOW, THEREFORE, I, JOSEPH R. BIDEN JR., President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim April 18 through April 24, 2021, as National Volunteer Week. I call upon all

Americans to observe this week by volunteering in service projects across the country and pledging to make service a part of their daily lives.

IN WITNESS WHEREOF, I have hereunto set my hand this sixteenth day of April, in the year of our Lord two thousand twenty-one, and of the Independence of the United States of America the two hundred and forty-fifth.

JOSEPH R. BIDEN, JR.

Proclamation 10184 of April 17, 2021

National Park Week, 2021

By the President of the United States of America
A Proclamation

The renowned environmentalist and author, Rachel Carson, wrote in her seminal book *Silent Spring* that, “Those who contemplate the beauty of the earth find reserves of strength that will endure as long as life lasts. There is something healing in the repeated refrains of nature—the assurance that dawn comes after night, and spring after winter.” Nowhere is the truth of her observation more evident than in America’s national parks, which are irreplaceable treasures that amaze us, inspire us, fill us with pride, and belong to all of us in equal measure.

Even while maintaining social distancing and wearing masks to protect themselves and one another, 237 million people visited our national parks last year to enjoy these singular wonders of our Nation. Every visit leaves an indelible impression—due not only to the natural splendor of each park, but to the dedicated stewardship of the Department of the Interior and National Park Service.

I will never forget one of my own such visits, which has long shaped my personal reverence for our national parks. In 1972, after my wife and daughter were killed in a car accident, my two young sons, Beau and Hunter, were hospitalized for an extended period. As they recovered, they became enamored of the idea of visiting Yellowstone—thanks in large part to a favorite TV show, *Yogi Bear*, which was set in a fictionalized version of America’s first national park. In the summer of 1974, my boys and I flew into Salt Lake City, rented a camper, drove up through Dinosaur National Park and arrived for a week at Yellowstone. Our time there nourished us, filled us with awe, and restored in all of us a sense of the future that had been quieted by our loss. As I saw my sons reengage with the world after enduring so much pain, and felt our family begin to heal, I came to understand the truth of Rachel Carson’s words—the power and promise of these extraordinary places to replenish something within us.

That power touches every American lucky enough to visit our national parks in some way, and it is our responsibility to ensure that our national parks reflect, honor, and serve all of our people and every community. Recent additions to the National Park System, such as the Medgar and Myrlie Evers Home National Monument, the Reconstruction Era National Historical Park, the Stonewall National Monument, and the César Chávez National Monument at the Chávez Residence in

Delano, California—along with programs such as the African American Civil Rights Network, Underground Railroad Network to Freedom, and Tribal Heritage grants—reflect our commitment for our parks to serve as sources of support, validation, healing, and connection for people of color, Indigenous people, and others who have been historically marginalized and neglected. Our work to bring true equity to our parks is not yet done. The National Park System must continue to evolve to better reflect all of the people of our Nation, and to work in partnership with Tribal Nations whose historic and sacred lands often fall within the boundaries of National Parks and Monuments that have been dedicated through the years.

During National Park Week, let us dedicate ourselves to greater improvement, enjoyment, and preservation of our natural treasures, and to continue to find inspiration, strength, and all else we seek within them.

NOW, THEREFORE, I, JOSEPH R. BIDEN JR., President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim April 17 through April 25, 2021, as National Park Week. I encourage all Americans to find their park, recreate responsibly, and enjoy the benefits that come from spending time in the natural world. I also ask all park visitors to do their part to stop the spread of the coronavirus by wearing masks and practicing social distancing.

IN WITNESS WHEREOF, I have hereunto set my hand this seventeenth day of April, in the year of our Lord two thousand twenty-one, and of the Independence of the United States of America the two hundred and forty-fifth.

JOSEPH R. BIDEN, JR.

Proclamation 10185 of April 20, 2021

Death of Walter Mondale

By the President of the United States of America

A Proclamation

Today, our Nation mourns the loss of one of our Nation's most dedicated patriots and public servants. Walter Frederick "Fritz" Mondale served the people of Minnesota as their Attorney General from 1960–1964, as a United States Senator from 1964–1976, as Vice President of the United States from 1977–1981, and as the United States Ambassador to Japan from 1993–1996.

As Minnesota's Attorney General, he drew national attention in a landmark case before the U.S. Supreme Court that established that indigent criminal defendants have the right to legal counsel.

As a Senator, he was instrumental in the passage of The Fair Housing Act to combat racial discrimination in housing, Title IX to provide more opportunities for women, and numerous laws to protect our environment.

Walter Mondale defined the modern vice presidency, elevating the position into a true partnership with the President. As Vice President, he

helped lay the groundwork for the 1978 peace treaty between Egypt and Israel, the Panama Canal Treaty, and nuclear arms negotiations with the Soviet Union.

As the 1984 Democratic nominee for President, he made history when he became the first Presidential nominee of either party to select a woman as his running mate.

In continuing his service as the United States Ambassador to Japan, he became the voice and face of America to that important ally.

For nearly 60 years he had a remarkable partnership with his wife Joan, a devoted advocate for the arts, who passed away in 2014. We mourned when he lost his daughter Eleanor in 2011 and today our Nation's sympathies lie with his sons Ted and William and his six grandchildren.

On a wall at the Carter Center in Atlanta, Georgia, there is a quote from Walter Mondale. It reads, "We told the truth. We obeyed the law. We kept the peace." Walter Mondale did all that and more.

As a mark of respect for Walter Mondale and his life of service to our Nation, I hereby order, by the authority vested in me by the Constitution and laws of the United States of America, including section 7 of title 4, United States Code, that the flag of the United States shall be flown at half-staff at the White House and on all public buildings and grounds, at all military posts and naval stations, and on all naval vessels of the Federal Government in the District of Columbia and throughout the United States and its Territories and possessions until sunset, on the day of interment. I also direct that the flag shall be flown at half-staff for the same period at all United States embassies, legations, consular offices, and other facilities abroad, including all military facilities and naval vessels and stations.

IN WITNESS WHEREOF, I have hereunto set my hand this twentieth day of April, in the year of our Lord two thousand twenty-one, and of the Independence of the United States of America the two hundred and forty-fifth.

JOSEPH R. BIDEN, JR.

Proclamation 10186 of April 22, 2021

Earth Day, 2021

*By the President of the United States of America
A Proclamation*

On April 22, 1970, millions of Americans rallied together to protect the right of all of us to live free from environmental hazard and harm. On that first Earth Day, they gathered all across America—on college campuses, in public parks, and State capitals—galvanized by a vision of a healthier, more prosperous Nation where all people could thrive. Their untiring spirit sparked a national movement for environmental protection that endures today in the bedrock laws that protect the air we breathe, the water we drink, and treasured wild places and wildlife.

Earth Day was primarily conceived and brought to life by a dedicated public servant: the late Senator Gaylord Nelson of Wisconsin. Senator Nelson and his wife, Carrie Lee—who herself passed away just last month—were both dear friends who changed my life; it was Senator Nelson who helped persuade me to remain in the Senate after losing my first wife and daughter in a car accident in 1972. Senator Nelson changed the world, too, by building a legacy of environmental protection through Earth Day and all of the progress that has come in its wake—not because it was popular, but because it was the right thing to do for our children and grandchildren.

Over half a century later, that legacy lives on in the chorus of courageous young people across the world who are rising up to demand action on climate change. They recognize the enormous economic opportunity to build a brighter, more prosperous future, and the dire economic, societal, and national security consequences of failing to act. Our youth remind us that a better world is within our grasp. Today, I say to young people fighting for a brighter future: We hear you. We see you. We will not let you down.

In recent years, climate change has upended the lives of millions of Americans. Record cold weather knocked out the electric grid in Texas this winter, killing at least 111 people and disrupting the lives and livelihoods of millions more. Wildfires tore through more than 5 million acres across the American West—an area roughly the size of the entire State of New Jersey burned to the ground. Last year, back-to-back hurricanes and powerful tropical storms battered the Gulf and East Coasts in the worst Atlantic hurricane season in recorded history. Record floods, hurricane-speed windstorms, and severe droughts devastated families and communities across the Midwest. People have lost homes and irreplaceable memories of their loved ones, small businesses built from years of tireless labor and sacrifice, farmland meant to be passed on to the next generation, and so much more.

At the same time, Black, Latino, Indigenous, and other communities of color continue to be hit hardest by the impacts of climate change. They bear the highest burden of pollution, face higher rates of heart and lung disease, are least likely to have safe drinking water in their homes, and suffer increased risk of death from COVID-19. These communities have also frequently been shut out of government decisions that directly bear on their interests. We have an obligation to correct these historic wrongs and to build a future where all people have clean air to breathe, clean water to drink, healthy communities in which they can live, work, and learn, and a meaningful voice in their future.

That is why my Administration is advancing the most ambitious climate agenda in our Nation's history. Our clean energy plan will create millions of good-paying union jobs, ensure our economic competitiveness, and improve the health and security of communities across America. By making those investments and putting millions of Americans to work, the United States will be able to cut our greenhouse gas emissions in half by 2030.

Our success in confronting the climate crisis will not be ours alone. It will be shaped, bolstered, and ultimately won by a united pledge from global leaders to set the world on a path to a clean energy future. Today, on the fifth anniversary of the United States ratifying the Paris

Agreement, we have brought nations from across the world together to meet the moment and raise our climate ambitions.

More than 50 years ago, a generation rallied to confront the environmental crises they faced. They took action in hopes that those in power would listen. Today, a new generation is sounding the alarm louder than ever, demanding that world leaders act. It is in all our interests to rise to that challenge and let our legacy be one of action.

NOW, THEREFORE, I, JOSEPH R. BIDEN JR., President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim April 22, 2021, as Earth Day. I encourage all Americans to engage in programs and activities that will promote an understanding of environmental protection, the urgency of climate change, and the need to create a healthier, safer, more equitable future for all people.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-second day of April, in the year of our Lord two thousand twenty-one, and of the Independence of the United States of America the two hundred and forty-fifth.

JOSEPH R. BIDEN, JR.

Proclamation 10187 of April 23, 2021

World Intellectual Property Day, 2021

*By the President of the United States of America
A Proclamation*

This year, on World Intellectual Property Day, we celebrate the innovators and creators who enrich our lives and create the products, services, companies, and industries of tomorrow. We especially recognize the power of intellectual property protection in allowing our small businesses to compete, thrive, and play their important role as the heart and soul of our communities and the engines of our economic progress.

Small businesses are critical to our success as a Nation. They make up 90 percent of businesses in the United States, employ nearly half of America's private sector workers, and create two-thirds of new jobs, and bring opportunity to every corner of our Nation. Inventions born in the garages of small towns can have just as much impact as those developed in high-tech labs. This year's World Intellectual Property Day highlights the critical role these small businesses play in our society and the ways intellectual property can help support their continued growth and resilience.

Every small business starts with one person's or one family's dream. When that dream is coupled with grit and determination, ideas turn into products, brands, and creative works. Pair those ideas with the strength of our intellectual property system and you have the foundation necessary for new business opportunities, increased employment, and greater economic prosperity.

The various types of intellectual property—trademarks, copyrights, patents, and trade secrets—help to ensure that small businesses will be

compensated for, and be able to prosper from their creations and their customer service. Without these protections, a small business's success could easily prove to be its undoing, as unscrupulous competitors could seek to copy, steal, and unduly profit from the small business's ideas and its hard-earned customer goodwill.

We must also recognize the important role science and technology play in safeguarding our intellectual property. Investing in and strengthening our digital infrastructure promotes innovation that helps small businesses and protects the rights of our citizens.

This year marks the 75th anniversary of the signing of the Lanham Act, which is this Nation's fundamental trademark law. Trademark protection enables small businesses to benefit from the investments that they make to establish brand awareness and brand loyalty. In addition, trademarks help to protect consumers from counterfeits and other deceitful practices that defraud them and endanger their health and safety.

When the pandemic hit, singers, songwriters, and artists from all across America used their talents to lift us up, and to inspire us to support one another in these difficult times. Copyright protection rewards them for their creativity and allows them to continue to create.

We are proud to be a Nation of inventors and my Administration is committed to bolstering American industrial and innovative strength so we can continue to lead in making the cutting-edge products and services of tomorrow. My Administration is also committed to giving everyone, no matter where they are from, a chance to succeed and to contribute to creating the strongest, most resilient, innovative economy in the world.

NOW, THEREFORE, I, JOSEPH R. BIDEN JR., President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim April 26, 2021, as World Intellectual Property Day. I call upon all Americans to observe this day by supporting their neighborhood small businesses and celebrating the creativity, hard work, and passion that lies behind each one of them.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-third day of April, in the year of our Lord two thousand twenty-one, and of the Independence of the United States of America the two hundred and forty-fifth.

JOSEPH R. BIDEN, JR.

Proclamation 10188 of April 27, 2021

Workers Memorial Day, 2021

*By the President of the United States of America
A Proclamation*

America's workers are the backbone of our economy. In every State, territory, and Tribal land, they leave their homes and families and head to work—applying their grit and skill to create, serve, and service all those things that make our world turn. Even during our Nation's

most difficult periods, American workers have always persevered, ensuring that our communities remain resilient and that our Nation stands ready to confront the unforeseen challenges of each new generation. Though workers make tremendous sacrifices—especially essential workers who selflessly serve their communities during times of crisis—none of them should have to risk injury, illness, or death in order to provide for themselves and their families. Tragically, thousands of workers are killed and millions more are hurt or fall ill every year in the workplace—incidents that are often preventable. On the 50th anniversary of the Occupational Safety and Health Act of 1970, we reflect on the workers who have tragically lost their lives or have been harmed in the workplace, and we reaffirm our commitment to ensuring that every American worker has a safe and healthy work environment.

Over the past century, labor unions have fought hard—very often successfully—to draw attention to unsafe workplace environments and organize for safer work conditions and protections from the Federal Government. In 1935, the National Labor Relations Act codified private-sector workers’ right to organize, collectively bargain, and strike. Decades later, the passage of the Federal Coal Mine Health and Safety Act in 1969 and the Occupational Safety and Health Act in 1970 enshrined a promise that the wanton indifference to workers’ lives—the days of the Triangle Shirtwaist Factory fire and the Farmington Mine explosion—would no longer be tolerated. Establishing and enforcing Federal workplace safety and health standards has undoubtedly saved lives.

Despite the progress we have made cementing workplace protections into law, many workers still fear retaliation and retribution from management when they are asked to perform unsafe tasks or work in unsanitary conditions. This fear forces many workers to remain silent, putting their lives and the lives of their colleagues at risk. Alone, a single worker is often at the mercy of their boss, with little chance of rectifying an unsafe working environment created by employers who cut corners in the name of profit. United, and protected by law from intimidation and coercion from their employers, workers can collectively demand improved working conditions.

In an economic system that puts too much power in the hands of wealthy corporations and Wall Street, unions give workers a way to band together, wield their full power, and stand on equal footing with management. Unions not only protect the physical wellbeing of workers, but they also protect their financial security; they protect workers’ equity, too, helping ensure that workplaces are free from harassment and discrimination. Over the past half century, we have seen the percentage of American workers represented by unions decline dramatically. It is no surprise that during this same period, the average incomes of the bottom 90 percent of households in America have only risen by about 1 percent. The decades-long assault we’ve seen on union organizing is a direct assault on the health and incomes of American workers.

My Administration is committed to protecting the lives, rights, and livelihoods of workers and reducing workplace accidents, injuries, and fatalities. That is why I strongly encourage the Congress to pass the Protecting the Right to Organize (PRO) Act of 2021—and why I included the PRO Act as part of my American Jobs Plan. The decision to form a union should belong to workers alone—free from coercion, interference, or intimidation—and this important legislation would em-

power workers to exercise their right to organize, hold management accountable for violating the rights of their workers, and promote union elections that are free from interference from employers.

It is clear that we have not completely fulfilled our obligation to protect our Nation's workers. We must always remain vigilant against the notion that worker endangerment is simply a necessary cost of doing business. And we must always protect the right of workers to unite and bargain for their own mutual aid or protection.

Today, we mourn each treasured life taken away on the job. Those stricken by disease and fatal injuries as they keep America running deserve a dedicated day of grateful prayer and remembrance from the living. Workers Memorial Day impels us to work for a future where no one should have to risk their life for a paycheck. When our Nation fully recovers from the challenges we face today, it will be in large part because of the sacrifice and perseverance of our workers. We commit to holding close their memory and investing in the health and safety of the colleagues they have left behind.

NOW, THEREFORE, I, JOSEPH R. BIDEN JR., President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim April 28, 2021, as Workers Memorial Day. I call upon all Americans to observe this day with appropriate service, community, and education programs and ceremonies in memory of those killed or injured due to unsafe working conditions.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-seventh day of April, in the year of our Lord two thousand twenty-one, and of the Independence of the United States of America the two hundred and forty-fifth.

JOSEPH R. BIDEN, JR.

Proclamation 10189 of April 30, 2021

**Asian American and Native Hawaiian/Pacific Islander
Heritage Month, 2021**

By the President of the United States of America

A Proclamation

This May, during Asian American and Native Hawaiian/Pacific Islander Heritage Month, we recognize the history and achievements of Asian Americans, Native Hawaiians, and Pacific Islanders (AANHPIs) across our Nation. In the midst of a difficult year of pain and fear, we reflect on the tradition of leadership, resilience, and courage shown by AANHPI communities, and recommit to the struggle for AANHPI equity.

Asian Americans, and Native Hawaiians, and Pacific Islanders make our Nation more vibrant through diversity of cultures, languages, and religions. There is no single story of the AANHPI experience, but rather a diversity of contributions that enrich America's culture and society and strengthen the United States' role as a global leader. The American story as we know it would be impossible without the strength, con-

tributions, and legacies of AANHPIs who have helped build and unite this country in each successive generation. From laying railroad tracks, tilling fields, and starting businesses, to caring for our loved ones and honorably serving our Nation in uniform, AANHPI communities are deeply rooted in the history of the United States.

We also celebrate and honor the invaluable contributions the AANHPI communities have made to our Nation's culture and the arts, law, science and technology, sports and public service—including the courageous AANHPIs who have served on the front lines of the COVID-19 pandemic as health care providers, first responders, teachers, and other essential workers.

During this year's Asian American and Native Hawaiian/Pacific Islander Heritage Month, our Nation celebrates the achievements of Vice President Harris, the first person of South Asian descent to hold the Office of the Vice President. Vice President Harris has blazed a trail and set an example for young people across the country to aspire to follow, including members of AANHPI communities and AANHPI women in particular.

In spite of the strength shown and successes achieved, the American dream remains out of reach for far too many AANHPI families. AANHPI communities face systemic barriers to economic justice, health equity, educational attainment, and personal safety. These challenges are compounded by stark gaps in Federal data, which too often fails to reflect the diversity of AANHPI communities and the particular barriers that Native Hawaiian, Pacific Islander, Southeast Asian, and South Asian communities in the United States continue to face.

My Administration also recognizes the heightened fear felt by many Asian American communities in the wake of increasing rates of anti-Asian harassment and violence during the COVID-19 pandemic, and the increasingly observable layers of hate now directed toward women and elders of Asian descent in particular. Our Nation continues to grieve the senseless killings of six women of Asian descent in Atlanta, and the unconscionable acts of violence victimizing our beloved Asian American seniors in cities across the country.

Acts of anti-Asian bias are wrong, they are un-American, and they must stop. My Administration will continue to stand shoulder to shoulder with AANHPI communities in condemning, denouncing, and preventing these acts of violence. We will continue to look for opportunities to heal together and fight against the racism and xenophobia that still exists in this country.

Present-day inequities faced by AANHPI communities are rooted in our Nation's history of exclusion, discrimination, racism, and xenophobia against Asian Americans. Asian Americans, Native Hawaiians, and Pacific Islanders have endured a long history of injustice—including the Page Act of 1875, the Chinese Exclusion Act of 1882, the incarceration of Japanese American citizens during World War II, the murder of Vincent Chin, the mass shooting of Southeast Asian refugee children in 1989, and the targeting of South Asian Americans, especially those who are Muslim, Hindu, or Sikh, after the national tragedy of 9/11. It is long past time for Federal leadership to advance inclusion, belonging, and acceptance for all AANHPI communities. My Administration is committed to a whole-of-government effort to advance equity,

root out racial injustices in our Federal institutions, and finally deliver the promise of America for all Americans.

Vice President Harris and I affirm that Asian Americans, Native Hawaiians, and Pacific Islanders make our Nation stronger. I urge my fellow Americans to join us this month in celebrating AANHPI history, people, and cultures.

NOW, THEREFORE, I, JOSEPH R. BIDEN JR., President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim May 2021 as Asian American and Native Hawaiian/Pacific Islander Heritage Month. I call upon the people of the United States to learn more about the history of Asian Americans, Native Hawaiians, and Pacific Islanders, and to observe this month with appropriate programs and activities.

IN WITNESS WHEREOF, I have hereunto set my hand this thirtieth day of April, in the year of our Lord two thousand twenty-one, and of the Independence of the United States of America the two hundred and forty-fifth.

JOSEPH R. BIDEN, JR.

Proclamation 10190 of April 30, 2021

Jewish American Heritage Month, 2021

By the President of the United States of America

A Proclamation

The Jewish American experience is a story of faith, fortitude, and progress. It is a quintessential American experience—one that is connected to key tenets of American identity, including our Nation's commitment to freedom of religion and conscience. This month, we honor Jewish Americans—past and present—who have inextricably woven their experience and their accomplishments into the fabric of our national identity.

Generations of Jewish people have come to this Nation fleeing oppression, discrimination, and persecution in search of a better life for themselves and their children. These Jewish Americans have created lives for themselves and their families and played indispensable roles in our Nation's civic and community life, making invaluable contributions to our Nation through their leadership and achievements.

And this year, we also recognize two historic firsts, as America saw the Vice President take the oath of office alongside her Jewish spouse, and a Jewish American became the first Majority Leader of the United States Senate and the highest-ranking Jewish American elected official in our Nation's history.

Alongside this narrative of achievement and opportunity, there is also a history—far older than the Nation itself—of racism, bigotry, and other forms of injustice. This includes the scourge of anti-Semitism. In recent years, Jewish Americans have increasingly been the target of white nationalism and the antisemitic violence it fuels.

As our Nation strives to heal these wounds and overcome these challenges, let us acknowledge and celebrate the crucial contributions that Jewish Americans have made to our collective struggle for a more just and fair society; leading movements for social justice, working to ensure that the opportunities they have secured are extended to others, and heeding the words of the Torah, “Justice, justice shall you pursue.”

A central concept in Judaism, “l’dor v’dor”, or “from generation to generation,” recognizes both the continuity of the Jewish people and the intergenerational responsibility we have to heal the world for our children. During Jewish American Heritage Month, we honor Jewish Americans, who, inspired by Jewish values and American ideals, have engaged in the ongoing work of forming a more perfect union.

NOW, THEREFORE, I, JOSEPH R. BIDEN JR., President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim May 2021 as Jewish American Heritage Month. I call upon all Americans to visit www.JewishHeritageMonth.gov to learn more about the heritage and contributions of Jewish Americans and to observe this month with appropriate programs, activities, and ceremonies.

IN WITNESS WHEREOF, I have hereunto set my hand this thirtieth day of April, in the year two thousand twenty-one, and of the Independence of the United States of America the two hundred and forty-fifth.

JOSEPH R. BIDEN, JR.

Proclamation 10191 of April 30, 2021

National Building Safety Month, 2021

By the President of the United States of America

A Proclamation

Throughout this past year, we have come to appreciate the contributions and complexity of our building and built environment. During the COVID-19 pandemic, many people saw their homes become more than a place of dwelling, evolving into a comprehensive space for education, work, childcare, and entertainment. During National Building Safety Month, we recognize the importance of strengthening our buildings and infrastructure to serve the needs and ensure the safety of every American. We also honor the building safety professionals dedicated to creating safe, sustainable, and resilient communities.

We also recognize that now is the time to repair and modernize our buildings and infrastructure, not only to meet the needs of today, but to address the challenges of tomorrow, especially the existential threat of climate change. The unrelenting impact of climate change affects every one of us, but too often the brunt falls disproportionately on vulnerable communities—especially low-income communities and people of color—who are facing new and worsening natural hazards like hurricanes, floods, extreme heat, and wildfires due to climate change. These communities are less likely to have the means to prepare for and recover from these hazards, which have increased in frequency, duration,

and intensity. The buildings where we live and work provide an important line of defense against these growing hazards. Investing in our infrastructure and adopting and implementing modern building codes are the most effective mitigation measures communities can undertake.

This is why I have issued several Executive Orders related to buildings and resiliency as part of a Government-wide approach to the climate emergency. My Administration has also put the climate crisis at the center of U.S. foreign and national security policy, and established the White House Office of Domestic Climate Policy and the National Climate Task Force. We are committed to creating climate-friendly and environmentally conscious communities that not only protect the people who live and work in them, but also will boost our economy in the long-term.

In order for us to safeguard the health, safety, and economic future of our Nation's people, we must also invest in our infrastructure more broadly. From upgrading homes in disadvantaged communities, to modernizing our Nation's schools, to replacing lead water pipes, to securing affordable, high-speed broadband, the American Jobs Plan is an investment for all Americans. It will create millions of good jobs, rebuild our crumbling infrastructure, and promote access to opportunity for all.

To support these efforts, my Administration is also calling for broad input and collaboration from all levels of government and our partners in the non-profit and private sectors. We must all share the responsibility for ensuring that our communities are safe and resilient against the growing threat of climate change. In America and around the globe, initiatives such as the Global Resiliency Dialogue aim to increase building and climate-based science into the solution. This important work is underway, but we recognize that there is much more to do.

NOW, THEREFORE, I, JOSEPH R. BIDEN JR., President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim May 2021 as National Building Safety Month. I encourage citizens, government agencies, businesses, nonprofits, and other interested groups to join in activities that raise awareness about building safety. I also call on all Americans to learn more about how they can contribute to building safety at home and in their communities.

IN WITNESS WHEREOF, I have hereunto set my hand this thirtieth day of April, in the year of our Lord two thousand twenty-one, and of the Independence of the United States of America the two hundred and forty-fifth.

JOSEPH R. BIDEN, JR.

Proclamation 10192 of April 30, 2021**National Foster Care Month, 2021**

By the President of the United States of America

A Proclamation

Every child deserves to grow up in a supportive, loving home where they can thrive and prosper. During those unfortunate times when children cannot remain safely in their own homes, the individuals and families who open their hearts and homes to foster children provide a vital service to their communities. During this National Foster Care Month, we share our gratitude for those who support youth and families by being a resource to children in need and supporting birth parents so that they may safely reunite with their families whenever possible. We also recognize that it takes collaboration and community effort—from local organizations to Federal agencies—to support children, birth parents, and resource and kin families during challenging times.

Young people in foster care have been particularly impacted by the COVID-19 pandemic. They are navigating circumstances that are already tough, and those challenges are compounded by a public health crisis that made housing, employment and educational opportunities even harder to access.

To support the immediate needs of youth in foster care, my Administration is implementing Federal programs authorized by the Supporting Foster Youth and Families through the Pandemic Act. This law provides additional flexibility and support for youth aging out of foster care, and allows them to access critical services to help them stay in school or participate in a job training program, pay the bills, and better make the difficult transition to adulthood. We have an expression in the Biden family, “If you have to ask for help, it’s too late.” As a Nation, we can proactively help children by advancing a holistic approach to child and family well-being across the country—before it’s too late.

As we work to address immediate needs, we must be clear about long-standing challenges in child welfare and commit to advancing child and family well-being in every way we can. Our children, birth parents, and resource and kin families deserve nothing less. So this National Foster Care Month, we also recognize the histories of injustice in our Nation’s foster care system. Throughout our history and persisting today, too many communities of color, especially Black and Native American communities, have been treated unequally and often unfairly by the child welfare system. Black and Native American children are far more likely than white children to be removed from their homes, even when the circumstances surrounding the removal are similar. Once removed, Black and Native American children stay in care longer and are less likely to either reunite with their birth parents or be adopted. Too many children are removed from loving homes because poverty is often conflated with neglect, and the enduring effects of systemic racism and economic barriers mean that families of color are disproportionately affected by this as well. Children with disabilities are over-represented among youth in care and may be inappropriately placed in group settings instead of provided the individualized support they need. Children in foster care—particularly youth of color

and LGBTQ+ children who are already subject to disproportionate rates of school discipline and criminalization—are also at an increased risk of becoming involved in the juvenile justice system. And for LGBTQ+ foster youth, foster care systems are not always equipped to safely meet their needs.

My Administration is committed to addressing these entrenched problems in our Nation's child welfare system, advancing equity and racial justice for every child and family who is touched by the foster care and child welfare system, and focusing on policies that improve child and family well-being. This is why my Administration's discretionary funding request for 2022 includes \$100 million in competitive grants for State and local child welfare systems to advance racial equity and prevent unnecessary child removals.

National Foster Care Month is an opportunity for us to celebrate the resource and kin families who are supporting children by opening their homes and sharing their love. Crucially, it is also an opportunity to celebrate foster youth and all of their accomplishments, and to celebrate and encourage the many biological parents who are working hard to safely reunite with their children. And it provides an opportunity for us to fulfill our responsibility as a Nation to take care of each other and provide our vulnerable youth and families with the support they need.

NOW, THEREFORE, I, JOSEPH R. BIDEN JR., President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim May 2021 as National Foster Care Month. I call upon all Americans to observe this month by reaching out in their neighborhoods and communities to the children and youth in foster care and their families, those at risk of entering foster care, and resource and kin families and other caregivers.

IN WITNESS WHEREOF, I have hereunto set my hand this thirtieth day of April, in the year of our Lord two thousand twenty-one, and of the Independence of the United States of America the two hundred and forty-fifth.

JOSEPH R. BIDEN, JR.

Proclamation 10193 of April 30, 2021

National Mental Health Awareness Month, 2021

By the President of the United States of America

A Proclamation

Mental health is essential to our overall health, and the importance of attending to mental health has become even more pronounced during the COVID-19 pandemic, which has not only negatively impacted many people's mental health but has also created barriers to treatment.

Millions of adults and children across America experience mental health conditions, including anxiety, depression, schizophrenia, bipolar disorder, and post-traumatic stress disorder. Nearly one in five Americans lives with a mental health condition. Those living with

mental health conditions are our family, friends, classmates, neighbors, and coworkers. Before the Affordable Care Act, insurance companies could discriminate against people based on pre-existing conditions, including mental health conditions, and mental health and substance use services were not covered by insurance. Still discrimination against those with mental health conditions in our society remains, and can make it difficult to find and reach out for help. While our Nation has made progress in promoting mental health services, many communities face pervasive barriers in accessing mental health care.

The COVID-19 pandemic and the resulting economic crisis has impacted the mental health of millions of Americans. Isolation, sickness, grief, job loss, food instability, and loss of routines has increased the need for mental health services. At the same time, the need to protect people from COVID-19 has made it more challenging for people to access mental health services, and harder for providers to deliver this care.

Even before COVID-19, the prevalence of mental health conditions in our Nation was on the rise. In 2019, nearly 52 million adults experienced some form of mental illness. Recent data from the Centers for Disease Control and Prevention indicates that one in four adults reported experiencing symptoms of an anxiety or depressive disorder in February 2021—a significant increase from the prior year. Youth mental health is also worsening, with nearly 10 percent of America's youth reporting severe depression. We must treat this as the public health crisis that it is and reverse this trend.

Too many people with mental health needs feel they have nowhere to turn. Suicide is the tenth leading cause of death in the United States and the second leading cause of death for our Nation's youth today. Suicide rates are disproportionately high among Black youth, and LGBTQI+ persons are at disproportionate risk of death by suicide as well as suicidal ideation, planning, and attempts. My Administration is committed to advancing suicide prevention best practices and improving non-punitive crisis response. Even as we build and enhance existing systems for prevention and response within communities, immediate assistance is available for those in need of help by calling the National Suicide Prevention Lifeline at 1-800-273-TALK or by calling 1-800-662-HELP.

My Administration is committed to ensuring that people living with mental health conditions are treated with compassion, respect, and understanding. We must also address the disparities that underserved communities, especially communities of color, face and work to ensure that everyone has access to affordable, quality, and evidence-based mental health care.

As President, I know that we can and must address these critical issues, especially for those who have shouldered the burden of standing on the front lines in responding to the pandemic. That is why the American Rescue Plan includes substantial investments to promote mental health among the health care workforce. We are also building on the progress made through the 21st Century Cures Act by integrating mental health and addiction treatment into primary care settings, schools, and homes.

My Administration is focused on building an improved, expanded system of care for the mental health needs of adults and children. This

will require an increase in the number of mental health professionals. Building on a program in the American Rescue Plan, I have requested \$1 billion in funding to expand the number of school-based mental health professionals, including school psychologists and counselors to address the mental health needs of students. The American Rescue Plan also delivered \$3 billion for substance use and mental health care block grants. These funds also ensure that States provide pathways to prevention, intervention, treatment, and recovery services—especially for underserved communities. The American Rescue Plan also included \$420 million in funding to support Certified Community Behavioral Health Clinics to expand access to high-quality, evidence-based behavioral health services. Certified Community Behavioral Health Clinics are also committed to involving peers and families, who are essential to mental health recovery.

My Administration is committed to ensuring that everyone knows that they are not alone, that help exists, and that we will provide the mental health support needed to heal, recover, and thrive.

NOW, THEREFORE, I, JOSEPH R. BIDEN JR., President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim May 2021 as National Mental Health Awareness Month. I call upon citizens, government agencies, organizations, healthcare providers, and research institutions to raise mental health awareness and continue helping Americans live longer, healthier lives.

IN WITNESS WHEREOF, I have hereunto set my hand this thirtieth day of April, in the year of our Lord two thousand twenty-one, and of the Independence of the United States of America the two hundred and forty-fifth.

JOSEPH R. BIDEN, JR.

Proclamation 10194 of April 30, 2021

National Physical Fitness and Sports Month, 2021

By the President of the United States of America

A Proclamation

Despite the unprecedented challenges and disruptions of the past year, we continue to see examples of Americans finding innovative ways to stay active and healthy. Some have moved their workouts into their living rooms or garages. Others have taken up new sports. Many have simply rediscovered the satisfaction of a walk through their neighborhood. Despite this creativity, far too many people struggle to incorporate regular physical activity into their daily lives. Socioeconomic disparities, lack of opportunities for safe play, and limited access to programs for increased activity are just a few of the inequities that many Americans face—inequities that have been further exacerbated by the pandemic. During this National Physical Fitness and Sports Month, we encourage all Americans to stay active for their health and wellbeing. Whether by pursuing a more active lifestyle, making physical activity a priority and an essential part of everyday living, or supporting efforts in local communities that increase access to sports and

physical fitness opportunities for all, participating in physical activities leads to a healthier lifestyle.

Physical activity is one of the best tools we have to help combat chronic diseases experienced by over half of all Americans. Even a single session of moderate-to-vigorous physical activity can boost your mood, sharpen your focus, reduce your stress, and improve your sleep. More regular physical activity—over months or years—can contribute to a reduced risk of depression, heart disease, several types of cancer, dementia, type 2 diabetes, and obesity.

No matter our age or ability, the more that we can make regular physical activity and participation in sports a part of our lives, the better off both we and our Nation will be. Greater amounts of physical activity can have positive effects in every stage of life and lead to better overall health outcomes for both children and adults, including those with disabilities. The Department of Health and Human Services' Move Your Way campaign provides helpful tips to encourage children and adults to meet the recommendations from the *Physical Activity Guidelines for Americans*. The Centers for Disease Control and Prevention's Active People, Healthy Nation initiative provides a blueprint for building active communities to make it easier for all Americans to attain the physical activity they need, with a goal of getting 27 million more Americans physically active by 2027.

By transcending differences and uniting in celebration of physical activity, healthy competition, and shared enjoyment, sports are a fun and engaging way to stay active and keep fit for people of all ages. For our Nation's youth, playing sports can also help to build confidence on and off the field, while team sports foster the added virtues of service to common causes and communal responsibility—win or lose, every game offers the opportunity to learn something new or hone your skills. Every athletic challenge is an avenue to greater mental and physical resilience. While social distancing has made participation in organized sports challenging, we can use this time to renew our focus on fundamental skills and training in preparation for a return to play, especially for young athletes.

Our Nation can and must do more to make sure that every child has the opportunity to play sports and obtain the benefits that come with play, including greater physical fitness and better health. As we recover from the COVID-19 pandemic, it is more important than ever that we ensure equal access to sports and fitness activities for everyone. To that end, my Administration continues to promote programs that provide opportunities for all of our young people to play sports—regardless of their race, ethnicity, sex, sexual orientation, gender identity, religion, disability, or neighborhood—in support of the *National Youth Sports Strategy*.

I encourage every American to discover an enjoyable exercise activity that fits into their daily routine. It does not matter how you choose to be active—whether you are trying your hand at a new sport, exploring a local park, or going for a walk or a jog in your own neighborhood, physical activity holds the key to better health and wellness. During National Physical Fitness and Sports Month, let us all strive to be more active together.

NOW, THEREFORE, I, JOSEPH R. BIDEN JR., President of the United States of America, by virtue of the authority vested in me by the Con-

stitution and the laws of the United States, do hereby proclaim May 2021 as National Physical Fitness and Sports Month. I call upon the people of the United States to make daily physical activity a priority, to support efforts to increase access to sports opportunities in their communities, and to pursue physical fitness as an essential part of healthy living.

IN WITNESS WHEREOF, I have hereunto set my hand this thirtieth day of April, in the year of our Lord two thousand twenty-one, and of the Independence of the United States of America the two hundred and forty-fifth.

JOSEPH R. BIDEN, JR.

Proclamation 10195 of April 30, 2021

**National Teacher Appreciation Day and National
Teacher Appreciation Week, 2021**

By the President of the United States of America

A Proclamation

As the proud husband of an educator who continues, as First Lady, to teach writing at a community college, I have seen firsthand the dedication, selflessness, and vision of our Nation's educators. They play so many different roles: They are mentors who guide with creativity and care; advocates who fight for students' needs; role models who help students dream and dare more boldly; and leaders who tirelessly support the families and communities that depend on them. Every day, with every student they reach, educators build the future of our country, and we are grateful for their commitment to our shared future. This National Teacher Appreciation Day and National Teacher Appreciation Week, we honor the service and passion and celebrate the immeasurable contributions of our Nation's educators in schools from coast to coast.

Throughout history, America's educators have risen to unprecedented challenges. Over the past year, with our country facing a cascade of crises, educators have risen to this challenge with care and creativity: overcoming disruptions in their own lives while offering unwavering support for their students' wellbeing and academic progress.

Educators served both as facilitators of learning and as the technology support for their students, getting them up and running with access to fully remote learning. They often worked late into the day to support hard-to-reach children, and took the extracurriculars their students love and adapted them for remote and hybrid learning. Our teachers even found new ways to leverage technology platforms to coordinate with parents as partners in learning, keep a close eye on the development of their students, and build community by moving music rehearsals and sports practices online.

As this pandemic has shined a bright light on the inequities that persist in our schools, educators have also fought for the tools and resources their schools need to bridge gaps and ensure all children have what they need to succeed. Other school staff and administrators have

also stepped up in our time of need, with bus drivers bringing hotspots to areas with no wireless internet, food service staff preparing meals for students who might otherwise go hungry, and counselors helping students and parents cope with trauma.

When I took office, I vowed to support our educators by giving them the pay and dignity they deserve. I made a promise that they would not only have a voice as we work to rebuild and reimagine our education system, they would help us lead this effort. That is why my Administration is partnering with State and local leaders, educators and their unions, and families to ensure high-quality instruction, overcome the challenges of the instructional time we lost in the pandemic, address educational inequities, and meet students' physical, social, and emotional needs.

In early March, I prioritized early childhood through 12th grade educators and staff for vaccination, and I set a goal of getting all of these frontline essential workers at least one shot by the end of the month. On April 2nd, I announced that 80 percent of all teachers, school staff, and childcare workers across the country had received at least one dose of the COVID-19 vaccine. Since then, we have made even more progress in protecting our educators.

The American Rescue Plan is providing critical relief, including \$122 billion in relief for K-12 schools to get students back in the classroom quickly and safely and address the needs of students. In addition, the American Rescue Plan includes \$7.6 billion for special education, children and youth experiencing homelessness, Tribal educational agencies, Native Hawaiians, and Alaska Natives, emergency assistance to non-public schools, and the outlying areas of American Samoa, the Commonwealth of the Northern Mariana Islands, Guam, and the U.S. Virgin Islands, as well as \$40 billion for higher education.

Education is the one field that makes all others possible. Every one of us has been shaped by someone who inspired our curiosity and helped us find our confidence, who guided us to think more clearly and pushed us to strive for better. On National Teacher Appreciation Day and during National Teacher Appreciation Week, we remember the tremendous debt of gratitude owed to educators everywhere who helped define us as individuals and as a country, and to all that they are doing to light the way forward for our families and our communities.

NOW, THEREFORE, I, JOSEPH R. BIDEN JR., President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim May 4, 2021, as National Teacher Appreciation Day and May 2 through May 8, 2021, as National Teacher Appreciation Week. I call upon all Americans to recognize the hard work and dedication of our Nation's teachers and to observe this day and this week by supporting teachers through appropriate activities, events, and programs.

IN WITNESS WHEREOF, I have hereunto set my hand this thirtieth day of April, in the year of our Lord two thousand twenty-one, and of the Independence of the United States of America the two hundred and forty-fifth.

JOSEPH R. BIDEN, JR.

Proclamation 10196 of April 30, 2021**Public Service Recognition Week, 2021**

By the President of the United States of America

A Proclamation

In the face of unprecedented challenges this past year, America's dedicated public servants have risen to the moment—bringing strength, healing, and hope to their communities and to our Nation. Our public servants are a living reminder that, here in America, we take care of one another and leave no one behind. As we work to defeat the pandemic and rebuild our economy, it is more important than ever to recognize and reflect upon both our collective loss and our collective resilience. During Public Service Recognition Week, we celebrate and thank our public servants at the local, State, and Federal levels who exemplify dedication to the common good.

Public servants are the lifeblood of our democracy. They are our researchers and scientists, our front-line workers, our educators, our first responders, our election officials, and our military service members—among countless others. They are ordinary Americans who answer the call to do extraordinary things, giving their time—and, in some cases, risking or giving their lives—to make life better for all of us.

Throughout this week and beyond, my Administration will be shining a light on the individual and collective efforts of public servants at the local, State, Tribal, and Federal levels who unite us and help lead us through challenging times. In the toughest of circumstances and often at great personal sacrifice, our public servants tackle the most complex problems facing our communities. Whether developing public health guidance and working across agencies to safely reopen schools during the pandemic, partnering with the private sector to develop and distribute vaccines, keeping small businesses dreams alive, or combating natural disasters in their hometowns, public servants demonstrate their commitment to our Nation every day. It is our responsibility, in turn, to ensure that they are honored and protected.

Since taking office earlier this year, I have made it the policy of the United States to protect, empower, and rebuild the career Federal workforce. My Administration made employee safety a priority—directing agencies to create COVID-19 workplace safety plans and require mask-wearing, physical distancing, and other public health measures in Federal buildings and on Federal lands. I revoked several Executive Orders that undermined the foundations of civil service, worked to ensure the right of Federal employees to engage in collective bargaining, and created a new interagency task force to ensure that Federal employees engaged in scientific research and data collection are never subjected to political interference.

In addition, I have strengthened protections against discrimination for Federal employees, including discrimination on the basis of gender identity or sexual orientation. I have also asked the Director of the Office of Personnel Management to provide me with recommendations to promote a \$15 per hour minimum wage for Federal employees, as well as recommendations for expanding the Federal Government's policy of providing employees time off to vote. And this week, I signed an Exec-

utive Order that will increase the minimum wage for employees working on Federal contracts to \$15 per hour.

Together, as we strive to build, support, and continuously improve our public workforce, we recognize and celebrate the indispensable contributions our public servants make while protecting our communities, taking care of our neighbors, and helping us heal and build back better. It is the honor of my lifetime to serve our Nation alongside our public servants, who work tirelessly to improve the lives of Americans and people around the globe.

NOW, THEREFORE, I, JOSEPH R. BIDEN JR., President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim May 2 through May 8, 2021, as Public Service Recognition Week. I call upon all Americans to celebrate public servants and their contributions this week and throughout the year.

IN WITNESS WHEREOF, I have hereunto set my hand this thirtieth day of April, in the year of our Lord two thousand twenty-one, and of the Independence of the United States of America the two hundred and forty-fifth.

JOSEPH R. BIDEN, JR.

Proclamation 10197 of April 30, 2021

Law Day, U.S.A., 2021

By the President of the United States of America

A Proclamation

In the many years I spent as a United States Senator and as Vice President, I logged hundreds of thousands of miles of travel, and had the opportunity to meet with foreign officials all over the world. Those experiences impressed upon me a truth about America: that what makes our Nation unique is the depth of our devotion to the rule of law.

Unlike so many of the Nations of the world, the United States wasn't built around an ethnicity, religion, or tribe—it was built around common ideals. The rule of law is central to those ideals. It is what limits the abuse of power in our Nation, whether by an individual or a mob. It reflects President John Adams' desire to establish "a government of laws and not of men." It is how Thomas Paine distinguished us from the rest of the world—declaring that, while in other Nations, the king is law, "in America, the law is king."

Many Nations around the world still struggle to capture what we have captured here in America—not only in the text of our founding documents, but in the character of our people: reverence for the law. That reverence is essential to our democracy. Without it, equality and justice cannot be advanced, human rights cannot be protected, democratic norms and values cannot be secured, and disagreements cannot be peaceably resolved. The rule of law has also been a critical vehicle for delivering the full promise of American democracy to all of our people, particularly those excluded in our Nation's founding. Today, on Law Day, we rededicate ourselves to furthering that promise and strength-

ening those ideals, and we renew our commitment to ensure that every American's constitutional rights are protected.

The theme of this year's Law Day, "Advancing the Rule of Law Now," is particularly fitting at this moment in our Nation's history. Recently, we were again called to recognize that democracy is precious and fragile. We have witnessed grave threats to our democratic institutions and to the rule of law itself. These tragic events have taught us once again that when we are united, we can overcome the greatest challenges and move our country forward—but it takes a commitment to law over demagoguery, and the enforcement of law free from political interference, to do so.

Previous generations of Americans have lived through civil war, economic depressions, the rise of fascism, and world wars—and today, too many Americans continue to face pervasive racism, xenophobia, nativism, and other forms of intolerance. This year, the United States marks the 100th anniversary of the Tulsa, Oklahoma, race massacre, in which a mob of white residents attacked and killed between 100 and 300 Black residents and destroyed more than 1,000 homes and businesses in a thriving community known as Black Wall Street. Today, a century later, we still face chilling echoes of those threats to equality, justice, and the rule of law in the form of rising political extremism, white supremacy, and domestic terrorism.

My Administration is committed to advancing the rule of law within the United States so that everyone is ensured equal justice under the law, an equal place in our democracy, and the opportunity to fulfill their potential free from abuses of power. On my first day in office, I signed an historic Executive Order on Advancing Racial Equity and Support for Underserved Communities Through the Federal Government, to advance equity and racial justice and redress systemic racism across a comprehensive sweep of Federal policies, laws, and programs. I also signed a memorandum on Condemning and Combating Racism, Xenophobia, and Intolerance Against Asian Americans and Pacific Islanders in the United States, stating that the Federal Government has a responsibility to prevent racism, xenophobia, and intolerance against anyone in the United States—particularly, today, against Asian Americans who have spent the last year enduring unconscionable and un-American harassment and attacks—as well as an additional Executive Order on Preventing and Combating Discrimination on the Basis of Gender Identity or Sexual Orientation. I have directed Federal agencies to facilitate access to voting using their existing legal authority, and my Administration supports further legislation to protect the sacred right to vote and make it more equitable and accessible for all Americans to exercise that right.

We are also working to advance the rule of law across the world by rebuilding global alliances; confronting authoritarianism; and re-engaging with other governments, civil society organizations, and multilateral organizations, such as the United Nations. We must ensure that we are able to lead not by the example of our power, but by the power of our example. As I have said on many occasions, our diplomacy must be rooted in America's most cherished democratic values: defending freedom, championing opportunity, upholding universal rights, respecting the rule of law, and treating every person with dignity.

On this Law Day, U.S.A., I urge my fellow Americans to join me in recommitting ourselves to promoting and advancing the rule of law and delivering freedom and equality for all.

NOW, THEREFORE, I, JOSEPH R. BIDEN JR., President of the United States of America, in accordance with Public Law 87–20, as amended, do hereby proclaim May 1, 2021, as Law Day, U.S.A. I call upon all Americans to acknowledge the importance of our Nation’s legal and judicial systems with appropriate ceremonies and activities, and to display the flag of the United States in support of this national observance.

IN WITNESS WHEREOF, I have hereunto set my hand this thirtieth day of April, in the year of our Lord two thousand twenty-one, and of the Independence of the United States of America the two hundred and forty-fifth.

JOSEPH R. BIDEN, JR.

Proclamation 10198 of April 30, 2021

Loyalty Day, 2021

*By the President of the United States of America
A Proclamation*

On Loyalty Day, we celebrate our allegiance to the project of this great Nation and the democratic ideals woven into the fabric of our Constitution. As Americans, we do not command loyalty, but seek to earn it through our actions—including by living up to the principles enshrined in our Constitution and respecting the will of the people as reflected in the democratic process. Drawn together by the promise of equality, freedom, and justice, we are a Nation of shared ideals and strong, resilient people. Here in America, loyalty does not mean fealty to any one leader or political party, nor does it mean unthinking praise or willful ignorance of our shortcomings—it means loyalty to our common ideals, and to one another. It means standing united as one people, even as we cherish our differences and respect dissent.

Our country is a diverse tapestry of many cultures, heritages, religions, and languages, brought together around the values and ideals we all share as Americans. Together, we celebrate our differences and draw strength from our common commitment to perfecting our Union. No matter what challenges come our way, our Nation holds strong together—bound by our Constitution and the rule of law, uplifted by individual liberties and promises of justice we have worked hard in each generation to secure and expand, and consecrated by those who have sacrificed to preserve, defend, and care for our Nation.

We see loyalty in the members of our Armed Forces, who selflessly serve in harm’s way; in their families, who, in the timeless words of the poet John Milton, “also serve who only stand and wait;” in our educators, who dedicate their lives to nurturing young minds; in our first responders, who put their lives on the line to save others; in all those who have the courage to call out our Nation’s imperfections when we fall short, and who continue to push our society to live up to its founding promise of freedom, justice, and equality for all. May

1 is also International Workers' Day, and we honor the workers whose service and sacrifice has helped turn the tide against the COVID-19 pandemic. On this day, we show our gratitude to our essential workers—and to all of the workers who have organized and fought to improve our Nation and create a fairer and more just society for all.

To acknowledge the American ethos of patriotism and the sacrifices so many of our fellow citizens have made, the Congress, by Public Law 85-529, as amended, has designated the 1st day of May each year as Loyalty Day. On this day, let us reaffirm our commitment to the values that bind us together and honor all those who have defended our freedom.

NOW, THEREFORE, I, JOSEPH R. BIDEN JR., President of the United States of America, do hereby proclaim May 1, 2021, as Loyalty Day. This Loyalty Day, I call upon the people of the United States to join in this national observance, display the United States flag and pledge allegiance to the Republic for which it stands.

IN WITNESS WHEREOF, I have hereunto set my hand this thirtieth day of April, in the year of our Lord two thousand twenty-one, and of the Independence of the United States of America the two hundred and forty-fifth.

JOSEPH R. BIDEN, JR.

Proclamation 10199 of April 30, 2021

**Suspension of Entry as Nonimmigrants of Certain
Additional Persons Who Pose a Risk of Transmitting
Coronavirus Disease 2019**

*By the President of the United States of America
A Proclamation*

The national emergency caused by the coronavirus disease 2019 (COVID-19) outbreak in the United States continues to pose a grave threat to our health and security. As of April 29, 2021, the United States had experienced more than 32 million confirmed COVID-19 cases and more than 570,000 COVID-19 deaths. It is the policy of my Administration to implement science-based public health measures, across all areas of the Federal Government, to act swiftly and aggressively to prevent further spread of the disease.

The Centers for Disease Control and Prevention (CDC), within the Department of Health and Human Services, working in close coordination with the Department of Homeland Security, has determined that the Republic of India is experiencing widespread, ongoing person-to-person transmission of SARS-CoV-2, the virus that causes COVID-19. The World Health Organization has reported that the Republic of India has had more than 18,375,000 confirmed cases of COVID-19. The magnitude and scope of the COVID-19 pandemic in the Republic of India is surging; the Republic of India accounts for over one-third of new global cases, and the number of new cases in the Republic of India is accelerating at a rapid rate. There have been more than 300,000 average new daily cases in the Republic of India over the past week. A variant

strain of the virus, known as B.1.617, is also circulating in the Republic of India, along with other variant strains, including B.1.1.7, first detected in the United Kingdom, and B.1.351, first detected in the Republic of South Africa. The CDC advises, based on work by public health and scientific experts, that these variants have characteristics of concern, which may make them more easily transmitted and have the potential for reduced protection afforded by some vaccines.

After reviewing the public health situation within the Republic of India, CDC has concluded that proactive measures are required to protect the Nation's public health from travelers entering the United States from that jurisdiction.

Given the determination of CDC, working in close coordination with the Department of Homeland Security, described above, I have determined that it is in the interests of the United States to take action to restrict and suspend the entry into the United States, as nonimmigrants, of noncitizens of the United States ("noncitizens") who were physically present within the Republic of India during the 14-day period preceding their entry or attempted entry into the United States.

NOW, THEREFORE, I, JOSEPH R. BIDEN JR., President of the United States, by the authority vested in me by the Constitution and the laws of the United States of America, including sections 212(f) and 215(a) of the Immigration and Nationality Act, 8 U.S.C. 1182(f) and 1185(a), and section 301 of title 3, United States Code, hereby find that the unrestricted entry into the United States of persons described in section 1 of this proclamation would, except as provided for in section 2 of this proclamation, be detrimental to the interests of the United States, and that their entry should be subject to certain restrictions, limitations, and exceptions. I therefore hereby proclaim the following:

Section 1. *Suspension and Limitation on Entry.* The entry into the United States, as nonimmigrants, of noncitizens who were physically present within the Republic of India during the 14-day period preceding their entry or attempted entry into the United States is hereby suspended and limited subject to section 2 of this proclamation.

Sec. 2. *Scope of Suspension and Limitation on Entry.*

(a) Section 1 of this proclamation shall not apply to:

- (i) any lawful permanent resident of the United States;
- (ii) any noncitizen national of the United States;
- (iii) any noncitizen who is the spouse of a U.S. citizen or lawful permanent resident;
- (iv) any noncitizen who is the parent or legal guardian of a U.S. citizen or lawful permanent resident, provided that the U.S. citizen or lawful permanent resident is unmarried and under the age of 21;
- (v) any noncitizen who is the sibling of a U.S. citizen or lawful permanent resident, provided that both are unmarried and under the age of 21;
- (vi) any noncitizen who is the child, foster child, or ward of a U.S. citizen or lawful permanent resident, or who is a prospective adoptee seeking to enter the United States pursuant to the IR-4 or IH-4 visa classifications;

(vii) any noncitizen traveling at the invitation of the United States Government for a purpose related to containment or mitigation of the virus;

(viii) any noncitizen traveling as a nonimmigrant pursuant to a C-1, D, or C-1/D nonimmigrant visa as a crewmember or any noncitizen otherwise traveling to the United States as air or sea crew;

(ix) any noncitizen

(A) seeking entry into or transiting the United States pursuant to one of the following visas: A-1, A-2, C-2, C-3 (as a foreign government official or immediate family member of an official), E-1 (as an employee of TECRO or TECO or the employee's immediate family members), G-1, G-2, G-3, G-4, NATO-1 through NATO-4, or NATO-6 (or seeking to enter as a nonimmigrant in one of those NATO categories); or

(B) whose travel falls within the scope of section 11 of the United Nations Headquarters Agreement;

(x) any noncitizen who is a member of the U.S. Armed Forces or who is a spouse or child of a member of the U.S. Armed Forces;

(xi) any noncitizen whose entry would further important United States law enforcement objectives, as determined by the Secretary of State, the Secretary of Homeland Security, or their respective designees, based on a recommendation of the Attorney General or his designee; or

(xii) any noncitizen whose entry would be in the national interest, as determined by the Secretary of State, the Secretary of Homeland Security, or their designees.

(b) Nothing in this proclamation shall be construed to affect any individual's eligibility for asylum, withholding of removal, or protection under the regulations issued pursuant to the legislation implementing the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, consistent with the laws and regulations of the United States.

Sec. 3. *Implementation and Enforcement.* (a) The Secretary of State shall implement this proclamation as it applies to visas pursuant to such procedures as the Secretary of State, in consultation with the Secretary of Homeland Security, may establish. The Secretary of Homeland Security shall implement this proclamation as it applies to the entry of noncitizens pursuant to such procedures as the Secretary of Homeland Security, in consultation with the Secretary of State, may establish.

(b) The Secretary of State, the Secretary of Transportation, and the Secretary of Homeland Security shall endeavor to ensure that any noncitizen subject to this proclamation does not board an aircraft traveling to the United States, to the extent permitted by law.

(c) The Secretary of Homeland Security may establish standards and procedures to ensure the application of this proclamation at and between all United States ports of entry.

(d) Where a noncitizen circumvents the application of this proclamation through fraud, willful misrepresentation of a material fact, or illegal entry, the Secretary of Homeland Security shall consider prioritizing such noncitizen for removal.

Sec. 4. *Termination.* This proclamation shall remain in effect until terminated by the President. The Secretary of Health and Human Services shall, as circumstances warrant and no more than 30 days after the date of this proclamation and by the final day of each calendar month thereafter, recommend whether the President should continue, modify, or terminate this proclamation.

Sec. 5. *Effective Date.* This proclamation is effective at 12:01 a.m. eastern daylight time on May 4, 2021. This proclamation does not apply to persons aboard a flight scheduled to arrive in the United States that departed prior to 12:01 a.m. eastern daylight time on May 4, 2021.

Sec. 6. *Severability.* It is the policy of the United States to enforce this proclamation to the maximum extent possible to advance the national security, public safety, and foreign policy interests of the United States. Accordingly:

(a) if any provision of this proclamation, or the application of any provision to any person or circumstance, is held to be invalid, the remainder of this proclamation and the application of its provisions to any other persons or circumstances shall not be affected thereby; and

(b) if any provision of this proclamation, or the application of any provision to any person or circumstance, is held to be invalid because of the lack of certain procedural requirements, the relevant executive branch officials shall implement those procedural requirements to conform with existing law and with any applicable court orders.

Sec. 7. *General Provisions.* (a) Nothing in this proclamation shall be construed to impair or otherwise affect:

(i) the authority granted by law to an executive department or agency, or the head thereof; or

(ii) the functions of the Director of the Office of Management and Budget relating to budgetary, administrative, or legislative proposals.

(b) This proclamation shall be implemented consistent with applicable law and subject to the availability of appropriations.

(c) This proclamation is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the United States, its departments, agencies, or entities, its officers, employees, or agents, or any other person.

IN WITNESS WHEREOF, I have hereunto set my hand this thirtieth day of April, in the year of our Lord two thousand twenty-one, and of the Independence of the United States of America the two hundred and forty-fifth.

JOSEPH R. BIDEN, JR.

Proclamation 10200 of May 3, 2021

Older Americans Month, 2021

By the President of the United States of America

A Proclamation

During Older Americans Month, we celebrate older Americans and the key role they play in sharing the wisdom and experience that inform

today's decisions and actions, and fostering the connection and engagement that build strong, resilient communities. And, we recognize our responsibility to ensure that every American has the opportunity to age with dignity.

The COVID-19 pandemic has imposed tremendous hardships on our Nation's older Americans. Older adults—particularly those from communities of color—have comprised the majority of deaths from COVID-19, with more than 80 percent of all deaths to date occurring in persons 65 and older. Many older Americans have also suffered extreme social isolation from being separated from friends, family, and community resources throughout the pandemic. In spite of this, older Americans have stepped up to support their families, friends, and neighbors. They are among our essential workers, volunteers, and donors, bolstering their communities and inspiring others to do the same. I am committed to ensuring older adults are central in our country's recovery efforts.

My Administration recognizes the value of our older adults and supports the issues most important to them, such as Medicare, Social Security, lowering the price of prescription drugs, and long-term care options—including Medicaid's home and community-based services programs. The American Rescue Plan puts the needs of older Americans at the forefront of our country's path to recovery, starting by mounting a national vaccination program to quickly and efficiently deliver lifesaving vaccines, prioritizing our older citizens.

The American Rescue Plan also provides much needed support to skilled nursing facilities, so they can improve infection control and vaccination rollout capability by partnering with quality improvement organizations. The law allocates funding to support mitigation, clinical care, infection control, and staffing in long-term care facilities during the pandemic. The law also provides significant funding to support older adults who receive home and community-based services through Medicaid to help them remain safe and independent in their own homes and communities throughout the pandemic.

And, the American Rescue Plan adds substantial funding to programs authorized under the Older Americans Act. These programs also connect older adults and their caregivers to food, health care, and other home and community-based services. The American Rescue Plan also calls for the establishment of the National Technical Assistance Center on Grandfamilies and Kinship Families, to give much needed aid to those older Americans who have stepped up to parent the next generation of Americans. Finally, the plan enhances the Elder Justice Act and ensures Adult Protective Services can be used to protect the safety of all adults as they age.

As our country works to put COVID-19 behind us, we know there is more we must do to ensure that older Americans can live and age with dignity. We are committed to ensuring older Americans can easily access appropriate services they need to stay safe and healthy as they age.

In this year of peril and promise, older Americans have suffered greatly, and provided inspirational demonstrations of strength. During Older Americans Month, we honor these citizens and their continued contributions. We commit to learning from them, and we pledge to support their futures.

NOW, THEREFORE, I, JOSEPH R. BIDEN JR., President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim May 2021 as Older Americans Month. I call upon Americans of all ages to celebrate older Americans during this month and throughout the year.

IN WITNESS WHEREOF, I have hereunto set my hand this third day of May, in the year of our Lord two thousand twenty-one, and of the Independence of the United States of America the two hundred and forty-fifth.

JOSEPH R. BIDEN, JR.

Proclamation 10201 of May 4, 2021

60th Anniversary of the Freedom Rides, 2021

By the President of the United States of America

A Proclamation

On May 4, 1961, thirteen Americans set out on Greyhound and Trailways buses from Washington, DC, to peacefully protest the scourge of segregation. They came from 9 different States and the District of Columbia; they were Black and white, men and women, ranging in age from 18 to 61, sitting side by side in a simple affirmation of shared humanity. They were teachers and students, carpenters and architects, ministers and servicemembers. Frances and Walter Bergman, Albert Bigelow, Ed Blankenheim, Reverend Benjamin Elton Cox, James Farmer, Genevieve Hughes, Jimmy McDonald, James Peck, Joe Perkins, Charles Person, Hank Thomas, and a 21-year-old student at the American Baptist Theological Seminary named John Lewis.

By the time of the first Freedom Rides, Thurgood Marshall and other heroes of the early Civil Rights Movement had already persuaded the Supreme Court to strike down the devastating doctrine of 'separate but equal,' which had given legal cover to the horrors of Jim Crow for more than half a century. But for far too many Americans, that promise of equality was slow to arrive. As their buses arrived in each segregated town, the Riders were brutally attacked by vicious, hateful mobs of white supremacists. They were kicked and beaten unconscious, assaulted with bats and batons, and arrested under laws that had already been declared illegal by the Supreme Court—but which festered nevertheless. One of the two buses had its tires slashed and windows smashed before it was firebombed.

The Freedom Riders remained devoted to nonviolence, displaying extraordinary physical courage and unflinching moral conviction. Despite the brutality they faced, they were joined by five other Riders along the route, and then by hundreds more joining similar rides in the months to come. The public attention they brought to a pernicious cancer in our society further inspired millions of Americans across the country, including generations of Americans who have continued the fight for civil rights in the years since. Their message of bravery, hope, and unity in diversity continues to inspire us.

John Lewis was the first to withstand a physical attack, just 6 days into the trip. It was not his first act of courageous leadership and sacrifice,

nor his last. Across his lifetime of service in and out of Government, John Lewis was the moral compass of our Nation—though he absorbed the force of human nature’s cruelty, he emanated dignity and grace. On the anniversary of his journey on the Freedom Rides, I am reminded of the message he shared with me before he passed away last summer: that we must stay focused on the work left undone to heal this Nation. It is a call to all Americans to follow the example he set.

My Administration is committed to advancing the values and aspirations of John Lewis and the Freedom Riders. On my first day in office, I signed an Executive Order establishing a comprehensive initiative to address racial equity and redress systemic racism in Federal policies, laws, and programs. I also signed a Memorandum stating that the Federal Government has a responsibility to prevent racism, xenophobia, and intolerance against anyone in the United States—as well as an additional Executive Order on Preventing and Combating Discrimination on the Basis of Gender Identity or Sexual Orientation. I have directed Federal agencies to preserve and strengthen the sacred right to vote using their existing legal authority. My Administration also supports further legislation to protect that most fundamental right—to make our democracy more equitable and accessible for all Americans, and to enact a new Voting Rights Act in John Lewis’s name.

Today, we honor the Freedom Riders who took a stand against injustice 60 years ago. And we are inspired by the power and purpose of a dedicated few who helped spark a movement—to make us a better Nation, and to build a more perfect union for all of us.

NOW, THEREFORE, I, JOSEPH R. BIDEN JR., President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim May 4, 2021, as the 60th Anniversary of the Freedom Rides. I call upon all Americans to participate in ceremonies and activities that honor the Freedom Riders, those who struggled for equal rights during the Civil Rights Movement, and those working still to advance civil rights across the Nation.

IN WITNESS WHEREOF, I have hereunto set my hand this fourth day of May, in the year of our Lord two thousand twenty-one, and of the Independence of the United States of America the two hundred and forty-fifth.

JOSEPH R. BIDEN, JR.

Proclamation 10202 of May 4, 2021

**Missing and Murdered Indigenous Persons Awareness
Day, 2021**

*By the President of the United States of America
A Proclamation*

Today, thousands of unsolved cases of missing and murdered Native Americans continue to cry out for justice and healing. On Missing and Murdered Indigenous Persons Awareness Day, we remember the Indigenous people who we have lost to murder and those who remain miss-

ing and commit to working with Tribal Nations to ensure any instance of a missing or murdered person is met with swift and effective action.

Our failure to allocate the necessary resources and muster the necessary commitment to addressing and preventing this ongoing tragedy not only demeans the dignity and humanity of each person who goes missing or is murdered, it sends pain and shockwaves across our Tribal communities. Our treaty and trust responsibilities to Tribal Nations require our best efforts, and our concern for the well-being of these fellow citizens require us to act with urgency. To this end, our Government must strengthen its support and collaboration with Tribal communities.

My Administration is fully committed to working with Tribal Nations to address the disproportionately high number of missing or murdered Indigenous people, as well as increasing coordination to investigate and resolve these cases and ensure accountability. I am further committed to addressing the underlying causes behind those numbers, including—among others—sexual violence, human trafficking, domestic violence, violent crime, systemic racism, economic disparities, and substance use and addiction. Federal partnerships to address the number of missing and murdered Indigenous peoples will be governed by the Nation-to-Nation foundation of our relationship with Tribal governments and respect for Tribal sovereignty and self-determination. The challenges in Tribal communities are best met by solutions that are informed and shaped by Tribal leaders and Tribal governments.

Tribes across the United States have long worked to provide solutions for their communities. In April, the Confederated Salish and Kootenai Tribes of the Flathead Indian Reservation, the United States Attorney's Office for the District of Montana, and the FBI announced the Nation's first Tribal Community Response Plan, part of a Department of Justice pilot project to address emergent missing person cases in their community. When someone goes missing, it is often an urgent and time-sensitive situation. The Tribal community response plan lays out a blueprint for how Tribal law enforcement; local, State, and Federal law enforcement; and community members can respond when someone goes missing from a Tribal community—resolving important issues of jurisdictional overlap and gaps in order to respond swiftly and effectively. Other Tribes and Native villages such as the Muscogee (Creek) Nation in Oklahoma, Native Village of Unalakleet in Alaska, and the Bay Mills Indian Community in Michigan, are working with Federal partners on their own community response plans.

My Administration has made a priority of helping to solve the issues surrounding Native Americans who go missing and those who are murdered across the United States—including high rates of Native women and girls, including transgender women and girls. We recognize there is a level of mistrust of the United States Government in many Native communities, stemming from a long history of broken promises, oppression, and trauma. That is why we are pursuing ways to build trust in our Government and the systems designed to provide support to families in need. We must bridge the gap for families in crisis, provide necessary support services, and support opportunities for healing through holistic community-driven approaches.

I am committed to building on the successes of the 2013 reauthorization of the Violence Against Women Act (VAWA) by supporting the

passage of the VAWA Reauthorization of 2021. Among other protections, this bill reaffirms inherent Tribal authority to prosecute certain non-Indian offenders—extending protections from domestic violence and dating violence to Native American victims of sexual violence, stalking, trafficking, child abuse, elder abuse, and assault against law enforcement or justice personnel when crimes are committed on Tribal territory. Additionally, through the American Rescue Plan we provided an additional \$35 million in grants for Tribes to provide temporary housing, assistance, and supportive services to victims of domestic and dating violence, as well as supplemental funding for the StrongHearts Native Helpline, and additional funding for services for sexual assault survivors.

My Administration has also committed to effectively implement the requirements of Savanna’s Act and the Not Invisible Act, legislation focused on combating the issues surrounding missing or murdered Indigenous persons. The Presidential Task Force on Missing and Murdered American Indians and Alaska Natives continues to convene the Department of Justice, the Department of the Interior, and the Department of Health and Human Services, to address the issues from a combined public health–public safety partnership. Furthering the efforts of the task force, the White House Council on Native American Affairs will bring together all relevant Federal agencies to work with Tribal Nations on exploring additional ways to enhance prevention efforts and improve access to safety and justice.

Furthermore, informed by Tribal input, the Department of the Interior recently established the Missing & Murdered Unit (MMU) within the Bureau of Indian Affairs Office of Justice Services to provide leadership and direction for cross-departmental and interagency work involving missing and murdered American Indians and Alaska Natives. The MMU will help bring the weight of the Federal Government to bear when investigating these cases and marshal law enforcement resources across Federal agencies and throughout Indian country.

Our commitment to addressing these issues and to strengthening these critical partnerships is unwavering. For too long, there has been too much sorrow and worry. United by our mutual investment in healthy, safe communities, we will work together to achieve lasting progress.

NOW, THEREFORE, I, JOSEPH R. BIDEN JR., President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim May 5, 2021, as Missing and Murdered Indigenous Persons Awareness Day. I call on all Americans and ask all levels of government to support Tribal governments and Tribal communities’ efforts to increase awareness of the issue of missing and murdered American Indians and Alaska Natives through appropriate programs and activities.

IN WITNESS WHEREOF, I have hereunto set my hand this fourth day of May, in the year of our Lord two thousand twenty-one, and of the Independence of the United States of America the two hundred and forty-fifth.

JOSEPH R. BIDEN, JR.

Proclamation 10203 of May 5, 2021**National Day of Prayer, 2021**

By the President of the United States of America

A Proclamation

Throughout our history, Americans of many religions and belief systems have turned to prayer for strength, hope, and guidance. Prayer has nourished countless souls and powered moral movements—including essential fights against racial injustice, child labor, and infringement on the rights of disabled Americans. Prayer is also a daily practice for many, whether it is to ask for help or strength, or to give thanks over blessings bestowed.

The First Amendment to our Constitution protects the rights of free speech and religious liberty, including the right of all Americans to pray. These freedoms have helped us to create and sustain a Nation of remarkable religious vitality and diversity across the generations.

Today, we remember and celebrate the role that the healing balm of prayer can play in our lives and in the life of our Nation. As we continue to confront the crises and challenges of our time—from a deadly pandemic, to the loss of lives and livelihoods in its wake, to a reckoning on racial justice, to the existential threat of climate change—Americans of faith can call upon the power of prayer to provide hope and uplift us for the work ahead. As the late Congressman John Lewis once said, “Nothing can stop the power of a committed and determined people to make a difference in our society. Why? Because human beings are the most dynamic link to the divine on this planet.”

On this National Day of Prayer, we unite with purpose and resolve, and recommit ourselves to the core freedoms that helped define and guide our Nation from its earliest days. We celebrate our incredible good fortune that, as Americans, we can exercise our convictions freely—no matter our faith or beliefs. Let us find in our prayers, however they are delivered, the determination to overcome adversity, rise above our differences, and come together as one Nation to meet this moment in history.

The Congress, by Public Law 100–307, as amended, has called on the President to issue each year a proclamation designating the first Thursday in May as a “National Day of Prayer.”

NOW, THEREFORE, I, JOSEPH R. BIDEN JR., President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim May 6, 2021, as a National Day of Prayer. I invite the citizens of our Nation to give thanks, in accordance with their own faiths and consciences, for our many freedoms and blessings, and I join all people of faith in prayers for spiritual guidance, mercy, and protection.

IN WITNESS WHEREOF, I have hereunto set my hand this fifth day of May, in the year of our Lord two thousand twenty-one, and of the Independence of the United States of America the two hundred and forty-fifth.

JOSEPH R. BIDEN, JR.

Proclamation 10204 of May 6, 2021**Military Spouse Appreciation Day, 2021**

By the President of the United States of America

A Proclamation

As the members of our Armed Forces safeguard our Nation at home and around the world, they depend on the people they love for strength, comfort, joy, and stability. Military spouses may not always wear a uniform, but they serve and sacrifice alongside their service members and keep our military strong. On Military Spouse Appreciation Day, we recognize and thank the military spouses who serve our Nation and are critical to our national security.

Military families are proud of the lives they build. Spouses understand that loving a service member means facing the challenges that can accompany their service: from leaving friends behind to changing jobs again; making parenting decisions alone to losing sleep at night; deployments to homecomings to more deployments. Those challenges have been magnified by the COVID-19 pandemic, which has led to lost income, fewer childcare options, and extended deployments. Still, military spouses have done what they do best: adapt, persevere, and keep going.

When someone you love is hurting, you hurt with them. When your spouse is at home, trying to make ends meet, or is torn between taking care of your children and keeping a job, your heart breaks too. Service members cannot focus on their mission if their families do not have what they need to thrive at home, and we cannot expect to retain even the most dedicated service members if they are forced to choose between their love of country and the hopes and dreams they have for their families. That is why supporting military spouses is critical to keeping our Nation safe.

On Military Spouse Appreciation Day, we recognize the importance of empowering spouses and ensuring they have the necessary tools and resources to thrive in all facets of their lives, including in the community, in the workforce, and at home.

My Administration is dedicated to supporting our Nation's military spouses. Through the First Lady's work with *Joining Forces*, the White House has committed to supporting military and veteran families, caregivers, and survivors through economic and entrepreneurship opportunities, support for military child education, and health and wellbeing resources. Launched in 2011 as part of *Joining Forces*, the Department of Defense's Military Spouse Employment Partnership now includes more than 500 companies, nonprofit organizations, and Federal agencies that are committed to recruiting, hiring, promoting, and retaining military spouses. Since its inception, the Partnership has supported more than 180,000 military spouses. *Joining Forces* will continue to convene and collaborate with Federal agency partners, nonprofit organizations, corporate stakeholders, and service providers to develop comprehensive, meaningful, and long-term solutions to address the holistic well-being of military and veteran families, caregivers, and survivors. And, *Joining Forces* calls upon on all Americans to support and harness the special skills, strengths, and experiences of military spouses.

Today, we pause to salute the women and men who do so much to support our troops, invest in our communities, and sacrifice for our country. Their strength and resilience are essential to the recruitment, retention, and readiness of our fighting forces and, indeed, to the strength of our Nation.

NOW, THEREFORE, I, JOSEPH R. BIDEN JR., President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim May 7, 2021, as Military Spouse Appreciation Day. I call upon the people of the United States to honor military spouses with appropriate ceremonies and activities.

IN WITNESS WHEREOF, I have hereunto set my hand this sixth day of May, in the year of our Lord two thousand twenty-one, and of the Independence of the United States of America the two hundred and forty-fifth.

JOSEPH R. BIDEN, JR.

Proclamation 10205 of May 7, 2021

National Hurricane Preparedness Week, 2021

By the President of the United States of America

A Proclamation

In 2020, the United States experienced a record year for extreme weather, with an unprecedented 30 named storms in the Atlantic Basin alone. Twelve of these storms, six of which were hurricanes, made landfall in the United States. These storms and hurricanes unleashed their devastating power on the individuals and communities in their paths. Their frequency and impact also highlight the existential threat posed to our Nation by climate change. During National Hurricane Preparedness Week, we encourage all Americans living in potentially affected areas to take precautions to ensure that they, their families, and their communities are best prepared for hurricanes, and commit to improving our resilience to climate-related catastrophes.

The costs exacted by these storms, in lives, livelihoods, and property damage, are staggering. Seven of last year's 30 named storms claimed 86 lives and caused \$40 billion dollars in damage. Over the past two decades, tropical storms and hurricanes have taken over 6,000 lives in the United States and caused \$853 billion in damage. These storms accounted for 60 percent of the costs of our most damaging weather events. In addition to the highly-visible damage, hurricanes also exact an unseen and long-lasting emotional toll; the trauma of a lost loved one, the sadness of losing treasured possessions, the stress of a financial setback. This is compounded for low-income communities and communities of color who are more likely to live in areas that make them vulnerable to flooding and other climate-related weather events, and less likely to have the funds to prepare for and recover from extreme weather events.

As changes in our climate lead to additional extreme weather events, we must pursue research and resilience policies that keep us safe and strengthen our resilience.

Since taking office, I have directed my Administration to put the climate crisis and the communities most vulnerable to it at the center of our domestic and foreign policy. This includes investing in weather forecasting and climate research to bolster our understanding of how our changing climate is altering the behavior of hurricanes, as well as ensuring every community has the resources to prepare for and respond to these changing storms. Although hurricanes cannot be prevented, we can predict and prepare for them.

We are constantly improving our forecasts and communications with the public about the dangers posed by hurricanes. National Oceanic and Atmospheric Administration (NOAA) forecasters work around the clock and collaborate with State, local, Tribal, and territorial emergency managers and government officials to provide actionable information before, during, and after a hurricane. NOAA also collaborates with key decision makers in Federal agencies, including the Department of Homeland Security and the Federal Emergency Management Agency (FEMA). Such collaborative work ensures that communities standing in a storm's path have the information and resources they need to adequately prepare. After the storm, NOAA provides stakeholders with essential information for damage assessments and to reopen ports and coastal waterways critical to our Nation's commerce.

In addition to work being done by Federal, State, local, and Tribal governments, Americans should prepare themselves before a hurricane hits. Keep up with weather forecasts and have an evacuation kit prepared in case you ever need to relocate in advance of a hurricane. More information and preparedness plan templates are available from FEMA's ready.gov website.

Everyone has a role to play in hurricane preparedness and making us a Weather-Ready Nation. When hurricanes strike, that's how we will save lives, lessen the damage to our homes, communities, and infrastructure, and recover stronger and faster.

NOW, THEREFORE, I, JOSEPH R. BIDEN JR., President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim May 9 through May 15, 2021, as National Hurricane Preparedness Week. I urge all Americans to help build our Weather-Ready Nation, so that individuals are empowered and organizations can fulfill leadership roles in their communities. I call on our Federal, State, Tribal, territorial and local government agencies to share information that will protect lives and property.

IN WITNESS WHEREOF, I have hereunto set my hand this seventh day of May, in the year of our Lord two thousand twenty-one, and of the Independence of the United States of America the two hundred and forty-fifth.

JOSEPH R. BIDEN, JR.

Proclamation 10206 of May 7, 2021**National Women’s Health Week, 2021***By the President of the United States of America**A Proclamation*

It’s a simple proposition for me: women are entitled to the same rights and opportunities as men, including access to high-quality, affordable health care. National Women’s Health Week is an opportunity to focus on the work we need to do as a Nation to ensure equal access to high-quality, affordable care for women, and to build a more prosperous, healthy future for all.

This starts by strengthening the Affordable Care Act, which ensures that women cannot be denied coverage for pre-existing conditions, such as pregnancy, or charged more for coverage simply because they are women. The Affordable Care Act also expanded coverage to millions of women who were previously uninsured, and made various preventive services available free of charge, including Pap smears and mammograms. In addition, it covers screening and counseling for domestic and intimate partner violence.

To cover more Americans, the Biden-Harris Administration began a special open enrollment period on healthcare.gov, so that women who are uninsured have the opportunity to sign up for coverage through August 15. And, we are committed to building on the successes of this law to make coverage more affordable. The American Rescue Plan, enacted earlier this year, will save women buying coverage on their own \$50 per month on their health care premiums.

The theme of this year’s National Women’s Health Week is “Ending the Pandemic and Elevating Women’s Health.” The quickest and most effective way to defeat this pandemic and restore public health is through vaccination.

My Administration is committed to advancing women’s health and ensuring an equitable response to the COVID–19 pandemic. We have prioritized and increased access to the COVID–19 vaccine and expanded the criteria for eligibility to include all adults over the age of 16. We encourage women to talk to their doctors, nurses, nurse practitioners, or physician assistants about the COVID–19 vaccine.

And, it is important for women and girls to catch up on any missed vaccines or medical care from this past year. Delays in routine care—such as Pap smears, mammograms, bone density scans, stress tests, cholesterol screenings, blood pressure screenings, physical exams, general check-ups and other preventive health screenings—can cause many conditions to go undetected. As we mark National Women’s Health Week, let us make sure that all women and girls, particularly those with underlying health conditions such as hypertension, diabetes, cardiovascular and respiratory conditions, and mental health needs, can prioritize their own health.

The COVID–19 pandemic has further revealed why the unique needs of women and girls must be centered in our health care system, and further brought to light the health disparities and systemic biases that women, particularly women of color, continue to face, including inequitable maternity care and access to reproductive health care.

My Administration aims to address persistent and unconscionable disparities in maternal health outcomes. Pregnancy-related mortality for Black and American Indian and Alaska Native women is two to three times higher than for white, Hispanic, and Asian American and Pacific Islander women. Ensuring that all women have equitable access to health care before, during, and after pregnancy is essential. I am committed to building a health care system that delivers equity and dignity to all women and girls. In addition, we must protect access to sexual and reproductive health care, including the broad range of family planning services.

As we strive to improve the health of our Nation, we must prioritize the health and well-being of our women and girls. During National Women's Health Week, we reaffirm our commitment to this important work.

NOW, THEREFORE, I, JOSEPH R. BIDEN JR., President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim May 9 through May 15, 2021, as National Women's Health Week. During this week, I encourage all Americans to dedicate themselves to the work of improving the health of women and girls and promoting health equity for all.

IN WITNESS WHEREOF, I have hereunto set my hand this seventh day of May, in the year of our Lord two thousand twenty-one, and of the Independence of the United States of America the two hundred and forty-fifth.

JOSEPH R. BIDEN, JR.

Proclamation 10207 of May 7, 2021

Mother's Day, 2021

*By the President of the United States of America
A Proclamation*

Each year on the second Sunday in May, we take time to thank and celebrate mothers across America—those who give us life and believe in us, so we can believe in ourselves. Throughout our history, even as they have nurtured and guided us, mothers have built, shaped, led, and sustained our Nation with selflessness and courage.

Like so many fellow Americans observing this day without their Moms with them, I will spend this Mother's Day missing my own mom, Catherine Eugenia "Jean" Finnegan Biden. She taught me about the importance of family, loyalty, and faith. Even now, I hear her voice reminding me that everyone is equal and that we are all defined by our sense of honor, duty, and courage. Her immeasurable strength lives on in all of her children, her grandchildren, her great-grandchildren, and the many other lives that she touched.

I will also spend this Mother's Day honoring the love of my life and the life of my love, Jill. In the many years of our marriage, she has healed our family, guided us through unimaginable hardships, and

brought us untold joy and laughter. Her strength and determination have been our bedrock, and her warmth holds us all together.

Through their unconditional love, mothers shape our lives and help us become the people we hope to be. We especially thank the mothers who have led us through the COVID-19 pandemic. From the earliest days of this crisis, so many mothers across our country have worked essential jobs, borne the brunt of our caregiving crisis, and selflessly provided support and comfort in a time of anxiety and fear. For many families, mothers took on the full-time role of teacher and caregiver when our schools and child care facilities were closed or operating remotely. In fact, this year, millions of moms left the workforce or deferred their education in order to provide care. New mothers faced pregnancy and childbirth without family and friends to support them—exacerbating a preexisting maternal health crisis which disproportionately impacts Black and Native American families. On Mother’s Day, we also honor those who have suffered the profound loss of the life of a child and those grappling with uncertainty in hopes of becoming mothers someday.

We also recognize that this will be the first Mother’s Day for many families who lost their Mom due to COVID-19 and other diseases and cruel twists of fate of this past year. May God bless their memory and may this day fall gently on their loved ones left behind.

When we support mothers, we support the prosperity, security, and well-being of our entire Nation. That’s why my Administration is committed to fighting for safe and equitable workplaces, addressing barriers women face at work, closing the gender wage and wealth gaps, and making quality child care affordable so parents can work, knowing their children are in good hands.

We’ve already begun this work through the American Rescue Plan’s historic reductions in child poverty, ground-breaking investments in child care, and expanded support for families with children. Today, we are working to pass once-in-a-generation investments in our Nation’s future through the American Jobs Plan and the American Families Plan. With these bills, we will modernize our schools, make it easier to care for aging loved-ones, create millions of good jobs, rebuild our country’s infrastructure, and strengthen our economic competitiveness, so that all families have the opportunities they need to thrive.

Our Nation would not be where we are today without the foundations built by mothers. This Mother’s Day, let us honor not only our own moms for their many contributions to our lives, but all mothers whose arms have cradled new generations and whose many gifts, unselfishly given, have blessed us all.

The Congress, by joint resolution approved May 8, 1914 (38 Stat. 770), has designated the second Sunday in May each year as “Mother’s Day” and requested the President to call for its appropriate observance.

NOW, THEREFORE, I, JOSEPH R. BIDEN JR., President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim May 9, 2021, as Mother’s Day. I urge all Americans to express their love, respect, and gratitude to mothers everywhere, including the figures in our lives who nurture, guide, and sacrifice for us in the ways that

mothers do. I call upon all citizens to observe this day with appropriate programs, ceremonies, and activities.

IN WITNESS WHEREOF, I have hereunto set my hand this seventh day of May, in the year of our Lord two thousand twenty-one, and of the Independence of the United States of America the two hundred and forty-fifth.

JOSEPH R. BIDEN, JR.

Proclamation 10208 of May 7, 2021

Peace Officers Memorial Day and Police Week, 2021

By the President of the United States of America

A Proclamation

Every day, we ask a great deal of the men and women of our Nation's law enforcement agencies; from ensuring public safety, to serving as front-line workers, to responding to incidents involving domestic violence, substance use disorders, mental health challenges, and homelessness, often with limited resources. Every morning, our Nation's law enforcement officers pin on a badge and go to work, not knowing what the day will bring, and hoping to come home safely. This year, even as the COVID-19 pandemic took a physical, mental, and emotional toll, our officers, deputies, and troopers demonstrated courage and dedication in continuing to support our communities. As we recognize Peace Officers Memorial Day and Police Week, we honor those who lost their lives in the line of duty, and thank them on behalf of this grateful Nation for their service.

The economic toll of the COVID-19 pandemic has strained State, local, and Tribal budgets—forcing many communities to stretch their funding, consider layoffs, and reduce public services. My Administration will support our Nation's law enforcement agencies and officers and work to ensure they have the resources and research tools they need to do their jobs successfully and the funding necessary to enhance officer safety and wellness, including improving access to mental health services. We will also continue to bolster initiatives that protect our law enforcement officers' physical safety—including those that provide for bulletproof vests and active shooter training.

This year, we also recognize that in many of our communities, especially Black and brown communities, there is a deep sense of distrust towards law enforcement; a distrust that has been exacerbated by the recent deaths of several Black and brown people at the hands of law enforcement. These deaths have resulted in a profound fear, trauma, pain, and exhaustion for many Black and brown Americans, and the resulting breakdown in trust between law enforcement and the communities they have sworn to protect and serve ultimately makes officers' jobs harder and more dangerous as well. In order to rebuild that trust, our State, local, and Federal Government and law enforcement agencies must protect constitutional rights, ensure accountability for misconduct, and embrace policing that reflects community values and ensures community safety. These approaches benefit those who wear the badge and those who count on their protection.

We must also stop tasking law enforcement with problems that are far beyond their jurisdictions. From providing emergency health care to resolving school discipline issues, our communities rely on the police to perform services that often should be the duty of other institutions. We then accuse the police of failure when responsibility lies with public policy choices they did not make. Supporting our law enforcement officers requires that we invest in underfunded public systems that provide health care, counseling, housing, education, and other social services.

There are many ways we can demonstrate appreciation for our law enforcement heroes. We recognize acts of bravery through the Public Safety Officer Medal of Valor and the Law Enforcement Congressional Badge of Bravery. We must also acknowledge the challenge and value of their service through the Law Enforcement Mental Health and Wellness Act of 2017 and the Supporting and Treating Officers in Crisis Act of 2019. Should tragedy strike, Public Safety Officers' benefits must be available for the families of officers who lose their lives or are catastrophically injured in the line of duty.

This country asks much of our Federal, State, Tribal, and local police officers and deputies, and it is our solemn responsibility to ensure that those who protect and serve have the training, resources, and support they need to do their jobs well. My Administration will do everything we can to support the men and women who so courageously protect us.

By a joint resolution approved October 1, 1962, as amended (76 Stat. 676), and by Public Law 103–322, as amended (36 U.S.C. 136–137), the President has been authorized and requested to designate May 15 of each year as “Peace Officers Memorial Day” and the week in which it falls as “Police Week.”

NOW, THEREFORE, I, JOSEPH R. BIDEN JR., President of the United States of America, do hereby proclaim May 15, 2021, as Peace Officers Memorial Day and May 9 through May 15, 2021, as Police Week. I call upon all Americans to observe these events with appropriate ceremonies and activities. I further encourage all Americans to display the flag from their homes and businesses on that day.

IN WITNESS WHEREOF, I have hereunto set my hand this seventh day of May, in the year of our Lord two thousand twenty-one, and of the Independence of the United States of America the two hundred and forty-fifth.

JOSEPH R. BIDEN, JR.

Proclamation 10209 of May 14, 2021

Revoking Proclamation 9945

*By the President of the United States of America
A Proclamation*

The suspension of entry imposed in Proclamation 9945 of October 4, 2019 (Suspension of Entry of Immigrants Who Will Financially Burden the United States Healthcare System, in Order To Protect the Avail-

ability of Healthcare Benefits for Americans), does not advance the interests of the United States. My Administration is committed to expanding access to quality, affordable healthcare. We can achieve that objective, however, without barring the entry of noncitizens who seek to immigrate lawfully to this country but who lack significant financial means or have not purchased health insurance coverage from a restrictive list of qualifying plans. The suspension of entry imposed in Proclamation 9945 is also in tension with the policy set forth in section 1 of Executive Order 14012 of February 2, 2021 (Restoring Faith in Our Legal Immigration Systems and Strengthening Integration and Inclusion Efforts for New Americans).

NOW, THEREFORE, I, JOSEPH R. BIDEN JR., President of the United States, by the authority vested in me by the Constitution and the laws of the United States of America, including sections 212(f) and 215(a) of the Immigration and Nationality Act, 8 U.S.C. 1182(f) and 1185(a), hereby find that the unrestricted entry into the United States of noncitizen immigrants based solely on the reasons articulated in Proclamation 9945 is not detrimental to the interests of the United States. I therefore hereby proclaim the following:

Section 1. *Revocation.* Proclamation 9945 is revoked.

Sec. 2. *Review of Agency Actions.* The Secretary of State, the Secretary of Health and Human Services, and the Secretary of Homeland Security shall review any regulations, orders, guidance documents, policies, and any other similar agency actions developed pursuant to Proclamation 9945 and, as appropriate, issue revised guidance consistent with the policy set forth in this proclamation.

Sec. 3. *General Provisions.* (a) Nothing in this proclamation shall be construed to impair or otherwise affect:

(i) the authority granted by law to an executive department or agency, or the head thereof; or

(ii) the functions of the Director of the Office of Management and Budget relating to budgetary, administrative, or legislative proposals.

(b) This proclamation shall be implemented consistent with applicable law and subject to the availability of appropriations.

(c) This proclamation is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the United States, its departments, agencies, or entities, its officers, employees, or agents, or any other person.

IN WITNESS WHEREOF, I have hereunto set my hand this fourteenth day of May, in the year of our Lord two thousand twenty-one, and of the Independence of the United States of America the two hundred and forty-fifth.

JOSEPH R. BIDEN, JR.

Proclamation 10210 of May 14, 2021**Armed Forces Day, 2021**

By the President of the United States of America

A Proclamation

On Armed Forces Day, we honor and offer our profound appreciation and gratitude to the patriots who are serving in our Nation's Army, Navy, Air Force, Marine Corps, Space Force, and Coast Guard. Their professionalism and unwavering dedication to supporting and defending our Constitution has been vital in allowing our democracy to flourish, safeguarding peace and growing prosperity for our citizens, and giving hope to oppressed peoples or those facing tyranny abroad. Less than one percent of Americans serve on active duty in the Armed Forces. Those who do volunteer to put their lives on the line to protect our country and democracy wherever they are called to serve. Whether they are Active Duty, National Guard, or in the Reserve, they are true American heroes, and we all owe them.

Our military members do not swear allegiance to an individual, group, or political party. Their oath is to the United States Constitution. By bringing together people from different races, religions, and sexual orientations and melding them into a cohesive fighting force, our military embodies the promise of our democratic experiment. My Administration is determined to foster an environment that empowers our Armed Forces and improves retention and promotion of the best talent, to strengthen military readiness. Any ideology, actions, or influences that seek to undermine this solidarity must be exposed and eliminated.

The unmatched strength of the United States Armed Forces reflects our greatest strength as a people, our diversity. Our military has proven—time and time again—that the insistent pursuit of greater inclusion and equality makes us a more robust, more resilient, and more powerful Nation. As we pay tribute to those who serve, we acknowledge our continuing obligation to ensure that all qualified and willing Americans who wish to serve in the United States Armed Forces are able to do so openly and free from discrimination.

My Administration is committed to confronting and driving out sexual assault and harassment, so that all members of the Armed Services feel safe and welcome in the ranks. We will improve retention and promotion of our best talent by using a single standard, one based on excellence.

The Biden family knows personally that the burden of service does not fall solely on those who wear a uniform. Our military family members also serve our country and make great sacrifices to support their loved ones. They give their best to their service members, and we must give our best to ensuring military families have what they need to thrive. This is a national security imperative that supports military retention and readiness, and my Administration is committed to supporting policies that promote the well-being of our war fighters and their families.

Through the First Lady's work with Joining Forces, the White House has committed to supporting military and veteran families, caregivers, and survivors through economic and entrepreneurship opportunities, support for military child education, and health and well-being re-

sources. Joining Forces will continue to convene and collaborate with Federal agency partners, non-profit organizations, corporate stakeholders, and service providers to develop comprehensive, meaningful, and long-term solutions to address the holistic well-being of military and veteran families, caregivers, and survivors.

The United States Armed Forces are the greatest fighting force in the history of the world. They defend universal values and advance the cause of freedom around the globe. On this day, we salute and show gratitude for all who serve and commit to ensuring our Armed Forces remain strong, united, and unmatched.

NOW, THEREFORE, I, JOSEPH R. BIDEN JR., President of the United States of America, and Commander in Chief of the Armed Forces of the United States, continuing the precedent of my predecessors in office, do hereby proclaim the third Saturday of each May as Armed Forces Day.

I direct the Secretary of Defense on behalf of the Army, Navy, Air Force, Marine Corps, Space Force, and the Secretary of Homeland Security on behalf of the Coast Guard, to plan for appropriate observances each year, with the Secretary of Defense responsible for soliciting the participation and cooperation of civil authorities and private citizens. I invite the Governors of the States, the Commonwealth of Puerto Rico, and other areas subject to the jurisdiction of the United States, to provide for the observance of Armed Forces Day within their jurisdiction each year in an appropriate manner designed to increase public understanding and appreciation of the Armed Forces of the United States. I also invite veterans, civic leaders, and other organizations to join in the observance of Armed Forces Day each year.

Finally, I call upon all Americans to display the flag of the United States at their homes and businesses on Armed Forces Day, and I urge citizens to learn more about military service by attending and participating in the local observances of the day.

Proclamation 10034 of May 15, 2020, is hereby superseded.

IN WITNESS WHEREOF, I have hereunto set my hand this fourteenth day of May, in the year of our Lord two thousand twenty-one, and of the Independence of the United States of America the two hundred and forty-fifth.

JOSEPH R. BIDEN, JR.

Proclamation 10211 of May 14, 2021

Emergency Medical Services Week, 2021

By the President of the United States of America

A Proclamation

Every day, in communities across the country, Emergency Medical Service (EMS) providers put themselves on the line to save lives, safeguard dangerous situations, and deliver hope to families and communities in crisis. With selflessness, professionalism, and grace under fire, they provide essential care—never more so than during our battle with COVID-19 over the past year. This year's Emergency Medical Services

Week theme, “THIS IS EMS: Caring for Our Communities,” honors our heroic frontline workers who provide vital emergency medical care and ease the burden of crisis for Americans in need of help.

Through service, compassion, and dedication, EMS providers represent the very best of the American spirit. In the face of unprecedented challenges, their expertise, endurance, and hard work have been a literal lifeline for families in every community. Whether responding to the enormous suffering caused by COVID-19, the devastation of extreme climate events, or daily medical emergencies, EMS providers—many of whom are volunteers—prepare, sacrifice, and put others ahead of themselves. Not only do they assume the heightened risks associated with emergency care during a pandemic, but they also spend countless hours away from families and friends in order to serve their communities.

In the face of these challenges, EMS providers have not hesitated to take on new roles, including supporting COVID-19 testing, therapeutics, and vaccination sites. To help support the women and men who do this vital work, my American Rescue Plan included \$100 million to support the mental well-being—including the mental health—of our health care professionals, paraprofessionals, public safety officers, and EMS providers. My Administration has also made it a priority to ensure that our State, local, Tribal, and territorial partners have the resources they need so that EMS providers are trained and equipped to respond to public health emergencies safely and effectively, now and in the future.

During Emergency Medical Services Week, we extend our deepest gratitude to all EMS providers. Their courage, selflessness, and commitment are extraordinary examples of what it means to serve this great country. We also extend our sincere condolences to the loved ones of EMS providers who have given their lives in the line of duty. This week and every week, I urge all Americans to express their appreciation for our Nation’s EMS providers—and to bring greater safety to their lives, and to all of our lives, by getting vaccinated to help bring an end to the COVID-19 pandemic.

NOW, THEREFORE, I, JOSEPH R. BIDEN JR., President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim May 16 through May 22, 2021, as Emergency Medical Services Week. I call upon public officials, doctors, nurses, paramedics, Emergency Medical Service providers, and all the people of the United States to observe this week with appropriate programs, ceremonies, and activities.

IN WITNESS WHEREOF, I have hereunto set my hand this fourteenth day of May, in the year of our Lord two thousand twenty-one, and of the Independence of the United States of America the two hundred and forty-fifth.

JOSEPH R. BIDEN, JR.

Proclamation 10212 of May 14, 2021**National Defense Transportation Day and National Transportation Week, 2021***By the President of the United States of America**A Proclamation*

Since our Nation's founding, our transportation infrastructure has enabled our economic growth and enhanced our national security. From the American merchant ships that carried supplies to support military operations during the Revolutionary War, to the Erie Canal opening the Midwest and West for growth, to the transcontinental railroad linking our Nation after the Civil War; to the interstate highway system transforming the way we travel, live, and work, our transportation infrastructure has supported national defense and powered interstate commerce. On National Defense Transportation Day and during National Transportation Week, we take time to recognize the transformational role infrastructure has played throughout our history, and reflect on the work and investment required to build an even stronger, more sustainable, and more equitable transportation system of the future.

America's transportation system has always proven vital for civilian and military organizations, something we have seen demonstrated in our Nation's response to the COVID-19 pandemic. Dedicated workers, using a comprehensive transportation plan, including airports, highways, railroads, waterways, and public transit, enabled the Federal Government to distribute tens of millions of COVID-19 vaccines and helped us deliver over 200 million shots in my first 100 days as President.

Even as we recognize the essential nature of our transportation system, we must recognize that the system was built in a way that harmed vulnerable communities, does not provide equal services to all people, creates harmful local pollution, and contributes to climate change. We also must address the fact that decades of disinvestment and neglect have caused our roads, bridges and water systems to fall into disrepair.

A disproportionate number of infrastructure needs occur in underserved or underrepresented communities where people depend upon transportation systems for work and daily activities. The lack of affordable transportation options means lack of access to good-paying jobs, education, and health care. Modern and resilient infrastructure supporting reliable and affordable transportation options make the American Dream possible for all of us, regardless of geography, race, disability, or economic status.

For all of these reasons, I have proposed an American Jobs Plan that will modernize 20,000 miles of highways, roads, and main streets, fix the Nation's 10 most economically significant bridges in America in need of replacement, and repair 10,000 bridges desperately in need of upgrades to unclog traffic, keep people safe, and connect our cities, towns, and Tribes across the country. It will build back a better transportation system—one that is resilient to floods, fires, and storms, and provides equitable, affordable access to opportunity for all Americans.

The American Jobs Plan will replace buses and rail cars, build new rail corridors and transit lines—easing congestion, cutting pollution, slash-

ing commute times, and opening up investment in communities that can be connected to city centers. It will reduce the bottlenecks of commerce at our ports and airports. The plan will also create good-quality jobs paying prevailing wages in safe and healthy workplaces while ensuring workers have a free and fair choice to organize, join a union, and bargain collectively with their employers.

As our Nation recovers from the COVID-19 pandemic and the economic destruction it caused, we have a chance to build back better by focusing on infrastructure that reconnects communities, provides equitable access to transportation services, and mitigates the devastating effects of climate change.

This month we recognize the dedicated men and women who kept this Nation moving during the depths of a global pandemic: The truckers who delivered groceries to empty store shelves; the airline crews who flew medical workers to COVID-19 hotspots; the United States military members who remained on the front lines to distribute and administer vaccines in record time; and the transportation workers who kept our systems running as economies shut down. We thank you for serving the American people and the traveling public.

In recognition of the ongoing contributions of our Nation's transportation system and in honor of the devoted professionals who work to sustain its tradition of excellence, the United States Congress has requested, by joint resolution approved May 16, 1957, as amended (36 U.S.C. 120), that the President designate the third Friday in May of each year as "National Defense Transportation Day" and, by joint resolution approved May 14, 1962 (36 U.S.C. 133), that the week in which that Friday falls be designated as "National Transportation Week."

NOW, THEREFORE, I, JOSEPH R. BIDEN JR., President of the United States of America, do hereby proclaim Friday, May 21, 2021, as National Defense Transportation Day and May 16 through May 22, 2021, as National Transportation Week. I urge all Americans to observe these occasions with appropriate ceremonies, programs, and activities as we show our appreciation to those who build and operate our Nation's transportation systems.

IN WITNESS WHEREOF, I have hereunto set my hand this fourteenth day of May, in the year of our Lord two thousand twenty-one, and of the Independence of the United States of America the two hundred and forty-fifth.

JOSEPH R. BIDEN, JR.

Proclamation 10213 of May 14, 2021

World Trade Week, 2021

*By the President of the United States of America
A Proclamation*

When the COVID-19 pandemic struck, it not only inflicted an enormous toll on American lives and livelihoods—it brought unprecedented disruption to the global economy as well. That disruption represents a major threat to workers and employers in every community

who rely on trade to grow jobs here at home, from small businesses that sell their goods to customers overseas, to major United States industries that depend on imported components in the products they make in America. As we work to defeat the pandemic and build back better, World Trade Week reminds us of the important role that global trade plays in creating jobs and strengthening the United States economy—and of our responsibility to pursue trade policies that center on American workers.

The United States can out-compete any country in the world. We have all the skills and strengths that we need to win the competition for the future, including a fiercely innovative and productive workforce. And if we make the smart investments to hone our competitive edge, no nation will be able to match us. That is why my Administration is not only focused on creating millions of good-paying jobs here at home, and supporting America's working families, we are committed to making the single biggest investment in American innovation and competitiveness since World War II. Through the American Jobs Plan and the American Families Plan, we will be taking on four major challenges to fortify our foundation: strengthening our industrial and innovation base to ensure that the future is made in America; investing in sustainable infrastructure and laying the foundation for a clean energy future; investing in our caring economy to ease the burden of care on working families; and advancing racial equity across the board to ensure that Americans in every community see the benefits of a revitalized economy and United States leadership on the world economic stage.

To support those efforts, we are committed to strengthening existing trade policies—and developing new ones aimed toward promoting equitable growth, protecting workers' rights, and advancing environmental justice. We are also holding our trade partners accountable and ensuring that they do not gain competitive advantages by violating workers' rights or engaging in unfair trade practices.

Enforcing our Nation's trade rules and ensuring a level playing field is critical to making trade work for American workers and businesses. The United States is working bilaterally and multilaterally with our partners to develop standards that support workers, reduce export barriers, and hold accountable those who abuse and exploit the global trading system. We are working with international organizations to implement reforms and address current challenges, including economic, racial, and social inequities, as well as the climate crisis.

If we invest in America, and if we make sure that the United States and our partners write the rules of the road when it comes to global trade, then American factory workers, retail workers, farmers, ranchers, and fishers in every community will have a better chance to earn their place in the middle class and live lives of greater opportunity. We will be more competitive around the world—and stronger, more prosperous, and more resilient here at home.

NOW, THEREFORE, I, JOSEPH R. BIDEN JR., President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim May 16 through May 22, 2021, as World Trade Week. I call upon all Americans to observe this week and to celebrate with appropriate programs, ceremonies, and activities.

IN WITNESS WHEREOF, I have hereunto set my hand this fourteenth day of May, in the year of our Lord two thousand twenty-one, and of the Independence of the United States of America the two hundred and forty-fifth.

JOSEPH R. BIDEN, JR.

Proclamation 10214 of May 18, 2021

National Hepatitis Testing Day, 2021

By the President of the United States of America

A Proclamation

Our efforts to combat the COVID-19 pandemic over the past year have reinforced many public health lessons, including the importance of communication, community engagement, and a comprehensive testing strategy to reduce the spread of infection. These same lessons hold true for another epidemic affecting our Nation: the silent epidemic of viral hepatitis. Viral hepatitis is a serious, preventable public health threat that puts people who are infected at increased risk for serious disease and death. When left undiagnosed and untreated, hepatitis B and hepatitis C can cause liver cirrhosis, liver cancer, and even early death. Hepatitis D, which occurs only among individuals infected with hepatitis B, can also cause serious liver disease. On this National Hepatitis Testing Day, I call on all Americans who are at risk for hepatitis to get tested, and for all health care providers to educate their patients about viral hepatitis.

Our Nation has set a goal to eliminate viral hepatitis by 2030. Thanks to Federal investment in medical research, we have the technology and tools to provide safe and effective hepatitis vaccines and therapeutics that can reduce mortality and even lead to a cure. Despite this progress, an estimated 2.4 million Americans are living with hepatitis C, and more than 860,000 are living with hepatitis B—many of whom unknowingly suffer its effects. Approximately 200,000 Americans are infected with hepatitis D every year. Infection with hepatitis D in an individual already infected with hepatitis B—known as superinfection—leads to a more rapid progression towards liver cancer. We must increase prevention, testing, and awareness to provide people the life-saving treatment they need. Because of the Affordable Care Act, most health insurance plans must cover hepatitis B and hepatitis C testing with no cost-sharing.

The Centers for Disease Control and Prevention recommends screening and testing for hepatitis B, hepatitis C, and hepatitis D based on risk, health status, and pregnancy. It is important we implement these recommendations to ensure proper treatment and help stop the spread of hepatitis. For more information on the recommendations, visit [cdc.gov/hepatitis](https://www.cdc.gov/hepatitis).

My Administration is committed to addressing the health disparities and health inequities, which, as with so many health metrics, are also seen with viral hepatitis. Viral hepatitis disproportionately impacts Black and brown Americans, Indigenous persons, Asian Americans, Native Hawaiians, and Pacific Islanders. The interplay of factors such

as poverty, inadequate housing and transportation, food insecurity, access to care, access to addiction treatment and mental health care, medical mistrust, language and cultural barriers, stigma, and discrimination must be addressed if we are to eliminate these health disparities and advance health equity. The recently released Viral Hepatitis National Strategic Plan: A Roadmap to Elimination is focused on making sure more people living with viral hepatitis are tested and aware of their status and providing a roadmap for quality care and treatment. To read more about the plan, visit hhs.gov/hepatitis.

The viral hepatitis epidemic is also linked with other public health threats, including HIV, sexually transmitted infections, and opioid use. Our response to the public health challenges of viral hepatitis, HIV, sexually transmitted infections, and substance use disorders will require a focus on the people and places where these risk factors intersect, and doing more to test people for viral hepatitis and other infections. We also need to scale-up vaccinations, testing, and care in settings where people at risk receive other services. Implementing point-of-care testing in outreach settings, utilizing clinical decision support tools, and increasing provider awareness and training for implementing testing recommendations will help improve diagnoses and awareness. The ability to reduce viral hepatitis infections will depend on integrated strategies and a comprehensive approach to address our ongoing challenges.

Viral hepatitis exacts a significant toll on our Nation's health, and the stigma and discrimination associated with the disease further impair the quality of life among those affected. Today, we reaffirm our commitment to ensuring everyone knows their viral hepatitis status, has access to high quality care and treatment, and lives free from stigma and discrimination.

NOW, THEREFORE, I, JOSEPH R. BIDEN JR., President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim May 19, 2021, as National Hepatitis Testing Day. I encourage all Americans to join in activities that will increase awareness about viral hepatitis and increase viral hepatitis testing.

IN WITNESS WHEREOF, I have hereunto set my hand this eighteenth day of May, in the year of our Lord two thousand twenty-one, and of the Independence of the United States of America the two hundred and forty-fifth.

JOSEPH R. BIDEN, JR.

Proclamation 10215 of May 21, 2021

National Safe Boating Week, 2021

*By the President of the United States of America
A Proclamation*

Every year, millions of Americans take time to enjoy our Nation's waterways—one of our great natural treasures. As more Americans get vaccinated against COVID-19, and as warmer weather draws families to our Nation's lakes, rivers, and beaches, this week serves as a critical

reminder of the importance of staying safe on the water. Each year during National Safe Boating Week, the Coast Guard and an array of Federal, State, and local partners help save lives and guard against accidents by highlighting safe boating practices.

This year, we celebrate the 50th anniversary of the Federal Boat Safety Act of 1971. The Act created a partnership between the Federal Government and the States to improve the safety of recreational boating. It also established the National Recreational Boating Safety Program and gave the Coast Guard the authority to establish mandatory boat manufacturing and safety standards. The Coast Guard estimates that these efforts have saved nearly 100,000 lives over the last half century.

While most boating trips are enjoyable and safe, tragedy still strikes with alarming frequency. Since 2000, there have been over 13,000 boating-related deaths and over 64,000 boating-related injuries, many of which could have been prevented if proper safety precautions were taken. Whether you are fishing, sailing, or out on the water with family or friends, it is essential to follow safe boating practices for your own protection and the protection of those around you.

Safe boating begins with education and planning. Human error contributes to the vast majority of boating accidents, which can be minimized by taking an “on-water” boating safety course. Learning and improving your boating skills help increase the odds of an enjoyable and safe boating experience. Every American can ensure that their boat is ready for the water by obtaining a free vessel safety check offered through the U.S. Coast Guard Auxiliary.

I call upon all Americans to follow safe boating practices. By following basic boating safety procedures—wearing life jackets, carrying life-saving emergency distress and communications equipment, judiciously using the engine cut-off switch, and staying sober when boating—we can prevent the vast majority of boating fatalities and help ensure boaters on America’s coastal, inland, and offshore waters stay safe throughout the season.

In recognition of the importance of safe boating practices, the Congress, by joint resolution approved June 4, 1958 (36 U.S.C. 131), as amended, has authorized and requested the President to proclaim annually the 7-day period before Memorial Day weekend as “National Safe Boating Week.”

NOW, THEREFORE, I, JOSEPH R. BIDEN JR., President of the United States of America, do hereby proclaim May 22 through May 28, 2021, as National Safe Boating Week. I encourage all Americans who participate in boating activities to observe this occasion by learning and practicing safe boating behaviors. I also encourage the Governors of the States and Territories, and appropriate officials of all units of government, to join me in encouraging boating safety through events and activities.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-first day of May, in the year of our Lord two thousand twenty-one, and of the Independence of the United States of America the two hundred and forty-fifth.

JOSEPH R. BIDEN, JR.

Proclamation 10216 of May 21, 2021**National Maritime Day, 2021**

By the President of the United States of America

A Proclamation

Since the first days of our Republic, America has been a proud maritime Nation. To this day, the United States Merchant Marine is a pillar of our country's prosperity, playing a vital role in the maintenance of our economic and national security. Through every period of peace and war, our merchant mariners have been dedicated to protecting our freedom and promoting commerce. On National Maritime Day, we honor the steadfast commitment and sacrifices of the men and women who serve in the United States Merchant Marine, and recognize their essential role in safeguarding and strengthening our Nation.

Called the "fourth arm of defense" by President Franklin D. Roosevelt during World War II, the Merchant Marine established itself as a cornerstone of sealift support for our Armed Forces, sailing through theaters of war to deliver troops and supplies while keeping vital ocean supply lines operating. The perseverance and dedication of the Merchant Marine contributed to the Allied victory even as they suffered one of the highest casualty rates of any of our military services.

Our merchant mariners also play a critical role in times of peace. They ensure our economic security by keeping our coastal and inland waterways open to trade, while United States-flagged ships operated by American merchant mariners transport goods across our country and all over the world. United States maritime freight operations helped support \$5.4 trillion of economic activity among the many non-maritime industries that depend on the Merchant Marine for access to world markets. This movement of goods domestically and internationally continues to ensure America's economic competitiveness throughout the world—growing jobs and supporting businesses of all sizes here at home.

Our merchant mariners are also critical to extending United States support and assistance to foreign nations and local communities hit hard by natural disasters and devastating crises. Even in the midst of a worldwide pandemic, these brave men and women have overcome seemingly insurmountable obstacles to fulfill their mission while keeping our Nation's supply chains running.

The operation of the United States-flagged fleet is essential in contributing to the reduction of greenhouse gas emissions and landside congestion, helping provide current and future generations with a more sustainable means of freight transportation. The industry is also working to develop and implement new technologies to continue reducing emissions—an effort my Administration is supporting through new international partnerships.

The maritime industry has long provided opportunity for Americans of all backgrounds—and the Merchant Marine continues to advance a more equitable industry in which barriers to entry and advancement are eliminated.

On this National Maritime Day, we honor the brave merchant mariners who provide critical support to our troops stationed in warzones, and

who are essential to our Nation's economic success. Recognizing the contributions of our merchant mariners, my Administration strongly supports protecting the Jones Act—the cornerstone of our domestic maritime industry. We must protect those who protect our country.

The Congress, by a joint resolution approved May 20, 1933, has designated May 22 of each year as “National Maritime Day” to commemorate the first transoceanic voyage by a steamship in 1819 by the S.S. Savannah. By this resolution, the Congress has authorized and requested the President to issue annually a proclamation calling for its appropriate observance.

NOW, THEREFORE, I, JOSEPH R. BIDEN JR., President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim May 22, 2021, as National Maritime Day. I call upon all Americans to observe this day and to celebrate with appropriate programs, ceremonies, and activities.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-first day of May, in the year of our Lord two thousand twenty-one, and of the Independence of the United States of America the two hundred and forty-fifth.

JOSEPH R. BIDEN, JR.

Proclamation 10217 of May 26, 2021

**Honoring the Victims of the Tragedy in San Jose,
California**

*By the President of the United States of America
A Proclamation*

As a mark of respect for the victims of the senseless acts of violence perpetrated on May 26, 2021, in San Jose, California, by the authority vested in me as President of the United States by the Constitution and the laws of the United States of America, I hereby order that the flag of the United States shall be flown at half-staff at the White House and upon all public buildings and grounds, at all military posts and naval stations, and on all naval vessels of the Federal Government in the District of Columbia and throughout the United States and its Territories and possessions until sunset, May 30, 2021. I also direct that the flag shall be flown at half-staff for the same length of time at all United States embassies, legations, consular offices, and other facilities abroad, including all military facilities and naval vessels and stations.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-sixth day of May, in the year of our Lord two thousand twenty-one, and of the Independence of the United States of America the two hundred and forty-fifth.

JOSEPH R. BIDEN, JR.

Proclamation 10218 of May 28, 2021**Prayer for Peace, Memorial Day, 2021**

By the President of the United States of America

A Proclamation

On Memorial Day, we honor and reflect upon the courage, integrity, and selfless dedication of the members of our Armed Forces who have made the greatest sacrifice in service to our Nation. Whether in the waters of the Pacific, on the beachheads of Europe, in the deserts of the Middle East, or in the mountains of Afghanistan, American service members have given their lives to uphold our Constitution and to defend the safety and freedoms of our citizens. These patriots embody the best of the American spirit. They put themselves on the line for our shared values—for duty, honor, country—and they paid the ultimate price. Our Nation can never fully repay the debt we owe to our fallen heroes and their families.

Jill and I know what it means to have a child serving in a war zone—the ever-present concern for your loved one and their fellow service members. Today and every day, we ask God to protect our troops. We also recognize the tremendous loss endured by America’s Gold Star families—the families of military members who died in conflict. We have a sacred obligation as a Nation to support those families and to always honor the memories of their loved ones.

That is the vow we make each year on Memorial Day. Our Nation will never forget the courage and patriotism demonstrated by the countless women and men who laid down their lives so that we may continue to pursue a more perfect Union and to protect the unalienable rights Americans hold dear. They came from every part of the country, of every background and belief, united by a shared belief in our uniquely American creed—that all people are created equal. We will honor their legacy by continuing our work to live up to that commitment and to advance the values they lived and died to defend. We will continue to fight for equity and inclusion in our country and institutions, and ensure every qualified American who is willing to serve our country—regardless of race, religion, gender identity, sexual orientation, or background—has a fair and equal opportunity to do so.

We will continue to honor our fallen service members through the actions of a new generation who volunteer to serve in uniform, who anchor our military to our democratic values, and who stand ready to deter aggression from our enemies and, if required, fight and defend our Nation. Today—as we keep true to the memory of our fallen heroes—we will endeavor to meet their legacy and once more lead the world through the power of our example and not just the example of our power.

As our Nation’s service members continue to risk their lives to protect our homeland and thwart our enemies, we must not lose sight of our desire for enduring peace. Every day, countless Americans pray and work for peace so that we may one day live in a world where American patriots need not make the ultimate sacrifice, and where all people live in freedom and prosperity. As a Nation, we are grateful to the brave members of our Armed Services—both past and present—who have forged the legacy for that possibility.

In honor and recognition of all of our fallen service members, the Congress, by a joint resolution approved May 11, 1950, as amended (36 U.S.C. 116), has requested that the President issue a proclamation calling on the people of the United States to observe each Memorial Day as a day of prayer for permanent peace and designating a period on that day when the people of the United States might unite in prayer and reflection. The Congress, by Public Law 106–579, has also designated 3:00 p.m. local time on that day as a time for all Americans to observe, in their own way, the National Moment of Remembrance.

NOW, THEREFORE, I, JOSEPH R. BIDEN JR., President of the United States of America, do hereby proclaim Memorial Day, May 31, 2021, as a day of prayer for permanent peace, and I designate the hour beginning in each locality at 11:00 a.m. of that day as a time when people might unite in prayer and reflection. I urge the press, radio, television, and all other information media to cooperate in this observance. I further ask all Americans to observe the National Moment of Remembrance beginning at 3:00 p.m. local time on Memorial Day.

I request the Governors of the United States and its Territories, and the appropriate officials of all units of government, to direct that the flag be flown at half-staff until noon on this Memorial Day on all buildings, grounds, and naval vessels throughout the United States and in all areas under its jurisdiction and control. I also request the people of the United States to display the flag at half-staff from their homes for the customary forenoon period.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-eighth day of May, in the year of our Lord two thousand twenty-one, and of the Independence of the United States of America the two hundred and forty-fifth.

JOSEPH R. BIDEN, JR.

Proclamation 10219 of May 31, 2021

**Day of Remembrance: 100 Years After the 1921 Tulsa
Race Massacre**

*By the President of the United States of America
A Proclamation*

One hundred years ago, a violent white supremacist mob raided, firebombed, and destroyed approximately 35 square blocks of the thriving Black neighborhood of Greenwood in Tulsa, Oklahoma. Families and children were murdered in cold blood. Homes, businesses, and churches were burned. In all, as many as 300 Black Americans were killed, and nearly 10,000 were left destitute and homeless. Today, on this solemn centennial of the Tulsa Race Massacre, I call on the American people to reflect on the deep roots of racial terror in our Nation and recommit to the work of rooting out systemic racism across our country.

Before the Tulsa Race Massacre, Greenwood was a thriving Black community that had grown into a proud economic and cultural hub. At its center was Greenwood Avenue, commonly known as Black Wall

Street. Many of Greenwood's 10,000 residents were Black sharecroppers who fled racial violence after the Civil War.

In the decades following the Civil War and Reconstruction, Greenwood became a place where Black Americans were able to make a new start and secure economic progress despite the continued pain of institutional and overt racism. The community was home to a growing number of prominent Black entrepreneurs as well as working-class Black families who shared a commitment to social activism and economic opportunity. As Greenwood grew, Greenwood Avenue teemed with successful Black-owned businesses, including restaurants, grocery stores, hotels, and offices for doctors, lawyers, and dentists. The community also maintained its own school system, post office, a savings and loan institution, hospital, and bus and taxi service.

Despite rising Jim Crow systems and the reemergence of the Ku Klux Klan, Greenwood's economic prosperity grew, as did its citizens' demands for equal rights. This made the community a source of pride for many Black Americans. It also made the neighborhood and its families a target of white supremacists. In 2 days, a violent mob tore down the hard-fought success of Black Wall Street that had taken more than a decade to build.

In the years that followed, the destruction caused by the mob was followed by laws and policies that made recovery nearly impossible. In the aftermath of the attack, local ordinances were passed requiring new construction standards that were prohibitively expensive, meaning many Black families could not rebuild. Later, Greenwood was redlined by mortgage companies and deemed "hazardous" by the Federal Government so that Black homeowners could not access home loans or credit on equal terms. And in later decades, Federal investment, including Federal highway construction, tore down and cut off parts of the community. The attack on Black families and Black wealth in Greenwood persisted across generations.

The Federal Government must reckon with and acknowledge the role that it has played in stripping wealth and opportunity from Black communities. The Biden-Harris Administration is committed to acknowledging the role Federal policy played in Greenwood and other Black communities and addressing longstanding racial inequities through historic investments in the economic security of children and families, programs to provide capital for small businesses in economically disadvantaged areas, including minority-owned businesses, and ensuring that infrastructure projects increase opportunity, advance racial equity and environmental justice, and promote affordable access.

A century later, the fear and pain from the devastation of Greenwood is still felt. As Viola Fletcher, a 107-year-old survivor of the Tulsa Race Massacre courageously testified before the Congress recently, "I will never forget the violence of the white mob when we left our home. I still see Black men being shot, Black bodies lying in the street. I still smell smoke and see fire. I still see Black businesses being burned. I still hear airplanes flying overhead. I hear the screams. I have lived through the massacre every day. Our country may forget this history, but I cannot."

With this proclamation, I commit to the survivors of the Tulsa Race Massacre, including Viola Fletcher, Hughes Van Ellis, and Lessie Benningfield Randle, the descendants of victims, and to this Nation

that we will never forget. We honor the legacy of the Greenwood community, and of Black Wall Street, by reaffirming our commitment to advance racial justice through the whole of our government, and working to root out systemic racism from our laws, our policies, and our hearts.

NOW, THEREFORE, I, JOSEPH R. BIDEN JR., President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim May 31, 2021, a Day of Remembrance: 100 Years After The 1921 Tulsa Race Massacre. I call upon the people of the United States to commemorate the tremendous loss of life and security that occurred over those 2 days in 1921, to celebrate the bravery and resilience of those who survived and sought to rebuild their lives again, and commit together to eradicate systemic racism and help to rebuild communities and lives that have been destroyed by it.

IN WITNESS WHEREOF, I have hereunto set my hand this thirty-first day of May, in the year of our Lord two thousand twenty-one, and of the Independence of the United States of America the two hundred and forty-fifth.

JOSEPH R. BIDEN, JR.

Proclamation 10220 of June 1, 2021

Black Music Appreciation Month, 2021

By the President of the United States of America

A Proclamation

Throughout our history, there has been no richer influence on the American songbook than Black music and culture. From early spirituals born out of the unconscionable hardships of slavery; to the creation of folk and gospel; to the evolution of rhythm and blues and jazz; to the ascendance of rock and roll, rap, and hip-hop—Black music has shaped our society, entertained and inspired us, and helped write and tell the story of our Nation.

During Black Music Appreciation Month, we honor the innovative artists whose musical expressions move us, brighten our daily lives, and bring us together. Across the generations, Black music has pioneered the way we listen to music while preserving Black cultural traditions and sharing the unique experiences of the Black community. Black artists have dramatically influenced what we all hear and feel through music—joy and sadness, love and loss, pride and purpose.

Black music has always stood on its own—a beacon of resilience and resistance—while at the same time helping to shape countless other musical and cultural traditions. From the syncopated rhythms of jazz to the soulful expressions of R&B, Black music spans an extraordinarily broad spectrum of genres and styles. The distinct voices and instruments of Black artists have filled the halls of the Apollo Theater in New York City, Preservation Hall in New Orleans, the Fillmore in San Francisco, and other iconic venues throughout the United States and around the world, energizing audiences and inspiring millions. The music created and expressed by Black communities has paved the way

for generations of musicians across all races, creeds, colors, religions, sexual orientations, and identities. The creativity and spirit of Black music is everywhere, and our Nation and the world are richer for it.

This month, we also honor the many important contributors to our Nation's musical heritage that are no longer with us. And although they have taken their final bows, their musical legacies and influence will live on in our hearts and souls, and inspire a new generation of artists and fans.

In appreciating the indelible contributions of Black Americans to the music landscape, we must also recognize the crisis of racial inequity that Black Americans have faced in America for centuries—a crisis that is often reflected and challenged in Black music. We must rededicate ourselves to rooting out systemic racism from every part of our society, and work together to advance racial justice and equity. In the music industry, that work includes identifying and eliminating barriers that Black creatives face in producing and maintaining ownership of their music and other creations. In this month of June, we celebrate the Black music that has shaped and enlivened our lives and our country, and recommit ourselves to advancing racial equity for artists—and for everyone.

NOW, THEREFORE, I, JOSEPH R. BIDEN JR., President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim June 2021 as Black Music Appreciation Month. I call upon public officials, educators, and all the people of the United States to observe this month with appropriate activities and programs that raise awareness and appreciation of Black music.

IN WITNESS WHEREOF, I have hereunto set my hand this first day of June, in the year of our Lord two thousand twenty-one, and of the Independence of the United States of America the two hundred and forty-fifth.

JOSEPH R. BIDEN, JR.

Proclamation 10221 of June 1, 2021

Great Outdoors Month, 2021

By the President of the United States of America

A Proclamation

America's great outdoors, diverse landscapes, and pristine waterways are a limitless source of pride, inspiration, and sustenance of both body and soul—and an essential part of our national identity. It is our shared responsibility as Americans to be good stewards of these irreplaceable treasures for our children and grandchildren, and for generations to come. During Great Outdoors Month, we celebrate our Nation's natural wonders, and rededicate ourselves to conserving nature's splendor for all Americans and safeguarding our environment against the existential threat of climate change and other challenges.

Our Nation is blessed by an abundance of incredible outdoor spaces that provide opportunities for exploration, recreation, and rejuvena-

tion. From the Sierra Nevadas to the Ozark Trail to the Everglades—to local trails and parks in every part of the country—the outdoors inspire creativity, provide educational opportunities, and bring communities together. This past year, so many of us have developed an even greater appreciation for the powerful role that outdoor spaces play in our physical and mental well-being—providing outlets for activity, solace, and connection in the midst of a devastating pandemic.

Now more than ever, we must rise to meet the challenges of environmental degradation, climate change, and inequitable access to nature. The natural world provides critical resources that sustain all life on Earth—from the air we breathe and the water we drink to the food we eat. Ensuring that we maintain healthy ecosystems and a resilient planet is not just a matter of environmentalism. It is also critical to our health, our safety, the security of our families, and the strength of our economy.

My Administration is committed to taking swift action to address the existential threat of climate change. I have proposed a major investment to put Americans to work building critical industries to produce and deploy clean technologies—reducing harmful emissions, and putting us on the path to a more sustainable and equitable future while creating millions of good-paying jobs. We are going to put Americans to work building a clean, resilient power grid; capping hundreds of thousands of abandoned oil and gas wells and coal mines to put a stop to methane leaks; constructing the next generation of electric vehicles; and developing new carbon capture and green hydrogen technologies on farms and in factories to make everything from our steel and cement to our agricultural sector cleaner and more sustainable. We will also speed up implementation of the Great American Outdoors Act, which invests in conservation projects that will benefit communities across the country—including Black and brown communities that have too often been excluded from our great outdoor spaces. My Administration has also outlined a new “America the Beautiful” initiative to bring the Federal Government together with State, Tribal, and local partners to conserve at least 30 percent of our lands and waters by 2030.

During Great Outdoors Month, I encourage all Americans to explore our Nation’s beautiful outdoor spaces. As we enjoy the great outdoors—from national parks to our own backyards—let us rededicate ourselves to conserving our Nation’s natural spaces for our own well-being, and for the health, safety, prosperity, and fulfillment of generations to come.

NOW, THEREFORE, I, JOSEPH R. BIDEN JR., President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim June 2021 as Great Outdoors Month. I urge all Americans to explore the great outdoors, to experience our Nation’s natural heritage, and to continue our Nation’s tradition of preserving and conserving our lands for future generations.

IN WITNESS WHEREOF, I have hereunto set my hand this first day of June, in the year of our Lord two thousand twenty-one, and of the Independence of the United States of America the two hundred and forty-fifth.

JOSEPH R. BIDEN, JR.

Proclamation 10222 of June 1, 2021**Lesbian, Gay, Bisexual, Transgender, and Queer Pride Month, 2021**

By the President of the United States of America

A Proclamation

The uprising at the Stonewall Inn in June, 1969, sparked a liberation movement—a call to action that continues to inspire us to live up to our Nation’s promise of equality, liberty, and justice for all. Pride is a time to recall the trials the Lesbian, Gay, Bisexual, Transgender, and Queer (LGBTQ+) community has endured and to rejoice in the triumphs of trailblazing individuals who have bravely fought—and continue to fight—for full equality. Pride is both a jubilant communal celebration of visibility and a personal celebration of self-worth and dignity. This Pride Month, we recognize the valuable contributions of LGBTQ+ individuals across America, and we reaffirm our commitment to standing in solidarity with LGBTQ+ Americans in their ongoing struggle against discrimination and injustice.

The LGBTQ+ community in America has achieved remarkable progress since Stonewall. Historic Supreme Court rulings in recent years have struck down regressive laws, affirmed the right to marriage equality, and secured workplace protections for LGBTQ+ individuals in every State and Territory. The Matthew Shepard and James Byrd, Jr. Hate Crimes Prevention Act broadened the definition of hate crimes to include crimes motivated by sexual orientation or gender identity. Members of the LGBTQ+ community now serve in nearly every level of public office—in city halls and State capitals, Governors’ mansions and the halls of the Congress, and throughout my Administration. Nearly 14 percent of my 1,500 agency appointees identify as LGBTQ+, and I am particularly honored by the service of Transportation Secretary Pete Buttigieg, the first openly LGBTQ+ person to serve in the Cabinet, and Assistant Health Secretary Dr. Rachel Levine, the first openly transgender person to be confirmed by the Senate.

For all of our progress, there are many States in which LGBTQ+ individuals still lack protections for fundamental rights and dignity in hospitals, schools, public accommodations, and other spaces. Our Nation continues to witness a tragic spike in violence against transgender women of color. LGBTQ+ individuals—especially youth who defy sex or gender norms—face bullying and harassment in educational settings and are at a disproportionate risk of self-harm and death by suicide. Some States have chosen to actively target transgender youth through discriminatory bills that defy our Nation’s values of inclusivity and freedom for all.

Our Nation also continues to face tragic levels of violence against transgender people, especially transgender women of color. And we are still haunted by tragedies such as the Pulse Nightclub shooting in Orlando. Ending violence and discrimination against the LGBTQ+ community demands our continued focus and diligence. As President, I am committed to defending the rights of all LGBTQ+ individuals.

My Administration is taking historic actions to finally deliver full equality for LGBTQ+ families. On my first day in office, I signed an Executive Order charging Federal agencies to fully enforce all Federal

laws that prohibit discrimination on the basis of gender identity or sexual orientation. As a result, the Federal Government has taken steps to prevent discrimination against LGBTQ+ people in employment, health care, housing, lending, and education. I also signed an Executive Order affirming all qualified Americans will be able to serve in the Armed Forces of the United States—including patriotic transgender Americans who can once again proudly and openly serve their Nation in uniform—and a National Security Memorandum that commits to supporting LGBTQ+ Federal employees serving overseas. My Administration is also working to promote and protect LGBTQ+ human rights abroad. LGBTQ+ rights are human rights, which is why my Administration has reaffirmed America's commitment to supporting those on the front lines of the equality and democracy movements around the world, often at great risk. We see you, we support you, and we are inspired by your courage to accept nothing less than full equality.

While I am proud of the progress my Administration has made in advancing protections for the LGBTQ+ community, I will not rest until full equality for LGBTQ+ Americans is finally achieved and codified into law. That is why I continue to call on the Congress to pass the Equality Act, which will ensure civil rights protections for LGBTQ+ people and families across our country. And that is why we must recognize emerging challenges, like the fact that many LGBTQ+ seniors, who faced discrimination and oppression throughout their lives, are isolated and need support and elder care.

During LGBTQ+ Pride Month, we recognize the resilience and determination of the many individuals who are fighting to live freely and authentically. In doing so, they are opening hearts and minds, and laying the foundation for a more just and equitable America. This Pride Month, we affirm our obligation to uphold the dignity of all people, and dedicate ourselves to protecting the most vulnerable among us.

NOW, THEREFORE, I, JOSEPH R. BIDEN JR., President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim June 2021 as Lesbian, Gay, Bisexual, Transgender, and Queer Pride Month. I call upon the people of the United States to recognize the achievements of the LGBTQ+ community, to celebrate the great diversity of the American people, and to wave their flags of pride high.

IN WITNESS WHEREOF, I have hereunto set my hand this first day of June, in the year of our Lord two thousand twenty-one, and of the Independence of the United States of America the two hundred and forty-fifth.

JOSEPH R. BIDEN, JR.

Proclamation 10223 of June 1, 2021

National Caribbean-American Heritage Month, 2021

By the President of the United States of America

A Proclamation

America's diversity is and always has been the defining strength of our Nation—in every generation, our society, spirit, and shared ambitions

have been refreshed by wave after wave of immigrants seeking out their American dream. Throughout our history, Caribbean Americans have brought vibrant cultures, languages, traditions, and values that strengthen our country and add new chapters to our common story. In recognition of Caribbean Americans' countless gifts and contributions to our Nation, we celebrate National Caribbean-American Heritage Month.

Caribbean Americans have made our country more innovative and more prosperous; they have enriched our Nation's arts and culture, our public institutions, and our economy. I am honored to celebrate this National Caribbean-American Heritage Month alongside Caribbean-American barrier-breaking public servants in my Administration—including Vice President Kamala Harris, Secretary of Homeland Security Alejandro Mayorkas, Secretary of Education Miguel Cardona, and Domestic Policy Advisor Susan Rice—all of whom continue to be sources of pride and inspiration for Caribbean Americans across the country.

Caribbean-American intellectuals and artists like James Weldon Johnson, the poet who gave us the anthem, *Lift Every Voice and Sing*; celebrated neo-expressionist painter Jean-Michel Basquiat; and John B. Russwurm, the first Caribbean-American editor of a U.S. newspaper, have left a lasting impact on our country. Caribbean-American jurists like Constance Baker Motley, the first Black woman appointed to the Federal bench, and the Nation's first Latina Supreme Court Justice, Sonia Sotomayor, have made innumerable contributions to the American justice system. Shirley Chisholm, the daughter of Caribbean immigrants, blazed new trails as our Nation's first Black Congresswoman—and the first Black woman to launch a major-party bid for the Presidency. Public servants like Antonia Novello, our Nation's first female Surgeon General, and Colin Powell, our first Black Secretary of State, have followed in her footsteps, charting new paths of their own in service to the American people.

Despite the powerful legacy of achievement of Caribbean Americans, many members of the Caribbean-American community continue to face systemic barriers to equity, opportunity, and justice. Systemic racism has uniquely impacted Black and Latino immigrant communities, including Caribbean Americans, leading to disparities in health care, education, housing, criminal justice, and economic opportunity. My Administration is committed to addressing those entrenched disparities—and to bringing our Nation closer to its promise that all people are created equal and deserve to be treated equally throughout their lives. That is why I have launched a whole-of-government approach to advancing racial justice and equity.

During National Caribbean-American Heritage Month, we celebrate the legacy and essential contributions of Caribbean Americans who have added so much to our American fabric.

NOW, THEREFORE, I, JOSEPH R. BIDEN JR., President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim June 2021 as National Caribbean-American Heritage Month. I encourage all Americans to join in celebrating the history, culture, and achievements of Caribbean Americans with appropriate ceremonies and activities.

IN WITNESS WHEREOF, I have hereunto set my hand this first day of June, in the year of our Lord two thousand twenty-one, and of the

Independence of the United States of America the two hundred and forty-fifth.

JOSEPH R. BIDEN, JR.

Proclamation 10224 of June 1, 2021

National Homeownership Month, 2021

*By the President of the United States of America
A Proclamation*

For millions of Americans, homeownership is the cornerstone of a life with security, with dignity, and with hope. A home is more than four walls and a roof; it is a place where we can celebrate triumphs and weather the trials of life. A place where we can watch our families grow and prosper. A place that helps us build wealth we can pass down to our children and our grandchildren.

The aspiration to own a home is connected deeply to the American dream. It has driven generations of Americans, in search of a place to call one's own.

Today, for people across the United States, the desire to own a home burns as brightly as it ever has. Yet the stark reality is that, for too many, the dream of homeownership is becoming more difficult to realize and sustain. This is especially true in the wake of the economic devastation inflicted by the COVID-19 pandemic.

We also know that people of color continue to face discrimination in our housing market—when trying to secure mortgages, to have their homes appraised, and to live in neighborhoods where their families can thrive. In recent years, the homeownership gap between Black and white families reached its widest point since 1968, when banks could still legally discriminate against borrowers based on the color of their skin.

This is economically and morally wrong, and it is why, as President, I have made it a central priority to expand stability and opportunity within our housing market. On my first day in office, I took executive action to extend foreclosure moratoriums for nearly 11 million households with mortgages guaranteed by the Federal Government. My Administration introduced and passed the American Rescue Plan, which will deliver nearly \$10 billion in relief for homeowners who have fallen behind on their mortgage payments during the pandemic. And to create greater opportunities for homeownership moving forward, we have proposed the American Jobs Plan—which can spur the construction and rehabilitation of more than 500,000 homes for buyers of more modest means.

The Department of Housing and Urban Development will continue to advance affordable and sustainable homeownership throughout our Nation. This will require that we help more hardworking Americans purchase their first homes, increase access to credit and mortgage insurance for borrowers of color, and fully enforce the 1968 Fair Housing Act—to root out systemic discrimination from our housing market and

break down the unjust barriers that prevent too many Americans from buying a home.

NOW, THEREFORE, I, JOSEPH R. BIDEN JR., President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim June 2021 as National Homeownership Month. I call upon the people of this Nation to recognize the enduring value of homeownership and to recommit ourselves to helping more Americans realize that dream.

IN WITNESS WHEREOF, I have hereunto set my hand this first day of June, in the year of our Lord two thousand twenty-one, and of the Independence of the United States of America the two hundred and forty-fifth.

JOSEPH R. BIDEN, JR.

Proclamation 10225 of June 1, 2021

National Immigrant Heritage Month, 2021

By the President of the United States of America

A Proclamation

America is, always has been, and always will be a Nation of immigrants. It was the premise of our founding; it is reflected in our Constitution; it is etched upon the Statue of Liberty—that “from her beacon-hand glows world-wide welcome.” During National Immigrant Heritage Month, we reaffirm and draw strength from that enduring identity and celebrate the history and achievements of immigrant communities across our Nation.

Across each generation throughout our history, wave after wave of immigrants have enriched our Nation and made us better, stronger, more innovative, and more prosperous. The American story includes the story of courageous families who ventured here—be it centuries ago, or just this year—from every part of the world to seek new possibilities and help to forge our Nation. In every era, immigrant innovators, workers, entrepreneurs, and community leaders have fortified and defended us, fed us and cared for us, advanced the limits of our thinking, and broken new ground.

After an especially difficult period marked by both the COVID-19 pandemic and the all-too-frequent demonization of immigrants, it is vital that our Nation reflect on the leadership, resilience, and courage shown by generations of immigrant communities, and recommit ourselves to our values as a welcoming Nation. We recognize all of the workers, many of whom are immigrants, who have contributed to the food security, health, and safety of all Americans during this challenging year—and every year. And we honor the sacrifices made by immigrants who serve on the front lines of the pandemic as health care providers, first responders, teachers, grocers, farm workers, and other essential workers. It was these same immigrant families and communities of color who were disproportionately struck by the virus. In honor of those we’ve lost, let us dedicate ourselves as a Nation to protecting one another and doing our part to put an end to this pandemic for good.

The promise of our Nation is that every American has a fair shot and an equal chance to get ahead, yet systemic racism and persistent barriers have denied this promise to far too many immigrants throughout our history and today. I have placed equity at the center of my Administration's agenda. From day one, I promised that my Administration would reflect the full diversity of our Nation—and today, nearly one-third of my Administration's 1,500 political appointees are naturalized U.S. citizens or children of immigrants.

I have directed Federal agencies to rebuild trust in our immigration system that has been lost, to reach out to underserved communities unable to access the opportunities our Nation offers them, to offer again a welcoming humanitarian hand to the persecuted and oppressed, and to reduce barriers to achieving citizenship and equality.

I am honored to serve alongside Vice President Harris, the first daughter of immigrants to hold the Office of the Vice President, and to work with so many dedicated public servants who are immigrants—and who carry with them every day the legacies of their families' sacrifice and resilience.

Despite the progress our Nation has made since our founding, there is more work to be done to extend the full promise of America to all our people. Nearly 11 million people in this country are undocumented—and it is time that the Congress acts by passing the U.S. Citizenship Act of 2021, the immigration reform plan that I introduced on day one of my Presidency. My plan would provide a pathway to lawful permanent residency and citizenship for these undocumented immigrants, including Dreamers, individuals with Temporary Protected Status, farm workers, and other essential workers who contribute to our Nation every day.

Vice President Harris and I affirm that immigrants historically have made and continue to make our Nation stronger. I urge my fellow Americans to join us this month in celebrating immigrant heritage, stories, and cultures.

NOW, THEREFORE, I, JOSEPH R. BIDEN JR., President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim June 2021 as National Immigrant Heritage Month. I call upon the people of the United States to learn more about the history of immigrant communities throughout the generations following our Nation's founding, and to observe this month with appropriate programming and activities.

IN WITNESS WHEREOF, I have hereunto set my hand this first day of June, in the year of our Lord two thousand twenty-one, and of the Independence of the United States of America the two hundred and forty-fifth.

JOSEPH R. BIDEN, JR.

Proclamation 10226 of June 1, 2021**National Ocean Month, 2021**

By the President of the United States of America

A Proclamation

The world's ocean basins are critical to the success of our Nation and, indeed, to life on Earth. The ocean powers our economy, provides food for billions of people, supplies 50 percent of the world's oxygen, offers recreational opportunities for us to enjoy, and regulates weather patterns and our global climate system. During National Ocean Month, we celebrate our stewardship of the ocean and coasts, and reaffirm our commitment to protecting and sustaining them for current and future generations.

My Administration is dedicated to improving our Nation's public health by supporting resilient ocean habitats, wildlife, and resources in which all Americans rely on. Through our "America the Beautiful" initiative, we are working with State, Tribal, and local partners to conserve at least 30 percent of United States lands and waters by 2030—so that our natural world can continue to supply the food, clean air, and clean water that every one of us depends on to survive. We are also committed to supporting safe, plentiful, and sustainable seafood harvesting for domestic consumption and export, and reducing public health risks such as harmful algal blooms that have proliferated as a result of climate change and the acidification of our waters.

The ocean has always been essential to our economy, and that will remain true as we build back better and develop the clean industries and good jobs of the future. My plan to dramatically expand offshore wind energy over the next 10 years will provide good-paying union jobs and a sustainable source of clean energy. Investing in resilient, reliable coastal infrastructure—including modern ports and waterways—that can withstand the impacts of rising seas and powerful storms will keep our economy competitive in the global marketplace while making our families safer. Conserving and restoring coastal wetlands and habitats will also strengthen our efforts to tackle climate change, improve the resilience of coastal communities, and help restore nursery areas that are important to our fisheries. Investing in our fishing communities and supporting local seafood supply options will also be critical to helping us build a climate-resilient, sustainable ocean economy.

Climate change is a global challenge that is integrally linked to the ocean. By protecting our ocean and coastal ecosystems and resources, we are also protecting the worldwide economies and people that depend on them. To address these challenges, we are building on our Nation's long legacy of ocean exploration and research to gain new insights into ocean ecosystems and biodiversity and ways the ocean can sequester and store carbon. Marine life, changing ocean conditions, and plastic and other pollution pay no attention to national boundaries. That is why we must focus on a worldwide approach to conservation and sustainability. In collaboration with our international partners, my Administration will continue America's global leadership in ocean science, stewardship, and conservation. Our engagement in international efforts, such as the United Nations Decade of Ocean Science for Sustainable Development, reflects the priorities and values of my

Administration to ensure that ocean science delivers greater benefits for the American people, the people of the world, and international ocean ecosystems.

My Administration is also committed to delivering climate justice, including ensuring equitable access to our ocean and coasts for all Americans—and working to ensure that Indigenous Americans, Black Americans, and other people of color are no longer forced to shoulder disproportionate climate and environmental burdens, as they historically have. My Administration will work hard to further break down the barriers many communities of color face by creating new opportunities to diversify ocean-related access and workforces. We will also equip educators with tools to teach our Nation's youth how to become a powerful generation of ocean stewards.

It is imperative that we take proper action now to ensure that the ocean continues to thrive. During National Ocean Month, we recognize the central role of a healthy ocean in sustaining all of our lives, and pledge to find innovative ways to conserve, protect, and restore our ocean.

NOW, THEREFORE, I, JOSEPH R. BIDEN JR., President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim June 2021 as National Ocean Month. I call upon Americans to take action to protect, conserve, and restore our ocean and coasts.

IN WITNESS WHEREOF, I have hereunto set my hand this first day of June, in the year of our Lord two thousand twenty-one, and of the Independence of the United States of America the two hundred and forty-fifth.

JOSEPH R. BIDEN, JR.

Proclamation 10227 of June 11, 2021

Flag Day and National Flag Week, 2021

By the President of the United States of America

A Proclamation

In the midst of a revolution, less than a year after declaring our independence, the Congress consecrated what would become an enduring emblem of American unity by adopting a national flag on June 14, 1777.

In the 244 years since, the United States has grown and changed across the generations—and our flag has changed in turn. The blue field of stars has been enlarged as our Union has gained in size and strength. The 13 stripes, symbolizing the 13 original States, have held as constant as the bedrock values upon which our Nation was first conceived—the very same values we still cherish, and still reach for, today.

Since adoption of the Stars and Stripes, Americans—and people around the world—have continuously looked to our flag as a symbol of unity and liberty. Our flag has sailed around the globe, and journeyed to the Moon and, now, to Mars. It has flown on fields of battle,

and marks the resting places of those who have given what President Lincoln called “the last full measure of devotion” for our country. Its prominence at civic landmarks and seats of public authority communicates the promise of democracy—that under this flag, the rule of law is supreme and the people reign. As we continue the sacred work of building a more perfect Union together, let our flag serve as a reminder to us, and to the world, that America stands for and strives for the promise of freedom, justice, and equality for all.

To commemorate the adoption of our flag, the Congress, by joint resolution approved August 3, 1949, as amended (63 Stat. 492), designated June 14 of each year as “Flag Day” and requested that the President issue an annual proclamation calling for its observance and for the display of the flag of the United States on all Federal Government buildings. The Congress also requested, by joint resolution approved June 9, 1966, as amended (80 Stat. 194), that the President issue annually a proclamation designating the week in which June 14 occurs as “National Flag Week” and calling upon all citizens of the United States to display the flag during that week.

NOW, THEREFORE, I, JOSEPH R. BIDEN JR., President of the United States of America, do hereby proclaim June 14, 2021, as Flag Day, and the week starting June 13, 2021, as National Flag Week. I direct the appropriate officials to display the flag on all Federal Government buildings during this week, and I urge all Americans to observe Flag Day and National Flag Week by displaying the flag. I encourage the people of the United States to observe with pride and all due ceremony those days from Flag Day through Independence Day, set aside by the Congress (89 Stat. 211), as a time to honor the American spirit, to celebrate our history and the foundational values we strive to uphold, and to publicly recite the Pledge of Allegiance to the Flag of the United States of America.

IN WITNESS WHEREOF, I have hereunto set my hand this eleventh day of June, in the year of our Lord two thousand twenty-one, and of the Independence of the United States of America the two hundred and forty-fifth.

JOSEPH R. BIDEN, JR.

Proclamation 10228 of June 14, 2021

World Elder Abuse Awareness Day, 2021

By the President of the United States of America
A Proclamation

Older Americans make invaluable contributions to our families, our communities, and our Nation every day. But for far too many, the sacred promise of aging with dignity in America is broken by unconscionable incidents of abuse, neglect, or exploitation. On World Elder Abuse Awareness Day, Americans of all ages join the international community to raise awareness and help bring an end to elder abuse.

Elder abuse can take many forms, including financial, emotional, physical, or sexual abuse, as well as exploitation and neglect. Every year, one in ten Americans aged 60 and older experiences abuse—and for

every case of elder abuse that comes to the attention of authorities, it is estimated that 23 cases are never brought to light. Since the start of the COVID-19 pandemic, we have also seen a chilling increase in hate crimes targeting Asian-Americans, many of whom have been elders. These attacks are shameful and deeply un-American.

Central to our Nation is the idea that we are all in this together, and that as Americans we owe one another a basic duty of care. The pandemic has both reinforced the importance of that duty and tested our capacity to meet it—the virus has exacerbated the quiet harm of social isolation among seniors around the world, a condition that makes abuse, neglect, and exploitation more likely. Having lost so many cherished seniors to this virus, we must recommit ourselves to fully including older Americans in our communities and systems of support. We must care for one another—and leave no one behind.

With over three-quarters of Americans 65 and over now fully vaccinated and more progress being made every day, the future for seniors is growing brighter and brighter. After a painful year, grandparents around the world are hugging their grandchildren again. Vaccinated seniors who were socially isolated are able to reengage with the broader community again. And as we begin to build back better, we are working to ensure that older Americans have greater opportunities to live with dignity, safety, independence, and social connections.

My Administration is committed to fulfilling that promise. That's why the American Rescue Plan included more than \$1.4 billion in additional funding for programs that promote community living and ensure the safety and protection of older adults. The law also enhances the Elder Justice Act and ensures that Adult Protective Services can be used to protect the safety and dignity of all seniors. Additionally, the plan included new Medicaid funding to expand access to critical home and community-based health care services, and over \$275 million for elder justice programs that address abuse, neglect, and exploitation. The American Jobs Plan and American Families Plan will further that progress, building up the care infrastructure that our economy and so many families depend on—expanding day programs for seniors, programs that bring care workers to seniors' homes to cook meals, and programs to help seniors get around their home safely and live more independently.

As we expand opportunities for older Americans, my Administration will also not tolerate elder abuse or hate in any form. I have instructed agencies across the Federal Government to do their part to combat elder abuse and support survivors. We are working to renew and strengthen the Violence Against Women Act, which also dedicates Federal funds to develop a more comprehensive approach to addressing abuse and neglect in later life, including through the funding of victim service providers, law enforcement, and prosecutors working to prevent and respond to domestic violence, sexual assault, and stalking experienced by older adults, whether caused by a spouse, family member, caregiver, or others. And this year, for the first time, the Federal Government has provided funding to Adult Protective Services programs in every State and Territory to support their critical, on-the-ground work investigating abuse and connecting victims to resources.

During World Elder Abuse Awareness Day, we also recognize the individuals who dedicate themselves to preventing elder abuse. All across

our Nation, caregivers work to help older adults stay connected to their communities while preventing elder abuse and intervening if it occurs. These unsung heroes include family members, Adult Protective Services workers, social service providers, nonprofit victim services organizations, long-term care ombudspersons, law enforcement officers, judges and judicial personnel, legal professionals, health care professionals, and financial professionals.

On World Elder Abuse Awareness Day, we stand with all older Americans, and elderly people around the world, who are victims of elder abuse, neglect, and financial exploitation, and we recommit ourselves to protecting every senior's right to live their golden years with dignity and respect.

NOW, THEREFORE, I, JOSEPH R. BIDEN JR., President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim June 15, 2021, as World Elder Abuse Awareness Day. I call upon all Americans to work for elder justice by building inclusive communities that welcome people of all ages and abilities; by learning the warning signs of elder abuse, neglect, and exploitation; and by challenging age-related biases.

IN WITNESS WHEREOF, I have hereunto set my hand this fourteenth day of June, in the year of our Lord two thousand twenty-one, and of the Independence of the United States of America the two hundred and forty-fifth.

JOSEPH R. BIDEN, JR.

Proclamation 10229 of June 18, 2021

Juneteenth Day of Observance, 2021

*By the President of the United States of America
A Proclamation*

On June 19, 1865—nearly nine decades after our Nation's founding, and more than 2 years after President Lincoln signed the Emancipation Proclamation—enslaved Americans in Galveston, Texas, finally received word that they were free from bondage. As those who were formerly enslaved were recognized for the first time as citizens, Black Americans came to commemorate Juneteenth with celebrations across the country, building new lives and a new tradition that we honor today. In its celebration of freedom, Juneteenth is a day that should be recognized by all Americans. And that is why I am proud to have consecrated Juneteenth as our newest national holiday.

Juneteenth is a day of profound weight and power.

A day in which we remember the moral stain and terrible toll of slavery on our country—what I've long called America's original sin. A long legacy of systemic racism, inequality, and inhumanity.

But it is a day that also reminds us of our incredible capacity to heal, hope, and emerge from our darkest moments with purpose and resolve.

As I said on the 100th Anniversary of the Tulsa Race Massacre, great nations don't ignore the most painful chapters of their past. Great nations confront them. We come to terms with them.

On Juneteenth, we recommit ourselves to the work of equity, equality, and justice. And, we celebrate the centuries of struggle, courage, and hope that have brought us to this time of progress and possibility. That work has been led throughout our history by abolitionists and educators, civil rights advocates and lawyers, courageous activists and trade unionists, public officials, and everyday Americans who have helped make real the ideals of our founding documents for all.

There is still more work to do. As we emerge from the long, dark winter of the COVID-19 pandemic, for example, racial equity remains at the heart of our efforts to vaccinate the Nation and beat the virus. We must recognize that Black Americans, among other people of color, have shouldered a disproportionate burden of loss—while also carrying us through disproportionately as essential workers and health care providers on the front lines of the crisis.

Psalm 30 proclaims that “weeping may endure for a night, but joy cometh in the morning.” Juneteenth marks both the long, hard night of slavery and discrimination, and the promise of a brighter morning to come. My Administration is committed to building an economy—and a Nation—that brings everyone along, and finally delivers our Nation's founding promise to Black Americans. Together, we will lay the roots of real and lasting justice, so that we can become the extraordinary country that was promised to all Americans.

Juneteenth not only commemorates the past. It calls us to action today.

NOW, THEREFORE, I, JOSEPH R. BIDEN JR., President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim June 19, 2021, as Juneteenth Day of Observance. I call upon the people of the United States to acknowledge and celebrate the end of the Civil War and the emancipation of Black Americans, and commit together to eradicate systemic racism that still undermines our founding ideals and collective prosperity.

IN WITNESS WHEREOF, I have hereunto set my hand this eighteenth day of June, in the year of our Lord two thousand twenty-one, and of the Independence of the United States of America the two hundred and forty-fifth.

JOSEPH R. BIDEN, JR.

Proclamation 10230 of June 18, 2021

Father's Day, 2021

*By the President of the United States of America
A Proclamation*

Like so many fathers, my dad was a man of decency, honor, generosity, and kindness. He had a profound impact on me, and instilled in me the understanding of the basic truth that everyone is entitled to be treated with dignity and respect. The value set my father taught me,

I taught to my children and my grandchildren. I hold his words, his wisdom, and his influence in my heart every day and every time I sign my name as President, Joseph R. Biden, Jr.

Father's Day is a time to recognize, appreciate, and celebrate the fathers and father figures in our lives who lift us up on their shoulders and shape our lives for the better. We thank the dads who have guided, taught, coached, cared for us, and supported us through life's trials and tribulations. And, we celebrate all that they impart: character and perspective, lessons borne from experience, and the sacrifices made from love.

We also know this can be a hard day for many—for those who have lost a father, a grandfather, a stepfather, or a fatherly role model; and for those fathers who have lost a child of their own. During the past year, too many families lost fathers too soon because of and during this pandemic. We think of them today and every day, and we honor their enduring memories and legacies.

My Administration is committed to strengthening American families and easing the burdens of caregiving, so that more fathers and mothers can raise children while pursuing fulfilling lives and careers of their own. The American Families Plan would provide 12 weeks of paid family leave, so that all parents who work outside the home can spend precious time with their newborn children or care for their children and other loved ones when they get sick. By investing in our caregiving infrastructure, we can help ensure that no father or mother has to choose between putting food on the table or caring for their children. My Administration is also committed to helping single moms and dads, many of whom shoulder all of the parenting responsibility in their children's lives, sacrificing greatly to ensure that their kids have the same opportunities as everyone else.

Today, we express our appreciation for the fathers, stepfathers, grandfathers, and father figures who enrich our character, love us unconditionally, and give so much of themselves every day so we can live lives worthy of their dreams and sacrifices.

NOW, THEREFORE, I, JOSEPH R. BIDEN JR., President of the United States of America, in accordance with a joint resolution of the Congress approved April 24, 1972, as amended (36 U.S.C. 109), do hereby proclaim June 20, 2021, as Father's Day. I direct the appropriate officials of the Government to display the flag of the United States on all Government buildings on this day. Let us remember our fathers, living and deceased, and give them the honor and gratitude they deserve.

IN WITNESS WHEREOF, I have hereunto set my hand this eighteenth day of June, in the year of our Lord two thousand twenty-one, and of the Independence of the United States of America the two hundred and forty-fifth.

JOSEPH R. BIDEN, JR.

Proclamation 10231 of June 30, 2021**50th Anniversary of the 26th Amendment**

By the President of the United States of America

A Proclamation

Our Constitution recognizes that, as a Nation, we are constantly learning. Our Founders built that recognition into its original design, providing a mechanism to amend our Constitution as our Nation evolved. On July 1, 1971, our Nation ratified the 26th Amendment to the Constitution, lowering the voting age to 18. At the time, 18-, 19-, and 20-year-old Americans were fulfilling their civic duties: paying taxes, serving in our Armed Forces, acting as first responders, laboring in fields, factories, and service jobs across the country, and pursuing higher education. They were participating in our democracy and all of the responsibilities of citizenship in all ways except for one: they could not vote. A broad coalition, following in the footsteps of the suffragettes of the early 20th century and the civil rights activists of the 1960s, advocated, educated, and prevailed in persuading our Nation that those younger Americans were entitled to the right to vote. We also made a national commitment that the right to vote would never be denied or abridged for any adult voter based on their age.

My first race for the Senate was one of the first elections in which 18-year-olds could vote, and the energy and passion of Delaware's young people helped propel me to an unlikely victory.

Fifty years later, younger voters remain essential to our civic infrastructure. They are not only voting in our elections—including at record rates in 2020—but winning them. Younger Americans are lending their talent and vision to school boards, city councils, and county commissions; teenagers are serving as State legislators and mayors, and we are the better for it.

Younger voters are not waiting to inherit the future; they are building the future themselves. Young Americans have been on the front lines in the fight to defend the right to vote and expand access to the ballot box for all eligible voters. Their civic engagement extends beyond voting—with young Americans leading the calls for racial justice, climate action, gun violence prevention, and immigration reform among many other issues.

Despite the progress we have made, there remain persistent gaps in turnout between younger voters and their older counterparts. There is still more that we can and must do to deliver on the promise of the 26th Amendment. My Administration has made public service and civic education a priority, engaging younger Americans in our shared struggle for continual progress. I have directed Federal agencies to consider ways to make it easier to vote and to learn about voting, and to focus on the various ways that the Federal Government engages younger Americans, online and off. Today's youth are more diverse than past generations—and laws aimed at suppressing voter turnout in Black and Brown communities also impact young voters. My Administration supports the For the People Act and the John Lewis Voting Rights Advancement Act to protect the fundamental right to vote and make our democracy more equitable and accessible for all Americans.

Today, we honor the bipartisan expansion of voter enfranchisement. Let us continue our work to make the 26th Constitutional Amendment ever more meaningful in the months and years ahead.

NOW, THEREFORE, I, JOSEPH R. BIDEN JR., President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim July 1, 2021, as the 50th Anniversary of the 26th Amendment. I call upon all Americans to participate in ceremonies and activities that honor the 26th formal modification of our national Charter, that recognize the contributions made by voters enfranchised by its terms, and that work toward full participation of all who are eligible to vote.

IN WITNESS WHEREOF, I have hereunto set my hand this thirtieth day of June, in the year of our Lord two thousand twenty-one, and of the Independence of the United States of America the two hundred and forty-fifth.

JOSEPH R. BIDEN, JR.

Proclamation 10232 of July 15, 2021

National Atomic Veterans Day, 2021

By the President of the United States of America

A Proclamation

On July 16, 1945, the United States detonated the world's first nuclear device in Alamogordo, New Mexico. Better known by its code name, “Trinity,” the successful test of the first atomic bomb brought forth a new age of science that changed the lives of many of those who served in our Armed Forces, and forever altered the nature and the risks of war. Just weeks later, the world witnessed the horrors of nuclear destruction at Hiroshima and Nagasaki, which marked the end of World War II but opened our eyes to the truth that a nuclear war must never be fought.

Many brave men and women have risked their lives in service to our Nation, but few know the story of our “Atomic Veterans”—American military service members who participated in nuclear tests between 1945 and 1962, served with United States military forces in or around Hiroshima and Nagasaki through mid-1946, or were held as prisoners of war in or near Hiroshima or Nagasaki. These veterans served at testing sites like the Bikini Atoll and witnessed the destructive power of nuclear weapons firsthand. On National Atomic Veterans Day, we recognize and honor the contributions of America's Atomic Veterans for their sacrifice and dedication to our Nation's security, and recommit to supporting our Atomic Veterans and educating ourselves on the role these patriots played in our national story.

Atomic Veterans served our Nation with distinction, but their service came at a great cost. Many developed health conditions due to radiation exposure, yet because they were not able to discuss the nature of their service, they were unable to seek medical care or disability compensation from the Department of Veterans Affairs for their illnesses. Decades later in 1996, the United States Congress repealed the Nuclear Radiation and Secrecy Agreements Act, allowing Atomic Vet-

erans to tell their stories and file for benefits. By then, thousands of Atomic Veterans had died without their families knowing the true extent of their service.

Our Nation has one truly sacred obligation: to properly prepare and equip our troops when we send them into harm's way, and to care for them and their families when they return from service. As Commander in Chief, I am committed to fulfilling our obligation to the Atomic Veterans and their families, and ensuring that all of our Nation's veterans have timely access to needed services, medical care, and benefits.

On this National Atomic Veterans Day, our country remembers the service and sacrifices of Atomic Veterans. Their heroism and patriotism will never be forgotten and we always honor their bravery and devotion to duty.

NOW, THEREFORE, I, JOSEPH R. BIDEN JR., President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim July 16, 2021, as National Atomic Veterans Day. I call upon all Americans to observe this day with appropriate ceremonies and activities that honor our Nation's Atomic Veterans whose brave service and sacrifice played an important role in the defense of our Nation.

IN WITNESS WHEREOF, I have hereunto set my hand this fifteenth day of July, in the year of our Lord two thousand twenty-one, and of the Independence of the United States of America the two hundred and forty-sixth.

JOSEPH R. BIDEN, JR.

Proclamation 10233 of July 16, 2021

Captive Nations Week, 2021

By the President of the United States of America

A Proclamation

From the founding of our Nation to today, through the crucibles of war and the struggle of successive generations, America has strived to uphold the ideals of freedom and democracy upon which our country was built and expand the ability of people around the world to freely exercise their rights. As the world's longest-standing democracy, we carry a special responsibility to lead at home and abroad, not only by the example of our power, but by the power of our example—to prove to ourselves and to the world that democracy can deliver for all people. Though much has changed in the world since President Eisenhower issued the first Captive Nations Proclamation in 1959, its call for liberty and opportunity still ring true. During Captive Nations Week, we recommit ourselves to those principles which form the foundation of our Nation, and to amplify the voices of courageous individuals around the world who are striving to advance the principles of human rights, justice, and the rule of law.

Today, far too many people are subject to routine abuses of power, as oppressive governments detain, harass, or commit acts of violence against dissenting voices; disseminate disinformation and propaganda;

undermine democratic systems; and otherwise violate the public trust. These abuses are not new—but they remain as stern a threat to human rights and freedom as they have ever been.

No nation or person of conscience can ignore the voices of those crying out for liberty. We hear Belarusians peacefully calling for democratic elections, and the courageous people of Hong Kong demanding the autonomy and liberty promised by Beijing under the Sino-British Joint Declaration and Hong Kong's Basic Law. We hear millions of Uyghurs and other ethnic and religious minorities in Xinjiang, China, who have been unjustly interned and subject to surveillance and forced labor. We hear the determination of those rejecting military rule in Burma, resisting dictatorship in Venezuela, taking to streets in Cuba to demand freedom in the face of brutal state repression, and pressing for free and fair elections in Nicaragua—as well as the Crimean Tatars, ethnic Ukrainians, and other ethnic and religious minorities who suffer repression for opposing Russia's illegal occupation of Crimea.

The American creed, which defines our Nation, proclaims that all people are created equal, and deserve to be treated equally, with dignity and respect, throughout their lives. We stand in solidarity with the brave human rights activists and pro-democracy advocates around the world who risk their lives for the rights of others. We are committed to ensuring that all those who are oppressed across the globe—including people with disabilities, women and girls, members of the LGBTQI+ community, indigenous populations, and racial and ethnic minorities—are heard, respected, and protected.

During Captive Nations Week, we recommit ourselves to the timeless, vital work of advancing freedom and justice for all.

We do that by forging a more equitable and inclusive society, by solving problems and helping to ease the burdens people face, and by fulfilling our role as a global leader for human rights and fundamental freedoms of expression, association, peaceful assembly, and religion or belief. Together with our allies and partners, we must continue to strengthen democratic institutions, defend independent civil society and media freedom, promote free and fair elections, protect human rights online, insist on accountability for those who commit abuses and foster cultures of corruption, and push back against authoritarianism around the world.

The Congress, by joint resolution approved July 17, 1959 (73 Stat. 212), has authorized and requested the President to issue a proclamation designating the third week of July of each year as “Captive Nations Week.”

NOW, THEREFORE, I, JOSEPH R. BIDEN JR., President of the United States of America, do hereby proclaim July 18 through July 24, 2021, as Captive Nations Week. I call upon all Americans to reaffirm our commitment to championing those around the world who strive for liberty and justice for all.

IN WITNESS WHEREOF, I have hereunto set my hand this sixteenth day of July, in the year of our Lord two thousand twenty-one, and of the Independence of the United States of America the two hundred and forty-sixth.

JOSEPH R. BIDEN, JR.

Proclamation 10234 of July 26, 2021

Made in America Week, 2021

By the President of the United States of America

A Proclamation

Made in America Week recognizes a basic idea: when we spend taxpayer dollars, we should buy American products and support American jobs. The Congress passed the Buy American Act almost 90 years ago, but we have never fully lived up to this principle.

During Made in America Week, we recognize that just as American manufacturing was the Arsenal of Democracy in World War II, American products and services must be part of the engine of American prosperity today. We also reject the defeatist view that the forces of automation and globalization mean we cannot have good-paying union jobs here in America.

My Administration is making “Buy American” a policy, not just a promise. We are closing loopholes and strengthening standards to ensure that the future is made in all of America—by all of America’s workers—in every region, of every background, in services, manufacturing, and agriculture.

That is why one of my first acts as President was to sign an Executive Order to tighten existing Buy American policies, and to lay out additional commitments to prevent big corporations and special interests from using loopholes to redirect American taxpayer dollars to foreign companies. And, I have named our Nation’s first-ever Made in America Director at our Office of Management and Budget.

When we Buy American, we will buy from all of America. We will include communities that have historically been left out of Government procurement, Black, Brown, and Native American small businesses and entrepreneurs in every region of the country. We will use a federally funded, national network called the Manufacturing Extension Partnership to help government agencies connect with new domestic suppliers across the country.

The COVID–19 pandemic demonstrated our need for greater manufacturing capacity in areas critical to public health, information and communications technology, and national defense.

To build our economy back better, we must have an industrial strategy based on public investment in new technologies, including the domestic production of clean energy goods, critical medical supplies, and the innovative industries of the future. We must prioritize the creation of high skill, high value jobs that empower workers and pay family-supporting wages. We must reject short-termism, offshoring, and a race to the bottom. That is why my Administration is committed to using Made in America policies that give America’s workers and companies the tools they need to compete and lead globally for decades to come.

We will send clear market signals so that entrepreneurs make the investments our Nation needs. We will ensure that Made in America preferences are applied consistently and transparently. We will gather data to reveal gaps in our industrial base, and work to close those gaps and boost our economy’s productive capacity. And we will ensure that

diversity, equity, inclusion, and accessibility are at the center of all of these efforts.

My Administration will maximize the Federal Government's use of goods, products, and materials produced in, and services offered in, the United States. These purchases will maximize our efforts to empower workers and strengthen unionization, tackle the climate crisis, and build and rebuild critical supply chains so that we will never again have to rely on imports from unreliable trading partners to combat threats to our public health.

We will also reduce the need for waivers from Made in America rules by creating incentives for private investment in domestic supply chains in critical industries.

As we focus on "Made in America," we are committed to strengthening relationships with allies and trading partners. Resilient supply chains must have built in redundancies—a health crisis or natural disaster in one location must never again threaten the global economy. We must work with our trading partners to promote equitable growth, protect workers' rights, and advance environmental justice globally.

By using Made in America policies as one tool of many to rebuild our industrial base and strengthen critical supply chains, we will help put the American dream within reach for our Nation's families today, and for generations to come.

NOW, THEREFORE, I, JOSEPH R. BIDEN JR., President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim July 26 through July 30, 2021, as Made in America Week. I call upon all Americans to observe this week and to celebrate with appropriate programs, ceremonies, and activities.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-sixth day of July, in the year of our Lord two thousand twenty-one, and of the Independence of the United States of America the two hundred and forty-sixth.

JOSEPH R. BIDEN, JR.

Proclamation 10235 of July 26, 2021

National Korean War Veterans Armistice Day, 2021

By the President of the United States of America

A Proclamation

The United States and the Republic of Korea are allies with a long history of shared sacrifice. In a call to defend freedom and democracy abroad, 1.8 million Americans joined the fight to protect our Korean Peninsula allies from the communist regimes in North Korea and The People's Republic of China. In 1953, after 3 years of violent combat and millions of casualties, an armistice was signed by representatives of the United States, The People's Republic of China, and North Korea. The armistice made possible the exchange of prisoners of war as well as an opportunity to negotiate a peaceful settlement. Almost 70 years later, that settlement still has not been reached, and the Korean Penin-

sula remains divided along the 38th parallel. Yet, the Republic of Korea has grown into a thriving, vibrant country, and the enduring relationship between our two nations has flourished through decades of peace. Today, we take this opportunity to honor, remember, and pay tribute to the Korean War veterans who fought to defend those universal values and freedoms that the people of South Korea enjoy today.

American service members, along with our United Nations counterparts, fought through some of the most unforgiving terrain and weather conditions on the Korean Peninsula. Through searing summer heat, bitter winter cold, and torrential rains, our forces fought with relentless courage, resilience, and perseverance. In the mountains, valleys, and rice paddies, the battles fought and lives lost in Inchon, the Chosin Reservoir, Heartbreak Ridge, and the Pusan Perimeter, we remember their valor. Earlier this year, I had the great privilege of awarding the Medal of Honor to Colonel Ralph Puckett, Jr., USA (Ret.), a legend in the Army Ranger community, for his extraordinary selflessness and heroism during the Korean War in the Battle of Hill 205. His story, and those of all our veterans of the Korean War, remind every American the high price of freedom.

We shall never forget the service members who made the ultimate sacrifice. On the National Mall at the Korean War Memorial, a Wall of Remembrance will be established to further honor and venerate the more than 36,000 American lives lost during the war, along with more than 7,000 Korean Augmentation to the United States Army soldiers who were killed in action. As a grateful Nation, we owe it to the families of the fallen to memorialize, commemorate, and pay tribute to the heroes who have given their lives for our Nation—and to uphold and honor the democratic values for which they fought. We must also always recognize the patriotism and service of our veterans and their families and caregivers, and uphold our sacred obligation to provide the support they need when they come home.

Our commitment to protecting peace on the Korean Peninsula has endured and grown in the ensuing decades. We are immensely proud of our historic friendship and the trust we share with the Republic of Korea. The service and sacrifices of both our nations have left an indelible determination to sustain peace and promote regional stability. Training side-by-side with the Korean military, our Armed Forces abroad help keep the watch while proudly upholding the legacy of those serving before them. Our partnership remains crucial to maintaining peace and stability today, and to expanding economic growth in a critical region of the world.

NOW, THEREFORE, I, JOSEPH R. BIDEN JR., President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim July 27, 2021, as National Korean War Veterans Armistice Day. I call upon all Americans to observe this day with appropriate ceremonies and activities that honor and give thanks to our distinguished Korean War Veterans.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-sixth day of July, in the year of our Lord two thousand twenty-one, and

of the Independence of the United States of America the two hundred and forty-sixth.

JOSEPH R. BIDEN, JR.

Proclamation 10236 of July 26, 2021

Anniversary of the Americans With Disabilities Act, 2021

By the President of the United States of America

A Proclamation

Thirty-one years ago, on July 26, 1990, our Nation moved closer to the fulfillment of its foundational promise when we passed the Americans with Disabilities Act (ADA). This landmark law affirms and protects the fundamental rights of people with disabilities—the right to equal opportunity, economic self-sufficiency, independent living, and equitable participation in every aspect of American life. For more than three decades, the ADA has made our communities, our economy, and our country stronger and more vibrant. It has helped to uphold the dignity of the estimated 61 million Americans who live with a disability—in short, it is a triumph of American civil rights.

I was enormously proud to co-sponsor the ADA, the passage of which was a testament not only to fearless advocacy, but to bipartisan progress. A Democratic bill signed by a Republican President, the ADA was made possible thanks in no small part to the passion and persistence of Senators Tom Harkin and Ted Kennedy and Congressmen Major Owens and Tony Coelho. I will never forget the moment just after the ADA’s passage, when Senator Harkin delivered a speech in American Sign Language from the Senate floor—a tribute to his older brother, Frank, who was deaf. That moment was an emotional reminder for all of us of just how personal and powerful the passage of the ADA would be for millions of American families.

Despite the extraordinary progress we have made over the past 31 years, the fight for equitable access and inclusion is far from over. The COVID–19 pandemic has compounded the longstanding inequities and biases that exist for people with disabilities; persistent discrimination and the inability to access services continues to threaten the health and well-being of far too many Americans. Throughout the pandemic, people with disabilities have faced heightened risks—particularly those who lack access to caregiver or support services, those who live in community homes, and the disproportionate share of people with disabilities employed in industries that suffered due to the pandemic. Children and students living with disabilities have also faced an especially challenging year, forced to navigate and adapt to online learning as the virus upended their usual school routines.

As we work to finish the job of defeating COVID–19, my Administration is committed to building on the legacy of the ADA. The American Rescue Plan is providing funding to expand access to home- and community-based services under Medicaid, which will allow more people with disabilities to live safely and independently in their homes. My Build Back Better agenda would build on this by making significant investments in home- and community-based services for people with dis-

abilities and older Americans. It will also spur the creation of quality jobs with good pay, good benefits, and the ability to organize and collectively bargain for caregivers.

My Administration is also committed to advancing the rights of people with disabilities in the workplace to support economic self-sufficiency. I have proposed eliminating outdated provisions in the Fair Labor Standards Act that allow employers to pay workers with disabilities less than the minimum wage. My proposal includes funding this transition with \$2 billion to expand access to competitive, integrated employment opportunities for workers with disabilities. In addition, I am committed to making the Federal Government a model employer—including for people with disabilities—to set the gold standard for how best to support inclusion and provide appropriate accommodations. To that end, I recently signed an Executive Order to advance diversity, equity, inclusion, and accessibility in the Federal Workforce—a pledge to lead by example to promote economic stability and good paying jobs for Americans with disabilities.

Before I became President, I promised that every policy my Administration pursued—from rebuilding our middle class, to fighting climate change, to achieving universal health coverage—would be created with the full inclusion and dignity of Americans with disabilities in mind. I am proud to say that since my first day in office, my Administration has delivered on that promise. As we celebrate the monumental legacy of the ADA, we recommit ourselves today to upholding and strengthening its protections—and continuing to advance equity, dignity, access, and inclusion together with the disability community as we build our Nation back better.

NOW, THEREFORE, I, JOSEPH R. BIDEN JR., President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim July 26, 2021, the Anniversary of the Americans with Disabilities Act. I encourage Americans across our Nation to celebrate the 31st year of this civil rights law and the many contributions of individuals with disabilities.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-sixth day of July, in the year of our Lord two thousand twenty-one, and of the Independence of the United States of America the two hundred and forty-sixth.

JOSEPH R. BIDEN, JR.

Proclamation 10237 of August 6, 2021

National Health Center Week, 2021

By the President of the United States of America
A Proclamation

In 1965, our Nation launched its first community health centers to improve the lives and well-being of Americans regardless of their ability to pay. These health centers were a key component of President Lyndon B. Johnson's "Great Society" series of policy initiatives to eliminate poverty and racial injustice, and today serve as the bedrock on which our public health system was built. Today, health centers are

one of the largest health care providers in the country and provide high-quality affordable, accessible, and value-based primary health care services to 29 million Americans each year—approximately 1 in 11 people across the country. They have also been a vital part of our Nation's response to the COVID-19 pandemic. Over the course of National Health Center Week, we recognize the importance of federally-supported health centers and the role they play as a beacon of strength, service, and care in our communities.

Health centers integrate medical, dental, and behavioral health care services into a single “health home” and consistently yield strong patient outcomes. Health centers also play a critical role in reducing racial and ethnic, geographic, socioeconomic, and other health disparities in the United States. They are invaluable to ensuring that our Nation's underserved populations, especially individuals and families living in poverty, rural communities, and communities of color are able to receive the care they need and deserve.

Our Nation's recovery from the COVID-19 pandemic is stronger because of our health centers, and the tireless, dedicated health center employees who continue to deliver critical services such as COVID-19 testing, treatment, and prevention services on the front lines. As we ramped up the distribution of COVID-19 vaccines over the past several months, health centers, through the Health Center COVID-19 Vaccine Program, have vaccinated and built vaccine confidence in millions of Americans from hard-hit and high-risk communities. Two-thirds of individuals vaccinated at health centers so far identify as racial and ethnic minorities. Health centers have also offered greater flexibility during the pandemic by expanding telehealth services to those in need.

I believe that health care in America should be a right, not a privilege. No one should have to lay awake at night staring at the ceiling wondering what they are going to do to get the care they need or to pay the bills if a family member gets sick. That is why I will do everything in my power to ensure that all Americans have access to the quality, affordable health care they deserve—and the peace of mind it brings.

In support of that goal, my Administration is committed to expanding health centers and increasing access to their life-saving services. That is why we invested more than \$7.6 billion to help health centers prevent and respond to COVID-19 and improve health care services—including over \$1 billion for major infrastructure and renovation projects at health centers across the country through the American Rescue Plan. I am also committed to doubling the Federal investment in community health centers to further expand access to care and make strides in our pursuit of health equity.

During National Health Center Week, we recognize the importance of health centers and their staff who heal and strengthen our local communities. We salute their dedication and service. As our Nation builds back better, we commit to working together to bring about a stronger, healthier Nation for all.

NOW, THEREFORE, I, JOSEPH R. BIDEN JR., President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim the week of August 8 through August 14, 2021, as National Health Center Week.

IN WITNESS WHEREOF, I have hereunto set my hand this sixth day of August, in the year of our Lord two thousand twenty-one, and of the Independence of the United States of America the two hundred and forty-sixth.

JOSEPH R. BIDEN, JR.

Proclamation 10238 of August 13, 2021

**National Employer Support of the Guard and Reserve
Week, 2021**

By the President of the United States of America

A Proclamation

Since our founding, courageous men and women have vowed to serve and defend our country, protect our citizens, and uphold the principles of our Constitution. The citizen Soldiers and Airmen of the National Guard, and the Soldiers, Sailors, Airmen, Marines, and Coast Guardsmen of the Reserve, proudly carry on this tradition today. During National Employer Support of the Guard and Reserve Week, we thank and celebrate the civilian employers whose support of our National Guard and Reserve members helps to sustain our all-volunteer force and our national spirit of service.

National Guard and Reserve members are essential to the safety and security of our Nation, ready to serve at home or abroad at any moment's notice. From working on the frontlines of the COVID-19 pandemic, to responding to storm damage and raging wildfires, to deploying overseas, supporting peacekeeping missions abroad, and conducting multilateral exercises with allies and partner nations, National Guard and Reserve members put their lives on hold—away from both their families and their civilian workplaces—to stand as a shield or a support whenever our country is in need. When they complete their mission, National Guard and Reserve members return to their civilian careers and fulfill their obligation of monthly weekend drills and annual trainings—always ensuring they are ready to answer the next call to serve.

We owe a profound gratitude to our National Guard and Reserve members, as well as their civilian employers. In supporting their talented employees' service to our Nation, employers of National Guard and Reserve members directly contribute to our military readiness and our national security. As our Guard and Reserve members navigate the challenges that accompany their service, many civilian employers go above and beyond to support our service members and their families. National Guard and Reserve members should not have to worry about their civilian employment while they are serving on a mission, and many employers are stepping up with generous pay and leave policies, extension of benefits like health care for family members, and flexibility and support for Guard and Reserve spouses to help fulfill our sacred obligation as a Nation to always take care of those who serve in uniform.

My Administration understands the national security imperative behind improving the well-being of our service members and their fami-

lies as they balance the pressures of their civilian careers with the demands of military service. Through the First Lady's work with Joining Forces, we are committed to supporting military and veteran families, caregivers, and survivors through economic and entrepreneurship opportunities, support for military child education, and health and well-being resources. Ensuring continuing economic opportunities for military and veteran families through meaningful employment is essential, and we are grateful for all of the employers who understand the value in hiring and retaining National Guard and Reserve members and their spouses.

The Biden family is a National Guard family, and we are forever grateful and in awe of those who, like our son Beau, understand that duty and service to others is what makes us who we are as Americans. We understand some of the unique challenges that National Guard and Reserve members and their families face—challenges that are made smaller because of the incredible, patriotic support of their employers. I encourage all Americans to join me in recognizing and thanking employers of our National Guard and Reserve members for their vast contributions to our economy, our communities, and the success of our Nation and our Armed Forces. I also encourage National Guard and Reserve members to recognize their employers who have gone above and beyond in supporting them with the Employer Support of the Guard and Reserve (ESGR), the Department of Defense program that promotes cooperation and understanding between civilian employers and their National Guard and Reserve employees.

NOW, THEREFORE, I, JOSEPH R. BIDEN JR., President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim August 15 through August 21, 2021, as National Employer Support of the Guard and Reserve Week. I call upon the people of the United States, State and local officials, private organizations, and all military commanders to honor employers of National Guard and Reserve members with appropriate ceremonies and activities.

IN WITNESS WHEREOF, I have hereunto set my hand this thirteenth day of August, in the year of our Lord two thousand twenty-one, and of the Independence of the United States of America the two hundred and forty-sixth.

JOSEPH R. BIDEN, JR.

Proclamation 10239 of August 26, 2021

Women's Equality Day, 2021

By the President of the United States of America
A Proclamation

Today, we celebrate Women's Equality Day, a reminder not only of the progress women have won through the years, but of the important work that remains to be done. One hundred and one years ago, the ratification of the 19th Amendment moved our Nation one essential step closer to fulfilling its foundational promise—establishing at long last that no American's right to vote could be denied or abridged on the

basis of gender. As we reflect on the decades-long effort to win the fight for universal suffrage, we also remember the women of color who helped lead the movement to ratify the 19th Amendment, whose own rights would still be denied for years to come despite their hard-earned victory. We celebrate their extraordinary courage and resolve, and rededicate ourselves to the work we still have ahead of us to protect voting rights across our country.

When the 19th Amendment was ratified, millions of women across the country could finally make their voices heard at the ballot box. But even with its ratification, millions were denied those rights by law or by practice through poll taxes, literacy tests, and campaigns of violence and terror that targeted voters of color. It took another 45 years before the Voting Rights Act secured the voting rights of millions of Americans of color, and an additional 10 years before voting protections would reflect the many languages Americans speak.

Through these measures and others, our country has taken major strides to strengthen voting rights and expand access to make it easier for Americans to exercise their sacred right to vote. These victories have been especially vital for women, who often face increased caregiving demands and take on a disproportionate amount of low-wage and inflexible work—making it harder to take time off to vote in-person or wait out longer lines at the polls. Women are also disproportionately impacted by voter ID laws—especially married women who change their names, or those whose IDs do not accurately reflect their gender.

Efforts to improve voting access have paid off; in 2020, we witnessed the greatest number of votes ever cast in American history. And one barrier that had stood for more than two centuries was finally dismantled with the inauguration of America's first woman Vice President, Kamala Harris.

But the struggle to ensure that every American is able to exercise their right to vote continues, especially for women of color. In the years prior to the 2020 election and in the months since, we have seen a wave of shameless attacks on voting—burdening a constitutional right with obstacles that overwhelmingly impact voters of color, low-income communities, and people with disabilities. These tactics are nothing new. But they are an affront to our most cherished values and rights as a Nation.

As I have said before, some things in America should be simple and straightforward. Perhaps the most important—the most fundamental—is the right to vote and to vote freely. With it, anything is possible. Without it, nothing is.

My Administration is committed to bearing out the promise of the suffragists, who understood that for women to attain true equality in our country, they must have an equal place at the ballot box. As the Vice President has said, the status of women is the status of democracy. This is true abroad, too, where we are committed to strengthening women's political participation and leadership around the world.

In fulfillment of my Administration's commitment to equality for all, we are focused not only on the sacred right to vote, but on making sure that all Americans have the opportunity to fully participate in our society. It is long past time we pass the Equal Rights Amendment, to en-

shrine the principle of gender equality in our Constitution, because no one's rights should be denied on account of sex. On Women's Equality Day, we recognize the unique challenges and barriers women face, and the rights that need defending and strengthening. These rights include a woman's constitutional right to reproductive freedom and access to health care, regardless of zip code or income—and the right of every woman and girl to live free from violence, whether online, in the home, at school, or in the workplace. To ensure that women are treated fairly in our economy and in the workforce, we are also committed to fighting for pay equity, combating discrimination in the workplace, and passing family-friendly policies that help women and all of us manage caregiving and career responsibilities.

Today, as we celebrate Women's Equality Day, we recognize the pioneers whose fight for suffrage paved the way for future generations of leaders—and we recognize our duty to continue that fight to ensure that our daughters can enjoy the same rights and opportunities as our sons. Let us honor the efforts of trailblazers and barrier-breakers with meaningful action to promote gender equality and make exercising the right to vote more equitable and accessible for all.

NOW, THEREFORE, I, JOSEPH R. BIDEN JR., President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim August 26, 2021, as Women's Equality Day. I call upon the people of the United States to celebrate and continue to build on our country's progress towards gender equality, and to defend and strengthen the right to vote.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-sixth day of August, in the year of our Lord two thousand twenty-one, and of the Independence of the United States of America the two hundred and forty-sixth.

JOSEPH R. BIDEN, JR.

Proclamation 10240 of August 26, 2021

Honoring the Victims of the Attack in Kabul, Afghanistan

By the President of the United States of America

A Proclamation

As a mark of respect for the U.S. service members and other victims killed in the terrorist attack on August 26, 2021, in Kabul, Afghanistan, by the authority vested in me as President of the United States by the Constitution and the laws of the United States of America, I hereby order that the flag of the United States shall be flown at half-staff at the White House and upon all public buildings and grounds, at all military posts and naval stations, and on all naval vessels of the Federal Government in the District of Columbia and throughout the United States and its Territories and possessions until sunset, August 30, 2021. I also direct that the flag shall be flown at half-staff for the same length of time at all United States embassies, legations, consular offices, and other facilities abroad, including all military facilities and naval vessels and stations.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-sixth day of August, in the year of our Lord two thousand twenty-one, and of the Independence of the United States of America the two hundred and forty-sixth.

JOSEPH R. BIDEN, JR.

Proclamation 10241 of August 27, 2021

Overdose Awareness Week, 2021

By the President of the United States of America

A Proclamation

The overdose epidemic has taken a toll on far too many Americans and their loved ones. Addiction is a disease that touches families in every community, including my own. The epidemic is national, but the impact is personal. It is personal to the millions who confront substance use disorder every day, and to the families who have lost loved ones to an overdose.

During Overdose Awareness Week, we recommit to taking bold actions to prevent overdoses and related deaths, and enhance our support for individuals with substance use disorders.

In recent years, we have seen synthetic opioids, such as illicitly manufactured fentanyl, drive many overdose deaths with cocaine- and methamphetamine-related deaths also increasing at alarming rates. The COVID-19 pandemic has exacerbated the overdose epidemic, as necessary pandemic restrictions made it harder for individuals with addiction to receive the treatment and support services they need. These factors contributed to the more than 93,000 drug overdose deaths in 2020. As a Nation, we need a strong response to America's overdose epidemic and an investment in prevention, harm reduction, treatment and recovery services, as well as strategies to reduce the supply of illicit drugs.

While drug overdose and addiction affect many different communities across the United States, we also recognize the longstanding inequities experienced by people of color, people who identify as LGBTQ+, formerly incarcerated individuals, people experiencing homelessness, and others. For too many years, these communities have faced disparate access to health care, differential treatment in the criminal justice system, and poorer health outcomes.

My Administration is committed to addressing addiction and the overdose epidemic with evidence-based strategies. In April, to ensure that the Federal Government is promoting evidence-based public health and safety interventions, the Office of National Drug Control Policy released my Administration's first year drug policy priorities. These include expanding access to prevention, treatment and harm reduction efforts, reducing youth substance use, reducing the supply of illicit substances, advancing recovery-ready workplaces, and expanding the addiction workforce and access to recovery support services for all Americans. My Administration is also committed to eliminating racial disparities in responding to the overdose epidemic as well as reviewing the overall approach to drug policy.

This effort requires significant investments in our health care infrastructure. In my American Rescue Plan, we provided crucial funding for substance use disorder treatment and harm reduction, including a nearly \$4 billion investment in our Nation's behavioral health infrastructure. This includes \$30 million for a new Substance Abuse and Mental Health Services Administration grant program to support community-based efforts aimed at preventing overdoses and reducing harm associated with substance use.

We also recognize that many of our brave veterans recovering from service injuries may be vulnerable to opioid addiction. I signed the Dispose Unused Medications and Prescription Opioids Act to ensure that Veterans Affairs facilities provide locations to dispose controlled substances in a safe, secure and supportive environment.

Agencies across the Federal Government are also making significant strides in supporting individuals with substance use disorders. The Department of Health and Human Services continues to work on expanding access to evidence-based treatment, including a new policy to expand access to buprenorphine, a medication for the treatment of opioid use disorder. The Drug Enforcement Administration also issued a new rule that allows more opioid use disorder treatment programs to operate mobile components to better serve rural and underserved communities. These actions are only the beginning. My Administration will be taking additional actions to reduce barriers to life-saving treatment and expand access to prevention, harm reduction, and recovery support services.

Overdose Awareness Week provides us an opportunity to recommit ourselves to addressing this epidemic. By enhancing our support for individuals facing substance use disorder we can save lives.

NOW, THEREFORE, I, JOSEPH R. BIDEN JR., President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim August 29 through September 4, 2021, as Overdose Awareness Week. I call upon citizens, government agencies, organizations, healthcare providers, and research institutions to raise awareness of substance use disorders to combat stigma, to promote treatment and celebrate recovery, and to strengthen our collective efforts to prevent overdose deaths. August 31st also marks Overdose Awareness Day, on which our Nation mourns the lives lost to the drug overdose epidemic.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-seventh day of August, in the year of our Lord two thousand twenty-one, and of the Independence of the United States of America the two hundred and forty-sixth.

JOSEPH R. BIDEN, JR.

Proclamation 10242 of August 31, 2021**National Childhood Cancer Awareness Month, 2021**

By the President of the United States of America

A Proclamation

For millions of American families—including my own—the fight against cancer is personal. When a person you love is diagnosed with cancer, it stops your heart and throws your world off of its axis. That fear and heartache is only compounded when cancer strikes a child.

Across America, thousands of courageous children and adolescents diagnosed with cancer each year are facing life-threatening struggles. They are cared for by loving families, friends, volunteers, and health care teams who band together to support our most vulnerable patients as they face their cancer journey. During National Childhood Cancer Awareness Month, we honor the young lives taken too soon, as well as the growing number of young cancer survivors, some of whom may face serious health challenges throughout their lifetimes. We recognize the remarkable progress made in treatment and survivorship, and re-dedicate ourselves to the development of more effective therapies so that all children have the chance to live long and healthy lives.

Despite the extraordinary advancements medical science has made in recent years, cancer remains the second leading cause of death in the United States—and the leading cause of death by disease for American children between infancy and age 15. Cancer is cruel and spares no age. It inflicts an incalculable toll on young patients and their loved ones. Though improvement has been made in some areas, survival rates for all childhood cancers remain too low. A growing number of childhood cancer survivors are experiencing longer life expectancies, but far too many continue to face significant long-term physical, emotional, and cognitive effects due to their cancer and treatment. As a Nation, we must do more to better understand the causes of pediatric cancer, improve treatment, and enhance the lifelong well-being of survivors.

When I lost my son Beau to cancer after his courageous fight, I buried a part of my soul deep in the Earth. Too many families know that feeling too well—at any age, it leaves a black hole in your heart. In 2016, President Obama and I created the Cancer Moonshot Initiative to end cancer as we know it. Now, as President, I remain committed to that mission—and I will continue to invest in the critical research and care needed to defeat this devastating disease. That is why I am asking the Congress to launch the Advanced Research Projects Agency for Health—or ARPA-H—at the National Institutes of Health, to develop breakthroughs that prevent, detect, and treat cancer and other deadly diseases.

Our Nation is already seeing the progress of investing in pediatric cancer research and technology. We are improving our understanding of pediatric cancers that are particularly difficult to treat, and extending the promise of immune-based treatments for children and adolescents. We are seeing advancements in precision medicine approaches to treating childhood cancers—including progress on understanding how tumors respond to existing therapies. The National Cancer Institute (NCI) is leading the Childhood Cancer Data Initiative, which brings together

the Nation's childhood cancer research, advocacy, and care communities to ensure that we "learn from every child" with cancer by consistently gathering data in a way that protects patient privacy while allowing for rapid sharing of insights among researchers. This will enable us to accelerate progress and deliver effective treatments and cures to more children. Additionally, the Food and Drug Administration's Pediatric Oncology program works with stakeholders to accelerate and support the timely, efficient development of safe and effective new drugs and biological products to treat cancers in children.

Many parents and family members feel terrified and overwhelmed following a child's cancer diagnosis. To support families and pediatric caretakers, the NCI has resources available, including online and print materials and videos, to help families understand treatment options and provide information to help them navigate the cancer journey. Visit www.cancer.gov to learn more or talk to trained information specialists with the NCI Cancer Information Service in the United States at 1-800-4-CANCER.

My Administration is also committed to protecting childhood cancer patients and their families through the Affordable Care Act, which provides critical protections for individuals facing cancer, including children. Because of the Affordable Care Act, most insurance companies are now prohibited from limiting or denying coverage to young cancer patients participating in clinical research studies. And children who have recovered from cancer can no longer be denied insurance coverage based on the fact that they have a pre-existing condition.

During National Childhood Cancer Awareness Month, we pay tribute to the health care professionals, researchers, private philanthropies, social support organizations, and patient advocacy groups who work together with families across the country to provide hope and help to children diagnosed with cancer and to develop better treatments. Together, we will carry on their work—and build a future in which cancer no longer threatens the lives of our Nation's children.

NOW, THEREFORE, I, JOSEPH R. BIDEN JR., President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim September 2021 as National Childhood Cancer Awareness Month. I encourage citizens, government agencies, private businesses, nonprofit organizations, the media, and other interested groups to increase awareness of what Americans can do to support the fight against childhood cancer.

IN WITNESS WHEREOF, I have hereunto set my hand this thirty-first day of August, in the year of our Lord two thousand twenty-one, and of the Independence of the United States of America the two hundred and forty-sixth.

JOSEPH R. BIDEN, JR.

Proclamation 10243 of August 31, 2021**National Ovarian Cancer Awareness Month, 2021**

By the President of the United States of America

A Proclamation

Every year, thousands of women in the United States are diagnosed with ovarian cancer. Like all cancers, ovarian cancer is brutal and cruel, inflicting pain and hardship for women and their families. Like so many families, my family and I know the pain of cancer all too well. During National Ovarian Cancer Awareness Month, we honor the courage of those affected by ovarian cancer and renew our commitment to fighting this illness that takes the lives of far too many women. We also recommit to improving and promoting early cancer detection, investing in cancer research, and ensuring that every woman has equitable access to the care they need and deserve.

Ovarian cancer is rare and deadly. Because there is no early ovarian cancer screening test, many women are diagnosed with this disease at an advanced stage. And despite ovarian cancer rates being highest among white women, Black women are more likely to die from this disease because of lack of access to health care, socioeconomic disparities, and other causes still under study.

To help women understand the risk of developing ovarian cancer, the Centers for Disease Control and Prevention (CDC) provides tools and resources to learn about the risk factors that increase the likelihood of being diagnosed with this disease. Risk factors for ovarian cancer include a family history of breast or ovarian cancer. Any woman who thinks she is at risk of ovarian cancer or who experiences persistent symptoms, including abdominal or pelvic pain, pressure, swelling, or bloating should talk with her health care provider. The CDC's *Inside Knowledge about Gynecologic Cancer*, which includes resources for ovarian cancer, also helps women recognize the warning signs and seek medical care. To learn more about ovarian cancer, visit www.cancer.gov/types/ovarian and www.cdc.gov/cancer.

The effort to eliminate ovarian cancer is taking place on all fronts, from laboratory research on cancer prevention, screening and early detection, diagnosis, treatment, and supportive care, to clinical research studies, clinical trials, and public health and awareness efforts. Through the leadership of the National Cancer Institute at the National Institutes of Health (NIH), scientists are focused on research to maintain and improve the quality and length of life for women with ovarian cancer. My Administration plans to build on these efforts by supporting investments in research and technology to develop new ways to detect ovarian cancer early, and improve treatment strategies. To push for these groundbreaking discoveries and innovative treatments, I have called for the creation of an Advanced Research Projects Agency for Health at the NIH—or ARPA-H—which would invest \$6.5 billion to develop breakthroughs that prevent, detect, and treat cancer and other deadly diseases. I am committed to doing everything I can to end cancer as we know it, and to bring together the human, financial, and knowledge resources necessary to make the breakthroughs that will dramatically advance our progress against cancer and deliver hope and health to the world.

My Administration is also dedicated to protecting ovarian cancer patients through the Affordable Care Act (ACA). Because of the ACA, insurance companies are banned from dropping a woman's coverage because she has a pre-existing condition such as ovarian cancer. The ACA also covers "well-woman visits" to a primary care physician and gynecologist that include a full checkup, with no copayments or deductibles. These visits focus on preventive care for women and may help detect ovarian cancer as early as possible.

As we observe National Ovarian Cancer Awareness Month, we are united in our goal to end ovarian cancer, and to improve the lives of all women carrying the burden of this disease—including the lives of their families and loved ones. We are also united in our support of the researchers, advocates, and health care professionals who are working tirelessly for new solutions to prevent, detect, and treat ovarian cancer, and to improve the overall health and well-being of all women.

NOW, THEREFORE, I, JOSEPH R. BIDEN JR., President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim September 2021 as National Ovarian Cancer Awareness Month. I call upon the women of the United States to speak with their doctors and health care providers to learn more about ovarian cancer. I encourage citizens, government agencies, private businesses, nonprofit organizations, the media, and other interested groups to increase awareness of what Americans can do to detect and treat ovarian cancer.

IN WITNESS WHEREOF, I have hereunto set my hand this thirty-first day of August, in the year of our Lord two thousand twenty-one, and of the Independence of the United States of America the two hundred and forty-sixth.

JOSEPH R. BIDEN, JR.

Proclamation 10244 of August 31, 2021

National Preparedness Month, 2021

By the President of the United States of America

A Proclamation

In the past year, our Nation has faced both unpredictable and unprecedented challenges. The 2020 hurricane season was the most active on record. Severe winter storms and record-breaking heat waves interrupted our power sector, and the climate crisis fueled historic drought, water scarcity, and dangerous heat waves, which in turn have helped supercharge the wildfires ravaging the West. All of this has come on top of the ongoing pain and struggle of COVID-19, which has impacted every community across the Nation. Becoming more disaster-resilient as a country—and more prepared as a people—is essential for our continued strength and security. During National Preparedness Month, we encourage all Americans to take the important steps to prepare for natural and human-made threats and to ensure that all our communities are ready for any emergency.

My Administration is committed to taking bold action to prepare for and address the dangers posed by climate change. We have put the cli-

mate crisis and the communities most vulnerable to it at the center of our domestic and foreign policy. We are investing in weather forecasting and climate research to strengthen our understanding of how our changing climate is altering severe weather and drought, and we are ensuring that every community has the resources to prepare for and respond to these increasingly dangerous storms. We are also investing in helping developing nations adapt and build their own resilience in the face of climate change.

At home, we are making a once-in-a-generation investment in upgrading our infrastructure so that it is more resilient to the challenges of today, and we are mitigating climate change by building up an American-made clean power economy for tomorrow. That is why I am committed to making a historic commitment to resilience through the Bipartisan Infrastructure Deal to upgrade and modernize our power grid, invest in mass transit and vehicle electrification, and fund environmental cleanup.

I am also rallying the world to join the United States in committing to greater climate ambition. The United States has rejoined the Paris Climate Agreement, and we are leading the charge for stronger global action to cut greenhouse gas pollution and avert the worst impacts of climate change while we still have the chance. The United States is leading by example and creating good, high-paying jobs in the process by harnessing the economic opportunities of climate action.

As we prepare for natural disasters and address the accelerating climate crisis, we must also remain vigilant to prevent, detect, and respond to infectious disease threats, including the COVID-19 pandemic and threats that will arise in the future. Even as more than 174 million Americans have been fully vaccinated—with hundreds of thousands continuing to get vaccinated each day—the more transmissible Delta variant is spreading, particularly among unvaccinated individuals. I continue to call on Americans to protect themselves and those around them by getting vaccinated. The vaccines are safe. They are effective. And together, we can save lives.

The theme of this year's National Preparedness Month is "Prepare to Protect." During the past year, natural disasters have sent our communities into turmoil, and we have seen the particularly devastating toll they take on disadvantaged, low-income communities and people of color. Beyond the physical damage done by natural disasters, these storms also exact an emotional toll on their victims, from the pain of losing a loved one to the pressure caused by financial setbacks. Therefore, we must all prepare to better protect ourselves and our communities against both immediate crises and their residual effects.

During National Preparedness Month, we also recognize the bravery and the sacrifices of our first responders, who are our first line of defense in so many crises. This month, as we prepare to commemorate the 20th anniversary of the horrific terrorist attacks of September 11, 2001, we honor the lives that were lost and the heroism that was displayed by both first responders and ordinary citizens to respond, and we reaffirm our responsibility to never forget.

This month, we must each do our part—we must all Prepare to Protect. I call on everyone to get vaccinated, turn on emergency alerts on your smartphone, pack an emergency go-bag, and encourage others in your community to do the same.

For assistance in getting prepared, visit the Federal Emergency Management Agency's Ready campaign at www.Ready.gov or www.Listo.gov for Spanish-speakers for free information and resources to help you and your family "Prepare to Protect."

National Preparedness Month is a call to action to all parts of our government, industrial and commercial sectors, academia, non-governmental organizations, civic groups, religious institutions, and families. By working together today, we can ensure that our Nation is prepared for the natural and human-made threats of tomorrow.

NOW, THEREFORE, I, JOSEPH R. BIDEN JR., President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim September 2021 as National Preparedness Month. I encourage all Americans to recognize the importance of preparedness and work together to enhance our resilience and readiness.

IN WITNESS WHEREOF, I have hereunto set my hand this thirty-first day of August, in the year of our Lord two thousand twenty-one, and of the Independence of the United States of America the two hundred and forty-sixth.

JOSEPH R. BIDEN, JR.

Proclamation 10245 of August 31, 2021

National Prostate Cancer Awareness Month, 2021

By the President of the United States of America
A Proclamation

In 2021, over 248,500 Americans have been diagnosed with prostate cancer. Even as we make tremendous advancements in cancer research and treatment, prostate cancer is the second most commonly diagnosed cancer and the second-leading cause of cancer deaths among our Nation's fathers, sons, husbands, and brothers. Today, one in eight men in the United States will be diagnosed with prostate cancer in his lifetime—often without any previous signs or symptoms. During National Prostate Cancer Awareness Month, we rededicate ourselves to supporting those diagnosed with prostate cancer through research, education, and access to prevention, treatment, and follow-up care and support. Together, we can increase awareness of this cancer, and improve the care and well-being of those impacted by this disease.

Awareness of the risk factors of prostate cancer can help men make informed choices about their health with their primary health care providers—especially for men over the age of 65, men who have a family history of prostate cancer, and Black men who have a higher chance of developing and suffering from prostate cancer. I encourage all men and their families to learn the latest information on prostate cancer at www.cancer.gov/types/prostate and www.cdc.gov/cancer/prostate. I also encourage every American to get recommended cancer screenings, check-ups, and treatments from your health care providers. Most importantly, talk to your doctor about your risks for developing prostate cancer.

My Administration continues to push for groundbreaking discoveries and innovative treatments to end cancer as we know it. That is why I am working to create an Advanced Research Projects Agency for Health at the National Institutes of Health—or ARPA-H—which would invest 6.5 billion dollars to develop breakthroughs that prevent, detect, and treat cancer and other deadly diseases.

I am also committed to funding research to expand prevention and treatment of prostate cancer specifically. Today, researchers funded by the National Cancer Institute are working to advance our understanding of how to prevent, detect, and treat prostate cancer. The National Institutes of Health and partners in the private sector have launched the largest-ever coordinated research effort to investigate environmental and genetic factors related to prostate cancer to better understand why it disproportionately impacts Black men. And we are working on methods to prepare more advanced early detection tests and clinical trials to develop and enhance treatments for all men.

My Administration will also continue to protect and fight to build on the Affordable Care Act (ACA) and the important protections it provides for all Americans, including for men with prostate cancer. The ACA prohibits insurance companies from restrictive annual dollar limits on benefits, and it prohibits insurers from denying coverage or charging higher premiums to patients with prostate cancer—or any other pre-existing medical condition. The ACA also helps ensure that every man with prostate cancer receives quality health care.

Our Nation has made exceptional progress in the fight against cancer, and I am committed to doing everything I can to bring together the knowledge, as well as the human and financial resources necessary to advance that progress. We owe every person who has lost their battle with this disease, every person living with this disease, and every person who may one day be diagnosed with it, our continued work to defeat it. During National Prostate Cancer Awareness Month, let us renew our efforts to save lives and spare suffering by accelerating our work to end cancer as we know it.

NOW, THEREFORE, I, JOSEPH R. BIDEN JR., President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim September 2021 as National Prostate Cancer Awareness Month. I encourage citizens, government agencies, private businesses, nonprofit organizations, and other interested groups to join in activities that will increase awareness of what Americans can do to prevent and cure prostate cancer.

IN WITNESS WHEREOF, I have hereunto set my hand this thirty-first day of August, in the year of our Lord two thousand twenty-one, and of the Independence of the United States of America the two hundred and forty-sixth.

JOSEPH R. BIDEN, JR.

Proclamation 10246 of August 31, 2021**National Recovery Month, 2021**

By the President of the United States of America

A Proclamation

The COVID-19 pandemic has taken an enormous toll on the lives of the American people, especially those struggling with substance use disorder. While many have continued on their path towards recovery, even while facing the additional physical, emotional, and economic hardships brought about by the pandemic, others have struggled. During National Recovery Month, we celebrate the millions of Americans who have achieved recovery and reaffirm our commitment to helping more Americans overcome substance use disorder and reach recovery. We also support those who are still struggling to achieve recovery and dedicate ourselves to overcoming these challenges together.

This year's theme, "Recovery is For Everyone: Every Person, Every Family, Every Community," emphasizes that recovery is possible for all Americans. My Administration honors the many pathways to recovery and will support individuals and their families at every step along their journey, in whatever form it takes. Everyone can support and encourage those working toward recovery.

The work ahead includes making treatment and recovery support services accessible to all Americans. My American Rescue Plan delivered nearly \$4 billion to strengthen and expand mental health and substance use disorder services. My Administration will also continue to work to expand employment opportunities for people in recovery and foster the development of recovery-ready workplace policies and cultures. Helping those in recovery to attain economic opportunity and mobility will not only improve their well-being but also benefit our Nation as a whole. These investments will lay the foundation upon which more Americans—of all backgrounds and in every community—can build and maintain long-term recovery.

While opportunities for recovery should be available for everyone, those with substance use disorders in racially-diverse, Tribal, rural, and other underserved communities often lack access to the support services that they need to receive treatment and sustain their recovery. Research also shows that a treatment gap lingers between people of color and their white neighbors. People of color not only have less access to support services for addiction but are also subject to harsher penalties when addiction leads to interaction with the criminal justice system. To address this, my Administration launched a Government-wide approach to advancing equity, including in our public health and criminal justice approaches to drug policy.

When we make the appropriate support and service systems available to everyone and embrace those seeking to rejoin and contribute to our communities, we put sustained recovery within reach of more people. When we welcome Americans in recovery into our schools, homes, and workplaces with open arms, our Nation becomes stronger, healthier, and more inclusive.

During National Recovery Month, we also honor and thank those who have helped our Nation heal and build back better. In the face of un-

precedented challenges this past year, our Nation's health care providers have delivered essential care and hope to individuals, families, and communities in need. On the frontlines of the addiction epidemic, they have ensured our Nation's system of care remains intact, facilitating treatment and recovery. As always, we celebrate the resilience and courage of the recovery community, which serves as a reminder that recovery is possible for everyone.

NOW, THEREFORE, I, JOSEPH R. BIDEN JR., President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim September 2021 as National Recovery Month. I call upon all citizens, government agencies, private businesses, nonprofit organizations, and other groups to take action to promote recovery and improve the health of our Nation.

IN WITNESS WHEREOF, I have hereunto set my hand this thirty-first day of August, in the year of our Lord two thousand twenty-one, and of the Independence of the United States of America the two hundred and forty-sixth.

JOSEPH R. BIDEN, JR.

Proclamation 10247 of August 31, 2021

National Sickle Cell Awareness Month, 2021

*By the President of the United States of America
A Proclamation*

Today, 100,000 Americans live with sickle cell disease (SCD). The genetic disease, named for the sickle-shaped red blood cells it causes, leads to severe pain, serious infections, and organ damage. The severity of SCD varies, with many people facing a shortened life expectancy and a host of recurring, debilitating, and expensive health problems.

This condition also disproportionately affects Black and Brown Americans, with an estimated 1 in 365 Black Americans and 1 in 14,000 Hispanic Americans suffering from it. As President, I am committed to supporting those who have been hit the hardest by SCD. And during National Sickle Cell Awareness month, our Nation reaffirms our commitment to improving the quality of life and health outcomes for all individuals living with SCD.

Our Nation's extraordinary medical professionals and scientists are working tirelessly to find a cure and develop improved treatments for SCD. Recent scientific advances have led to effective approaches for managing SCD and preventing complications, including new drug therapies approved by the Food and Drug Administration. And while current treatments may not be universally effective, researchers continue to improve existing treatments, such as bone marrow transplants that can effectively cure SCD in some patients. The National Institutes of Health (NIH) has continued supporting SCD research, education, and capacity building, including the "Cure Sickle Cell Initiative" to accelerate safe, effective, and scalable gene therapies to cure the disease. As a result of the many advances and medical breakthroughs in genetic

therapies and research, we are now closer to finding a cure for all SCD patients.

My Administration is committed to following science, delivering breakthroughs, eliminating health disparities facing communities of color and other underserved communities, and promoting the health and wellness of all Americans.

We will continue our efforts to improve the lives and livelihoods of individuals struggling with SCD by improving access to quality health care, collaborating with our partners in the public and private sectors, adhering to the guidance of scientific experts and researchers, and supporting all families affected by SCD.

This month, we celebrate the progress made in treating Americans suffering from SCD and we stand together to improve the health of those living with this disease.

NOW, THEREFORE, I, JOSEPH R. BIDEN JR., President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim September 2021 as National Sickle Cell Awareness Month. I call upon the people of the United States to learn more about the progress we are making to reduce the burden of this disease on our fellow Americans.

IN WITNESS WHEREOF, I have hereunto set my hand this thirty-first day of August, in the year of our Lord two thousand twenty-one, and of the Independence of the United States of America the two hundred and forty-sixth.

JOSEPH R. BIDEN, JR.

Proclamation 10248 of August 31, 2021

National Wilderness Month, 2021

By the President of the United States of America

A Proclamation

America's public lands and waters, awe-inspiring landscapes, and cultural sites reflect a deep and abiding connection to our natural heritage. Our lands and waters are rich with diverse plant and animal life, and we are privileged to be able to enjoy irreplaceable national treasures that amaze us, inspire us, fill us with pride, support our lives and livelihoods, and belong to all of us in equal measure.

During National Wilderness Month, we affirm that our Nation's public lands and waters must be accessible to all Americans, we recognize that our lands and waters can revitalize the soul and solidify our respect for the natural wonders that surround us and the earth we share, and we recommit to their preservation and protection, today and for future generations.

The Wilderness Act, signed into law by President Lyndon B. Johnson in 1964, opened a new chapter in American conservation by creating the National Wilderness Preservation System. The primary goal of the act is to preserve the places "where the earth and its community of life are untrammelled." Today, the National Wilderness Preservation Sys-

tem includes more than 800 wilderness areas spanning more than 111 million acres. These wilderness areas are located within national forests, parks, wildlife refuges, and conservation lands and waters. During the COVID-19 pandemic, many Americans turned to these areas for physical recreation, mental well-being, and inspiration, and our public lands and waters became places of healing and sanctuary.

But our natural wonders are at risk. Now more than ever, we must come together to combat the climate crisis and unprecedented acceleration of species extinction, to protect and conserve our great outdoors before it is too late. Since taking office, I have recommitted the United States to the Paris Climate Agreement, pushed for stronger action to cut greenhouse gas pollution, and resolved to strengthen our resilience against rising temperatures. Additionally, my Administration's historic "America the Beautiful" initiative sets a national conservation goal to invest in, conserve, connect, and restore at least 30 percent of the Nation's lands and waters by 2030. These diverse landscapes and waterways are vital in so many ways: they provide homes to fish and wildlife, and hold resources that sustain our own lives, counteract the damaging impacts of climate change, and underpin our global economy.

We also recognize that not all Americans have access to our public lands. My Administration is committed to ensuring that all peoples and communities have clean air and clean water, and receive the additional physical, spiritual, and economic benefits that our great wilderness provides. As the original stewards of these lands, Tribal Nations and Indigenous communities have a sacred connection and deep understanding of our Nation's wilderness areas, and the history of America's public lands has too often involved broken promises to the Native peoples who have lived on them since time immemorial. I am committed to working in partnership with Tribal, State, and local partners to find solutions to our most pressing conservation and stewardship challenges, and to honoring the special relationship of Tribes to their ancestral sacred lands. This work is urgent.

During National Wilderness Month, let us strengthen our connection to the American wilderness areas, support their designation and protection, and work to preserve the stories they tell, the memories they create, and the heritage they reflect for all Americans for generations to come.

NOW, THEREFORE, I, JOSEPH R. BIDEN JR., President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim September 2021 as National Wilderness Month. I encourage all Americans to experience our Nation's outdoor heritage, to recreate responsibly and to leave no trace, to celebrate the value of preserving an enduring resource of wilderness, and to strengthen our commitment to protecting these vital lands and waters now and for future generations.

IN WITNESS WHEREOF, I have hereunto set my hand this thirty-first day of August, in the year of our Lord two thousand twenty-one, and of the Independence of the United States of America the two hundred and forty-sixth.

JOSEPH R. BIDEN, JR.

Proclamation 10249 of September 3, 2021**National Historically Black Colleges and Universities Week, 2021***By the President of the United States of America**A Proclamation*

Since 1837, Historically Black Colleges and Universities (HBCUs) have educated and prepared millions of people to lift up our Nation and make their impact on the world. These essential institutions have been critical engines of opportunity for generations of American families—they are incubators of excellence, helping to shape the story of our Nation and deliver on the promise of a more perfect Union. During National Historically Black Colleges and Universities Week, we celebrate the vital role that HBCUs play in molding Black leaders and ensuring that America continues to move closer to reaching its full potential.

From Delaware State—which has always held a special place in my heart—to more than 100 institutions across the country, HBCU graduates are the bearers of a proud and sacred tradition. It is the tradition of the Reverend Dr. Martin Luther King, Jr., and Thurgood Marshall, of Toni Morrison and Langston Hughes, of Reverend Jesse Jackson and Reverend William Barber. It is the tradition of countless scholars and advocates; leaders of industry, arts, and sciences; and leaders of faith and community. It is the tradition of trailblazers—including the first HBCU graduate elected to the Vice Presidency, Kamala Harris. It is a tradition rooted in a fundamental belief that quality education is a right that belongs to all people—that every single American should have a fair and equal chance to go as far as their God-given talents can take them.

Opposition to that belief has been a stain on our Nation since its founding. After President Lincoln signed the Emancipation Proclamation, Black Americans were still subjected to persistent legal and social discrimination. Laws were enacted to stifle their progress, including laws that denied Black Americans access to the same educational opportunities as white Americans. Across the generations since, progress has been won. Racial segregation of public schools was struck down by the Supreme Court in a case successfully argued by HBCU graduates. The Civil Rights Act of 1964 prohibited discrimination in public accommodations and federally-funded programs. Over time, hearts and minds have been changed. For more than 180 years, HBCUs have been on the forefront of that progress.

Still, the wound—and the reality—of systemic racism remains. We see it in our education system, our labor force, our health care system, our criminal justice system, and in so many other corners of our society. We see it in the COVID-19 pandemic, which revealed and exacerbated longstanding disparities in areas like food security, internet access, and medical care. For Black women and girls, LGBTQ+ Black Americans, and Black Americans with disabilities—we see it compounded with other forms of discrimination and bias. As they have throughout their existence, HBCUs have risen to the occasion to serve their students and communities over the last year and a half—helping to develop breakthrough treatments, hosting life-saving COVID-19 vaccination sites, and nurturing movements for justice and equality.

My Administration stands with HBCUs and is committed to the fundamental American promise they represent: that all of us are created equal and have a right to be treated equally throughout our lives. Too many times throughout our history, we have allowed a narrow, cramped view of that promise to fester—the false idea that America is a zero-sum game of opportunity, where a person can only lift themselves up by holding others down. It is critical that we shed that flawed way of thinking and finally embrace what we know to be true: that when any one of us is held back, we are all held back, and when we lift each other up, we are all lifted up.

That idea—the defining idea of America—is why I issued an Executive Order on my first day in office establishing a whole-of-government approach to equity and racial justice. It is why I have built the most diverse Cabinet in history, why I am appointing Black judges to the Federal judiciary at an historic rate, and why we are continuing to build an Administration that truly looks like America.

It is also why we will continue to support HBCUs in their vital mission. Imagine how much more creative and innovative America would be if our HBCUs had the same funding and resources as other institutions—allowing young people from every community to compete for the jobs and industries of the future. To help make that a reality, my Administration has proposed approximately \$239 million in new institutional aid funding for HBCUs in the Department of Education budget for next year, including \$72 million in new discretionary funding for HBCUs. In addition, my Administration has proposed approximately \$167 million in new mandatory funding for HBCUs and to provide 2 years of subsidized tuition and expand programs in high-demand fields at HBCUs.

I today signed an Executive Order establishing the White House Initiative on Advancing Educational Equity, Opportunity, and Excellence through Historically Black Colleges and Universities, which will create a Government-wide approach to support the needs of HBCUs and the communities they serve and eliminate systemic barriers impeding HBCU participation in Federal programs.

This is only the beginning of our work to support HBCUs and the remarkable students they empower and grow. This week and every week, we will continue to celebrate and advance the historic and ongoing success of our HBCUs—because we know that their success is America's success.

NOW, THEREFORE, I, JOSEPH R. BIDEN JR., President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim September 5 through September 11, 2021, as National Historically Black Colleges and Universities Week. I call upon educators, public officials, professional organizations, corporations, and all Americans to observe this week with appropriate programs, ceremonies, and activities that acknowledge the countless contributions these institutions and their alumni have made to our country.

IN WITNESS WHEREOF, I have hereunto set my hand this third day of September, in the year of our Lord two thousand twenty-one, and

of the Independence of the United States of America the two hundred and forty-sixth.

JOSEPH R. BIDEN, JR.

Proclamation 10250 of September 3, 2021

Labor Day, 2021

By the President of the United States of America

A Proclamation

My father taught me from a young age that a job is about much more than a paycheck. It is about dignity, respect, and your place in the community. It is about being able to look your children in the eye and assure them that things are going to be okay. When Americans go to work each day, they are not just making a living—they are pursuing a life with hope for the future. In doing so, they build, drive, care for, and grow our Nation.

Hard-working Americans are the backbone of our country. As I have often said, the middle class built America—and unions built the middle class. Everything that supports a sustainable middle-class life was made possible by unions, and on Labor Day we honor all those workers—and their enduring movement—that keep our economy moving and make our Nation strong.

I believe that every worker deserves not only a fair wage and benefits—but freedom from discrimination, a safe and healthy workplace, and the respect that comes with a secure retirement as well. That is why my Administration always stands proudly with workers. It is why, in the American Rescue Plan, we gave working people a break—helping workers weather the pandemic, giving middle-class families raising children a historic tax cut, and upholding the promise of a dignified retirement by protecting the hard-earned pensions of millions of American workers and retirees. It is also why I am committed to ensuring that all workers have a free and fair opportunity to organize a union and bargain collectively with their employers. This has been a guiding principle of our Nation since union organizing was explicitly encouraged by the National Labor Relations Act in 1935. But for far too long, that principle has been attacked and neglected.

American workers should make their own decisions—free from coercion and intimidation—about organizing with their co-workers to have a stronger voice in their workplaces, their communities, and their government. That is why I strongly support the Protecting the Right to Organize Act and the Public Service Freedom to Negotiate Act. It is also why I created the Task Force on Worker Organizing and Empowerment, and asked Vice President Kamala Harris and Secretary of Labor Martin Walsh to serve as its chair and vice chair.

After more than a year in which essential workers made extraordinary sacrifices and carried our Nation on their backs, this Labor Day we see more clearly than ever that we must build an economy that responds to the needs and aspirations of working people—an economy that deals everyone in and brings everyone along. The pandemic has also exacerbated and revealed for all to see the places where our Nation has fallen

short of its promise to deliver equal opportunity to workers of color and their communities. To help address that long-standing challenge, my Administration is pursuing a comprehensive approach to advancing equity, as illustrated in the Executive Order I signed on my first day in office entitled Advancing Racial Equity and Support for Underserved Communities.

Despite the tremendous progress we have made to advance labor protections and strengthen the voice of workers in the workplace, there is still much more we need to do. As in every generation since Labor Day was first celebrated in the late 19th century, there are still those who resist Americans' efforts to build and sustain worker power—the engine of our economic growth, the key to our long-term success, and the best defense against corporate abuses of power in workplaces, our economy, and our democracy. Over the years, the Labor Movement has won many battles: establishing the 40-hour work week, integrating workplaces, eliminating child labor, securing health and safety protections for workers, and countless other victories. Workers and their unions prevailed time and time again—but the work continues. We are going to keep fighting to restore power to working families and protect the rights of hard-working Americans and unions. That includes seizing the golden opportunity ahead of us to make the largest investment in nearly a century in American infrastructure, American workers, and good union jobs through the Bipartisan Infrastructure Investment and Jobs Act.

On this Labor Day, we honor the pioneers who stood up for the dignity of working people—leaders like César Chávez, the Reverend Dr. Martin Luther King, Jr., A. Phillip Randolph, John L. Lewis, Samuel Gompers, Frances Perkins, and many more. Let us also remember the tireless voices for working families that we have recently lost, including my friend Richard Trumka. We must recommit ourselves to advancing the historic progress these trailblazers made as we work to deliver a decent life with security, respect, and dignity for all.

NOW, THEREFORE, I, JOSEPH R. BIDEN JR., President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim September 6, 2021, as Labor Day. I call upon all public officials and people of the United States to observe this day with appropriate programs, ceremonies, and activities that honor the energy and innovation of working Americans.

IN WITNESS WHEREOF, I have hereunto set my hand this third day of September, in the year of our Lord two thousand twenty-one, and of the Independence of the United States of America the two hundred and forty-sixth.

JOSEPH R. BIDEN, JR.

Proclamation 10251 of September 9, 2021**National Days of Prayer and Remembrance, 2021**

By the President of the United States of America

A Proclamation

Twenty years ago, our Nation was forever changed. On September 11, 2001, as ordinary people started their days in Manhattan, Shanksville, and Arlington, cowardly acts born out of twisted hate stole 2,977 innocent lives, devastating families and communities. People across the world were shocked by the cruelty and horror of the terrorist act, even as they were inspired by the bravery of the first responders. Two decades have passed since that day of terror, yet the trauma, the pain, and the quest for justice—both personal and collective—still haunt our memories. Planes piercing buildings. Smoke filling skies. Towers turning to dust. The injured fleeing to safety. The heroes rushing toward danger.

During the National Days of Prayer and Remembrance, we honor those who lost their lives on September 11—lives that will never be forgotten. We also commemorate the humanity and selfless sacrifice of the first responders, service members, and ordinary citizens who banded together to rescue survivors and build a community of support around those who suffered unimaginable loss. Even as we continue to recover from this tragedy, we know for certain that there is nothing that America cannot overcome. Through sorrow, with God's help, we find strength. Through remembrance, in God's mercy, we find healing. We move forward with resolve, forever cherishing the memories of the souls who perished that day.

The seeds of chaos, planted that September by those who wished to harm us, blossomed instead into fields of hope for a brighter future. A new generation of patriots—many of whom were just children on that bright September morning, some of whom had not yet been born—now serve in our Armed Forces, as law enforcement officers and firefighters, as paramedics, in the halls of our Federal buildings, and beyond, determined to build our country back better, safer, and more united.

During these National Days of Prayer and Remembrance, we solemnly reflect on the freedom and tolerance that are part of our American character. We commit to preserving the memories of our fallen loved ones with the same tenacity with which we uphold the American values that are the root of our strength. We pray for the victims and all those who still mourn their loss. May the power of prayer bring comfort, and may God bless the United States of America.

NOW, THEREFORE, I, JOSEPH R. BIDEN JR., President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim September 10, 2021, through September 12, 2021, as National Days of Prayer and Remembrance. I ask that people of the United States honor and remember the victims of September 11, 2001, and their loved ones through prayer, contemplation, memorial services, the visiting of memorials, the ringing of bells, evening candlelight remembrance vigils, and other appropriate ceremonies and activities. I invite people around the world to participate in this commemoration. I invite the citizens

of our Nation to give thanks, in accordance with their own faiths and consciences, for our many freedoms and blessings, and I join all people of faith in prayers for spiritual guidance, mercy, and protection.

IN WITNESS WHEREOF, I have hereunto set my hand this ninth day of September, in the year of our Lord two thousand twenty-one, and of the Independence of the United States of America the two hundred and forty-sixth.

JOSEPH R. BIDEN, JR.

Proclamation 10252 of September 9, 2021

World Suicide Prevention Day, 2021

By the President of the United States of America
A Proclamation

Today, the United States joins the World Health Organization, the International Association for Suicide Prevention, and nations around the world in commemorating World Suicide Prevention Day by “creating hope through action.” On this day, and every day, we remember those lives lost to suicide. We also commit to connecting with those who are struggling and to encouraging communities, organizations, and governments to work together to prevent suicide.

Suicide often occurs in a moment of unbearable pain or deep despair. Many individuals with mental health needs are overcome with a sense of overwhelming hopelessness, and feel they have nowhere to turn.

Already, millions of Americans consider suicide, make a suicide plan, or attempt suicide every year—especially young Americans for whom suicide is the second leading cause of death. This number is even higher among LGBTQ+ and Native American youth.

In 2019, suicide was the 10th leading cause of death in the United States, and the second leading cause of death for young people between the ages of 10 and 34. And that was before the COVID-19 pandemic compounded, for many, feelings of isolation, exhaustion, and economic and public health-related anxieties. Increased rates of depression have sparked concern that we will see a further increase in suicide rates.

Too many of our Nation’s veterans and active military service members have also considered suicide or taken their own lives. In many cases, they did not receive the mental health services they need and deserve. In order to fulfill our Nation’s one sacred obligation to care for our troops and their families, I have made veteran suicide prevention a top priority. Earlier this year, I was proud to sign the Sgt. Ketchum Rural Veterans Mental Health Act of 2021 into law to provide additional mental health care for rural veterans. In my budget, I also requested \$598 million to support the Department of Veterans Affairs suicide prevention outreach efforts.

I have proposed \$180 million to fund suicide prevention programs at the Department of Health and Human Services’ Substance Abuse and Mental Health Services Administration. This dedicated funding will support programming that focuses on suicide prevention at every age

and stage of a person's life, as well as prevention and intervention programs through health systems. Knowing that our Nation's youth have been especially vulnerable to the mental health impacts of the COVID-19 pandemic, the American Rescue Plan I signed into law also includes \$20 million in funding specifically for youth suicide prevention.

My Administration is committed to treating suicide as the public health problem it is and helping to address the underlying risk factors for suicide. For example, we are working to expand access to mental health and substance use treatment. We are ensuring health insurance plans act in accordance with the Paul Wellstone and Pete Domenici Mental Health Parity and Addiction Equity Act of 2008, and cover these critical services at the same level as physical health services.

While there is no one cause of suicide, we know there are many factors that increase a person's risk for suicide, including the loss of a job; serious illness; and financial, criminal, legal, and relationship problems.

Through the American Rescue Plan and my proposed Fiscal Year 2022 budget, we are working to mitigate these risk factors. The American Rescue Plan provided a third round of economic impact payments, established a homeowner assistance fund, and provided emergency rental assistance.

My Administration is also committed to addressing suicide by firearm. Firearms are responsible for over half of all suicide deaths in the United States. That is one of the reasons we have published model red flag laws for States—allowing family members and law enforcement to petition for a temporary firearms ban for individuals who present a danger to themselves or others. When people present a danger to themselves or others, we must reduce their access to lethal means and ensure they have access to mental health services and supports.

If you or a loved one are thinking about suicide, please know that you are not alone and help is available 24/7 by calling the National Suicide Prevention Lifeline at 1-800-273-TALK or through the Crisis Text Line by texting HOME to 741741. Next July, the new Mental Health Crisis Line 9-8-8 will take effect. By expanding the crisis line and investing in our Nation's crisis care infrastructure, we have the opportunity to prevent suicides and save lives.

Today, on World Suicide Prevention Day, we remember those whom we lost to suicide, and we reconfirm our support for the millions of Americans who struggle with thoughts of suicide, who are suicide attempt survivors, suicide loss survivors, and those who are working steadfastly to prevent suicide.

NOW, THEREFORE, I, JOSEPH R. BIDEN JR., President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim September 10, 2021, as World Suicide Prevention Day. I call upon all Americans, communities, organizations, and all levels of government to join me in creating hope through action and committing to preventing suicide across America.

IN WITNESS WHEREOF, I have hereunto set my hand this ninth day of September, in the year of our Lord two thousand twenty-one, and

of the Independence of the United States of America the two hundred and forty-sixth.

JOSEPH R. BIDEN, JR.

Proclamation 10253 of September 10, 2021

National Small Business Week, 2021

By the President of the United States of America

A Proclamation

The American entrepreneurial spirit is a defining quality of our Nation which time and again has lifted us to new heights and carried us through our greatest challenges. Small businesses are not only the engines of our economic progress—they are the heart and soul of our communities. During National Small Business Week, we celebrate our Nation’s small businesses—the pillars of their neighborhoods and towns—and all of the people who dream them, build them, and make them run.

When the COVID–19 pandemic first struck last year, it posed a historic challenge to America’s small businesses. From coast to coast, in big cities, small towns, rural enclaves, and Tribal communities, small business owners and workers demonstrated remarkable courage and resilience, adapting to sudden changes in our way of life and stepping up to serve their communities. Across the country, small businesses extended helping hands to their neighbors during the pandemic’s darkest hours, all while entrepreneurs and employees worked tirelessly around the clock to keep their businesses afloat, make payroll, and ensure the safety of their teams and customers.

Despite the determination of our Nation’s small business owners and their employees, the pandemic hit them hard. Throughout 2020, empty storefronts and goodbye signs hanging in windows could be found on Main Streets across the country. The pizza place that your kids loved best. The hardware store that always had the tool you needed. The barber shop that sponsored the local Little League team—and had the first dollar bill it ever earned still framed on the wall. The pandemic exacted an incalculable toll not only on lives and livelihoods, but on far too many small business dreams and family legacies.

To ensure that these community pillars have a fighting chance to reopen and stay open, my Administration is delivering the loans and support that our Nation’s more than 30 million small businesses and innovative startups need. The American Rescue Plan delivered billions of dollars in economic relief to millions of small businesses—including programs targeted to the hardest-hit industries such as restaurants and performing arts venues. We revamped the Paycheck Protection Program to reach our smallest businesses, with more than 95 percent of the nearly \$300 billion in loans made during my Administration supporting small businesses with less than 20 employees, reaching a higher share of businesses in rural and low- or moderate-income communities than in the previous two rounds of the program. Through our Restaurant Revitalization Fund, we provided an essential lifeline to more than 100,000 businesses across the country, delivering \$28.6 bil-

lion in direct support. Last week, my Administration began accepting applications for an improved COVID-19 Economic Injury Disaster Loan program, which will put more than \$150 billion in funding to work offering long-term, low-interest loans that small businesses can use to retain workers, make rent, and pay down more expensive debt. In the American Rescue Plan, we established the Community Navigator Pilot program to create a network of trusted organizations, local governments, and community champions to help underserved small businesses navigate resources at all stages of their growth.

We have also fully vaccinated more than 64 percent of adult Americans, so that more small businesses can reopen their doors and welcome back their customers. My Administration created a tax credit to help small businesses—which employ nearly half of America’s private workforce—give their employees paid time off to get vaccinated and recover.

My Administration is also committed to nurturing small businesses that have faced historic barriers in rural and urban America, including businesses owned by veterans, women, and people of color—especially Black, Latino, and Asian American businesses. These entrepreneurs continue to face persistent barriers to the capital, markets, and networks they need to start and grow their businesses, and many were left out of early rounds of relief in the earlier days of the pandemic.

To help ensure that small businesses in every community benefit from the Build Back Better agenda’s landmark investments in our infrastructure, we are strengthening our contracting programs for underserved small businesses. As part of this effort, I announced a Government-wide goal to grow Federal contracting with small, disadvantaged businesses by 50 percent, translating into an additional \$100 billion over 5 years. By ensuring that more disadvantaged small businesses can compete for and win Federal contracts, we can boost job opportunities and economic prosperity in every corner of America.

Our Nation’s small businesses define our communities, drive innovation, and create the products and services that enrich our lives and solve global problems to build a better and more sustainable world. By harnessing the power of our small business economy and equipping our entrepreneurs with the tools and resources they need to innovate, adapt, and grow, our economy will continue to build back better than ever before. America’s small businesses are up to the task.

NOW, THEREFORE, I, JOSEPH R. BIDEN JR., President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim September 12 to September 18 as National Small Business Week. I call upon all Americans to recognize the contributions of small businesses to the American economy, continue supporting them, and honor the occasion with programs and activities that highlight these important businesses.

IN WITNESS WHEREOF, I have hereunto set my hand this tenth day of September, in the year of our Lord two thousand twenty-one, and of the Independence of the United States of America the two hundred and forty-sixth.

JOSEPH R. BIDEN, JR.

Proclamation 10254 of September 10, 2021

Patriot Day and National Day of Service and Remembrance, 2021

*By the President of the United States of America
A Proclamation*

Twenty years ago, the United States endured one of the most unconscionable tragedies in our country's history. The cowardly terrorist attacks on the World Trade Center, the Pentagon, and onboard United Flight 93 cut short the lives of 2,977 innocent people. These attacks tore a hole in the heart of our Nation, and the pain of this tragedy still remains. Each year on this somber date, we remember the horror and bravery shown that day, just as we remember how we came together, united in grief and in purpose. Each year, we renew our solemn vow to never forget what happened on September 11, 2001, or those who lost their lives.

On Patriot Day and National Day of Service and Remembrance, we honor every life that was taken too soon. We honor the first responders—firefighters, law enforcement officers, emergency workers, and service members—who answered the call of duty, and the brave civilians who rushed into action to save lives that day. Their courage embodies the American spirit and resilience, and their heroism continues to inspire new generations of Americans.

My mother used to say that “courage lies in every heart, and one day it will be summoned.” It was summoned and shown by those who responded to the events on 9/11. First responders, emergency workers, and civilians ran to where the devastation was the greatest, where death came in an instant but where there were survivors to be found; a determined group of heroes onboard United Flight 93 sacrificed their lives to save the lives of others—in every case, Americans faced the unimaginable with resolve and courage. Today and every day, we draw hope from the strength and selflessness of those who stepped up to serve their fellow man and our Nation on that tragic day.

We also remember the patriotism and valor of our service members who pursued our attackers, delivered justice to Osama bin Laden, and degraded al-Qa'ida. We will keep our sacred obligation to care for our service members and veterans who served in Afghanistan over the last 20 years, as well as their families, caregivers, and survivors.

Over the last two decades the American people have demonstrated that the harder the circumstances, the more resilient and stronger we become. Our shared love of country and our shared values—regardless of race, gender, religion, origin, or economic status—unite us as Americans against all enemies, foreign and domestic.

Today, on this Patriot Day and National Day of Service and Remembrance, we move forward as one Nation, united by our common goal of liberty and justice for all. We remember those killed on September 11, 2001, and honor them through acts of service. I encourage all Americans to visit americorps.gov/911-day to learn about and seek opportunities to serve others on this day and to demonstrate once again that the ideals we hold, which many have tried to attack and destroy, are the very bonds that hold us together—even tighter in times of peril.

By a joint resolution approved December 18, 2001 (Public Law 107–89), the Congress has designated September 11 of each year as “Patriot Day,” and by Public Law 111–13, approved April 21, 2009, the Congress has requested the observance of September 11 as an annually recognized “National Day of Service and Remembrance.”

NOW, THEREFORE, I, JOSEPH R. BIDEN JR., President of the United States of America, do hereby proclaim September 11, 2021, as Patriot Day and National Day of Service and Remembrance. I call upon all departments, agencies, and instrumentalities of the United States to display the flag of the United States at half-staff on Patriot Day and National Day of Service and Remembrance in honor of the individuals who lost their lives on September 11, 2001. I invite the Governors of the United States and its Territories and interested organizations and individuals to join in this observance. I call upon the people of the United States to participate in community service in honor of those our Nation lost, to observe this day with appropriate ceremonies and activities, including remembrance services, and to observe a moment of silence beginning at 8:46 a.m. eastern daylight time to honor the innocent victims who perished as a result of the terrorist attacks on September 11, 2001.

IN WITNESS WHEREOF, I have hereunto set my hand this tenth day of September, in the year of our Lord two thousand twenty-one, and of the Independence of the United States of America the two hundred and forty-sixth.

JOSEPH R. BIDEN, JR.

Proclamation 10255 of September 10, 2021

National Grandparents Day, 2021

By the President of the United States of America

A Proclamation

On National Grandparents Day, we celebrate the important role grandparents play in providing love, wisdom, and strength to their families, and fostering greater understanding across generations. Grandmas and grandpas, abuelas y abuelos, nanas and pop-pops—through their wisdom, their perseverance, and their unconditional love—strengthen our family bonds. They share with us who we are, where we come from, and the experiences that have shaped their lives, and, in many cases, shaped our Nation.

For Jill and me, there is no greater joy than spending time with our own grandchildren. They are the love of our lives, and the life of our love.

The COVID–19 pandemic has been particularly devastating to seniors, and too many families have lost grandparents to the virus. We mourn them as a Nation. To honor the memory of those we have lost and protect those most vulnerable, we mobilized an historic vaccination effort. Already, we have fully vaccinated over 82 percent of all seniors and over 64 percent of all adults—allowing grandparents and their loved ones to get back together safely.

During the worst of COVID-19, we saw the bonds of love that grandparents share with their families remain strong. While the virus denied many grandparents the opportunity to hug their grandchildren, we saw families visiting grandparents outside a window, waving from a safe distance, participating in car parades, or making video calls to stay connected. Grandparents and grandchildren were resilient and creative—sharing recitals, sporting events, graduations, and other important family milestones remotely. Physically apart, we remained bonded by love, faith, and the uniquely American spirit. As we continue our fight against the virus, we are once again able to enjoy the in person warmth and care of our grandparents, and they can enjoy precious time with their children and grandchildren.

For many families, grandparents are the caregivers who provide trusted support to parents and children alike. They care for grandchildren while their parents are at work, pick up grandchildren from school and activities, and provide advice and comfort when needed most. In increasing numbers, grandparents have become primary caregivers when parents cannot care for their children. They sacrifice their own retirement plans, and often strain their own health and financial stability, to ensure their grandchildren continue to grow and learn within the warm embrace of a loving family.

In 2018, the Congress enacted the Supporting Grandparents Raising Grandchildren Act, which established an Advisory Council to Support Grandparents Raising Grandchildren. By the end of this year, the Council will release their first report to the Congress, including recommendations intended to advance change and improve support programs for grandparent and kinship families of all ages.

My Administration looks forward to the release of this report so that we can use it as a guide to improve the livelihoods of grandparents and other older relative caregivers. As President, I am committed to identifying unmet needs, highlighting systemic gaps, and providing recommendations on how we can work together to improve the lives of grandparents and the children they support.

Thanks to our whole-of-government response, heroic frontline workers, world-class scientists, and millions of Americans getting vaccinated, many of us are able to hug our grandparents, and gather around a table once again. We still have more work to do, but we have learned to never take time together for granted. If everyone does their part in getting vaccinated—we will continue to create new, joyful memories. We are grateful for the blessing of that opportunity, and we hope every family will cherish their grandparents today and every day.

NOW, THEREFORE, I, JOSEPH R. BIDEN JR., President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim September 12, 2021, as National Grandparents Day. I call upon all Americans to celebrate the important role that grandparents play in the lives of their families and the children they love.

IN WITNESS WHEREOF, I have hereunto set my hand this tenth day of September, in the year of our Lord two thousand twenty-one, and of the Independence of the United States of America the two hundred and forty-sixth.

JOSEPH R. BIDEN, JR.

Proclamation 10256 of September 13, 2021**National Hispanic-Serving Institutions Week, 2021**

By the President of the United States of America

A Proclamation

Today, more than a quarter of American schoolchildren are Hispanic—and the proportion of Hispanic Americans in our workforce is projected to grow substantially over the next 10 years. The educational success of Hispanic Americans is vital to the future of our entire country; how we as a Nation nurture that success will define our strength and stability, our shared prosperity, and our competitiveness on the world stage for generations to come.

For decades, Hispanic-Serving Institutions (HSIs) have played a key role in preparing Hispanic American scholars, artists, researchers, scientists, educators, and other leaders who make our communities and our Nation stronger, more resilient, and more equitable. HSIs advance the foundational American ideals of equity and justice by preparing graduates to contribute their God-given talents and help solve some of the greatest challenges facing our Nation and our world.

To do this, HSIs are on the cutting edge, equipping students with the knowledge and skills they need to compete in the 21st century economy and carve out their place in the middle class. In industry after industry, HSIs empower the next generation of Hispanic American leaders—while also celebrating and nourishing the diverse linguistic and cultural backgrounds that make up the broader Hispanic community.

This work is essential to both the character and the economy of our Nation. Over the last 18 months, Hispanic Americans in every community have helped carry us through the COVID-19 pandemic and spark an historic economic recovery—as doctors and nurses, teachers and first responders, essential workers who keep our country going, and in countless other roles. Hispanic Americans are core to our national fabric, and HSIs are a critical resource in empowering and enriching Hispanic students and our Nation.

Beyond academic and professional preparation, HSIs also positively impact their communities. I am especially grateful for the leadership of HSIs in safeguarding the rights and dignity of Dreamers and first-generation college students across our Nation. It is my fervent hope that the Congress will provide security to all Dreamers. These young people represent America's strength—and our greatest aspirations. We cannot let them down.

Since I took office, my Administration has worked to support the health, education, equity, and economic well-being of Hispanic Americans. In my first week as President, I signed an Executive Order establishing a whole-of-government approach to advancing equity and racial justice. Additionally, my Administration moved swiftly to provide COVID relief to HSIs, families, and small businesses through the American Rescue Plan—a law which on its own is projected to cut Hispanic poverty in America this year by 43 percent. We have also reestablished the White House Initiative on Advancing Educational Equity, Excellence, and Economic Opportunity for Hispanics. We still have a lot of work ahead of us, but I am proud of the historic investments that my

PROCLAMATION 10257—SEPT. 14, 2021 135 STAT. 2725

Administration has made to lift up Hispanic Americans—and we will continue to fight for the rights, dignity, and success of Hispanic Americans every day.

NOW, THEREFORE, I, JOSEPH R. BIDEN JR., President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim September 12 through September 18, 2021, as National Hispanic-Serving Institutions Week. I call on public officials, educators, and all the people of the United States to observe this week with appropriate programs, ceremonies, and activities that acknowledge the many ways these institutions and their graduates contribute to our country.

IN WITNESS WHEREOF, I have hereunto set my hand this thirteenth day of September, in the year of our Lord two thousand twenty-one, and of the Independence of the United States of America the two hundred and forty-sixth.

JOSEPH R. BIDEN, JR.

Proclamation 10257 of September 14, 2021

National Hispanic Heritage Month, 2021

By the President of the United States of America

A Proclamation

During National Hispanic Heritage Month, we recognize that Hispanic heritage is American heritage. We see it in every aspect of our national life: on our television and movie screens, in the music that moves our feet, and in the foods we enjoy. We benefit from the many contributions of Hispanic scientists working in labs across the country to help us fight COVID-19 and the doctors and the nurses on the front lines caring for people's health. Our Nation is represented by Hispanic diplomats who share our values in countries all over the world and strengthened by military members and their families who serve and sacrifice for the United States. Our communities are represented by Hispanic elected officials, and our children are taught by Hispanic teachers. Our future will be shaped by Hispanic engineers who are working to develop new technology that will help us grasp our clean energy future and by the skilled union workers who are going to build it.

National Hispanic Heritage Month is an important reminder of how much strength we draw as a Nation from our immigrant roots and our values as a Nation of immigrants. I am proud to recognize my four Hispanic Cabinet Secretaries—Secretary of Health and Human Services Xavier Becerra, Secretary of Homeland Security Alejandro Mayorkas, Secretary of Education Miguel Cardona and Small Business Administrator Isabel Guzman—who are all leading executive departments that oversee critical components of American life. My Administration is focused on making equity a priority and ensuring that Hispanics are front and center in our efforts to improve the lives of working families across the country.

During National Hispanic Heritage Month, we also recognize that America cannot succeed unless Hispanic families and communities

succeed, sharing equally in the benefits of our recovery and our investments. My American Rescue Plan provided much-needed relief to the Hispanic community during the pandemic. Additional Paycheck Protection Program funding for small businesses and rental assistance has helped families stay in their homes, and the child tax credit is helping lift Hispanic children out of poverty.

A critical key to building back better is ensuring that Hispanic communities also benefit from investments in roads, clean water, and broadband as well as access to early education and other resources that support working families and improve educational outcomes. We must also continue the fight to protect the sacred right to vote and provide a pathway to citizenship for undocumented Hispanics—especially Dreamers, Temporary Protected Status holders, farmworkers, and essential workers—through desperately needed immigration reform. Creating a pathway to citizenship is a top priority for my Administration not only because this benefits our Nation’s economy but also because it is the right thing to do.

As we honor and celebrate the contributions of Hispanics to our Nation, we also reaffirm our commitment to extending the hand of friendship to Latin America and strengthening democracy in the region. My Administration has sent over 5 million doses of the COVID–19 vaccine to Mexico with millions more on the way. We have donated over 33 million doses of the vaccine to 21 other countries in Latin America. This included the first doses of the vaccine to reach Haiti, carried there by the United States Coast Guard. This vaccine will help protect Haiti’s first responders and health care workers.

In recognition of the achievements of Hispanics, the Congress, by Public Law 100–402, as amended, has authorized and requested the President to issue annually a proclamation designating September 15 through October 15 as “National Hispanic Heritage Month.”

NOW, THEREFORE, I, JOSEPH R. BIDEN JR., President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim September 15 through October 15, 2021, as National Hispanic Heritage Month. I call upon public officials, educators, librarians, and all Americans to observe this month with appropriate ceremonies, activities, and programs.

IN WITNESS WHEREOF, I have hereunto set my hand this fourteenth day of September, in the year of our Lord two thousand twenty-one, and of the Independence of the United States of America the two hundred and forty-sixth.

JOSEPH R. BIDEN, JR.

Proclamation 10258 of September 16, 2021

Constitution Day and Citizenship Day, and Constitution Week, 2021

*By the President of the United States of America
A Proclamation*

For 234 years, America’s Constitution has guided our growth, shaped our progress, and defined us as a Nation of sacred laws and fundamental values. When our democracy is tested, we draw strength from the Constitution to see us through. When we look ahead in our uniquely American way—restless, bold, and optimistic—our Constitution is the bedrock we build upon to make our Nation more equal, more just, and more prosperous for all our people.

American democracy requires our constant care, vigilance, and full participation to determine the course and conscience of our Union. As President, I swore an oath to preserve, protect, and defend the Constitution, and I will continue to work tirelessly to ensure that we uphold and strengthen this remarkable system of self-government for future generations ready to put their own shoulders to the wheel.

The Framers of the Constitution understood the extraordinary promise of a democratic system of government—a Nation that could be made a “more perfect Union” by each passing generation to come. They laid out a set of basic principles and equipped the American people with all that was necessary to meet the changing needs and values of our country through the years.

For more than two centuries, women and men have struggled and strived to make good on the promise of our founding document and to expand the promise of America by amending our Constitution in accordance with our growth and progress as a Nation—just as the Framers envisioned they would. Through Civil War, the fight for universal suffrage, and the heroic non-violent resistance of the Civil Rights Movement—from Seneca Falls to Selma and countless acts of civic bravery beyond—courageous Americans have fought, sacrificed, and changed hearts and minds to deliver the full breadth of human dignity to which our Constitution aspires. Fully realizing these ideals and attaining justice for all remains an urgent and enduring imperative.

Today, we are in the midst of grave attempts to suppress and subvert the right to vote in free and fair elections—the most sacred right in our democracy and the very heart of our Constitution. We must continue to rebuff these threats to ensure that American democracy remains healthy and strong. My Administration is pursuing an all-of-government effort to protect and expand the fundamental right to vote and make our democracy more equitable and accessible for all Americans.

I have often said that America is the only Nation founded on an idea. Though we have never fully lived up to it, we have never walked away from it. We have never stopped striving to fulfill the founding promise of our Nation—that all of us are created equal and deserve to be treated equally throughout our lives. My Administration is committed to bringing us closer to the fulfillment of that promise.

To honor the timeless principles enshrined in our Constitution, the Congress has, by joint resolution of February 29, 1952 (36 U.S.C. 106),

designated September 17 as “Constitution Day and Citizenship Day” and authorized the President to issue a proclamation calling on United States officials to display the flag of the United States on all Government buildings on that day. By joint resolution of August 2, 1956 (36 U.S.C. 108), the Congress further requested that the President proclaim the week beginning September 17 and ending September 23 of each year as “Constitution Week.”

NOW, THEREFORE, I, JOSEPH R. BIDEN JR., President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim September 17, 2021, as Constitution Day and Citizenship Day, and September 17, 2021, through September 23, 2021, as Constitution Week. On this day and during this week, we celebrate our Constitution and the rights of citizenship that together we enjoy as the people of this proud Nation.

IN WITNESS WHEREOF, I have hereunto set my hand this sixteenth day of September, in the year of our Lord two thousand twenty-one, and of the Independence of the United States of America the two hundred and forty-sixth.

JOSEPH R. BIDEN, JR.

Proclamation 10259 of September 16, 2021

National POW/MIA Recognition Day, 2021

By the President of the United States of America

A Proclamation

When service members take an oath to defend the Constitution of the United States, they do so knowing that they may be called upon to make great sacrifices to ensure and sustain our shared values. These patriots accept those risks and rush to fulfill the mission, no matter how harsh or dangerous the conditions. They embody the best of the American spirit. For the families and friends who wait at home, anxious for news of their loved ones, these sacrifices can cause great pain. For the families of the more than 81,600 service members who remain missing in action—the pain and grief is compounded by a lack of closure, and the hope that their sons and daughters, sisters and brothers, parents, and grandparents will one day return home.

On National POW/MIA Recognition Day, we remember the debt we owe to them and to their families. We pay tribute to our former prisoners of war and recommit to the difficult but essential task of seeking out answers for the families of those still missing. We will always remember and honor our Nation’s prisoners of war and those still missing in action, and keep faith with our promise as a Nation to bring all of our heroes home.

Every day, the iconic black and white flag—a powerful symbol in recognition of the heroism and sacrifice of American POWs and MIAs—is flown above the White House. It is a mark of reverence and of solidarity with all those who await answers. Each day, this flag flies over memorials and cemeteries, on military installations, at local post offices, and on the front lawns of homes across the Nation. This flag re-

mains a symbol of America's commitment to honor the sacrifices of all those who serve.

My Administration is committed to recovering and identifying Americans missing from prior conflicts. Our efforts are global, and we are thankful for the continued cooperation of all partner nations who advance these humanitarian efforts on behalf of American families. Loss and grief are hard enough without the added and too often prolonged pain of uncertainty. But this much is certain: the United States will never abandon the search for our service members missing and unaccounted for in overseas wars. They will never be forgotten.

During National POW/MIA Recognition Day, our Nation conveys eternal gratitude to those who endured enemy captivity and those who made the supreme sacrifice and have yet to return home. We will stand with these heroes, who gave their all to protect and preserve our freedoms, and their families, who have kept the faith and longingly pursued answers across these many decades.

NOW, THEREFORE, I, JOSEPH R. BIDEN JR., President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim September 17, 2021, as National POW/MIA Recognition Day. Along with my fellow Americans, I salute our former POWs who overcame unspeakable indignities to return home with honor. For those who made the ultimate sacrifice and never came home, America will work tirelessly to provide their families and our Nation the fullest possible measure of accounting. I urge all Americans to observe this day of honor and remembrance with appropriate ceremonies and activities.

IN WITNESS WHEREOF, I have hereunto set my hand this sixteenth day of September, in the year of our Lord two thousand twenty-one, and of the Independence of the United States of America the two hundred and forty-sixth.

JOSEPH R. BIDEN, JR.

Proclamation 10260 of September 17, 2021

Minority Enterprise Development Week, 2021

*By the President of the United States of America
A Proclamation*

For many families, a business is more than a job—it is the fulfillment of a dream: a better life, a family legacy, a place in the community. Minority businesses in particular are the heart and soul of so many communities across our Nation. From Wall Street to Main Street, over 9.2 million minority business enterprises (MBEs) support jobs and generate more than \$1.8 trillion for our economy every year. During Minority Enterprise Development Week, our Nation recognizes the importance of minority-owned businesses and the impact they have on every community.

Even as the COVID-19 pandemic continues to test America's businesses like few events in our Nation's history, MBEs and minority business owners have shown remarkable resilience, working around

the clock and adapting to changes to keep their businesses running and their employees safely working. Despite these efforts, minority-owned businesses have been disproportionately hard-hit, with many forced to shut down because of revenue losses and many more hanging on by a thread.

My Administration is committed to supporting minority entrepreneurs and minority-owned businesses. On my first day in office, I signed an Executive Order directing the entire Federal Government to advance equity for underserved communities across our Nation, specifically with respect to Federal procurement. In order to help our struggling businesses during the darkest moments of the pandemic, my Administration revamped the Paycheck Protection Program to provide greater access to small businesses, including minority-owned businesses.

Because the Federal Government is the Nation's largest buyer, purchasing \$600 billion of goods and services each year, and because these purchases not only meet our Nation's needs but also supply economic opportunity, I recently announced a new goal to increase the share of contracts awarded to small disadvantaged businesses by 50 percent over the next 5 years. Additionally, my Bipartisan Infrastructure Deal will expand the authority and stature of the Minority Business Development Agency within the Department of Commerce so that it can continue to break barriers, blaze new trails, and eliminate the unique challenges minority-owned businesses face in accessing capital, contracts, and market avenues to success.

During Minority Enterprise Development Week, we recognize that our Nation and our economy are stronger because of the hardworking men and women who comprise America's minority business community. They consistently demonstrate the courage it takes to overcome adversity, seize opportunity, and contribute to our shared prosperity.

NOW, THEREFORE, I, JOSEPH R. BIDEN JR., President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim September 19, 2021, through September 25, 2021, as Minority Enterprise Development Week. I call upon the people of the United States to acknowledge and celebrate the achievements and contributions of minority business entrepreneurs and enterprises and commit together to promote systemic economic equality.

IN WITNESS WHEREOF, I have hereunto set my hand this seventeenth day of September, in the year of our Lord two thousand twenty-one, and of the Independence of the United States of America the two hundred and forty-sixth.

JOSEPH R. BIDEN, JR.

Proclamation 10261 of September 17, 2021

National Farm Safety and Health Week, 2021

By the President of the United States of America

A Proclamation

In every generation, America's farmers, ranchers, and farmworkers have fed and fueled our Nation, nurturing the strength and health of our people, our communities, and our economy. Since 1944, we have celebrated these critical workers during National Farm Safety and Health Week—a time for all of us to recommit ourselves to advancing the safety and well-being of all hardworking farm and ranch workers.

The contributions of farmers, ranchers, and farmworkers have always been essential, but they have perhaps never been more evident than during the COVID-19 pandemic. The pandemic has taken an incalculable toll on our Nation's farms and farming communities, with high rates of infections and illnesses affecting nearly every facet of our agricultural system. Beyond the unique challenges posed by the pandemic, the agriculture sector has always been both physically and mentally demanding, and it remains one of the most dangerous industries in America.

Despite these challenges, our dedicated farmers, ranchers, and farmworkers have continued to work around the clock, putting their lives and the lives of their loved ones on the line to ensure that families across the country have food on the table. Their sacrifices are commendable, but they should not have to risk injury, illness, or death to do their jobs. Our Nation has a duty to protect agricultural workers and promote safety education for farmers and farm families. We must continue to reduce the risks of accidents, injuries, and fatalities—including those on rural roadways involving tractors and other machinery—as well as the health risks associated with prolonged exposure to fertilizers and chemical agents. We must continue to get Americans vaccinated, so that our brave farmers, ranchers, and farmworkers can go to work free from the deadly threat of COVID-19.

American farmworkers are the best in the world, and they have always faced the challenges of the job head-on. Their success is our Nation's success, and we must support them and their well-being as they feed the world, lift up their local communities, and contribute to the prosperity and possibilities of rural America and beyond. My Administration is committed to ensuring that every farmer, rancher, and farmworker can work in a safe and healthy environment. By having their backs, our Nation will continue to lead the world in agricultural production and innovation and ensure that our food supply is secure and our economy is strong.

NOW, THEREFORE, I, JOSEPH R. BIDEN JR., President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim September 19 through September 25, 2021, as National Farm Safety and Health Week. I call upon the people of the United States, including America's farmers and ranchers and agriculture-related institutions, organizations, and businesses to reaffirm a dedication to farm safety and health. I also urge all Americans to honor the historic and ongoing contributions of our agricultural sector and express appreciation and grati-

tude to our farmers and ranchers for their vital contributions and tireless service to our Nation.

IN WITNESS WHEREOF, I have hereunto set my hand this seventeenth day of September, in the year of our Lord two thousand twenty-one, and of the Independence of the United States of America the two hundred and forty-sixth.

JOSEPH R. BIDEN, JR.

Proclamation 10262 of September 24, 2021

National Hunting and Fishing Day, 2021

By the President of the United States of America
A Proclamation

On National Hunting and Fishing Day, we celebrate the time-honored traditions of hunting and fishing and their role in providing people of all ages and backgrounds the opportunity to enjoy the great American outdoors. From the earliest days of our Nation, hunting and fishing have instilled respect for our long-cherished natural resources and American ethic of conservation. Passed on through generations, these beloved pastimes bring families, friends, and neighbors together to bond in the spirit of sportsmanship, cultivate respect for our lands, waters, and wildlife, and provide peaceful sanctuary amid our Nation's natural wonders.

During the COVID-19 pandemic, hunting and fishing have been especially critical in providing a recreational reprieve for many Americans from the stressors of these difficult times. When entertainment venues, stadiums, gyms, and local businesses were closed, hunting and fishing afforded many Americans the opportunity to commune with nature and find some semblance of normalcy. The majestic public lands and waters of our country—and our responsibility to serve as good stewards of the natural resources we have been blessed with—are even more appreciated by those who took to the great outdoors as an outlet during the pandemic. It is one of the reasons the Department of the Interior recently announced the largest expansion of hunting, fishing, and outdoor recreation opportunities on public lands in recent history.

Ensuring that public lands are available to every American for activities like hunting and fishing is central to my Administration's "America the Beautiful" initiative—an ambitious goal to pursue a locally-led and national, voluntary effort to conserve, connect, and restore 30 percent of our lands and waters, by 2030. We will continue to carry out this program together with agricultural and forest landowners; anglers, hunters, and outdoor enthusiasts; Tribal Nations, States, and territories; local officials; and other important partners and stakeholders in order to identify conservation strategies that reflect the priorities of all communities. This initiative is only a starting point in our efforts to protect our environment and conserve our resources for future generations. We will continue to rely on America's sportswomen and men to pass on their love and respect for our lands, waters, and wildlife to our children and grandchildren.

Hunting and fishing also play a large role in funding conservation efforts, for example through fishing licenses and Duck Stamps—works of art that for nearly a century have helped protect habitats for birds and other wildlife. These activities also fuel economic prosperity—especially in rural communities—with more than 50 million Americans hunting and fishing every year, creating over \$200 billion in economic activity and supporting over 1.5 million jobs. The continuation of these time-honored traditions will ensure that our lands and waters receive the care and funding they need to stay accessible and magnificent for all Americans. Whether fulfilling a family tradition on opening day of hunting season or a new angler catching their first trout on a restored river, we will ensure that future generations have the same opportunities to take part in these cherished pastimes.

NOW, THEREFORE, I, JOSEPH R. BIDEN JR., President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim September 25, 2021, as National Hunting and Fishing Day. I call upon all Americans to observe this day with appropriate programs and activities.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-fourth day of September, in the year of our Lord two thousand twenty-one, and of the Independence of the United States of America the two hundred and forty-sixth.

JOSEPH R. BIDEN, JR.

Proclamation 10263 of September 24, 2021

National Public Lands Day, 2021

*By the President of the United States of America
A Proclamation*

On National Public Lands Day, we celebrate America’s beautiful and majestic public lands—those irreplaceable natural treasures that belong to all of us in equal measure. Our Nation is blessed with an abundance of awe-inspiring public lands, including National Parks, Monuments, conservation areas, wildlife refuges, forests, grasslands, marine sanctuaries, lakes, and reservoirs. For Americans in every part of our Nation, these spaces are invaluable sources of recreation and education, of spiritual fulfillment and rejuvenation, and of inspiration and pride.

Since 1994, National Public Lands Day has brought together hundreds of thousands of volunteers to help restore these essential places; today, it is the largest single-day public lands volunteer event in our Nation. From Shenandoah National Park to Tonto National Forest, volunteers complete service projects like building bridges and trails, restoring native ecosystems, collecting trash, and removing invasive species. These service projects also give volunteers the opportunity to learn more about our public lands and understand the environmental, economic, and health benefits our natural wonders provide. On this day, all federally managed public lands and waters will offer free admission for anyone in America who wishes to explore these shared spaces.

My Administration is committed to conserving our precious public lands and waters. Earlier this year, I signed an Executive Order to create a Civilian Climate Corps, which will put dedicated Americans to work conserving and restoring our public lands and waters for the benefit of all our people. Through our “America the Beautiful” initiative, we are also working with State, local, and Tribal governments as well as private landowners through voluntary conservation efforts to achieve our goal of conserving 30 percent of our Nation’s lands and waters by 2030. This decade-long effort will harness the best of the American spirit to protect our biodiversity, improve access to public spaces, and conserve and restore the lands, waters, and wildlife that we all depend on for generations to come.

Our public lands have provided millions of Americans with a much-needed reprieve from the stress and hardships felt during the COVID-19 pandemic. As we continue to get America vaccinated and defeat the pandemic, I invite all Americans to recognize the enormous value—both tangible and intangible—of these unique natural places and to support their local public lands and waters through acts of volunteerism and service. At the same time, we also recognize that not all Americans have equal access to our public lands. My Administration is committed to improving equitable access to nature in every community and to ensuring that every American has the opportunity to enjoy these natural spaces that belong to all of us.

NOW, THEREFORE, I, JOSEPH R. BIDEN JR., President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim September 25, 2021, as National Public Lands Day. I invite all Americans to join me in a day of service for our public lands.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-fourth day of September, in the year of our Lord two thousand twenty-one, and of the Independence of the United States of America the two hundred and forty-sixth.

JOSEPH R. BIDEN, JR.

Proclamation 10264 of September 24, 2021

Gold Star Mother’s and Family’s Day, 2021

By the President of the United States of America

A Proclamation

Throughout our history, America’s men and women in uniform have dedicated their lives and made the ultimate sacrifice to protect our freedom and the freedom of oppressed people around the world. They are the backbone of America, and make up the bravest, most capable, most selfless military on the face of the Earth. We witnessed that in the historic undertaking to evacuate more than 124,000 American citizens, the citizens of our allies and partners, our Afghan allies, and other at risk Afghans from Kabul, Afghanistan.

I am outraged by the vicious terrorist attack at the Kabul Airport that took the lives of our brave service members who were working to save the lives of others. My heart aches that this year we have more Gold

Star families who must mourn their heroic loved ones. Our Nation is forever indebted to those who gave their last full measure of devotion to defend our peace and security. We are devastated by their loss and inspired by their sacrifice. When we remember these fallen service members, we must also honor the people who mourn their losses. We remember them every day, and on this day, we pay special tribute to their surviving families.

The families of our fallen men and women in uniform understand the true and painful price of freedom—coping with loss and unspeakable grief. And today, on Gold Star Mother's and Family's Day, we recognize their enduring pain and honor their resilience. We stand with them to preserve the legacy of their fallen loved ones and pledge that their memories and their sacrifices will never be forgotten.

Jill and I know the pride, but also the uncertainty and fear, that military families feel when their loved ones are deployed, wondering if they will return home. Whenever I deploy our troops into harm's way, I take that responsibility seriously. It is a burden that I carry every day. Every life lost in service to this country is an unspeakable tragedy, and while we as a Nation can never repay that debt, we have a sacred obligation to support those they leave behind.

To all of our surviving families, know that our entire Nation grieves with you. Know that there are resources available and ready to support you, and know that the American people will keep our sacred obligation to you and to the memory of your loved one. You represent the best of America, and we are grateful for your courage.

The Congress, by Senate Joint Resolution 115 of June 23, 1936 (49 Stat. 1895 as amended), has designated the last Sunday in September as "Gold Star Mother's Day."

NOW, THEREFORE, I, JOSEPH R. BIDEN JR., President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim Sunday, September 26, 2021, as Gold Star Mother's and Family's Day. I call upon all Government officials to display the flag of the United States over Government buildings on this special day. I also encourage the American people to display the flag and hold appropriate ceremonies as a public expression of our Nation's gratitude and respect for our Gold Star Mothers and Families.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-fourth day of September, in the year of our Lord two thousand twenty-one, and of the Independence of the United States of America the two hundred and forty-sixth.

JOSEPH R. BIDEN, JR.

Proclamation 10265 of September 27, 2021**National Voter Registration Day, 2021***By the President of the United States of America**A Proclamation*

The right to vote is central to who we are as a Nation and a people—it defines us as Americans, propels us to ever-greater progress, and serves as the foundation of our liberty. Voting provides Americans with a voice in building the country we want to live in together and the country we hope to leave to our children and grandchildren. The right to vote freely and fairly, and to have our vote counted, is a sacred and fundamental part of our Nation's character. With it, anything is possible for America; without it, nothing is.

For our democracy to work, it is up to all of us to protect the right to vote—and to exercise it. The first step that all of us can take is to make sure that we are registered to vote. Each year, National Voter Registration Day reminds us of our right and our responsibility, as individual citizens and as one Nation, to exercise the sacred right to vote and ensure that our voices are heard.

Through great sacrifice and the courage of generations of civil rights leaders and activists, we have made strides to ensure that more Americans are able to take part in the democratic process. We have repeatedly amended the Constitution to expand voting access across our history, and landmark legislation like the Indian Citizenship Act of 1924 and the Voting Rights Act of 1965 have helped to make those constitutional promises real and meaningful for more and more of our people.

But this work remains unfinished. Today, the right to vote is being suppressed and subverted in many parts of the country by shameful attempts to restrict Americans' access to the ballot and the rolling back of decades of voting rights progress. This assault—largely targeting Americans of color, as such assaults so often have through the darkest chapters of our history, is an attack on our democracy, on our liberty, and on who we are as Americans. As my friend, American hero Representative John Lewis, reminded us shortly before he passed, 'Democracy is not a state; it is an act.' It is our shared responsibility to act as one people to secure the basic promise of American democracy.

My Administration has taken firm and far-reaching action to expand and protect voting rights. Earlier this year, I issued an Executive Order to promote access to voting. This order established a whole-of-government effort directing Federal agencies to expand access to voter registration and election information, especially in some of our most underserved communities. My Administration also supports Federal legislation to set basic national standards for fair registration and voting in Federal elections and to protect against racial discrimination and the subversion of the election process. Guaranteeing the right to vote and ensuring that every vote is counted has always been one of the most patriotic things we can do, and my Administration is committed to safeguarding and strengthening our democracy.

As we observe National Voter Registration Day, I encourage all eligible Americans to make sure they are registered to vote—to check their registration status and ensure that their registration is accurate and up to

date—and to help their neighbors, family, and friends to do the same. Visit [Vote.gov](https://www.vote.gov) for more information on how to register to vote. I also urge policymakers and citizens across the country, of all parties, to join me in defending, strengthening, and expanding this paramount constitutional right.

NOW, THEREFORE, I, JOSEPH R. BIDEN JR., President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim September 28, 2021, as National Voter Registration Day. I call on all Americans to observe this day by ensuring they are registered to vote, and thereby prepared to stand up for our democracy and the vitality and integrity of our elections.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-seventh day of September, in the year of our Lord two thousand twenty-one, and of the Independence of the United States of America the two hundred and forty-sixth.

JOSEPH R. BIDEN, JR.

Proclamation 10266 of September 30, 2021

Cybersecurity Awareness Month, 2021

*By the President of the United States of America
A Proclamation*

Our Nation is under a constant and ever-increasing threat from malicious cyber actors. Ransomware attacks have disrupted hospitals, schools, police departments, fuel pipelines, food suppliers, and small businesses—delaying essential services and putting the lives and livelihoods of Americans at risk. Any disruption, corruption, or dysfunction of our vital infrastructure can have a debilitating effect on national and economic security, public health, and our everyday safety.

Since its inception, Cybersecurity Awareness Month has elevated the central role that cybersecurity plays in our national security and economy. This Cybersecurity Awareness Month, we recommit to doing our part to secure and protect our internet-connected devices, technology, and networks from cyber threats at work, home, school, and anywhere else we connect online. I encourage all Americans to responsibly protect their sensitive data and improve their cybersecurity awareness by embracing this year’s theme: “Do Your Part. Be Cyber Smart.”

My Administration has worked to bolster the defense of our systems and protect the Federal Government’s information and communications infrastructure. Earlier this year, I signed an Executive Order to modernize and improve the security of our technology, including areas like software security, information sharing, and Federal network modernization. The Executive Order also directs the Federal Government to only acquire products that meet strong cybersecurity standards—which, by spurring technology companies to raise the bar, will ultimately improve the security of those products for all Americans.

The reality is that most of our Nation’s critical infrastructure—from transportation lines to energy suppliers to other vital fields—is owned

and operated by the private sector. Therefore, the security of our critical infrastructure depends on Federal, State, local, Tribal, and territorial coordination with infrastructure owners and operators to achieve greater strength and security. My Administration is working in close coordination with the private sector. Earlier this year, we began to establish strong cybersecurity goals that outline our expectations for owners and operators of America's critical infrastructure. We also launched a 100-day initiative to improve cybersecurity across the electric sector. That initiative has already resulted in more than 150 utilities that serve 90 million Americans deploying or committing to deploy cybersecurity technology—and we are now in the process of extending that initiative to gas pipelines. My Administration is also working with the international community to elevate the profile of cybersecurity as a matter of global security interest.

We recently convened a meeting with corporate, nonprofit, and educational leaders on how to protect their industries and our infrastructure. We are working closely with the private sector to share information, strengthen cybersecurity practices, and deploy technologies that increase resilience against cyberattacks. My Administration has also launched StopRansomware.gov to provide a one-stop resource for Americans to learn how to avoid ransomware and the steps to take if their computer becomes compromised.

During Cybersecurity Awareness Month, I ask everyone to “Do Your Part. Be Cyber Smart.” All Americans can help increase awareness on cybersecurity best practices to reduce cyber risks. Whether you are at home, school, or the office—a few simple steps can help keep you and your online data safe and secure. By limiting the amount of personal information shared online, regularly updating devices and software, and using complex passwords and multifactor authentication methods, our entire Nation will be more resilient against the constant threat of malicious cyber actors.

NOW, THEREFORE, I, JOSEPH R. BIDEN JR., President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim October 2021 as Cybersecurity Awareness Month. Through events, training, and education, I call upon the people, businesses, and institutions of the United States to recognize the importance of cybersecurity, to take action to better protect yourselves against cyber threats, and to observe Cybersecurity Awareness Month in support of our national security and resilience.

IN WITNESS WHEREOF, I have hereunto set my hand this thirtieth day of September, in the year of our Lord two thousand twenty-one, and of the Independence of the United States of America the two hundred and forty-sixth.

JOSEPH R. BIDEN, JR.

Proclamation 10267 of September 30, 2021

National Arts and Humanities Month, 2021

By the President of the United States of America

A Proclamation

As our Nation continues to grapple with consequential crises—from combating the ongoing global pandemic and addressing cries for racial justice to tackling the existential threat that climate change poses to our planet—the arts and humanities enable us to both understand our experiences and lift our sights. During this National Arts and Humanities Month, we celebrate the power of the arts and humanities to provide solace, understanding, and healing. We recognize the ability of the arts and humanities to amplify important and diverse voices and messages. We reflect on the fact that, as we have struggled with isolation, anxiety, and the loss of loved ones, we have turned to music and dance, literature and poetry, and philosophy and history to bring us together and help us persevere through, and grapple with, our current moment.

From our Nation’s earliest days, we have recognized the arts as a foundation of our Republic. As George Washington wrote in 1781, “The arts and sciences [are] essential to the prosperity of the State and to the ornament and happiness of human life.” Today, any American—regardless of their background—can create art and turn to it for hope, acceptance, and inspiration. The arts and humanities have united us as a Nation—from the television programs we watch to the books and exhibits that inspire us—providing a sense of community when we need it most.

The COVID–19 pandemic has devastated our creative sectors. Before the pandemic, our Nation’s arts and culture sectors were strong and vibrant—a nearly \$1 trillion industry employing over 5 million Americans. But as the pandemic canceled events and closed theatres, concert halls, and performance venues, the unemployment rates for the cultural community spiked to among the highest in the Nation. Many museums, libraries, and arts venues closed their curtains and doors, some for a final time. For our Nation to fully recover and heal, we need the creative economy and our cultural sector to recover.

My Administration recognizes the essential role the arts and humanities play in our Nation’s economy, democracy, health, and vitality and is committed to supporting the arts community. That is why my American Rescue Plan added another \$1.25 billion in funding for the Shuttered Venues Operators Grant through the Small Business Administration, for a total of \$16.25 billion. This critical program continues to provide much-needed relief to music and arts venues. My American Rescue Plan also provided an additional \$135 million each for the National Endowment for the Arts (NEA) and the National Endowment for the Humanities (NEH) and \$200 million for the Institute of Museum and Library Services (IMLS). My proposed budget for Fiscal Year 2022 also includes significant funding increases for the NEA, NEH, and IMLS. Collectively, these funds will help put people back to work and support our Nation’s creators.

The arts can educate. To build vaccine confidence and communicate the benefits of vaccination in creative and culturally relevant ways, my

Administration has partnered with artists and cultural icons to encourage Americans of all ages and from all corners of our Nation to get vaccinated. In this way, the arts can help us put an end to COVID-19. Thanks to the progress we are making with people getting vaccinated, tens of millions of Americans can go back to plays, concerts, and the movies. The arts can also heal Americans, from those who have suffered the traumas of loss or isolation during the pandemic to veterans and service members returning from war.

The pandemic has further revealed to us deep and unacceptable inequities in health care, education, and justice. The arts and humanities reveal the depths of these inequities and help us have the conversations and address the challenges that can be difficult to confront. The arts help us express and process our hurt and outrage as well as our joy and wonder—to better understand the experiences of our neighbors. By supporting and showcasing the creativity and experiences of those that have too often been discounted, we can advance our realization of a society that prioritizes equity and empathy.

This October, as we celebrate National Arts and Humanities Month, let us turn to the arts and humanities as a way to help America heal and grow. Let us build back better by ensuring that our cultural workers and creators are back at work and thriving. Let us ensure that everyone in America—regardless of race, geography, ability, and socioeconomic status—has equal and unrestricted access to the arts and humanities, and the opportunities they afford.

NOW, THEREFORE, I, JOSEPH R. BIDEN JR., President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim October 2021 as National Arts and Humanities Month. I call upon the people of the United States to observe this month with appropriate programs, ceremonies, and activities.

IN WITNESS WHEREOF, I have hereunto set my hand this thirtieth day of September, in the year of our Lord two thousand twenty-one, and of the Independence of the United States of America the two hundred and forty-sixth.

JOSEPH R. BIDEN, JR.

Proclamation 10268 of September 30, 2021

National Breast Cancer Awareness Month, 2021

By the President of the United States of America

A Proclamation

During National Breast Cancer Awareness Month, we stand with the courageous women and men who have been diagnosed with breast cancer and honor those who have lost their battle to this terrible disease. As the second most common cancer affecting women, an estimated 1 in 8 women will develop breast cancer over the course of their lifetime and 281,550 women will be diagnosed with breast cancer in the United States in 2021. Cancer touches so many families across the country—including ours. It is up to all of us to continue fighting for a cure and to ensure that every American has access to the quality care they need.

This year marks the 30th anniversary of the National Breast and Cervical Cancer Early Detection Program, which provides free breast and cervical cancer screenings to low-income, uninsured, and underinsured women in every State, as well as many Tribal organizations and Territories. To find information on how to get screened through this program, visit: cdc.gov/cancer/nbccedp/screenings.htm. Early detection is one of the most important strategies for treating breast cancer successfully, and regular screenings are the most reliable way to detect it early. The COVID-19 pandemic has disrupted many parts of our lives, and has produced new deficits in breast cancer early detection, so there is renewed urgency to getting these recommended screenings scheduled, before a cancer has spread and becomes less treatable. I encourage everyone to maintain their scheduled screenings, doctor appointments, and treatments without delay while observing coronavirus safety measures.

For decades, the medical community and advocates have helped our Nation make great progress in the fight against cancer. First Lady Jill Biden is proud to be a part of that movement, having founded the Biden Breast Health Initiative, which educated high school girls in Delaware about breast health and helped them spread the word to their own families. Still, our Nation has a long way to go before this disease no longer threatens American lives. I am committed to doing everything I can to bring together our cancer research community and give them the resources they need to make progress in the prevention, detection, and treatment of breast cancer. That is why I have called for the creation of an Advanced Research Projects Agency for Health at the National Institutes of Health (ARPA-H) which would invest \$6.5 billion to develop breakthroughs that prevent, detect, and treat cancer and other deadly diseases. My American Rescue Plan also expands access to affordable health insurance coverage, ensuring that more women are able to receive these screenings and treatments without worrying about cost.

The Affordable Care Act (ACA) has expanded coverage to millions of women who were previously uninsured and has given millions of women access to preventive services, including screening tests such as mammograms with no out-of-pocket costs. Additionally, insurance companies can no longer discriminate against women with pre-existing conditions, such as breast cancer. My Administration is committed to protecting and building on the ACA to ensure that more people have access to quality, affordable health care and to lifting the inequitable health burden that falls on Black women.

As we observe National Breast Cancer Awareness Month, we are united in our commitment to ending breast cancer and improving the lives of all those affected by this illness. We applaud the advocates, medical professionals, researchers, and caregivers who dedicate their lives to making progress toward cures. This month, we stand in solidarity with breast cancer survivors across the country and reaffirm our commitment to advancing research efforts that deliver hope to patients everywhere.

More information on breast cancer is available at cancer.gov/breast. Information specialists at the National Cancer Institute are also available to help answer cancer-related questions in English and Spanish at 1-800-422-6237.

NOW, THEREFORE, I, JOSEPH R. BIDEN JR., President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim October 2021 as National Breast Cancer Awareness Month. I encourage citizens, government agencies, private businesses, nonprofit organizations, and other interested groups to join in activities that will increase awareness of what Americans can do to prevent and control breast cancer, and pay tribute to those who have lost their lives to this disease.

IN WITNESS WHEREOF, I have hereunto set my hand this thirtieth day of September, in the year of our Lord two thousand twenty-one, and of the Independence of the United States of America the two hundred and forty-sixth.

JOSEPH R. BIDEN, JR.

Proclamation 10269 of September 30, 2021

National Clean Energy Action Month, 2021

By the President of the United States of America

A Proclamation

In the months leading up to this year's National Clean Energy Action Month, nearly 1 in 3 Americans has seen their community struck by weather disasters. The climate crisis is here and is threatening the safety and health of Americans across our Nation and people around the world. As the country continues to face droughts, heat waves, wildfires, floods, and hurricanes, we recognize that the window to avoid catastrophic outcomes is rapidly closing. The science is undeniable, and the cost of inaction is rising. At the same time, winter storms and hurricanes have tragically reminded us of the suffering and loss of life that can occur when access to energy is cut off or disrupted. During National Clean Energy Action Month, we recognize the importance of a clean energy future and the vital role we all have to play in working to avert the climate crisis.

Today, the energy sector accounts for more than 80 percent of United States emissions. My Administration has set ambitious and attainable goals of reducing United States greenhouse gas emissions by achieving a 100 percent clean electricity sector by 2035 and reaching net zero emissions economy-wide by no later than 2050. The path forward is clear: we must move quickly and decisively to power America with clean energy. This will require investment and innovation and will result not only in cleaner energy but also new jobs and lower bills.

That is why my Administration has been working aggressively to scale the deployment of large-scale and rooftop solar, offshore and onshore wind, and other clean energy technologies. We are committed to investing in American innovation to drive down costs and reduce our overall demand for energy. We are committed to upgrading, modernizing, and expanding our power grid to include clean power and to ensuring our grid is more resilient in the face of everything from extreme weather to cyber attacks. We are also investing in emerging technologies and bolstering our domestic supply chain for batteries and other clean technologies so that our clean energy future is made in

America. At the same time, we are investing in the communities that are home to coal and fossil-fuel power plants to create new good-paying job opportunities for the workers who have powered our country and economy for over a century.

While the Federal Government can leverage powerful tools to help our Nation reach our climate goals, we cannot do it alone. Every American has a role to play in making smarter, more conscientious choices about how we use power within our homes, offices, schools, and places of worship. Simple actions like turning off the lights when we leave a room or upgrading our energy monitoring systems using tools like smart thermostats can help conserve energy and save money on energy bills. These small, intentional acts can add up to significant savings.

During National Clean Energy Action Month, we also recognize that for too long, low-income communities and communities of color have borne a disproportionate burden of pollution from fossil fuels and other industries. That is why I signed an Executive Order establishing a White House Environmental Justice Advisory Council to prioritize environmental justice and ensure a whole-of-government approach to addressing current and historical environmental injustices. Our goal is to ensure that historically underserved communities also benefit from clean energy.

Throughout National Clean Energy Action Month, we recommit to acting on the climate crisis with urgency and moving quickly toward 100 percent clean energy, so we can create a safer, healthier, more prosperous future for all Americans.

NOW, THEREFORE, I, JOSEPH R. BIDEN JR., President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim October 2021 as National Clean Energy Action Month. I call upon the citizens of the United States to recognize this month by working together to mitigate climate change and achieve a healthier environment for all.

IN WITNESS WHEREOF, I have hereunto set my hand this thirtieth day of September, in the year of our Lord two thousand twenty-one, and of the Independence of the United States of America the two hundred and forty-sixth.

JOSEPH R. BIDEN, JR.

Proclamation 10270 of September 30, 2021

National Disability Employment Awareness Month, 2021

*By the President of the United States of America
A Proclamation*

When we passed the Americans with Disabilities Act (ADA) 31 years ago, our Nation moved closer to fulfilling its foundational promise of liberty, justice, dignity, and equality for all. I was enormously proud to co-sponsor the ADA as a member of the United States Senate—a truly bipartisan effort that was personal to millions of families. For more than 60 million disabled Americans, the ADA is much more than just a law. It provides a vital source of opportunity and self-sufficiency,

allows for increased economic participation, and serves as a powerful shield against discrimination in the workplace. National Disability Employment Awareness Month is a chance for us to celebrate workers with disabilities and recommit ourselves to dismantling barriers to access and inclusion in the workplace.

This year, the Office of Disability Employment Policy in the Department of Labor celebrates 20 years of helping advance opportunity for workers with disabilities across the Nation. As part of its mission, the agency remains at the forefront of emerging challenges in the workplace, such as developing comprehensive resources to ensure that workers grappling with the long-term effects of COVID-19 have access to the rights and resources they are due under disability law—including flexibilities, tools, and accommodations in the workplace.

Despite the progress our Nation has made in recent decades, people with disabilities are still too often marginalized and denied access to the American dream. Americans with disabilities—particularly women and people of color—have faced long-standing gaps in employment, advancement, and income. The COVID-19 pandemic has compounded these inequities, as people with disabilities have faced heightened risks—particularly the disproportionate share of people with disabilities employed in the hardest-hit industries. Our Nation will never fully recover and rebuild unless every single community—including disabled Americans—is fully included.

My Administration remains focused on ensuring that every single American has the chance to thrive, succeed, and contribute their talents. That is why I have issued Executive Orders to advance diversity, equity, inclusion, and accessibility to bolster career paths and promote economic stability for Americans with disabilities. I have proposed eliminating outdated, discriminatory provisions in the Fair Labor Standards Act that allow employers to pay disabled workers less than the minimum wage. Young people with disabilities in particular must be part of an inclusive economic recovery so that they can find the fulfilling careers, apprenticeships, and futures they deserve in every industry; to that end, we must promote the technologies and tools, as well as the attitudes, that foster welcoming work environments for young Americans. Our Nation's future will be brighter and more secure when everyone is dealt into the economy we build together.

All Americans should be proud that we have made substantial progress since the days before the ADA—when an employer could refuse to hire you because of a disability, when a person using a wheelchair could not take a bus or a train to work, and when a person with a disability could be denied service in a restaurant or grocery store. Now, 31 years later, it is the shared responsibility of all of us to tear down the barriers that remain for people with disabilities and to ensure that all Americans have the chance to find good jobs and build good lives—for themselves and for the good of our entire Nation.

NOW, THEREFORE, I, JOSEPH R. BIDEN JR., President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim October 2021 as National Disability Employment Awareness Month. I urge all Americans to embrace the talents and skills that workers with disabilities bring to the national recovery and to promote the right to equal employment opportunity for all people.

IN WITNESS WHEREOF, I have hereunto set my hand this thirtieth day of September, in the year of our Lord two thousand twenty-one, and of the Independence of the United States of America the two hundred and forty-sixth.

JOSEPH R. BIDEN, JR.

Proclamation 10271 of September 30, 2021

National Domestic Violence Awareness and Prevention Month, 2021

*By the President of the United States of America
A Proclamation*

For too long, domestic violence was considered a “family issue” and was left for families to address in private. That is why, decades ago, I created and pushed for the Violence Against Women Act (VAWA) to be passed. Today, we recognize the important roles of the public and private sectors, non-profit organizations, communities, and individuals in helping to prevent and address domestic violence and create a culture that refuses to tolerate abuse. Domestic violence affects millions of people in the United States, causes significant harm to the physical and mental health of survivors and their families, undermines their economic stability and overall well-being, and is a stain on the conscience of our country. While significant progress has been made in reducing domestic violence and improving services and support for survivors, much work remains to be done to expand prevention efforts and provide greater access to safety and healing. During National Domestic Violence Awareness and Prevention Month, we come together to reaffirm our commitment to ending domestic violence and supporting survivors.

Domestic violence is an abuse of power that tears apart the fabric of relationships and families and undermines the well-being of communities. One in 4 women and 1 in 10 men have experienced sexual violence, physical violence, or stalking by an intimate partner during their lifetime. Homicide is one of the leading causes of death in the United States for women under the age of 44, and nearly half are killed by a current or former male intimate partner. During the COVID-19 pandemic, domestic violence has become a pandemic within a pandemic, with many victims facing the added pressures of increased economic insecurity, increased time in isolation with their abusers, and limited contact with their support networks. This has made it even more difficult for victims to access the lifesaving services and support they need.

To strengthen our response to domestic violence and all forms of gender-based violence, my American Rescue Plan allocated an additional \$450 million to increase support for domestic violence and sexual assault service providers and to further assist survivors in their short- and long-term transition away from their abusers. It also includes a historic commitment to funding culturally-specific community-based organizations to address the needs of survivors in historically marginalized communities. My Administration also allocated an additional \$550

million for domestic violence shelters and supportive service providers to develop and employ COVID-19 detection and mitigation strategies and help survivors access health care during the pandemic. In the Fiscal Year 2022 budget, I proposed an historic \$1 billion for grant programs administered by the Department of Justice's Office on Violence Against Women, and more than doubled investments through the Family Violence Prevention and Services Act. I was also proud to sign into law the Victims of Crime Act Fix to Sustain the Crime Victims Fund Act, which increases resources available to help thousands of survivors of domestic violence.

To accelerate this progress, the White House Gender Policy Council is working to develop our Nation's first ever National Action Plan to End Gender-Based Violence and the Council is collaborating with the Department of State and other Federal agencies to update and strengthen our Strategy to Prevent and Respond to Gender-Based Violence Globally. My Administration is also working to prevent and improve the response to intimate partner violence in our military and pushing to strengthen VAWA. Authoring and championing VAWA remains one of my proudest legislative achievements as a Senator, and its reauthorization is long overdue. Legislation to reauthorize and strengthen VAWA, which already passed the House of Representatives with bipartisan support, would reduce intimate partner homicides by strengthening common sense gun laws, expand protections for Native American survivors, increase access to safe housing, expand training for trauma-informed policing, and support programs centered on restorative practices. We are also committed to reauthorizing the Family Violence Prevention and Services Act to strengthen efforts to address domestic violence as a public health issue and to increase support for life-saving services and prevention programs across the Nation.

During National Domestic Violence Awareness and Prevention Month, we honor the tremendous dedication of advocates and service providers, honor the courage and resilience of survivors, and recommit ourselves to standing with them for safety, dignity, and justice. There is still much work to do, and it will take all of us to do it. We must rededicate ourselves to creating a society where domestic violence is not tolerated, where survivors are supported, and where all people have an opportunity to thrive without fear of violence or abuse.

NOW, THEREFORE, I, JOSEPH R. BIDEN JR., President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim October 2021 as National Domestic Violence Awareness and Prevention Month. I call on all Americans to speak out against domestic violence and support efforts to educate young people about healthy relationships centered on respect; support victims and survivors in your own families and networks; and to support the efforts of victim advocates, service providers, health care providers, and the legal system, as well as the leadership of survivors, in working to end domestic violence.

IN WITNESS WHEREOF, I have hereunto set my hand this thirtieth day of September, in the year of our Lord two thousand twenty-one, and of the Independence of the United States of America the two hundred and forty-sixth.

JOSEPH R. BIDEN, JR.

Proclamation 10272 of September 30, 2021

National Youth Justice Action Month, 2021

By the President of the United States of America

A Proclamation

I have often said that America’s young people are the kite strings that hold our national ambitions aloft—they carry the possibilities of our country and the sacred promise of a democracy where every one of us is treated equally and entitled to equal justice under the law. However, far too many of our young people are effectively excluded from participating in our democracy, having been sidelined by unnecessary encounters with the justice system. They deserve a second chance.

During National Youth Justice Action Month, I call upon States and communities to join me in seeking justice for our youth and modernizing our juvenile justice system, a system that should allow young people to build their lives and grow with freedom and dignity.

Long-standing inequities in our society—including in our juvenile and criminal justice systems—continue to disproportionately burden people of color and people with disabilities. Nationwide, Black youth are more than four times as likely as their white peers to be held in juvenile facilities, and they come into contact with both the juvenile justice and the child welfare systems at far higher rates. Additionally, one-third of young people in juvenile justice facilities have a disability, including many with emotional distress and learning disabilities. To deliver equal justice and equal dignity to all people, it is imperative that we root out racial inequities and other forms of discrimination from these systems.

Although youth arrests are at their lowest levels in decades, each arrest can create a ripple effect of heightened risks and negative consequences for young people. Once in the system, young people may face abusive treatment and dangerous conditions, including excessive use of restraint, guard-instigated fights, and sexual assault. Adverse environments and lack of support make it difficult for young people who enter the carceral system to lead healthy, productive lives upon exiting.

To give all of our young people a chance to live up to their full potential, we need to shift our approach from a default stance of incarceration to one of prevention—a strategy that recognizes that children’s developmental stages and needs are starkly different from those of adults. Addressing racial disparities in school discipline and supporting proven early intervention efforts like afterschool and mentoring programs are simple steps we can take to help all young people find a sense of purpose and contribute to their communities. Many States are making a greater effort to keep teenagers under the jurisdiction of juvenile courts, which take their developmental needs into account and are better equipped to support their rehabilitation than systems built for adults.

In my Fiscal Year 2022 budget, I proposed an \$800 million investment to more than double our current funding for juvenile justice and youth reentry programs that protect children and help young people get the services they need to get back on their feet. This includes incentives

for States and communities that introduce reforms to reduce youth incarceration—including repurposing juvenile detention facilities to focus more on youth development. It also includes resources to develop research-based solutions to steer kids away from detention and toward more positive alternatives. Through grants provided by the Office of Juvenile Justice and Delinquency Prevention at the Department of Justice, we are giving young people access to high-quality legal representation and resources to help them better manage the consequences of their contact with the system. We will ensure that young people in the juvenile justice system receive the counsel they are entitled to and will work to address the disproportionately high enforcement directed against young people of color.

Moreover, my Administration is working to ensure that all young people have the support they need to avoid entering the justice system in the first place. I have proposed \$1 billion for a new School-Based Health Professionals grant program to help double the number of counselors, nurses, social workers, and other health professionals in our schools. In addition, I have proposed \$443 million for Full-Service Community Schools, which would provide comprehensive wrap-around services to students and their families. Programs like these help ensure that more young people grow up in supportive environments and have what they need to reach their full potential.

It is the responsibility of all of us to support America's youth and ensure that they are in a position to thrive in every community. By shifting our focus from incarceration to prevention, we can bring about a brighter future for our young people and our country as a whole. Together, we can fulfill the promise of an America that is just and equitable for all.

NOW, THEREFORE, I, JOSEPH R. BIDEN JR., President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim October 2021 as National Youth Justice Action Month. I call upon all Americans to observe this month by taking action to support our youth and by participating in appropriate ceremonies, activities, and programs in their communities.

IN WITNESS WHEREOF, I have hereunto set my hand this thirtieth day of September, in the year of our Lord two thousand twenty-one, and of the Independence of the United States of America the two hundred and forty-sixth.

JOSEPH R. BIDEN, JR.

Proclamation 10273 of September 30, 2021

National Youth Substance Use Prevention Month, 2021

*By the President of the United States of America
A Proclamation*

Far too many families across our Nation have been impacted by addiction and the overdose epidemic. In 2020, more than 93,000 people died from an overdose—93,000 families forced to bury a piece of their souls. The impact of this crisis echoes in communities across the Nation, in

the empty chairs in classrooms and around kitchen tables. During National Youth Substance Use Prevention Month, we reaffirm our commitment to helping America's youth overcome this epidemic and lead healthy, fulfilling lives.

The COVID-19 pandemic has only exacerbated the need to provide more resources to address substance use disorder. Substance use disorder touches families in every community, and it is essential that we invest in a broad range of services, including prevention, harm reduction, treatment, and recovery support services for mental health and substance use.

My Administration has been working to expand evidence-based prevention programs along with access to care and recovery support services. We are committed to preventing substance use among our Nation's youth—including alcohol, tobacco products, illicit drugs, and misused prescription medications—by bringing communities together to find local solutions. Through the White House's Office of National Drug Control Policy, the Drug-Free Communities Support Program helps equip community coalitions to reduce youth substance use at the local level. We must continue to encourage parents, caregivers, educators, and other members of the community to play an active role in promoting evidence-based prevention efforts that encourage healthy lifestyles, promote alternatives to substance use, and educate young people about the harms associated with substance use. We know that delaying substance use until after adolescence, when the brain has fully developed, decreases the likelihood of an individual developing a substance use disorder. We also know that smart investments in effective school-based prevention programs save lives and save our economy money in the form of averted medical costs and improved productivity.

My Administration is also committed to advancing racial equity in our approach to drug policy—implementing fairer, more effective, and more culturally resonant policies to prevent, address, and treat substance use disorder. That is why we are supporting the development of tailored tools that strengthen prevention efforts in diverse communities. These include racial equity trainings, resources on inclusion and diversity, and racial equity decision-making frameworks. Our youth-focused efforts must also account for the fact that poverty, homelessness, trauma, and other adverse childhood experiences affect drug use and the overall health of our Nation's youth—especially with respect to people of color, who are disproportionately impacted by these factors. By advancing equity in every part of our society—including our education, health care, criminal justice, and housing systems—we can build a future where all Americans can lead healthy and fulfilling lives.

This October, we honor all those who champion evidence-based youth substance use prevention and recommit ourselves to ensuring that all Americans have the skills, knowledge, and resources to live full and healthy lives. Substance use disorder is a disease, and I will do everything within my power to expand access to evidence-based prevention, treatment, harm reduction, and recovery support services as well as reduce the supply of illicit drugs to keep more Americans safe.

NOW, THEREFORE, I, JOSEPH R. BIDEN JR., President of the United States of America, by virtue of the authority vested in me by the Con-

stitution and the laws of the United States, do hereby proclaim October 2021 as National Youth Substance Use Prevention Month. I call on communities, parents, caregivers, educators, employers, healthcare professionals, law enforcement officials, faith and community leaders, and all Americans to take action to promote evidence-based prevention and improve the health of our Nation.

IN WITNESS WHEREOF, I have hereunto set my hand this thirtieth day of September, in the year of our Lord two thousand twenty-one, and of the Independence of the United States of America the two hundred and forty-sixth.

JOSEPH R. BIDEN, JR.

Proclamation 10274 of September 30, 2021

National Manufacturing Day, 2021

By the President of the United States of America

A Proclamation

On National Manufacturing Day, we celebrate all that is made in America and recognize the importance of our Nation's manufacturers to every aspect of our lives. From the electronics we rely on, to the safely packaged foods we eat, to the clothing we wear, to the appliances and furniture in our homes, to the cars we drive—American manufacturing is essential to our economy. It employs over 12 million Americans directly and many more indirectly—providing high quality jobs to communities across the country and producing the highest quality goods in the world.

In the early days of the COVID-19 pandemic, our manufacturing sector was upended—578,000 manufacturing jobs were lost in 2020. Supply chain disruptions left our Nation short of lifesaving protective equipment, ventilators, and other essential health equipment at a time when we needed it most. However, our Nation's manufacturers and manufacturing workers stepped up—refitting their operations to produce needed materials and working long hours to make sure our Nation had what we needed.

The pandemic brought into even sharper focus the fragility of many of our global supply chains, which were already subject to everything from accidents and extreme weather to other countries engaging in unfair trade practices. In the name of our national and economic security and in support of American-based companies, American manufacturing, and American jobs—especially union jobs—I have committed our Nation to building our own resilient supply chains. That is why, during my first days in office, I signed an Executive Order to support manufacturing, rebuild our industrial base, and strengthen our supply chains—all while creating good-paying, union jobs. My order, ensuring that our future is made in all of America by American workers, also strengthens domestic manufacturing by directing Federal agencies to buy more American-made products.

My Administration has also called for historic investments in making our supply chains more resilient as well as investments in new and cleaner manufacturing technologies that will help us innovate and lead

in manufacturing in the 21st century. The clean energy economy presents an enormous opportunity to revitalize American manufacturing, maintaining and creating good-paying, union jobs, while cleaning up the air and water in communities across the country. That's why my Administration is calling for investments to ensure that as we build everything from wind turbines to electric vehicles and that they are made in the United States with clean, American-made materials. The Federal Government is a major buyer in markets for goods and services. One of the most effective ways to support and grow American companies, put more Americans to work, and to strengthen American manufacturing is to buy American. My Administration is making the biggest enforcement change to the Buy American Act in 70 years, raising the amount of domestic content required to be considered "Made in America" from 55 percent to 75 percent.

My Administration has also invested in our Nation's communities and the manufacturing base that builds them. Through programs like the Manufacturing Extension Partnership, Manufacturing USA, and opportunities sponsored by the Economic Development Administration of the Department of Commerce, we are providing resources to support and strengthen STEM education, infrastructure, technology hubs, and economic opportunities for all people in every region of our country.

As we continue to recover from the pandemic and millions of Americans return to work, there will be good opportunities available at all levels of the manufacturing industry that will need to be filled over the next decade.

On National Manufacturing Day, we commit to strengthening and supporting the American manufacturers and hardworking manufacturing employees of today as well as the manufacturers and workers of the future. We commit to building a future that is made in America.

NOW, THEREFORE, I, JOSEPH R. BIDEN JR., President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim October 1, 2021, as National Manufacturing Day. I encourage all Americans to look for ways to get involved in your community and join me in participating in National Manufacturing Day, and, most importantly, buy American.

IN WITNESS WHEREOF, I have hereunto set my hand this thirtieth day of September, in the year of our Lord two thousand twenty-one, and of the Independence of the United States of America the two hundred and forty-sixth.

JOSEPH R. BIDEN, JR.

Proclamation 10275 of October 1, 2021

Fire Prevention Week, 2021

By the President of the United States of America

A Proclamation

During Fire Prevention Week, we honor our brave firefighters and first responders who risk their lives to protect us every day and reaffirm the

importance of fire safety and preparedness. This week, I call on all Americans to educate themselves about fire prevention and safety and recommit to taking the necessary steps to prevent fires. Whether you are in your own home or camping in one of America's majestic National Parks, taking the proper precautions and safety measures can help prevent fires and save your life and the lives of your family and others while protecting our natural wonders.

Already this year, more than 44,000 wildfires have burned nearly 5.3 million acres of our land—an area roughly the size of the State of New Jersey. These fires have destroyed homes and priceless memories. They have forced families into shelters and filled the air with smoke for hundreds of miles. Precious lives have been lost. The fires have ground local economies to a halt, swallowed up family farms, and disrupted supply chains that fuel jobs, businesses, and communities all across the country.

These fires represent a code red for our Nation—and we know that, unless we take bold action to address climate change, they will only continue to gain in frequency and ferocity. Scientists have warned us for years that extreme weather will only get more extreme, and today we are living it in real time. Extreme weather, including wildfires, cost America \$99 billion last year; unfortunately, we are poised to break that record this year.

That is why my Administration is committed to taking on the threat of climate change and investing in America's resilience. We have proposed investing billions of dollars to strengthen our wildfire preparedness, resilience, and response. These investments will not just save lives and homes—they will also save industries and create new jobs. When I think about climate change, I always think about the millions of good-paying, union jobs we can create—but we also need to think about all of the jobs and industries we stand to lose if we fail to act boldly enough. The evidence is overwhelming that every dollar we invest in our resilience saves us six dollars down the road, when the next fire does not spread as widely and homes and businesses are spared.

Our response to this threat starts with our brave firefighters, who put their lives on the line every day. To better support the wildland firefighters who serve our Nation so courageously, my Administration is committed to making sure that we have enough firefighters on call who are trained, equipped, and ready to respond. That is why I took action this summer to ensure that all of our Federal firefighters will earn a minimum of \$15 an hour. My Administration has increased wildland firefighter pay through bonuses and retention pay, extended seasonal firefighter employment to ensure robust response throughout the fire season, deployed new fire detection and air monitoring technologies, invoked the Defense Production Act to increase the supply of equipment, and brought additional aircraft and personnel to bear from both the Department of Defense and our partner nations.

During Fire Prevention Week, I call on all Americans to educate themselves about fire safety, take the appropriate precautions when encountering fires, and honor our courageous firefighters, volunteers, and first responders. I also encourage everyone to install and maintain smoke alarms in their homes—critical elements of fire safety that have helped significantly decrease United States home fire death rates over the past

40 years. By testing alarms every month and replacing them every 10 years, we can be better prepared to respond quickly to fires and prevent tragic loss of life.

NOW, THEREFORE, I, JOSEPH R. BIDEN JR., President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim October 3 through October 9, 2021, as Fire Prevention Week. On Sunday, October 3, 2021, in accordance with Public Law 107–51, the flag of the United States will be flown at half-staff at all Federal office buildings in honor of the National Fallen Firefighters Memorial Service. I call on all Americans to participate in this observance with appropriate programs and activities and by renewing their efforts to prevent fires and their tragic consequences.

IN WITNESS WHEREOF, I have hereunto set my hand this first day of October, in the year of our Lord two thousand twenty-one, and of the Independence of the United States of America the two hundred and forty-sixth.

JOSEPH R. BIDEN, JR.

Proclamation 10276 of October 1, 2021

National Community Policing Week, 2021

By the President of the United States of America

A Proclamation

Community policing—the practice of law enforcement professionals working side-by-side with members of their communities to keep neighborhoods safe—is a critical and proven tool used by law enforcement agencies across our Nation to improve public safety and forge strong, valuable relationships. During National Community Policing Week, we recommit to building bonds of trust between our law enforcement officers and the communities they serve and encourage community policing practices across our Nation.

America’s law enforcement officers play an essential role in protecting our communities and enforcing our laws. Every time an officer pins on their badge and walks out their front door, the loved ones they wave goodbye to are forced to wonder if they will return home safely. This week and every week, we recognize the bravery and dedication of our peace officers who put themselves on the line each and every day to protect and serve their communities.

We also recognize the role that all community members play in advancing public safety. As our country continues to reckon with a long and painful history of systemic racism—as well as the ongoing challenges of social and economic injustice, the COVID–19 pandemic, mental illness, homelessness, and substance abuse—we must think broadly, conscientiously, and creatively about the future of effective policing and how to foster strong police-community partnerships. Evidence and experience tell us that strong neighborhood relationships, the use of problem-solving to address crime systematically, and improvements to policy and training—key tenets of community policing—are all tools that help make our communities safer. My Administration is using pro-

grams such as the Department of Justice's Project Safe Neighborhoods to bring together law enforcement and community stakeholders in an effort to develop local solutions to help prevent violent crime.

I have long been an advocate for community policing, just as my late son Beau was when he served as Attorney General of Delaware—because he knew, as I know, that it works. It is especially important now, as State and local governments across the country continue to climb back from the once-in-a-century economic crisis triggered by COVID-19 last year. With their budgets decimated, countless communities were forced to cut essential services in 2020, including law enforcement and social services, just as a second public health epidemic of gun violence threatened the safety of their cities and towns. To help keep our communities safe, my Administration has provided local leaders with guidance on how American Rescue Plan funds can be used to help reduce violent crime and ensure public safety. I am also committed to investing in mental health services, drug treatment and prevention programs, services for people experiencing homelessness, and community violence intervention. Community violence intervention programs are vital to preventing violence before it occurs, and they have a proven track record of reducing crime by up to 60 percent in cities across our Nation.

My Administration is also working to ensure that police departments have the resources they need to serve their communities safely and effectively. Communities experiencing a surge in gun violence can make use of \$350 billion in State and local funding included in the American Rescue Plan to hire law enforcement officers and advance community policing strategies. I have also proposed an additional \$300 million in my budget for next year to support community policing across our country. As I seek that additional funding, the Office of Community Oriented Policing Services at the Department of Justice will continue to provide grants for community policing pilot projects and hiring local police officers—including funding prioritization for officers who will live in the communities they serve. These new resources will allow departments to implement community policing strategies and strengthen police-community partnerships.

At its core, community policing is about building trust and mutual respect between police and communities—important goals that can only be reached when we have accountability and faith in our justice system. That's why I strongly support the George Floyd Justice in Policing Act, which would deliver meaningful accountability, improved transparency, and the resources necessary to support community policing and build trust between law enforcement and the communities they serve. Although that bill is not yet law, my Administration will continue to consult with the law enforcement and civil rights communities to achieve reforms that advance safety, dignity, and equal justice for all Americans.

NOW, THEREFORE, I, JOSEPH R. BIDEN JR., President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim October 3 through October 9, 2021, as National Community Policing Week. I call upon law enforcement agencies, elected officials, and all Americans to observe this week by recognizing ways to improve public safety, build trust, and strengthen community relationships.

IN WITNESS WHEREOF, I have hereunto set my hand this first day of October, in the year of our Lord two thousand twenty-one, and of the Independence of the United States of America the two hundred and forty-sixth.

JOSEPH R. BIDEN, JR.

Proclamation 10277 of October 1, 2021

Child Health Day, 2021

By the President of the United States of America

A Proclamation

Nothing is more vital to our country's future than our children's health and well-being. Each year on Child Health Day, we reaffirm our commitment to ensuring that every child in America has equal access to quality and affordable health care, child care, and education so that they can thrive and reach their full potential.

The COVID-19 pandemic has had a profound negative impact on the health and well-being of our Nation's children. A year of isolation from friends, extended family, and daily activities due to school closures and remote learning, as well as the loss of loved ones to the pandemic, has taken a tremendous toll on their mental health—and caused significant learning loss that may never be fully redressed. Families are also finding it harder to support their children during the pandemic, with many struggling to pay for expenses such as food, rent, health care, and transportation. And as scientists rigorously and independently review COVID-19 vaccines for children under age 12, too many of our kids returning to school—and the families they return to at the end of each school day—face unnecessary risks because there are not universal masking policies.

We owe it to our children to do everything in our power to support their safe and healthy development. Because our Nation's schools play a critical role in safeguarding our children's health and well-being, my Administration has made it a top priority to ensure that all students can access full-time, in-person instruction so that they can achieve their highest aspirations. My American Rescue Plan continues to deliver for schools—including \$130 billion to ensure that every child can safely access full-time, in-person instruction and that schools can mitigate the risk of COVID-19 in the classroom. My Administration is committed to supporting school-based health programs, which is why my American Rescue Plan also provides States and school districts with billions of dollars for schools to bring on additional nurses, counselors, social workers, and more to address student needs, allowing teachers to stay focused on teaching. To further support children's success in school, I strongly encourage families to visit their pediatric providers for well-child visits and immunizations—including the COVID-19 vaccine for children age 12 and up.

My American Rescue Plan is also delivering critical resources to address the mental health needs of children, including \$1.5 billion to support the Community Mental Health Services Block Grant, which provides much needed services to children with serious emotional dis-

turbances. The law also provides \$20 million to support youth suicide prevention and \$30 million to expand Project AWARE, which supports wellness and resiliency programs in educational settings. It has invested \$80 million to expand the Pediatric Mental Health Care Access Program, which provides telehealth services for children and adolescents with mental health conditions identified during routine visits, making mental health care more accessible nationwide, including for young people in Tribal and remote areas.

Additionally, the American Rescue Plan continues to deliver pandemic relief to families through a \$150 million investment in the Maternal, Infant, and Early Childhood Home Visiting Program to improve maternal and child health. The law also provides funding to support families with essential emergency supplies, including diapers, food, water, and hand sanitizer. Finally, the American Rescue Plan is lowering health insurance premiums for millions of Americans—positioning us to cut child poverty in America by nearly half.

We need to invest in the healthy development of all our children—and that means helping parents with the costs of raising a family. That is why my Administration worked hard to expand the Child Tax Credit, which is putting money directly in the pockets of families with children each month to help pay for food, rent, a new pair of kids' shoes, or whatever else working parents need.

On Child Health Day, we recommit ourselves to ensuring that our children can live long and healthy lives. Together, we can help all of our Nation's children stay healthy and learn, develop, and grow up to reach their full potential.

The Congress, by a joint resolution approved May 18, 1928, as amended (36 U.S.C. 105), has called for the designation of the first Monday in October as Child Health Day and has requested that the President issue a proclamation in observance of this day.

NOW, THEREFORE, I, JOSEPH R. BIDEN JR., President of the United States of America, by the virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim Monday, October 4, 2021, as Child Health Day. I call upon families, child health professionals, faith-based and community organizations, and governments to help ensure that America's children stay safe and healthy.

IN WITNESS WHEREOF, I have hereunto set my hand this first day of October, in the year of our Lord two thousand twenty-one, and of the Independence of the United States of America the two hundred and forty-sixth.

JOSEPH R. BIDEN, JR.

Proclamation 10278 of October 5, 2021**German-American Day, 2021**

By the President of the United States of America

A Proclamation

Since the first Germans arrived on American soil in the 17th century in search of religious freedom and opportunity, German-Americans have played an essential role in the foundation and growth of our country. Today, German-Americans make up one of the largest ancestry groups in our country, with more than 43 million Americans of German heritage living in the United States. Their influence has been felt in each successive generation, and their contributions to the United States have been innumerable. On German-American Day, we celebrate the German-Americans who continue to enhance our Nation with their talents, skills, knowledge, and rich cultural heritage.

The contributions of German-Americans are woven into the fabric of America, touching our lives every day. From the Brooklyn Bridge to airplanes, jeans to pianos, the food we eat to the beer we drink—German-Americans have invented, built, and influenced some of the most iconic American products and institutions. Generations of German-Americans have served our Nation as first responders, public servants, scientists, entrepreneurs, farmers and ranchers, authors, and athletes among many other occupations.

The strong ties between the people of America and Germany that have arisen since the end of World War II reflect the common bonds our countries enjoy. We remain committed to the shared democratic values and institutions that have shaped our nations and our economies. Earlier this year, the United States and Germany signed the Washington Declaration, reaffirming the democratic principles that underpin our steadfast commitment to bilateral cooperation in promoting peace, security, and prosperity around the world. The United States and Germany are inseparable allies.

On German-American Day, we celebrate our Nation's German-American heritage and recognize the contributions both past and present of German-Americans across our country.

NOW, THEREFORE, I, JOSEPH R. BIDEN JR., President of the United States of America, do hereby proclaim October 6, 2021, as German-American Day. I urge all Americans to celebrate the rich and varied history of German-Americans and remember the many contributions they have made to our Nation.

IN WITNESS WHEREOF, I have hereunto set my hand this fifth day of October, in the year of our Lord two thousand twenty-one, and of the Independence of the United States of America the two hundred and forty-sixth.

JOSEPH R. BIDEN, JR.

Proclamation 10279 of October 8, 2021**National School Lunch Week, 2021**

By the President of the United States of America

A Proclamation

Since 1946, the National School Lunch Program has provided nutritionally balanced, low-cost or no-cost lunches in our schools, improving our children's health and well-being. School meals are one of the most powerful ways in which our Nation promotes health and ensures children receive the nutritious food they need to be successful in the classroom. Today, tens of millions of children participate in the program. During National School Lunch Week, we recognize the integral role the National School Lunch Program plays in contributing to student health, reducing child hunger, and supporting American agriculture.

The COVID-19 pandemic has amplified the importance of the National School Lunch Program for millions of children who rely on school meals. During the darkest days of the pandemic when businesses closed, people lost their jobs, and millions of Americans turned to food banks to feed their families, school meals remained a consistent source of quality nutrition.

My Administration is dedicated to nutrition, food security, and ensuring that school meals are accessible to all children. This includes a commitment to providing safe, healthy meals free of charge to children, especially as the pandemic continues to compromise the food and nutrition security of our most vulnerable students. To help the millions of families who struggled to provide meals for their children during the pandemic, the American Rescue Plan provided additional emergency food and nutrition assistance for those in need.

School meals would not be possible without the remarkable work of our Nation's farmers and food producers. This year, my Administration awarded \$12 million in Farm to School Grants to 176 grantees—the most projects the Federal Government has funded since the program began in 2013. These grants increase access to locally produced foods, enhance agricultural education for students, and support local farmers. Strong partnership with local farmers is key to our efforts to improve nutrition security and increase access to healthy foods in schools. During National School Lunch Week, we show our appreciation to our local farmers who supply the foods that keep our children well-nourished and ready to learn.

During National School Lunch Week, we also honor the commitment and dedication of the school nutrition professionals who have gone above and beyond to continue providing meals to students despite the continuing challenges of a once-in-a-century pandemic. They have continually found new and creative ways to meet the moment and ensure that students who depend on school meals for nourishment are able to grow and thrive.

The Congress, by joint resolution of October 9, 1962 (Public Law 87-780), as amended, has designated the week beginning on the second Sunday in October each year as "National School Lunch Week" and

has requested the President to issue a proclamation in observance of this week.

NOW, THEREFORE, I, JOSEPH R. BIDEN JR., President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim October 10 through October 16, 2021, as National School Lunch Week. I call upon all Americans to recognize and commemorate all those who operate the National School Lunch Program with activities that raise awareness of the steadfast efforts in supporting the health and well-being of our Nation's children.

IN WITNESS WHEREOF, I have hereunto set my hand this eighth day of October, in the year of our Lord two thousand twenty-one, and of the Independence of the United States of America the two hundred and forty-sixth.

JOSEPH R. BIDEN, JR.

Proclamation 10280 of October 8, 2021

Leif Erikson Day, 2021

*By the President of the United States of America
A Proclamation*

The voyage of Leif Erikson and his valiant crew—bold explorers from Scandinavia, believed to have been the first Europeans to reach the shores of North America—has been a source of inspiration to Nordic Americans for generations. Although they made landfall more than a millennium ago, their historic journey still embodies the spirit of exploration and the ongoing contributions of Nordic Americans to the diversity of our great Nation.

Eight centuries after Leif Erikson's expedition, on October 9, 1825, six Norwegian families arrived in New York City in search of freedom and opportunity. This first group of organized Norwegian immigrants to the United States blazed a new path that fellow Norwegians—as well as Danes, Finns, Icelanders, and Swedes—soon followed, establishing communities in the Great Lakes States, in the northern Great Plains, in enclaves among northern United States cities, and elsewhere across our country. These Northern European settlers have become part of America's rich tapestry, and through service, sacrifice, and countless contributions they have fortified America's culture, society, and economy.

Today, more than 11 million Americans proudly trace their ancestry to Nordic countries. Nordic Americans are leaders in our communities—public officials serving their constituents, law enforcement officers and service members defending our Nation, doctors and nurses, educators, artists, essential workers leading us through the pandemic, visionaries creating new businesses, and so many other important roles. Our Nation is stronger and more dynamic because of the contributions of Nordic Americans. On Leif Erikson Day, we express our appreciation for the many contributions of Nordic Americans, who have enhanced American society and strengthened our cultural diversity.

While the great era of Scandinavian immigration occurred more than a century ago, the legacy of Nordic immigrants endures, along with the values and interests we share with their original homelands—including increasing opportunity for all and recognizing the inherent dignity of every human being. We share mutual commitments to democracy, freedom, human rights, rule of law, security, and prosperity, and Nordic countries remain some of our most reliable military allies and economic partners, helping us meet the shared challenges of our time. The United States greatly values our continued friendship.

To honor Leif Erikson, son of Iceland and grandson of Norway, and to celebrate our Nordic-American heritage, the Congress, by joint resolution (Public Law 88–566) approved on September 2, 1964, has authorized the President of the United States to proclaim October 9th of each year as “Leif Erikson Day.”

NOW, THEREFORE, I, JOSEPH R. BIDEN JR., President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim October 9, 2021, as Leif Erikson Day. I call upon all Americans to celebrate the contributions of Nordic Americans to our Nation with appropriate ceremonies, activities, and programs.

IN WITNESS WHEREOF, I have hereunto set my hand this eighth day of October, in the year of our Lord two thousand twenty-one, and of the Independence of the United States of America the two hundred and forty-sixth.

JOSEPH R. BIDEN, JR.

Proclamation 10281 of October 8, 2021

Columbus Day, 2021

By the President of the United States of America

A Proclamation

More than 500 years ago, after securing the support of Queen Isabella I and King Ferdinand II, Christopher Columbus launched the Niña, the Pinta, and the Santa Maria from the coast of Spain in 1492. While he intended to end his quest in Asia, his 10-week journey instead landed him on the shores of the Bahamas, making Columbus the first of many Italian explorers to arrive in what would later become known as the Americas.

Many Italians would follow his path in the centuries to come, risking poverty, starvation, and death in pursuit of a better life. Today, millions of Italian Americans continue to enrich our country’s traditions and culture and make lasting contributions to our Nation—they are educators, health care workers, scientists, first responders, military service members, and public servants, among so many other vital roles.

Today, we also acknowledge the painful history of wrongs and atrocities that many European explorers inflicted on Tribal Nations and Indigenous communities. It is a measure of our greatness as a Nation that we do not seek to bury these shameful episodes of our past—that we face them honestly, we bring them to the light, and we do all we can

to address them. For Native Americans, western exploration ushered in a wave of devastation: violence perpetrated against Native communities, displacement and theft of Tribal homelands, the introduction and spread of disease, and more. On this day, we recognize this painful past and recommit ourselves to investing in Native communities, upholding our solemn and sacred commitments to Tribal sovereignty, and pursuing a brighter future centered on dignity, respect, justice, and opportunity for all people.

In commemoration of Christopher Columbus's historic voyage 529 years ago, the Congress, by joint resolution of April 30, 1934, and modified in 1968 (36 U.S.C. 107), as amended, has requested the President proclaim the second Monday of October of each year as "Columbus Day." Today, let this day be one of reflection—on America's spirit of exploration, on the courage and contributions of Italian Americans throughout the generations, on the dignity and resilience of Tribal Nations and Indigenous communities, and on the work that remains ahead of us to fulfill the promise of our Nation for all.

NOW, THEREFORE, I, JOSEPH R. BIDEN JR., President of the United States of America, do hereby proclaim October 11, 2021, as Columbus Day. I direct that the flag of the United States be displayed on all public buildings on the appointed day in honor of our diverse history and all who have contributed to shaping this Nation.

IN WITNESS WHEREOF, I have hereunto set my hand this eighth day of October, in the year of our Lord two thousand twenty-one, and of the Independence of the United States of America the two hundred and forty-sixth.

JOSEPH R. BIDEN, JR.

Proclamation 10282 of October 8, 2021

General Pulaski Memorial Day, 2021

*By the President of the United States of America
A Proclamation*

On General Pulaski Memorial Day, we honor Brigadier General Casimir Pulaski, a Polish-born hero of the American Revolution, who gave his life 242 years ago in defense of our cause to establish a free and independent Nation. Known as the "Father of the American Cavalry" for his leadership and military skills, General Pulaski's service and sacrifice remain a shining example of the countless contributions that immigrants have made to help build our great Nation.

Today, General Pulaski's legacy and contributions to our democracy are honored by more than 9 million Polish-Americans in communities across our country. Polish-Americans have played an integral role in the growth of our Nation—defending our country in uniform, protecting our communities as first responders, starting new businesses and growing our economy, educating the next generation of American leaders, working on the front lines of the pandemic, and creating art that inspires us, to name just a few examples.

In 1929, the Congress recognized General Pulaski’s enduring impact on American society by declaring October 11, “General Pulaski Memorial Day.” Eighty years later, the Congress granted him honorary United States citizenship. Today, States, cities, and communities all across our Nation celebrate the memory of General Casimir Pulaski at parks, schools, and landmarks that bear his name—serving as a reminder of his heroism and the sacrifice he made in defense of our newly formed Nation.

On this day, we celebrate the life of General Casimir Pulaski and the ideals and democratic values for which he bravely gave his life—values shared by the United States and Poland, which underpin the enduring bond of friendship between our countries.

NOW, THEREFORE, I, JOSEPH R. BIDEN JR., President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim October 11, 2021, as “General Pulaski Memorial Day.” I encourage all Americans to commemorate this occasion with appropriate programs and activities paying tribute to General Casimir Pulaski and honoring all those who defend the freedom of our great Nation.

IN WITNESS WHEREOF, I have hereunto set my hand this eighth day of October, in the year of our Lord two thousand twenty-one, and of the Independence of the United States of America the two hundred and forty-sixth.

JOSEPH R. BIDEN, JR.

Proclamation 10283 of October 8, 2021

Indigenous Peoples’ Day, 2021

*By the President of the United States of America
A Proclamation*

Since time immemorial, American Indians, Alaska Natives, and Native Hawaiians have built vibrant and diverse cultures—safeguarding land, language, spirit, knowledge, and tradition across the generations. On Indigenous Peoples’ Day, our Nation celebrates the invaluable contributions and resilience of Indigenous peoples, recognizes their inherent sovereignty, and commits to honoring the Federal Government’s trust and treaty obligations to Tribal Nations.

Our country was conceived on a promise of equality and opportunity for all people—a promise that, despite the extraordinary progress we have made through the years, we have never fully lived up to. That is especially true when it comes to upholding the rights and dignity of the Indigenous people who were here long before colonization of the Americas began. For generations, Federal policies systematically sought to assimilate and displace Native people and eradicate Native cultures. Today, we recognize Indigenous peoples’ resilience and strength as well as the immeasurable positive impact that they have made on every aspect of American society. We also recommit to supporting a new, brighter future of promise and equity for Tribal Nations—a future grounded in Tribal sovereignty and respect for the

human rights of Indigenous people in the Americas and around the world.

In the first week of my Administration, I issued a memorandum reaffirming our Nation's solemn trust and treaty obligations to American Indian and Alaska Native Tribal Nations and directed the heads of executive departments and agencies to engage in regular, meaningful, and robust consultation with Tribal officials. It is a priority of my Administration to make respect for Tribal sovereignty and self-governance the cornerstone of Federal Indian policy. History demonstrates that Native American people—and our Nation as a whole—are best served when Tribal governments are empowered to lead their communities and when Federal officials listen to and work together with Tribal leaders when formulating Federal policy that affects Tribal Nations.

The contributions that Indigenous peoples have made throughout history—in public service, entrepreneurship, scholarship, the arts, and countless other fields—are integral to our Nation, our culture, and our society. Indigenous peoples have served, and continue to serve, in the United States Armed Forces with distinction and honor—at one of the highest rates of any group—defending our security every day. And Native Americans have been on the front lines of the COVID-19 pandemic, working essential jobs and carrying us through our gravest moments. Further, in recognition that the pandemic has harmed Indigenous peoples at an alarming and disproportionate rate, Native communities have led the way in connecting people with vaccination, boasting some of the highest rates of any racial or ethnic group.

The Federal Government has a solemn obligation to lift up and invest in the future of Indigenous people and empower Tribal Nations to govern their own communities and make their own decisions. We must never forget the centuries-long campaign of violence, displacement, assimilation, and terror wrought upon Native communities and Tribal Nations throughout our country. Today, we acknowledge the significant sacrifices made by Native peoples to this country—and recognize their many ongoing contributions to our Nation.

On Indigenous Peoples' Day, we honor America's first inhabitants and the Tribal Nations that continue to thrive today. I encourage everyone to celebrate and recognize the many Indigenous communities and cultures that make up our great country.

NOW, THEREFORE, I, JOSEPH R. BIDEN JR., President of the United States of America, do hereby proclaim October 11, 2021, as Indigenous Peoples' Day. I call upon the people of the United States to observe this day with appropriate ceremonies and activities. I also direct that the flag of the United States be displayed on all public buildings on the appointed day in honor of our diverse history and the Indigenous peoples who contribute to shaping this Nation.

IN WITNESS WHEREOF, I have hereunto set my hand this eighth day of October, in the year of our Lord two thousand twenty-one, and of the Independence of the United States of America the two hundred and forty-sixth.

JOSEPH R. BIDEN, JR.

Proclamation 10284 of October 8, 2021**International Day of the Girl, 2021**

By the President of the United States of America

A Proclamation

The growth and development of the world's economies, institutions, and nations rest on all girls having equal rights and opportunities. Ensuring that girls can reach their full potential is not just a moral imperative, it is a strategic one as well. The status of women and the peace and prosperity of nations are inextricably linked. When girls do well, we all do well. When we invest in the education of girls, our communities are healthier and our economies are stronger. When we empower girls to lead, our peace processes, global health and humanitarian efforts, and climate negotiations are more sustainable and resilient. When we invest in women- and girl-led movements, our democracies grow more stable and more prosperous. On this International Day of the Girl, we commit ourselves to ensuring opportunity and equality for all girls.

Girls across our Nation and the world face gender bias and discrimination, subjecting them to harmful circumstances that impede their safety, stability, education, and opportunity. This has been especially true during the COVID-19 pandemic, which has upended the lives of too many girls around the globe, exacerbating disparities and underscoring what we have long known: that during times of crisis, girls—especially girls of color and those from underserved and low-income communities—face disproportionate challenges.

In the United States, girls contend with entrenched barriers to achieving gender equity. Despite Title IX protections, girls continue to lack equal opportunity and resources in education and leadership, and gender stereotypes continue to inhibit their participation in science, technology, engineering, and mathematics (STEM) education, undermining their access to the stable and good-paying jobs. Girls' education is further undermined by the threat of sexual assault, harassment, and other forms of gender-based violence, with 1-in-4 young women on college campuses today facing sexual assault. Girls of color and girls from underserved communities contend with additional longstanding disparities. Black girls experience disproportionate rates of school discipline and are overrepresented in our juvenile justice system. LGBTQI+ girls face elevated rates of gender-based violence and are subject to bullying, harassment, and online abuse. Transgender girls are increasingly excluded from sports and equal access to school facilities. Girls with disabilities face inequitable access to education.

Globally, girls confront persistent and structural barriers that impede their full participation. Even before the COVID-19 pandemic, 130 million girls across the world were not in school, and today, there are an additional 11 million girls who have been forced to stop their education, undermining future economic growth, health, and development. An estimated 33,000 girls are made to enter into child, early, or forced marriages every day, fueling an intergenerational cycle of poverty that is difficult to break. Girls face a range of other challenges, from harmful practices like female genital cutting to unintended pregnancy and from discriminatory laws and exclusion from civic and political proc-

esses to concerns about safety, harassment, and sexual assault. Too often, social norms that ascribe low value to girls' lives functionally limit their rights and opportunities across public and private life.

The COVID-19 pandemic has worsened preexisting public health, economic, political, and caregiving crises, which disproportionately impact girls worldwide. As health systems become more strained, girls face increased barriers to accessing basic health care. In many parts of the world, those who are part of vulnerable and marginalized communities continue to face challenges in accessing routine childhood immunizations, preventative screenings, and sexual and reproductive health services. As schools closed, caregiving burdens fell on girls across the globe, and girls were often significantly less likely to have access to the devices required for virtual schooling due to a global digital gender divide. Many countries have also reported a rise in rates of gender-based violence, both offline and online, including against female journalists, activists, and leaders who are being further excluded from critical rebuilding efforts. The mental health of girls—who already disproportionately face high incidence of reported anxiety and other mental health issues—is also suffering. We have also seen an increase in visits to emergency rooms of teenage girls across our Nation for reasons related to self-harm, including suicide attempts. An essential part of building back better must be elevating the status of girls as we address these shared crises.

On this International Day of the Girl, our Nation stands firmly and proudly in our commitment to protecting and advancing the rights of girls, in all their diversity, both at home and abroad. That is why, earlier this year, I signed an Executive Order to establish the White House Gender Policy Council and ensure a whole-of-government approach to advancing gender equity and equality. This month my Administration will release the first-ever United States Government National Gender Strategy, outlining our vision and our priorities to advance equal opportunity for people of all genders. From combating gender discrimination in education and preventing gender-based violence offline and online, to increasing pathways to STEM and promoting gender parity and diversity in leadership and democratic processes, my Administration will work to empower girls in every facet of life. And by recognizing the constraints that gender-based violence places on the lives of millions of girls around the world, we will also develop the first-ever United States National Action Plan on Gender-Based Violence and update the United States' Strategy to Prevent and Respond to Gender-Based Violence Globally.

Our vision for the future is one where every girl can live free from violence, discrimination, and bias. We are committed to a future where girls can dream boldly and lead ambitiously as heads of families, communities, corporations, and governments; where their voices are not only heard, but amplified; and where they can lead the charge against 21st century challenges, drive innovation, and compete and succeed in the workforce of the future.

NOW, THEREFORE, I, JOSEPH R. BIDEN JR., President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim October 11, 2021, as International Day of the Girl. I call upon the people of the United States to observe this day with programs, ceremonies, and activities that advance equality and opportunity for girls everywhere.

IN WITNESS WHEREOF, I have hereunto set my hand this eighth day of October, in the year of our Lord two thousand twenty-one, and of the Independence of the United States of America the two hundred and forty-sixth.

JOSEPH R. BIDEN, JR.

Proclamation 10285 of October 8, 2021

Bears Ears National Monument

By the President of the United States of America

A Proclamation

President Barack Obama's establishment of the Bears Ears National Monument in Proclamation 9558 of December 28, 2016, represented the culmination of more than a century of efforts to protect the ancestral homeland of Tribal Nations that all refer to the area by the same name—Hoon'Naqvut (Hopi), Shash Jaa' (Navajo), Kwiyaqatu Nukavachi (Ute), and Ansh An Lashokdiwe (Zuni): Bears Ears. Preserving the sacred landscape and unique cultural resources in the Bears Ears region was an impetus for passage of the Antiquities Act in 1906. As early as 1904, advocates for protection of cultural landscapes described for the Congress the tragedy of the destruction of objects of historic and scientific interest across the American Southwest and identified the Bears Ears region as one of seven areas in need of immediate protection. Nevertheless, for more than 100 years, indigenous people, historians, conservationists, scientists, archaeologists, and other groups advocated unsuccessfully for protection of the Bears Ears landscape. It was not until the Hopi Tribe, Navajo Nation, Ute Indian Tribe of the Uintah and Ouray Reservation, Ute Mountain Ute Tribe, and Pueblo of Zuni united in a common vision to protect these sacred lands and requested permanent protection from President Obama that Bears Ears National Monument became a reality. Few national monuments more clearly meet the Antiquities Act's criteria for protection than the Bears Ears Buttes and surrounding areas. This proclamation confirms, restores, and supplements the boundaries and protections provided by Proclamation 9558, including the continued reservation of land added to the monument by Proclamation 9681 of December 4, 2017.

As Proclamation 9558 recognizes, the greater Bears Ears landscape, characterized by deep sandstone canyons, broad desert mesas, towering monoliths, forested mountaintops dotted with lush meadows, and the striking Bears Ears Buttes, has supported indigenous people of the Southwest from time immemorial and continues to be sacred land to the Hopi Tribe, Navajo Nation, Ute Indian Tribe of the Uintah and Ouray Reservation, Ute Mountain Ute Tribe, and Pueblo of Zuni. Approximately two dozen other Tribal Nations and Pueblos have cultural ties to the area as well.

Describing as much as 13,000 years of human occupation of the Bears Ears landscape, Proclamation 9558 contextualizes the compelling need to protect one of the most extraordinary cultural landscapes in the United States. The proclamation describes the landscape's unique density of significant cultural, historical, and archaeological artifacts spanning thousands of years, including remains of single family homes, an-

cient cliff dwellings, large villages, granaries, kivas, towers, ceremonial sites, prehistoric steps cut into cliff faces, and a prehistoric road system that connected the people of Bears Ears to each other and possibly beyond. Proclamation 9558 also describes the cultural significance and importance of the area, exemplified by the petroglyphs, pictographs, and recent rock writings left by the indigenous people that have inhabited the area since time immemorial.

In addition to cultural and historic sites, Proclamation 9558 describes the Bears Ears landscape's unique geology, biology, ecology, paleontology, and topography. The proclamation identifies geologic formations rich with fossils that provide a rare and relatively complete picture of the paleoenvironment, striking landscapes, unique landforms, and rare and important plant and animal species. While not objects of historic and scientific interest designated for protection, the proclamation also describes other resources in the area, historic grazing, and world class outdoor recreation opportunities—including rock climbing, hunting, hiking, backpacking, canyoneering, whitewater rafting, mountain biking, and horseback riding—that support a booming travel and tourism sector that is a source of economic opportunity for local communities.

To protect this singular and sacred landscape, President Obama reserved approximately 1.35 million acres through Proclamation 9558 as the smallest area compatible with protection of the objects identified within the boundaries of the monument. He also established the Bears Ears Commission to ensure that management of the monument would be guided by, and benefit from, expertise of Tribal Nations and traditional and historical knowledge of the area.

On December 4, 2017, President Donald Trump issued Proclamation 9681 to reduce the lands within the monument by more than 1.1 million acres. In doing so, Proclamation 9681 removes protection from objects of historic and scientific interest across the Bears Ears landscape, including some objects that Proclamation 9558 specifically identifies by name for protection. Multiple parties challenged Proclamation 9681 in Federal court, asserting that it exceeds the President's authority under the Antiquities Act.

Restoring the Bears Ears National Monument honors the special relationship between the Federal Government and Tribal Nations, correcting the exclusion of lands and resources profoundly sacred to Tribal Nations, and ensuring the long-term protection of, and respect for, this remarkable and revered region. Given the unique nature and cultural significance of the objects identified across the Bears Ears landscape, the threat of damage and destruction to those objects, their spiritual, cultural, and historical significance to Tribal Nations, and the insufficiency of the protections afforded in the absence of Antiquities Act protections, the reservation described below is the smallest area compatible with the proper care and management of the objects of historic and scientific interest named in this proclamation and Proclamation 9558.

The Bears Ears landscape—bordered by the Colorado River to the west, the San Juan River and the Navajo Nation to the south, low bluffs and high mesas to the east and north, and Canyonlands National Park to the northwest, and brimming with towering sandstone spires, serpentine canyons, awe-inspiring natural bridges and arches, as well as the

famous twin Bears Ears Buttes standing sentinel over the sacred region—is not just a series of isolated objects, but is, itself, an object of historic and scientific interest requiring protection under the Antiquities Act. Bears Ears is sacred land of spiritual significance, a historic homeland, and a place of belonging for indigenous people from the Southwest. Bears Ears is a living, breathing landscape, that—owing to the area's arid environment and overall remoteness, as well as the building techniques that its inhabitants employed—retains remarkable and spiritually significant evidence of indigenous use and habitation since time immemorial, including from the Paleoindian Period, through the time of the Basketmakers and Ancestral Pueblos, to the more recent Navajo and Ute period, and continuing to this day. There are innumerable objects of historic or scientific interest within this extraordinary landscape. Some of the objects are also sacred to Tribal Nations, are sensitive, rare, or vulnerable to vandalism and theft, or are dangerous to visit and, therefore, revealing their specific names and locations could pose a danger to the objects or the public. The variety, density, and prevalence of these objects, such as prehistoric roads, structures, shrines, ceremonial sites, graves, pots, baskets, tools, petroglyphs, pictographs, and items of clothing, all contribute to the uniqueness of this region and underscore its sacred nature and living spiritual significance to indigenous people.

Many of the Tribal Nations that trace their ancestral origin to this area and continue their spiritual practices on these lands today view Bears Ears as a part of the personal identity of their members and as a cultural living space—a landscape where their traditions began, where their ancestors engaged in and handed down cultural practices, and where they developed and refined complex protocols for caring for the land. The Bears Ears region is also a tangible location that is integral to indigenous ceremonial practices, cultural traditions, and the sustainment of the daily lives of indigenous peoples. Since time immemorial, the lands of the Bears Ears region have fostered indigenous identity and spirituality. Indigenous people lived, hunted, gathered, prayed, and built homes in the Bears Ears region. As a result, each geographic subregion and the mountains, canyons, mesa tops, ridges, rivers, and streams therein that make up the Bears Ears landscape hold cultural significance. These individual locales come together as objects of historic and scientific interest—many of which have spiritual significance to indigenous people and are located across this living landscape—to tell stories, facilitate the practice of traditions, and serve as a mnemonic device that elders use to teach younger generations where they came from, who they are, and how to live. Resources found throughout the Bears Ears region, including wildlife and plants that are native to the region, continue to serve integral roles in the development and practice of indigenous ceremonial and cultural lifeways. From family gatherings, dances, and ceremonies held on these sacred lands, to gathering roots, berries, firewood, pinon nuts, weaving materials, and medicines across the region, Bears Ears remains an essential landscape that members of Tribal Nations regularly visit to heal, practice their spirituality, pray, rejuvenate, and connect with their history.

The Bears Ears region is also important to, and shows recent evidence of, non-Native migrants to the area. From the smoothed-over surfaces of the Hole-in-the-Rock Trail to the historic cattle-ranching cabins, and the convoluted series of passages and hideouts used by men like Butch

Cassidy, the Sundance Kid, and other members of the Wild Bunch on the Outlaw Trail, including Hideout Canyon, the Bears Ears landscape conveys the story of westward expansion of European Americans and the settlement of Latter-day Saint communities in southern Utah. Hispanic sheep herders from New Mexico also migrated into this area during the late 1800s, and many of their descendants continue to live in local communities.

Despite millennia of human habitation, the Bears Ears landscape remains one of the most ecologically intact and least-roaded regions in the contiguous United States. As a result, the area continues to provide habitat to a variety of threatened, endangered, sensitive, endemic, or otherwise rare species of wildlife, fish, and plants. The area also contains a diverse array of species that benefit from the preservation of the landscape's intact ecosystems.

The Bears Ears landscape also tells the stories of epochs past. The area's exposed geologic formations provide a continuous record of vertebrate life in North America as well as a rich history of invertebrate fossils. The Chinle Formation, and the Wingate, Kayenta, and Navajo Formations above it, demonstrate how the Triassic Period transitioned into the Jurassic Period and provide critical insight into both how dinosaurs dominated terrestrial ecosystems and how our mammalian ancestors evolved. The discovery of several taxa, including a prosauropod that gets its name from a Navajo word tied to the region where it was found, the archosauromorph *Crosbysaurus harrisae*, and a unique phytosaur, have occurred exclusively within Bears Ears or have significantly extended an extinct species' known range. While paleontologists have only recently begun to systematically survey and study much of the fossil record in this region, experts are confident that scientifically important paleontological resources remain to be discovered, and future exploration will greatly expand our understanding of prehistoric life on the Colorado Plateau.

The landscape itself is composed of several areas, each of which is unique and an object of scientific and historic interest requiring protection under the Antiquities Act. Near the center is the Bears Ears Buttes and Headwaters, the location of the iconic twin buttes, which soar over the surrounding landscape and maintain watch over the ancestral home of numerous Tribal Nations. Containing dense fir and aspen forests that provide firewood to heat homes as well as powerful medicines and habitat for wild game species, Tribal Nations view the high elevation oasis as the key to life in the Bears Ears region. The Bears Ears Buttes also hold historical significance to the Navajo people, as the landscape and natural cliff dwellings served as hiding places to escape the United States military during the forced Long Walk, where more than 11,000 Navajo were marched up to 450 miles on foot to internment camps in Fort Sumner, New Mexico. Many Navajo hid in the remote canyons to avoid the forced removal from their traditional homelands in the Southwest by the United States from 1864 to 1868.

In the northern part of the Bears Ears landscape lies Indian Creek, the home of a world-renowned canyon characterized by sheer red cliffs and spires of exposed and eroded layers of Navajo, Kayenta, Wingate, and Cedar Mesa Sandstone, including the iconic North and South Six-Shooter Peaks. The canyon includes famous vertical cracks striating its sandstone walls and the area provides important habitat for a multitude of plant and animal species. Indian Creek's palisades provide ey-

ries for peregrine falcons and potential nesting sites for bald and golden eagles, and the Lockhart Basin area and Donnelly Canyon contain Mexican spotted owl habitat. The Indian Creek area further provides critical winter grounds for big-game species such as mule deer, elk, and bighorn sheep and potential habitat for endangered fish and threatened plant species. The prominent Bridger Jack and Lavender Mesas are home to largely unaltered relict plant communities composed of pinyon-juniper woodlands interspersed with small sagebrush islands. It is also in Indian Creek that one can find Newspaper Rock, a massive petroglyph panel displaying a notable concentration of rock writings from persons of the Basketmaker and Ancestral Pueblo periods, the Ute and Navajo people who still live in the Four Corners area and beyond, and early settlers of European descent. Indian Creek also contains possible evidence of trade with cultures extending into Mesoamerica, including a thousand-year-old ornamental sash found in the area made from azure and scarlet macaw feathers as well as a petroglyph featuring a macaw-like bird figure. Shay Canyon is a side canyon that houses extensive, well-preserved petroglyph panels from multiple prehistoric periods. The panels contain a unique rock writing style that is believed to be both Freemont and Ancestral Pueblo in origin. Harts Point is an escarpment that provides spectacular views of the Indian Creek Canyon. These mesa tops also contain evidence of historic connections of indigenous people to the region. Additionally, Indian Creek provides fossilized trackways of early tetrapods and fossilized traces of marine and aquatic creatures such as clams, crayfish, fish, and aquatic reptiles dating to the Triassic Period.

Southwest of Indian Creek and geographically nestled between the Needles District of Canyonlands National Park, the Dark Canyon Wilderness area, and the Glen Canyon National Recreation Area, lie Beef Basin and Fable Valley, areas characterized by well-preserved Ancestral Pueblo surface sites—including freestanding Pueblo masonry structures and towers—as well as petroglyphs and pictographs. The areas are unique in their high concentration of large, mesa-top Pueblo structures. Sites in this region may also provide evidence of some of the furthest north migration of Pueblo in the Mesa Verde region.

Just south of Indian Creek, the westernmost edge of the Abajo Mountains forms the eastern boundary of the Bears Ears landscape. An island laccolith series of peaks and domes known also as the Blue Mountains due to the appearance of their heavily forested slopes contrasted against the red desert that surrounds them, the Abajo Mountains are rich in wildlife and home to several rare and sensitive plant species. As a result of the breadth of species, the Abajo Mountains have long been a traditional hunting ground for the indigenous people that have lived in the area and are held sacred by a number of Tribal Nations, including the Navajo Nation, Pueblo of Zuni, and Ute Indian Tribes. These peaks represent the highest elevations in the Bears Ears landscape and provide unbroken views of the entire region.

South of Beef Basin and Indian Creek, the landscape contains a number of sandstone canyons that drain the northern edge of the Abajo Mountains and Elk Ridge, including the Tuerto, Trough, Ruin, and North Cottonwood Canyons, at the bottom of which runs a perennial creek. Ancestral Pueblo sites within this area have special significance to the Pueblos of New Mexico, who identify these sites as part of their ancestral footprints that extend their traditional territory north of the

Abajo Mountains. The area, which is composed of both Cedar Mesa Sandstone and Chinle Formation deposits, has a very high potential for Permian and Triassic fossils.

The South Cottonwood Canyon region, characterized by prominent sandstone escarpments surrounded by forests of pinyon, juniper, and Gambel oak, interspersed with stands of ponderosa pine and mixed conifers, is situated west of the Abajo Mountains and south of the prominent sandstone towers known as the Chippean Rocks. The isolated area contains intact cultural landscapes of early Ancestral Pueblo communities. Some sites are organized as a larger central village surrounded by smaller family-sized dwellings, while others are large and inaccessible granaries. This region is home to a diversity of wildlife, including Townsend's big-eared bats, beavers, and ringtail cats, as well as the Cliff Dwellers Pasture Research Natural Area, an ungrazed box canyon with a unique vegetative community and an imposing sandstone arch and natural bridge. The area also contains excellent big game habitat and is considered prime mule deer, elk, and black bear hunting grounds.

Further west, South Cottonwood Canyon is home to a unique density of Pueblo I to early Pueblo II village sites that are considered important to both archaeologists and Tribal Nations. One site, a collapsed two-story block masonry structure that appears to be an early version of a great house, was built during a time when the development of this kind of community structure was only beginning in Chaco Canyon. More recently, the South Cottonwood Canyon area proved critical to the survival of the White Mesa Ute during Anglo settlement of southern Utah. Paleontologically, there is high potential fossil yield on both the west side of the area, which contains portions of the Triassic Period Chinle and Moenkopi Formations, and the east side, which is composed of Jurassic Period Glen Canyon Group Kayenta Formation. The area also provides critical habitat for Mexican spotted owls, peregrine falcons, golden eagles, and spotted bats.

The Dark Canyon, Dry Mesa complex, located between Beef Basin and White Canyon, is wild and remote. In Dark Canyon—a canyon system that includes Peavine, Woodenshoe, and other minor tributaries—rock walls, which tower 3,000 feet above the canyon floor, provide a sense of solitude and isolation from the surrounding mesa tops. The canyon system, one of the only entirely intact and protected canyons from its headwaters on the Colorado Plateau to its confluence with the Colorado River, includes numerous hanging gardens, springs, and riparian areas and provides habitat for a wide range of wildlife, including known populations of Mexican spotted owl. Dry Mesa is relatively flat with stands of ponderosa pine, oak, and pinyon and juniper that provide foraging habitat for golden eagles and peregrine falcons. Many Tribal Nations have strong connections to sites in the area from three specific time periods: ancient hunter-gatherers during the Archaic period, Ancestral Pueblos during the Pueblo III period, and finally, Navajo, Ute, and Paiute families just before and during European migration into the Four Corners area. Visitors to the Dark Canyon Wilderness area will find the Doll House, a fully-intact and well-preserved single-room granary. Located at the bottom of Horse Pasture Canyon and Dark Canyon, visitors will also find Scorup Cabin, a line cabin originally built in Rig Canyon and later moved to its current location, that cowboys used as a summer camp while running cattle in the area. The area

also contains exposures of Permian Period Cutler Group deposits that have a high potential to contain both vertebrate and invertebrate fossils.

The White Canyon region, west of Dark Canyon, is a remote area featuring an extensive complex of steep and narrow canyons cut through light-colored Cedar Mesa Sandstone. Once used by outlaws to evade authorities, the area's slot canyons, including the Black Hole, Fry Canyon, and Cheesebox Canyon, now draw adventurers in search of multi-day, technical canyoneering opportunities. The entire White Canyon area has a rich paleontological history. Research in the area is ongoing, but recent discoveries of track sites in the Triassic Moenkopi Formation and an assemblage of invertebrate burrows suggest that a diverse fauna once thrived here. Mollusks, phytosaurs, and possible theropod and ornithischian fossils have also been found in White Canyon.

Located between the Abajo Mountains and the Colorado River, the high plateau of Elk Ridge provides stunning views of the surrounding canyons and the Bears Ears Buttes to the south. Visitors passing through the Notch, a naturally occurring narrow pass between north and south Elk Ridge, are treated to spectacular vistas of Dark Canyon to the west and Notch Canyon to the east. The area's higher elevations, which contain pockets of ancient Engelmann spruce, rare stands of old-growth ponderosa pine, aspen, and subalpine fir, and a genetically distinct population of Kachina daisy, provide welcome respite from the higher temperatures found in the region's lower elevations, especially during the summer. There is evidence that indigenous people have hunted and gathered plants on Elk Ridge for at least 8,000 years, a practice that continues today and is considered sacred by the Navajo Nation. Elk Ridge also has a long history of livestock grazing by Navajo and Ute families and later Anglo settlers. While the mesa top is primarily dry, water naturally occurs at the area's seeps and springs, as well as the ephemeral Duck Lake, a seasonal wetland located on top of Elk Ridge that results from snowmelt. The upper reaches of the ridge also contain Upper Triassic formations with a high potential to contain fossils.

To the east of Elk Ridge lies a major system of canyons on National Forest System lands, including Hammond Canyon, Upper Arch Canyon, Texas Canyon, and Notch Canyon. This deeply incised canyon system is composed of stunning red sandstone walls, white pinnacles, lush green foliage, and several small waterfalls. Uniquely, the area also contains large sandstone towers and hoodoos in a forested setting. The Hammond Canyon area, which is central to the history of the White Mesa Utes, contains numerous Ancestral Pueblo sites, including cliff dwellings. Hammond Canyon also contains an Ancestral Pueblo village with structures and pottery from multiple Ancestral Pueblo periods. High fossil potential exists in both the Upper Triassic and Lower Jurassic Glen Canyon Sandstone of Hammond Canyon's lower half as well as the Permian Period Cedar Mesa Sandstone found in its upper half.

Just south of Elk Ridge, Arch Canyon is a 12-mile long box canyon containing numerous arches, including Cathedral Arch, Angel Arch, and Keystone Arch. The area is teeming with fossilized remains, including numerous specimens from the Permian and Upper Permian eras. Cliff dwellings and hanging gardens are located throughout the canyon. Arch Canyon Great House, which spans the Pueblo II and III periods and contains pictographs and petroglyphs ranging from the Ar-

chaic to the historic periods, is located at the canyon's mouth. A perennial stream that provides potential habitat for sensitive fish species and for the threatened Navajo sedge is located in the canyon's bottom.

Mule Canyon, a 500-foot deep, 5-mile long chasm, is situated northeast of the Fish Creek area and southeast of the Bears Ears Buttes. Throughout the canyon, cliff dwellings and other archaeological sites are sheltered by rock walls composed of alternating layers of red and white sandstone. Among those are the stunning House on Fire, which has different masonry styles that indicate several episodes of construction and use. The area's rich archaeological history is also evidenced on the nearby tablelands, where the Mule Canyon Village site allows visitors to view the exposed masonry walls of ancient living quarters and a partially restored kiva. Recent research suggests that Ancestral Pueblos in this area may have cultivated a variety of plants that are uncommon across the wider landscape and persist to this day, such as the Four Corners potato, goosefoot, wolfberry, and sumac. Although similar cultivation may have been occurring near Ancestral Pueblo sites across the Bears Ears landscape, it appears to have been particularly prevalent in and around the Mule, South Cottonwood, Dry, Arch, and Owl Canyons.

Tilted at almost 20 degrees and running along a north-south axis from the foothills of the Abajo Mountains, past the San Juan River, and onto the Navajo Nation, the serrated cliffs of the Comb Ridge monocline are visible from space and have both spiritual and practical significance to many Tribal Nations. It is in this area that one can find a series of alcoves in Whiskers Draw that have sheltered evidence of human habitation for thousands of years, including the site where Richard Wetherill first identified what we know today as the Basketmaker people, as well as Milk Ranch Point, where early Ancestral Pueblo farmers found refuge when the climate turned hotter and dryer at lower elevations. Comb Ridge, flanked on the west by Comb Wash and on the east by Butler Wash, holds additional evidence of centuries of human habitation, including cliff dwellings, such as the well-known Butler Wash Village and Monarch Cave, kivas, ceremonial sites, and rock writings, like the Procession Panel, Wolfman Panel, and Lower Butler Wash Panel, a wall-sized mural depicting San Juan Anthropomorph figures dating to the Basketmaker period that is considered important for understanding the daily life and rituals of the Basketmaker people. Chacoan roads as well as the handholds and steps carved into cliff faces found in this area formed part of the region's migration system and are integral to the story of the Bears Ears landscape. The Comb Ridge area also contains a rich paleontological history, including an Upper Triassic microvertebrate site with greater taxonomic diversity than any other published site of the same nature in Utah, and the earliest recorded instance of a giant arthropod trackway in Utah. Paleontologists have also found phytosaur and dinosaur fossils from the Triassic Period and have identified new species of plant-eating crocodile-like reptiles and rich bonebeds of lumbering sauropods in the area.

South Cottonwood Wash is an extensive drainage just east of Comb Ridge that extends from the Abajo Mountains to the San Juan River near Bluff, Utah. The drainage contains at least three great houses as well as a number of alcove sites, and it has a high density of petroglyphs and pictographs, including a cave with more than 200 handprints in a variety of colors. There is also evidence of a Chacoan

road that connected multiple great houses and kiva sites. These pre-historic transportation systems in the Bears Ears region are critical to understanding the trading patterns, economy, and social organization of ancient Pueblo communities and the other major cultural centers with whom they interacted, such as Chaco Canyon.

At the far southern end of the Bears Ears landscape lies Valley of the Gods, a broad expanse of sandstone monoliths, pinnacles, and other geological features of historic and scientific interest. Towering spires of red sandstone that rise from the valley floor are held sacred by the Navajo people, who view the formations as ancient warriors frozen in stone and places of power in which spirits reside. The austere valley, which is noteworthy in both its geology and ecology, provides habitat for *Eucosma navajoensis*, an endemic moth that lives nowhere else. The Mars-like landscape also contains evidence of our own planet's distant past, including early tetrapod trackways, Paleozoic freshwater sharks, ray-finned fishes, lobe-finned fishes, giant primitive amphibians, and multiple unique taxa of mammal-like reptiles. Paleontologists have also uncovered notable plant macrofossils including ancestral conifers, giant horsetail-like plants, ferns the size of trees, and lycopsids (similar to modern clubmoss).

The San Juan River forms the southern boundary of the Bears Ears landscape. One of the four sacred rivers that Tribal Nations believe were established by the gods to act as defensive guardians over their ancestral lands, the river is closely tied to traditional stories of creation, danger, protection, and healing. The Lime Ridge Clovis site demonstrates that the history of human occupation within the river corridor dates back at least 13,000 years. The Sand Island Petroglyph Panel presents petroglyphs primarily from the Basketmaker through the Pueblo III periods as well as more modern Navajo and Ute carvings. There are also a number of Ancestral Pueblo structures that are accessible by river, such as River House. Nearby San Juan Hill was the last major obstacle for the Hole-in-the-Rock expedition and presents visible evidence of the weary expedition's effort to cross Comb Ridge, including parts of a road, wagon ruts, and an inscription at the top of the ridge. The river corridor also contains a number of unique geologic formations, such as the well-known balancing rock at Mexican Hat, and provides important habitat for the threatened yellow-billed cuckoo and the endangered southwestern willow flycatcher. The river itself is home to two endangered fish species: Colorado pikeminnow, the largest minnow in North America, which is believed to have evolved more than 3 million years ago, and the razorback sucker, the only member of its genus.

Cedar Mesa is located in the heart of the Bears Ears landscape, west of Comb Ridge and north of the San Juan River. Ranging from approximately 4,000 to 6,500 feet in elevation, the approximately 400-square mile plateau is of deep significance to Tribal Nations. Characterized by pinyon-juniper forests on the mesa tops and canyons along its periphery, the entirety of Cedar Mesa is an object of scientific and historic interest, providing a broader context for the individual resources found there. It is the density of world-class cultural resources found throughout the remote, sloping plateau and its numerous canyons that make Cedar Mesa truly unique. For example, an open-twined yucca fiber sandal believed to be more than 7,000 years old was discovered in a dry shelter located in a narrow slickrock canyon in Cedar Mesa. Moon

House is an example of iconic Pueblo-decorated architecture and was likely the last occupied site on Cedar Mesa. On the top of the plateau, Chacoan roads connect several Ancestral Pueblo great houses that show architectural influence from the Chaco Canyon region as well as ceramics that demonstrate both historic and modern Pueblo connections. And in the heart of Cedar Mesa, a multi-room, multi-story great house contains kivas with distinctive Chacoan features that are much larger than kivas found elsewhere on Cedar Mesa. Today, Cedar Mesa is home to bighorn sheep, but fossil evidence in the area's sandstone has revealed large, mammal-like reptiles that burrowed into the sand to survive the blistering heat of the end of the Permian Period, when the region was dominated by a seaside desert. Later, during the Upper Triassic Period, seasonal monsoons flooded an ancient river system that fed a vast desert here. Salvation Knoll, a point from which lost Latter-day Saint pioneers were able to obtain their bearings on Christmas Day in 1879, is also located in the area.

Cedar Mesa is striated with deep chasms housing remarkably intact Ancestral Pueblo sites. John's Canyon and Slickhorn Canyon, which empty into the San Juan River in the Glen Canyon National Recreation Area to the south, contain numerous petroglyphs, pictographs, and Ancestral Pueblo structures built into elongated alcoves on buff-colored cliffs. Similarly, the canyons on the east side of Cedar Mesa hold a significant density of archaeological sites providing a glimpse into the region's past, including rock writings and Ancestral Pueblo dwellings. The Citadel cliff dwelling is just one example of the striking Ancestral Pueblo sites located in Road Canyon, while other sites include painted handprints and evidence of daily life left by Ancestral Pueblos. Located to the north of Road Canyon, the Fish Canyon area contains a number of Pueblo structures. The Fish Canyon area also contains one of the few perennial streams in the area and an important potential habitat for the Mexican spotted owl. Finally, the rust-colored, 145-foot span of Nevills Arch awaits those who make the challenging trek down Owl Canyon. Opening to a height of 80 feet and named after Norman Nevills, the first boatman to take paying customers on the Colorado River through the Grand Canyon, the arch creates a striking window to the sky on the upper reaches of the canyon walls.

Grand Gulch, a mostly dry canyon that meanders for nearly 50 miles on the western edge of Cedar Mesa and is replete with thousands of cliff dwellings and rock writing sites, likely contains the highest concentration of Ancestral Pueblo sites on the Colorado Plateau. Initially occupied in the Basketmaker II and III periods, Grand Gulch's initial inhabitants left pictographs and constructed shallow pithouses and camps on the mesa top and dry shelters for storage. One pictograph dating from this time period depicting two large, anthropomorphic figures is of special religious significance to Tribal Nations. Grand Gulch also contains a multitude of Pueblo II to III sites and was one of the first prehistoric national historic districts designated on the National Register of Historic Places. The area contains the Turkey Pen site, which is believed to provide some of the earliest evidence of turkey domestication in North America, a pristine kiva in a remote canyon bend, and countless other unique Pueblo structures, such as Junction Village, a large Pueblo habitation site; Split Level Village, a multi-level Pueblo habitation; and Bannister House, a habitation consisting of two relatively intact structures and a spring at the base of the cliff face.

Grand Gulch also contains unique artifacts, such as a tattoo needle, a site containing a multichromatic pictograph of a mask, important historic archaeological inscriptions from the Wetherill expedition, and a multitude of other rock writings.

Kane Gulch is a tributary canyon of Grand Gulch incised through Cedar Mesa Sandstone and clogged with house-sized boulders. The canyon houses an aspen grove—an uncommon occurrence at such elevations in the desert—and contains a number of archaeological sites that are perched on canyon walls high above cottonwood trees that provide welcomed shade to the riparian areas in the canyon bottom. Nearby, Bullet Canyon, which intersects with the upper reaches of Grand Gulch, also holds numerous structures, petroglyphs, pictographs, and other artifacts, such as the well-preserved Perfect Kiva—a partly restored kiva, accompanied by several rooms and other smaller structures.

To the west of Cedar Mesa, the Clay Hills, Red House Cliffs, and Mike's Canyon form the southwest corner of the Bears Ears landscape. This remote and rarely visited area remains largely unstudied by scientists. Tool- and arrowhead-making sites, dwellings, and granaries in the lower reaches of the canyons indicate that they sustained Archaic, Basketmaker, and Ancestral Pueblo cultures. The area's unforgiving topography, composed of expansive stretches of slickrock periodically interrupted by deep canyons, challenged Latter-day Saint settlers that traveled along the Hole-in-the-Rock Trail and left wheel ruts and other traces of pioneer life. The harsh ecosystem still supports a herd of desert bighorn sheep throughout the year, and in the canyon bottoms, including Mike's Canyon, intrepid beavers can be found in small areas of riparian habitat. The Clay Hills area contains the first discovery of vertebrate fossils from the Bears Ears region, which was also the first occurrence of a phytosaur identified in Utah.

Standing alone west of Cedar Mesa and adjacent to the Glen Canyon National Recreation Area, Mancos Mesa is likely the largest isolated slickrock mesa in southern Utah. Covering approximately 180 square miles, Mancos Mesa's roughly triangular shape is bounded by towering cliffs, some reaching more than 1,000 feet high. The entire area is dominated by Navajo Sandstone and is incised with canyons, including Moqui Canyon, a 20-mile canyon with sheer walls rising over 600 feet. The mesa, an ecological island in the sky, contains a relict plant community that supports Native perennial grasses, shrubs, and some cacti. Mancos Mesa also contains archaeological remains dating back 2,000 years and spanning across the Basketmaker II and III and Pueblo I, II, and III periods.

Protection of the Bears Ears area will preserve its spiritual, cultural, prehistoric, and historic legacy and maintain its diverse array of natural and scientific resources, ensuring that the prehistoric, historic, and scientific values of this area remain for the benefit of all Americans. For more than 100 years, and sometimes predating the enactment of the Antiquities Act, Presidents, Members of Congress, Secretaries of the Interior, Tribal Nations, State and local governments, scientists, and local conservationists have understood and championed the need to protect the Bears Ears area. The area contains numerous objects of historic and scientific interest and also includes other resources that contribute to the social and economic well-being of the area's modern communities as a result of world-class outdoor recreation opportuni-

ties, including unparalleled rock climbing available at places like the canyons in Indian Creek; the paradise for hikers, birders, and horseback riders provided in areas like the canyons east of Elk Ridge; and other destinations for hunting, backpacking, canyoneering, whitewater rafting, and mountain biking, that are important to the increasing travel- and tourism-based economy in the region.

WHEREAS, section 320301 of title 54, United States Code (known as the “Antiquities Act”), authorizes the President, in his discretion, to declare by public proclamation historic landmarks, historic and prehistoric structures, and other objects of historic or scientific interest that are situated upon the lands owned or controlled by the Federal Government to be national monuments, and to reserve as a part thereof parcels of land, the limits of which shall be confined to the smallest area compatible with the proper care and management of the objects to be protected; and

WHEREAS, Proclamation 9558 of December 28, 2016, designated the Bears Ears National Monument in the State of Utah and reserved approximately 1.35 million acres of Federal lands as the smallest area compatible with the proper care and management of the objects of historic and scientific interest declared part of the monument; and

WHEREAS, Proclamation 9681 of December 4, 2017, modified the management direction of the Bears Ears National Monument and modified the boundaries to add approximately 11,200 new acres of Federal lands, and the objects of historic and scientific interest contained therein, and to exclude more than 1.1 million acres of Federal lands from the reservation, including lands containing objects of historic and scientific interest identified as needing protection in Proclamation 9558, such as Valley of the Gods, Hideout Canyon, portions of the San Juan River and Abajo Mountains, genetically distinct populations of Kachina daisy, and the *Eucosma navajoensis* moth; and

WHEREAS, December 4, 2017, was the first time that a President asserted that the Antiquities Act included the authority to reduce the boundaries of a national monument or remove objects from protection under the Antiquities Act since passage of the Federal Land Policy and Management Act of 1976, as amended (43 U.S.C. 1701 *et seq.*); and

WHEREAS, the entire Bears Ears landscape is profoundly sacred to sovereign Tribal Nations and indigenous people of the southwest region of the United States; and

WHEREAS, I find that the unique nature of the Bears Ears landscape, and the collection of objects and resources therein, make the entire landscape within the boundaries reserved by this proclamation an object of historic and scientific interest in need of protection under 54 U.S.C. 320301; and

WHEREAS, I find that all the historic and scientific resources identified above and in Proclamation 9558 are objects of historic or scientific interest in need of protection under 54 U.S.C. 320301; and

WHEREAS, I find that there are threats to the objects identified in this proclamation; and

WHEREAS, I find, in the absence of a reservation under the Antiquities Act, the objects identified in this proclamation and in Proclamation 9558 are not adequately protected by otherwise applicable law or ad-

ministrative designations because neither provide Federal agencies with the specific mandate to ensure proper care and management of the objects, nor do they withdraw the lands from the operation of the public land, mining, and mineral leasing laws; thus a national monument reservation is necessary to protect the objects of historic and scientific interest in the Bears Ears region for current and future generations; and

WHEREAS, I find that the boundaries of the monument reserved by this proclamation represent the smallest area compatible with the protection of the objects of scientific or historic interest as required by the Antiquities Act; and

WHEREAS, it is in the public interest to ensure the preservation, restoration, and protection of the objects of scientific and historic interest on the Bears Ears region, including the entire monument landscape, reserved within the boundaries of the Bears Ears National Monument, as established by this proclamation;

NOW, THEREFORE, I, JOSEPH R. BIDEN JR., President of the United States of America, by the authority vested in me by section 320301 of title 54, United States Code, hereby proclaim the objects identified above and in Proclamation 9558 that are situated upon lands and interests in lands owned or controlled by the Federal Government to be the Bears Ears National Monument (monument) and, for the purpose of protecting those objects, reserve as part thereof all lands and interests in lands not currently reserved as part of a monument reservation and that are owned or controlled by the Federal Government within the boundaries described on the accompanying map, which is attached to and forms a part of this proclamation. These reserved Federal lands and interests in lands consist of those lands reserved as part of the Bears Ears National Monument as of December 3, 2017, and the approximately 11,200 acres added by Proclamation 9681, encompassing approximately 1.36 million acres. As a result of the distribution of the objects across the Bears Ears landscape, and additionally and independently, because the landscape itself is an object in need of protection, the boundaries described on the accompanying map are confined to the smallest area compatible with the proper care and management of the objects of historic or scientific interest identified above and in Proclamation 9558.

All Federal lands and interests in lands within the boundaries of the monument are hereby appropriated and withdrawn from all forms of entry, location, selection, sale, or other disposition under the public land laws or laws applicable to the United States Forest Service (USFS), from location, entry, and patent under the mining laws, and from disposition under all laws relating to mineral and geothermal leasing, other than by exchange that furthers the protective purposes of the monument.

This proclamation is subject to valid existing rights. If the Federal Government subsequently acquires any lands or interests in lands not currently owned or controlled by the Federal Government within the boundaries described on the accompanying map, such lands and interests in lands shall be reserved as a part of the monument, and objects identified above that are situated upon those lands and interests in lands shall be part of the monument, upon acquisition of ownership or control by the Federal Government.

The Secretary of Agriculture and the Secretary of the Interior (Secretaries) shall manage the monument through the USFS and the Bureau of Land Management (BLM), respectively, in accordance with the terms, conditions, and management direction provided by this proclamation and, unless otherwise specifically provided herein, those provided by Proclamation 9558, the latter of which are incorporated herein by reference. The USFS shall manage that portion of the monument within the boundaries of the National Forest System (NFS), and the BLM shall manage the remainder of the monument. The lands administered by the USFS shall be managed as part of the Manti-La Sal National Forest. The lands administered by the BLM shall be managed as a unit of the National Landscape Conservation System. To the extent any provision of Proclamation 9681 is inconsistent with this proclamation or Proclamation 9558, the terms of this proclamation and Proclamation 9558 shall govern. To further the orderly management of monument lands, the monument will be jointly managed as a single unit consisting of the entire 1.36 million-acre monument.

For purposes of protecting and restoring the objects identified above and in Proclamation 9558, the Secretaries shall jointly prepare and maintain a new management plan for the entire monument and shall promulgate such regulations for its management as they deem appropriate. The Secretaries, through the USFS and BLM, shall consult with other Federal land management agencies or agency components in the local area, including the National Park Service, in developing the management plan. In promulgating any management rules and regulations governing the NFS lands within the monument and developing the management plan, the Secretary of Agriculture, through the USFS, shall consult with the Secretary of the Interior, through the BLM. The Secretaries shall provide for maximum public involvement in the development of that plan, including consultation with federally recognized Tribes and State and local governments. In the development and implementation of the management plan, the Secretaries shall maximize opportunities, pursuant to applicable legal authorities, for shared resources, operational efficiency, and cooperation.

In recognition of the importance of knowledge of Tribal Nations about these lands and objects and participation in the care and management of the objects identified above, and to ensure that management decisions affecting the monument reflect expertise and traditional and historical knowledge of Tribal Nations, a Bears Ears Commission (Commission) is reestablished in accordance with the terms, conditions, and obligations set forth in Proclamation 9558 to provide guidance and recommendations on the development and implementation of management plans and on management of the entire monument.

To further the protective purposes of the monument, the Secretary of the Interior shall explore entering into a memorandum of understanding with the State of Utah that would set forth terms, pursuant to applicable laws and regulations, for an exchange of land owned by the State of Utah and administered by the Utah School and Institutional Trust Lands Administration within the boundary of the monument for land of approximately equal value managed by the BLM outside the boundary of the monument. Consolidation of lands within the monument boundary through exchange in this manner provides for the orderly management of public lands and is in the public interest.

The Secretaries shall manage livestock grazing as authorized under existing permits or leases, and subject to appropriate terms and conditions in accordance with existing laws and regulations, consistent with the care and management of the objects identified above and in Proclamation 9558. Should grazing permits or leases be voluntarily relinquished by existing holders, the Secretaries shall retire from livestock grazing the lands covered by such permits or leases pursuant to the processes of applicable law. Forage shall not be reallocated for livestock grazing purposes unless the Secretaries specifically find that such reallocation will advance the purposes of this proclamation and Proclamation 9558.

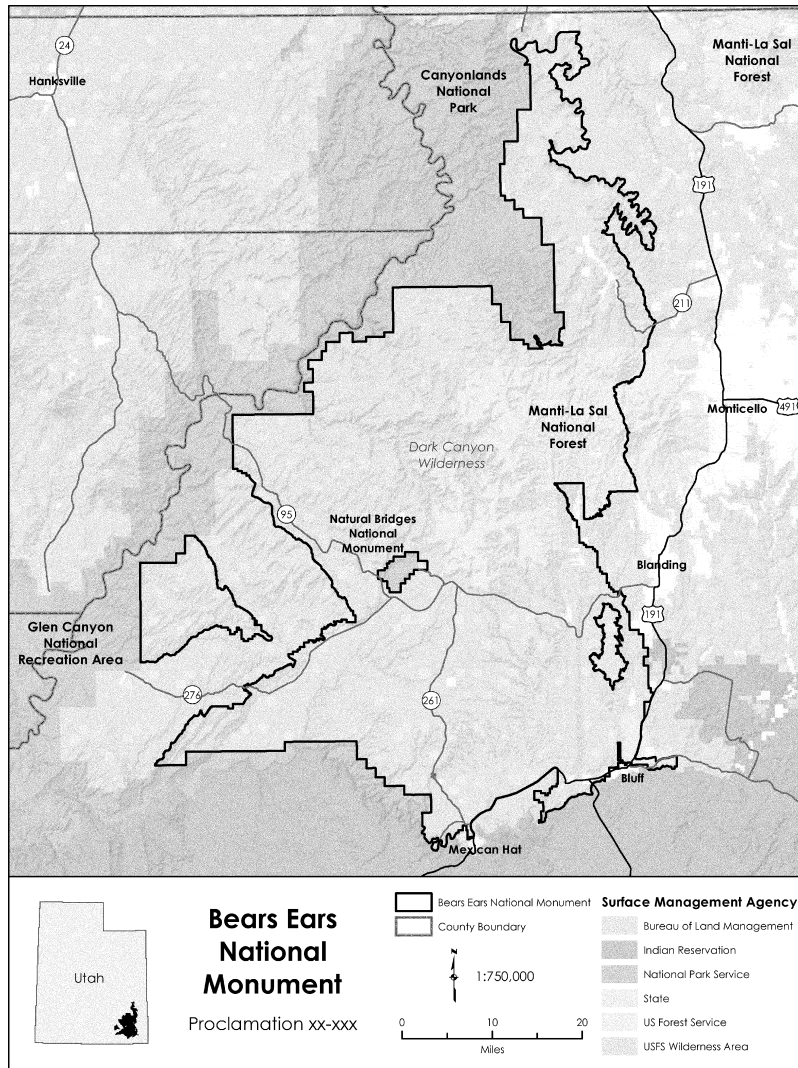
Nothing in this proclamation shall be deemed to revoke any existing withdrawal, reservation, or appropriation; however, the monument shall be the dominant reservation.

Warning is hereby given to all unauthorized persons not to appropriate, injure, destroy, or remove any feature of the monument and not to locate or settle upon any of the lands thereof.

If any provision of this proclamation, including its application to a particular parcel of land, is held to be invalid, the remainder of this proclamation and its application to other parcels of land shall not be affected thereby.

IN WITNESS WHEREOF, I have hereunto set my hand this eighth day of October, in the year of our Lord two thousand twenty-one, and of the Independence of the United States of America the two hundred and forty-sixth.

JOSEPH R. BIDEN, JR.



Proclamation 10286 of October 8, 2021

Grand Staircase-Escalante National Monument

By the President of the United States of America
A Proclamation

President Clinton’s designation of the Grand Staircase-Escalante National Monument in Proclamation 6920 of September 18, 1996, was a watershed moment for conservation in the United States. Proclamation 6920 represents the first time a President designated a national monument under the Antiquities Act to be managed by the Bureau of Land Management, signaling the dawn of the modern era of Antiquities Act

protection and a reawakening of conservation efforts on public lands in the West.

Proclamation 6920 describes the rich mosaic of objects of historic and scientific interest across Grand Staircase-Escalante. Proclamation 6920 details the monument's varied geology, from the cliffs of the Grand Staircase in the west, to the fossil-rich formations in the Kaiparowits Plateau that demonstrate billions of years of geology infused with world-class paleontological sites, to the badlands of the Burning Hills in the center, to the intricate and complex system of canyons in the Escalante region in the east. The proclamation goes on to describe the area's rich human history, spanning from the indigenous people and cultures who made this area home to Anglo-American explorers and early Latter-day Saint pioneers. The proclamation further identifies outstanding biological resources, describing the monument as "in the heart of perhaps the richest floristic region in the Intermountain West," spanning five life zones and supporting diverse, rare, and endemic populations of plants and a diversity of animals, as well as unusual and diverse soils that support communities of mosses, lichens, and cyanobacteria. In addition, the proclamation describes the vast opportunities for additional scientific research and discovery within the monument. Grand Staircase-Escalante has become the focus of a multidisciplinary study of its large landscape for the benefit of current and future generations.

After the monument was established, the Congress adjusted the boundaries or ratified the acquisition of additional lands within the monument on three separate occasions, in some cases adding lands, in other cases subtracting lands. When the Congress had completed its fine-tuning, it had increased the monument's reservation by more than 180,000 acres, bringing the total Federal lands within the monument boundaries to approximately 1.87 million acres.

Remarkably, given its size, in the 25 years since its designation, Grand Staircase-Escalante has fulfilled the vision of an outdoor laboratory with great potential for diverse and significant scientific discoveries. During this period, hundreds of scientific studies and projects have been conducted within the monument, including investigating how the monument's geology provides insight into the hydrology of Mars; discovering many previously unknown species of dinosaurs, some of which have become household names; unearthing some of the oldest marsupial fossils ever identified; conducting extensive inventories of invertebrates, including the identification of more than 600 species of bees, some of which likely exist nowhere else on Earth; performing hydrologic research in the Escalante River and Deer Creek; studying and restoring habitat for amphibians, mammals, and bird species, including the reintroduction of bighorn sheep and pronghorn to their native range; completing rangeland science assessments, including a complete Level III soils survey; carrying out widespread archaeological surveys that have documented important sites and rock writings; and implementing social science projects related to visitor experiences and impacts. New scientific discoveries are likely just around the corner; for example, scientists have collected thousands of specimens of invertebrates from the monument that await further study and are expected to yield new species that are endemic to the monument. Scientists have utilized every corner of the monument in their efforts to better

understand our environment, our history, our planet's past, and our place in the universe.

On December 4, 2017, President Donald Trump issued Proclamation 9682 to reduce the monument by over 860,000 acres. Proclamation 9682 removes protection from objects of historic and scientific interest across the Grand Staircase-Escalante landscape, including some resources Proclamation 6920 specifically identifies for protection. Multiple parties challenged Proclamation 9682 in Federal court, asserting that it exceeded the President's authority under the Antiquities Act.

Restoring the Grand Staircase-Escalante National Monument to its size and boundaries as they existed prior to December 4, 2017, will ensure that this exceptional and inimitable landscape filled with an unparalleled diversity of resources will be properly protected and will continue to provide the living laboratory that has produced so many dramatic discoveries in the first quarter century of its existence. Given the unique nature of the objects identified across the Grand Staircase-Escalante landscape, the threat of damage and destruction to those objects, and the current inadequate protection they are afforded, a reservation of this size is the smallest area compatible with the proper care and management of the objects of historic and scientific interest named in this proclamation and Proclamation 6920.

The entire Grand Staircase-Escalante landscape—stretching from Skutumpah Terrace and the escarpments of the Grand Staircase in the west, Nipple Bench, Smoky Mountain, the Burning Hills, Grand Bench, the East and West Clark Benches, and Buckskin Mountain in the south, the Hole-in-the-Rock Trail that runs through the Escalante Desert, Upper Escalante Canyons, and Circle Cliffs in the northeast, and Alvey Wash and the Blues in the north—is an object of historic and scientific interest requiring protection under the Antiquities Act. There are innumerable objects of historic or scientific interest within this extraordinary landscape. Some of the objects are also sacred to Tribal Nations, rare, fragile, or vulnerable to vandalism and theft, or are dangerous to visit and, therefore, revealing their specific names and locations could pose a danger to the objects or the public.

High, rugged, and remote, the vast and austere Grand Staircase-Escalante landscape is characterized by bold plateaus and multihued cliffs that run for distances that defy human perspective. It is also home to world-famous slot canyons that are so deep and narrow that sunlight almost never penetrates their ultimate depths, and pools of numbingly cold water remain throughout the hottest months. Despite being the last place in the contiguous United States to be mapped and remaining a remote and primitive landscape to this day, the Grand Staircase-Escalante area has a long and dignified human history. The landscape teems with evidence of the efforts expended by both indigenous people and early Anglo pioneers to carve existences into an arid and unforgiving region. The Grand Staircase-Escalante region retains the frontier character of the American West, providing visitors with an opportunity to experience a remote landscape rich with opportunities for adventure and self-discovery. It is unique and rare in today's world to encounter a place where one can wander and ponder undisturbed, and explore and discover at one's own pace. It also serves as an outdoor laboratory on the frontier of scientific research that continues to regularly reveal important insights into our planet and our past.

The Grand Staircase-Escalante landscape is a geologic treasure of clearly exposed stratigraphy and structures. The sedimentary rock layers are relatively undeformed and unobscured by vegetation, offering a clear view to understanding the Earth's geological development. Owing in large part to the exposure of so many formations, the landscape is one of the world's great paleontological laboratories. From remarkable specimens of petrified wood, to the most continuous record of Late Cretaceous life, to the first evidence that tyrannosaurs hunted in packs, to marble-like iron oxide concretions found in Navajo Sandstone that provide insight into Martian geology, the ongoing discoveries on the Grand Staircase-Escalante landscape continue to make invaluable contributions to our understanding of the planet's past. Despite the abundance of paleontological discoveries that have occurred on the landscape, and the wealth of information they have provided about the entire Mesozoic Era, it is likely that we have thus far uncovered only a fragment of Grand Staircase-Escalante's paleontological story.

Rich in human history, the Grand Staircase-Escalante landscape abounds in evidence of habitation by the Ancestral Pueblo and Fremont cultures. Tribal Nations, including the Hopi Tribe, the Kaibab Band of Paiute Indians, the Navajo Nation, the Paiute Indian Tribe of Utah, the San Juan Southern Paiute Tribe of Arizona, the Pueblo of Acoma, the Pueblo of San Felipe, the Pueblo of Tesuque, and the Pueblo of Zuni, have ancestral, cultural, or historical ties to this area and continue to use the area to this day. The Southern Paiute people in particular hold these lands sacred as they make up a portion of their traditional homeland. The landscape has also played an important role in European settlement of the American West. In 1776, the Dominguez-Escalante expedition may have passed through the region, and subsequent travelers on the Armijo Route of the Old Spanish Trail journeyed up the Paria River, through Cottonwood Canyon and the Cockscomb, and to the west through Kimball Valley and along parts of Telegraph Flat below the Vermillion Cliffs. The John Wesley Powell expedition created some of the earliest maps of the area in 1872, and later that decade, Latter-day Saint pioneers literally etched portions of the Hole-in-the-Rock Trail across the desert in their efforts to settle southern Utah.

The landscape is also an outstanding biological resource. As a result of the blending of warm and cold desert flora and the high number of endemic species, the Grand Staircase-Escalante landscape, which contains 50 percent of Utah's rare flora and 125 species of plants that occur only in Utah or on the Colorado Plateau, is one of the most floristically rich regions in the Intermountain West. An abundance of unique, isolated plant communities can be found, such as hanging gardens, tinajas, and rock crevice, canyon bottom, and dunal pocket communities. Large expanses of various exposed geologic strata, each with unique physical and chemical characteristics, have resulted in a spectacular array of unusual and diverse soils, including desert pavement and biological soil crusts, which support a wide range of vegetative communities, such as relict plant communities that have existed since the Pleistocene, and a multitude of endemic plants and pollinators. For example, lands within the Grand Staircase-Escalante landscape contain an astounding biodiversity of bees due, in large part, to the substantial elevational gradient, diversity of habitats, and abundance of flowering plants. The area is home to hundreds of bee species, including dozens

of species that are believed to be unique to this landscape. Many of the species found in the Grand Staircase-Escalante region are highly localized, with small populations occurring in only a few locations or near certain flowering plants. Wildlife also flourishes; from mountain lion, bear, pronghorn, and desert bighorn sheep, to hundreds of species of birds, the landscape's location and the great variation in its elevation and topography have created a unique environment where suitable habitat exists for species associated with multiple eco-regions.

The Grand Staircase-Escalante's large, isolated, and, at times, impenetrable landscape is one of the most naturally dark outdoor spaces left in America, providing views of the cosmos that are nearly unrivaled in the contiguous United States, and an opportunity for visitors to encounter a landscape at night, undisturbed by electric lights, in the same way people have experienced the West for most of America's history. According to recent research, over 90 percent of the landscape, or nearly 1.7 million acres, contains pristine night skies, meaning that observers would see no indication of artificial skyglow anywhere in the night sky. Only natural sources of light are visible to the human eye, such as starlight, airglow, aurora, and zodiacal light. Comparatively, less than one third of the land area of the United States regularly experiences this degree of natural darkness, and most of that land is located in Alaska. The Grand Staircase-Escalante area also provides a remarkable natural soundscape with infrequent human-caused sounds. From popular recreational destinations to remote, isolated locations, acoustic baseline research has found that some of the quietest conditions found in protected areas across the United States can be found in the Grand Staircase-Escalante landscape.

The Grand Staircase-Escalante landscape is akin to a nesting doll of objects of historic and scientific interest. The landscape as a whole is an important object that provides context for each of its constituent parts. Within the whole are distinct and unique areas, which are themselves objects qualifying for protection. In turn, each of those areas contain innumerable individual fossils, archaeological sites, rare species, and other objects that are independently of historic or scientific interest and require protection under the Antiquities Act.

Located in the northeast corner of the Grand Staircase-Escalante landscape adjacent to Capitol Reef National Park is the Circle Cliffs area, which is dominated by a northwest-trending sandstone anticline and dramatic red sandstone cliffs. The area also encompasses several sky islands, including Studhorse Peaks, Colt Mesa, and Deer Point, the latter of which provides exquisite views of Waterpocket Fold—a stunning fold in the area's geologic layers that is the central feature of Capitol Reef National Park. The ecologically intact region provides important winter habitat for elk and contains a significant number of cultural sites used by Ancestral Pueblos and the Fremont. Specimens of petrified wood can be found across the Circle Cliffs area, including in the well-known Wolverine Petrified Wood Area, which includes some largely intact logs nearly 100 feet in length. Additionally, the Circle Cliffs landscape is rich in paleontological resources. The area, with geology dating back to the Triassic and Permian Periods, contains at least 45 known paleontological sites, including one in which a nearly complete articulated skeleton of *Poposaurus*—a rare bipedal crocodilian from the Late Triassic Period—was found. The Circle Cliffs landscape also contains portions of the Burr Trail, a route originally blazed by

stockman John Atlantic Burr that is now a Utah Scenic Backway offering remarkable views of the Waterpocket Fold, the Henry Mountains, and the Boulder Mountain area of the Aquarius Plateau.

West of the Circle Cliffs and bisected by the Escalante River is the awe-inspiring Upper Escalante Canyons landscape. In this region, vivid geological features are laid bare in narrow, serpentine canyons, where erosion has exposed rolling expanses of petrified dunes and rock striations in shades of red, salmon, white, buff, and rust. The area's resources are almost too numerous to name. There are natural bridges and arches, such as Maverick Natural Bridge and Phipps Arch, the 130-foot tall Escalante Natural Bridge, and Bowington Arch; a large and unusual circular erosional sandstone formation that has sparked the public's imagination, as evidenced by its many names, including the Cosmic Navel; and several world-class slot canyons that draw adventurers from the world over, such as the Dry Fork of Coyote Gulch, Brimstone Canyon, Peek-a-boo Canyon, Spooky Gulch, Zebra and Tunnel Slot Canyons, and the Egypt Slots. The Escalante Canyons landscape also contains a high density of Fremont prehistoric sites, such as pithouses, villages, and storage cysts. The area's many canyons contain a world-class density and variety of Fremont, Ancestral Pueblo, and Southern Paiute rock writings, including a panel that is particularly meaningful to Tribal Nations with ancestral and historical ties to the area and another panel containing polychromatic depictions of long, linear figures that may date back to the Archaic period. The Escalante Canyons landscape also contains many inscriptions left by early settlers of European descent and significant historic sites telling tales of the region's more recent past, such as the Boulder Mail Trail, which was used to ferry mail between the small desert outpost towns of Escalante and Boulder beginning in 1902. The Boulder Mail Trail intersects incredibly scenic canyons that empty into the Escalante River. The narrow sandstone walls of Sand Creek shade a perennial stream that meanders through cool pools and supports riparian habitat and hanging gardens. Perennial flows are also found in Death Hollow, a stunning canyon chiseled into yellow and white Navajo Sandstone that is narrow and extraordinarily deep in its upper reaches before transitioning near the Boulder Mail Trail into a wider canyon dotted with ponderosa pine and riparian habitat. As a result of the abundance of water in tributaries of the Escalante River, as well as various seeps and springs, the Escalante Canyons area is dotted with hanging gardens, tinajas, and riparian vegetation that provide oases of sorts in an otherwise arid environment. The area is distilled to its essence in Calf Creek Canyon, the home of towering Navajo Sandstone cliffs, lush vegetation, cultural sites, and a perennial stream with two waterfalls: a slender 88-foot plunge in the upper part of the canyon, and a 126-foot cascade farther downstream that is one of the more elegant waterfalls in the entire Southwest. The upper part of the watershed is strewn with black basalt boulders and expanses of iron concretion sheets.

To the southeast of the Upper Escalante Canyons, adjacent to Capitol Reef National Park and Glen Canyon National Recreation Area, is a region with a rich pioneer history that functions as a gateway to the many slot canyons and arches near the Escalante River. Traversing the area is the historically significant Hole-in-the-Rock Road, which generally follows the route that Latter-day Saint pioneers constructed between 1879 and 1880 when crossing southern Utah to establish a

wagon route between Escalante and southeast Utah settlements. Today, the road provides access to many of the landscape's resources, including Devil's Garden, an area with hoodoos, colorful rock formations, and unique sandstone arches like the impressively delicate Metate Arch; the small but attractive Little Jumbo Arch; the widely photographed Sunrise and Sunset arches; and Chimney Rock, a remote, lonely sandstone pillar that seems to defy its otherwise flat surroundings. This area is also the location of Dance Hall Rock, an important landmark where Latter-day Saint pioneers camped and held meetings and dances when constructing the Hole-in-the-Rock Trail. These uncompromising desert lands are home to high concentrations of rare species of bees with fascinating adaptations to their local environment, such as *Diadasia* bees, which build nests in the hard desert soil that feature a clay chimney on top, an architectural design that has, thus far, stumped scientists trying to understand its utility. Consisting of rock primarily from the Jurassic Period, there are many paleontological sites in this region. Among those, the sprawling Twentymile Wash Dinosaur Megatrackway consists of more than several hundred individual dinosaur tracks and what some scientists believe is a rare, mid-line tail-drag impression left in the Escalante Member of the Entrada Formation by a sauropod, or long-necked dinosaur.

At the center of the Grand Staircase-Escalante landscape is the Kaiparowits Plateau, containing roughly 1,600 square miles of sedimentary rock that towers over the surrounding area. The plateau is bordered on the east side by the Straight Cliffs, which stretch from near the beginning of the Escalante River to Fiftymile Mountain, and on the west by the East Kaibab Monocline, better known as the Cockscomb. The area is made up of steep-walled canyons, escarpments, towers, arches, and a series of benches that ascend from the southern border of the Grand Staircase-Escalante landscape. The Cockscomb is formed by parallel ridges with an intersecting steep v-shaped trough, and flatirons, small monoliths, and other colorful formations along the western ridge. The plateau has evidence of thousands of years of human habitation with sites attributed to many prehistoric cultures in southern Utah. Bighorn sheep and pronghorn have historically roamed the Kaiparowits Plateau—as evidenced by the area's petroglyph and pictograph panels—and reproducing populations have been reintroduced in recent years. The area is also home to a small population of chuckwalla and a population of desert night lizard, a species rarely seen in Utah.

The stratified geology of the Kaiparowits Plateau exposes fossils and other indicia of hundreds of millions of years of our planet's history, the only evidence in our hemisphere of mammals from the Cenomanian through Santonian ages and one of the world's best and most continuous records of Late Cretaceous terrestrial life. To date, many thousands of fossil sites have been documented on the plateau, including evidence of at least 15 previously unknown species of dinosaur. Fossils are preserved in stunning detail rarely seen in North America, including traces of soft tissue and the impressions of skin, beaks, and claws. The plateau contains a diverse assemblage of Campanian fauna, including a remarkable record of vertebrate species that include many new taxa and new temporal and geographic occurrences, thereby making the Kaiparowits Plateau an important scientific resource providing insight to the Late Cretaceous biosphere.

The Kaiparowits Plateau comprises multiple geological formations. The Kaiparowits and Wahweap Formations contain diverse and unique fossil evidence of ancient fauna and flora, including pterosaurs, frogs, salamanders, and snakes, that are fundamentally different from discoveries in other parts of North America. The Kaiparowits Formation has produced many ancient vertebrate taxa that are entirely new to science, including a vast array of horned dinosaurs, such as the *Nasutoceratops*, *Kosmoceratops*, and *Utahceratops*, a new species of *Gryposaurus* possessing a more robust skull, a new raptor, and the tyrannosaurid *Teratophoneus*. It has also produced evidence of a potentially new crested duck-billed dinosaur and incredibly diverse vegetative communities with previously undescribed fossil trees and aquatic plants. In 2018, researchers recovered the *Akainacephalus*, which is the most complete ankylosaur ever recovered in the southwestern United States. Exploration of the Wahweap Formation, while still in early stages, has led to striking Mesozoic Era discoveries, including the horned dinosaur *Diabloceratops* and the tyrannosaurid *Lythronax*. Similarly, the Dakota Formation contains some of the earliest evidence of mammals in the fossil record, and the Tropic Shale Formation includes important marine reptiles such as five species of plesiosaur and North America's oldest mosasaur. There are at least two mass mortality sites on the Kaiparowits Plateau, including the Rainbows and Unicorns site, which preserves the relatively complete remains of at least four tyrannosaurs ranging in age from juvenile to large adult, indicating that tyrannosaurs may have been social hunters and engaged in extended parental care, and Uncle Charley's Bonebed, which produced the fossilized remains of extinct tortoises, many of which had soft tissue preservation of skin and claws, and one of which even had a clutch of eggs preserved in its carapace. In addition, petrified wood from the Late Jurassic and Late Cretaceous Periods is found in the Morrison, Wahweap, and Kaiparowits Formations. The plateau also has an expansive exposure of a unique deposit of fossil oyster beds up to six feet thick from the Cretaceous Period, along with other marine mollusk shells.

The eastern portion of the Kaiparowits Plateau is dominated by Fiftymile Mountain and Fiftymile Bench. The upper elevations of these bench lands contain rich and varied ecosystems that include pinyon and juniper woodlands, ponderosa pine forests, and aspen groves. The area is dissected by a labyrinth of picturesque canyons, many of which contain important riparian ecosystems. The Fiftymile Mountain area has a high density of archaeological sites, including masonry structures, which have architectural styles suggesting that the Virgin Branch and Kayenta Branch of Ancestral Pueblos and the Fremont culture converged in the area. There are also sites considered sacred to several Tribal Nations with historical or ancestral ties to the Grand Staircase-Escalante region. This area further contains evidence of early pioneers who tried to scratch out a life on the sparse landscape, including historic cabins, fences, and stock trails. The sagebrush steppe ecosystem of Fiftymile Bench provides views of Window Wind Arch and striking vistas of the skyscraper-like escarpment that is the eastern face of the Straight Cliffs. The Straight Cliffs Formation, which is particularly exposed in this part of southern Utah, is rich with fossil resources containing evidence of primitive mammals, as well as straight cone cephalopods, ammonites, gastropods, pelecypods, and Cretaceous shark teeth. The Straight Cliffs also contain many clusters of balanced or pedestal rocks, known as hoodoos. Sooner Rocks, at the base of the

Straight Cliffs, provides outstanding examples of the geologic feature known as “mega-potholes” that are more often found in some of the sandstone formations in and around Glen Canyon.

Grand Bench lies on the southeastern border of the Kaiparowits Plateau between the Burning Hills to the west and Fiftymile Mountain to the east. The sparse road network in Grand Bench makes it one of the most remote locations in the Grand Staircase-Escalante, with largely unspoiled and unimpeded views of the night sky. The Grand Bench area is also home to the mostly freestanding Woolsey Arch, as well as many recorded paleontology sites found in its Cretaceous and Jurassic Period rocks, including petrified wood and important fossils.

The Smoky Mountain area just west of Grand Bench on the Kaiparowits Plateau provides a striking scene. The steep and rugged hilltops of the Burning Hills have been scorched red by naturally occurring underground coal fires that have been smoldering for hundreds, if not thousands, of years. Similarly, Smoky Mountain is dotted with natural chimneys that release hot smoke and sulfuric gasses from the coal fires below. Despite the hostile environment, this area is home to a number of rare and endemic plant species, including Atwood evening primrose and Smoky Mountain globemallow, as well as a thriving herd of desert bighorn sheep and nesting areas for a high density of raptors.

The lower benches of the Kaiparowits Plateau, including John Henry Bench, Tibbet Bench, Nipple Bench, and Jack Riggs Bench, lie to the west of Smoky Mountain and provide important habitat for big game, including desert bighorn sheep and pronghorn, and sweeping views to the south. The Cretaceous Wahweap Formation runs through the area and has been the site of many important fossil finds, including turtle shells, dinosaurs, and crocodile teeth. Just west of Nipple Bench are the Wahweap Hoodoos, ghostly white formations with brown capstones that can appear to float in the right conditions.

Alvey Wash is situated in the northern part of the Kaiparowits Plateau, close to the Straight Cliffs, and north of Death Ridge. In addition to providing access to the interior of the Kaiparowits Plateau, the Alvey Wash area contains geologic objects of historic and scientific interest, including various arches and portions of the Smoky Mountain Road State Scenic Backway, a remote, unpaved route that offers unparalleled views of Lake Powell and the Kaiparowits Plateau. The region’s fossil-rich Cretaceous rocks contain more than a hundred known recorded paleontological sites. Alvey Wash, which likely acted as an important travel route between the Escalante River and the top of the Kaiparowits Plateau, also contains several important Fremont and Ancestral Pueblo sites, including rock writings, rock shelters, cliffside storage structures, and pithouses.

In the northern part of the landscape, east of the towns of Tropic and Cannonville, are the Blues, an area named for the blue-grey sandstone that provides a striking contrast against the forested uplands and the pink and white cliffs of Powell Point towering in the background. The velvety gray slopes of these shale badlands include exposures of the Kaiparowits Formation that are unique on the Colorado Plateau. Representing rapid accumulation of sediment during the Late Cretaceous Period, the stratigraphy has facilitated the discovery of a diversity of fossils, including early mammals, lizards, dinosaurs, crocodilians, tur-

tles, mollusks, and some fossils found nowhere else on Earth, including one of the largest oviraptors ever discovered. This area may also provide habitat for many raptor species, including Swainson's hawks, golden eagles, and peregrine falcons.

South of the Blues, the Butler Valley area provides jaw-dropping views of multi-colored sandstone cliffs to the north and contains important microvertebrate fossil localities in the Smoky Hollow Member of the Straight Cliffs Formation found near the upper reaches of Wiggler Wash. Also nearby is Grosvenor Arch, a rare double arch with sandstone buttresses that soars 150 feet in the air, as well as the tight canyons of Butler Valley and Round Valley Draw.

To the west of the Cockscomb lies the Hackberry Canyon area, with a deep gorge containing towering Wingate Sandstone cliffs and impressive narrows, and Yellow Rock, a smooth-sided dome that obtains its unique appearance from evaporated pools of water and the presence of limonite in its swirling Navajo Sandstone. With limited vegetation, Yellow Rock provides a commanding view of Hackberry Canyon to the north, the Paria River to the west, and the Cockscomb to the east. The area's high scenic quality is further enhanced by a number of towering arches, including Sam Pollock Arch, which spans 70 feet in a tributary of Hackberry Canyon. The Hackberry Canyon area contains Virgin Branch of Ancestral Pueblo sites, such as rock shelters, pithouses, lithic scatters, and masonry structures, as well as rock writings that can be found in side canyons. Hackberry Canyon also contains evidence of later Anglo habitation, including Watson Cabin, a one-room log cabin with a fieldstone chimney that was built in the early 1890s and is one of the few standing pioneer structures in the region.

To the west of the Kaiparowits Plateau, the Upper Paria River complex is a highly scenic and colorful maze of canyons, arches, and "hydro-thermal-collapse" pipes and dikes that expose the multihued Carmel and Entrada Formations. The area is home to many perennial streams, the Paria River, and hundreds of acres of riparian vegetation, all of which support a particularly rich diversity of terrestrial vertebrate and avian species. Flowing continuously for most of the year thanks to water from the higher elevations in the north and west, the area's perennial streams have left the area dissected with canyons that eventually drain into the Paria River. As the flow increases, the Paria River cuts its way through a series of benches and cliffs that form a portion of the Grand Staircase as it meanders towards its confluence with the Colorado River near Lee's Ferry. For example, there is the spring-fed Willis Creek, which flows year-round through a moderately deep gorge that contains several sections of elegant narrows. Other nearby canyons, although dry most of the year, are subject to extreme erosional events from passing storms, such as Lick Wash, a deep canyon enclosed by horizontally striated white sandstone walls that are hundreds of feet high, and Bull Valley Gorge, an impressively deep and narrow canyon cut through Navajo Sandstone containing a variety of rock formations and colors. The Upper Paria River complex contains paleontological sites found in strata from the Jurassic and Cretaceous Periods. The Paria River corridor is also the site of the Paria ghost town, the only historic townsite in the monument. First settled by Latter-day Saint pioneers in 1865 as a farming community, the town was largely abandoned after a series of floods in the late 1800s, save for a post office, which served the area for many years.

After the Paria River crosses the Cockscomb and enters Cottonwood Canyon, it feeds a rich riparian area that provides important habitat for the endangered southwestern willow flycatcher. Cottonwood Canyon and the nearby Rimrocks area are home to a number of rare plants, such as the Tropic goldeneye and Atwood's pretty phacelia. This area, down to West Clark Bench, is also characterized by high ecological system diversity and is home to a number of rare bee species as well as a number of hot desert endemic species of bees in the northernmost known extent of their range. The Rimrocks area is home to striking geological formations known as the Toadstool Hoodoos, fascinating features composed of Dakota Sandstone boulders perched precariously atop softer and eroded Entrada Sandstone, and a narrow slot canyon that contains rock writings. Further east, other geological formations include the White Rocks, and to the south, the area around the East and West Clark Benches forms a barren and austere landscape that exposes Jurassic and Cretaceous Period rocks rich in paleontological resources.

On the west side of the landscape is the Grand Staircase, a series of intensely colorful cliffs and plateaus that connect Bryce Canyon to the Grand Canyon. The Grey Cliffs are composed of soft Cretaceous shale and sandstone in subdued shades of gray, brown, and yellow that were deposited approximately 130 million years ago. The White Cliffs are high white or yellow cliffs of Navajo Sandstone that consistently reach heights of more than 1,000 feet. The area is home to rare and endemic bee species, particularly near Timber Mountain. The area also contains a number of relict plant communities on the sky islands of No Man's Mesa and Little No Man's Mesa, whose steep walls have guarded such communities for thousands of years, providing a living window into the past. Further south, the eponymous Vermilion Cliffs, once the shoreline for the ancient Lake Dixie, contain fossilized fish, dinosaurs, and early reptiles, as well as multiple tracksites. The Flag Point tracksite provides an enduring testament to humans' fascination with the traces of epochs past. The site contains a series of theropod tracks leading right to the cliff edge and, nearby, pictographs of the tracks that were likely left by ancient indigenous peoples living in nearby communities. The Grand Staircase area is also replete with evidence of thousands of years of human habitation. Pre-historic projectile points and hunter-gatherer residential pit structures are found in the higher elevations, whereas evidence of some of the earliest corn-related agriculture in the Southwest, developed by the Virgin Branch of Ancestral Pueblos, as well as evidence of the Southern Paiute people, who identify this area as part of their ancestral homeland, are found in the lower elevations. This area also contains a number of other unusual and important resources, including a high density of petrified wood and rare and endemic plant species, such as the Higgins spring parsley and Kane breadroot.

The Buckskin Mountain area, located southeast of the Vermilion Cliffs and west of the Cockscomb, is a unique lithological area, rich in rocks from the Triassic Period and late Paleozoic Era. It also provides winter range for the renowned Paunsaugunt mule deer herd and is the location of the Eagle Sink, a stunning sinkhole where the surrounding limestone collapsed to create an enormous 160-foot depression. The area also contains many Ancestral Pueblo cultural sites and provides access to the primary trailheads used to access Buckskin Gulch—the

longest slot canyon in the United States, with walls ascending up to 400 feet—located in the adjacent Paria Canyon-Vermilion Cliffs Wilderness.

Protection of the Grand Staircase-Escalante National Monument will preserve its cultural, prehistoric, and historic legacy and maintain its diverse array of natural and scientific resources, ensuring that the prehistoric, historic, and scientific values of this area remain for the benefit of all Americans. Reservation of these lands will preserve the living laboratory within the monument boundaries that will facilitate significant scientific discoveries for years to come. The area contains numerous objects of historic and scientific interest, and it provides world-class outdoor recreation opportunities, including rock climbing, hunting, hiking, backpacking, canyoneering, river running, mountain biking, and horseback riding, that support a travel and tourism sector that is a source of economic opportunity for the region.

WHEREAS, section 320301 of title 54, United States Code (known as the “Antiquities Act”), authorizes the President, in his discretion, to declare by public proclamation historic landmarks, historic and prehistoric structures, and other objects of historic or scientific interest that are situated upon the lands owned or controlled by the Federal Government to be national monuments, and to reserve as a part thereof parcels of land, the limits of which shall be confined to the smallest area compatible with the proper care and management of the objects to be protected; and

WHEREAS, Proclamation 6920 of September 18, 1996, designated the Grand Staircase-Escalante National Monument in the State of Utah and reserved approximately 1.7 million acres of Federal lands as the smallest area compatible with the proper care and management of objects of historic and scientific interest; and

WHEREAS, on three separate occasions the Congress adjusted the boundaries of the monument—the Utah Schools and Lands Exchange Act of 1998, Public Law 105–335, 112 Stat. 3139; title II of Public Law 105–355, 112 Stat. 3247, 3252 (1998); and section 2604 of the Omnibus Public Land Management Act of 2009, Public Law 111–11, 123 Stat. 991, 1120—ultimately increasing the Federal lands reserved for the monument by more than 180,000 acres.

WHEREAS, Proclamation 9682 of December 4, 2017, modifies the management direction of the Grand Staircase-Escalante National Monument and excludes nearly half of the lands reserved in Proclamation 6920, which include lands containing objects of historic and scientific interest that Proclamation 6920 identifies as needing protection, such as portions of Circle Cliffs and Waterpocket Fold; and

WHEREAS, December 4, 2017, was the first time that a President asserted that the Antiquities Act included the authority to reduce the boundaries of a national monument or remove objects from protection under the Antiquities Act since the 1976 passage of the Federal Land Policy and Management Act, as amended (43 U.S.C. 1701 *et seq.*); and

WHEREAS, I find that each of the historic and scientific resources identified above and in Proclamation 6920 are objects of historic or scientific interest in need of protection under 54 U.S.C. 320301; and

WHEREAS, I find that the unique nature of the Grand Staircase-Escalante landscape, and the collection of objects and resources there-

in, make the entire landscape within the boundaries reserved by this proclamation an object of historic and scientific interest in need of protection under 54 U.S.C. 320301; and

WHEREAS, I find that there are threats to the objects identified in this proclamation and Proclamation 6920; and

WHEREAS, I find, in the absence of a reservation under the Antiquities Act, the objects identified in this proclamation and in Proclamation 6920 are not adequately protected by otherwise applicable law or administrative designations because neither provide the Department of the Interior with the specific mandate to ensure proper care and management of the objects, nor do they withdraw the lands from the operation of the public land, mining, and mineral leasing laws, and so a national monument reservation is necessary to protect the objects of historic and scientific interest in the Grand Staircase-Escalante region for current and future generations; and

WHEREAS, I find that the boundaries of the monument reserved by this proclamation represent the smallest area compatible with the protection of the objects of historic or scientific interest as required by the Antiquities Act; and

WHEREAS, it is in the public interest to ensure the preservation, restoration, and protection of the objects of historic or scientific interest on the Grand Staircase-Escalante lands, including the entire monument landscape, reserved within the boundaries established by this proclamation;

NOW, THEREFORE, I, JOSEPH R. BIDEN JR., President of the United States of America, by the authority vested in me by section 320301 of title 54, United States Code, hereby proclaim the objects identified above and in Proclamation 6920 that are situated upon lands and interests in lands owned or controlled by the Federal Government to be the Grand Staircase-Escalante National Monument (monument) and, for the purpose of protecting those objects, reserve as part thereof all lands and interests in lands not currently reserved as part of a monument reservation and that are owned or controlled by the Federal Government within the boundaries described on the accompanying map, which is attached to and forms a part of this proclamation. These reserved Federal lands and interests in lands consist of those lands reserved as part of the Grand Staircase-Escalante National Monument as of December 3, 2017, encompassing approximately 1.87 million acres. As a result of the distribution of the objects across the Grand Staircase-Escalante landscape, and additionally and independently, because the landscape itself is an object in need of protection, the boundaries described on the accompanying map are confined to the smallest area compatible with the proper care and management of the objects of historic or scientific interest identified above and in Proclamation 6920.

All Federal lands and interests in lands within the boundaries of the monument are hereby appropriated and withdrawn from all forms of entry, location, selection, sale, or other disposition under the public land laws, from location, entry, and patent under the mining laws, and from disposition under all laws relating to mineral and geothermal leasing, other than by exchange that furthers the protective purposes of the monument.

This proclamation is subject to valid existing rights. If the Federal Government subsequently acquires any lands or interests in lands not owned or controlled by the Federal Government within the boundaries described on the accompanying map, such lands and interests in lands shall be reserved as a part of the monument, and objects identified above that are situated upon those lands and interests in lands shall be part of the monument, upon acquisition of ownership or control by the Federal Government.

The Secretary of the Interior (Secretary) shall manage the monument through the Bureau of Land Management (BLM), as a unit of the National Landscape Conservation System, and in accordance with the terms, conditions, and management direction provided by this proclamation and, unless otherwise specifically provided herein, those provided by Proclamation 6920, the latter of which are incorporated herein by reference. To the extent any provision of Proclamation 9682 is inconsistent with Proclamation 6920 or this proclamation, the terms of this proclamation and Proclamation 6920 shall govern. To further the orderly management of monument lands, the monument will be managed as a single unit comprising the entire 1.87 million-acre Grand Staircase-Escalante National Monument.

For purposes of protecting and restoring the objects identified above and in Proclamation 6920, the Secretary shall prepare and maintain a new management plan for the entire monument. The Secretary, through the BLM, shall consult with other Federal land management agencies or agency components in the local area, including the National Park Service, in developing the management plan. The Secretary shall provide for maximum public involvement in the development of that plan, including consultation with federally recognized Tribal Nations and State and local governments. In the development and implementation of the management plan, the Secretary shall maximize opportunities, pursuant to applicable legal authorities, for shared resources, operational efficiency, and cooperation.

The Secretary, through the BLM, shall maintain an advisory committee under the Federal Advisory Committee Act (5 U.S.C. App.) with the specific purpose of providing information and advice regarding the development of the management plan and, as appropriate, management of the monument, including scientific research that occurs therein. This advisory committee shall consist of a fair and balanced representation of interested stakeholders, including State and local governments, Tribal Nations, recreational users, conservation organizations, educators, local business owners, private landowners, and the scientific community, which may include members with expertise in archaeology, paleontology, entomology, geology, botany, wildlife biology, social science, or systems ecology.

Nothing in this proclamation shall be deemed to enlarge or diminish the rights or jurisdiction of any Tribal Nation. The Secretary shall, to the maximum extent permitted by law and in consultation with Tribal Nations, ensure the protection of sacred sites and cultural properties and sites in the monument and provide access to Tribal members for traditional cultural, spiritual, and customary uses, consistent with the American Indian Religious Freedom Act (42 U.S.C. 1996) and Executive Order 13007 of May 24, 1996 (Indian Sacred Sites), including collection of medicines, berries and other vegetation, forest products, and firewood for personal noncommercial use in a manner consistent with

the care and management of the objects identified above and in Proclamation 6920.

The Secretary shall manage livestock grazing as authorized under existing permits or leases, and subject to appropriate terms and conditions in accordance with existing laws and regulations, consistent with the care and management of the objects identified above and in Proclamation 6920. Should grazing permits or leases be voluntarily relinquished by existing holders, the Secretary shall retire from livestock grazing the lands covered by such permits or leases pursuant to the processes of applicable law. Forage shall not be reallocated for livestock grazing purposes unless the Secretary specifically finds that such reallocation will advance the purposes of this proclamation and Proclamation 6920.

Nothing in this proclamation shall be construed to alter the authority or responsibility of any party with respect to emergency response activities within the monument, including wildland fire response.

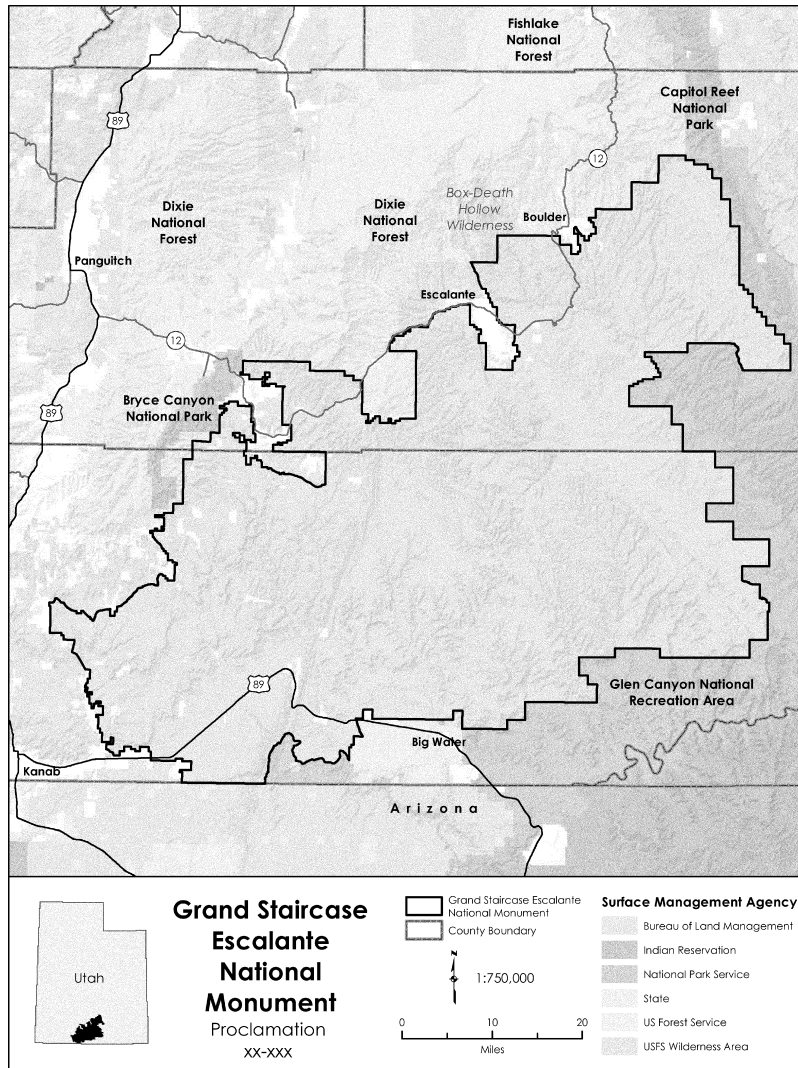
Nothing in this proclamation shall be deemed to revoke any existing withdrawal, reservation, or appropriation; however, the monument shall be the dominant reservation.

Warning is hereby given to all unauthorized persons not to appropriate, injure, destroy, or remove any feature of the monument and not to locate or settle upon any of the lands thereof.

If any provision of this proclamation, including its application to a particular parcel of land, is held to be invalid, the remainder of this proclamation and its application to other parcels of land shall not be affected thereby.

IN WITNESS WHEREOF, I have hereunto set my hand this eighth day of October, in the year of our Lord two thousand twenty-one, and of the Independence of the United States of America the two hundred and forty-sixth.

JOSEPH R. BIDEN, JR.



Proclamation 10287 of October 8, 2021

Northeast Canyons and Seamounts Marine National Monument

By the President of the United States of America
A Proclamation

On September 15, 2016, President Barack Obama issued Proclamation 9496 (Northeast Canyons and Seamounts Marine National Monument), which designated approximately 4,913 square miles of waters and submerged lands where the Atlantic Ocean meets the continental shelf as

the Northeast Canyons and Seamounts Marine National Monument. This designation represented the culmination of nearly a half-century of conservation efforts to preserve the vulnerable deep marine ecosystems of the Atlantic canyons and seamounts, which are widely known as natural laboratories for the long-term study of benthic ecology due to their rich biodiversity of important deep-sea corals, endangered whales, endangered and threatened sea turtles, other marine mammals, and numerous fish and invertebrate species.

The monument is composed of two units, the Canyons Unit and the Seamounts Unit, each of which showcases unique geological features that anchor vulnerable ecological communities threatened by varied uses, climate change, and related impacts. As described by Proclamation 9496, the Canyons Unit includes three underwater canyons: Oceanographer, Gilbert, and Lydonia. The canyons' hard walls, which range from 200 meters to thousands of meters deep, provide important habitats for, and support the life cycles of, a diversity of ocean life, including sponges, corals, and other invertebrates; larger species such as squid, octopuses, skates, flounders, and crabs; and highly migratory oceanic species, including tuna, billfish, sharks, toothed whales (such as the endangered sperm whale), and many species of beaked whales. The larger Seamounts Unit is home to four extinct undersea volcanoes—Bear, Physalia, Retriever, and Mytilus—that form a portion of an underwater chain of more than 30 extinct volcanoes that runs from the southern side of the Georges Bank to midway across the western Atlantic Ocean. These extinct volcanoes were formed as the Earth's crust passed over a stationary hot spot that pushed magma up through the seafloor, and many of them have flat tops that were created as ocean waves eroded the cooling magma. Geographically isolated from the continental platform and characterized by steep and complex submarine topography that interrupts existing ocean currents and provides a constant supply of plankton and nutrients, the seamounts are biological islands with various substrates that form ocean oases and act as incubators for new life. All four seamounts support highly diverse ecological communities, including many rare and endemic species that are new to science and are not known to live anywhere else on Earth. Together, the monument's submarine canyons and seamounts create the unique ecological conditions necessary to support one of the Atlantic Ocean's most biologically productive and important marine environments and one of science's greatest oceanic laboratories. Proclamation 9496 recognized the undersea canyons and seamounts, the deep-sea, pelagic, and other marine ecosystems they support, and the biodiversity they contain as objects of historic and scientific interest and dedicated the Federal lands and waters within the monuments' boundaries to their protection.

To provide for the proper care and management of the monument's objects of historic and scientific interest, Proclamation 9496 directed the Secretary of Commerce and the Secretary of the Interior (Secretaries) to prepare a joint management plan and promulgate implementing regulations, as appropriate. To the extent consistent with domestic and international law, Proclamation 9496 also directed the Secretaries to prohibit certain activities within the monument, including mineral exploration and development; the use of poisons, electrical charges, or explosives to collect or harvest monument resources; and drilling into, anchoring, dredging, or otherwise altering submerged lands. Proclama-

tion 9496 also directed the Secretaries to prohibit all commercial fishing within the monument, but allowed the Secretaries to permit a 7-year phase-out for red crab and American lobster commercial fishing.

Despite the monument's ecological importance, wealth of objects of historic and scientific interest, and potential for additional scientific discovery, President Donald Trump issued Proclamation 10049 (Modifying the Northeast Canyons and Seamounts Marine National Monument) on June 5, 2020, to remove the restrictions on commercial fishing. Multiple parties challenged Proclamation 10049 in Federal court, asserting that it exceeded the President's authority under the Antiquities Act. Restoring the prohibition on commercial fishing will ensure that the unique, fragile, and largely pristine canyons and seamounts, and the dynamic ocean systems and marine life they support, identified in Proclamation 9496 as objects of historic or scientific interest requiring protection under the Antiquities Act, will be safeguarded and will continue to provide an important venue for scientific study and research.

The Canyons Unit and Seamounts Unit each contain interconnected oceanographic, geologic, and biologic features that create a unique oceanic system that supports an abundant concentration of biodiversity. These features' close proximity to each other results in an interdependent whole that exceeds the sum of its constituent parts.

In the case of the Canyons Unit, the monument boundary closely corresponds to a contiguous continental shelf break area around the heads of the three canyons, which extend seaward from features that have not yet fully taken on the distinctive canyon shape, to the walls and valleys of the canyons themselves, and out to the start of the outer shelf thousands of meters below. Within this transitional region, the walls of the three closely situated canyons combine with ocean currents, temperature gradients, eddies, and fronts to create significant and complex nutrient cycling and other processes that result in a biologically rich and distinct oceanic system. The Canyons Unit is sized to correspond to and protect these large-scale oceanic processes that provide the foundation for the distinct habitat that supports numerous objects of scientific interest. For example, the shallower depths of the canyons include ecologically significant and vulnerable habitat for tilefish, which function as ecosystem engineers by creating "pueblo" habitat at depths of 100 to 300 meters in the monument's canyons, which in turn supports a diversity of fish and invertebrate species. The Canyons Unit also supports a great abundance of marine mammals and other upper-trophic level predators attracted to the prey abundance fostered by the Canyons Unit's unique marine landscape. Due to the close proximity of the three canyons to one another, congregating marine mammals and pelagic fish species routinely transit the inter-canyon areas while foraging among the biologic abundance found there. This is an example of the important ecological linkages that connect the monument's various topographies, the surrounding shelf, and the water column above them, which necessitate protection of the entire interrelated system.

In the case of the Seamounts Unit, the boundary encompasses the four seamounts and the areas between the edges of Bear and Retriever Seamounts on the north side, Bear and Mytilus Seamounts on the south side, and out to the boundary line of the Exclusive Economic Zone on the east side. These four seamounts, rising thousands of feet from the surrounding seafloor, are the only seamounts located within

U.S. Atlantic waters. As with the Canyons Unit, the proximity of these important geologic features to each other influences the currents, upwelling, stratification, and mixing that make the species and habitat within the monument so diverse, abundant, and unique. The seamounts function as oases in the open ocean environment and feature distinct ecological communities as they grade down from the relatively shallow seamount peaks to the abyss below. They are critical to protecting the ecosystem linkages that transport nutrients to the surface through predator-prey interactions and temperature-driven upwelling, and transport organic carbon to deep-sea ecosystems (corals and benthic communities) through plankton and fecal detritus, downwelling materials, down-slope currents, and animal migration and mortality.

The boundaries of the monument reflect the need to protect the canyons, seamounts, and the attendant deep-sea, pelagic, and other marine ecosystems, which are themselves objects of historic and scientific interest, as well as the complex geologic, oceanographic, and biologic characteristics in the Canyons Unit and Seamounts Unit. The monument ensures these vulnerable marine ecosystems are safeguarded and will remain the great ocean laboratories recognized in Proclamation 9496. The boundaries are closely hewn to prominent geologic objects that form the foundation of closely linked habitats, which support the monument's great abundance and diversity of life. The boundaries are scaled to avoid cascading negative effects from failing to protect parts of these complex and interconnected marine environments and their unique oceanographic processes. In order to ensure effective management and protection of the objects of historic and scientific interest, straight-line coordinates are used where possible to provide clear and enforceable demarcation of this open-ocean monument. For these reasons, Proclamation 9496 found that the lands owned or controlled by the Federal Government within the monument's boundaries were the smallest area compatible with the proper care and management of the objects of historic and scientific interest designated for protection.

Commercial fishing activity has the potential to significantly degrade the monument's objects of historic and scientific interest. Bottom-contact fishing gear and fixed fishing gear (for example, traps, gillnets, and bottom and pelagic long-line gear) with buoys, submerged lines, and associated traps, mesh, or hooks, all pose threats to the canyons and seamounts, the ecosystem, and the deep-sea, pelagic, and other marine life they support, as well as the additional objects of historic and scientific interest contained therein. Although statutes such as the Magnuson-Stevens Fishery Conservation and Management Act, 16 U.S.C. 1801 *et seq.*, the Endangered Species Act, 16 U.S.C. 1531 *et seq.*, the Migratory Bird Treaty Act, 16 U.S.C. 703–712, the National Wildlife Refuge System Administration Act, 16 U.S.C. 668dd–668ee, the Refuge Recreation Act, 16 U.S.C. 460k *et seq.*, the Marine Mammal Protection Act, 16 U.S.C. 1361 *et seq.*, the Clean Water Act, 33 U.S.C. 1251 *et seq.*, the Oil Pollution Act, 33 U.S.C. 2701 *et seq.*, the National Marine Sanctuaries Act, 16 U.S.C. 1431 *et seq.*, and Title I of the Marine Protection, Research and Sanctuaries Act (Ocean Dumping Act), 33 U.S.C. 1401 *et seq.*, provide important safeguards that did not exist prior to the Antiquities Act's passage, these laws do not adequately address the threats facing the canyons and seamounts and their surrounding ecosystem. The prohibition on commercial fishing confers necessary, addi-

tional, and lasting protections for the objects of historic and scientific interest in the Northeast Canyons and Seamounts Marine National Monument for current and future generations.

Protection of the Northeast Canyons and Seamounts as a marine national monument preserves significant geological features, marine biota, and deep-sea, pelagic, and other marine ecosystems that the canyons and seamounts create and support as they interact with ocean currents, ensuring that the natural and scientific values of this area are maintained for the benefit of all Americans and for the discovery of new information about living marine resources for years to come.

WHEREAS, section 320301 of title 54, United States Code (the “Antiquities Act”) authorizes the President, in his discretion, to declare by public proclamation historic landmarks, historic and prehistoric structures, and other objects of historic or scientific interest that are situated upon the lands owned or controlled by the Federal Government to be national monuments, and to reserve as a part thereof parcels of land, the limits of which shall be confined to the smallest area compatible with the proper care and management of the objects to be protected; and

WHEREAS, Proclamation 9496 designated the Northeast Canyons and Seamounts Marine National Monument in the Atlantic Ocean and reserved approximately 4,913 square miles of water and submerged lands in and around certain deep-sea canyons and seamounts situated upon lands and interests in lands owned or controlled by the Federal Government as the smallest area compatible with the proper care and management of objects of historic and scientific interest; and

WHEREAS, Proclamation 10049 modified the conditions of the Northeast Canyons and Seamounts Marine National Monument to allow commercial fishing activities, which could impact monument objects; and

WHEREAS, I find that the resources identified above and in Proclamation 9496 are objects of historic or scientific interest in need of protection under the Antiquities Act; and

WHEREAS, I find that the unique nature of the waters and submerged lands that make up the marine environment in the Northeast Canyons and Seamounts area and the collection of objects and resources therein make the entire area within the boundaries of the monument an object of historic and scientific interest in need of protection under the Antiquities Act; and

WHEREAS, I find that there are documented threats to the objects identified above and in Proclamation 9496; and

WHEREAS, I find that the objects identified above and in Proclamation 9496 are not adequately protected by applicable law and other administrative designations; and

WHEREAS, I find that the boundaries of the monument reserved by Proclamation 9496 represent the smallest area compatible with the proper care and management of the objects of historic or scientific interest; and

WHEREAS, it is in the public interest to ensure the preservation and protection of the objects of historic and scientific interest in the Northeast Canyons and Seamounts Marine National Monument;

NOW, THEREFORE, I, JOSEPH R. BIDEN JR., President of the United States of America, by the authority vested in me by section 320301 of title 54, United States Code, hereby proclaim that, in order to provide for the proper care and management of the objects identified above and in Proclamation 9496, management of lands and interests in lands owned or controlled by the Federal Government within the Northeast Canyons and Seamounts Marine National Monument shall be governed by the management provisions of Proclamation 9496. Such provisions include paragraph 6 in the section entitled “Prohibited Activities” and paragraph 5 in the section entitled “Regulated Activities,” which provide for the prohibition of all commercial fishing in the monument, except for red crab and American lobster commercial fishing, which may be permitted until September 15, 2023.

The Secretary of Commerce, through the National Oceanic and Atmospheric Administration, and the Secretary of the Interior, through the United States Fish and Wildlife Service, share management responsibility for the monument, as prescribed in Proclamation 9496. Within their respective authorities, the Secretaries shall prepare a joint management plan for the monument by September 15, 2023, and, as appropriate, shall promulgate implementing regulations that address any further specific actions necessary for the proper care and management of the objects and area identified above and in Proclamation 9496.

To the extent any provision of Proclamation 10049 is inconsistent with this proclamation or Proclamation 9496, the terms of this proclamation and Proclamation 9496 shall govern.

Warning is hereby given to all unauthorized persons not to appropriate, excavate, injure, destroy, or remove any feature of this monument and not to locate or settle upon any lands thereof.

If any provision of this proclamation, including its application to a particular parcel of land, is held to be invalid, the remainder of this proclamation and its application to other parcels of land shall not be affected thereby.

IN WITNESS WHEREOF, I have hereunto set my hand this eighth day of October, in the year of our Lord two thousand twenty-one, and of the Independence of the United States of America the two hundred and forty-sixth.

JOSEPH R. BIDEN, JR.

Proclamation 10288 of October 14, 2021

Blind Americans Equality Day, 2021

By the President of the United States of America
A Proclamation

Thirty-one years ago, our Nation moved closer to fulfilling its foundational promise of equal dignity and opportunity for all with the enactment of the landmark Americans with Disabilities Act. This bipartisan legislation—which I proudly co-sponsored as a member of the United States Senate—has made a profound difference in the lives of blind Americans, paving the way for greater opportunity, self-suffi-

ciency, independent living, and equitable participation in all aspects of life. On Blind Americans Equality Day, we recognize the rights, talents, and contributions of blind and visually impaired Americans who represent every segment of our diverse population.

My Administration is committed to building on the foundation of the Americans with Disabilities Act by ensuring that blind and visually impaired Americans have equitable opportunities for employment and career advancement. That is why I signed Executive Orders to advance diversity, equity, inclusion, and accessibility within the Federal workforce and to raise the minimum wage of Federal contractors to \$15 an hour—orders which will directly impact our many Federal contractors who are blind and visually impaired. These actions will further enable Federal workers with disabilities to access reasonable accommodations and gain greater economic self-sufficiency while spurring the Federal Government to be a model employer in providing equitable, accessible, and inclusive work environments for employees with disabilities.

My Administration is also providing funding opportunities across agencies to advance competitive integrated employment opportunities for disabled workers. And to provide much-needed financial relief during the COVID-19 pandemic, my Administration recently awarded \$20 million through the Randolph-Sheppard Vending Facilities Program to assist blind entrepreneurs and provide opportunities for blind vendors to operate vending facilities on Federal property.

Building an accessible, equitable Nation for all Americans is a key part of building back better, and for many families, fulfilling that commitment begins in America's classrooms. When we invest in education, we advance equity and opportunity for millions of students, including children who are blind and visually impaired. My American Rescue Plan has made over \$3 billion available to help State educational agencies recover from the impact of the COVID-19 pandemic. This funding is supporting special education, early intervention, and related services for children with disabilities and their families. While the American Rescue Plan increased the amount of the Federal Government's financial contribution to the education of children with disabilities, my Administration is also working with the Congress to fully fund the Individuals with Disabilities Education Act—so that disabled students can receive an education that is tailored to their individual needs.

This is about who we are as Americans—and these actions are helping us move our country closer to the fulfillment of our highest ideals of equity and opportunity for all. On Blind Americans Equality Day, we recommit to ensuring freedom, equality, and opportunity for all blind and visually impaired Americans, whose contributions continue to make our Nation stronger.

By joint resolution approved on October 6, 1964 (Public Law 88-628, as amended), the Congress authorized October 15 of each year as “White Cane Safety Day,” which is recognized today as “Blind Americans Equality Day,” to honor the contributions of blind and visually impaired Americans.

NOW, THEREFORE, I, JOSEPH R. BIDEN JR., President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim October 15, 2021, as Blind Americans Equality Day. I call upon all government

officials, educators, volunteers, and all the people of the United States to mark this day with appropriate programs, ceremonies, and activities.

IN WITNESS WHEREOF, I have hereunto set my hand this fourteenth day of October, in the year of our Lord two thousand twenty-one, and of the Independence of the United States of America the two hundred and forty-sixth.

JOSEPH R. BIDEN, JR.

Proclamation 10289 of October 15, 2021

National Peace Officers' Memorial Service

By the President of the United States of America
A Proclamation

In honor of the National Peace Officers' Memorial Service being held in Washington, D.C., to remember and pay respect to law enforcement officers who died in the line of duty and their families, by the authority vested in me as President of the United States by the Constitution and the laws of the United States of America, I hereby order that the flag of the United States shall be flown at half-staff at the White House and upon all public buildings and grounds, at all military posts and naval stations, and on all naval vessels of the Federal Government in the District of Columbia and throughout the United States and its Territories and possessions on Saturday, October 16, 2021. I also direct that the flag shall be flown at half-staff for the same length of time at all United States embassies, legations, consular offices, and other facilities abroad, including all military facilities and naval vessels and stations.

IN WITNESS WHEREOF, I have hereunto set my hand this fifteenth day of October, in the year of our Lord two thousand twenty-one, and of the Independence of the United States of America the two hundred and forty-sixth.

JOSEPH R. BIDEN, JR.

Proclamation 10290 of October 15, 2021

National Character Counts Week, 2021

By the President of the United States of America
A Proclamation

Every day, each of us makes countless decisions that ultimately define our character and who we are as people. Life's daily choices may not always seem consequential, but they have tremendous potential to transform our communities, our country, and our world. Our words have the power to lift up or tear down, to inspire or discourage, and to comfort or torment. Our actions have the power to create or destroy, to heal or to hurt, and to unify or divide.

As Americans, our individual character—the sum of qualities that defines who we are and how we treat one another—shapes the character of our Nation and shapes the world we leave for our children. Our character is defined and revealed by the choices we make over a lifetime and, in the case of our Nation, from generation to generation. As we celebrate National Character Counts Week, I encourage all Americans to examine and embody the highest ideals that define our Nation and that have helped us overcome our greatest challenges.

I have long said that the story of America is the story of ordinary people doing extraordinary things. It is a story of strength and resilience, courage and character. Today, our Nation faces tests like very few before—from fighting the COVID-19 pandemic and addressing longstanding inequities and injustices, to confronting the ravages of climate change, and responding to threats to our very democracy. Despite these trials, it is the character of the American people—courageous, selfless, and community-minded—that is pulling us through. As we see in our first responders on the frontlines of the pandemic helping their communities with selfless compassion, in our service members bravely serving around the globe, in our scientists pursuing knowledge with integrity, in our firefighters combating wildfires, and in our teachers and parents and students adapting to new learning environments with patience and determination—Americans are meeting the moment by working to see that we overcome our challenges together.

Character is also revealed by our choices. We must choose to uphold the dignity of all Americans by protecting their health and security, investing in their education and development, helping the needy and the vulnerable, and erasing the stain of hate and discrimination from our society. On this and so many other tasks, I firmly believe that the American people are up to the challenge.

NOW, THEREFORE, I, JOSEPH R. BIDEN JR., President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim October 17 through October 23, 2021, as National Character Counts Week. I encourage all Americans to set aside differences and join in efforts of service that contribute to their communities.

IN WITNESS WHEREOF, I have hereunto set my hand this fifteenth day of October, in the year of our Lord two thousand twenty-one, and of the Independence of the United States of America the two hundred and forty-sixth.

JOSEPH R. BIDEN, JR.

Proclamation 10291 of October 15, 2021

National Forest Products Week, 2021

*By the President of the United States of America
A Proclamation*

For thousands of years, humans have relied on forests for food, fuel, shelter, and medicine among other important uses. Today, forests support the livelihoods of people across the globe, providing jobs and an economic base for families and communities. In the United States, our

forests are vital to our Nation, our people, and our economy. They provide wildlife habitat, clean air and water, and renewable materials and energy for the benefit of Americans. Forests also provide Americans countless opportunities for recreation and relaxation, and they remain vital for ceremonies and cultural practices long held by Tribal Nations. During National Forest Products Week, we celebrate the wealth of products and benefits our forests provide, and we recommit ourselves to wisely and sustainably stewarding them to meet our Nation's needs today and long into the future.

While celebrating our forests, we must also acknowledge they are under duress. Climate change threatens our forests by increasing the severity and frequency of wildfires, droughts, floods, and extreme temperatures. My Administration is committed to confronting the climate crisis and the associated challenges facing our forests, including those stemming from biodiversity loss, extreme weather, and insect and disease outbreaks. That is why my Administration launched the “America the Beautiful” initiative with the goal of bringing Americans together to conserve at least 30 percent of our lands and waters by 2030. This initiative elevates forest restoration as a way to create jobs while also reducing the threat of catastrophic wildfires, restoring ecosystem function, and fighting the climate crisis. This ambitious goal will drive us forward to meet the urgent challenges we face in maintaining the health, diversity, and productivity of our forests.

Our forests and the many ecosystem services and wood products they provide are key elements in securing an environmentally sustainable economy. My Administration will continue to advance community-driven conservation and restoration initiatives that will create good jobs—especially in low-income and rural communities—and generate economic growth. My Administration is also supporting business opportunities that advance forest conservation and create jobs by expanding markets for innovative forest products through Federal programs such as the United States Department of Agriculture Forest Service Wood Innovations and Community Wood grant programs. We are proposing investments in sustainable and innovative uses for wood waste materials to produce advanced biofuels, biochar, heat, and power—including through sustainable aviation fuels and other sustainable biofuels. These programs have the potential to support increased connections between the health of our forests, economic opportunity, and the production of valuable renewable energy.

To recognize the importance of the many products generated from our Nation's forests, the Congress, by Public Law 86–753 (36 U.S.C. 123), as amended, has designated the week beginning on the third Sunday in October of each year as “National Forest Products Week” and has authorized and requested the President to issue a proclamation in observance of this week. As part of National Forest Products Week, let us rededicate ourselves to working together across public, Tribal, and private lands to sustain the ability of America's forests to continue to provide the multitude of benefits that will enhance our lives for generations to come.

NOW, THEREFORE, I, JOSEPH R. BIDEN JR., President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim October 17 through October 23, 2021, as National Forest Products Week. I call upon the people of the United States to join me in this observance and

in recognizing all Americans who are responsible for the stewardship of our Nation's beautiful, forested landscapes.

IN WITNESS WHEREOF, I have hereunto set my hand this fifteenth day of October, in the year of our Lord two thousand twenty-one, and of the Independence of the United States of America the two hundred and forty-sixth.

JOSEPH R. BIDEN, JR.

Proclamation 10292 of October 18, 2021

Death of General Colin Powell

By the President of the United States of America

A Proclamation

General Colin Powell was a patriot of unmatched honor and dignity. The son of immigrants, born in New York City, raised in Harlem and the South Bronx, a graduate of the City College of New York, he rose to the highest ranks of the United States military and to advise four Presidents. He believed in the promise of America because he lived it. And he devoted much of his life to making that promise a reality for so many others. He embodied the highest ideals of both warrior and diplomat. He led with his personal commitment to the democratic values that make our country strong. He repeatedly broke racial barriers, blazing a trail for others to follow, and was committed throughout his life to investing in the next generation of leadership. Colin Powell was a good man who I was proud to call my friend, and he will be remembered in history as one of our great Americans.

As a mark of respect for General Powell and his life of service to our Nation, I hereby order, by the authority vested in me as President of the United States by the Constitution and the laws of the United States of America, that the flag of the United States shall be flown at half-staff at the White House and upon all public buildings and grounds, at all military posts and naval stations, and on all naval vessels of the Federal Government in the District of Columbia and throughout the United States and its Territories and possessions until sunset on October 22, 2021. I also direct that the flag shall be flown at half-staff for the same length of time at all United States embassies, legations, consular offices, and other facilities abroad, including all military facilities and naval vessels and stations.

IN WITNESS WHEREOF, I have hereunto set my hand this eighteenth day of October, in the year of our Lord two thousand twenty-one, and of the Independence of the United States of America the two hundred and forty-sixth.

JOSEPH R. BIDEN, JR.

Proclamation 10293 of October 22, 2021**United Nations Day, 2021**

By the President of the United States of America

A Proclamation

Seventy-six years ago, emerging from the ashes of a devastating World War, countries around the world embarked on a shared mission: creating a rules-based international order, grounded in democratic values, to advance universal human rights, promote the peaceful settlement of disputes, and ensure adherence to international law. The United Nations was—and remains—the cornerstone of that international order, contributing to unmatched strides towards peace and prosperity shared around the world. Our collective resolve, expressed in the United Nations Charter, remains to uphold our “faith in fundamental human rights, in the dignity and worth of the human person, in the equal rights of men and women and of nations large and small.” On United Nations Day, we celebrate the achievements of this bold declaration, reaffirm the inherent humanity that unites us, and renew our commitment to building a future that advances peace, dignity, and security for all.

Today, we stand in a moment of great pain and extraordinary possibility. Globally, nearly 5 million lives have been lost due to the COVID-19 pandemic, climate catastrophes continue to ravage our communities, inequalities and inequities are on the rise, democracy is under threat, and abuses of emerging technologies are destabilizing societies. Yet we also have new tools and new opportunities to rebuild a better world that is safer and freer for generations yet to come. It is clear that these global challenges require global cooperation, and the United States is determined to lead alongside our allies and partners to tackle the most pressing issues of our age. The United Nations remains the most important forum of its kind for mobilizing collective action to resolve global problems, maintain international peace and security, advance human rights, promote health and well-being, protect the vulnerable and marginalized, and sustain a rules-based international order. As the largest financial contributor to the United Nations, the United States has a deep stake in strengthening and modernizing the multilateral system to better enable us to meet the challenges of the 21st century.

The United Nations remains critical to advancing our national security and foreign policy interests. Since I took office, my Administration has rejoined the Paris Climate Agreement, launched a campaign for a seat on the United Nations Human Rights Council, and restored United States membership in and funding for the World Health Organization. Because none of us will be safe until all of us are safe, the United States is providing over \$15 billion toward the global COVID-19 response and has delivered more than 190 million doses of the COVID-19 vaccine to nations around the world, including our COVAX donations. To date, we have pledged to donate more than 1.2 billion doses of the COVID-19 vaccine, and we will continue to think big and do what we must to lead the world out of this pandemic. To ensure that the United Nations can play its central role in delivering global solutions for today’s challenges, my budget proposal calls for the United States to pay its share of the United Nations’ annual regular and peace

keeping budgets in full. With these key contributions, we are making clear to the world that America is committed to fulfilling its historic role and responsibility to safeguard and strengthen the rules-based order.

We are at an inflection point in history. The choices we make in the next few years—whether or not we come together to face our greatest global challenges—will determine our future for decades to come. The United States stands firmly in support of the United Nations and will continue to rally the world to action not just with the example of our power but with the power of our example. Let us remember that our determination and faith in a better future laid the groundwork for the creation of the United Nations 76 years ago. Now, in a new century, we must work with allies and partners to strengthen the United Nations to effectively and efficiently tackle the challenges that defy political borders and geographical boundaries today. Tremendous work lies ahead of us, but we all share the responsibility to recommit ourselves to the original vision and values enshrined in the United Nations Charter: freedom, equality, opportunity, and human dignity. By doing so, we can build back a better world and ensure America's lasting leadership on the world stage.

NOW, THEREFORE, I, JOSEPH R. BIDEN JR., President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim October 24, 2021, as United Nations Day. I urge the Governors of the United States and its Territories, and the officials of all other areas under the flag of the United States, to observe United Nations Day with appropriate ceremonies and activities.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-second day of October, in the year of our Lord two thousand twenty-one, and of the Independence of the United States of America the two hundred and forty-sixth.

JOSEPH R. BIDEN, JR.

Proclamation 10294 of October 25, 2021

Advancing the Safe Resumption of Global Travel During the COVID-19 Pandemic

By the President of the United States of America
A Proclamation

The continued spread of the SARS-CoV-2 virus that causes coronavirus disease 2019 (COVID-19) is a global threat to our health and safety. COVID-19 has resulted in more than 733,000 deaths in the United States and more than 4,932,000 deaths worldwide. New variants of SARS-CoV-2 have also emerged globally, and variants that are more transmissible or cause more severe disease than the original virus strain are identified by the United States Government SARS-CoV-2 Interagency Group as variants of concern. Globally, as of October 20, 2021, 166 countries have reported cases of the B.1.617.2 (Delta) variant, a variant of concern that spreads more easily than previously discovered variants of SARS-CoV-2. The potential emergence of a var-

iant of high consequence—one that significantly reduces the effectiveness of prevention measures or medical countermeasures—is also a primary public health concern.

It is the policy of my Administration to implement science-based public health measures, across all areas of the Federal Government, to prevent further introduction, transmission, and spread of COVID-19 into and throughout the United States, including from international air travelers. The Centers for Disease Control and Prevention (CDC) within the Department of Health and Human Services has determined that the best way to slow the spread of COVID-19, including preventing infection by the Delta variant, is for individuals to get vaccinated. According to the CDC, vaccinated individuals are 5 times less likely to be infected and 10 times less likely to experience hospitalization or death due to COVID-19 than unvaccinated individuals. Other mitigation measures are also critical to slowing the spread of COVID-19. These measures include testing and mask-wearing, which are particularly important strategies to limit the spread of COVID-19 from asymptomatic and pre-symptomatic individuals, as well as self-quarantining and self-isolating. But vaccination is the most important measure for reducing the risk of COVID-19 transmission and for avoiding severe illness, hospitalization, and death.

Substantial efforts are being made to increase vaccination rates across the globe. The availability of COVID-19 vaccines is rising, and over 6 billion doses have been administered globally. As of October 24, 2021, 29 countries have a COVID-19 vaccination rate higher than 70 percent, many countries are making efforts to encourage COVID-19 vaccination for their populations, and some countries are considering or adding proof of vaccination requirements as conditions for entry. Many low-income countries continue to have limited vaccine availability, but the United States is leading a global effort to donate hundreds of millions of vaccine doses where they are needed the most.

In light of these facts and circumstances, I have determined that it is in the interests of the United States to move away from the country-by-country restrictions previously applied during the COVID-19 pandemic and to adopt an air travel policy that relies primarily on vaccination to advance the safe resumption of international air travel to the United States. This proclamation governs the entry into the United States of noncitizen nonimmigrants—that is, noncitizens who are visiting the United States or otherwise being admitted temporarily—traveling to the United States by air. It suspends the entry of unvaccinated noncitizen nonimmigrants, except in limited circumstances, and it ensures that the entry of unvaccinated noncitizen nonimmigrants is consistent with applicable health and safety determinations made by the Director of the CDC, including a requirement that, where appropriate, such individuals agree and arrange to become fully vaccinated against COVID-19 upon their arrival. My Administration has also taken action, apart from this proclamation, to ensure that noncitizen immigrants are vaccinated prior to air travel to the United States.

Together, these policies aim to limit the risk that COVID-19, including variants of the virus that causes COVID-19, is introduced, transmitted, and spread into and throughout the United States, potentially overwhelming United States healthcare and public health resources, endangering the health and safety of the American people, and threatening the security of our civil aviation system. Given the resumption of air

travel as worldwide restrictions due to the COVID-19 pandemic begin to ease, these policies will, consistent with the measures required by Executive Order 13998 of January 21, 2021 (Promoting COVID-19 Safety in Domestic and International Travel), advance the safety and security of the air traveling public, the government personnel responsible for ensuring the security of air travel, and the millions of individuals employed by the United States air travel industry, as well as their families and communities, while also allowing the domestic and global economy to continue its recovery from the effects of the COVID-19 pandemic.

NOW, THEREFORE, I, JOSEPH R. BIDEN JR., President of the United States, by the authority vested in me by the Constitution and the laws of the United States of America, including sections 1182(f) and 1185(a) of title 8, United States Code, and section 301 of title 3, United States Code, hereby find that it is in the interests of the United States to advance the resumption of international travel to the United States, provided necessary health and safety protocols are in place to protect against the further introduction, transmission, and spread of COVID-19 into and throughout the United States. I further find that vaccination requirements are essential to advance the safe resumption of international travel to the United States and that the unrestricted entry of persons described in section 2 of this proclamation would, except as provided for in section 3(a) of this proclamation, be detrimental to the interests of the United States, and that their entry should be subject to certain restrictions, limitations, and exceptions. I therefore hereby proclaim the following:

Section 1. *Revocation of Country-Specific Suspensions and Limitations on Entry.* Proclamation 9984 of January 31, 2020 (Suspension of Entry as Immigrants and Nonimmigrants of Persons Who Pose a Risk of Transmitting 2019 Novel Coronavirus and Other Appropriate Measures To Address This Risk), Proclamation 9992 of February 29, 2020 (Suspension of Entry as Immigrants and Nonimmigrants of Certain Additional Persons Who Pose a Risk of Transmitting 2019 Novel Coronavirus), Proclamation 10143 of January 25, 2021 (Suspension of Entry as Immigrants and Nonimmigrants of Certain Additional Persons Who Pose a Risk of Transmitting Coronavirus Disease 2019), and Proclamation 10199 of April 30, 2021 (Suspension of Entry as Nonimmigrants of Certain Additional Persons Who Pose a Risk of Transmitting Coronavirus Disease 2019), are revoked.

Sec. 2. *Global Suspension and Limitation on Entry of Certain Individuals Who Are Not Fully Vaccinated Against COVID-19.* (a) The entry into the United States by air travel of noncitizens who are nonimmigrants and who are not fully vaccinated against COVID-19 is suspended and limited, except as provided in section 3 of this proclamation. This suspension and limitation on entry applies only to air travelers to the United States and does not affect visa issuance.

(b) Any noncitizen who is a nonimmigrant, who is not fully vaccinated against COVID-19, and who, notwithstanding section 2(a) of this proclamation, is permitted to enter the United States by air travel pursuant to section 3(b) of this proclamation must agree to comply with applicable public health precautions established by the Director of the CDC to protect against the public health risk posed by travelers entering into the United States. Such precautions may be related to vaccination, testing, mask-wearing, self-quarantine, and self-isolation,

as determined by the Director of the CDC, and may include requirements that individuals:

- (i) provide proof of pre-departure testing for COVID-19, as determined by the Director of the CDC;
- (ii) take precautions during air travel to protect against the further introduction, transmission, and spread of COVID-19, including by wearing a face mask, as determined by the Director of the CDC;
- (iii) provide proof of having arranged for post-arrival testing for COVID-19, as determined by the Director of the CDC; and
- (iv) provide proof of having arranged to self-quarantine or self-isolate after arriving in the United States, as determined by the Director of the CDC.

(c) Any noncitizen who is a nonimmigrant, who is not fully vaccinated against COVID-19, and who, notwithstanding section 2(a) of this proclamation, is permitted to enter the United States by air travel pursuant to section 3(b) of this proclamation must agree to become fully vaccinated against COVID-19 within 60 days of arriving in the United States, within some other timeframe as determined by the Director of the CDC, or as soon as medically appropriate as determined by the Director of the CDC, and must provide proof of having arranged to become fully vaccinated against COVID-19 after arriving in the United States, unless:

- (i) the noncitizen's intended stay is sufficiently brief, as determined by the Director of the CDC;
- (ii) the noncitizen is one for whom, given their age, requiring vaccination would be inappropriate, as determined by the Director of the CDC;
- (iii) the noncitizen has participated or is participating in certain clinical trials for COVID-19 vaccination, as determined by the Director of the CDC;
- (iv) COVID-19 vaccination is medically contraindicated for the noncitizen, as determined by the Director of the CDC;
- (v) the noncitizen is described in section 3(b)(i) or 3(b)(ii) of this proclamation and has previously received a COVID-19 vaccine that is authorized or approved by the noncitizen's country of nationality, as determined by the Director of the CDC, in consultation with the Secretary of State; or
- (vi) the Director of the CDC otherwise determines that COVID-19 vaccination is not warranted for the noncitizen.

Sec. 3. *Scope of Suspension and Limitation on Entry.* (a) The suspension and limitations on entry in section 2 of this proclamation shall not apply to any noncitizen seeking entry as a crew member of an airline or other aircraft operator if such crew member or operator adheres to all industry standard protocols for the prevention of COVID-19, as set forth in relevant guidance for crew member health issued by the CDC or by the Federal Aviation Administration in coordination with the CDC.

(b) The suspension and limitations on entry in section 2(a) of this proclamation shall not apply to:

(i) any noncitizen seeking entry into or transiting the United States pursuant to one of the following nonimmigrant visa classifications: A-1, A-2, C-2, C-3 (as a foreign government official or immediate family member of an official), E-1 (as an employee of TECRO or TECO or the employee's immediate family members), G-1, G-2, G-3, G-4, NATO-1 through NATO-4, or NATO-6 (or seeking to enter as a nonimmigrant in one of those NATO classifications);

(ii) any noncitizen whose travel falls within the scope of section 11 of the United Nations Headquarters Agreement or who is traveling pursuant to United States legal obligation (as evidenced by a letter of invitation from the United Nations or other documentation showing the purpose of such travel);

(iii) any noncitizen for whom, given their age, requiring vaccination would be inappropriate, as determined by the Director of the CDC, taking into account global vaccine availability for individuals in that age group;

(iv) any noncitizen who has participated or is participating in certain clinical trials for COVID-19 vaccination, as determined by the Director of the CDC;

(v) any noncitizen for whom accepted COVID-19 vaccination is medically contraindicated, as determined by the Director of the CDC;

(vi) any noncitizen who has been granted an exception by the Director of the CDC for humanitarian or emergency reasons, as determined by the Director of the CDC;

(vii) any noncitizen who is a citizen of a foreign country where the availability of COVID-19 vaccination is limited, as identified pursuant to section 4(a)(v) of this proclamation, and who seeks to enter the United States pursuant to a nonimmigrant visa, except for a B-1 or B-2 visa;

(viii) any noncitizen who is a member of the United States Armed Forces or who is a spouse or child of a member of the United States Armed Forces;

(ix) any noncitizen seeking entry as a sea crew member traveling pursuant to a C-1 and D nonimmigrant visa, if such crew member adheres to all industry standard protocols for the prevention of COVID-19, as set forth in relevant guidance for crew member health by the CDC; or

(x) any noncitizen or group of noncitizens whose entry would be in the national interest, as determined by the Secretary of State, the Secretary of Transportation, the Secretary of Homeland Security, or their designees.

Sec. 4. *Implementation and Enforcement.* (a) The Secretary of Health and Human Services, through the Director of the CDC, shall implement this proclamation as it applies to the public health through such procedures as may be established, and consistent with the CDC's independent public health judgment, including by:

(i) defining and specifying accepted COVID-19 vaccines or combinations of accepted COVID-19 vaccines, and medical contraindications to accepted COVID-19 vaccines or combinations of accepted COVID-19 vaccines, for purposes of this proclamation;

(ii) defining whether an individual is fully vaccinated against COVID-19, and specifying acceptable methods of proving that an individual is fully vaccinated against COVID-19, for purposes of this proclamation;

(iii) specifying acceptable methods of proving that an individual has arranged to comply with applicable public health requirements and protocols to protect against the further introduction, transmission, and spread of COVID-19 into and throughout the United States, including pre-departure testing, post-arrival testing, post-arrival self-quarantine or self-isolation, and post-arrival vaccination against COVID-19, for purposes of this proclamation;

(iv) determining whether certain persons qualify as participants in certain clinical trials for COVID-19 vaccination, for purposes of this proclamation;

(v) maintaining a list of countries where the availability of COVID-19 vaccination is limited, with such countries defined as those where less than 10 percent of the country's total population has been fully vaccinated with any available COVID-19 vaccine or are otherwise determined by the Director of the CDC to qualify as countries where the availability of COVID-19 vaccination is limited; and

(vi) establishing other public health measures consistent with this proclamation to protect against the further introduction, transmission, and spread of COVID-19 into and throughout the United States by persons described in section 2 of this proclamation.

(b) The Secretary of Transportation and the Secretary of Homeland Security shall take steps to ensure that airlines do not permit noncitizens barred from entry pursuant to this proclamation to board an aircraft traveling to the United States, to the extent permitted by law.

(c) Executive departments and agencies shall implement this proclamation, as appropriate and consistent with applicable law, in accordance with such procedures as they may establish.

(d) The Secretary of State, the Secretary of Transportation, and the Secretary of Homeland Security shall review any regulations, orders, guidance documents, policies, and any other similar agency actions developed pursuant to Proclamations 9984, 9992, 10143, and 10199 and, as appropriate, shall consider revising or revoking these agency actions consistent with the policy set forth in this proclamation.

(e) Nothing in this proclamation shall be construed to affect any individual's eligibility for asylum, withholding of removal, or protection under the regulations issued pursuant to the legislation implementing the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, consistent with the laws and regulations of the United States.

(f) Nothing in this proclamation shall be construed to limit the CDC's authority to impose public health requirements and protocols, including on individuals who are fully vaccinated against COVID-19, individuals covered by this proclamation, or individuals not covered by this proclamation, such as United States citizens, lawful permanent residents, or noncitizens traveling on immigrant visas.

Sec. 5. Termination. This proclamation shall remain in effect until terminated by the President. The Secretary of Health and Human Services

shall, as circumstances warrant and no more than 60 days after the date of this proclamation and by the final day of each calendar month thereafter, recommend whether the President should continue, modify, or terminate this proclamation.

Sec. 6. *Effective Date.* This proclamation is effective at 12:01 a.m. eastern standard time on November 8, 2021. This proclamation does not apply to persons aboard a flight scheduled to arrive in the United States that departed prior to 12:01 a.m. eastern standard time on November 8, 2021.

Sec. 7. *Severability.* It is the policy of the United States to enforce this proclamation to the maximum extent possible to advance the national security, public safety, and foreign policy interests of the United States. Accordingly, if any provision of this proclamation, or the application of any provision to any person or circumstance, is held to be invalid, the remainder of this proclamation and the application of its provisions to any other persons or circumstances shall not be affected thereby.

Sec. 8. *General Provisions.* (a) Nothing in this proclamation shall be construed to impair or otherwise affect:

(i) the authority granted by law to an executive department or agency, or the head thereof; or

(ii) the functions of the Director of the Office of Management and Budget relating to budgetary, administrative, or legislative proposals.

(b) This proclamation shall be implemented consistent with applicable law and subject to the availability of appropriations.

(c) This proclamation is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the United States, its departments, agencies, or entities, its officers, employees, or agents, or any other person.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-fifth day of October, in the year of our Lord two thousand twenty-one, and of the Independence of the United States of America the two hundred and forty-sixth.

JOSEPH R. BIDEN, JR.

Proclamation 10295 of October 29, 2021

**Critical Infrastructure Security and Resilience Month,
2021**

*By the President of the United States of America
A Proclamation*

For generations, American infrastructure—from the Erie Canal and the Transcontinental Railroad to the Hoover Dam—has been a cornerstone of our economic power, providing jobs, facilitating transportation, bolstering security, and overcoming barriers posed by distance and geography. During Critical Infrastructure Security and Resilience Month, we renew our commitment to securing and enhancing the resilience of our Nation’s critical infrastructure.

Threats to the critical infrastructure that we all depend on, which underpins our economic and national security, are among the most significant and growing concerns for our Nation, including cyber threats, physical threats, and climate threats. Our country has seen how the technologies we rely on can be targeted by criminal activity and how extreme weather exposes the weaknesses in our power, water, communication, and transportation networks. We must do everything we can to safeguard and strengthen the systems that protect us; provide energy to power our homes, schools, hospitals, businesses, and vehicles; maintain our ability to connect; and ensure that we have reliable access to safe drinking water. While our Nation has been resilient as we have navigated this pandemic, we must continue investing in our workforce to keep pace with the threats we face and ensure we are building back better.

I am committed to protecting our critical infrastructure and improving security and resilience efforts across the Nation. Most of our Nation's critical infrastructure—from communication lines to transportation networks—depends on coordination and cooperation among Federal, State, Tribal, and local governments, along with industry partners. That is why, earlier this year, my Administration launched an Industrial Control Systems Cybersecurity Initiative to strengthen the security of our country's critical infrastructure, which has already created 100-day action plans for the electricity and natural gas pipeline sectors, with more to come, and we institutionalized that Initiative with a National Security Memorandum on Improving Cybersecurity for Critical Infrastructure Control Systems. The voluntary initiative is a collaborative effort between the Federal Government and our private sector partners to significantly improve the cybersecurity of our critical systems by providing technologies that detect threats and can respond in essential control system and operational technology networks. The Department of Homeland Security and the National Institute of Standards and Technology are also partnering with the private sector to develop 'performance goals';—cybersecurity baselines that will improve our Nation's security if critical infrastructure sectors adopt them. Finally, critical infrastructure resilience greatly benefits from close partnerships at home and abroad, and this October, my Administration launched a Counter Ransomware Initiative with more than 30 partners and allies.

At home, my Administration is committed to making a once-in-a-generation investment to prioritize secure, sustainable, and resilient infrastructure. Streamlining access to Federal programs and grants to help States and local government build capacity helps ensure we are modernizing our infrastructure to be more climate-resilient and building a clean energy future that will create millions of jobs. The Bipartisan Infrastructure Deal includes \$550 billion for our Nation's roads and bridges, water infrastructure, internet, and more. Our agenda also contains the largest Federal investment in power transmission in our Nation's history, ensuring a more reliable grid that has the capability to carry more renewable energy. These investments will strengthen our Nation and bolster our ability to lead, and they will help mitigate socio-economic disparities, advance racial equity, facilitate equitable recovery, and promote affordable access to opportunities for every American. Protecting our critical transportation infrastructure—including our bridges and roads—takes all of us working together.

A key dimension of the Nation's resilience is safeguarding our democracy, which requires securing our election infrastructure. We have made tremendous progress working with State and local election officials over the past several years, but there is more to be done. We are particularly focused on improving the physical security of election officials as they face increasing threats of violence, securing election systems from cyber attacks, and confronting one of the most significant threats we see today: disinformation campaigns designed to undermine confidence in our elections, and ultimately, confidence in our democracy and our democratic institutions.

The threats against our critical infrastructure are increasingly complex and nuanced, and we all must be prepared to better protect ourselves from malicious actors threatening our cyber and physical security. That means staying vigilant, investing in new security measures, being prepared to respond to threats, and collaborating more with our partners. During Critical Infrastructure Security and Resilience Month, we reaffirm our commitment to protecting our infrastructure today and securing it for tomorrow.

NOW, THEREFORE, I, JOSEPH R. BIDEN JR., President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim November 2021 as Critical Infrastructure Security and Resilience Month. I call upon the people of the United States to recognize the importance of protecting our Nation's infrastructure and to observe this month with appropriate measures to enhance our national security and resilience.

IN WITNESS WHEREOF, I have hereunto set my hand this twentieth day of October, in the year of our Lord two thousand twenty-one, and of the Independence of the United States of America the two hundred and forty-sixth.

JOSEPH R. BIDEN, JR.

Proclamation 10296 of October 29, 2021

National Adoption Month, 2021

By the President of the United States of America

A Proclamation

Every child deserves to grow up with a safe and loving family, with the care and support of their community. During National Adoption Month, we celebrate all of the children and families nurtured, enriched, and made whole by adoption and recommit ourselves to ensuring that every child in America can grow up in a loving and supportive home.

The COVID-19 pandemic has made it especially challenging for children in the foster care system. For thousands of young people in foster care, navigating the challenges of growing up can be especially difficult without stable family connections. Because of the added difficulties imposed by the pandemic, my Administration has implemented the substantial investments made through the Supporting Foster Youth and Families Through the Pandemic Act to help older adolescents transitioning from the foster care system maintain housing, stay in

school, pay the bills, and lay a strong foundation for adulthood. My Administration encourages States to continue using these available funds to support older foster youth in every way they can.

During this month, we also acknowledge the history of injustices and racial bias in our Nation's child welfare system. To this day, Black and Native American children are more likely to be removed from their homes, more likely to stay in care longer, and less likely to be adopted than white children. To ensure the equal dignity and care of all our children, we must improve our efforts to keep families together, prevent the trauma of unnecessary child removal, and recruit and support new adoptive families—especially kinship caregivers. Finally, we must further support families who have already taken youth into their homes and invest the time and energy needed to ensure that all children—including LGBTQ+ youth whose needs are not always met in the foster care system—can find the happiness and well-being that every child and young person deserves.

This National Adoption Month, we celebrate the families who have been forged through adoption, including from foster care. We extend our gratitude to the dedicated professionals who work tirelessly to support adoptive families through compassion and hard work and to the foster families who love, care, and provide for our Nation's foster youth. Most importantly, we acknowledge the strength and resiliency of the children and youth who are still waiting to find their forever homes.

NOW, THEREFORE I, JOSEPH R. BIDEN JR., President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim November 2021 as National Adoption Month. I encourage all Americans to observe this month by helping children and youth in need of a permanent home secure a more promising future with a forever family and enter adulthood with the love and connections that are so important to their growth.

IN WITNESS WHEREOF, I have hereunto set my hand this twentieth day of October, in the year of our Lord two thousand twenty-one, and of the Independence of the United States of America the two hundred and forty-sixth.

JOSEPH R. BIDEN, JR.

Proclamation 10297 of October 29, 2021

National Alzheimer's Disease Awareness Month, 2021

*By the President of the United States of America
A Proclamation*

For more than 6 million Americans and the family members and friends who love them, Alzheimer's disease can be devastating. This common form of dementia is a cruel and fatal condition that erodes the ability to think, to recall precious memories, and to live independently. During National Alzheimer's Disease Awareness Month, we stand with all those families confronting this challenging disease and recommit ourselves to improving treatment and finding a cure.

A leading cause of death in seniors, Alzheimer's exacts a heartbreaking human toll on our Nation—as well as a deep economic toll, with the cost of treatment exceeding \$300 billion in 2020 alone. But recent advances in biomedical science offer hope for better days ahead. As the scientific community continues to make strides toward a better understanding of Alzheimer's—and, ultimately, a cure—it is critical that we do all we can to expedite progress and alleviate the suffering caused by this disease.

To that end, I have asked the Congress to fund a new program called the Advanced Research Projects Agency for Health (ARPA-H). Modeled on the Defense Advanced Research Project Agency, a Government program that led to the creation of the Internet, GPS, and countless other vital technologies, ARPA-H would accelerate our research on detecting, treating, and curing diseases like Alzheimer's. My Administration is also building on the progress of the Obama-Biden Administration's National Plan to address Alzheimer's, which set our Nation on an aggressive course to improve research, provide optimal medical care, and enhance long-term services to meet the needs of families in the United States currently living with this terrible disease. As we pursue this effort, my Administration is also committed to ensuring that people who are disproportionately affected by Alzheimer's and related dementias—especially older Black and Brown Americans, who are 2 to 3 times more likely to be affected—are seen, heard, and included in the quest to treat and prevent these conditions.

As we mark National Alzheimer's Disease Awareness Month, we also honor those who care and provide for the victims of this devastating disease. The work of our Nation's caregivers can be physically demanding and emotionally exhausting—especially during the COVID-19 pandemic, when caregivers have made substantial sacrifices to protect their loved ones suffering from Alzheimer's. Caregivers deserve our respect as well as our support, which is why the American Rescue Plan invested \$145 million to help caregivers provide for their loved ones—a foundation that my Administration's Build Back Better agenda will build upon.

I believe that our Nation stands at an unprecedented moment of scientific promise—it is critical that we keep up the fight against Alzheimer's until a cure is found and continue to care for all those affected by this condition in the meantime. For resources and information on living with or caring for someone with Alzheimer's disease, please visit www.Alzheimers.gov.

NOW, THEREFORE, I, JOSEPH R. BIDEN JR., President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim November 2021 as National Alzheimer's Disease Awareness Month. I call upon the people of the United States of America to learn more about Alzheimer's and to offer their support to the individuals living with this disease and to their caregivers.

IN WITNESS WHEREOF, I have hereunto set my hand this twentieth day of October, in the year of our Lord two thousand twenty-one, and of the Independence of the United States of America the two hundred and forty-sixth.

JOSEPH R. BIDEN, JR.

Proclamation 10298 of October 29, 2021**National College Application Month, 2021**

By the President of the United States of America

A Proclamation

When America made 12 years of public education universal more than a century ago, it gave us the best-educated, best-prepared workforce in the world—which in turn was a major part of why we were able to lead the world in the 20th century. Today, however, we know that 12 years is no longer enough to compete. American students deserve every opportunity to gain the skills they need to carve out a place for themselves in tomorrow's economy. But according to a recent study, the United States now ranks 33rd out of 44 advanced economies when it comes to the share of our young people who have attained a degree beyond high school.

If we are going to set the pace around the globe once more—on research and development, innovation and discovery, equity and opportunity, and creating good-paying jobs with dignity—it is imperative that we put an affordable, high-quality education after high school within reach of every American student. During College Application Month, we celebrate the possibilities that postsecondary education provides and encourage Americans to apply to colleges and universities as we work to ensure that every student has a chance to reach their full potential and strengthen our Nation's future.

My Administration is working hard to ensure that higher education is equitable, accessible, and affordable for every student in every community. That is why my Administration Build Back Better framework includes major investments in community colleges, as well as our essential network of Historically Black Colleges and Universities (HBCUs), Tribal Colleges and Universities (TCUs), and other Minority Serving Institutions (MSIs). In addition, my plan would increase the Federal Pell Grant award, a key resource to help students from lower-income families afford college—including costs beyond tuition. Each of these investments will help America's young people, including Dreamers, earn a better shot at the good-paying jobs of tomorrow. My Administration is also working to modernize the Free Application for Federal Student Aid form. Finally, we are taking steps to ensure that academic institutions do a better job of providing students with clear and transparent information on how much they can expect to pay for college and their options to afford those costs.

However, as important to our Nation's future as accessing college is, college completion is just as critical. Far too many students enter college only to have to drop out before graduation, and we are seeing firsthand how the pandemic has exacerbated the challenges students face as they seek to complete their studies. COVID-19 has significantly increased economic insecurity for families across the country, particularly for people of color, the LGBTQ+ community, and those in low-income communities, resulting in new, unequal barriers to college enrollment and completion. My Administration stands ready to support our Nation's colleges in welcoming back every student who had to put their education goals on hold due to the pandemic.

My Administration has also called for bold investments in completion and retention at colleges and universities that serve high numbers of low-income students—including community colleges—so that all Americans have the opportunity to obtain an education beyond high school. These investments would help cover proven solutions for student success, including providing wraparound services such as child- and elder-care, mental health services, accessibility resources, and emergency basic needs grants, in order to help more Americans enter and graduate college.

Additionally, my Administration is working hard to provide institutions with funding and flexibility to meet students' needs. Earlier this year, we launched an outreach campaign to millions of Federal Pell Grant recipients who are now eligible for a monthly discount on broadband internet service under a temporary program administered by the Federal Communications Commission. We have also partnered with other agencies across the Federal Government to notify institutions and their students about expanded access to the Supplemental Nutrition Assistance Program, health care benefits, tax cuts for those raising children, and financial aid and postsecondary education opportunities for students and families facing unemployment.

This month, we celebrate the hard work and promise of students across the country and recommit ourselves to building back better by ensuring that everyone in America can pursue and complete a high-quality, affordable higher education. We thank the parents and loved ones, teachers, professors, administrators, financial aid professionals, college access organizations, mentors and counselors who help our students throughout the college application process and beyond.

NOW, THEREFORE, I, JOSEPH R. BIDEN JR., President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim November 2021 as National College Application Month. I call upon public officials, educators, parents, students, and all Americans to observe this month with appropriate programs, ceremonies, and activities designed to encourage students to make plans about, apply for, and graduate from college.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-ninth day of October, in the year of our Lord two thousand twenty-one, and of the Independence of the United States of America the two hundred and forty-sixth.

JOSEPH R. BIDEN, JR.

Proclamation 10299 of October 29, 2021

National Diabetes Month, 2021

*By the President of the United States of America
A Proclamation*

Over the last 20 years, our Nation has seen a significant rise in the number of adults diagnosed with diabetes—a chronic condition that can lead to heart disease, kidney disease, vision loss, and other serious health problems. Today, more than 34 million American adults are liv-

ing with diabetes, and an estimated 88 million more may be at risk of developing the disease. During National Diabetes Month, we draw awareness to all forms of this dangerous condition—including Type 1, Type 2, and gestational diabetes and prediabetes—and recommit ourselves to finding a cure.

Over the last year and a half, people living with diabetes have faced heightened risks to their health, as their illness makes them more vulnerable to the worst effects of COVID-19. This has been especially true for far too many Black, Brown, and Indigenous Americans, who face a disproportionate risk of being diagnosed with diabetes and who have shouldered the burden of the pandemic at disproportionate rates. More young Americans are also living with Type 2 diabetes than ever before, putting them at risk of developing serious health problems later in life. Americans who are diagnosed have faced the added challenge of unacceptably high insulin prices—putting their health and the financial well-being of their family at risk.

My Administration is committed to finding a cure for diabetes. To that end, I have asked the Congress to fund a new agency called the Advanced Research Projects Agency for Health (ARPA-H). Modeled on the Defense Advanced Research Project Agency, a Government program that led to the creation of the Internet, GPS, and countless other vital technologies—ARPA-H would accelerate our research on detecting, treating, and curing diseases like diabetes and Alzheimer's. In addition to this effort, my Administration has provided funding through the American Rescue Plan to address diabetes and other chronic diseases by shoring up our public health infrastructure and combatting hunger and food insecurity. To lower the costs faced by more than 7 million Americans who require insulin to treat their diabetes, I have called on the Congress to give Medicare the power to negotiate prescription drug prices, especially for companies that do not face competition.

As we work together to fight diabetes, my Administration will continue to build on the Affordable Care Act (ACA) and strengthen the coverage it provides for nearly 2 million American adults with diabetes. The ACA continues to connect people with services and health care providers who can ensure appropriate testing, prevention, and treatment of diabetes and the many conditions it can spawn. Millions of families enrolled in private insurance, Medicare, and Medicaid are benefiting from the ACA's critical provisions, which help Americans with diabetes live better, longer lives as we continue searching for a cure.

While we continue to seek that cure, my Administration is also working to improve our awareness and prevention of Type 2 diabetes. Thanks in part to the Diabetes Prevention Program at the National Institutes of Health, we know that lifestyle changes—including increased physical activity and healthy eating—can prevent or delay Type 2 diabetes for people at high risk. Eligible Americans can also take part in the National Diabetes Prevention Program, a lifestyle change program led by the Centers for Disease Control and Prevention (CDC) at sites around the country. Because so many cases of diabetes go undiagnosed, the CDC offers an online risk test so that everyone can learn about their risk factors for the disease.

This year marks the 100th anniversary of the discovery of insulin, a crucial hormone that has saved millions of lives. As we continue our

work to lower health care costs, expand coverage, and find a cure for diabetes, we commemorate this important discovery and recommit ourselves to improving treatment for all types of diabetes.

NOW, THEREFORE, I, JOSEPH R. BIDEN JR., President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim the month of November 2021 as National Diabetes Month. I call upon all Americans, school systems, government agencies, nonprofit organizations, health care providers, research institutions, and other interested groups to join in activities that raise diabetes awareness and help prevent, treat, and manage the disease.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-ninth day of October, in the year of our Lord two thousand twenty-one, and of the Independence of the United States of America the two hundred and forty-sixth.

JOSEPH R. BIDEN, JR.

Proclamation 10300 of October 29, 2021

National Entrepreneurship Month, 2021

By the President of the United States of America

A Proclamation

Every day, American entrepreneurs combine passion, resilience, and ingenuity to solve hard problems and create products and businesses that improve our lives. American entrepreneurs create and scale new technologies, products, and services. They build businesses and, in some cases, entire industries. Their work helps grow our economy, creates good jobs, and increases our prosperity. Entrepreneurs have repeatedly risen to meet our Nation's and our world's complex challenges, and during National Entrepreneurship Month, we celebrate our Nation's entrepreneurs—both past and present—who exemplify the American spirit and recognize their important contributions to our people, our economy, and the world.

The COVID-19 pandemic has posed historic challenges to our country and our Nation's entrepreneurs. Many businesses closed, and main streets became quiet. Despite these setbacks, American entrepreneurs showed incredible fortitude, finding innovative and effective ways to adapt their businesses as we fight a once-in-a-century crisis. To help our Nation's businesses and entrepreneurs recover during the pandemic, my Administration ensured that nearly \$300 billion in forgivable Paycheck Protection Program loans went to our smallest businesses, with more than 95 percent going to businesses with less than 20 employees, and provided over \$28 billion in support to over 100,000 businesses through the Restaurant Revitalization Fund. In the midst of the economic disruption caused by the pandemic, Americans started more than 4 million businesses last year, a 24 percent increase from the year before—the highest number of monthly business applications on record—and start-up rates growing the most among immigrants and Black, Latino, and Asian, Native Hawaiian, and Pacific Islander Americans. This is important for our future success, as small

businesses are the engines of our economic progress—and the heart and soul of our communities.

My Administration is committed to supporting all of our Nation's entrepreneurs to ensure that they can continue to play a key role in strengthening our economy and our society for years to come. My Administration's Build Back Better framework will deliver on the crucial infrastructure investments that form the foundation for success for entrepreneurs across the country. From investing in universal, affordable broadband to making the largest-ever Federal investments in public transit, passenger rail, and bridges, we will reinvigorate communities and their local economies. My Administration's framework will also provide much needed support for our entrepreneurs, including new loan and venture capital programs targeting the smallest businesses, small manufacturers, clean energy start-ups, and others, as well as investing in childcare, health care, and workforce development. We will also provide more support to businesses seeking to participate in the hundreds of billions of dollars that the Federal Government spends each year in procuring goods and services and investing in research and development. My Administration will fully implement the \$10 billion State Small Business Credit Initiative, which will allow States to set up new small business loan and venture capital programs, established by the American Rescue Plan.

Collaboration among entrepreneurs, innovators, and the public sector has led to some of the most important technologies and industries in the world, including cellular communication, energy storage, agricultural technology, and advanced manufacturing. My Administration is proud to support entrepreneurs and innovators throughout this country—from the hardworking women and men who start a business to meet the needs of their communities to the visionaries who strive to change the world. Together, we are partners in solving challenges big and small, global and local—and will work to increase American competitiveness around the world and meet the challenges of the 21st century.

NOW, THEREFORE, I, JOSEPH R. BIDEN JR., President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim November 2021 as National Entrepreneurship Month. I call upon all Americans to commemorate this month with appropriate programs and activities and to celebrate November 16, 2021, as National Entrepreneurs' Day.

IN WITNESS WHEREOF, I have hereunto set my hand this twentieth day of October, in the year of our Lord two thousand twenty-one, and of the Independence of the United States of America the two hundred and forty-sixth.

JOSEPH R. BIDEN, JR.

Proclamation 10301 of October 29, 2021**National Family Caregivers Month, 2021**

By the President of the United States of America

A Proclamation

Every day, millions of Americans provide essential care and medical assistance to their loved ones. These acts of love, commitment, and compassion enable their family members to receive the support they need to live a life with dignity. This has been especially true throughout the COVID-19 pandemic, during which Americans of all ages have made substantial sacrifices to keep family members safe and healthy. During National Family Caregivers Month, we recognize the important role of our Nation's family caregivers and thank them for the invaluable and instrumental care they provide.

While the opportunity to provide care to a loved one can be a blessing and a source of connection, it often requires sacrifice. Millions of Americans have sacrificed jobs and altered careers in order to perform caregiving duties. Workers, their families, and our economy suffer when workers are forced to choose between their jobs and their caregiving responsibilities or between putting food on the table and caring for a relative. Too many Americans who need caregiving support struggle with the high costs of caring for a family member in need, or providing long-term care for people with disabilities or older adults.

My Administration is committed to strengthening American families and easing the burdens of caregiving. That is why my American Rescue Plan provided an additional \$145 million in funding for the National Family Caregiver Support Program, which continues to help State and community organizations support family and informal caregivers through in-home programs including counseling, respite care, and training. The American Rescue Plan also provided States with additional Medicaid funding to strengthen and enhance their home- and community-based services (HCBS) program. My Administration's Build Back Better agenda will build on this down payment by continuing to invest in the caregiving infrastructure for HCBS and increasing pay and benefits to address the direct care workforce crisis. I will also fight to expand paid family and medical leave nationwide. Each of these elements is critical to better supporting family caregivers. We want to see our Nation's paid caregivers, including the majority of home health care workers and over 90 percent of child care workers who are women—disproportionately women of color—have jobs that provide dignity, safety, and decent pay.

Earlier this year, the RAISE (Recognize, Assist, Include, Support, and Engage) Family Caregiving Advisory Council, with support from the Department of Health and Human Services, delivered an initial report on how the Federal, State, Tribal, and local governments can work with our partners in the private sector to better support our Nation's family caregivers, and we will continue working to provide that support.

As my own family members have been caregivers, I understand the struggles family caregivers face and the importance of the care they provide. This month, as we continue our fight to expand access to caregiving, we recognize our caregivers who wake up every single day

to do this physically and emotionally demanding yet vitally important work.

NOW, THEREFORE, I, JOSEPH R. BIDEN JR., President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim November 2021 as National Family Caregivers Month. I encourage all Americans to reach out to those who provide care for their family members, friends, and neighbors in need, to honor and to thank them.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-ninth day of October, in the year of our Lord two thousand twenty-one, and of the Independence of the United States of America the two hundred and forty-sixth.

JOSEPH R. BIDEN, JR.

Proclamation 10302 of October 29, 2021

National Native American Heritage Month, 2021

By the President of the United States of America

A Proclamation

The United States of America was founded on an idea: that all of us are created equal and deserve equal treatment, equal dignity, and equal opportunity throughout our lives. Throughout our history—though we have always strived to live up to that idea and have never walked away from it—the fact remains that we have fallen short many times. Far too often in our founding era and in the centuries since, the promise of our Nation has been denied to Native Americans who have lived on this land since time immemorial.

Despite a painful history marked by unjust Federal policies of assimilation and termination, American Indian and Alaska Native peoples have persevered. During National Native American Heritage Month, we celebrate the countless contributions of Native peoples past and present, honor the influence they have had on the advancement of our Nation, and recommit ourselves to upholding trust and treaty responsibilities, strengthening Tribal sovereignty, and advancing Tribal self-determination.

The COVID-19 pandemic has highlighted and exacerbated preexisting inequities facing Tribal Nations. Early in the pandemic, reported cases in the Native American community were over 3 times the rate of white Americans; in some States, Native American lives were lost at a rate 5 times their population share. Even as they shouldered a disproportionate burden throughout the pandemic, Tribal Nations have been paragons of resilience, determination, and patriotism—implementing key mitigation strategies like testing and prioritizing the vaccination of Tribal communities at high rates in order to save lives. Through it all, Tribal Nations have effectively utilized the tools of Tribal self-governance to protect and lead their communities, setting a standard for all of our communities to follow.

Our Nation cannot live up to the promise of our founding as long as inequities affecting Native Americans persist. My Administration is

committed to advancing equity and opportunity for all American Indians and Alaska Natives and to helping Tribal Nations overcome the challenges that they have faced from the pandemic, climate change, and a lack of sufficient infrastructure in a way that reflects their unique political relationship.

As a starting point, the American Rescue Plan represented the most significant funding legislation for Indian Country in the history of our Nation—the largest single Federal investment in Native communities ever, with \$20 billion in direct funding to help Tribal governments combat and emerge from the COVID-19 crisis. Through the Bipartisan Infrastructure Deal and my Build Back Better framework, my Administration is pushing for strong Tribal participation to help build our Nation's clean energy future, deploy clean water and high-speed internet to every home, and invest in Native American families, businesses, jobs, and communities.

In my first week in office, I also signed a Presidential Memorandum committing my Administration to the fulfillment of our Federal trust and treaty responsibilities, to respect Tribal self-governance, and to conduct regular, meaningful, and robust consultations with Tribal Nations on a broad range of policy issues. Together, we are implementing a whole-of-government approach to empower Tribal Nations in their efforts to achieve political and economic self-sufficiency, advance climate resiliency, and protect their territorial sovereignty. To further elevate the voices of Native Americans in my Administration, I restarted the White House Council on Native American Affairs earlier this year. It was among the proudest honors of my life to appoint one of our country's most remarkable leaders, Deb Haaland of the Pueblo of Laguna, to serve as United States Secretary of the Interior—the first Native American in the history of our Nation to serve in the Cabinet.

During National Native American Heritage Month, we also honor our Native Americans veterans and service members who have courageously served and continue to serve in our Armed Forces—including the brave Native American Code Talkers in World War I and World War II. For over 200 years, Native Americans have defended our country during every major conflict and continue to serve at a higher rate than any other ethnic group in the Nation. Because of their selflessness, every generation of Americans receives the precious gift of liberty—and we owe each of them and their families a debt of gratitude for their sacrifice and dedication.

Native American roots are deeply embedded in this land—a homeland loved, nurtured, strengthened, and fought for with honor and conviction. This month and every month, we honor the precious, strong, and enduring cultures and contributions of all Native Americans and recommit ourselves to fulfilling the full promise of our Nation together.

NOW, THEREFORE, I, JOSEPH R. BIDEN JR., President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim November 2021 as National Native American Heritage Month. I urge all Americans, as well as their elected representatives at the Federal, State, and local levels, to observe this month with appropriate programs, ceremonies, and activities, and to celebrate November 26, 2021, as Native American Heritage Day.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-ninth day of October, in the year of our Lord two thousand twenty-one, and of the Independence of the United States of America the two hundred and forty-sixth.

JOSEPH R. BIDEN, JR.

Proclamation 10303 of October 29, 2021

National Veterans and Military Families Month, 2021

By the President of the United States of America

A Proclamation

America has the greatest Armed Forces in the history of the world. To those who serve and those that serve alongside them—their families and caregivers—we owe a debt we can never fully repay. During National Veterans and Military Families Month, we recognize and thank them for their indispensable contributions and immeasurable sacrifices in support of our national security. As we approach this season of thanksgiving, we send our gratitude to millions of service members, veterans, military families, caregivers, and survivors who have served and continue to serve our Nation. I have said many times, and it comes from my heart—we as a Nation have a sacred obligation to properly equip and prepare our troops when we send them in to harm's way and to support them and their families, both while they are deployed and when they return home.

The First Lady and I know that it is not only the person who wears the uniform serving our country but also their families who make enormous sacrifices for our Nation. As the poet John Milton wrote, “They also serve who only stand and wait.” We understand the feelings of pride, uncertainty, and fear when a loved one is deployed. Every morning, you wake up and say that extra prayer for them.

Our veteran and military families do so much and ask for little. They are strong and adaptable, changing course to accommodate the needs of our country, often foregoing personal wishes. They are capable and proud, holding down the home front during their loved one's deployments, coping through their absence and the risk of danger, and helping them readjust when they come home.

These families and their Soldiers, Sailors, Airmen, Marines, Guardians, and Coast Guardsmen, are simply the best America has to offer. When they do not have what they need to thrive, it is not only individuals who suffer. If service members are worried that their spouse is struggling to keep food on the table or that their child is having a hard time at school, it is harder to focus on their mission. That is why supporting military families is a national security imperative.

Since the earliest days of my Administration, we have been committed to a whole-of-government approach to responding to the real-time needs of our military and veteran families. Through Joining Forces, the White House initiative to support veteran and military families, caregivers, and survivors, my Administration is addressing military spouse employment and entrepreneurship, military child education, and family health and well-being. The First Lady has met with our Nation's

military and veteran families, caregivers, survivors, and advocates to learn how we can better support and prioritize their needs. Those discussions help inform the efforts across the Government to share data, create innovative solutions, and implement evidence-based programs and policies. In September, Joining Forces and the National Security Council released a report outlining the first round of Administration-wide commitments and proposals for supporting military and veteran families, caregivers, and survivors. We are committed to continuing these efforts because we must, and we will, honor our sacred obligation to support our military and veteran families and ensure they receive the resources they need to thrive.

Throughout November, we show our appreciation to the spouses, partners, children, caregivers, and survivors of our service members and veterans for their selfless sacrifice on behalf of the Nation. We honor them and their invaluable contributions; we share their pride in our Armed Forces; and we will never forget what they and their loved ones do for us.

NOW, THEREFORE, I, JOSEPH R. BIDEN JR., President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim November 2021 as National Veterans and Military Families Month. I call upon the people of the United States to honor veterans and military families with appropriate ceremonies and activities.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-ninth day of October, in the year of our Lord two thousand twenty-one, and of the Independence of the United States of America the two hundred and forty-sixth.

JOSEPH R. BIDEN, JR.

Proclamation 10304 of November 8, 2021

World Freedom Day, 2021

By the President of the United States of America

A Proclamation

For nearly 3 decades, the Berlin Wall stood as a physical symbol of the Cold War, dividing democratic West Berlin from communist East Berlin. Today, we remember the East Germans who escaped and those who died attempting to attain a life of freedom. We recognize the irrepressible human spirit that no wall could contain, which fueled the civil resistance, sacrifice, and courageous defiance of people across Central and Eastern Europe. We recall the euphoria and the hope of the East and West Berliners who gathered at the wall on November 9, 1989, chanting “Tor auf!”—“Open the gate!”

It was the aspirations for freedom of the people of Central and Eastern Europe that ultimately brought down the Berlin Wall and overcame the Soviet Union’s attempts to keep Europe divided by force. On World Freedom Day, we commemorate this historic event and honor all those who peacefully rose up and claimed their freedom and all those who continue their legacy by peacefully working to end tyranny and oppression in our world today.

Since the Berlin Wall was torn down in 1989, we have seen great progress to advance human rights and fundamental freedoms as well as to build and consolidate democratic institutions across the formerly communist countries of Central and Eastern Europe and around the world. However, democracy is still fragile, and in too many places it remains under threat. Authoritarians elevate their own power over the rights of their citizens, and around the world we see aspiring autocrats trample the rule of law, attack freedom of the press, and undermine an independent judiciary.

In the face of resurgent authoritarianism and attacks on human rights around the globe, the United States is working to support democratic renewal and resilience at home and abroad. It remains as important as ever to counter the range of threats to democracy—and, ultimately, peace and stability—including transnational repression, corruption, cyberattacks, disinformation, digital authoritarianism, inequality and injustice, voter suppression, and economic coercion.

World Freedom Day also reminds us of the hopeful future people still seek for themselves around the world. In recent years, brave women and youths in Sudan have withstood violence and oppression to push a genocidal dictator from power and today continue to defend their democratic progress. Proud Moldovans helped deliver a victory for the forces of democracy. Citizens of Zambia, especially young people, turned out in historic numbers to elect their new president. Ukraine continues to make progress in countering corruption, safeguarding human rights, and strengthening its democratic institutions all while standing up to Russian aggression. Courageous anti-corruption activists, human rights defenders, journalists, and peace protestors in Belarus, Burma, Cuba, Hong Kong, Syria, Venezuela, and elsewhere continue to demand respect for their human rights and a democratic future. To all those who continue to endure repression under authoritarian regimes, know that the people of the United States stand with you.

Today, we reaffirm our commitment to the ideal that democracy—a Government of the people, by the people, and for the people—is how we best safeguard the rights, freedoms, and dignity that belong to every person. Together with other free nations, the United States remains committed to the vital work of strengthening our democratic institutions, defending civil society, advancing human rights, and holding those who commit abuses and foster corruption accountable. To demonstrate this, on December 9–10, 2021, I will host a virtual Summit for Democracy to help set an agenda for democratic renewal across the globe.

NOW, THEREFORE, I, JOSEPH R. BIDEN JR., President of the United States of America, do hereby proclaim November 9, 2021, as World Freedom Day. I call upon the people of the United States of America to recall the hope symbolized by the fall of the Berlin Wall and reaffirm our dedication to freedom and democracy.

IN WITNESS WHEREOF, I have hereunto set my hand this eighth day of November, in the year of our Lord two thousand twenty-one, and of the Independence of the United States of America the two hundred and forty-sixth.

JOSEPH R. BIDEN, JR.

Proclamation 10305 of November 9, 2021**Veterans Day, 2021**

By the President of the United States of America

A Proclamation

For generations, millions of Americans have answered the call to serve—taking the sacred oath to defend and preserve our Nation’s ideals of liberty and democracy. These patriots represent the best of us. On Veterans Day, we honor their service, dedication, and valor and are forever grateful for their sacrifice.

Our Nation has only one truly sacred obligation: to properly prepare and equip our service members when we send them into harm’s way and to care for them and their families when they return home. For our 19 million veterans, that means ensuring that they have access to the support and resources for a future of security, opportunity, and dignity. This is even more important as we continue to recover from the global COVID–19 pandemic.

Our obligation to support our Nation’s veterans and their families is personal for me and the entire Biden family, and I remain committed to ensuring that every veteran receives the care and support they have earned. The recently passed bipartisan Infrastructure Investment and Jobs Act will create millions of good jobs for veterans and grow opportunities for veteran-owned businesses. My Build Back Better framework also prioritizes improvements to VA health care, ensuring that every veteran—including our often-underserved female and LGBTQ+ veterans—receives competent, world-class health care through the Department of Veterans Affairs. Last month, the White House Gender Policy Council released the first-ever United States Strategy for Gender Equity and Equality, which included the unique needs and contributions of women service members and veterans. And the Department of Veterans Affairs is also working to get every eligible veteran the information and opportunity they need to register and vote, protecting their voice in the democracy they fought to preserve.

Ensuring veterans have timely access to services and benefits is at the center of my Administration’s commitment to fulfilling our sacred obligation. This includes addressing the adverse health effects of service-related exposures. In August, the Department of Veterans Affairs announced it will begin processing disability claims for respiratory conditions connected to exposure during military service in Southwest Asia and other areas. My Administration also added three conditions to the list of those presumptively associated with exposure to Agent Orange, ending the long wait for disability benefits for many Vietnam era veterans. In the coming months, we are committed to taking additional action to address potential adverse health effects associated with military environmental exposures.

So many of our veterans carry the scars from their service—both visible and invisible—and it is our Nation’s responsibility to help them heal. Too many veterans and service members have considered suicide or taken their own lives, and addressing this tragedy is a national responsibility. That is why I have made military and veteran suicide prevention a top priority, and earlier this month, I released a new comprehensive, cross-sector public health strategy to reduce military and veteran

suicide. Implementing this approach will unite us around a common mission and accelerate meaningful improvements in suicide prevention programs, helping us live up to our sacred obligation to those who have served in our Nation's Armed Forces.

Fulfilling our Nation's promise to our veterans and military families, caregivers, and survivors is not only a moral imperative—it is crucial to our national security and to maintaining the finest military the world has ever known. We are a Nation that keeps our promises. That is why my Administration is dedicated to a whole-of-government approach in responding to the needs of our veterans and their families, caregivers, and survivors.

Through the First Lady's work with Joining Forces—the White House initiative to support veteran and military families, caregivers, and survivors—my Administration is addressing employment and entrepreneurship, military and veteran child education, and health and well-being for veteran families. Earlier this year, the First Lady met with military and veteran families to learn how we can better support and prioritize their needs, and in September, Joining Forces and the National Security Council released a report outlining the first round of Administration-wide commitments and proposals that support veteran and military families, caregivers, and survivors. These efforts will honor our sacred obligation to support our veteran families and ensure they receive the resources they need to thrive.

On Veterans Day, we honor our Nation's veterans, who have given so much to protect our freedoms and the freedom of others around the globe. They represent the highest ideals of our country. While we can never fully repay the debt we owe these heroes, we will honor their service and provide them the care and support they deserve. We also salute and show gratitude for all who ensure our Armed Forces remain strong, united, and unmatched.

In respect and recognition of the contributions our veterans and their families, caregivers, and survivors have made to the cause of peace and freedom around the world, the Congress has provided (5 U.S.C. 6103(a)) that November 11 of each year shall be set aside as a legal public holiday to honor our Nation's veterans.

NOW, THEREFORE, I, JOSEPH R. BIDEN JR., President of the United States of America, do hereby proclaim November 11, 2021, as Veterans Day. I encourage all Americans to recognize the valor, courage, and sacrifice of our veterans through appropriate ceremonies and private prayers. I call upon Federal, State, and local officials to display the flag of the United States of America and to participate in patriotic activities in their communities. And I call on all Americans, including civic and fraternal organizations, places of worship, schools, and communities, to support this day with commemorative expressions and programs.

IN WITNESS WHEREOF, I have hereunto set my hand this ninth day of November, in the year of our Lord two thousand twenty-one, and of the Independence of the United States of America the two hundred and forty-sixth.

JOSEPH R. BIDEN, JR.

Proclamation 10306 of November 12, 2021**American Education Week, 2021***By the President of the United States of America**A Proclamation*

I have always believed that our children are the kite strings that hold our national ambitions aloft—when we invest in their education, we are investing in the future of our Nation. During American Education Week, which marks its 100th anniversary this year, we celebrate the unparalleled power of education to lift our country to new heights, and we recommit ourselves to ensuring that every child in America receives a quality education.

When America made 12 years of public education standard more than a century ago, it gave us the best-educated, best-prepared workforce in the world—setting us on a path to lead the world for the better part of the 20th century. Not only is quality, equitable education the engine of innovation and the fuel of a thriving economy—it is also key to preserving our democracy and advancing American ideals. But as the First Lady so often says, any country that out-educates us will out-compete us. The truth is that we are no longer keeping pace with other countries when it comes to investing in the next generation.

While America once led the world in educational achievement, the Organization for Economic Cooperation and Development now ranks us 35th out of 37 major economies when it comes to investing in early childhood education and care. Only about half of American 3- and 4-year-olds are enrolled in early childhood education—while in Germany, France, the UK, Latvia, and other nations, that number is more than 90 percent. According to one study from the Pell Institute, we now rank 12th among advanced economies when it comes to the percentage of our young people who have attained a post-high-school degree.

Simply put—we cannot be competitive in the 21st century global economy if we do not accelerate degree attainment. It is more important than ever that we invest in education, particularly as schools and communities are still fighting to overcome the challenges of the COVID-19 pandemic. This virus has called upon the extraordinary resilience of our educators, school staff, students, and families, whose dedicated efforts over the last 19 months have helped keep millions of young people on a path to fulfillment and success. Now, we must match their determination with bold action to ensure that our children—and our Nation—are well-positioned to lead the world in the years ahead.

To that end, my Administration provided resources through the American Rescue Plan that are helping schools and colleges safely return to in-person instruction and meet the academic, social, emotional, and financial needs of students most affected by the pandemic. My budget proposal for fiscal year 2022 more than doubles funding for schools that serve low-income students; invests in support for students with disabilities; increases Federal funding for community schools tenfold; and works towards my Administration's goal of doubling the number of school counselors, social workers, psychologists, and nurses so that teachers can focus on teaching. Finally, my Administration's Build Back Better framework would make transformational investments in

our education system—including by making 2 years of high-quality pre-school available to every child in America. We will also make significant investments in education beyond high school: We will increase Pell Grants to help students from lower-income families attend college and invest in Historically Black Colleges and Universities, Hispanic-Serving Institutions, Tribal Colleges and Universities, and other Minority-Serving Institutions to help ensure that young people from every neighborhood have a fair shot at the good-paying jobs of the future.

In celebrating the centennial anniversary of American Education Week, let us acknowledge education's power to transform lives, uplift communities, and strengthen our democratic society. Let us honor all those who nurture our students and inspire the future leaders of our great Nation.

NOW, THEREFORE, I, JOSEPH R. BIDEN JR., President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim November 14 through November 20, 2021, as American Education Week. I invite all Americans to join in expressing gratitude, now and throughout the year, for the educators and staff of our Nation's schools and colleges, and I encourage the observation of this week through appropriate activities, events, and programs designed to showcase engaging, high-quality education, celebrate the joy of learning, and prepare students of every background for success.

IN WITNESS WHEREOF, I have hereunto set my hand this twelfth day of November, in the year of our Lord two thousand twenty-one, and of the Independence of the United States of America the two hundred and forty-sixth.

JOSEPH R. BIDEN, JR.

Proclamation 10307 of November 12, 2021

National Apprenticeship Week, 2021

By the President of the United States of America

A Proclamation

For decades, Registered Apprenticeships have been a reliable pathway to the middle class. Apprenticeships train workers for good jobs and allow them to earn while they learn. These educational experiences are especially important for workers who did not attend college, as they provide these workers with the type of specialized training needed for the jobs of today and tomorrow. During National Apprenticeship Week, we highlight how this quality industry and worker-driven training model provides a critical talent pipeline and a means to strengthen our workforce and address our Nation's pressing challenges—from rebuilding our country's infrastructure to protecting against cybersecurity threats.

As we build our economy back better and continue to fight the COVID-19 pandemic, we have seen the especially important role apprenticeships play in providing training to workers looking to re-enter the workforce and young people who are seeking to enter the work

force—in each case providing an opportunity to train and develop the skills needed for jobs of the future while earning a good income.

My Administration supports the expansion of Registered Apprenticeships and the pathways they create to good jobs and union representation. That is why I rescinded an Executive Order that undermined Registered Apprenticeship programs by promoting less rigorous industry-recognized apprenticeships. To strengthen the voice of our workers who have been central to rebuilding our economy, my Administration reinstated the longstanding National Advisory Committee on Apprenticeships. Since apprenticeships are central to supporting the investments made in the American Rescue Plan and the Build Back Better Agenda, I have proposed we invest in high-quality job training and Registered Apprenticeships in fast-growing sectors like health care, child care, advanced manufacturing, information technology, and clean energy so that every American receives the skills required by employers for good, middle-class union jobs.

My Administration also recently awarded nearly \$100 million in State Apprenticeship Expansion, Equity and Innovation grants to bolster States' efforts to expand programming and inclusive recruitment strategies. These grants also aim to develop partnerships that ensure we have a workforce ready to staff new industries and non-traditional occupations, including industry sectors hit hardest by the pandemic. To facilitate the expansion of Registered Apprenticeship programs, provide technical assistance to these programs, and help small- and medium-sized firms establish Registered Apprenticeships, we also invested nearly \$31 million through cooperative agreements to establish four Registered Apprenticeship Technical Assistance Centers of Excellence. The centers will also work with public and private sector partners to expand opportunities in Registered Apprenticeship programs for women, youths, people of color, rural communities, justice-involved individuals, and people with disabilities. The centers are the culmination of a longstanding commitment to expand access to apprenticeships for traditionally underrepresented groups of workers and build on existing strategies that include the Women in Apprenticeship and Non-Traditional Occupations (WANTO) grant program, now in its 27th year.

During National Apprenticeship week, we also commit to ensuring that people from populations that have been historically underserved, marginalized, and adversely affected by persistent discrimination, poverty, and inequality have an opportunity to participate in the workforce. In particular, given the historic underrepresentation of women in apprenticeship programs and the impact of the pandemic on women's labor force participation, there is even greater urgency to support women's participation in Registered Apprenticeships.

Together, and with strengthened Registered Apprenticeships, we can build an even more successful, competitive, and diverse workforce.

NOW, THEREFORE, I, JOSEPH R. BIDEN JR., President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States of America, do hereby proclaim November 14 through November 20, 2021, as National Apprenticeship Week. I urge the Congress, State and local governments, educational institutions, industry and labor leaders, apprentices, and all Americans to support Registered Apprenticeship programs in the

United States of America and to raise awareness of their importance in building a diverse and robust workforce to strengthen our national economy.

IN WITNESS WHEREOF, I have hereunto set my hand this twelfth day of November, in the year of our Lord two thousand twenty-one, and of the Independence of the United States of America the two hundred and forty-sixth.

JOSEPH R. BIDEN, JR.

Proclamation 10308 of November 12, 2021

America Recycles Day, 2021

*By the President of the United States of America
A Proclamation*

In recent months, I have traveled across the country to see firsthand the devastating toll of climate change. I have walked down streets in Louisiana, New Jersey, and New York where deadly storms and floods have destroyed the lives of working families, wiping homes and businesses off the map. I have sat with firefighters in Boise, Idaho, and surveyed damage from the Caldor Fire in northern California—just one large wildfire among dozens that together have burned more acres of American land this year than make up the State of New Jersey. Communities encompassing the homes of more than 100 million people—about 1 in 3 Americans—have been struck by extreme weather events in the last few months alone. Climate change is a blinking code red for our Nation.

This crisis poses an existential threat, but we also know that it is within our power to defeat it. Today, half of all global greenhouse gas emissions are created when natural resources are taken from the Earth and made into usable products. By reducing, reusing, and recycling, we can decrease waste and the greenhouse gases that fuel the climate crisis while protecting our communities and our environment. On America Recycles Day, we celebrate efforts across the country to manage our resources responsibly and creatively, and we recommit ourselves to building a brighter and more sustainable future for all people.

Although we have made significant progress since the first America Recycles Day over 2 decades ago, we still have work to do. Black, Brown, Indigenous, and low-income communities continue to be disproportionately impacted by higher pollution levels as well as detrimental health and environmental impacts from mismanaged waste. Our Nation's infrastructure has not kept pace with today's changing waste stream, and markets for recycled materials are decreasing. To improve our national recycling system and manage our precious resources equitably and sustainably, it is going to take all of us—including Federal, State, Tribal, and local governments, our partners in the private sector, and individual Americans making a difference in their communities. We must continue to work together to properly recycle and manage materials throughout their lifecycles and ensure that every American's right to a healthy environment is fulfilled and protected.

To help our Nation achieve our environmental and recycling goals, my Administration is releasing a National Recycling Strategy, which identifies objectives and actions necessary to help fight climate change and create a sustainable national recycling system. The actions this strategy recommends will help us reach our national recycling goal, and the Federal Government will lead by example across our Federal buildings, lands, and national parks. The strategy also aims to increase access to recycling so that all Americans can meaningfully participate while ensuring that our solid waste management system does not disproportionately affect communities that are already overburdened with environmental impacts. Our workplaces, communities, and Federal, State, Tribal, and local governments can all take part in reshaping our recycling system into one that puts the United States at the forefront of environmental stewardship. You can visit www.epa.gov/recycle for more information on reducing, reusing, and recycling.

As we continue to pursue bold action to tackle climate change, we can all do our part to create a more sustainable future by making simple changes in our own lives. Today and every day, we reaffirm our commitment to preserving our precious resources and creating a healthier, cleaner, more just world for our children and future generations.

NOW, THEREFORE, I, JOSEPH R. BIDEN JR., President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim November 15, 2021, as America Recycles Day. I call upon the people of the United States of America to observe this day with appropriate programs and activities, and I encourage all Americans to continue their reducing, reusing, and recycling efforts throughout the year.

IN WITNESS WHEREOF, I have hereunto set my hand this twelfth day of November, in the year of our Lord two thousand twenty-one, and of the Independence of the United States of America the two hundred and forty-sixth.

JOSEPH R. BIDEN, JR.

Proclamation 10309 of November 16, 2021

**Suspension of Entry as Immigrants and Nonimmigrants
of Persons Responsible for Policies or Actions That
Threaten Democracy in Nicaragua**

*By the President of the United States of America
A Proclamation*

In light of the importance to the United States of fostering democratic processes and institutions in Nicaragua to help the Nicaraguan people achieve their aspirations for democracy, and given the suppression of human rights and democracy in Nicaragua, I have determined that it is in the interest of the United States to restrict and suspend the entry into the United States, as immigrants and nonimmigrants, of members of the Government of Nicaragua, led by President Daniel Ortega, including his spouse and Vice President Rosario Murillo, and others described in this proclamation who formulate, implement, or benefit from

policies or actions that undermine or injure democratic institutions or impede the return to democracy in Nicaragua.

The repressive and abusive acts of the Ortega government and those who support it compel the United States to act. The Ortega government's crackdown on opposition leaders, civil society leaders, and journalists in preparation for the November 2021 Nicaraguan presidential and legislative elections harms the institutions and processes essential to a functioning democracy. The Ortega government's undemocratic, authoritarian actions have crippled the electoral process and stripped away the right of Nicaraguan citizens to choose their leaders in free and fair elections.

The Ortega government's detention of and denial of fair trial guarantees to peaceful protesters, civil society leaders, private sector leaders, student leaders, political leaders, journalists, and presidential candidates in Nicaragua stifles political discourse and the democratic process. Police and prison authorities contribute to the repressive climate the Ortega government promotes by carrying out politically motivated arrests and detentions of individuals exercising their human rights and holding political prisoners incommunicado, without access to lawyers, family members, and needed medical care. Family members and the media have reported that some prisoners have lost significant weight in detention, cannot walk unassisted, have been held in solitary confinement, and are subjected to frequent, extensive interrogations. The physical and psychological abuse of political prisoners at the hands of police and prison authorities is intolerable and cannot stand.

The Ortega government controls multiple security services, including non-uniformed, armed, and masked parapolice, who abuse persons to further the Ortega government's authoritarian agenda, including by harassing, threatening, and committing violence against those opposed to the government. Members of the Nicaraguan National Police (NNP), along with violent mobs of pro-government supporters also controlled by government actors, have attacked religious institutions in retaliation for their support for political and religious leaders.

Municipal officials, acting on direct orders from the Ortega government, have directed violence against pro-democracy protesters in their communities and other local actors opposed to the government. For example, mayors and mayors' offices loyal to the Ortega government have organized and channeled state funds to parapolice groups engaged in violent repression. These municipal officials wield enormous political power and discretionary budget authority, conferred upon them from the highest levels of the Ortega government. The climate of fear established and perpetuated by these municipal officials has diminished the possibility of free and fair elections and undermined democracy in Nicaragua.

The judiciary has failed the Nicaraguan people by aiding and abetting the Ortega government's use of politically motivated charges to lock up political prisoners. By stacking the judiciary with government-controlled judges and prosecutors, the Ortega government has abused the justice system to silence critics. Authorities have held many political prisoners incommunicado for months, without access to their lawyers, and with no knowledge of the spurious charges presented against them.

The widespread impunity for crimes committed against opposition actors; the persistent corruption practiced by Nicaraguan government officials in the performance of public functions that has eroded democratic institutions; and the continued failure of President Daniel Ortega, Vice President Rosario Murillo, Nicaraguan government officials, and others to support the rule of law, human rights, and other principles of high priority to the United States demand a forceful response.

NOW, THEREFORE, I, JOSEPH R. BIDEN JR., President of the United States of America, by the authority vested in me by the Constitution and the laws of the United States, including sections 212(f) and 215(a) of the Immigration and Nationality Act (8 U.S.C. 1182(f) and 1185(a)) and section 301 of title 3, United States Code, hereby find that the unrestricted immigrant and nonimmigrant entry into the United States of persons described in section 1 of this proclamation would, except as provided for in section 4 of this proclamation, be detrimental to the interests of the United States, and that their entry should be subject to certain restrictions, limitations, and exceptions. I therefore hereby proclaim the following:

Section 1. *Suspension and Limitation on Entry.* The entry into the United States, as immigrants or nonimmigrants, of the following persons is hereby suspended:

(a) Members of the Government of Nicaragua, including elected officials and their staff members;

(b) Mayors, vice mayors, or political secretaries who planned, ordered, assisted, aided and abetted, committed, or otherwise participated in, including through command responsibility, serious abuses or violations of human rights to punish peaceful protestors or deny Nicaraguans fundamental freedoms, or who attempted or conspired to do so;

(c) Officials of Nicaragua's security services, including the Nicaraguan Military, NNP, Directorate of Special Police Operations, parapolice groups, and paramilitary groups;

(d) Officials of the Nicaraguan penitentiary administration;

(e) Senior members of the Nicaraguan judiciary, Public Prosecutors Office, and Ministry of the Interior;

(f) Members of Nicaraguan government ministries, regulatory agencies, parastatal companies, higher education administrators and faculty, and elected officials who undertake actions, including human rights abuses, to deny services to those who make peaceful efforts to demand the return to democracy in Nicaragua;

(g) Non-government persons who serve as agents of or act at the behest of those described in subsections (a)–(f) of this section to facilitate or derive financial benefit from policies or actions, including electoral fraud, human rights abuses, or corruption, that undermine or injure democratic institutions or impede the return to democracy in Nicaragua; and

(h) The spouses, sons, and daughters of persons described in subsections (a)–(g) of this section.

Sec. 2. *Authority of the Secretary of State to Identify Covered Individuals.* Persons covered by section 1 of this proclamation shall be identified by the Secretary of State, or the Secretary of State's designee, in

the Secretary of State's sole discretion, pursuant to such procedures as the Secretary of State may establish.

Sec. 3. *Implementation of Suspension and Limitation on Entry.* The Secretary of State shall implement this proclamation as it applies to visas pursuant to such procedures as the Secretary of State, in consultation with the Secretary of Homeland Security, may establish. The Secretary of Homeland Security shall implement this proclamation as it applies to the entry of noncitizens pursuant to such procedures as the Secretary of Homeland Security, in consultation with the Secretary of State, may establish.

Sec. 4. *Scope of Suspension and Limitation on Entry.* Section 1 of this proclamation shall not apply to:

(a) Any lawful permanent resident of the United States;

(b) Any individual who has been granted asylum by the United States, any refugee who has already been admitted to the United States, or any individual granted withholding of removal or protection under the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, and nothing in this proclamation shall be construed to affect any individual's eligibility for asylum, refugee status, withholding of removal, or protection under the Convention Against Torture, consistent with the laws and regulations of the United States;

(c) Any person otherwise covered by section 1 of this proclamation, upon determination by the Secretary of State that the person has ceased actions that undermine democratic institutions and taken concrete steps to help restore democracy in Nicaragua; or

(d) Any person otherwise covered by section 1 of this proclamation, upon determination by the Secretary of State that the person's entry would not be contrary to the interests of the United States, including when the Secretary of State so determines, based on a recommendation of the Attorney General, that the person's entry would further important United States law enforcement objectives. In exercising this responsibility, the Secretary of State shall consult the Secretary of Homeland Security on matters related to admissibility or inadmissibility within the authority of the Secretary of Homeland Security.

Sec. 5. *Termination.* This proclamation shall remain in effect until terminated by the President. The Secretary of State shall, as circumstances warrant, recommend whether the President should continue, modify, or terminate this proclamation.

Sec. 6. *General Provisions.* (a) Nothing in this proclamation shall be construed to impair or otherwise affect:

(i) United States Government obligations under applicable international agreements;

(ii) the authority granted by law to an executive department or agency, or the head thereof; or

(iii) the functions of the Director of the Office of Management and Budget relating to budgetary, administrative, or legislative proposals.

(b) This proclamation shall be implemented consistent with applicable law and subject to the availability of appropriations.

(c) This proclamation is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the United States, its departments, agencies, or entities, its officers, employees, or agents, or any other person.

IN WITNESS WHEREOF, I have hereunto set my hand this sixteenth day of November, in the year of our Lord two thousand twenty-one, and of the Independence of the United States of America the two hundred and forty-sixth.

JOSEPH R. BIDEN, JR.

Proclamation 10310 of November 17, 2021

Antibiotic Awareness Week, 2021

By the President of the United States of America

A Proclamation

Antibiotic Awareness Week is an occasion to celebrate the miracles of science and medicine that improve and sustain our lives, including innovations in antibiotics that have transformed the treatment of illness. Antibiotics save lives, kill bacteria that cause infections, and make it possible for many modern health care practices—including cancer treatments or surgery—to be safely performed. This week is also an occasion to raise awareness of the dangers of misuse and overuse of antibiotics, which can lead to antibiotic resistance.

It is critical to the health of our Nation that antibiotics be used only as intended. In recent decades, the misuse of antibiotics has contributed to infectious germs becoming increasingly resistant to antibiotic drugs. Every year, more than 3 million people in the United States are infected—and nearly 50,000 are killed—by an antibiotic-resistant germ or an infection that can occur after taking antibiotics. Because most of these cases occur as a result of improper antibiotic use, it is essential that these drugs are used appropriately and only when necessary. During Antibiotic Awareness Week, we reaffirm our commitment to meet the challenge of antibiotic resistance and preserve the effectiveness of these lifesaving treatments.

My Administration is committed to a strong public health response to antibiotic resistance. We are pursuing the ambitious goals laid out in the National Action Plan for Combating Antibiotic-Resistant Bacteria, building on evidence-based activities that slow the spread of antibiotic resistant infections and striving to scale up tracking of antibiotic use across the country through systems such as the Centers for Disease Control and Prevention's National Healthcare Safety Network. We know the kinds of interventions that work to maintain the integrity of antibiotics and strengthen antibiotic stewardship across industries, and we are implementing those interventions and providing resources to analyze data and address inequities in antibiotic prescribing and use. In addition, we are examining how disparities in health care access and quality of care exacerbate antibiotic-resistant infections.

Every American has a vital role to play in this effort. Even small changes in how we use antibiotics can help defend against the threat of antibiotic resistance. Using the right antibiotic and the correct dos-

age for the proper duration at the prescribed time can help improve how antibiotics are used to prevent and control infections for all of us. During Antibiotic Awareness Week, we commit to doing our part to take on the threat of antibiotic resistance and pursue strategies that will make all Americans safer and healthier.

NOW, THEREFORE, I, JOSEPH R. BIDEN JR., President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim November 18 through November 24, 2021, as Antibiotic Awareness Week. I call upon the scientific community, medical professionals, educators, businesses, industry leaders, and all Americans to observe this week by promoting the responsible use of antibiotics and raising awareness of the dangers inherent to their misuse and overuse.

IN WITNESS WHEREOF, I have hereunto set my hand this seventeenth day of November, in the year of our Lord two thousand twenty-one, and of the Independence of the United States of America the two hundred and forty-sixth.

JOSEPH R. BIDEN, JR.

Proclamation 10311 of November 17, 2021

National Rural Health Day, 2021

*By the President of the United States of America
A Proclamation*

America's rural communities feed and fuel our country, steward our precious lands, and are home to 1 out of every 5 Americans. As we continue to fight the COVID-19 pandemic and make the investments we need to build back better, we must ensure that our recovery includes and strengthens our Nation's rural communities. On National Rural Health Day, we recommit to supporting the health and well-being of rural Americans and celebrate the rural health care providers who work tirelessly to meet their needs.

Rural Americans face unique challenges accessing the care they need and deserve. They often have to travel greater distances to see a health care provider, are less likely to have access to broadband to utilize telehealth services, and are more likely to live in an area that has a shortage of doctors, dentists, and mental health providers. While the impact of the COVID-19 pandemic has spared no part of the country, rural areas have confronted additional challenges that affect the delivery of services, including limited health care infrastructure and fewer clinicians.

My Administration is committed to improving the health of rural communities and ensuring that those who call these communities home have equitable access to the resources and services routinely available to people living in more densely populated areas. That is why my American Rescue Plan (ARP) is providing \$8.5 billion to rural health providers to keep their doors open and continue responding to the COVID-19 pandemic. This builds on over \$820 million in ARP spending from earlier this year to support COVID-19 testing and mitigation across 4,200 Rural Health Clinics and over 1,500 small rural hospitals

and \$100 million in ARP funding to support the vaccine outreach efforts of Rural Health Clinics. My Administration's plan also provided \$500 million to create the Emergency Rural Health Care Grant Program, which is helping rural communities provide more COVID-19 testing and treatment, purchase medical supplies, deliver food assistance, and renovate health care facilities. These investments are complemented by funds to expand telehealth and support training for new rural health care providers, including community health workers and respiratory therapists. This funding has supported thousands of Rural Health Clinics, small rural hospitals, and community health workers.

My Administration's Build Back Better framework will build on the successes of the ARP by delivering lower cost, higher quality health care to rural Americans. My Administration's proposal is the biggest expansion of affordable health care in a decade and will lower prescription drug and other health care costs for rural Americans, keep rural hospitals open, and work to address the root causes of poor health, including outdated drinking water infrastructure across rural America. Additionally, my Administration is coordinating efforts across Federal, State, Tribal, territorial, and local governments and incorporating health equity principles, policies, and approaches in our efforts to better support rural communities. This means supporting rural hospitals and clinics, expanding telehealth and workforce development, improving community health, and providing greater access to capital so that every American can receive lower cost and higher quality health care.

On National Rural Health Day, we recognize the importance of the health and well-being of our rural communities. As our Nation builds back better, we recommit to supporting our rural health care providers and working together to bring about a stronger, healthier rural America.

NOW, THEREFORE, I, JOSEPH R. BIDEN JR., President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim November 18, 2021, as National Rural Health Day. I call upon the people of the United States to reaffirm our dedication to the health and well-being of rural America.

IN WITNESS WHEREOF, I have hereunto set my hand this seventeenth day of November, in the year of our Lord two thousand twenty-one, and of the Independence of the United States of America the two hundred and forty-sixth.

JOSEPH R. BIDEN, JR.

Proclamation 10312 of November 19, 2021

National Child's Day, 2021

*By the President of the United States of America
A Proclamation*

Our Nation's children are the kite strings that hold our national ambitions aloft—and it is our shared responsibility to make sure that they have every opportunity to thrive. On National Child's Day, we recom-

mit ourselves to ensuring that every child in America has a fair shot at a bright future, regardless of the gender, race, ethnicity, or the zip code they are born into.

To support our Nation's children, it is imperative that we work to deliver equal access to quality child care and education, health care, good jobs with dignity, and a clean planet. That is why I am working with the Congress to pass my Administration's Build Back Better plan—a transformative investment in children, families, climate resilience, and the foundations of our economy. The Build Back Better Act is poised to deliver high-quality child care that all families can afford, universal access to preschool for all 3- and 4-year-olds, lower costs for higher education so that every child has an equal footing and opportunity to succeed, historic tax cuts for working families raising children, the largest expansion of affordable health care coverage since the Affordable Care Act, and the largest investment to fight climate change in American history.

This landmark legislation will help ensure that every child has a safer and healthier upbringing. It eases the cost burden of raising a family—delivering a tax cut directly into the pockets of working parents. It will help America once again set the pace around the world when it comes to educational attainment, reversing generations of underinvestment in our children's development and care. It will help us cut greenhouse gas emissions and reduce pollution so that our children can breathe clean air. With the Bipartisan Infrastructure Act—we will also deliver high-speed internet access to every American household and replace our Nation's lead water pipes so that every child can drink clean water at home and at school. I will also continue to make the case for establishing a paid family and medical leave program so no worker has to make the impossible choice between work and caring for themselves or a family member.

These historic bills build on the foundation we laid with the American Rescue Plan, which has set us on a course to reduce child poverty in America by nearly half. The law continues to deliver critical resources that have allowed our Nation's children to safely return to the classroom, and it provides essential tools to address the mental health needs of our children and much-needed relief to families to improve maternal and child health care.

We owe every child the opportunity to dream and flourish, supported by adults helping to make their dreams a reality. On National Child's Day, we reaffirm our commitment to uplift the children in our lives and in our communities. Their future is our future, and our Nation's success tomorrow relies on the care and investment we provide for our children today.

NOW, THEREFORE, I, JOSEPH R. BIDEN JR., President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim November 20, 2021, as National Child's Day. I call upon all government officials, educators, volunteers, and all the people of the United States of America to observe this day with appropriate programs, ceremonies, and activities.

IN WITNESS WHEREOF, I have hereunto set my hand this nineteenth day of November, in the year of our Lord two thousand twenty-one,

and of the Independence of the United States of America the two hundred and forty-sixth.

JOSEPH R. BIDEN, JR.

Proclamation 10313 of November 19, 2021

National Family Week, 2021

By the President of the United States of America

A Proclamation

My father lived by a motto: that family was the beginning, the middle, and the end. During National Family Week, we celebrate American families, recognize the importance of spending time with relatives, and reaffirm our commitment to investing in our Nation's families.

From the beginning of my campaign for President, I said that my goal was to build our economy from the bottom up and the middle out and give America's hard-working families some much needed breathing room. This work is especially important, given the fact that the COVID-19 pandemic has presented so many challenges for families. Many families struggled with lost jobs or food insecurity. Before schools reopened, parents and caregivers had to take on additional responsibilities such as helping their children with online learning, many while working from home. So many of us went months without hugging a parent, grandparent, or grandchild. Far too many families said goodbye to a loved one—leaving an empty chair at the table and a hole in their hearts.

When I took office, I took immediate action to assist families through my Administration's American Rescue Plan. The American Rescue Plan has provided cash assistance to millions of working families, supported schools in safely providing in-person instruction, and delivered an expanded Child Tax Credit, which is lifting millions of children and families out of poverty. It also allowed us to implement our COVID-19 vaccination program—one of the fastest vaccination programs ever, one that is now open to all Americans ages five and up, and one that is protecting millions of families.

Now even greater progress for America's families is in sight. My Administration's Build Back Better Act and Bipartisan Infrastructure Investment and Jobs Act will further strengthen and support our Nation's families. The Bipartisan Infrastructure Investment and Jobs Act will allow us to replace lead pipes and service lines that are poisoning our children and families while the other investments in the bill will strengthen communities and create millions of good jobs. My Administration's Build Back Better Act will provide free and universal preschool, the largest investment in child care in our Nation's history, an expansion of the Affordable Care Act, and a tax cut for millions of families with children. In addition, I will continue to push for establishing a paid family and medical leave program so that no American must make the difficult choice between work and caring for themselves or a family member.

During National Family Week, we reaffirm that our Nation is stronger because of the love, compassion, and care that our families share. In

this season of thanksgiving, let us continue to lift up our hard-working families and unite in support of our future generations.

NOW, THEREFORE, I, JOSEPH R. BIDEN JR., President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim November 21 through November 27, 2021, as National Family Week. I invite States, communities, and individuals to join together in observing this week with appropriate ceremonies and activities to honor our Nation's families.

IN WITNESS WHEREOF, I have hereunto set my hand this nineteenth day of November, in the year of our Lord two thousand twenty-one, and of the Independence of the United States of America the two hundred and forty-sixth.

JOSEPH R. BIDEN, JR.

Proclamation 10314 of November 24, 2021

Thanksgiving Day, 2021

By the President of the United States of America

A Proclamation

Thanksgiving provides us with a time to reflect on our many blessings—from God, this Nation, and each other. We are grateful for these blessings, even—and especially—during times of challenge.

That is why George Washington declared a day of Thanksgiving for his troops as they marched into that dark winter at Valley Forge. It is why in the midst of the Civil War—in proclaiming the Thanksgiving holiday we now celebrate today—Abraham Lincoln urged us to remember our “fruitful fields and healthful skies.” Just as 400 years ago when the Pilgrims were able to celebrate a successful first harvest thanks to the generosity and support of the Wampanoag, today we too express our gratitude for those who have helped us get through this difficult past year.

We are grateful for the farm workers and frontline workers, many of whom are immigrants, who make sure our food is harvested and shipped, keep our grocery stores stocked, and keep our cities and towns clean and safe.

We are grateful for the educators who are welcoming children back into their classrooms, helping them make up for lost learning and lost time, both academically and socially.

We are grateful for the parents who have carried their families through this challenging time, helping their children navigate this difficult chapter in our Nation's history.

We are grateful for the health care professionals working to vaccinate our Nation, the nurses who comfort and help people, and the doctors who provide care and compassion.

We are grateful for the researchers and scientists who have developed safe and effective vaccines and treatments, allowing us to safely enjoy a Thanksgiving this year with more family around the table.

As always, we are grateful for our troops serving far from home, keeping us safe and defending our values.

For the First Lady and me, Thanksgiving has always been a cherished time to enjoy annual traditions that have evolved into sacred rituals with our children and grandchildren: throwing the football, preparing family recipes, lighting candles, and setting the table. For many Americans, this Thanksgiving will be the first time gathering with loved ones in person since the start of the pandemic—a time of full tables and full hearts.

As we celebrate, we will also be thinking of the many families feeling the pain of an empty chair at the Thanksgiving table. You are not alone, and our Nation stands with you.

NOW, THEREFORE, I, JOSEPH R. BIDEN JR., President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim Thursday, November 25, 2021, as a National Day of Thanksgiving. I encourage the people of the United States of America to join together and give thanks for the friends, neighbors, family members, and strangers who have supported each other over the past year in a reflection of goodwill and unity.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-fourth day of November, in the year of our Lord two thousand twenty-one, and of the Independence of the United States of America the two hundred and forty-sixth.

JOSEPH R. BIDEN, JR.

Proclamation 10315 of November 26, 2021

**Suspension of Entry as Immigrants and Nonimmigrants
of Certain Additional Persons Who Pose a Risk of
Transmitting Coronavirus Disease 2019**

By the President of the United States of America

A Proclamation

The national emergency caused by the coronavirus disease 2019 (COVID-19) outbreak in the United States continues to pose a grave threat to our health and security. As of November 26, 2021, the United States has experienced more than 47 million confirmed COVID-19 cases and more than 773,000 COVID-19 deaths. It is the policy of my Administration to implement science-based public health measures, across all areas of the Federal Government, to act swiftly and aggressively to prevent further spread of the disease.

On November 24, 2021, the Republic of South Africa informed the World Health Organization (WHO) of a new B.1.1.529 (Omicron) variant of SARS-CoV-2, the virus that causes COVID-19, that was detected in that country. On November 26, 2021, the WHO Technical Advisory Group on SARS-CoV-2 Virus Evolution announced that B.1.1.529 constitutes a variant of concern. While new information is still emerging, the profile of B.1.1.529 includes multiple mutations across the SARS-CoV-2 genome, some of which are concerning. According to the WHO,

preliminary evidence suggests an increased risk of reinfection with this variant, as compared to other variants of concern. Further, the WHO reports that the number of cases of this variant appears to be increasing in almost all provinces in the Republic of South Africa. Based on these developments, and in light of the extensive cross-border transit and proximity in Southern Africa, the detection of B.1.1.529 cases in some Southern African countries, and the lack of widespread genomic sequencing in Southern Africa, the United States Government, including the Centers for Disease Control and Prevention (CDC), within the Department of Health and Human Services, has reexamined its policies on international travel and concluded that further measures are required to protect the public health from travelers entering the United States from the Republic of Botswana, the Kingdom of Eswatini, the Kingdom of Lesotho, the Republic of Malawi, the Republic of Mozambique, the Republic of Namibia, the Republic of South Africa, and the Republic of Zimbabwe. In addition to these travel restrictions, the CDC shall implement other mitigation measures for travelers departing from the countries listed above and destined for the United States, as needed.

Given the recommendation of the CDC, working in close coordination with the Department of Homeland Security, described above, I have determined that it is in the interests of the United States to take action to suspend and restrict the entry into the United States, as immigrants and nonimmigrants, of noncitizens of the United States (“noncitizens”) who were physically present within the Republic of Botswana, the Kingdom of Eswatini, the Kingdom of Lesotho, the Republic of Malawi, the Republic of Mozambique, the Republic of Namibia, the Republic of South Africa, and the Republic of Zimbabwe during the 14-day period preceding their entry or attempted entry into the United States.

NOW, THEREFORE, I, JOSEPH R. BIDEN JR., President of the United States, by the authority vested in me by the Constitution and the laws of the United States of America, including sections 212(f) and 215(a) of the Immigration and Nationality Act, 8 U.S.C. 1182(f) and 1185(a), and section 301 of title 3, United States Code, hereby find that the unrestricted entry into the United States of persons described in section 1 of this proclamation would, except as provided for in section 2 of this proclamation, be detrimental to the interests of the United States, and that their entry should be subject to certain restrictions, limitations, and exceptions. I therefore hereby proclaim the following:

Section 1. *Suspension and Limitation on Entry.* The entry into the United States, as immigrants or nonimmigrants, of noncitizens who were physically present within the Republic of Botswana, the Kingdom of Eswatini, the Kingdom of Lesotho, the Republic of Malawi, the Republic of Mozambique, the Republic of Namibia, the Republic of South Africa, and the Republic of Zimbabwe during the 14-day period preceding their entry or attempted entry into the United States is hereby suspended and limited subject to section 2 of this proclamation.

Sec. 2. *Scope of Suspension and Limitation on Entry.*

(a) Section 1 of this proclamation shall not apply to:

- (i) any lawful permanent resident of the United States;
- (ii) any noncitizen national of the United States;

(iii) any noncitizen who is the spouse of a U.S. citizen or lawful permanent resident;

(iv) any noncitizen who is the parent or legal guardian of a U.S. citizen or lawful permanent resident, provided that the U.S. citizen or lawful permanent resident is unmarried and under the age of 21;

(v) any noncitizen who is the sibling of a U.S. citizen or lawful permanent resident, provided that both are unmarried and under the age of 21;

(vi) any noncitizen who is the child, foster child, or ward of a U.S. citizen or lawful permanent resident, or who is a prospective adoptee seeking to enter the United States pursuant to the IR-4 or IH-4 visa classifications;

(vii) any noncitizen traveling at the invitation of the United States Government for a purpose related to containment or mitigation of the virus;

(viii) any noncitizen traveling as a nonimmigrant pursuant to a C-1, D, or C-1/D nonimmigrant visa as a crewmember or any noncitizen otherwise traveling to the United States as air or sea crew;

(ix) any noncitizen

(A) seeking entry into or transiting the United States pursuant to one of the following visas: A-1, A-2, C-2, C-3 (as a foreign government official or immediate family member of an official), E-1 (as an employee of TECRO or TECO or the employee's immediate family members), G-1, G-2, G-3, G-4, NATO-1 through NATO-4, or NATO-6 (or seeking to enter as a nonimmigrant in one of those NATO categories); or

(B) whose travel falls within the scope of section 11 of the United Nations Headquarters Agreement;

(x) any noncitizen who is a member of the U.S. Armed Forces or who is a spouse or child of a member of the U.S. Armed Forces;

(xi) any noncitizen whose entry would further important United States law enforcement objectives, as determined by the Secretary of State, the Secretary of Homeland Security, or their respective designees, based on a recommendation of the Attorney General or his designee; or

(xii) any noncitizen or group of noncitizens whose entry would be in the national interest, as determined by the Secretary of State, the Secretary of Homeland Security, or their designees.

(b) Nothing in this proclamation shall be construed to affect any individual's eligibility for asylum, withholding of removal, or protection under the regulations issued pursuant to the legislation implementing the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, consistent with the laws and regulations of the United States.

Sec. 3. Implementation and Enforcement. (a) The Secretary of State shall implement this proclamation as it applies to visas pursuant to such procedures as the Secretary of State, in consultation with the Secretary of Homeland Security, may establish. The Secretary of Homeland Security shall implement this proclamation as it applies to the

entry of noncitizens pursuant to such procedures as the Secretary of Homeland Security, in consultation with the Secretary of State, may establish.

(b) The Secretary of State, the Secretary of Transportation, and the Secretary of Homeland Security shall endeavor to ensure that any non-citizen subject to this proclamation does not board an aircraft traveling to the United States, to the extent permitted by law.

(c) The Secretary of Homeland Security may establish standards and procedures to ensure the application of this proclamation at and between all United States ports of entry.

(d) Where a noncitizen circumvents the application of this proclamation through fraud, willful misrepresentation of a material fact, or illegal entry, the Secretary of Homeland Security shall consider prioritizing such noncitizen for removal.

Sec. 4. *Relationship to Other Suspensions, Limitations, or Restrictions on Entry.* Individuals described in section 2 of this proclamation may nevertheless be subject to an entry suspension, limitation, or restriction under Proclamation 10294 of October 25, 2021 (Advancing the Safe Resumption of Global Travel During the COVID-19 Pandemic). Nothing in this proclamation shall be construed to affect any other suspension, limitation, or restriction on entry.

Sec. 5. *Termination.* This proclamation shall remain in effect until terminated by the President. The Secretary of Health and Human Services shall, as circumstances warrant and no more than 30 days after the date of this proclamation and by the final day of each calendar month thereafter, recommend whether the President should continue, modify, or terminate this proclamation.

Sec. 6. *Effective Date.* This proclamation is effective at 12:01 a.m. eastern standard time on November 29, 2021. This proclamation does not apply to persons aboard a flight scheduled to arrive in the United States that departed prior to 12:01 a.m. eastern standard time on November 29, 2021.

Sec. 7. *Severability.* It is the policy of the United States to enforce this proclamation to the maximum extent possible to advance the national security, public safety, and foreign policy interests of the United States. Accordingly, if any provision of this proclamation, or the application of any provision to any person or circumstance, is held to be invalid, the remainder of this proclamation and the application of its provisions to any other persons or circumstances shall not be affected thereby.

Sec. 8. *General Provisions.* (a) Nothing in this proclamation shall be construed to impair or otherwise affect:

(i) the authority granted by law to an executive department or agency, or the head thereof; or

(ii) the functions of the Director of the Office of Management and Budget relating to budgetary, administrative, or legislative proposals.

(b) This proclamation shall be implemented consistent with applicable law and subject to the availability of appropriations.

(c) This proclamation is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in eq-

uity by any party against the United States, its departments, agencies, or entities, its officers, employees, or agents, or any other person.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-sixth day of November, in the year of our Lord two thousand twenty-one, and of the Independence of the United States of America the two hundred and forty-sixth.

JOSEPH R. BIDEN, JR.

Proclamation 10316 of November 30, 2021

National Impaired Driving Prevention Month, 2021

By the President of the United States of America

A Proclamation

Every year, thousands of lives are needlessly lost on our Nation's roadways because of alcohol—and drug-impaired driving. These are avoidable tragedies that leave deep holes in our Nation's families and communities. During National Impaired Driving Prevention Month, we reaffirm our commitment to preventing impaired driving. We remember the victims and honor their memory by making the responsible decision to drive sober and ensure that others do the same.

Driving while impaired by any substance—legal or illegal—is dangerous. Alcohol, illicit drugs, and even over-the-counter and prescription medications can impair a driver's judgment, decrease motor coordination, and slow the reaction time necessary to safely operate a motor vehicle. Alcohol-impaired driving has led to over 10,000 deaths each year.

My Administration is committed to reducing the number of impaired drivers and raising awareness about the dangers of driving impaired. The new Infrastructure Investment and Jobs Act calls for the National Highway Traffic Safety Administration to issue a new standard for “advanced drunk and impaired driving prevention technology” for new vehicles, which would help prevent impaired drivers from taking the wheel.

My Administration is building our capacity to end impaired driving by supporting innovative strategies that reduce impaired driving-related crashes, injuries, and fatalities while safeguarding against bias and ensuring racial equity. To identify and support people with substance use disorders, we are increasing impaired driving risk screening, supporting evidence-based prevention programs, and providing access to evidence-based treatment and recovery support services. My Administration is also raising awareness about the effects of impairment on driving ability through the *Drive Sober or Get Pulled Over* and *If You Feel Different, You Drive Different* national media campaigns.

While our technology continues to advance and may one day help solve the problem of impaired driving, everyone must take individual responsibility and pledge to never drive while impaired and to deter others from making that fateful decision.

During National Impaired Driving Prevention Month, we recommit ourselves to doing all we can to stop these preventable crashes and re-

member those who lost their lives as a result of impaired driving. We must also share our appreciation for the law enforcement officers who risk their lives each day to keep our communities safe while keeping impaired drivers off of our roadways.

NOW, THEREFORE, I, JOSEPH R. BIDEN JR., President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim December 2021 as National Impaired Driving Prevention Month. I urge all Americans to make responsible decisions and take appropriate measures to prevent impaired driving.

IN WITNESS WHEREOF, I have hereunto set my hand this thirtieth day of November, in the year of our Lord two thousand twenty-one, and of the Independence of the United States of America the two hundred and forty-sixth.

JOSEPH R. BIDEN, JR.

Proclamation 10317 of November 30, 2021

World AIDS Day, 2021

By the President of the United States of America

A Proclamation

For decades, World AIDS Day has been recognized as an opportunity for people around the world to stand together in the fight against HIV. This year on World AIDS Day, we are focused on addressing health inequities and inequalities and ensuring that the voices of people with HIV are at the center of our work to end the HIV epidemic globally.

While we have made remarkable progress in the 40 years since the first-known reported case of AIDS, this disease remains a serious public health challenge—and we join the international community to honor and remember the more than 36 million people, including 700,000 Americans, who have tragically died from AIDS-related illness since the start of the epidemic. We also renew our commitment to stand with the nearly 38 million people living with HIV around the world as we pursue our shared goal of ending the HIV epidemic.

The COVID-19 pandemic has added to the challenges our heroic health care and frontline workers face, yet they continue to deliver essential HIV prevention services and provide vital care and treatment to people living with HIV. The pandemic has also interrupted HIV research and highlighted the work that still remains to achieve equitable access to HIV prevention, care, and treatment in every community—particularly for communities of color, adolescent girls and young women, and the LGBTQI+ community.

My Administration remains steadfast in our efforts to end the HIV epidemic, confront systems and policies that perpetuate entrenched health inequities, and build a healthier world for all people. Earlier this year, I reinstated the White House Office of National AIDS Policy to coordinate our efforts to reduce the number of HIV infections across our Nation. This week, my Administration is releasing an updated National HIV/AIDS Strategy to decrease health inequities in new diagnoses and

improve access to comprehensive, evidence-based HIV-prevention tools. This updated strategy will make equity a cornerstone of our response and bring a whole-of-government approach to fighting HIV.

My budget request includes \$670 million to support the Department of Health and Human Services' Ending the HIV Epidemic in the U.S. Initiative—to reduce HIV diagnoses and AIDS-related deaths. My Administration has also strengthened the Presidential Advisory Council on HIV/AIDS by adding members from diverse backgrounds who bring the knowledge and expertise needed to further our Nation's HIV response.

My Administration is committed to helping the world end the AIDS epidemic as a public health threat by 2030. Through the United States President's Emergency Plan for AIDS Relief (PEPFAR), we have saved more than 21 million lives, prevented millions of HIV infections, and supported at least 20 countries around the world to reach epidemic control of HIV or achieve their ambitious HIV treatment targets. This remarkable progress over the past 18 years has been made possible through strong, bipartisan United States leadership and American generosity. Now, together with partner governments and communities, my Administration is setting a bold vision for achieving sustained epidemic control of HIV by supporting equitable health services and solutions, contributing to improved health for all in PEPFAR-supported countries, and working with the Global Fund to Fight AIDS, Tuberculosis and Malaria; UNAIDS; and other regional and local partners toward the goal of ending the HIV epidemic everywhere.

Ending the HIV epidemic is within our reach, and we are committed to finishing this work. On World AIDS Day, we rededicate ourselves to building on the progress of the last 4 decades; upholding and advancing human rights; supporting research, science, and data-driven solutions; expanding access to housing, education, and economic empowerment; and fighting stigma and discrimination. No one living with HIV should suffer the undeserved guilt and prejudice that too many continue to experience. We must innovate and explore new ways to help address HIV/AIDS in communities here at home and around the world.

NOW, THEREFORE, I, JOSEPH R. BIDEN JR., President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim December 1, 2021, as World AIDS Day. I urge the Governors of the United States and its Territories, and the American people to join the HIV community in activities to remember those who have lost their lives to AIDS and to provide support, dignity, and compassion to those living with HIV.

IN WITNESS WHEREOF, I have hereunto set my hand this thirtieth day of November, in the year of our Lord two thousand twenty-one, and of the Independence of the United States of America the two hundred and forty-sixth.

JOSEPH R. BIDEN, JR.

Proclamation 10318 of December 2, 2021**International Day of Persons With Disabilities, 2021***By the President of the United States of America**A Proclamation*

Thirty-one years ago, the bipartisan passage of the Americans with Disabilities Act (ADA) enshrined our commitment to building a better Nation for all of us. In the years since, we have made profound progress to advance the rights, opportunities, full participation, and economic self-sufficiency of people with disabilities—both here at home and in nations around the world. On the International Day of Persons with Disabilities, we reaffirm the full promise of dignity, equity, and respect due to all disabled people and recognize the work that still remains to fully deliver on that promise.

I was proud to co-sponsor the ADA as a member of the United States Senate. Today, that law remains a vital source of opportunity and dignity—a defense against discrimination and a path to independence. My Administration continues to build on the legacy of the ADA here at home and lead efforts for disability-inclusive democracies around the world. Earlier this year, I signed Executive Orders to recruit and retain a workforce that truly reflects the American people—including Americans with disabilities—and to help ensure that people with disabilities can exercise their sacred right to vote on a full and equal basis.

We know that—both here in America and around the world—women and girls with disabilities are disproportionately impacted by gender inequality. That is why my Administration developed the first-ever National Strategy on Gender Equity and Equality, which aims to address discrimination rooted in the nexus of both gender and disability. The American Rescue Plan included landmark support for people with disabilities—including historic funding to expand home- and community-based services under Medicaid, which is enabling more Americans than ever to live safely and independently in their own homes. My Administration’s Build Back Better plan will further that commitment by making the most transformative investment in access to home care in 40 years—providing life-changing support to people with disabilities and the dedicated workers who help care for them.

To uphold and advance the human rights of people with disabilities worldwide, I reestablished the role of Special Advisor on International Disability Rights at the Department of State. My Administration will continue to take domestic and international actions to make democracy more accessible around the world. The Summit for Democracy on December 9–10 will affirm that a government of, by, and for the people—including those with disabilities—remains humanity’s most enduring means to advance peace, prosperity, and security.

Today and every day, we reaffirm our commitment to ensuring dignity, equity, and respect for all people with disabilities. As we continue to build back better and address the challenges of the 21st century, we will ensure that we deal everybody in and bring everyone along.

NOW, THEREFORE, I, JOSEPH R. BIDEN JR., President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim Decem-

ber 3, 2021, as International Day of Persons with Disabilities. I call on all Americans to observe this day with appropriate ceremonies, activities, and programs.

IN WITNESS WHEREOF, I have hereunto set my hand this second day of December, in the year of our Lord two thousand twenty-one, and of the Independence of the United States of America the two hundred and forty-sixth.

JOSEPH R. BIDEN, JR.

Proclamation 10319 of December 3, 2021

National Pearl Harbor Remembrance Day, 2021

By the President of the United States of America

A Proclamation

On December 7, 1941, the Imperial Japanese Navy attacked our forces at Pearl Harbor and other locations in Hawaii, taking the lives of 2,403 service members and civilians and leading the United States to declare its entrance into World War II. It was a day that still lives in infamy 80 years later. As we mark National Pearl Harbor Remembrance Day, we honor the patriots who perished, commemorate the valor of all those who defended our Nation, and recommit ourselves to carrying forth the ensuing peace and reconciliation that brought a better future for our world. Today, we give thanks to the Greatest Generation, who guided our Nation through some of our darkest moments and laid the foundations of an international system that has transformed former adversaries into allies.

A decade ago, I paid my respects at the USS Arizona Memorial—where 1,177 crewmen lost their lives on that terrible December day. To this day, beads of oil still rise to the surface of the water—metaphorical “Black Tears” shed for those lost in the attack. Reading those names etched in marble was a mournful reminder of the sacrifices and the human cost of protecting our Nation and the ideals this great country represents. Our Nation remains forever indebted to all those who gave their last full measure of devotion eight decades ago. We will never forget those who perished, and we will always honor our sacred obligation to care for our service members, veterans, and their families, caregivers, and survivors.

The Congress, by Public Law 103–308, as amended, has designated December 7 of each year as “National Pearl Harbor Remembrance Day.”

NOW, THEREFORE, I, JOSEPH R. BIDEN JR., President of the United States of America, do hereby proclaim December 7, 2021, as National Pearl Harbor Remembrance Day. I encourage all Americans to reflect on the courage shown by our brave warriors that day and remember their sacrifices. I ask us all to give sincere thanks and appreciation to the survivors of that unthinkable day. I urge all Federal agencies, interested organizations, groups, and individuals to fly the flag of the United States at half-staff on December 7, 2021, in honor of those American patriots who died as a result of their service at Pearl Harbor.

IN WITNESS WHEREOF, I have hereunto set my hand this third day of December, in the year of our Lord two thousand twenty-one, and of the Independence of the United States of America the two hundred and forty-sixth.

JOSEPH R. BIDEN, JR.

Proclamation 10320 of December 5, 2021

Death of Robert Joseph Dole

By the President of the United States of America

A Proclamation

As a mark of respect for Robert Joseph Dole, a statesman like few in our history and a war hero among the greatest of the Greatest Generation, I hereby order, by the authority vested in me as President of the United States by the Constitution and the laws of the United States of America, that the flag of the United States shall be flown at half-staff at the White House and upon all public buildings and grounds, at all military posts and naval stations, and on all naval vessels of the Federal Government in the District of Columbia and throughout the United States and its Territories and possessions until sunset on December 9, 2021. I also direct that the flag shall be flown at half-staff for the same length of time at all United States embassies, legations, consular offices, and other facilities abroad, including all military facilities and naval vessels and stations.

IN WITNESS WHEREOF, I have hereunto set my hand this fifth day of December, in the year of our Lord two thousand twenty-one, and of the Independence of the United States of America the two hundred and forty-sixth.

JOSEPH R. BIDEN, JR.

Proclamation 10321 of December 9, 2021

Human Rights Day and Human Rights Week, 2021

By the President of the United States of America

A Proclamation

In the wake of the devastation of the Second World War, leaders from around the world came together with a shared vision to promote a safer future for all nations by securing and advancing the human rights of everyone, everywhere. On December 10, 1948, thanks to the moral leadership and service of Eleanor Roosevelt as the first Chairperson of the Commission on Human Rights, the world took an enormous step forward with the creation of the Universal Declaration of Human Rights (UDHR).

The UDHR enshrines the human rights and fundamental freedoms inherent in all people—no matter who they are, where they come from, or whom they love. It is a foundational document that proclaims a truth too often overlooked or ignored—that “all human beings are born

free and equal in dignity and rights.” From the root of this universal ideal has sprung transformational human rights treaties and a global commitment to advance equality and dignity for all as the foundation of freedom, peace, and justice. As a world, we have yet to achieve this goal, and we must continue our efforts to bend the arc of history closer to justice and the shared values that the UDHR enshrines. Just as we advocated for the recognition of universal human rights following World War II, the United States today remains steadfast in our commitment to advancing the human rights of all people—and to leading not by the example of our power but by the power of our example.

Since taking office, my Administration has put human rights at the center of our domestic and foreign policy priorities. We immediately declared our intention to rejoin the United Nations Human Rights Council, and with the widespread support of the international community, our Nation was elected to a new term beginning on January 1, 2022. As a member of the Council, we will highlight the vital importance of democracy as we work to protect human rights and hold accountable those who would violate these rights and freedoms. We will continue to call out human rights violations wherever they occur, support brave activists on the front lines of protecting fundamental freedoms, and invest in strengthening the rule of law.

As a global champion for democracy, we must also continue the unceasing work of strengthening our own democracy and building a more perfect union. Leading by example is one of the most powerful and persuasive foreign policy tools at our disposal. From day one of my Administration, we have taken concrete steps to reassert our moral leadership on the global stage. On my first day in office, I signed an Executive Order to advance racial equity and support for underserved communities. As part of our once-in-a-generation investment in our Nation’s physical infrastructure, we are also strengthening equitable access to our shared resources and environment, including providing additional support for historically underserved communities.

Unfortunately, discrimination and violence are challenges that too many Americans still face in their own communities. Throughout our Nation’s history, generations of Black and Brown Americans, Indigenous persons, people with disabilities, LGBTQ+ Americans, immigrants, women and girls, and members of religious, ethnic, and other historically marginalized groups have faced heightened threats to their human rights and dignity. Today, we know that our efforts to defend human rights around the world are stronger because we acknowledge and seek to remedy our own historical challenges as part of that same fight. Leading by example means speaking honestly about the past, upholding the truth, and striving constantly to improve.

This year, as we commemorate Human Rights Day, my Administration will bring together global leaders, civil society organizations, and representatives from the private sector for the first Summit for Democracy. Working together, we will recommit ourselves to promoting respect for human rights and combating growing threats to democracy, including authoritarianism and corruption. We will speak honestly about the challenges we face, and we will identify meaningful new actions and commitments to advance our shared goals.

I call upon all Americans to keep the words of the Reverend Dr. Martin Luther King, Jr. in their hearts: “injustice anywhere is a threat to jus-

tice everywhere.” Let us all dedicate ourselves to bringing our Nation and our world closer to a future in which every human being is free to pursue their highest dreams and unleash their full potential.

NOW, THEREFORE, I, JOSEPH R. BIDEN JR., President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim December 10, 2021, as Human Rights Day and the week beginning December 10, 2021, as Human Rights Week. I call upon the people of the United States to mark these observances with appropriate ceremonies and activities.

IN WITNESS WHEREOF, I have hereunto set my hand this ninth day of December, in the year of our Lord two thousand twenty-one, and of the Independence of the United States of America the two hundred and forty-sixth.

JOSEPH R. BIDEN, JR.

Proclamation 10322 of December 9, 2021

Amending Proclamation 10320, Death of Robert J. Dole

By the President of the United States of America

A Proclamation

By the authority vested in me as President of the United States by the Constitution and the laws of the United States of America, and in order to extend the display of the flag at half-staff as a mark of respect for Robert Joseph Dole, it is hereby ordered that Proclamation 10320 of December 5, 2021, is amended by deleting in the first sentence the words “until sunset on December 9, 2021” and inserting in their place the words “through Saturday, December 11.”

IN WITNESS WHEREOF, I have hereunto set my hand this ninth day of December, in the year of our Lord two thousand twenty-one, and of the Independence of the United States of America the two hundred and forty-sixth.

JOSEPH R. BIDEN, JR.

Proclamation 10323 of December 14, 2021

Bill of Rights Day, 2021

By the President of the United States of America

A Proclamation

More than two centuries ago, our Founders drafted the Constitution in order to create an American Government that could act with urgency on national issues without compromising individual rights and freedoms. They had the genius not only to craft such a Government but to foresee their own fallibility as well. In their foresight, they made the charter at the heart of our Nation a *living* document—including within

it a process by which it could be amended to evolve and keep pace with the wisdom of passing time.

Opportunities to improve our Constitution have been contemplated since its inception. On December 15, 1791, three-fourths of the existing State legislatures ratified the first 10 Amendments of the Constitution—the Bill of Rights. These Amendments protect some of the most indispensable rights and liberties that define us as Americans. Though we have often struggled to live up to the promises they contain, 230 years after the ratification of the Bill of Rights, respect for human rights and fundamental freedoms remains at the center of our democracy.

The Bill of Rights is important not only in the freedoms it protects but in its demonstration of America's enduring commitment to self-improvement and striving to continuously form a "more perfect union." Since 1791, 17 additional Amendments have been ratified for a total of 27 Amendments to the Constitution. From the 13th Amendment, which abolished slavery; to the 14th Amendment, which guaranteed birthright citizenship, promised "equal protection under the laws," and safeguarded fundamental rights and fair process; to the several Amendments devoted to prohibiting electoral discrimination based on race, sex, age, and the inability to afford a tax; to the most recent amendment ratified in 1992 to keep members of Congress more responsive to their voters—our history of amending the Constitution illustrates that improving our democracy is the shared and constant duty of all Americans. Democracy's greatest strength is the ability it provides its citizens to improve their system of governance, which is why democracy is uniquely suited to face the challenges of a changing world.

Just as our Founders overcame their differences to form the democracy we know today, our country continues to confront its problems head-on and work together to fix them, even in the face of disagreements. Respectful disagreement is healthy and American—indeed, it is protected by the Bill of Rights itself—but there is no place in a democracy for threats or violence.

Earlier this month, the United States hosted the first ever Summit for Democracy, where Governmental and non-governmental leaders from around the world came together to set forth an affirmative agenda for democratic renewal and to tackle the greatest threats faced by democracies today through collective action. By working with our democratic partners, we can meet the challenges of today and tomorrow.

NOW, THEREFORE, I, JOSEPH R. BIDEN JR., President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim December 15, 2021, as Bill of Rights Day. I call upon the people of the United States to observe this day with appropriate ceremonies and activities.

IN WITNESS WHEREOF, I have hereunto set my hand this fourteenth day of December, in the year of our Lord two thousand twenty-one, and of the Independence of the United States of America the two hundred and forty-sixth.

JOSEPH R. BIDEN, JR.

Proclamation 10324 of December 16, 2021**Wright Brothers Day, 2021**

By the President of the United States of America

A Proclamation

On December 17, 1903, Wilbur and Orville Wright achieved a feat that humankind had dreamed of since time immemorial—a sustained, controlled, powered flight that opened the skies to all humanity. Today, we honor the extraordinary achievements of the Wright Brothers and celebrate their enduring contributions to America’s unparalleled leadership in flight.

Many intrepid souls had tried and failed at what the two brothers from Dayton, Ohio—inventors, engineers, dreamers—were able to achieve. After years of designing, testing, and building the Wright Flyer in their hometown workshop, they launched it into flight from the sand dunes and wind of Kitty Hawk, North Carolina on that historic day—covering 120 feet in 12 seconds and taking humankind into a new era.

The first flight made history, but it was only the beginning. The Wright Brothers kept innovating. With every flight, they learned how to improve their techniques and their flying machine. As the flights lengthened, their acclaim grew, and they drew interest from people across our Nation and around the world. The Wright Brothers’ unyielding dedication, creativity, and bravery gave birth to modern aviation—skyrocketing our Nation’s leadership in flight, and inspiring generations of Americans to take to the skies.

From Amelia Earhart’s daring solo flights across the Atlantic and Pacific Oceans, to the Tuskegee Airmen’s heroic defense of our country in World War II, to brave astronauts who ventured to the Moon and beyond—America’s ingenuity and innovation has continued to soar to new heights. We were the first to break the sound barrier. The first to fly non-stop around the world. Today, we are developing more sustainable fuels and energy sources for the planet, technologies to coordinate increases in air traffic, and satellite systems that can clean up man-made debris in space—and we are harnessing our resources and knowledge from decades of flight missions to take on the existential threat of climate change.

And 118 years after the Wright Brothers’ flight into history, earlier this year the National Aeronautics and Space Administration’s (NASA) historic Perseverance mission launched the Ingenuity rotorcraft—a small helicopter—10 feet above the surface of Mars. It was the first powered, controlled takeoff and landing on another celestial body. Tucked beneath the propellers was a small cloth taken from the wing of the original Wright Flyer, which now resides at the Smithsonian National Air and Space Museum in Washington, D.C. The ground over which Ingenuity hovered is now called Wright Brothers field—an everlasting reminder of America as the Nation of possibilities.

As we continue to build our progress in flight and space technology, we honor our hard-working pilots, aircrews, astronauts, and aviation scientists that make flying possible across the globe. They represent some of the best of who we are as Americans—restless, bold, and optimistic. Thanks to the tenacity and uniquely American spirit of the

Wright Brothers and the pioneers who followed them, the skies are open and connecting people and communities around the world.

The Congress, by a joint resolution approved December 17, 1963, as amended (77 Stat. 402; 36 U.S.C. 143), has designated December 17 of each year as “Wright Brothers Day,” and has authorized and requested the President to issue annually a proclamation inviting the people of the United States to observe that day with appropriate ceremonies and activities.

NOW, THEREFORE, I, JOSEPH R. BIDEN JR., President of the United States of America, do hereby proclaim December 17, 2021, as Wright Brothers Day.

IN WITNESS WHEREOF, I have hereunto set my hand this sixteenth day of December, in the year of our Lord two thousand twenty-one, and of the Independence of the United States of America the two hundred and forty-sixth.

JOSEPH R. BIDEN, JR.

Proclamation 10325 of December 22, 2021

50th Anniversary of the National Cancer Act of 1971

By the President of the United States of America

A Proclamation

Half a century ago, on December 23, 1971, policymakers, researchers, cancer survivors, and advocates gathered at the White House for the signing of the bipartisan National Cancer Act—a landmark law that has helped transform cancer research and offered hope to millions in the years since.

For my family, and for most families, the fight against cancer is personal. As every family facing cancer does, we learned as much as we could about the illness our son Beau fought, from his diagnosis to the very end. Along the way, we came to understand just how quickly cancer-fighting science, medicine, and technology is progressing—saving more and more lives each year. It is thanks in no small part to the National Cancer Act of 1971 that so much of this progress has been possible.

Fifty years ago, cancer screening and detection were in their infancy, treatment options were limited, and researchers worked largely in the dark. The National Cancer Act helped launch programs that form the backbone of today’s cancer research enterprise by bolstering the National Cancer Institute (NCI) at the National Institutes of Health; establishing NCI-designated Cancer Centers; creating national networks to conduct clinical trials; and building systems to collect, share, and advance cancer data and research.

After decades of investment and innovation—and because of the limitless ingenuity of the world’s finest nurses, physicians, and researchers—today we have a much more sophisticated understanding of how best to fight cancer. Thanks to new treatments and insights that could not have been imagined in generations past, the overall cancer death

rate in the United States has declined steadily since the early 1990s, with more dramatic declines in the past few years.

Cancer touches so many families across the country. It is up to all of us to continue making progress fighting cancer and ensuring that every American has access to the quality care they need. In 2016, President Obama asked me to lead the Cancer Moonshot Initiative to end cancer as we know it, and Jill and I committed to this as one of the causes of our lives. Now, as President and First Lady, we remain committed to that mission. Today, we are more hopeful than ever about America's chances to bring an end to cancer as we know it.

To help us get there, I have asked the Congress to launch the Advanced Research Projects Agency for Health—or ARPA-H—which will invest billions of dollars to speed breakthroughs in preventing, detecting, and treating cancer and other deadly diseases. My American Rescue Plan has also expanded access to affordable health insurance coverage, ensuring that more Americans are able to receive cancer screenings and get the treatment they need without worrying about costs. My Administration will continue to build on the Affordable Care Act, so that all Americans—particularly Americans of color, Indigenous Americans, rural Americans, and others who have been historically underserved—have access to quality, affordable health care.

As we commemorate the 50th anniversary of the National Cancer Act, I call upon all Americans to reaffirm our national commitment to accelerate cancer research and deliver hope to more families facing a cancer diagnosis. Working together, building on the decades of progress we have made, we can and will end cancer as we know it.

NOW, THEREFORE, I, JOSEPH R. BIDEN JR., President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim December 23, 2021, as the 50th Anniversary of the National Cancer Act of 1971. I encourage citizens, government agencies, private businesses, nonprofit organizations, and other interested groups to redouble our pursuit of more effective and equitable access to prevention, diagnosis, treatment, and survivorship care for everyone affected by cancer.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-second day of December, in the year of our Lord two thousand twenty-one, and of the Independence of the United States of America the two hundred and forty-sixth.

JOSEPH R. BIDEN, JR.

Proclamation 10326 of December 23, 2021

To Modify the Harmonized Tariff Schedule of the United States and for Other Purposes

By the President of the United States of America
A Proclamation

1. Section 1205(a) of the Omnibus Trade and Competitiveness Act of 1988 (the “1988 Act”) (Public Law 100–418, 102 Stat. 1107, 1150 (19 U.S.C. 3005(a))) directs the United States International Trade Commis-

sion (the “Commission”) to keep the Harmonized Tariff Schedule of the United States (HTS) under continuous review and periodically to recommend to the President such modifications to the HTS as the Commission considers necessary or appropriate to accomplish the purposes set forth in that subsection. Pursuant to sections 1205(c) and (d) of the 1988 Act (19 U.S.C. 3005(c) and (d)), the Commission has recommended modifications to the HTS to conform the HTS to amendments made to the International Convention on the Harmonized Commodity Description and Coding System and the Protocol thereto (the “Convention”) and to promote uniform application of the Convention.

2. Section 1206(a) of the 1988 Act (19 U.S.C. 3006(a)) authorizes the President to proclaim modifications to the HTS based on the recommendations of the Commission under section 1205 of the 1988 Act, if the President determines that the modifications are in conformity with United States obligations under the Convention and do not run counter to the national economic interest of the United States. I have determined that the modifications to the HTS proclaimed in this proclamation pursuant to section 1206(a) of the 1988 Act are in conformity with United States obligations under the Convention and do not run counter to the national economic interest of the United States.

3. Presidential Proclamation 6763 of December 23, 1994, implemented, with respect to the United States, the trade agreements resulting from the Uruguay Round of multilateral trade negotiations, including Schedule XX—United States of America, annexed to the Marrakesh Protocol to the General Agreement on Tariffs and Trade 1994 (Schedule XX), that were entered into pursuant to sections 1102(a) and (e) of the 1988 Act (19 U.S.C. 2902(a) and (e)), and approved in section 101(a) of the Uruguay Round Agreements Act (the “URAA”) (Public Law 103–465, 108 Stat. 4809, 4814 (19 U.S.C. 3511(a))).

4. Pursuant to the authority provided in section 111 of the URAA (19 U.S.C. 3521) and sections 1102(a) and (e) of the 1988 Act (19 U.S.C. 2902(a) and (e)), Proclamation 6763 included the staged reductions in rates of duty that the President determined to be necessary or appropriate to carry out the terms of Schedule XX. In order to ensure the continuation of such rates of duty for imported goods under tariff categories that are being modified to reflect the amendments to the Convention, I have determined that additional modifications to the HTS are necessary or appropriate to carry out the duty reductions previously proclaimed, including certain technical or conforming changes within the tariff schedule.

5. Presidential Proclamations 7987 of February 28, 2006; 7991 of March 24, 2006; 7996 of March 31, 2006; 8034 of June 30, 2006; 8111 of February 28, 2007; 8331 of December 23, 2008; and 8536 of June 12, 2010, implemented the Dominican Republic–Central America–United States Free Trade Agreement (CAFTA–DR) with respect to the United States and, pursuant to section 201 of the Dominican Republic–Central America–United States Free Trade Agreement Implementation Act (the “CAFTA–DR Implementation Act”) (Public Law 109–53, 119 Stat. 462, 467 (19 U.S.C. 4031)), the staged reductions in rates of duty that the President determined to be necessary or appropriate to carry out or apply articles 3.3, 3.5, 3.6, 3.21, 3.26, 3.27, and 3.28, and Annexes 3.3 (including the schedule of the United States duty reductions with respect to originating goods), 3.27, and 3.28 of the CAFTA–DR. In order to ensure the continuation of such staged reductions in rates of duty

for originating goods under tariff categories that are being modified to reflect the amendments to the Convention, I have determined that additional modifications to the HTS are necessary or appropriate to carry out the duty reductions previously proclaimed.

6. Presidential Proclamation 8341 of January 16, 2009, implemented the United States-Peru Trade Promotion Agreement (USPTPA) with respect to the United States and, pursuant to section 201 of the United States-Peru Trade Promotion Agreement Implementation Act (the “USPTPA Implementation Act”) (Public Law 110–138, 121 Stat. 1455, 1459–1460 (19 U.S.C. 3805 note)), the staged reductions in duty that the President determined to be necessary or appropriate to carry out or apply articles 2.3, 2.5, 2.6, 3.3.13, and Annex 2.3 of the USPTPA. In order to ensure the continuation of such staged reductions in rates of duty for originating goods under tariff categories that are being modified to reflect the amendments to the Convention, I have determined that additional modifications to the HTS are necessary or appropriate to carry out the duty reductions previously proclaimed.

7. Presidential Proclamation 8783 of March 6, 2012, implemented the United States-Korea Free Trade Agreement (USKFTA) with respect to the United States and, pursuant to section 201 of the United States-Korea Free Trade Agreement Implementation Act (the “USKFTA Implementation Act”) (Public Law 112–41, 125 Stat. 428, 432–433 (19 U.S.C. 3805 note)), the staged reductions in duty that the President determined to be necessary or appropriate to carry out or apply articles 2.3, 2.5, 2.6, and the schedule of duty reductions with respect to Korea set forth in Annex 2–B, Annex 4–B, and Annex 22–A of the USKFTA. Presidential Proclamation 9834 of December 21, 2018, modified the staging of duty treatment for specific goods of Korea, pursuant to section 201(b) of the USKFTA Act, in order to maintain the general level of reciprocal and mutually advantageous concessions with respect to Korea provided for by the USKFTA and to carry out an agreement with Korea modifying the staging of duty treatment for those goods. In order to ensure the continuation of such staged reductions in rates of duty for originating goods under tariff categories that are being modified to reflect the amendments to the Convention, I have determined that additional modifications to the HTS are necessary or appropriate to carry out the duty reductions previously proclaimed.

8. Presidential Proclamation 8818 of May 14, 2012, implemented the United States-Colombia Trade Promotion Agreement (USCTPA) with respect to the United States and, pursuant to section 201 of the United States-Colombia Trade Promotion Agreement Implementation Act (the “USCTPA Implementation Act”) (Public Law 112–42, 125 Stat. 462, 466–67 (19 U.S.C. 3805 note)), the staged reductions in duty that the President determined to be necessary or appropriate to carry out or apply articles 2.3, 2.5, 2.6, 3.3.13, and Annex 2.3 of the USCTPA. In order to ensure the continuation of such staged reductions in rates of duty for originating goods under tariff categories that are being modified to reflect the amendments to the Convention, I have determined that additional modifications to the HTS are necessary or appropriate to carry out the duty reductions previously proclaimed. I have also determined that a technical correction to general note 34(o) to the HTS is necessary to provide for the intended tariff treatment accorded under the USCTPA to originating goods of Colombia.

9. Presidential Proclamation 8894 of October 29, 2012, implemented the United States-Panama Trade Promotion Agreement (PTPA) with respect to the United States and, pursuant to section 201 of the United States-Panama Trade Promotion Agreement Implementation Act (the “PTPA Implementation Act”) (Public Law 112–43, 125 Stat. 497, 501–502 (19 U.S.C. 3805 note)), the staged reductions in duty that the President determined to be necessary or appropriate to carry out or apply articles 3.3, 3.5, 3.6, 3.26, 3.27, 3.28, and 3.29, and the schedule of duty reductions with respect to Panama set forth in Annex 3.3 of the PTPA. In order to ensure the continuation of such staged reductions in rates of duty for originating goods under tariff categories that are being modified to reflect the amendments to the Convention, I have determined that additional modifications to the HTS are necessary or appropriate to carry out the duty reductions previously proclaimed.

10. Presidential Proclamation 10053 of June 29, 2020, implemented the Agreement between the United States of America, the United Mexican States, and Canada (USMCA) with respect to the United States and, pursuant to section 103(c)(1) of the United States-Mexico-Canada Agreement Implementation Act (the “USMCA Implementation Act”) (Public Law 116–113, 134 Stat. 11, 16 (19 U.S.C. 4513(c)(1))), it provided for the continuation of duty-free or excise treatment and staged reductions in duties as the President determined to be necessary or appropriate to carry out or apply articles 2.4, 2.5, 2.7, 2.8, 2.9, 2.10, 6.2, and 6.3, the Schedule of the United States to Annex 2–B, including the appendices to that Annex, Annex 2–C, and Annex 6–A of the USMCA. In order to ensure the continuation of such staged reductions in rates of duty for originating goods under tariff categories that are being modified to reflect the amendments to the Convention, I have determined that additional modifications to the HTS are necessary or appropriate to carry out the duty reductions previously proclaimed.

11. The United States Trade Representative, in a *Federal Register* notice of August 23, 2017 (82 FR 40213), announced the initiation of an investigation into certain acts, policies, and practices of China related to technology transfer, intellectual property, and innovation, pursuant to section 301 of the Trade Act of 1974 (the “Trade Act”) (Public Law 93–618, 88 Stat. 1978, 2041 (19 U.S.C. 2411)). The United States Trade Representative announced in a *Federal Register* notice of April 6, 2018 (83 FR 14906), the determination that China’s acts, policies, and practices related to technology transfer, intellectual property, and innovation are actionable under section 301(b) of the Trade Act (19 U.S.C. 2411(b)). The United States Trade Representative announced the determinations, pursuant to sections 301(b), 301(c), and 304(a) of the Trade Act (19 U.S.C. 2411(b), 2411(c), and 2414(a)), that appropriate and feasible action in this investigation includes the imposition of an additional ad valorem duty on products of China in *Federal Register* notices of June 20, 2018 (83 FR 28711), and August 16, 2018 (83 FR 40823). The United States Trade Representative announced the determinations, pursuant to section 307(a)(1) of the Trade Act (19 U.S.C. 2417(a)(1)), to modify the prior action in this investigation by imposing additional duties on products of China, in a *Federal Register* notice of September 21, 2018 (83 FR 47974, as modified by notices of September 28, 2018 (83 FR 49153), May 9, 2019 (84 FR 20459), and June 10, 2019 (84 FR 26930), and in a *Federal Register* notice of August 20, 2019 (84 FR 43304, as modified by notices of August 30, 2019 (84 FR 45821),

and January 22, 2020 (85 FR 3741)). In order to ensure the maintenance of such duty rates for goods under tariff categories that are being modified to reflect the amendments to the Convention, I have determined that additional conforming modifications to the HTS are necessary.

12. On April 22, 1985, the United States and Israel entered into the Agreement on the Establishment of a Free Trade Area between the Government of the United States of America and the Government of Israel (USIFTA), which the Congress approved in section 3 of the United States-Israel Free Trade Area Implementation Act of 1985 (the “USIFTA Implementation Act”) (Public Law 99–47, 99 Stat. 82 (19 U.S.C. 2112 note)). Section 4(b) of the USIFTA Implementation Act provides that, whenever the President determines that it is necessary to maintain the general level of reciprocal and mutually advantageous concessions with respect to Israel provided for by the USIFTA, the President may proclaim such withdrawal, suspension, modification, or continuance of any duty, or such continuance of existing duty-free or excise treatment, or such additional duties, as the President determines to be required or appropriate to carry out the USIFTA. In order to maintain the general level of reciprocal and mutually advantageous concessions with respect to agricultural trade with Israel, on July 27, 2004, the United States entered into an agreement with Israel concerning certain aspects of trade in agricultural products during the period January 1, 2004, through December 31, 2008 (United States-Israel Agreement Concerning Certain Aspects of Trade in Agricultural Products (the “2004 Agreement”)).

13. In Presidential Proclamation 7826 of October 4, 2004, the President determined, pursuant to section 4(b) of the USIFTA Implementation Act and consistent with the 2004 Agreement, that, in order to maintain the general level of reciprocal and mutually advantageous concessions with respect to Israel provided for by the USIFTA, it was necessary to provide duty-free access into the United States through December 31, 2008, for specified quantities of certain agricultural products of Israel. Each year from 2008 through 2020, the United States and Israel entered into agreements to extend the period that the 2004 Agreement was in force for 1-year periods to allow additional time for the two governments to conclude an agreement to replace the 2004 Agreement. To carry out the extension agreements, the President in Proclamation 8334 of December 31, 2008; 8467 of December 23, 2009; 8618 of December 21, 2010; 8770 of December 29, 2011; 8921 of December 20, 2012; 9072 of December 23, 2013; 9223 of December 23, 2014; 9383 of December 21, 2015; 9555 of December 15, 2016; 9687 of December 22, 2017; 9834 of December 21, 2018; 9974 of December 26, 2019; and 10128 of December 22, 2020; modified the HTS to provide duty-free access into the United States for specified quantities of certain agricultural products of Israel, each time for an additional 1-year period. On November 22, 2021, the United States entered into an agreement with Israel to extend the period that the 2004 Agreement is in force through December 31, 2022, and to allow for further negotiations on an agreement to replace the 2004 Agreement. Pursuant to section 4(b) of the USIFTA Implementation Act, I have determined that it is necessary, in order to maintain the general level of reciprocal and mutually advantageous concessions with respect to Israel provided for by the USIFTA, to provide duty-free access into the United States through the close of December

31, 2022, for specified quantities of certain agricultural products of Israel.

14. Presidential Proclamation 7747 of December 30, 2003, implemented the United States-Singapore Free Trade Agreement (USSFTA) with respect to the United States and, pursuant to section 201 of the United States-Singapore Free Trade Agreement Implementation Act (the “USSFTA Implementation Act”) (Public Law 108–78, 117 Stat. 948, 952 (19 U.S.C. 3805 note)), incorporated in the HTS the tariff modifications and rules of origin necessary or appropriate to carry out the USSFTA. A technical error was made in the modifications to general note 25 to the HTS. I have determined that a technical correction to general note 25 to the HTS is necessary to provide for the intended tariff treatment accorded under the USSFTA to originating goods of Singapore.

15. In Presidential Proclamation 7350 of October 2, 2000, the President designated Ethiopia, the Republic of Guinea (Guinea), and the Republic of Mali (Mali) as beneficiary sub-Saharan African countries for purposes of section 506A(a)(1) of the Trade Act, as added by section 111(a) of the African Growth and Opportunity Act (the “AGOA”) (title I of Public Law 106–200, 114 Stat. 251, 257–58 (19 U.S.C. 2466a(a)(1))).

16. Section 506A(a)(3) of the Trade Act (19 U.S.C. 2466a(a)(3)) provides that the President shall terminate the designation of a country as a beneficiary sub-Saharan African country for purposes of section 506A if the President determines that the country is not making continual progress in meeting the requirements described in section 506A(a)(1) of the Trade Act.

17. Pursuant to section 506A(a)(3) of the Trade Act, I have determined that Ethiopia, Guinea, and Mali do not meet the requirements described in section 506A(a)(1) of that Act. Accordingly, I have decided to terminate the designation of Ethiopia, Guinea, and Mali as beneficiary sub-Saharan African countries for purposes of section 506A of the Trade Act, effective January 1, 2022.

18. Section 604 of the Trade Act, as amended (19 U.S.C. 2483), authorizes the President to embody in the HTS the substance of the relevant provisions of that Act, and of other acts affecting import treatment, and actions taken thereunder, including the removal, modification, continuance, or imposition of any rate of duty or other import restriction. Section 1206(c) of the 1988 Act, as amended (19 U.S.C. 3006(c)), provides that any modifications proclaimed by the President under section 1206(a) of that Act may not take effect before the thirtieth day after the date on which the text of the proclamation is published in the *Federal Register*.

NOW, THEREFORE, I, JOSEPH R. BIDEN JR., President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States of America, including but not limited to sections 1102, 1205, and 1206 of the 1988 Act, section 111 of the URAA, section 201 of the CAFTA–DR Implementation Act, section 201 of the USPTPA Implementation Act, section 201 of the USKFTA Implementation Act, section 201 of the USCTPA Implementation Act, section 201 of the PTPA Implementation Act, section 201 of the USSFTA Implementation Act, section 103(c) of the USMCA Implementation Act, section 301 of the Trade Act, section 4(b) of the USIFTA Implementation Act, section 111(a) of the AGOA, and sections

506A(a)(1), 506A(a)(3), and 604 of the Trade Act, as amended, do proclaim that:

(1) In order to modify the HTS to conform it to the Convention or any amendment thereto recommended for adoption, to promote the uniform application of the Convention, to establish additional subordinate tariff categories, to make technical and conforming changes to existing provisions, and to maintain the duty treatment with respect to actions pursuant to section 301 of the Trade Act, the HTS is modified as set forth in Annexes I, II.A, and II.B of Publication 5240 of the United States International Trade Commission, entitled, “Modifications to the Harmonized Tariff Schedule of the United States under Section 1206 of the Omnibus Trade and Competitiveness Act of 1988 and for Other Purposes” (Publication 5240). Publication 5240 is incorporated by reference into this proclamation.

(2) In order to make a technical correction necessary to provide for the intended tariff treatment accorded under the USCTPA to originating goods under the USCTPA, the HTS is modified as set forth in Annex II.C of Publication 5240.

(3) In order to make a technical correction necessary to provide for the intended tariff treatment accorded under the USSFTA to originating goods under the USSFTA, the HTS is modified as set forth in Annex II.D of Publication 5240.

(4) In order to provide for the continuation of previously proclaimed staged duty reductions in the Rates of Duty 1—Special subcolumn for originating goods of parties to the CAFTA–DR under the CAFTA–DR that are classifiable in the provisions modified by the amendments to the HTS to conform it to the Convention, the HTS is modified as set forth in Annex III of Publication 5240.

(5) In order to provide for the continuation of previously proclaimed staged duty reductions in the Rates of Duty 1—Special subcolumn for originating goods of Peru under the USPTPA that are classifiable in the provisions modified by the amendments to the HTS to conform it to the Convention, the HTS is modified as set forth in Annex IV of Publication 5240.

(6) In order to provide for the continuation of previously proclaimed staged duty reductions in the Rates of Duty 1—Special subcolumn for originating goods of Korea under the USKFTA that are classifiable in the provisions modified by the amendments to the HTS to conform it to the Convention, the HTS is modified as set forth in Annex V of Publication 5240.

(7) In order to provide for the continuation of previously proclaimed staged duty reductions in the Rates of Duty 1—Special subcolumn for originating goods of Colombia under the USCTPA that are classifiable in the provisions modified by the amendments to the HTS to conform it to the Convention, the HTS is modified as set forth in Annex VI of Publication 5240.

(8) In order to provide for the continuation of previously proclaimed staged duty reductions in the Rates of Duty 1—Special subcolumn for originating goods of Panama under the PTPA that are classifiable in the provisions modified by the amendments to the HTS to conform it to the Convention, the HTS is modified as set forth in Annex VII of Publication 5240.

(9) In order to provide for the continuation of previously proclaimed staged duty reductions in the Rates of Duty 1—Special subcolumn for originating goods of Canada and Mexico under the USMCA that are classifiable in the provisions modified by the amendments to the HTS to conform it to the Convention, the HTS is modified as set forth in Annex VIII of Publication 5240.

(10) In order to implement tariff commitments under the 2004 Agreement through December 31, 2022, the HTS is modified as set forth in Annex IX of Publication 5240.

(11) The modifications and technical rectifications to the HTS made by paragraphs (1) through (10) of this proclamation shall enter into effect on the applicable dates set forth in Annexes I through IX of Publication 5240.

(12) The designation of Ethiopia, Guinea, and Mali as beneficiary sub-Saharan African countries for purposes of section 506A of the Trade Act is terminated, effective January 1, 2022.

(13) In order to reflect in the HTS that beginning January 1, 2022, Ethiopia, Guinea, and Mali shall no longer be designated as beneficiary sub-Saharan African countries, general note 16(a) to the HTS is modified by deleting “Ethiopia”, “Republic of Guinea”, and “Republic of Mali (Mali)” from the list of beneficiary sub-Saharan African countries. Note 7(a) to subchapter II and note 1 to subchapter XIX of chapter 98 of the HTS are each modified by deleting “Ethiopia;”, “Guinea;”, and “Mali;” from the list of beneficiary countries. Further, note 2(d) to subchapter XIX of chapter 98 of the HTS is modified by deleting “Ethiopia;”, “Guinea;”, and “Republic of Mali;” from the list of lesser developed beneficiary sub-Saharan African countries.

(14) The modifications to the HTS set forth in paragraph (13) of this proclamation shall be effective with respect to goods entered for consumption, or withdrawn from warehouse for consumption, on or after January 1, 2022.

(15) Any provisions of previous proclamations and Executive Orders that are inconsistent with the actions taken in this proclamation are superseded to the extent of such inconsistency.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-third day of December, in the year of our Lord two thousand twenty-one, and of the Independence of the United States of America the two hundred and forty-sixth.

JOSEPH R. BIDEN, JR.

Proclamation 10327 of December 27, 2021

Adjusting Imports of Aluminum Into the United States

By the President of the United States of America
A Proclamation

1. On January 19, 2018, the Secretary of Commerce (Secretary) transmitted to the President a report on the Secretary’s investigation into the effect of imports of aluminum articles on the national security of

the United States under section 232 of the Trade Expansion Act of 1962, as amended (19 U.S.C. 1862). The Secretary found and advised the President of his opinion that aluminum articles are being imported into the United States in such quantities and under such circumstances as to threaten to impair the national security of the United States.

2. In Proclamation 9704 of March 8, 2018 (Adjusting Imports of Aluminum Into the United States), the President concurred in the Secretary's finding that aluminum articles are being imported into the United States in such quantities and under such circumstances as to threaten to impair the national security of the United States, and decided to adjust the imports of aluminum articles by imposing a 10 percent ad valorem tariff on such articles imported from all countries except Canada and Mexico. Proclamation 9704 further stated that any country with which we have a security relationship is welcome to discuss with the United States alternative ways to address the threatened impairment of the national security caused by imports from that country, and noted that, should the United States and any such country arrive at a satisfactory alternative means to address the threat to the national security such that the President determines that imports from that country no longer threaten to impair the national security, the President may remove or modify the restriction on aluminum articles imports from that country and, if necessary, adjust the tariff as it applies to other countries, as the national security interests of the United States require.

3. In Proclamation 9710 of March 22, 2018 (Adjusting Imports of Aluminum Into the United States), the President noted the continuing discussions with the European Union (EU) on behalf of its member countries on satisfactory alternative means to address the threatened impairment to the national security by aluminum articles imported from the EU. Recognizing that the EU has an important security relationship with the United States, the President determined that the necessary and appropriate means to address the threat to the national security posed by imports of aluminum articles from the member countries of the EU was to continue the ongoing discussions and to exempt aluminum articles imports from these countries from the tariff proclaimed in Proclamation 9704 until May 1, 2018. In Proclamation 9739 of April 30, 2018 (Adjusting Imports of Aluminum Into the United States), the President noted that, unless the President determines by further proclamation that the United States has reached a satisfactory alternative means to remove the threatened impairment to the national security by imports of aluminum articles from the member countries of the EU, the tariff proclaimed in Proclamation 9704 shall be effective June 1, 2018, for these countries.

4. The United States has successfully concluded discussions with the EU on behalf of its member countries on satisfactory alternative means to address the threatened impairment of the national security posed by aluminum articles imports from the EU. The United States and the EU have agreed to expand coordination involving trade remedies and customs matters, monitor bilateral steel and aluminum trade, cooperate on addressing non-market excess capacity, and annually review their arrangement and their ongoing cooperation. In addition, the United States and the EU will seek to conclude, by October 31, 2023, negotiations on global steel and aluminum arrangements to restore market-ori-

ented conditions and support the reduction of carbon intensity of steel and aluminum across modes of production.

5. The United States will implement a number of actions, including a tariff-rate quota that restricts the quantity of aluminum articles imported into the United States from the EU without the application of the tariff proclaimed in Proclamation 9704. Under the arrangement, aluminum articles that are accompanied by a certificate of analysis are eligible for in-quota treatment. In my judgment, these measures will provide an effective, long-term alternative means to address any contribution by EU aluminum articles imports to the threatened impairment to the national security by restraining aluminum articles imports to the United States from the EU, limiting transshipment, and discouraging excess aluminum capacity and production. In light of this agreement, I have determined that specified volumes of eligible aluminum articles imports from the EU will no longer threaten to impair the national security and have decided to exclude such imports from the EU up to a designated quota from the tariff proclaimed in Proclamation 9704 through December 31, 2023. The United States will monitor the implementation and effectiveness of the tariff-rate quota and other measures agreed upon with the EU in addressing our national security needs, and I may revisit this determination, as appropriate.

6. The alternative means, including the tariff-rate quota, align with the recommendations specified in the Secretary's report assessing the effect of imports of aluminum articles on the national security of the United States under section 232. The agreed-upon aggregate tariff-rate quota volume, totaling 18,000 metric tons of unwrought aluminum and 366,040 metric tons of semi-finished wrought aluminum, is consistent with the objective of reaching and sustaining a sufficient capacity utilization rate in the domestic aluminum industry.

7. In light of my determination to adjust the tariff proclaimed in Proclamation 9704 as applied to eligible aluminum articles imports from the EU, I have considered whether it is necessary and appropriate in light of our national security interests to make any corresponding adjustments to such tariff as it applies to other countries. I have determined that it is necessary and appropriate, at this time, to maintain the current tariff level as it applies to other countries.

8. Section 232 of the Trade Expansion Act of 1962, as amended, authorizes the President to adjust the imports of an article and its derivatives that are being imported into the United States in such quantities or under such circumstances as to threaten to impair the national security.

9. Section 604 of the Trade Act of 1974, as amended (19 U.S.C. 2483), authorizes the President to embody in the Harmonized Tariff Schedule of the United States (HTSUS) the substance of statutes affecting import treatment, and actions thereunder, including the removal, modification, continuance, or imposition of any rate of duty or other import restriction.

NOW, THEREFORE, I, JOSEPH R. BIDEN JR., President of the United States of America, by the authority vested in me by the Constitution and the laws of the United States of America, including section 232 of the Trade Expansion Act of 1962, as amended, section 301 of title 3, United States Code, and section 604 of the Trade Act of 1974, as amended, do hereby proclaim as follows:

(1) To establish a tariff-rate quota on imports of aluminum articles from member countries of the EU as described in paragraph 5 of this proclamation, U.S. note 19 to subchapter III of chapter 99 of the HTSUS is amended as provided for in the Annex to this proclamation. Imports of aluminum articles from member countries of the EU in excess of the tariff-rate quota quantities shall remain subject to the duties imposed by clause 2 of Proclamation 9704, as amended. The Secretary, in consultation with the United States Trade Representative and the Secretary of Homeland Security, shall recommend to the President, as warranted, updates to the in-quota volumes contained in the Annex to this proclamation. Aluminum articles from a member country of the EU imported under an exclusion granted pursuant to clause 3 of Proclamation 9704, as amended, shall count against the in-quota volume of the tariff-rate quota established in clause 1 of this proclamation.

(2) Clause 2 of Proclamation 9704, as amended, is further amended in the second sentence by deleting “and” before “(g)” and inserting before the period at the end: “, and (h) on or after 12:01 a.m. eastern standard time on January 1, 2022, from all countries except Argentina, Australia, Canada, Mexico, and except the member countries of the European Union through 11:59 p.m. eastern standard time on December 31, 2023, for aluminum articles covered by headings 9903.85.25 through 9903.85.44, inclusive.”

(3) Aluminum articles eligible for treatment under clause 1 of this proclamation must be accompanied by a certificate of analysis in order to receive such treatment. The Secretary, in consultation with the Secretary of Homeland Security and the United States Trade Representative, is authorized to take such actions as are necessary to ensure compliance with this requirement. Failure to comply could result in applicable remedies or penalties under United States law.

(4) The modifications made by clauses 1 through 3 of this proclamation and the Annex to this proclamation shall be effective with respect to goods entered for consumption, or withdrawn from warehouse for consumption, on or after 12:01 a.m. eastern standard time on January 1, 2022, and shall continue in effect, unless such actions are expressly reduced, modified, or terminated.

(5) Any imports of aluminum articles from the member countries of the EU that were admitted into a United States foreign trade zone in “privileged foreign status” as defined in 19 CFR 146.41, prior to 12:01 a.m. eastern standard time on January 1, 2022, shall be subject upon entry for consumption made on or after 12:01 a.m. eastern standard time on January 1, 2022, to the provisions of the tariff-rate quota in effect at the time of the entry for consumption.

(6) Any provision of previous proclamations and Executive Orders that is inconsistent with the actions taken in this proclamation is superseded to the extent of such inconsistency.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-seventh day of December, in the year of our Lord two thousand twenty-one, and of the Independence of the United States of America the two hundred and forty-sixth.

JOSEPH R. BIDEN, JR.

ANNEX

**TO MODIFY CERTAIN PROVISIONS OF CHAPTER 99 OF
THE HARMONIZED TARIFF SCHEDULE OF THE UNITED STATES**

Effective with respect to goods entered for consumption, or withdrawn from warehouse for consumption, on or after 12:01 a.m. eastern standard time on January 1, 2022, subchapter III of chapter 99 of the Harmonized Tariff Schedule of the United States is modified by inserting in numerical sequence the following new tariff provision, with the material in the new tariff provisions inserted in the columns labeled “Heading/Subheading”, “Article Description”, “Rates of Duty 1-General”, “Rates of Duty 1-Special,” and “Rates of Duty 2”, respectively:

1. U.S. note 19 to such subchapter III is modified by adding the following new subdivision 19(a)(v):

“(v) Subheadings 9903.85.25 through 9903.85.44, inclusive, set forth the ordinary customs duty treatment for the aluminum products (as enumerated in subdivision (b) of this note) of any member country of the European Union enumerated in this subdivision. Subheadings 9903.85.27 through 9903.85.44 shall be subject to any aggregate annual quantity established for each such subheading, including any allocations or other limitations that may be announced, in addition to the aggregate annual quantity set forth in the superior text to any such subheading, all as set forth on the Internet site of the Department of Commerce at the following link: [<https://bis.doc.gov/232-aluminum>]. No such country shall be allowed to import an aggregate quantity under any such subheading during any of the periods January through June, or July through December in any year that is in excess of the quantity that is allocated to such country by the Department of Commerce, as set forth on the Internet site of such Department as noted herein. No more than 60 percent of the tariff-rate quota to be filled in the first half of the year. Entries of any product of any such member country under heading 9903.85.25, when such product is described in an exclusion granted by the Department of Commerce shall be eligible to utilize such exclusion upon proper claim therefor, and such entries shall be counted against any annual aggregate quantitative limitation provided under this subdivision. No claim for entry under any provision of chapter 98 or of subchapter II of chapter 99 shall be allowed to reduce or prevent the application of an additional duty provided for under this note.

The member countries of the European Union that are covered by this subdivision and by heading 9903.85.03 and subheadings 9903.85.25 through 9903.85.44 shall include the following: Austria, Belgium, Bulgaria, Croatia, Cyprus, Czechia (Czech Republic), Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Latvia, Lithuania, Luxembourg, Malta, Netherlands, Poland, Portugal, Romania, Slovakia, Slovenia, Spain, Sweden.”

2. Note 19(d) is modified by inserting after “9903.85.11” the phrase “and subheadings 9903.85.25 through 9903.85.44”.

3. The article description of heading 9903.85.01 is modified by deleting “heading 9903.85.21” and inserting in lieu thereof “headings 9903.85.21, 9903.85.25, and subheadings 9903.85.27 through 9903.85.44”; and by inserting after “of Mexico” the phrase “; of member countries of the European

PROCLAMATION 10327—DEC. 27, 2021

135 STAT. 2873

Union specified in subdivision (a)(v) of such U.S. note 19, under any limitations that may be established by the Department of Commerce under such U.S. note 19;”.

4. The article description of heading 9903.85.03 is modified by adding after “of Mexico,” the phrase “of member countries of the European Union (as enumerated in U.S. note 19(a)(v) to this subchapter”.

5. The following new provisions and applicable superior text are inserted in such subchapter III in numerical sequence, with the material inserted in the columns entitled “Heading/Subheading”, “Article Description”, and “Rates of Duty 1-General”, respectively:

Heading/ Subheading	Article Description	Rates of Duty	
		1	2
		General	Special
9903.85.25	Aluminum products of member countries of the European Union enumerated in U.S. note 19(a)(v) to this subchapter, when such products are covered by an exclusion granted by the Secretary of Commerce under note 19(c) to this subchapter, provided that such goods shall be counted toward any quantitative limitation applicable to any such product until such limitation has filled.....	The duty provided in the applicable subheading	
9903.85.27	Aluminum products of member countries of the European Union enumerated in U.S. note 19(a)(v) to this subchapter and not described in heading 9903.85.25 to this subchapter, when entered in annual aggregate quantities not to exceed the quantities specified pursuant to such U.S. note 19: Unwrought aluminum products specified in U.S. note 19(b)(i) to this subchapter: Unwrought aluminum, not alloyed (provided for in subheading 7601.10.30 or 601.10.60)	The duty provided in the applicable subheading	
9903.85.29	Other unwrought products, alloyed (provided for in subheading 7601.20.30, 7601.20.60 or 7601.20.90)	The duty provided in the applicable subheading	
9903.85.31	Other aluminum products, specified in U.S. note 19(b)(ii) through 19(b)(v) to this subchapter: Bars, rods and profiles of aluminum, not alloyed (provided for in subheading 7604.10.10,		

Heading/ Subheading	Article Description	Rates of Duty	
		1	2
		General	Special
	7604.10.30 or 7604.10.50)	The duty provided in the applicable subheading	
9903.85.32	Hollow profiles of aluminum alloys (provided for in subheading 7604.21.00)	The duty provided in the applicable subheading	
9903.85.33	Bars, rods, and solid profiles, alloyed (provided for in subheading 7604.29.10, 7604.29.30 or 7604.29.50)	The duty provided in the applicable subheading	
9903.85.34	Wire of aluminum, of which the maximum cross-sectional dimension exceeds 7 mm (provided for in subheading 7605.11.00 or 7605.21.00)	The duty provided in the applicable subheading	
9903.85.35	Other wire of aluminum (provided for in subheading 7605.19.00 or 7605.29.00)	The duty provided in the applicable subheading	
9903.85.36	Products meeting the requirements of note 1(d) to this chapter and with a thickness of more than 6.3 mm (described in statistical reporting number 7606.11.3030, 7606.12.3015, 7606.12.3025, 7606.12.3035, 7606.91.3055, 7606.91.6055, 7606.92.3025 or 7606.92.6055)	The duty provided in the applicable subheading	
9903.85.37	Products meeting the requirements of note 1(d) to this chapter and with a thickness not exceeding 6.3 mm (described in		

Heading/ Subheading	Article Description	Rates of Duty		
		1		2
		General	Special	
	statistical reporting number 7606.11.3060, 7606.12.3091, 7606.12.3096, 7606.91.3095, 7606.91.6095, 7606.92.3035 or 7606.92.6095), and clad products (described in statistical reporting number 7606.11.6000 or 7606.12.6000)	The duty provided in the applicable subheading		
9903.85.38	Aluminum alloy can stock (described in statistical reporting number 7606.12.3045 or 7606.12.3055)	The duty provided in the applicable subheading		
9903.85.39	Aluminum foil, not backed (described in statistical reporting number 7607.11.3000, 7607.11.6010, 7607.11.6090, 7607.11.9030, 7607.11.9060, 7607.11.9090, 7607.19.1000, 7607.19.3000 or 7607.19.6000)	The duty provided in the applicable subheading		
9903.85.40	Aluminum foil, backed (described in statistical reporting number 7607.20.1000 or 7607.20.5000)	The duty provided in the applicable subheading		
9903.85.41	Pipes and tubes of aluminum, seamless (described in statistical reporting number 7608.10.0030 or 7608.20.0030)	The duty provided in the applicable subheading		
9903.85.42	Pipes and tubes of aluminum, other than seamless (described in statistical reporting number 7608.10.0090 or 7608.20.0090)	The duty provided in the applicable subheading		
9903.85.43	Tube or pipe fittings of aluminum (for example, couplings, elbows, sleeves) (described in statistical reporting number			

Heading/ Subheading	Article Description	Rates of Duty		
		1		2
		General	Special	
	7609.00.0000)	The duty provided in the applicable subheading		
9903.85.44	Castings or forgings of aluminum (described in statistical reporting number 7616.99.5160 or 7616.99.5170)	The duty provided in the applicable subheading"		

Proclamation 10328 of December 27, 2021**Adjusting Imports of Steel Into the United States***By the President of the United States of America**A Proclamation*

1. On January 11, 2018, the Secretary of Commerce (Secretary) transmitted to the President a report on the Secretary's investigation into the effect of imports of steel mill articles (steel articles) on the national security of the United States under section 232 of the Trade Expansion Act of 1962, as amended (19 U.S.C. 1862). The Secretary found and advised the President of his opinion that steel articles are being imported

into the United States in such quantities and under such circumstances as to threaten to impair the national security of the United States.

2. In Proclamation 9705 of March 8, 2018 (Adjusting Imports of Steel Into the United States), the President concurred in the Secretary's finding that steel articles, as defined in clause 1 of Proclamation 9705, as amended by clause 8 of Proclamation 9711 of March 22, 2018 (Adjusting Imports of Steel Into the United States), are being imported into the United States in such quantities and under such circumstances as to threaten to impair the national security of the United States, and decided to adjust the imports of those steel articles by imposing a 25 percent ad valorem tariff on such articles imported from all countries except Canada and Mexico. The proclamation further stated that any country with which we have a security relationship is welcome to discuss with the United States alternative ways to address the threatened impairment of the national security caused by imports from that country, and noted that, should the United States and any such country arrive at a satisfactory alternative means to address the threat to the national security such that the President determines that imports from that country no longer threaten to impair the national security, the President may remove or modify the restriction on steel articles imports from that country and, if necessary, adjust the tariff as it applies to other countries, as the national security interests of the United States require.

3. In Proclamation 9711, the President noted the continuing discussions with the European Union (EU) on behalf of its member countries on satisfactory alternative means to address the threatened impairment to the national security by imports of steel articles from these countries. Recognizing that the member countries of the EU have an important security relationship with the United States, the President determined that the necessary and appropriate means to address the threat to the national security posed by imports of steel articles from these countries was to continue the ongoing discussions and to exempt steel articles imports from these countries from the tariff proclaimed in Proclamation 9705 until May 1, 2018. In Proclamation 9740 of April 30, 2018 (Adjusting Imports of Steel Into the United States), the President noted that, unless the President determines by further proclamation that the United States has reached a satisfactory alternative means to remove the threatened impairment to the national security by imports of steel articles from the member countries of the EU, the tariff proclaimed in Proclamation 9705 shall be effective June 1, 2018, for these countries.

4. The United States has successfully concluded discussions with the EU on behalf of its member countries on satisfactory alternative means to address the threatened impairment of the national security posed by steel articles imports from the EU. The United States and the EU have agreed to expand coordination involving trade remedies and customs matters, monitor bilateral steel and aluminum trade, cooperate on addressing non-market excess capacity, and annually review their arrangement for alternative means and their ongoing cooperation. In addition, the United States and the EU will seek to conclude, by October 31, 2023, negotiations on global steel and aluminum arrangements to restore market-oriented conditions and support the reduction of carbon intensity of steel and aluminum across modes of production.

5. The United States will implement a number of actions, including a tariff-rate quota that restricts the quantity of steel articles imported into the United States from the EU without the application of the tariff proclaimed in Proclamation 9705. Under the arrangement, steel articles that are melted and poured in the EU are eligible for in-quota treatment. In my judgment, these measures will provide an effective, long-term alternative means to address any contribution by EU steel articles imports to the threatened impairment of the national security by restraining steel articles imports to the United States from the EU, limiting transshipment, discouraging excess steel capacity and production, and strengthening the United States-EU partnership in a fashion that will better enable future arrangements. In light of this agreement, I have determined that specified volumes of eligible steel articles imports from the EU will no longer threaten to impair the national security and have decided to exclude such imports from the EU up to a designated quota from the tariff proclaimed in Proclamation 9705 through December 31, 2023. The United States will monitor the implementation and effectiveness of the tariff-rate quota and other measures agreed upon with the EU in addressing our national security needs, and I may revisit this determination, as appropriate.

6. The alternative means, including the tariff-rate quota, advance the recommendations contained in the Secretary's January 2018 report. The agreed-upon aggregate tariff-rate quota volume specified in the agreement between the United States and the EU, totaling 3.3 million metric tons, is consistent with the objective of reaching and maintaining a sufficient capacity utilization rate in the domestic steel industry.

7. The United States also agreed to renew for 2 calendar years all exclusions that were granted and utilized to import steel products tariff-free from the EU in Fiscal Year 2021. These exclusions were granted by the Department of Commerce due to a lack of domestic availability of the specified products in the United States.

8. In light of my determination to adjust the tariff proclaimed in Proclamation 9705 as applied to eligible steel articles imported from the EU, I have considered whether it is necessary and appropriate in light of our national security interests to make any corresponding adjustments to such tariff as it applies to other countries. I have determined that it is necessary and appropriate, at this time, to maintain the current tariff level as it applies to other countries.

9. Section 232 of the Trade Expansion Act of 1962, as amended, authorizes the President to adjust the imports of an article and its derivatives that are being imported into the United States in such quantities or under such circumstances as to threaten to impair the national security.

10. Section 604 of the Trade Act of 1974, as amended (19 U.S.C. 2483), authorizes the President to embody in the Harmonized Tariff Schedule of the United States (HTSUS) the substance of statutes affecting import treatment, and actions thereunder, including the removal, modification, continuance, or imposition of any rate of duty or other import restriction.

NOW, THEREFORE, I, JOSEPH R. BIDEN JR., President of the United States of America, by the authority vested in me by the Constitution and the laws of the United States of America, including section 232 of the Trade Expansion Act of 1962, as amended, section 301 of title

3, United States Code, and section 604 of the Trade Act of 1974, as amended, do hereby proclaim as follows:

(1) To establish a tariff-rate quota on imports of steel articles from member countries of the EU as set forth in paragraph 5 of this proclamation, U.S. Note 16 of subchapter III of chapter 99 of the HTSUS is amended as provided for in the Annex to this proclamation. Imports of steel articles from member countries of the EU in excess of the tariff-rate quota quantities shall remain subject to the duties imposed by clause 2 of Proclamation 9705, as amended. The Secretary, in consultation with the United States Trade Representative and the Secretary of Homeland Security, shall recommend to the President, as warranted, updates to the in-quota volumes contained in the Annex to this proclamation.

(2) Clause 2 of Proclamation 9705, as amended, is revised to read as follows:

“(2)(a) In order to establish certain modifications to the duty rate on imports of steel articles, subchapter III of chapter 99 of the HTSUS is modified as provided in the Annex to this proclamation and any subsequent proclamations regarding such steel articles.

(b) Except as otherwise provided in this proclamation, or in notices published pursuant to clause 3 of this proclamation, all steel articles imports covered by heading 9903.80.01, in subchapter III of chapter 99 of the HTSUS, shall be subject to an additional 25 percent ad valorem rate of duty with respect to goods entered for consumption, or withdrawn from warehouse for consumption, as follows: (i) on or after 12:01 a.m. eastern daylight time on March 23, 2018, from all countries except Argentina, Australia, Brazil, Canada, Mexico, South Korea, and the member countries of the European Union; (ii) on or after 12:01 a.m. eastern daylight time on June 1, 2018, from all countries except Argentina, Australia, Brazil, and South Korea; (iii) on or after 12:01 a.m. eastern daylight time on August 13, 2018, from all countries except Argentina, Australia, Brazil, South Korea, and Turkey; (iv) on or after 12:01 a.m. eastern daylight time on May 20, 2019, from all countries except Argentina, Australia, Brazil, South Korea, and Turkey; (v) on or after 12:01 a.m. eastern daylight time on May 21, 2019, from all countries except Argentina, Australia, Brazil, Canada, Mexico, and South Korea; and (vi) on or after 12:01 a.m. eastern standard time on January 1, 2022, from all countries except Argentina, Australia, Brazil, Canada, Mexico, and South Korea, and except the member countries of the European Union through 11:59 p.m. eastern standard time on December 31, 2023, for steel articles covered by headings 9903.80.65 through 9903.81.19, inclusive. Further, except as otherwise provided in notices published pursuant to clause 3 of this proclamation, all steel articles imports from Turkey covered by heading 9903.80.02, in subchapter III of chapter 99 of the HTSUS, shall be subject to a 50 percent ad valorem rate of duty with respect to goods entered for consumption, or withdrawn from warehouse for consumption, on or after 12:01 a.m. eastern daylight time on August 13, 2018, and prior to 12:01 a.m. eastern daylight time on May 21, 2019. All steel articles imports covered by heading 9903.80.61, in subchapter III of chapter 99 of the HTSUS, shall be subject to the additional 25 percent ad valorem rate of duty established herein with respect to goods entered for consumption, or withdrawn from warehouse for consumption, on or after 12:01 a.m. eastern time on the date specified in a determination by the Secretary

granting relief. These rates of duty, which are in addition to any other duties, fees, exactions, and charges applicable to such imported steel articles, shall apply to imports of steel articles from each country as specified in the preceding three sentences”.

(3) The first two sentences of clause 1 of Proclamation 9980 of January 24, 2020 (Adjusting Imports of Derivative Aluminum Articles and Derivative Steel Articles Into the United States), are revised to read as follows:

“In order to establish increases in the duty rate on imports of certain derivative articles, subchapter III of chapter 99 of the HTSUS is modified as provided in Annex I and Annex II to this proclamation. Except as otherwise provided in this proclamation, all imports of derivative aluminum articles specified in Annex I to this proclamation shall be subject to an additional 10 percent ad valorem rate of duty, and all imports of derivative steel articles specified in Annex II to this proclamation shall be subject to an additional 25 percent ad valorem rate of duty, with respect to goods entered for consumption, or withdrawn from warehouse for consumption, as follows: (i) on or after 12:01 a.m. eastern standard time on February 8, 2020, these rates of duty, which are in addition to any other duties, fees, exactions, and charges applicable to such imported derivative aluminum articles or steel articles, shall apply to imports of derivative aluminum articles described in Annex I to this proclamation from all countries except Argentina, the Commonwealth of Australia (Australia), Canada, and the United Mexican States (Mexico) and to imports of derivative steel articles described in Annex II to this proclamation from all countries except Argentina, Australia, Brazil, Canada, Mexico, and South Korea and; (ii) on or after 12:01 a.m. eastern standard time on January 1, 2022, these rates of duty, which are in addition to any other duties, fees, exactions, and charges applicable to such imported derivative aluminum articles or steel articles, shall apply to imports of derivative aluminum articles described in Annex I to this proclamation from all countries except Argentina, Australia, Canada, the member countries of the European Union and Mexico and to imports of derivative steel articles described in Annex II to this proclamation from all countries except Argentina, Australia, Brazil, Canada, the member countries of the European Union, Mexico, and South Korea.”

(4) Steel eligible for treatment under clause 1 of this proclamation must be melted and poured in a member country of the EU in order to receive such treatment. The Secretary, in consultation with the Secretary of Homeland Security and the United States Trade Representative, is authorized to take such actions as are necessary to ensure compliance with this requirement. Failure to comply could result in applicable remedies such as the collection of the tariff set forth in clause 2 of Proclamation 9705, or penalties under United States law.

(5) Steel articles from a member country of the EU imported under an exclusion granted pursuant to clause 3 of Proclamation 9705, as amended, shall not count against the in-quota volume of the tariff-rate quota established in clause 1 of this proclamation.

(6) The Secretary is directed to renew all utilized exclusions granted pursuant to clause 3 of Proclamation 9705, as amended, in Fiscal Year 2021 (October 1, 2020, through September 30, 2021), for the import of steel articles from one or more member countries of the EU for a period

of 2 years from the date of this proclamation. The renewed exclusions shall be for an annual volume equal to that volume imported from a member country of the EU pursuant to the exclusion in Fiscal Year 2021. The Secretary shall communicate to U.S. Customs and Border Protection of the Department of Homeland Security the exclusions and the volumes of steel articles from member countries of the EU that are allowed under this provision. The Secretary shall, by publication on the Internet, or by other means, inform importers of the availability and volume of exclusions renewed by this provision. This provision does not alter or modify in any way the ability of importers to seek additional exclusions in accordance with clause 3 of Proclamation 9705, as amended, and as implemented by the Department of Commerce, for the import of steel articles from a member country of the EU.

(7) The Secretary shall, within 45 days of the issuance of this proclamation, publish in the *Federal Register* a notice seeking comments from interested parties on the exclusion process as set forth in Supplement No. 1 to part 705 of title 15 of the Code of Federal Regulations. Issues to be included for comment should include the responsiveness of the exclusion process to market demand and enhanced consultation with United States firms and labor organizations. Within 60 days of the close of the comment period of the notice, the Secretary shall issue a proposed regulation revising the exclusion process as deemed appropriate following consideration of such comments. In carrying out the review of the exclusion process, the Secretary shall review whether the criteria for review of exclusion requests in clause 3 of Proclamation 9705 that the “steel article determined not to be produced in the United States in a sufficient and reasonably available amount or of a satisfactory quality and is also authorized to provide such relief based upon specific national security considerations” and clause 3 of Proclamation 9704 that the “aluminum article determined not to be produced in the United States in a sufficient and reasonably available amount or of a satisfactory quality and is also authorized to provide such relief based upon specific national security considerations” continues to be the appropriate criterion for making determinations. The Secretary is authorized to make such changes to the criteria as the Secretary deems necessary and shall issue a final rule implementing such changes within 60 days of the comment period on the proposed regulation.

(8) The Secretary, in coordination with the Secretary of State and the heads of other executive departments and agencies as necessary, shall establish a process to assist United States steel and aluminum consumers in identifying suppliers in those trading partners with which the United States has negotiated an arrangement under section 232 of the Trade Expansion Act of 1962, as amended, that can provide the relevant product.

(9) On a regular basis, the Department of Commerce shall publish on its website the volume of steel articles imported under exclusions issued pursuant to clause 3 of Proclamation 9705, as amended.

(10) The modifications to the HTSUS made by clause 1 of this proclamation shall be effective with respect to goods entered for consumption, or withdrawn from warehouse for consumption, on or after 12:01 a.m. eastern standard time on January 1, 2022, and shall continue in effect, unless such actions are expressly reduced, modified, or terminated.

(11) Any imports of steel articles from the member countries of the EU that were admitted into a United States foreign trade zone under “privileged foreign status” as defined in 19 CFR 146.41, prior to 12:01 a.m. eastern standard time on January 1, 2022, shall be subject upon entry for consumption made on or after 12:01 a.m. eastern standard time on January 1, 2022, to the provisions of the tariff-rate quota in effect at the time of the entry for consumption.

(12) Any provision of previous proclamations and Executive Orders that is inconsistent with the actions taken in this proclamation is superseded to the extent of such inconsistency.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-seventh day of December, in the year of our Lord two thousand twenty-one, and of the Independence of the United States of America the two hundred and forty-sixth.

JOSEPH R. BIDEN, JR.

ANNEX

TO MODIFY CERTAIN PROVISIONS OF CHAPTER 99 OF
THE HARMONIZED TARIFF SCHEDULE OF THE UNITED STATES

Effective with respect to goods entered, or withdrawn from warehouse for consumption, on or after 12:01 a.m. eastern standard time on January 1, 2022, subchapter III of chapter 99 of the Harmonized Tariff Schedule of the United States (HTS) is modified as follows, with the material in the new tariff provisions inserted in the columns labeled “Heading/Subheading”, “Article Description”, “Rates of Duty 1-General”, “Rates of Duty 1-Special”, and “Rates of Duty 2”, respectively:

1. The text of the first sentence of subdivision (a)(i) of U.S. note 16 to such subchapter is modified to read as follows:

“Heading 9903.80.01 provides the ordinary customs duty treatment of iron or steel products of all countries—

(i) other than products of the United States, or

(ii) other than products of countries expressly exempt therefrom, pursuant to the article description of such heading and the terms of subdivisions (e) or (f) of this note, and

other than any iron or steel products of specified countries allowed to enter under a tariff-rate quota established for any such country under the terms of this note.”

2. The text of subdivision (b) of such U.S. note 16 is modified by adding below clause (b)(v) the sentence “Any reference above to iron or steel products classifiable in any heading or subheading of chapter 72 or 73, as the case may be, shall mean that any good provided for in the article description of such heading or subheading and of all its subordinate provisions (both legal and statistical) is covered by the provisions of this note and related tariff provisions.” The text of subdivisions (b) and (d) of such U.S. note 16 are each modified by deleting “heading 9903.80.01” and by inserting in lieu thereof “heading 9903.80.01 and subheadings 9903.80.05 through 9903.80.58 and 9903.80.65 through 9903.81.19, inclusive,”.

3. The following new subdivision (f) is hereby inserted at the end of such U.S. note 16:

“(f) Subheadings 9903.80.65 through 9903.81.19, inclusive, set forth the ordinary customs duty treatment for the iron or steel products (as enumerated in subdivision (b) of this note) of any member country of the European Union enumerated in this subdivision. The aggregate annual import volume under subheadings 9903.80.65 through 9903.81.19 shall be limited to 3,300,170 metric tons. Subheadings 9903.80.65 through 9903.81.19 shall also be subject to any aggregate annual quantity established for each such subheading, including any allocations or other limitations that may be announced, all as set forth on the Internet site of the Department of Commerce at the following link: [<https://bis.doc.gov/232-steel>]. No such country shall be

allowed to import an aggregate quantity under any such subheading during any of the periods January through March, April through June, July through September or October through December in any year that is in excess of the quantity that is allocated to such country by the Department of Commerce, as set forth on the Internet site of such Department as noted herein. The Department of Commerce is authorized to carry forward any unused quantity of such product from one or more such countries from the first quarter of any calendar year to the third quarter of such year, or from the second quarter of any calendar year to the fourth quarter of such year. Entries of any product of any such member country that may be described in an exclusion granted by the Department of Commerce shall be eligible to utilize such exclusion upon proper claim therefor, and such entries shall not be counted against the annual aggregate quantitative limitation set forth in this subdivision.

The member countries of the European Union that are covered by this subdivision and by heading 9903.80.03 and subheadings 9903.80.65 through 9903.81.19 shall include the following: Austria, Belgium, Bulgaria, Croatia, Cyprus, Czechia (Czech Republic), Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Latvia, Lithuania, Luxembourg, Malta, Netherlands, Poland, Portugal, Romania, Slovakia, Slovenia, Spain, Sweden.”

4. The article description of heading 9903.80.01 is modified by inserting after “of South Korea,” the phrase “of member countries of the European Union specified in subdivision (f) of such U.S. note 16, under any provisions that may be established by the Department of Commerce under such U.S. note 16,”.

5. The article description of heading 9903.80.03 is modified by adding after “of South Korea,” the phrase “of member countries of the European Union enumerated in note 16(f) to this subchapter,”.

[Continues on next page]

6. The following new subheadings and superior text thereto are inserted in numerical sequence in subchapter III of chapter 99:

Heading/ Subheading	Article description	Rates of Duty	
		1	2
		General	Special
	“Iron or steel products of member countries of the European Union enumerated in U.S. note 16(f) to this subchapter, if entered in aggregate quantities prescribed in subdivision (f) of such note for any calendar year starting on January 1, 2022, and for any portion thereof as prescribed in such subdivision (f):		
9903.80.65	Hot-rolled sheet (provided for in subheading 7208.10.60, 7208.26.00, 7208.27.00, 7208.38.00, 7208.39.00, 7208.40.60, 7208.53.00, 7208.54.00, 7208.90.00, 7225.30.70 or 7225.40.70)	Free	
9903.80.66	Hot-rolled strip (provided for in subheading 7211.19.15, 7211.19.20, 7211.19.30, 7211.19.45, 7211.19.60, 7211.19.75, 7226.91.70 or 7226.91.80).....	Free	
9903.80.67	Hot-rolled plate, in coils (provided for in subheading 7208.10.15, 7208.10.30, 7208.25.30, 7208.25.60, 7208.36.00, 7208.37.00, 7211.14.00 (except for statistical reporting number 7211.14.0030 or 7211.14.0045) or 7225.30.30).....	Free	
9903.80.68	Cold-rolled sheet, provided for in subheading 7209.15.00, 7209.16.00, 7209.17.00, 7209.18.15, 7209.18.60, 7209.25.00, 7209.26.00, 7209.27.00, 7209.28.00, 7209.90.00, 7210.70.30, 7225.50.70, 7225.50.80 or 7225.99.00).....	Free	
9903.80.69	Cold-rolled strip (provided for in subheading 7211.23.15, 7211.23.20, 7211.23.30, 7211.23.45, 7211.23.60, 7211.29.20, 7211.29.45, 7211.29.60, 7211.90.00, 7212.40.10, 7212.40.50, 7226.92.50, 7226.92.70, 7226.92.80 or 7226.99.01 (except for statistical reporting number 7226.99.0110 or 7226.99.0130).....	Free	
9903.80.70	Cold-rolled black plate (provided for in subheading 7209.18.25)..... ...	Free	
9903.80.71	Plate in cut lengths (provided for in subheading 7208.40.30, 7208.51.00, 7208.52.00, 7210.90.10, 7211.13.00, 7211.14.00 (except for statistical reporting number 7211.14.0090), 7225.40.30,		

Heading/ Subheading	Article description	Rates of Duty	
		1	2
		General	Special
	7225.50.60 or 7226.91.50)	Free	
9903.80.72	Flat-rolled products, hot-dipped (provided for in subheading 7210.41.00, 7210.49.00, 7210.70.60 (except for statistical reporting number 7210.70.6030 or 7210.70.6090), 7212.30.10, 7212.30.30, 7212.30.50, 7225.92.00 or 7226.99.01 (except for statistical reporting number 7226.99.0110 or 7226.99.0180)).....	Free	
9903.80.73	Flat-rolled products, coated (provided for in subheading 7210.20.00, 7210.61.00, 7210.69.00, 7210.70.60 (except for statistical reporting number 7210.70.6030 or 7210.70.6060), 7210.90.60, 7210.90.90, 7212.50.00 or 7212.60.00).....	Free	
9903.80.74	Tin-free steel (provided for in subheading 7210.50.00)	Free	
9903.80.75	Tin plate (provided for in subheading 7210.11.00, 7210.12.00 or 7212.10.00).....	Free	
9903.80.76	Silicon electrical steel sheets and strip (provided for in subheading 7225.11.00, 7225.19.00, 7226.11.10, 7226.11.90, 7226.19.10 or 7226.19.90).....	Free	
9903.80.77	Sheets and strip electrolytically coated or plated with zinc (provided for in subheading 7210.30.00, 7210.70.60 (except for statistical reporting number 7210.70.6060 or 7210.70.6090), 7212.20.00, 7225.91.00 or 7226.99.01 (except for statistical reporting number 7226.99.0130 or 7226.99.0180)).....	Free	
9903.80.78	Oil country pipe and tube goods (provided for in subheading 7304.23.30, 7304.23.60, 7304.29.10, 7304.29.20, 7304.29.31, 7304.29.41, 7304.29.50, 7304.29.61, 7305.20.20, 7305.20.40, 7305.20.60, 7305.20.80, 7306.29.10, 7306.29.20, 7306.29.31, 7306.29.41, 7306.29.60 or 7306.29.81)	Free	
9903.80.79	Line pipe exceeding 406.4 mm in outside diameter (provided for in subheading 7304.19.10 (except for statistical reporting number 7304.19.1020, 7304.19.1030, 7304.19.1045 or 7304.19.1060), 7304.19.50 (except for statistical reporting number 7304.19.5020 or 7304.19.5050), 7305.11.10,		

Heading/ Subheading	Article description	Rates of Duty	
		1	2
		General	Special
	7305.11.50, 7305.12.10, 7305.12.50, 7305.19.10 or 7305.19.50).....	Free	
9903.80.80	Line pipe not exceeding 406.4 mm in outside diameter (provided for in subheading 7304.19.10 (except for statistical reporting number 7304.19.1080), 7304.19.50 (except for statistical reporting number 7304.19.5080), 7306.19.10 (except for statistical reporting number 7306.19.1050) or 7306.19.51 (except for statistical reporting number 7306.19.5150)).....	Free	
9903.80.81	Other line pipe (provided for in subheading 7306.19.10 (except for statistical reporting number 7306.19.1010) or 7306.19.51 (except for statistical reporting number 7306.19.5110)).....	Free	
9903.80.82	Standard pipe (provided for in subheading 7304.39.00 (except for statistical reporting number 7304.39.0002, 7304.39.0004, 7304.39.0006, 7304.39.0008, 7304.39.0028, 7304.39.0032, 7304.39.0040, 7304.39.0044, 7304.39.0052, 7304.39.0056, 7304.39.0068 or 7304.39.0072), 7304.59.80 (except for statistical reporting number 7304.59.8020, 7304.59.8025, 7304.59.8035, 7304.59.8040, 7304.59.8050, 7304.59.8055, 7304.59.8065 or 7304.59.8070) or 7306.30.50 (except for statistical reporting number 7306.30.5010, 7306.30.5015, 7306.30.5020 or 7306.30.5035)).....	Free	
9903.80.83	Structural pipe and tube (provided for in subheading 7304.90.10, 7304.90.30, 7305.31.20, 7305.31.40, 7305.31.60 (except for statistical reporting number 7305.31.6010), 7306.30.30, 7306.50.30, 7306.61.10, 7306.61.30, 7306.69.10 or 7306.69.30).....	Free	
9903.80.84	Mechanical tubing (provided for in subheading 7304.31.30, 7304.31.60 (except for statistical reporting number 7304.31.6010), 7304.39.00 (except for statistical reporting number 7304.39.0002, 7304.39.0004, 7304.39.0006, 7304.39.0008, 7304.39.0016, 7304.39.0020, 7304.39.0024, 7304.39.0036, 7304.39.0048, 7304.39.0062, 7304.39.0076 or 7304.39.0080), 7304.51.10, 7304.51.50 (except for statistical reporting number		

Heading/ Subheading	Article description	Rates of Duty	
		1	2
		General	Special
	7304.51.5005, 7304.51.5015 or 7304.51.5045), 7304.59.10, 7304.59.60, 7304.59.80 (except for statistical reporting number 7304.59.8010, 7304.59.8015, 7304.59.8030, 7304.59.8045, 7304.59.8060 or 7304.59.8080), 7304.90.50, 7304.90.70, 7306.30.10, 7306.30.50 (except for statistical reporting number 7306.30.5010, 7306.30.5025, 7306.30.5028, 7306.30.5032, 7306.30.5040, 7306.30.5055, 7306.30.5085 or 7306.30.5090), 7306.50.10, 7306.50.50 (except for statistical reporting number 7306.50.5010), 7306.61.50, 7306.61.70 (except for statistical reporting number 7306.61.7030), 7306.69.50 or 7306.69.70 (except for statistical reporting number 7306.69.7030)).....	Free	
9903.80.85	Pressure tubing (provided for in subheading 7304.31.60 (except for statistical reporting number 7304.31.6050), 7304.39.00 (except for statistical reporting number 7304.39.0016, 7304.39.0020, 7304.39.0024, 7304.39.0028, 7304.39.0032, 7304.39.0036, 7304.39.0040, 7304.39.0044, 7304.39.0048, 7304.39.0052, 7304.39.0056, 7304.39.0062, 7304.39.0068, 7304.39.0072, 7304.39.0076 or 7304.39.0080), 7304.51.50 (except for statistical reporting number 7304.51.5005 or 7304.51.5060), 7304.59.20, 7306.30.50 (except for statistical reporting number 7306.30.5015, 7306.30.5020, 7306.30.5025, 7306.30.5028, 7306.30.5032, 7306.30.5035, 7306.30.5040, 7306.30.5055, 7306.30.5085 or 7306.30.5090) or 7306.50.50 (except for statistical reporting number 7306.50.5030, 7306.50.5050 or 7306.50.5070)).....	Free	
9903.80.86	Tubes or pipes for piling (provided for in subheading 7305.39.10 or 7305.39.50)	Free	
9903.80.87	Pipes and tubes, not specially provided for (provided for in subheading 7304.51.50 (except for statistical reporting number 7304.51.5015, 7304.51.5045 or 7304.51.5060), 7305.90.10, 7305.90.50, 7306.90.10 or 7306.90.50)	Free	
9903.80.88	Hot-rolled sheet of stainless steel (provided for in subheading 7219.13.00, 7219.14.00, 7319.23.00 or 7219.24.00).....	Free	

Heading/ Subheading	Article description	Rates of Duty	
		1	2
		General	Special
9903.80.89	Hot-rolled strip of stainless steel (provided for in subheading 7220.12.10 or 7220.12.50)	Free	
9903.80.90	Hot-rolled plate of stainless steel, in coils (provided for in subheading 7219.11.00 or 7219.12.00).....	Free	
9903.80.91	Cold-rolled sheet of stainless steel (provided for in subheading 7219.32.00, 7219.33.00, 7219.34.00, 7219.35.00 or 7219.90.00)	Free	
9903.80.92	Cold-rolled strip of stainless steel (provided for in subheading 7220.20.10, 7220.20.60, 7220.20.70, 7220.20.80, 7220.20.90 or 7220.90.00).....	Free	
9903.80.93	Cold-rolled plate of stainless steel, in coils (provided for in subheading 7219.31.00 (except for statistical reporting number 7219.31.0050)).....	Free	
9903.80.94	Wire of stainless steel, drawn (provided for in subheading 7223.00.10, 7223.00.50 or 7223.00.90) ...	Free	
9903.80.95	Pipes and tubes of stainless steel (provided for in subheading 7304.41.30, 7304.41.60, 7304.49.00, 7305.31.60 (except for statistical reporting number 7305.31.6090), 7306.40.10, 7306.40.50, 7306.61.70 (except statistical reporting number 7306.61.7060) or 7306.69.70 (except for statistical reporting number 7306.69.7060))..... ...	Free	
9903.80.96	Line pipe of stainless steel (provided for in subheading 7304.11.00 or 7306.11.00)	Free	
9903.80.97	Bars and rods of stainless steel, cold finished (provided for in subheading 7222.20.00 or 7222.30.00).....	Free	
9903.80.98	Bars and rods of stainless steel, hot-rolled (provided for in heading 7221.00.00 (except for statistical reporting number 7221.00.0017, 7221.00.0018 or 7221.00.0030) or subheading 7222.11.00, 7222.19.00 or 7222.40.30 (except for statistical reporting number 7222.40.3025 or 7222.40.3045).....	Free	
9903.80.99	Blooms, billets and slabs of stainless steel (provided for in subheading 7218.91.00 and 7218.99.00).....	Free	

Heading/ Subheading	Article description	Rates of Duty	
		1	2
		General	Special
9903.81.01	Oil country pipe and tube goods of stainless steel (provided for in subheading 7304.22.00, 7304.24.30, 7304.24.40, 7304.24.60, 7306.21.30, 7306.21.40 or 7306.21.80).....	Free	
9903.81.02	Ingot and other primary forms of stainless steel (provided for in subheading 7218.10.00).....	Free	
9903.81.03	Flat-rolled products of stainless steel (provided for in subheading 7219.21.00, 7219.22.00, 7219.31.00 (except for statistical reporting number 7219.31.0010) or 7220.11.00).....	Free	
9903.81.04	Bars and rods, hot-rolled, in irregularly wound coils, of stainless steel (provided for in heading 7221.00.00 (except for statistical reporting number 7221.00.0005, 7221.00.0045 or 7221.00.0075)).....	Free	
9903.81.05	Angles, shapes and sections of stainless steel (provided for in subheading 7222.40.30 (except for statistical reporting number 7222.40.3065 or 7222.40.3085) or 7222.40.60).....	Free	
9903.81.06	Angles, shapes and sections (provided for in subheading 7216.31.00, 7216.32.00, 7216.33.00, 7216.40.00, 7216.50.00, 7216.99.00, 7228.70.30 (except for statistical reporting number 7228.70.3060 or 7228.70.3081) or 7228.70.60).....	Free	
9903.81.07	Bars and rods, hot-rolled, in irregularly wound coils (provided for in subheading 7213.91.30, 9213.91.45, 7213.91.60, 7213.99.00 (except for statistical reporting number 7213.99.0060), 7227.20.00 (except for statistical reporting number 7227.20.0080) or 7227.90.60 (except for statistical reporting number 7227.90.6005, 7227.90.6010, 7227.90.6040 or 7227.90.6090)).....	Free	
9903.81.08	Wire (other than of stainless steel) (provided for in subheading 7217.10.10, 7217.10.20, 7217.10.30, 7217.10.40, 7217.10.50, 7217.10.60, 7217.10.70, 7217.10.80, 7217.10.90, 7217.20.15, 7217.20.30, 7217.20.45, 7217.20.60, 7217.20.75, 7217.30.15, 7217.30.30, 7217.30.45, 7217.30.60, 7217.30.75, 7217.90.10, 7217.90.50, 7229.20.00, 7229.90.10,		

Heading/ Subheading	Article description	Rates of Duty	
		1	2
		General	Special
	7229.90.50 or 7229.90.90).....	Free	
9903.81.09	Bars, hot-rolled, not of stainless steel (provided for in subheading 7213.20.00, 7213.99.00 (except for statistical reporting number 7213.99.0030 or 7213.99.0090), 7214.10.00, 7214.30.00, 7214.91.00, 7214.99.00, 7215.90.10, 7227.20.00 (except for statistical reporting number 7227.20.0030), 7227.90.60 (except for statistical reporting number 7227.90.6020, 7227.90.6030 or 7227.90.6035), 7228.20.10, 7228.30.80 (except for statistical reporting number 7228.30.8010), 7228.40.00, 7228.60.60 or 7228.80.00).....	Free	
9903.81.10	Bars, cold-finished, not of stainless steel (provided for in subheading 7215.10.00, 7215.50.00, 7215.90.30, 7215.90.50, 7228.20.50, 7228.50.50 or 7228.60.80).....	Free	
9903.81.11	... Angles, shapes and sections of a type known as "light-shaped bars" (provided for in subheading 7216.10.00, 7216.21.00, 7216.22.00 or 7228.70.30 (except for statistical reporting number 7228.70.3010, 7228.70.3020 or 7228.70.3041)).....	Free	
9903.81.12	Reinforcing bars (provided for in subheading 7213.10.00, 7214.20.00 or 7228.30.80 (except for statistical reporting number 7228.30.8005, 7228.30.8015, 7228.30.8041, 7228.30.8045 or 7228.30.8070)).....	Free	
9903.81.13	Sheet piling (provided for in subheading 7301.10.00).....	Free	
9903.81.14	Nonenumerated railroad good (provided for in subheading 7302.40.00, 7302.90.10 or 7302.90.90).....	Free	
9903.81.15	Rails other than those known as "standard rails" (provided for in subheading 7302.10.10 (except for statistical reporting number 7302.10.1010, 7302.10.1035, 7302.10.1065 or 7302.10.1075).....	Free	
9903.81.16	Rails known as "standard rails" (provided for in subheading 7302.10.10 (except for statistical reporting number 7302.10.1015, 7302.10.1025,		

Heading/ Subheading	Article description	Rates of Duty		
		1		2
		General	Special	
9903.81.17	7302.10.1045 or 7302.10.1055) or 7302.10.50).....	Free		
	Products of tool steel (provided for in subheading 7224.10.00 (except for statistical reporting number 7224.10.0005 or 7224.10.0075), 7224.90.00 (except for statistical reporting number 7224.90.0005, 7224.90.0045, 7224.90.0055, 7224.90.0065 or 7224.90.0075), 7225.30.11, 7225.30.51, 7225.40.11, 7225.40.51, 7225.50.11, 7226.20.00, 7226.91.05, 7226.91.15, 7226.91.25, 7226.92.10, 7226.92.30, 7227.10.00, 7227.90.10, 7227.90.20, 7228.10.00, 7228.30.20, 7228.30.40, 7228.30.60, 7228.50.10, 7228.60.10 or 7229.90.05).....	Free		
	Blooms, billets and slabs, semi-finished (provided for in subheading 7207.11.00, 7207.12.00, 7207.19.00, 7207.20.00 or 7224.90.00 (except for statistical reporting number 7224.90.0015, 7224.90.0025 or 7224.90.0035)).....	Free		
9903.81.18				
9903.81.19	Ingots (provided for in subheading 7206.10.00, 7206.90.00 or 7224.10.00 (except for statistical reporting number 7224.10.0045)).....	Free"		

Proclamation 10329 of December 28, 2021**Revoking Proclamation 10315**

By the President of the United States of America
A Proclamation

On November 26, 2021, the World Health Organization (WHO) Technical Advisory Group on SARS-CoV-2 Virus Evolution announced that the B.1.1.529 (Omicron) variant of SARS-CoV-2, the virus that causes coronavirus disease 2019 (COVID-19), constitutes a variant of concern. The WHO further reported that the number of cases of this variant appeared to be increasing in almost all provinces in the Republic of South Africa. On the same day that the WHO classified the Omi-

cron variant as a variant of concern, and based on the recommendation of the Centers for Disease Control and Prevention (CDC), within the Department of Health and Human Services, I issued Proclamation 10315 of November 26, 2021 (Suspension of Entry as Immigrants and Non-immigrants of Certain Additional Persons Who Pose a Risk of Transmitting Coronavirus Disease 2019). That proclamation generally suspended and restricted the entry into the United States of noncitizens of the United States (“noncitizens”) who were physically present within the Republic of Botswana, the Kingdom of Eswatini, the Kingdom of Lesotho, the Republic of Malawi, the Republic of Mozambique, the Republic of Namibia, the Republic of South Africa, and the Republic of Zimbabwe during the 14-day period preceding their entry or attempted entry into the United States. I took that action to slow the spread of the Omicron variant into the United States and to enable the United States to implement appropriate mitigation measures while new information emerged about the variant.

Having learned more about the Omicron variant in the past several weeks, the CDC now recommends lifting the travel restrictions imposed in Proclamation 10315. Since I issued that proclamation, our Nation’s health officials, in collaboration with the South African scientists who originally reported the variant, have made substantial progress in understanding the Omicron variant. Importantly, scientific experts have determined that people who are vaccinated against COVID–19 are protected against severe disease and hospitalization from the Omicron variant. Moreover, the Omicron variant has now spread to more than 100 countries, and it is prevalent in the United States. At the same time, my Administration has made international travel to the United States from all countries safer in the time since I issued Proclamation 10315. In particular, the CDC has shortened the timeline for required pre-departure COVID–19 testing for fully vaccinated travelers from no more than 3 days prior to travel to no more than 1 day. As a result, international air travelers to the United States from all countries, regardless of citizenship or vaccination status, must take a COVID–19 test within 1 day of departure and show a negative test result before they board a flight to the United States. That requirement has strengthened the already stringent international travel protocols that my Administration has imposed, including requirements for noncitizens to be fully vaccinated, subject to limited exceptions, and for travelers to wear face masks on commercial conveyances and at United States transportation hubs.

In light of these changed circumstances, and based on the recommendation of the CDC, I have determined that it is in the interests of the United States to revoke Proclamation 10315. The travel restrictions imposed by that proclamation are no longer necessary to protect the public health.

NOW, THEREFORE, I, JOSEPH R. BIDEN JR., President of the United States, by the authority vested in me by the Constitution and the laws of the United States of America, including sections 212(f) and 215(a) of the Immigration and Nationality Act, 8 U.S.C. 1182(f) and 1185(a), hereby find that, except as provided in Proclamation 10294 of October 25, 2021 (Advancing the Safe Resumption of Global Travel During the COVID–19 Pandemic), or any other applicable proclamation, the unrestricted entry into the United States of persons described in section 1

of Proclamation 10315 is no longer detrimental to the interests of the United States. I therefore hereby proclaim the following:

Section 1. *Revocation.* Proclamation 10315 is revoked.

Sec. 2. *Review of Agency Actions.* The Secretary of State, the Secretary of Transportation, and the Secretary of Homeland Security shall review any regulations, orders, guidance documents, policies, and any other similar agency actions developed pursuant to Proclamation 10315 and, as appropriate, shall consider revising or revoking these agency actions consistent with the policy set forth in this proclamation.

Sec. 3. *Effective Date.* This proclamation is effective at 12:01 a.m. eastern standard time on December 31, 2021.

Sec. 4. *General Provisions.* (a) Nothing in this proclamation shall be construed to impair or otherwise affect:

(i) the authority granted by law to an executive department or agency, or the head thereof; or

(ii) the functions of the Director of the Office of Management and Budget relating to budgetary, administrative, or legislative proposals.

(b) This proclamation shall be implemented consistent with applicable law and subject to the availability of appropriations.

(c) This proclamation is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the United States, its departments, agencies, or entities, its officers, employees, or agents, or any other person.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-eighth day of December, in the year of our Lord two thousand twenty-one, and of the Independence of the United States of America the two hundred and forty-sixth.

JOSEPH R. BIDEN, JR.

Proclamation 10330 of December 29, 2021

Death of Harry Reid

By the President of the United States of America

A Proclamation

From humble roots in Searchlight, Nevada, Harry Reid rose to become one of the great Senate Majority Leaders in American history. He was a man of action, and a man of his word—guided by faith, loyalty, and unshakeable resolve.

Throughout his long career of public service, Harry Reid was instrumental in passing landmark legislation that made a positive difference in the lives of countless Americans and made our Nation stronger and safer. His devoted service to our Nation was not about power for power's sake. It was about the power to do right by the American people.

As a mark of respect for his memory, I hereby order, by the authority vested in me by the Constitution and the laws of the United States of America, that on the day of his interment, the flag of the United States shall be flown at half-staff at the White House and upon all public

buildings and grounds, at all military posts and naval stations, and on all naval vessels of the Federal Government in the District of Columbia and throughout the United States and its Territories and possessions until sunset on such day. I also direct that the flag shall be flown at half-staff for the same period at all United States embassies, legations, consular offices, and other facilities abroad, including all military facilities and naval vessels and stations.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-ninth day of December, in the year of our Lord two thousand twenty-one, and of the Independence of the United States of America the two hundred and forty-sixth.

JOSEPH R. BIDEN, JR.

Proclamation 10331 of December 30, 2021

National Human Trafficking Prevention Month, 2022

By the President of the United States of America

A Proclamation

Human trafficking—whether in the form of forced labor, sex trafficking, or other offenses—is an abhorrent abuse of power and a profoundly immoral crime that strikes at the safety, health, and dignity of millions of people worldwide. During National Human Trafficking Prevention Month, we reaffirm our commitment to protect and empower survivors of all forms of human trafficking, to prosecute traffickers, and to bring an end to human trafficking in the United States and around the world.

My Administration is committed to stopping human trafficking wherever it occurs. This month, we released the updated *National Action Plan to Combat Human Trafficking*—a whole-of-government approach to combating human trafficking in the United States and abroad. The plan links anti-trafficking initiatives to our wider efforts to counter illicit financing; advance gender and racial equity; expand the rights and dignity of working people; and promote safe, orderly, and humane migration.

My Administration is also dedicated to ensuring that our justice system holds accountable any individuals or entities engaged in this horrendous crime—and that our domestic and global economic systems offer no safe harbor to forced labor or other abuses. In addition to helping survivors on their road to recovery, we must also learn from their expertise in order to better detect trafficking crimes that are often hidden in plain sight, bring perpetrators to justice, and improve our prevention efforts. Since human trafficking disproportionately impacts racial and ethnic minorities, women and girls, LGBTQI+ individuals, vulnerable migrants, and other historically marginalized and underserved communities, our mission to combat human trafficking must always be connected to our broader efforts to advance equity and justice across our society.

During National Human Trafficking Prevention Month, let us resolve to counter injustice and fortify our commitment to pursue dignity and freedom for all people. The National Human Trafficking Hotline (1–888–373–7888) is an important resource to report a tip or ask for help.

NOW, THEREFORE, I, JOSEPH R. BIDEN JR., President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim January 2022 as National Human Trafficking Prevention Month. I call upon businesses, civil society organizations, communities of faith, families, and all Americans to recognize the vital role we play in combating human trafficking, and to observe this month with appropriate programs and activities aimed at preventing all forms of human trafficking.

IN WITNESS WHEREOF, I have hereunto set my hand this thirtieth day of December, in the year of our Lord two thousand twenty-one, and of the Independence of the United States of America the two hundred and forty-sixth.

JOSEPH R. BIDEN, JR.

Proclamation 10332 of December 30, 2021

National Mentoring Month, 2022

By the President of the United States of America

A Proclamation

I often say that America can be defined in one word—possibilities. No matter our background or circumstance, every child in America has the right to go as far as their dreams will take them. But those dreams are rarely reached alone. We all benefit from the support, wisdom, and nurturing of mentors who navigated the path before us.

By standing on the shoulders of mentors, young people have led America forward at each inflection point in our history. I will never forget the many mentors who encouraged and empowered me as a student, as a local elected official in my twenties, and as a young United States Senator finding my way. During National Mentoring Month, we honor all those parents and family members, teachers and coaches, employers and co-workers, community and faith leaders, and so many others who devote time, care, and energy to helping our young people thrive.

As we continue to build back from the pandemic, my Administration is making unprecedented investments to set the next generation up for success. Earlier this year, the Department of Labor awarded \$89 million through its YouthBuild program and over \$20 million through its Workforce Pathways for Youth programs to dedicated mentors who share their wisdom and experience and provide employment and counseling services to young people. We also proudly support initiatives across our executive departments and agencies that provide tutoring, community service opportunities, school-based and after-school programs, summer learning and enrichment, and work-based learning opportunities.

As advocate and activist Marian Wright Edelman said, “It is the responsibility of every adult—especially parents, educators, and religious leaders—to make sure that children hear what we have learned from the lessons of life and to hear over and over that we love them and that they are not alone.” Mentorship is vital to fulfilling this responsi-

bility, expanding opportunity, and helping our children fulfill their God-given potential.

NOW, THEREFORE, I, JOSEPH R. BIDEN JR., President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim January 2022 as National Mentoring Month. I call upon Americans across the country to observe this month with mentoring, appropriate ceremonies, activities, and programs.

IN WITNESS WHEREOF, I have hereunto set my hand this thirtieth day of December, in the year of our Lord two thousand twenty-one, and of the Independence of the United States of America the two hundred and forty-sixth.

JOSEPH R. BIDEN, JR.

Proclamation 10333 of December 30, 2021

National Stalking Awareness Month, 2022

By the President of the United States of America

A Proclamation

All people deserve to feel safe and protected—whether in their home, at work or school, online, or in any other public or private spaces. During National Stalking Awareness Month, we support all those who are threatened and harmed by the pervasive crime of stalking, recognize those who raise awareness and advocate for survivors, and recommit to eradicating stalking nationwide.

Stalkers employ multiple tactics to instill fear, intimidate, surveil, and exert control over the people they target. Studies show that 1 in 6 women and 1 in 17 men have been subjected to stalking in their lifetime, the majority of whom were threatened by someone they know—often a current or former intimate partner. Survivors often suffer physical, psychological, and social harms, such as higher than average rates of depression, anxiety, and insomnia. Stalking also can take a serious economic toll, as those who are stalked may have to uproot their lives at their own expense to evade their stalkers, or take unpaid time off from work in order to protect themselves and their families.

In recent years, the most prevalent form of stalking crimes has involved the use of smartphones, computers, and other devices. With schools, workplaces, and social interactions relying on virtual platforms, the risk of stalking has grown considerably. As technology continues to advance, we must ensure that all people—especially women, girls, and LGBTQI+ individuals who are at greatest risk—can engage in online spaces freely and safely. We must also seek accountability for individuals or systems that perpetrate or enable stalking.

Given the disproportionate impact of stalking and other forms of digital abuse on women and girls, my Administration's National Strategy on Gender Equity and Equality includes a commitment to launch a task force to address online harassment and abuse. This task force will be specifically focused on technology-facilitated, gender-based violence and will be charged with developing concrete recommendations to im-

prove prevention, response, and protection efforts domestically and worldwide.

The task force will seek input from survivors, advocates, law enforcement professionals, civil and human rights groups, technology platforms, and other experts to ensure that those with expertise and lived experiences are able to directly inform these recommendations. My Administration has also committed to developing the first-ever National Action Plan to End Gender-Based Violence, which will further our efforts to prevent and respond to stalking and other forms of gender-based violence.

This effort has been one of the central causes of my career. To address these abuses of power—stalking, domestic violence, dating violence, and sexual assault—I wrote and championed the Violence Against Women Act nearly three decades ago to begin to change our culture and ensure that survivors of these appalling crimes receive the services and support they need. Through the years, I have worked to reauthorize the Act several times—each time expanding its protections. Now, I am calling on the Congress to once again reauthorize and modernize this landmark legislation with enhanced provisions to expand the way our country responds to and prevents stalking and other forms of gender-based violence.

Stalking operates in the shadows and is fueled by silence and inaction. As we begin this new year, let us commit to shining a brighter light on this insidious crime, to broadening our support for those affected, and to ensuring that all people can live in a world free from violence and fear.

NOW, THEREFORE, I, JOSEPH R. BIDEN JR., President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim January 2022 as National Stalking Awareness Month. I call on all Americans to speak out against stalking and to support the efforts of advocates, courts, service providers, and law enforcement to help those who are targeted and send the message to perpetrators that this crime will not go unpunished.

IN WITNESS WHEREOF, I have hereunto set my hand this thirtieth day of December, in the year of our Lord two thousand twenty-one, and of the Independence of the United States of America the two hundred and forty-sixth.

JOSEPH R. BIDEN, JR.

POPULAR NAME INDEX

A1

	Page		Page
A		Digital Equity Act of 2021	
Accelerating Access to Critical Therapies for ALS Act	1533	Disaster Relief Supplemental Appropriations Act, 2022	1209
Additional Afghanistan Supplemental Appropriations Act, 2022	1500	Drinking Water and Wastewater Infrastructure Act of 2021	355
Advancing Education on Biosimilars Act of 2021	254		1135
Afghanistan Supplemental Appropriations Act, 2022	372	E	
Afghanistan War Commission Act of 2021	1935	Emergency Repatriation Assistance for Returning Americans Act	336
Alaska Tourism Restoration Act	273	Emergency Security Supplemental Appropriations Act, 2021	309
American Rescue Plan Act of 2021	4	Ensuring Compliance Against Drug Diversion Act of 2021	411
B		Extending Government Funding and Delivering Emergency Assistance Act	344
Barry Goldwater Scholarship and Excellence in Education Modernization Act of 2021	2393	Extending Temporary Emergency Scheduling of Fentanyl Analogues Act	264
Blocking Deadly Fentanyl Imports Act	2447	F	
Build America, Buy America Act	1294	FASTER Act of 2021	262
BuyAmerican.gov Act of 2021	1309	Food Allergy Safety, Treatment, Education, and Research Act of 2021	262
C		Foreign Service Families Act of 2021	2388
Capitol Police Emergency Assistance Act of 2021	1522	Further Continuing Appropriations Act, 2022	1499
Colonel John M. McHugh Tuition Fairness for Survivors Act of 2021	1493	Further Extending Government Funding Act	1499
Confidentiality Opportunities for Peer Support Counseling Act	1470	Further Surface Transportation Extension Act of 2021	409
Congressional Budget Justification Transparency Act of 2021	337	H	
Consider Teachers Act of 2021	402	Harlem Hellfighters Congressional Gold Medal Act	333
Construction Consensus Procurement Improvement Act of 2021	304	HAVANA Act of 2021	391
Continuing Appropriations Act, 2022	344	Helping American Victims Afflicted by Neurological Attacks Act of 2021	391
COPS Counseling Act	1470	Hire Veteran Health Heroes Act of 2021	1491
COVID-19 Bankruptcy Relief Extension Act of 2021	249	I	
COVID-19 Hate Crimes Act	265	Infrastructure Investment and Jobs Act	429
Cyber Response and Recovery Act	1267	Infrastructure Investments and Jobs Appropriations Act	1350
D		J	
DEBAR Act of 2021	328	Jabara-Heyer NO HATE Act	266
Debarment Enforcement of Bad Actor Registrants Act of 2021	328	Jaime Zapata and Victor Avila Federal Officers and Employees Protection Act	1468
Department of State Authorization Act of 2021	2341	Juneteenth National Independence Day Act	287
Department of Veterans Affairs Expiring Authorities Act of 2021	342		

NOTE: Part 1 contains pages 3–1488; Part 2 contains pages 1489–2898. Each part contains entire Popular Name and Subject Indexes.

	Page		Page
K		S	
K-12 Cybersecurity Act of 2021	397	SAVE LIVES Act	247
Khalid Jabara and Heather Heyer National Opposition to Hate, Assault, and Threats to Equality Act of 2021	266	Secure Equipment Act of 2021	423
M		Senate Shared Employee Act	259
Major Medical Facility Authorization Act of 2021	307	Sgt. Ketchum Rural Veterans Mental Health Act of 2021	292
Make PPE in America Act	1312	State and Local Cybersecurity Improvement Act	1272
Military Construction Authorization Act for Fiscal Year 2022	2161, 2315	Strengthening and Amplifying Vaccination Efforts to Locally Immunize All Veterans and Every Spouse Act	247
Minority Business Development Act of 2021	1445	Surface Transportation Extension Act of 2021	382
N		Surface Transportation Investment Act of 2021	652
National Defense Authorization Act for Fiscal Year 2022	1541	Surface Transportation Reauthorization Act of 2021	443
P		T	
Passenger Rail Expansion and Rail Safety Act of 2021	694	Telecommunications Skilled Workforce Act	1246
PAWS for Veterans Therapy Act	329	THRIVE Act	280
PPP Extension Act of 2021	250	Timely ReAuthorization of Necessary Stem-cell Programs Lends Access to Needed Therapies Act of 2021	277
Protecting America's First Responders Act of 2021	1474	Training in High-demand Roles to Improve Veteran Employment Act	280
Protecting Medicare and American Farmers from Sequester Cuts Act	1506	TRANSPLANT Act of 2021	277
Protecting Moms Who Served Act of 2021	1495	V	
Public Diplomacy Modernization Act of 2021	2376	VA Transparency & Trust Act of 2021	1484
Puppies Assisting Wounded Servicemembers for Veterans Therapy Act	329	Veterans and Family Information Act	1482
R		Veterans' Compensation Cost-of- Living Adjustment Act of 2021	389
Reinforcing Nicaragua's Adherence to Conditions for Electoral Reform Act of 2021	413	VOCA Fix to Sustain the Crime Victims Fund Act of 2021	301
REMOTE Act	1517	W	
RENACER Act	413	West Los Angeles VA Campus Improvement Act of 2021	288
Repairing Existing Public Land by Adding Necessary Trees Act	1258	Wildland Fire Mitigation and Management Commission Act of 2021	1250
REPLANT Act	1258		
Responsible Education Mitigating Options and Technical Extensions Act	1517		

SUBJECT INDEX

B1

	Page		Page
A			
Afghanistan		Continuing	
Additional Afghanistan Supplemental		COVID-19, rescission.....	344, 1499
Appropriations Act, 2022.....	1500	Emergency.....	1346
Afghanistan Supplemental		Emergency.....	309, 344
Appropriations Act, 2022.....	372	Energy and water development, and	
Afghanistan War Commission Act of		related agencies	1358
2021	1935	Executive office	1381
Armed Forces Members Killed in		Financial services and general	
Attack on Hamid Karzai		government	1381
International Airport, DC,		Health and Human Services	
commemorative work	1924	Department.....	1411, 1412
Agriculture		Homeland Security Department	1383
Agriculture, rural development, Food		Infrastructure Investments and Jobs	
and Drug, and related		Appropriations Act	1350
agencies.....	1350	Interior, environment, and related	
Commodity Futures Trading		agencies.....	1389
Commission Whistleblower		Labor, Health and Human Services,	
Program, incentives and		Education, and related	
protection	297	agencies.....	1412
Protecting Medicare and American		Passenger Rail Expansion and Rail	
Farmers from Sequester Cuts		Safety Act of 2021	694
Act	1506	Supplemental	355, 372, 1500
Alaska		Transportation Department.....	1412
Alaska Tourism Restoration Act	273	Transportation, Housing and Urban	
Animals		Development, and related	
Puppies Assisting Wounded		agencies.....	1412
Service members for Veterans		Armed Forces	
Therapy Act (PAWS for Veterans		<i>See also</i> Defense and National	
Therapy Act)	329	Security	
Appropriations		Afghanistan Supplemental	
Agriculture, rural development, Food		Appropriations Act, 2022.....	372
and Drug, and related		Arlington National Cemetery	
agencies.....	1350	Chaplain Memorials, VA, updates	
American Rescue Plan Act of		and preservation provisions	1758
2021	4	Armed Forces Members Killed in	
Authorizations		Attack on Hamid Karzai	
Armed Forces Retirement		International Airport, DC,	
Home	2019	commemorative work	1924
Defense Nuclear Facilities Safety		Armed Forces Retirement Home,	
Board	2235	appropriations authorization	2019
Denali Commission	586	Defense Secretary position,	
Department of State Authorization		appointment limitation,	
Act of 2021	2341	exception	3
Major Medical Facility		Harlem Hellfighters Congressional	
Authorization Act of 2021	307	Gold Medal Act	333
Maritime Administration	2236	Military Construction Authorization	
Military Construction		Act for Fiscal Year 2022	2161, 2315
Authorization Act for Fiscal		National Cemetery interments,	
Year 2022.....	2161, 2315	persons who served with Laos	
National Defense Authorization Act		units or forces, eligibility	2437
for Fiscal Year 2022	1541	National Defense Authorization Act	
National Nuclear Security		for Fiscal Year 2022	1541
Administration.....	2217	National Museum of the Surface	
Naval petroleum reserves	2236	Navy, CA, designation	1924
Surface Transportation		National Museum of the United States	
Reauthorization Act of		Navy, DC, support authority.....	2195
2021	443	Tyndall Air Force Base construction	
Commerce Department	1353	projects authority, FL,	
Commerce, Justice, Science, and		modification	2171
related agencies	1353	United States Air Force Institute of	
		Technology, statutory	
		establishment	1741
		United States Naval Community	
		College, establishment and	
		degree authority	1739

	Page		Page
Assad, Bashar al-	2429	Close Combat Lethality Task Force, alignment, reinstatement	1878
Awards, Decorations, Medals, Etc.		Commission on Combating Synthetic Opioid Trafficking, report deadline extension, modification	408
Medals		Commission on Planning, Programming, Budgeting, and Execution Reform, establishment	1884
Atomic Veterans Commemorative Service Medal, establishment.....	1757	Commission on the National Defense Strategy, establishment	1943
Congressional Gold Medals.....	322, 333, 1511	Congressional Commission on the Strategic Posture of the United States, establishment	2126
Distinguished Service Crosses.....	1756, 1757	Contested Logistics Operational Energy (CLOE) Working Group, establishment	1651
Medals of Honor.....	1755, 1756	Council on Oversight of the Department of Defense Positioning, Navigation, and Timing Enterprise, extension and modification	2077
B		Critical Minerals Interagency Subcommittee, modifications	981
Bankruptcy		Cross Functional Team for Anomalous Health Incidents, establishment	1877
COVID-19 Bankruptcy Relief Extension Act of 2021	249	Cybersecurity planning committees, establishment	1277
Banks and Banking		Cyprus, Greece, Israel, and the United States 3+1 Inter-parliamentary Group, establishment	2001
<i>See also</i> Money and Finance		Defense Nuclear Facilities Safety Board, appropriations authorization	2235
Commodity Futures Trading Commission Whistleblower Program, incentives and protection	297	Denali Commission, appropriation authorization	586
Barrett, Barbara	290	Department of Defense University Consortium for Cybersecurity and Executive Committees, improvements	2050
Boards, Commissions, Committees, Etc.		Digital Development Infrastructure Working Group, establishment	2051
21st Century Energy Workforce Advisory Board, establishment	983	Electric Vehicle Working Group, establishment	845
Advisory Board on United States Grand Strategy with respect to China, establishment	2435	Employee Engagement Steering Committee, establishment	2396
Advisory Committee on Underride Protection, establishment	770	Energy Jobs Council, establishment	1076
Advisory group on acquisition practices for emerging technologies pilot program, establishment	1834	Federal Permitting Improvement Steering Council, designation and modifications.....	1288
Advisory Panel on Community Support for Military Families with Special Needs, expansion	1746	Federal System Funding Alternative Advisory Board, establishment	627
Afghanistan War Commission Act of 2021	1935	Foreign malign influence working group, establishment	1733
Alyce Spotted Bear and Walter Soboleff Commission on Native Children, report deadline, extension.....	341	Incident Determination Committees, implementation and oversight provisions	1717
Amtrak Board of Directors, composition and selection, modifications.....	697		
Amtrak Food and Beverage Working Group, establishment.....	706		
Amtrak State-Supported Route Committee, modifications	708		
Appalachian Regional Commission, extension and modifications	385, 584		
Blue Campaign Advisory Board, establishment	2403		
Board of visitors, military academies, successor authority.....	1738		
Casualty Assistance Reform Working Group, establishment	1774		

SUBJECT INDEX

B3

	Page		Page
Intelligent Transportation Systems		Smithsonian Institution Board of	
Program Advisory Committee,		Regents, appointment	290
modifications	836	Space Acquisition Council,	
Interagency Water Workforce		designation and modifications	2075
Working Group,		Sport Fishing and Boating	
establishment	1171	Partnership Council,	
Intermodal Transportation Advisory		modification	889
Board, termination	878	State freight advisory committees,	
Internal review board, annual		modifications	662
employee award program,		Steering Committee on Emerging	
establishment	2398	Technology and National Security	
Joint Requirements Oversight		Threats, improvements	1595
Council, modification	1869	Subcommittee on Research and	
Joint Safety Council,		Evaluation, establishment	2379
establishment	1664	Subcommittee on the Economic and	
Joint Task Forces to Provide Support		Security Implications of Quantum	
to Law Enforcement Agencies		Information Science,	
Conducting Counter-Terrorism		establishment	2442
Activities, authority		Suicide Prevention and Response	
extension	1889	Independent Review Committee,	
Medical countermeasures working		establishment	1801
group, establishment	2405	Task force on battery producer	
Military Justice Review Panel,		responsibility, establishment	971
functionality	1726	Telecommunications Interagency	
Military Sentencing Parameters and		Working Group,	
Criteria Board, establishment	1704	establishment	1246
Minority Business Enterprises		Transportation workforce	
Advisory Council,		development working group,	
establishment	1463	establishment	877
Motor Carrier Safety Advisory		Truck Leasing Task Force,	
Committee, modification and		establishment	764
extension	758	Unidentified Aerial Phenomenon Task	
Motorcyclist Advisory Council,		Force, termination	2123
establishment	812	United States Advisory Commission	
National Driver Register Advisory		on Public Diplomacy, permanent	
Committee, termination	831	reauthorization	2379
National multimodal cooperative		United States-Israel Cybersecurity	
freight research advisory		Cooperation Advisory Board,	
committee, establishment	678	establishment	2069
National Security Commission on		United States Merchant Marine	
Emerging Biotechnology,		Academy Advisory Council,	
establishment	1929	establishment	2238
Nontraditional and Emerging		Water Reuse Interagency Working	
Transportation Technology		Group, establishment	1179
Council, establishment	850	Wildland Fire Mitigation and	
Northeast Corridor Commission,		Management Commission Act of	
modifications	716	2021	1250
Nursing Home and Long-term Care		Women of Trucking Advisory Board,	
Facility Strike Team,		establishment	762
establishment	127, 218	Working Group on Covered Resources,	
Per- and Polyfluoroalkyl Substances		establishment	609
(PFAS) Task Force,		Working group on streamlining	
establishment	1641	support services,	
Primary Prevention Workforce,		establishment	2379
establishment	1722	Budget	
Rural Opportunities to Use		Congressional Budget Justification	
Transportation for Economic		Transparency Act of 2021	337
Success (ROUTES) Council,		Business and Industry	
establishment	856	<i>See also</i> Small Business	
Secure Rural Schools Resource		Build America, Buy America Act	1294
Advisory Committees,		BuyAmerican.gov Act of 2021	1309
extension	1134	COVID-19 Bankruptcy Relief	
		Extension Act of 2021	249

	Page		Page
Business and Industry—Continued		Robert Joseph Dole memorial	
Make PPE in America Act	1312	service, catafalque transfer	
Minority Business Development Act of		and lying in state,	
2021	1445	authorizations	2526, 2527
C		William F. Evans memorial	
California		service, lying in honor and	
National Museum of the Surface		catafalque transfer,	
Navy, designation	1924	authorizations	2481, 2482
University of California, property		Enrolled bills, corrections, etc.	
conveyance, modification	2203	National Defense Authorization Act	
West Los Angeles VA Campus		for Fiscal Year 2022 (S.	
Improvement Act of 2021	288	1605)	2527
Canada		Federal Budget	
Alaska Tourism Restoration Act	273	Fiscal year 2021	2454
Cemeteries		Fiscal year 2022	2482
Arlington National Cemetery		Joint Congressional Committee on	
Chaplain Memorials, VA, updates		Inaugural Ceremonies	2453
and preservation provisions	1758	Joint sessions	2453, 2482
National Cemetery interments,		Congress	
persons who served with Laos		Afghanistan War Commission Act of	
units or forces, eligibility	2437	2021	1935
China		Capitol Police Emergency Assistance	
Uyghur forced labor, importation of		Act of 2021	1522
goods, prohibition	1525, 1843	Congressional Budget Justification	
Colorado		Transparency Act of 2021	337
Lieutenant Colonel John W. Mosley		Congressional Commission on the	
VA Clinic, designation	427	Strategic Posture of the United	
Commerce and Trade		States, establishment	2126
Build America, Buy America Act	1294	Medicare sequestration, temporary	
BuyAmerican.gov Act of 2021	1309	suspension, extension	251
Commerce Department,		Protecting Medicare and American	
appropriations authorization	1353	Farmers from Sequester Cuts	
Commodity Futures Trading		Act	1506
Commission Whistleblower		Rule disapprovals and repeals	294–296
Program, incentives and		Senate Shared Employee Act	259
protection	297	United States Capitol Police,	
PPE Extension Act of 2021	250	Congressional Gold Medals	
Uyghur forced labor, importation of		award	322
goods, prohibition	1525, 1843	Conservation	
Commodities		Repairing Existing Public Land by	
See Banks and Banking; Commerce		Adding Necessary Trees Act	
and Trade; Money and Finance		(REPLANT Act)	1258
Communications and		Contracts	
Telecommunications		See Government Contracts	
Broadband, miscellaneous		Controlled Substances	
provisions	1182	See Drugs and Drug Abuse	
Digital Equity Act of 2021	1209	Courts	
Secure Equipment Act of 2021	423	Judicial districts, NC, boundary	
Spectrum auctions, modifications	1348	adjustments	299
Telecommunications Skilled		COVID–19	
Workforce Act	1246	American Rescue Plan Act of	
Concurrent Resolutions		2021	4
Capitol buildings and grounds		Appropriations, rescission	1346
National Peace Officers Memorial		COVID–19 Bankruptcy Relief	
Service and National Honor		Extension Act of 2021	249
Guard and Pipe Band		COVID–19 Hate Crimes Act	265
Exhibition, authorization	2525	Make PPE in America Act	1312
Rotunda		Strengthening and Amplifying	
Brian D. Sicknick, lying in honor,		Vaccination Efforts to Locally	
authorization	2454	Immunize All Veterans and Every	
		Spouse Act (SAVE LIVES	
		Act)	247

SUBJECT INDEX

B5

	Page		Page
Training in High-demand Roles to Improve Veteran Employment Act (THRIVE Act)	280	Armed Forces Members Killed in Attack on Hamid Karzai International Airport, authorization.....	1924
VA Transparency & Trust Act of 2021	1484	Medal of Honor Recipients Commemorative Work, authorization.....	1539
Crime		National Global War on Terrorism Memorial, location clarification	2442
<i>See</i> Law Enforcement and Crime		National Museum of the United States Navy, support authority	2195
Cybersecurity		Drugs and Drug Abuse	
<i>See</i> Science and Technology		Accelerating Access to Critical Therapies for ALS Act	1533
D		Agriculture, rural development, Food and Drug, and related agencies.....	1350
Defense and National Security		Blocking Deadly Fentanyl Imports Act	2447
<i>See also</i> Armed Forces		Chemical entity meaning, clarification	256
All-domain Anomaly Resolution Office, establishment.....	2118	Debarment Enforcement of Bad Actor Registrants Act of 2021 (DEBAR Act of 2021)	328
Defense acquisition statutes, transfer and reorganization	2131	Department of Veterans Affairs medical facilities, controlled substances medications, disposal requirement	306
Defense Secretary position, appointment limitation, exception	3	Ensuring Compliance Against Drug Diversion Act of 2021	411
Department of Defense Regional Centers for Security Studies, addition	1922	Extending Temporary Emergency Scheduling of Fentanyl Analogues Act	264
Helping American Victims Afflicted by Neurological Attacks Act of 2021 (HAVANA Act of 2021)	391	E	
Islamic State of Iraq and Syria (ISIS), counterterrorism assistance authority, extension and modification	1969	Economic Development	
Military Construction Authorization Act for Fiscal Year 2022.....	2161, 2315	<i>See</i> Business and Industry	
National Defense Authorization Act for Fiscal Year 2022	1541	Education	
National Nuclear Security Administration, appropriations authorization	2217	<i>See also</i> Fellowships and Scholarships	
Naval petroleum reserves, appropriations authorization	2236	Barry Goldwater Scholarship and Excellence in Education Modernization Act of 2021.....	2393
Reinforcing Nicaragua's Adherence to Conditions for Electoral Reform Act of 2021 (RENACER Act).....	413	Consider Teachers Act of 2021	402
Science and Technology Reinvention Laboratories, statutory authorization and designation	1591	K-12 Cybersecurity Act of 2021	397
Syria vetted groups, assistance authority, extension and modification	1966	Labor, Health and Human Services, Education, and related agencies, appropriations authorization	1412
Disabled Persons		Elections	
Amyotrophic lateral sclerosis (ALS) disability insurance, technical correction	246	Reinforcing Nicaragua's Adherence to Conditions for Electoral Reform Act of 2021 (RENACER Act).....	413
Disaster Assistance		Employment and Labor	
Disaster Relief Supplemental Appropriations Act, 2022.....	355	Equal Employment Opportunity Commission, conciliation procedures update, congressional disapproval	294
Diseases		Infrastructure Investment and Jobs Act	429
Accelerating Access to Critical Therapies for ALS Act	1533	Infrastructure Investments and Jobs Appropriations Act	1350
District of Columbia			
Commemorative Works			

	Page		Page
Employment and Labor —Continued		Interagency Infrastructure	
Telecommunications Skilled		Permitting Improvement Center,	
Workforce Act	1246	establishment	852
Energy		Jim Ramstad Post Office, MN,	
Energy and water development, and		designation.....	327
related agencies, appropriations		Joseph Hayne Rainey Memorial Post	
authorization	1358	Office Building, SC,	
Methane emissions standards rule,		designation.....	326
congressional disapproval	295	Lieutenant Colonel John W. Mosley	
Nuclear Energy		VA Clinic, CO, designation	427
National Nuclear Security		MBDA Rural Business Centers,	
Administration, appropriations		establishment	1459
authorization	2217	National Technical Assistance Center	
Strategic petroleum reserve,		on Grandfamilies and Kinship	
drawdown and sale	1342	Families, establishment	52
Environmental Protection		National Urban Security Technology	
Climate change, miscellaneous		Laboratory, designation	2402
provisions	546	Ocular Trauma Centers,	
Drinking Water and Wastewater		establishment	1791
Infrastructure Act of 2021	1135	Odell Horton Federal Building, TN,	
Interior, environment, and related		designation.....	1515
agencies, appropriations		Rail Research and Development	
authorization	1389	Center of Excellence,	
Methane emissions standards rule,		establishment	744
congressional disapproval	295	Rare Earth Elements Demonstration	
Espinoza, David	1511	Facility, establishment	960
Evans, William “Billy”	322	Robert S. Poydasheff VA Clinic, GA,	
Exports and Imports		designation.....	425
Blocking Deadly Fentanyl Imports		Science and Technology Reinvention	
Act	2447	Laboratories, statutory	
		authorization and designation	1591
F		United States Geological Survey	
Families		Energy and Minerals Research	
See Children, Youth, and Families		Facility, establishment	960
Farms and Farming		Fellowships and Scholarships	
See Agriculture		Barry Goldwater Scholarship and	
Federal Buildings and Facilities		Excellence in Education	
Advanced Technical Intelligence		Modernization Act of 2021.....	2393
Center for Human Capital		Donald M. Payne International	
Development, OH, transfer	2232	Development Fellowship,	
Center for Excellence on New Mobility		authorization	2374
and Automated Vehicles Project,		Feng, Daoyou	265
establishment	638	Fentanyl	
Centers of Excellence for Stormwater		See Drugs and Drug Abuse	
Control Infrastructure		Fillmore, Earl R., Jr.	1756
Technologies, establishment	1175	Financial Institutions	
Centers of Excellence for		See Banks and Banking; Money and	
Transportation Resilience and		Finance	
Adaptation, designation	642	Fires and Firefighting	
Colonel Carlyle “Smitty” Harris Post		Wildland Fire Mitigation and	
Office, MS, designation.....	325	Management Commission Act of	
Department of Defense Regional		2021	1250
Centers for Security Studies,		Florida	
addition	1922	National Pulse Memorial,	
Frederick P. Stamp, Jr. Federal		designation.....	291
Building and United States		Seminole Tribe of Florida, land lease	
Courthouse, WV, designation.....	1516	or transfer, authorization	1488
Industrial Research and Assessment		Tyndall Air Force Base construction	
Centers, expansion and		projects authority,	
modifications	1062	modification	2171
Industrial Research and Assessment		Food	
Centers of Excellence,		See Agriculture	
establishment	1065		

SUBJECT INDEX

B7

	Page		Page
Foreign Relations		All-domain Anomaly Resolution	
Blocking Deadly Fentanyl Imports		Office, establishment.....	2118
Act	2447	Defense Secretary position,	
Department of State Authorization		appointment limitation,	
Act of 2021.....	2341	exception	3
Donald M. Payne International		Juneteenth National Independence	
Development Fellowship,		Day Act.....	287
authorization	2374	Made in America Office,	
Foreign Service Families Act of		establishment	1305
2021.....	2388	Minority Business Development	
Helping American Victims Afflicted by		Agency	
Neurological Attacks Act of 2021		Office of Business Centers,	
(HAVANA Act of 2021)	391	establishment.....	1448
Islamic State of Iraq and Syria (ISIS),		Office of Grants Management,	
counterterrorism assistance		designation	1462
authority, extension and		Regional offices, establishment	1449
modification	1969	Rural Business Centers,	
Public Diplomacy Modernization Act		establishment.....	1459
of 2021	2376	Statutory authority and	
Reinforcing Nicaragua's Adherence to		modifications	1448
Conditions for Electoral Reform		Office of Clean Energy	
Act of 2021 (RENACER Act).....	413	Demonstrations,	
Syria vetted groups, assistance		establishment	1130
authority, extension and		Office of Corrosion Policy and	
modification	1966	Oversight, employee training,	
United States-Greece Defense and		requirements	1823
Interparliamentary		Office of Hearings and Appeals,	
Partnership.....	1999	authority	1852
Uyghur forced labor, importation of		Office of International Disability	
goods, prohibition.....	1525, 1843	Rights, establishment.....	2345
Forests and Forest Products		Office of Local Defense Community	
Repairing Existing Public Land by		Cooperation, clarification	1868
Adding Necessary Trees Act		Office of Multimodal Freight	
(REPLANT Act)	1258	Infrastructure and Policy,	
Fuel		establishment	652
See Energy		Office of Public Participation,	
Fujii, Dennis M.	1756	modifications.....	1049
		Office of Security Cooperation in Iraq,	
G		support authority, extension and	
Gee, Nicole	1511	modification	1971
Georgia		Office of Tribal Government Affairs,	
Robert S. Poydasheff VA Clinic,		establishment	651
designation.....	425	Rural Opportunities to Use	
González, Delaina Ashley Yaun	265	Transportation for Economic	
Goodman, Eugene	322	Success (ROUTES) Office,	
Government Contracts		establishment	855
Build America, Buy America Act.....	1294	Grant, Hyun Jung	265
BuyAmerican.gov Act of 2021.....	1309	Grants	
Construction Consensus Procurement		Broadband, miscellaneous	
Improvement Act of 2021	304	provisions	1182
Defense acquisition statutes, transfer		Consider Teachers Act of 2021	402
and reorganization	2131	Digital Equity Act of 2021.....	1209
Make PPE in America Act	1312	State and Local Cybersecurity	
West Los Angeles VA Campus		Improvement Act	1272
Improvement Act of 2021	288	Greece	
Government Employees		United States-Greece Defense and	
Foreign Service Families Act of		Interparliamentary	
2021.....	2388	Partnership.....	1999
Parental bereavement leave,			
authorization	1953	H	
Government Organization		Hazardous Materials	
Advanced Research Projects Agency–		See Environmental Protection; Safety	
Infrastructure, establishment.....	860		

	Page		Page
Health and Health Care		I	
Accelerating Access to Critical Therapies for ALS Act	1533	Indians	
Advancing Education on Biosimilars Act of 2021	254	See Native Americans	
Amyotrophic lateral sclerosis (ALS) disability insurance, technical correction	246	Insurance	
Food Allergy Safety, Treatment, Education, and Research Act of 2021 (FASTER Act of 2021)	262	Amyotrophic lateral sclerosis (ALS) disability insurance, technical correction	246
Health and Human Services Department, appropriations authorization	1411, 1412	Intergovernmental Relations	
Medicare and Medicaid Medicare sequestration, temporary suspension, extension	251	Digital Equity Act of 2021	1209
Protecting Medicare and American Farmers from Sequester Cuts Act	1506	State and Local Cybersecurity Improvement Act	1272
Rural health clinic payments and hospital share, technical corrections	251	International Agreements	
Timely ReAuthorization of Necessary Stem-cell Programs Lends Access to Needed Therapies Act of 2021 (TRANSPLANT Act of 2021)	277	See Foreign Relations	
Highways		Iraq	
See Transportation		Islamic State of Iraq and Syria (ISIS), counterterrorism assistance authority, extension and modification	1969
Historic Preservation		J	
Memorials and Museums National Global War on Terrorism Memorial, DC, location clarification	2442	Jobs	
National Museum of the Surface Navy, CA, designation	1924	See Employment and Labor	
National Museum of the United States Navy, DC, support authority	2195	Johnson, Charles R.	1755
Homeland Security		Juneteenth	
Cyber Response and Recovery Act	1267	Juneteenth National Independence Day Act	287
Homeland Security Department, appropriations authorization	1383	K	
K-12 Cybersecurity Act of 2021	397	Kaneshiro, Edward N.	1756
Security provisions	2396	Kim, Suncha	265
State and Local Cybersecurity Improvement Act	1272	Knauss, Ryan	1511
Hoover, Taylor	1511	L	
Hospitals		Land Conveyances	
See Health and Health Care		See also Public Lands; Real Property	
Housing		Joint Base Cape Cod, MA, land conveyance	2204
Transportation, Housing and Urban Development, and related agencies, appropriations authorization	1412	Marine Corps Air Station, NC, land conveyance	2208
Human Rights		Missouri land conveyances	2205, 2206
Reinforcing Nicaragua's Adherence to Conditions for Electoral Reform Act of 2021 (RENACER Act)	413	Naval Air Station, VA, land conveyances	2210, 2211
Uyghur forced labor, importation of goods, prohibition	1525, 1843	University of California, property conveyance, modification	2203
		Law Enforcement and Crime	
		Capitol Police Emergency Assistance Act of 2021	1522
		Commerce, Justice, Science, and related agencies, appropriations authorization	1353
		Confidentiality Opportunities for Peer Support Counseling Act (COPS Counseling Act)	1470
		COVID-19 Hate Crimes Act	265
		Jaime Zapata and Victor Avila Federal Officers and Employees Protection Act	1468

SUBJECT INDEX

B9

	Page		Page
Khalid Jabara and Heather Heyer National Opposition to Hate, Assault, and Threats to Equality Act of 2021 (Jabara-Heyer NO HATE Act).....	266	Emergency Repatriation Assistance for Returning Americans Act	336
Protecting America’s First Responders Act of 2021.....	1474	Financial services and general government, appropriations authorization	1381
United States Capitol Police, Congressional Gold Medals award	322	Public Debt Limit Expedited procedures.....	1508
VOCA Fix to Sustain the Crime Victims Fund Act of 2021.....	301	Increases	407, 1514
Liebengood, Howard	322	Museums	
Lopez, Hunter	1511	See Historic Preservation; National Parks, Memorials, Monuments, Etc.	
M		N	
Mabry, Robert L.	1757	Nakamura, Wataru	1755
Macejunas, John G.	1757	National Parks, Memorials, Monuments, Etc.	
Manufacturers		National Cemeteries	
See Business and Industry		Arlington National Cemetery	
Maritime Affairs		Chaplain Memorials, VA, updates and preservation provisions	1758
Alaska Tourism Restoration Act	273	National Cemetery interments, persons who served with Laos units or forces, eligibility	2437
Maritime Administration, appropriations authorization	2236	National Memorials	
Massachusetts		National Global War on Terrorism Memorial, DC, location clarification	2442
Joint Base Cape Cod, land conveyance	2204	National Pulse Memorial, FL, designation	291
McCollum, Rylee	1511	National Museums	
Medals		National Medal of Honor Museum Foundation, commemorative work, authorization.....	1539
See Awards, Decorations, Medals, Etc.		National Museum of the Surface Navy, CA, designation	1924
Medicare and Medicaid		National Museum of the United States Navy, DC, support authority.....	2195
See Health and Health Care		National Trails System	
Memorials		September 11th National Memorial Trail Route, designation	400
See Historic Preservation; National Parks, Memorials, Monuments, Etc.		Native Americans	
Merola, Dylan	1511	Broadband, miscellaneous provisions	1182
Michels, Paul Andre	265	Catawba Indian Nation lands, NC, status.....	2445
Minnesota		Seminole Tribe of Florida, land lease or transfer, authorization	1488
Jim Ramstad Post Office, designation.....	327	New York	
Minorities		September 11th National Memorial Trail Route, designation	400
Government Accountability Office, race and ethnic disparities in veterans’ benefits and claims, study requirement	1489	Nicaragua	
Minority Business Development Act of 2021.....	1445	Reinforcing Nicaragua’s Adherence to Conditions for Electoral Reform Act of 2021 (RENACER Act).....	413
Mississippi		Nikoui, Kareem	1511
Colonel Carlyle “Smitty” Harris Post Office, designation	325	North Carolina	
Missouri		Catawba Indian Nation lands, status.....	2445
Land conveyances	2205, 2206		
Money and Finance			
See also Banks and Banking			
Commodity Futures Trading Commission Whistleblower Program, incentives and protection	297		
Congressional Budget Justification Transparency Act of 2021	337		

	Page		Page
North Carolina—Continued		Boulder, CO, victims	2582
Judicial districts, boundary		Indianapolis, IN, victims.....	2609
adjustments	299	Kabul, Afghanistan, victims	2698
Marine Corps Air Station, land		San Jose, CA, victims	2665
conveyance	2208	United States Capitol Police	
Nuclear Energy		Officers, honoring	2531, 2601
<i>See</i> Energy		Deaths	
Nutrition		Colin Powell	2806
<i>See</i> Health and Health Care		Harry Reid	2894
		Robert Joseph Dole	2855, 2857
		Walter Mondale	2614
O		Emergency declarations	
Ohio		Termination of Emergency With	
Advanced Technical Intelligence		Respect to the Southern Border	
Center for Human Capital		of the United States and	
Development, transfer	2232	Redirection of Funds Diverted	
Oil		to Border Wall	
<i>See</i> Energy; Petroleum and Petroleum		Construction	2555
Products		Immigration	
Opioids		Ending Discriminatory Bans on	
<i>See</i> Drugs and Drug Abuse		Entry to the United States	2553
Orig, Bruno R.	1756	Suspension of Entry as Immigrants	
		and Nonimmigrants of Certain	
		Additional Persons Who Pose a	
		Risk of Transmitting	
		Coronavirus Disease 2019	2557, 2846
P		Suspension of Entry as Immigrants	
Page, Daegan William-Tyler	1511	and Nonimmigrants of Persons	
Pandemic		Responsible for Policies or	
<i>See</i> COVID–19		Actions That Threaten	
Park, Soon Chung	265	Democracy in Nicaragua	2836
Patriotic Commemorations,		Suspension of Entry as	
Observances, and		Nonimmigrants of Certain	
Organizations		Additional Persons Who Pose a	
Commemorative Works		Risk of Transmitting	
Armed Forces Members Killed in		Coronavirus Disease 2019	2636
Attack on Hamid Karzai		Terminating Suspensions of Entry	
International Airport, DC,		Into the United States of Aliens	
authorization	1924	Who Have Been Physically	
Medal of Honor Recipients,		Present in the Schengen Area,	
authorization	1539	the United Kingdom, the	
National Atomic Veterans Day,		Republic of Ireland, and the	
observance	1924	Federative Republic of	
Pennsylvania		Brazil	2542
September 11th National Memorial		National Monuments	
Trail Route, designation	400	Bears Ears National	
Petroleum and Petroleum Products		Monument	2766
<i>See also</i> Energy		Grand Staircase-Escalante National	
Naval petroleum reserves,		Monument	2781
appropriations authorization	2236	Northeast Canyons and Seamounts	
Strategic petroleum reserve,		Marine National	
drawdown and sale	1342	Monument	2796
Pichardo, Johanny Rosario	1511	Revocations	
President		Proclamation 9945	2653
Executive office, appropriations		Proclamation 10014	2567
authorization	1381	Proclamation 10315	2892
National Atomic Veterans Day,		Special Observances	
observance	1924	160th Anniversary of the	
Proclamations		Unification of Italy and the	
Advancing the Safe Resumption of		Establishment of United	
Global Travel During the		States-Italy Diplomatic	
COVID–19 Pandemic	2808	Relations	2609
Attacks and tragedies			
Atlanta Metropolitan Area, GA,			
victims	2578		

SUBJECT INDEX

B11

	Page		Page
50th Anniversary of the 26th Amendment.....	2685	Day of Unity.....	2551
50th Anniversary of the National Cancer Act of 1971.....	2860	Days of Prayer and Remembrance	2716
60th Anniversary of the Freedom Rides	2641	Days of Remembrance of Victims of the Holocaust	2599
Adoption Month.....	2816	Defense Transportation Day and Transportation Week	2658
Agriculture Day.....	2580	Diabetes Month	2820
Alzheimer's Disease Awareness Month	2817	Disability Employment Awareness Month	2743
American Education Week.....	2832	Domestic Violence Awareness and Prevention Month	2745
American Heart Month.....	2563	Donate Life Month	2592
American Red Cross Month	2569	Earth Day	2615
Americans With Disabilities Act, anniversary	2692	Education and Sharing Day, U.S.A.	2581
America Recycles Day	2835	Emergency Medical Services Week	2656
Antibiotic Awareness Week	2840	Employer Support of the Guard and Reserve Week	2695
Apprenticeship Week	2833	Entrepreneurship Month.....	2822
Armed Forces Day	2655	Equal Pay Day	2584
Arts and Humanities Month.....	2739	Fair Housing Month.....	2604
Asian American and Native Hawaiian/Pacific Islander Heritage Month.....	2620	Family Caregivers Month	2824
Atomic Veterans Day	2686	Family Week.....	2844
Bill of Rights Day	2857	Farm Safety and Health Week	2731
Black History Month.....	2564	Father's Day	2683
Black Maternal Health Week	2606	Financial Capability Month.....	2594
Black Music Appreciation Month	2669	Fire Prevention Week	2751
Blind Americans Equality Day	2801	Flag Day and Flag Week	2679
Breast Cancer Awareness Month	2740	Forest Products Week	2804
Building Safety Month.....	2623	Former Prisoner of War Recognition Day.....	2603
Cancer Control Month.....	2589	Foster Care Month	2625
Captive Nations Week.....	2687	General Pulaski Memorial Day	2761
Caribbean-American Heritage Month	2673	German-American Day	2757
César Chávez Day	2586	Gold Star Mother's Day and Family's Day.....	2734
Character Counts Week	2803	Grandparents Day.....	2722
Child Abuse Prevention Month	2591	Great Outdoors Month	2670
Child Health Day.....	2755	Greek Independence Day: A National Day of Celebration of Greek and American Democracy	2583
Childhood Cancer Awareness Month	2701	Health Center Week.....	2693
Child's Day	2842	Hepatitis Testing Day	2661
Clean Energy Action Month.....	2742	Hispanic Heritage Month	2725
College Application Month.....	2819	Hispanic-Serving Institutions Week	2724
Colorectal Cancer Awareness Month	2571	Historically Black Colleges and Universities Week	2712
Columbus Day	2760	Homeownership Month.....	2675
Community Policing Week.....	2753	Human Rights Day and Human Rights Week	2855
Constitution Day and Citizenship Day, and Constitution Week	2727	Human Trafficking Prevention Month	2895
Consumer Protection Week	2575	Hunting and Fishing Day	2732
Crime Victims' Rights Week	2610	Hurricane Preparedness Week.....	2647
Critical Infrastructure Security and Resilience Month.....	2814	Immigrant Heritage Month	2676
Cybersecurity Awareness Month	2737	Impaired Driving Prevention Month	2850
Day of Prayer.....	2645	Indigenous Peoples' Day	2762
Day of Remembrance: 100 Years After the 1921 Tulsa Race Massacre.....	2667		

	Page		Page
Proclamations—Continued		Public Service Recognition	
International Day of Persons With		Week	2632
Disabilities	2853	Read Across America Day	2576
International Day of the Girl	2764	Recovery Month.....	2708
Irish-American Heritage Month.....	2570	Religious Freedom Day	2536
Jewish American Heritage		Remembering the 500,000	
Month	2622	Americans Lost to COVID—	
Juneteenth Day of Observance	2682	19	2567
Korean War Veterans Armistice		Rural Health Day	2841
Day.....	2690	Safe Boating Week	2662
Labor Day	2714	Sanctity of Human Life Day.....	2539
Law Day, U.S.A.	2633	School Choice Week.....	2541
Leif Erikson Day.....	2759	School Lunch Week	2758
Lesbian, Gay, Bisexual,		Second Chance Month.....	2597
Transgender, and Queer Pride		Sexual Assault Prevention and	
Month	2672	Awareness Month	2595
Loyalty Day	2635	Sickle Cell Awareness Month	2709
Made in America Week	2689	Small Business Week	2719
Manufacturing Day	2750	Stalking Awareness Month.....	2897
Maritime Day	2664	Teacher Appreciation Day and	
Martin Luther King, Jr., Federal		Teacher Appreciation Week.....	2630
Holiday	2538	Teen Dating Violence Awareness	
Mental Health Awareness		and Prevention Month	2566
Month	2626	Thanksgiving Day	2845
Mentoring Month	2896	Transgender Day of Visibility	2587
Military Spouse Appreciation		United Nations Day	2807
Day.....	2646	Veterans and Military Families	
Minority Enterprise Development		Month	2827
Week	2729	Veterans Day	2830
Missing and Murdered Indigenous		Volunteer Week.....	2611
Persons Awareness Day	2642	Voter Registration Day	2736
Month of the Military Child	2588	Wilderness Month	2710
Mother's Day	2650	Women's Equality Day	2696
Native American Heritage		Women's Health Week	2649
Month	2825	Women's History Month	2573
Ocean Month	2678	Workers Memorial Day	2618
Older Americans Month.....	2639	World AIDS Day	2851
Ovarian Cancer Awareness		World Autism Awareness Day	2598
Month	2703	World Elder Abuse Awareness	
Overdose Awareness Week	2699	Day.....	2680
Pan American Day and Pan		World Freedom Day	2828
American Week	2607	World Intellectual Property	
Park Week	2613	Day.....	2617
Patriot Day and Day of Service and		World Suicide Prevention Day	2717
Remembrance	2721	World Trade Week.....	2659
Peace Officers Memorial Day and		Wright Brothers Day	2859
Police Week	2652	Youth Justice Action Month	2747
Peace Officers' Memorial		Youth Substance Use Prevention	
Service	2803	Month	2748
Pearl Harbor Remembrance		Tariffs	
Day.....	2854	Adjusting Imports of Aluminum	
Physical Fitness and Sports		Into the United States.....	2544, 2561,
Month	2628		2868
Poison Prevention Week	2578	Adjusting Imports of Steel Into the	
POW/MIA Recognition Day	2728	United States	2876
Prayer for Peace, Memorial		Harmonized Tariff Schedule,	
Day.....	2666	modifications	2861
Preparedness Month	2704	To Continue Facilitating Positive	
Prostate Cancer Awareness		Adjustment to Competition	
Month	2706	From Imports of Large	
Public Health Week.....	2601	Residential Washers	2531
Public Lands Day	2733	Public Debt	
		See Money and Finance	

B13

	Page		Page
Public Information		Securities	
Congressional Budget Justification		See Commerce and Trade	
Transparency Act of 2021	337	Shaver, Kenneth	322
Public Lands		Ships and Shipping	
See also Land Conveyances		See Maritime Affairs; Transportation	
Interior, environment, and related		Sicknick, Brian	322
agencies, appropriations		Small Business	
authorization	1389	See also Business and Industry	
Repairing Existing Public Land by		COVID–19 Bankruptcy Relief	
Adding Necessary Trees Act		Extension Act of 2021	249
(REPLANT Act)	1258	PPP Extension Act of 2021	250
		Smith, Jeffrey	322
R		Smithsonian Institution	
Railroads		Board of Regents, appointment	290
See Transportation		South Carolina	
Real Property		Joseph Hayne Rainey Memorial Post	
See also Land Conveyances		Office Building, designation	326
Advanced Technical Intelligence		Soviak, Maxton	1511
Center for Human Capital		State and Local Governments	
Development, OH, transfer	2232	See Intergovernmental Relations	
Seminole Tribe of Florida, land lease		Syria	
or transfer, authorization	1488	Islamic State of Iraq and Syria (ISIS),	
Reforestation		counterterrorism assistance	
See Forests and Forest Products		authority, extension and	
Repatriation		modification	1969
Emergency Repatriation Assistance		Syria vetted groups, assistance	
for Returning Americans Act	336	authority, extension and	
Research and Development		modification	1966
Accelerating Access to Critical			
Therapies for ALS Act	1533	T	
Timely ReAuthorization of Necessary		Tan, Xiaojie	265
Stem-cell Programs Lends Access		Technology	
to Needed Therapies Act of 2021		See Science and Technology	
(TRANSPLANT Act of 2021)	277	Tennessee	
		Odell Horton Federal Building,	
S		designation	1515
Safety		Terrorism	
See also Hazardous Materials		Islamic State of Iraq and Syria (ISIS),	
Food Allergy Safety, Treatment,		counterterrorism assistance	
Education, and Research Act of		authority, extension and	
2021 (FASTER Act of 2021)	262	modification	1969
Passenger Rail Expansion and Rail		National Global War on Terrorism	
Safety Act of 2021	694	Memorial, DC, location	
Sanchez, Humberto	1511	clarification	2442
Schmitz, Jared	1511	Thetford, William F.	1757
Science and Technology		Transportation	
Broadband, miscellaneous		Highways	
provisions	1182	Further Surface Transportation	
Commerce, Justice, Science, and		Extension Act of 2021	409
related agencies, appropriations		Highway Trust Fund, extension	1327
authorization	1353	Surface Transportation Extension	
Cyber Response and Recovery		Act of 2021	382
Act	1267	Surface Transportation	
Digital Equity Act of 2021	1209	Reauthorization Act of	
K–12 Cybersecurity Act of 2021	397	2021	443
State and Local Cybersecurity		Infrastructure Investment and Jobs	
Improvement Act	1272	Act	429
Timely ReAuthorization of Necessary		Infrastructure Investments and Jobs	
Stem-cell Programs Lends Access		Appropriations Act	1350
to Needed Therapies Act of 2021		Railroads and Railways	
(TRANSPLANT Act of 2021)	277	Passenger Rail Expansion and Rail	
		Safety Act of 2021	694

	Page		Page
Transportation—Continued		Puppies Assisting Wounded	
Surface Transportation Investment		Servicemembers for Veterans	
Act of 2021	652	Therapy Act (PAWS for Veterans	
Transportation Department,		Therapy Act)	329
appropriations authorization	1412	Responsible Education Mitigating	
		Options and Technical Extensions	
		Act (REMOTE Act)	1517
		Sgt. Ketchum Rural Veterans Mental	
		Health Act of 2021	292
		Strengthening and Amplifying	
		Vaccination Efforts to Locally	
		Immunize All Veterans and Every	
		Spouse Act (SAVE LIVES	
		Act)	247
		Training in High-demand Roles to	
		Improve Veteran Employment	
		Act (THRIVE Act)	280
		VA Transparency & Trust Act of	
		2021	1484
		Veterans and Family Information	
		Act	1482
		Veterans' Compensation Cost-of-	
		Living Adjustment Act of	
		2021	389
		West Los Angeles VA Campus	
		Improvement Act of 2021	288
		Virginia	
		Arlington National Cemetery	
		Chaplain Memorials, updates and	
		preservation provisions	1758
		Naval Air Station, land	
		conveyances.....	2210, 2211
		September 11th National Memorial	
		Trail Route, designation	400
		W	
		Washington	
		Alaska Tourism Restoration Act	273
		Water	
		Drinking Water and Wastewater	
		Infrastructure Act of 2021	1135
		Energy and water development, and	
		related agencies, appropriations	
		authorization	1358
		West Virginia	
		Frederick P. Stamp, Jr. Federal	
		Building and United States	
		Courthouse, designation	1516
		Women	
		Protecting Moms Who Served Act of	
		2021	1495
		Wright, Susan M.	311
		Y	
		Yue, Yong Ae	265

Transportation—Continued

Surface Transportation Investment

Act of 2021

Transportation Department,

appropriations authorization

U**Urban and Rural Areas**Agriculture, rural development, Food
and Drug, and related

agencies

Transportation, Housing and Urban

Development, and related

agencies, appropriations

authorization

Uyghur*See* China**V****Vessels***See* Maritime Affairs**Veterans**

Arlington National Cemetery

Chaplain Memorials, VA, updates
and preservation provisions

Armed Forces Retirement Home,

appropriations authorization

Colonel John M. McHugh Tuition

Fairness for Survivors Act of
2021

Department of Veterans Affairs

Expiring Authorities Act of
2021

Department of Veterans Affairs,

medical facilities, camera use,
report requirement

Department of Veterans Affairs,

medical facilities, controlled
substances medications, disposal
requirement

Government Accountability Office,

race and ethnic disparities in
veterans' benefits and claims,
study requirement

Hire Veteran Health Heroes Act of

2021

Major Medical Facility Authorization

Act of 2021

National Atomic Veterans Day,

observance

National Cemetery interments,

persons who served with Laos
units or forces, eligibility

Open burn pit registry,

expansion

Protecting Moms Who Served Act of

2021